



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Tuesday, September 17, 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

6:01 P.M.

ROLL CALL

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

INVOCATION - Pastor Jonathan Carey, Glad Tiding Tabernacle Assembly

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

ORDINANCES - SECOND READING (Public Hearing)

- 1 An Ordinance of the City of Key West, Florida, Adopting an Ad Valorem Tax General Municipal Millage Rate for FY 2013-2014; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Vitas

Attachments: [Ordinance](#)
[Agenda](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Wardlow, that the Ordinance be Adopted. The motion carried by the following vote:

No: 1 - Commissioner Rossi

Yes: 6 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

Enactment No:

RESOLUTIONS (Public Hearing)

- 2** Adopting the Final Budget for FY 2013-2014 and providing appropriations in accordance therewith.

Sponsors: City Manager Vitas

Attachments:[Resolution](#)[Agenda](#)[Fiscal Year 2013-2014 Budget - All Funds](#)[Budget Summary of Funds by Category](#)[General Fund - Revenues](#)[General Fund - City Commission](#)[General Fund - City Manager](#)[General Fund - City Clerk](#)[General Fund - Citizen Review Board](#)[General Fund - Parking](#)[General Fund - Finance](#)[General Fund - Human Resources](#)[General Fund - Information Technology](#)[General Fund - IT Channel 77](#)[General Fund - City Attorney](#)[General Fund - City Planner](#)[General Fund - Non Departmental](#)[General Fund - Civil Service Board](#)[General Fund - Elections](#)[General Fund - Fleet Service Management](#)[General Fund - Public Works](#)[General Fund - Engineering](#)[General Fund - Facilities Maintenance](#)[General Fund - Disaster Recovery](#)[General Fund - Police Department](#)[General Fund - Local Law Enforcement Grants](#)[General Fund - Fire Department](#)[General Fund - Building Services](#)[General Fund - Code Compliance](#)[General Fund - Emergency Preparedness](#)[General Fund - Tree Commission](#)[General Fund - Port Operations](#)[General Fund - Truman Waterfront](#)[General Fund - Homeless Services](#)[General Fund - Parks and Recreation](#)[General Fund - Cultural Preservation Society](#)[Infrastructure Surtax Fund](#)[Internal Improvements Fund](#)

- [Fort Taylor Surcharge Fund](#)
- [Affordable Housing Fund](#)
- [Law Enforcement Trust Fund](#)
- [Capital Projects Fund](#)
- [Sewer Fund](#)
- [Stormwater Utility Fund](#)
- [Solid Waste Fund](#)
- [Key West Bight Fund](#)
- [Transit System Fund](#)
- [Garrison Bight Fund](#)
- [Insurance Programs Fund](#)
- [Bahama Village Fund](#)
- [Navy Outer Mole Fund](#)
- [Caroline Street Fund](#)

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

No: 1 - Commissioner Rossi

Yes: 6 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

Enactment No: Res 13-229

PROCLAMATIONS

- 3** 12-U Little Conch State Champions Day

Sponsors: Commissioner Wardlow and Mayor Cates

Attachments: [Proclamation](#)

Received and Filed

- 4** National Hispanic Heritage Month

Sponsors: Commissioner Yaniz and Mayor Cates

Attachments: [Proclamation](#)

Received and Filed

PRESENTATIONS

City Attorney's Report

City Manager's Report

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.

RESOLUTIONS - CONTINUED

- 5 *Re Appointing Frank Toppino to the Housing Authority of the City of Key West Board of Commissioners.

Sponsors: Mayor Cates

Attachments: [Resolution](#)
 [Letter of Recommendation from the Housing Authority](#)
 [Certification of Appointment Form](#)

Passed

Enactment No: Res 13-230

- 6 *Re-Appointing Mary Sanchez to the Housing Authority of the City of Key West Board of Commissioners.

Sponsors: Mayor Cates

Attachments: [Resolution](#)
 [Resume](#)
 [Letter of Recommendation](#)
 [Certification of Appointment Form](#)

Passed

Enactment No: Res 13-231

- 7 *Renewing the "Agreement for Administrative Services" with Employers Mutual, Inc. (EMI) as the City's Insurance Program Third Party Claims Administrator for the policy period of 10/01/2013 - 10/01/2014.

Sponsors: City Manager Vitas

Attachments: [Resolution](#)
[Executive Summary](#)
[Resolution 12-140](#)
[Resolution 10-113](#)
[Resolution 09-246](#)
[Request for Proposal \(RFP\) #09-011](#)

Passed

Enactment No: Res 13-232

- 8 *Authorizing acceptance of the proposal from the Preferred Governmental Insurance Trust (PGIT) as submitted by the Public Risk Insurance Agency (PRIA) in the amount of \$1,020,184.00 for the City's Property and Casualty Insurance Program for policy year 2013/2014; Authorizing acceptance of the proposals received from Travelers, Hartford, Great American, Commerce & Industry, Illinois Union and the NFIP as submitted by the Public Risk Insurance Agency (PRIA) for crime coverage (\$3,819), AD & D (\$5,626), Marine coverage (\$54,923), Pollution coverage (\$5,341) and Flood coverage (\$58,000) respectively; Authorizing acceptance of PRIA as the Agent/Broker for the City's policy year 2013/2014.

Sponsors: City Manager Vitas

Attachments: [Resolution](#)
[Executive Summary](#)
[Key West Proposal](#)
[Key West Premium Comparison Final](#)
[Resolution 12-139](#)
[Resolution 09-247](#)
[Request for Proposal \(RFP\) #09-010](#)

Passed

Enactment No: Res 13-233

- 9 *Adopting and approving the attached City of Key West Department of Transportation Substance Abuse Management Statement (SAMS) policy plan revision (updated as of August 21, 2013 with an effective date of October 1, 2013); Authorizing the City Manager or his designee to execute the update and submit same to the U.S. Department of Transportation.

Sponsors: City Manager Vitas

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Internal Memo](#)
 [Resolution 11-215](#)
 [KW Department of Transportation's Statement](#)
 [Title 49: Transportation](#)

Passed

Enactment No: Res 13-234

10

*Approving the attached "Amendment to the State Wastewater Funding Distribution Agreement for year two of four," and Interlocal agreement between the City and the Monroe County Board of County Commissioners, the City of Key Colony Beach, the City of Marathon, the Florida Keys Aqueduct Authority, Key Largo Wastewater Treatment District and Islamorada City of Islands; Authorizing the Mayor to execute necessary documents.

Sponsors: Mayor Cates

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Amendment to Agreement](#)
 [Resolution 13-067](#)

Passed

Enactment No: Res 13-235

Approval of the Consent Agenda

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

11

Approving the attached Transit Development Plan minor update - Annual Progress Report 2013 from the City of Key West for the Florida Department of Transportation (FDOT).

Sponsors: City Manager Vitas

Attachments: [Resolution](#)
[Executive Summary](#)
[City Memo](#)
[2013 Transit Development Plan Minor Goal Update](#)
[Key West Transit Survey](#)
[2013 Bus Schedule](#)
[Summary Tables of Capital needs](#)
[Resolution 12-260](#)

A motion was made by Commissioner Teri Johnston, seconded by Commissioner Mark Rossi, that the Resolution be Passed. The motion passed by an unanimous vote.

Enactment No: Res 13-236

12

Awarding the Bid of D.L. Porter, Inc. for the construction of Fire Station #2 in an amount not to exceed \$5,904,376.00 in accordance with the terms specified in ITB 13-014, inclusive of three alternates thereto; Authorizing the City Manager to execute a contract on behalf of the City of Key West.

Sponsors: City Manager Vitas

Attachments: [Resolution](#)
[Executive Summary](#)
[City Clerk Bid Tabulation](#)
[*Large File* ABC Construction, Inc. Bid](#)
[Biltmore Construction Bid](#)
[*Large File* Burke Construction Group, Inc. Bid](#)
[*Large File* DL Porter Bid](#)
[MVP Contractors, Inc. Bid](#)
[*Large File* Pedro Falcon Electrical Contractors Bid](#)
[Bid Summary](#)
[Summary of Bid Alternates](#)

A motion was made by Commissioner Wardlow, seconded by Commissioner Lopez, 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 13-237

13

Approving a month-to-month Contract for Smathers and Rest Beach Cleaning Services to Evans Environmental & GeoSciences (EE&G), LLC, based on the contract originally approved in Resolution 05-248.

Sponsors: City Manager Vitas

Attachments: [Resolution](#)
[Executive Summary](#)
[Letter from EE& G](#)
[Resolution 10-165](#)
[Resolution 10-224](#)

A motion was made by Commissioner Mark Rossi, seconded by Commissioner Teri Johnston, that the Resolution be Passed. The motion passed by an unanimous vote.

Enactment No: Res 13-238

14 Approving the attached Letter and Terms of Engagement with Holland & Knight LLP for Federal Lobbyist Services; Providing for conditions.

Sponsors: City Manager Vitas

Attachments: [Resolution](#)
[Resolution 12-356](#)

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

No: 2 - Commissioner Rossi and Mayor Cates

Yes: 5 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Commissioner Yaniz

Enactment No: Res 13-239

15 Approving the attached lease agreement between Wesley House Family Services, Inc. and the City.

Sponsors: City Manager Vitas

Attachments: [Resolution](#)
[Executive Summary](#)
[Draft Lease](#)

A motion was made by Commissioner Weekley, 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 13-240

16 **QUASI-JUDICIAL HEARING: MAJOR DEVELOPMENT PLAN**
Granting approval of a Major Development Plan for the reconstruction

of the seventh floor from a meeting room and bar for conversion into a six-unit day-spa for property located at 430 Duval Street (RE# 0006570-0000000, AK# 1006807) in the HRCC-1 Zoning District, Key West, Florida.

Sponsors: City Manager Vitas

Attachments: [Resolution](#)
[Executive Summary](#)
[Planning Board Resolution 2013-34](#)
[Planning Board Package](#)
[Site Plans](#)
[Public Comments Revised July 18, 2013](#)
[Petition - Objections to MDP](#)

A motion was made by Commissioner Rossi, seconded by Commissioner Yaniz, 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 13-241

ORDINANCES – FIRST READING

17

An Ordinance amending the Key West Comprehensive Plan by amending the Policy 1-1.1.8: Allowed Uses in the Historic Residential Commercial Core -4 of the Land Use Element as provided for in Chapter 90, Article VI, Amendments, Division 3, Comprehensive Plan Amendments, based upon the revocation of the Mole Pier and the Truman Harbor previously deeded by the Navy and the adopted Truman Waterfront Park Master Plan; Providing for transmittal to the State Land Planning Agency; Providing for the filing with Secretary of State; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Vitas

Attachments: [1 Executive Summary](#)
[1.5 Proposed Ordinance HRCC-4 LUE Amendment](#)
[2 PB Res 2013-48 HRCC-4 Land Use Elements](#)
[3 Supporting Documentation](#)

A motion was made by Commissioner Lopez, seconded by Commissioner Weekley, that the Ordinance be Passed to Second Reading. The motion carried by the following vote:

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

RESOLUTIONS - CONTINUED

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

8:48 PM