



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Tuesday, August 6, 2013

6:00 PM

Old City Hall

ADA Assistance: It is the policy of the City of Key West to comply with all requirements of the Americans with Disabilities Act (ADA). Please call the TTY number at 305-809-1000 or the ADA Coordinator at 305-809-3951 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

CALL MEETING TO ORDER

6:07 P.M.

ROLL CALL

Present 7 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

INVOCATION - Deacon Peter Batty, Basilica of St. Mary Star of the Sea Catholic Church

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

COMMENDATIONS

1 Recognizing Carmen Turner and Her Dedicated Years of Service

Sponsors: Commissioner Lopez

Postponed

PROCLAMATIONS

2 Purple Heart Recipients Day

Sponsors: Mayor Cates

Received and Filed

PRESENTATIONS

3 20 Year Service Award - Cheri Smith City Clerk

Sponsors: Mayor Cates

Received and Filed

4 Robert Marbut Jr. - Homeless Services Gap Analysis of Key West and Lower Monroe County

Sponsors: City Manager Vitas

Received and Filed

City Attorney's Report

City Manager's Report

5 Key West Bight Management District Board Meeting Time

Received and Filed

CONSENT AGENDA*

***Item is considered to be routine and enacted by one motion with no separate discussion, unless requested by a Commission Member or citizen, in which event the item will be removed from the order and considered in its normal sequence on the agenda. The City of Key West may take action on any matter during this meeting, including items that are not set forth within this agenda.**

MINUTES

6 *June 18, 2013 (Regular)

Passed

7 *July 2, 2013 (Regular)

Passed

8 *July 15, 2013 (Workshop)

Passed

9 *July 16, 2013 (Workshop)

Passed

RESOLUTIONS

- 10** *Authorizing a waiver of the Conditional Use Application Fee for the Florida Keys Children's Shelter/Project Lighthouse, located at 1102 Truman Avenue, in an amount not to exceed \$2,150.00.
- Sponsors:** Commissioner Weekley
- Passed**
- Enactment No: Res 13-183
- 11** *Authorizing the Key West Gator Club to conduct a Full and Half Marathon on Saturday, October 12, 2013; Authorizing the closure of Front Street from Duval Street and Simonton Street including Simonton Street Beach area; Authorizing certain street closures thereof during the event; Granting an exemption from the Noise Control Ordinance pursuant to Section 6-86 of the Code of Ordinances from 5:00 A.M. to 12:00 Noon; Authorizing the sale and consumption of alcoholic beverages within the event area; Pursuant to terms and conditions set forth by the City Manager.
- Sponsors:** City Manager Vitas
- Passed**
- Enactment No: Res 13-184
- 12** *Authorizing AIDS Help to conduct the Coronation of the King & Queen of Fantasy Fest at the Southernmost Beach Cafe on Friday, October 18, 2013 from 9:00 A.M. to 12:00 Midnight; Pursuant to terms and conditions set forth by the City Manager; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 6:00 P.M. to 12:00 Midnight; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.
- Sponsors:** City Manager Vitas
- Passed**
- Enactment No: Res 13-185

- 13** *Authorizing COPA Cares Fund to conduct Parrot Heads in Paradise Street Party on Friday, November 1, 2013 from 8:00 A.M. to 6:00 P.M.; Pursuant to Terms and Conditions set forth by the City Manager; Authorizing the closure of the 400 & 500 blocks of Duval Street; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 8:00 A.M. to 6:00 P.M.; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

Sponsors: City Manager Vitas

Passed

Enactment No: Res 13-186

- 14** *Approving the attached Municipality Election Services Agreement with the Monroe County Supervisor of Elections; Authorizing the City Manager and the City Clerk to execute the Agreement.

Sponsors: City Manager Vitas

Passed

Enactment No: Res 13-187

- 15** *Approving and authorizing the City Manager to execute the attached "Local Agency Program (LAP) Supplemental Agreement (#3)" between the City of Key West and FDOT for additional funding of \$20,000.00 to Construction, Engineering and Inspection Funds (Phase 68) for the Poinciana Elementary School Safe Routes to School Sidewalk Improvement Project; Approving necessary budget amendments.

Sponsors: City Manager Vitas

Passed

Enactment No: Res 13-188

- 16** *Ratifying an Emergency Procurement approved by the City Manager in the amount of \$20,000.00 as allowed under Section 2-797 for an after-the-fact increase in the Contract amount for Construction, Engineering and Inspection (CEI) Services for the Contract approved in Resolution 12-169 between the City and AMEC Environment & Infrastructure, Inc., for the Poinciana Safe Routes to School Sidewalk Installation Project in the amount of \$20,000.00.

Sponsors: City Manager Vitas

Passed

Enactment No: Res 13-189

- 17 *Authorizing pursuant to Section 2-844(a) and (b) of the Code of Ordinances the purchase of up to five (5) Hewlett Packard laptop computers from Hewlett Packard Companies and K-12 Systems in the amount of \$24,585.00; Authorizing payment from the Florida Department of Highway Safety and Motor Vehicles Law Enforcement E-Crash Hardware Grant accepted in Resolution 13-034.

Sponsors: City Manager Vitas

Passed

Enactment No: Res 13-190

- 18 *Awarding the Bid of E.L.C.I. Construction Group, Inc. for the Police Station Windows Replacement Project - PD 1302, in accordance with the terms specified in ITB 13-003, in an amount not to exceed \$287,902.00 (Base Bid plus Bid Alternate #1, 4 and a \$10,000.00 wall repair allowance); Authorizing the City Manager to enter into a Contract in substantial conformance with the Contract documents contained in the Bid Package on behalf of the City of Key West.

Sponsors: City Manager Vitas

Passed

Enactment No: Res 13-191

- 19 *Awarding the Bid of Gary's Plumbing, Inc. in response to Invitation to Bid (ITB) #13-021 for Marine Sanitation Sewer System - Wahoo and Kingfish Piers, at the City Marina at Garrison Bight in the total amount of \$123,450.00; Approving necessary budget transfers; Authorizing the City Manager to execute a contract.

Sponsors: City Manager Vitas

Passed

Enactment No: Res 13-192

- 20 *Extending the Contract between the City and Seamar Divers, Inc. for two years.

Sponsors: City Manager Vitas

Passed

Enactment No: Res 13-193

- 21 *Approving the attached "Tropical Storm/Hurricane Parking Agreement" between the City and Monroe County Sheriff's Office (MCSO) for Tropical Storm/Hurricane Parking for up to 30 vehicles at 5701 College Road.
- Sponsors: City Manager Vitas
- Passed**
- Enactment No: Res 13-194
- 22 *Designating the signatures of certain City personnel for the withdrawal of City funds from First State Bank and other authorized depositories of City funds.
- Sponsors: City Manager Vitas
- Passed**
- Enactment No: Res 13-195
- 23 *Relating to the Collection and Disposal of Solid Waste in Key West, Florida; Describing the method of assessing solid waste costs against assessed property located within the City of Key West; Determining the solid waste cost and the initial solid waste service assessments, including a not-to-exceed rate of assessment per dwelling unit for five fiscal years as follows: FY 2014-\$319.05, FY 2015-\$329.67, FY 2016-\$340.65, FY 2017-\$351.99, FY 2018-\$363.72; Directing the preparation of an assessment roll; Authorizing a public hearing and directing the provision of notice thereof.
- Sponsors: City Manager Vitas
- Passed**
- Enactment No: Res 13-196
- 24 *Estimating the cost of Stormwater Management Service provided by the City's Stormwater Utility; Describing the method of assessing stormwater costs against assessed property located within the City of Key West; Determining the stormwater cost and the initial stormwater service assessments, including a not-to-exceed rate of assessment per ESU for five fiscal years as follows: FY 2014-\$94.82, FY 2015-\$97.47, FY 2016-\$100.20, FY 2017-\$103.01, FY 2018-\$105.89; Directing the preparation of an assessment roll; Authorizing a public hearing and directing the provision of notice thereof.
- Sponsors: City Manager Vitas
- Passed**
- Enactment No: Res 13-197

- 25 *Approving an Inter-local Agreement in an amount of up to \$37,100.00 between the City and the Monroe County Board of County Commissioners for reimbursement of certain public access water-related expenses.

Sponsors: City Manager Vitas

Passed

Enactment No: Res 13-198

- 26 ***Quasi-Judicial Hearing:**
Granting/Denying the Appeal by Barton Smith on behalf of Richard Klitenick and Upholding/Amending the Planning Department's Decision regarding Non-conforming Uses of 405 Fleming Street.

Sponsors: City Manager Vitas

Postponed to August 20, 2013

Approval of the Consent Agenda

A motion was made by Commissioner Rossi, seconded by Commissioner Lopez to Approve the Consent Agenda. The motion was carried unanimously.

- 27 *Urging the Florida Legislature to repeal Florida Statutes Section 776.013, known as the "Stand your Ground" Law.

Sponsors: Commissioner Lopez, Commissioner Yaniz and Commissioner Weekley

A motion was made by Commissioner Lopez, seconded by Commissioner Yaniz, that the Resolution be Passed. The motion carried by the following vote:

No: 3 - Commissioner Rossi, Commissioner Wardlow and Mayor Cates

Yes: 4 - Commissioner Johnston, Commissioner Lopez, Commissioner Weekley and Commissioner Yaniz

Enactment No: Res 13-199

- 28 Approving an extension of the time limitations of the Sound Control Ordinance pursuant to Section 26-193 (3)(b) of the Code of Ordinances for The Demoya Group and authorized FDOT Contractors, for the construction for the North Roosevelt Boulevard; Providing conditions.

Sponsors: City Manager Vitas

A motion was made by Commissioner Wardlow, seconded by Commissioner Rossi, that the Resolution be Passed. The motion carried by the following vote:

Yes: 7 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

Enactment No: Res 13-200

- 29 Approving the attached Mutual Aid Agreement between the City of Key West and the Monroe County School District regarding a school resource officer at Key West High School for the 2013-2014 School Year.

Sponsors: City Manager Vitas

A motion was made by Commissioner Rossi, seconded by Commissioner Johnston, that the Resolution be Passed. The motion carried by the following vote:

Yes: 7 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

Enactment No: Res 13-201

- 30 Approving the attached "Second Amendment to Agreement" between the City and School Board of Monroe County, Florida.

Sponsors: City Attorney Smith

A motion was made by Commissioner Johnston, seconded by Commissioner Lopez, that the Resolution be Passed. The motion passed by a unanimous vote.

Enactment No: Res 13-202

ORDINANCES – FIRST READING

- 31 An Ordinance of the City of Key West Florida, Approving a Bond Ordinance to Authorize the City of Key West to Issue \$23,500,000 in Sewer System Revenue Bonds to Finance Completed Sewer Projects, Including Paying Costs Relating to Loan Issuance; Providing for severability; Providing for repeal of inconsistent provisions; and Providing for an effective date.

Sponsors: City Manager Vitas

A motion was made by Commissioner Rossi, seconded by Commissioner Johnston, that the Ordinance be Passed to Second Reading to August 20, 2013. The motion carried by the following vote:

Yes: 7 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

ORDINANCES - SECOND READING (Public Hearing)

32

An Ordinance of the City of Key West, Florida amending Chapter 6 of the Code of Ordinances entitled "Amusements and Entertainment" by adding Definitions to Section 6-116; Amending Chapter 18 of the Code of Ordinances entitled "Businesses" by deleting "Moped and Scooter Rentals," and adding "Recreational Rental Vehicles"; By adding Section 18-354 establishing that Permits Required, Application, Franchise Fees; By adding Section 18-355 establishing Recreational Rental Vehicles deemed a Conditional Use; By adding Section 18-356 establishing a 30-day period to establish numbers of Recreational Rental Vehicles; By adding Section 18-357 establishing Restrictions on Bicycle Tour Companies; By adding Section 18-358 establishing Requirement of Concurrency Traffic Analysis for the Establishment of New or Relocated Recreational Rental Businesses; By adding Section 18-359 establishing Identification by Decal of all Recreational Rental Vehicles; By adding Section 18-360 establishing an Annual Inspection of Each Recreational Rental Vehicle Facility; By adding Section 18-361 establishing Penalties for Violations; Providing for severability; Providing for repeal of inconsistent provisions; and Providing for an effective date.

Sponsors: City Manager Vitas

A motion was made by Commissioner Weekley, seconded by Commissioner Rossi, that the Ordinance be Postponed to August 20, 2013. The motion passed by a unanimous vote.

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

9:33 P.M.