



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Wednesday, January 22, 2014

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

6:00 P.M.

ROLL CALL

Absent 1 - Mayor Cates

Present 6 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley and Commissioner Yaniz

INVOCATION - Elder Winston Hutchison, Church of Jesus Christ of Latter-Day Saints

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

PROCLAMATIONS

1 Key West Junior Football 2013 Orange Bowl Champions

Sponsors: Commissioner Yaniz

Attachments: [Proclamation](#)

Received and Filed

PRESENTATIONS

2 Mike Langton & Associates - Grants Needs Assessment and Strategic Grants Plan

Sponsors: City Manager Vitas

Attachments: [Executive Summary](#)
[Grant Research List](#)
[City of Key West Strategic Grants Plan](#)

Received and Filed

3 Mote Marine Laboratory - Jason Wolf

Sponsors: City Manager Vitas

Attachments: [Presentation](#)

Received and Filed

City Attorney's Report

City Manager's Report

- FDOT Report - Dean Walters

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

4 *Authorizing Rotary Club of Key West, Inc. to conduct a fundraiser at the Clayton Sterling Complex and the Dewitt Roberts Field for the Annual Marques Butler Memorial Softball Tournament on Saturday, February 15, 2014 and Sunday, February 16, 2014 from 7:00 A.M. to 11:00 P.M. pursuant to terms and conditions set forth by the Office of the City Manager; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 11:00 A.M. to 11:00 P.M. on Saturday, February 15, 2014 and Sunday, February 16, 2014; Authorizing the sale and consumption of alcoholic beverages on the date and during the hours stated above.

Sponsors: City Manager Vitas

Attachments: [Resolution](#)
[*Large File* Application](#)
[Advertisement](#)

Passed

Enactment No: Res 14-020

- 5 *Authorizing Finnegan's Wake Irish Pub & Eatery, Inc. to conduct the annual St. Patrick's Day Celebration on March 17, 2014 from 9:00 A.M. to Midnight; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of James Street between Grinnell and Margaret Streets from 10:00 A.M. to Midnight; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 10:00 A.M. to Midnight; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

Sponsors: City Manager Vitas

Attachments: [Resolution](#)
[Application](#)
[Advertisement](#)

Passed

Enactment No: Res 14-021

- 6 *Authorizing AIDS Help to conduct their Annual Taste of Key West Event at the Truman Waterfront on Monday, April 14, 2014 from 6:00 P.M. to 9:00 P.M. (set up starting at 8:00 A.M.); Pursuant to terms and conditions set forth by the City Manager; Authorizing the sale and consumption of alcoholic beverages within an enclosed area; Granting an Exemption from the Noise Control Ordinances pursuant to Section 6-86 of the Code of Ordinances from 5:00 P.M. to 11:00 P.M.

Sponsors: City Manager Vitas

Attachments: [Resolution](#)
[*Large File* Application](#)
[Advertisement](#)

Passed

Enactment No: Res 14-022

- 7 *Approving Transfer of Mobile Vendor License (MVL) #18026 from Carolyn Genereaux to Maureen Burge due to Hardship.

Sponsors: City Manager Vitas

Attachments: [Resolution](#)
[Request for MVL transfer](#)

Passed

Enactment No: Res 14-023

- 8 *Rescinding the Contract issued under Resolution 12-184 to the OTAK Group, Inc. in response to ITB #12-008 for design, purchase and

installation of complete Sewer Pump-out Systems for Wahoo and Kingfish Docks at the City Marina at Garrison Bight; Approving the attached "Release and Cancellation of Contract".

Sponsors: City Manager Vitas

Attachments: [Resolution](#)
[Executive Summary](#)
[OTAK, Inc. Release of Cancellation & Contract](#)
[Resolution 12-184](#)
[OTAK, Inc approved contract](#)
[OTAK Proposal](#)
[OTAK Request to end contract](#)

Passed

Enactment No: Res 14-024

- 9** *Approving Task Order No. 14-01 to Perez Engineering and Development, Inc. in an amount not to exceed \$64,840.00 for mechanical integrity testing and permitting of WWTP Deep Injection Wells IW-1 and IW-2.

Sponsors: City Manager Vitas

Attachments: [Resolution](#)
[Executive Summary](#)
[Task Order 14-01](#)
[Perez Engineering Contract](#)

Passed

Enactment No: Res 14-025

- 10** *Awarding the Bid of Florida Dredge and Dock, LLC in response to ITB #14-008: Maintenance Dredging of Sunrise Canal (Project #EN-1403) in the amount of \$53,800.00.

Sponsors: City Manager Vitas

Attachments: [Resolution](#)
[Executive Summary](#)
[City Clerk Bid tabulation Memo](#)
[*Large File* City Bid Documents](#)
[Addendum 1](#)
[*Large File* Florida Dredge and Dock Bid proposal](#)
[Douglas N. Higgins Inc proposal](#)
[PAC Bid proposal](#)
[Charley Toppino & Sons proposal](#)
[*Large File* Waterfront Property Services](#)

Passed

Enactment No: Res 14-026

- 11 *Authorizing the Executive Director of the Housing Authority of the City of Key West to execute City of Key West Community Development Block Grant, Mayor's Revolving Loan Fund, CDBG-Disaster Recovery 2005 Initial, CDBG-Disaster Recovery 2005 Supplemental, CDBG-Disaster Recovery 2005 De-Obligated, and Impact Fee Proviso Homeownership Mortgage Subordination documents for the purpose of allowing the refinance of existing Primary Mortgage Loans at improved terms.

Sponsors: City Attorney Smith

Attachments: [Resolution](#)
[Agreement to Subordination](#)

Passed

Enactment No: Res 14-027

- 12 *Approving the City Manager Performance Evaluation.

Sponsors: City Manager Vitas

Attachments: [Resolution](#)
[Calculation Score](#)
[Commissioner Teri Johnstons's evaluation](#)
[Commissioner Clayton Lopez's evaluation](#)
[Commissioner Mark Rossi's evaluation](#)
[Commissioner Billy Wardlow's evaluation](#)
[Commissioner Jimmy Weekley's evaluation](#)
[Commissioner Tony Yaniz's evaluation](#)
[Mayor Craig Cates's evaluation](#)

Passed

Enactment No: Res 14-028

13

*Approving the attached "Lease Agreement between the United States of America and the City of Key West" (Contract No. N69450-12-RP-00166) between the United States of America, Acting by and through the Department of the Navy, Naval Facilities Engineering Command Southeast, and the City of Key West, regarding a portion of the Outer Mole Pier at Truman Annex.

Sponsors: City Manager Vitas

Attachments: [Resolution](#)
[Executive Summary](#)
[Lease Agreement](#)
[FY 12-13 Actual Financial Summary](#)
[FY 13-14 Budgeted Financials](#)
[FY 14-15 Scheduled Port calls](#)
[FY 15-16 Scheduled Port calls](#)
[Navy 1-15-14 email](#)
[City 1-15-14 email](#)
[City 1-14-14 email](#)
[City 12-18-13 Counter Officer](#)
[*Large File* Navy 11-19-13 Response](#)
[*Large File* City 9-20-13 Draft Lease proposal](#)
[Navy 5-16-13 Mole Pier Exclusive Lease Negotiations Approval](#)
[City 3-18-13 Sole Source Public Benefit Lease Proposal](#)
[Navy 3-12-13 McDowell Letter re Proposal for Public Benefit Lease](#)
[City 3-11-13 Letter to McDowell re Sole Source Public Benefit Lease Proposal](#)
[Navy 3-7-13 McDowell request in-kind audit](#)
[City 2-28-13 Mayor Proposal for Public Benefit Lease](#)
[*Large File* City 2-7-13 CM Letter Proposal for Public Benefit Lease Follow up Response](#)
[Navy 1-29-13 McDowell invoke Sec 20 of lease and request in-kind audit](#)
[Navy 1-24-13 Letter from McDowell requesting detailed proposal for non-competitive lease](#)
[City 1-18-13 CM Letter to McDowell re history](#)
[City 12-12-12 CM Letter acknowledge Yonce Letter regarding Mole Lease Solicitation](#)
[Navy 12-7-12 Yonce Letter re Solicitation for Navy Mole and non-extension for City](#)
[*Large File* City 11-29-12 Mayor and CM Letter to Yonce and other correspondence](#)
[Navy 10-12-12 Lefere Letter re compatible use of Truman Waterfront](#)
[City 06-08-12 Scholl Letter requesting discussion of Mole Lease renewal](#)
[Letter from Jolly Benson](#)
[Letter from Arlo Haskell](#)
[Letter from Michael Ritchie](#)

This item was Postponed to a Special City Commission meeting to be held on January 29, 2014

Enactment No:

Attorney.

Sponsors: City Attorney Smith

Attachments: [Resolution](#)

Passed

Enactment No: Res 14-029

Approval of the Consent Agenda

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

- 15** Authorizing a Waiver of Development Plan/Conditional Use, Variance, Easement and Alcohol Sales Exception Application Fees for The Studios of Key West Redevelopment of the Building Located at 533 Eaton Street in an Amount Not to Exceed \$10,100.00.

Sponsors: Commissioner Weekley

Attachments: [Resolution](#)

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

No: 1 - Commissioner Rossi

Absent: 1 - Mayor Cates

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

Enactment No: Res 14-030

- 16** Awarding the Bid of Douglas N. Higgins, Inc., for Construction of the Fort Street Parking Lot (Project #TR-1201) in the amount of \$347,924.00.

Sponsors: City Manager Vitas

Attachments: [Resolution](#)
[Executive Summary](#)
[City Clerks Bid Tabulation](#)
[DN Higgins Bid Proposal](#)
[Charley Toppino & Sons, Inc. Bid proposal](#)
[Planning Board Resolution 2013-12](#)
[ITB Documents](#)
[Construction Plans](#)
[Letter Agreement](#)

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

Absent: 1 - Mayor Cates

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

Enactment No: Res 14-031

17

Approving the City Attorney Performance Evaluation.

Sponsors: City Attorney Smith

Attachments: [Resolution](#)
[Calculation Score](#)
[Commissioner Teri Johnston's evaluation](#)
[Commissioner Clayton Lopez's evaluation](#)
[Commissioner Mark Rossi's evaluation](#)
[Commissioner Billy Wardlow's evaluation](#)
[Commissioner Jimmy Weekley's evaluation](#)
[Commissioner Tony Yaniz's evaluation](#)
[Mayor Craig Cates's evaluation](#)

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

Absent: 1 - Mayor Cates

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

Enactment No: Res 14-032

18

Directing the City Manager to restore the multi-use field at the Truman Waterfront.

Sponsors: Commissioner Yaniz

Attachments: [Resolution](#)
[Executive Summary](#)
[Resolution 09-057](#)
[Resolution 07-240](#)
[Excerpt of Minutes from BVRAC meeting held January 02, 2014](#)

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

No: 2 - Commissioner Johnston and Commissioner Weekley

Absent: 1 - Mayor Cates

Yes: 4 - Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow and Commissioner Yaniz

Enactment No: Res 14-033

19

Approving the waiving of formal bid procedures for critical path components in order to facilitate development of Phase 1A of the Truman Waterfront: Multi-use Field/Horse Stables, in accordance with City Code Section 2-797(4)(b).

Sponsors: City Manager Vitas

Attachments: Resolution
Executive Summary
Truman Waterfront Phase 1
Final Master Plan
Phase 1 Overall
Phase 1A
Phase 1B
Phase 1C
Phase 1D

This item was Withdrawn.

ORDINANCES – FIRST READING

20

An Ordinance of the City of Key West, Florida, amending Chapter 26 of the Code of Ordinances entitled "Environment," Article IV entitled "Sound Control" by adding Section 26-189, Purpose; Adding Section 26-190, Findings of Fact; Amending Section 26-191, Definitions; Amending Section 26-192 to amend and clarify unreasonably excessive noise prohibitions; Amending Section 26-193 to clarify and amend exceptions to the Sound Control Ordinance; Amending Section

26-194 to clarify citation procedure and penalties; Adding Section 16-199, to provide for temporary waivers; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Weekley and Mayor Cates

Attachments: [Ordinance](#)
[18 Letters in Support](#)
[Letter From Maureen Johnson in Opposition](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Ordinance be Postponed Indefinitely. The motion carried by the following vote:

Absent: 1 - Mayor Cates

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

21

An Ordinance of the City of Key West, Florida, amending Chapter 6 of the Code of Ordinances entitled "Amusements and Entertainment," Division 3 entitled "Noise Control" by amending Section 6-86 to amend the permit application process; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Weekley and Mayor Cates

Attachments: [Ordinance](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Ordinance be Postponed Indefinitely. The motion carried by the following vote:

Absent: 1 - Mayor Cates

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

22

An Ordinance of the City of Key West, Florida, Amending Chapter 62, Article V of the Code of Ordinances entitled "Newsracks" by adjusting the spelling to 'News Racks' throughout the Ordinance; by amending Section 62-151 to amend Definitions; Adding Section 62-152 to state Purpose and Criteria; Amending Section 62-177 to set July 15 as the Application for Locations Deadline; Amending Section 62-179 to establish and adjust Certain Fees; Amending Section 62-181, Denial; Amending Section 62-182 to Amend the Replacement Procedure; Amending Section 62-183, to Amend Location Requirements; Providing for severability, Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Yaniz

- Attachments:** [Ordinance](#)
 [Executive Summary](#)
 [Letter from Richard Tamborrino](#)

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

- Absent:** 1 - Mayor Cates
- Yes:** 6 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley and Commissioner Yaniz

RESCINDING VOTE ON ORDINANCE

23

An Ordinance of the City of Key West, Florida, Amending Chapter 78 of the Code of Ordinances entitled "Vehicles For Hire" by adding Sections 78-65, 78-66 78-67 and Amending 78-198 to provide for the conversion of Contract Vehicle for Hire Licenses to Wheelchair Accessible Passenger Vehicle for Hire Licenses, Operations Requirements for such Vehicles and a Revocation Process; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Lopez

- Attachments:** [Ordinance](#)
 [Executive Summary](#)

A motion was made by Commissioner Lopez, seconded by Commissioner Wardlow, that the Ordinance be Postponed to the February 4, 2014 meeting. The motion carried by the following vote:

- Absent:** 1 - Mayor Cates
- Yes:** 6 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley and Commissioner Yaniz

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

9:55 P.M.