



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Tuesday, January 6, 2015

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 305-809-3731 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

CALL MEETING TO ORDER

6:04 P.M.

ROLL CALL

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

INVOCATION: Elder Shad Dinkins, Church of Latter Day Saints

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

It was moved by Commissioner Rossi and seconded by Commissioner Weekley to approve the agenda as amended.

PROCLAMATIONS

1 Marriage Equality Day

Sponsors: Mayor Cates, Commissioner Johnston and Commissioner Weekley

Received and Filed

2 Reverend Dr. Martin Luther King, Jr., Day

Sponsors: Mayor Cates and Commissioner Lopez

Received and Filed

- 3 Human Trafficking Awareness Day
Sponsors: Mayor Cates
Received and Filed

PRESENTATIONS

- 4 Food Pantry - Tom Callahan
Sponsors: Mayor Cates
Postponed to February 3, 2015.

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.**

MINUTES

- 5 *December 2, 2014 (Regular)
Approved
- 6 *December 15, 2014 (Special)
Approved

RESOLUTIONS

- 7 *Re-appointing Robin Robinson to the Tree Commission.
Sponsors: Mayor Cates
Passed

Enactment No: Res 15-001

- 8 *Appointing Claude J. Gardner, Jr. to the Key West Bight Management District Board.
- Sponsors: Mayor Cates
- Passed**
- Enactment No: Res 15-002
- 9 *Authorizing the placement of a Blue Star Memorial Marker in Bayview Park, through the efforts of the Key West Garden Club.
- Sponsors: Commissioner Weekley
- Postponed to January 21, 2015**
- 10 *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 14, 2015 and Sunday, February 15, 2015 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 10:00 A.M. to 11:00 P.M. on Saturday, February 14, 2015 and Sunday, February 15, 2015; Authorizing the sale and consumption of alcoholic beverages on the date and during the hours stated above.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 15-003
- 11 *Authorizing pursuant to Section 2-797(3) the purchase of a Caterpillar 450F Backhoe Loader vehicle from Kelly Tractor Company in an amount not to exceed \$182,072.00 through the Florida Sheriff's Association and Florida Association of Counties Bid No. 14-12-0904.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 15-004
- 12 *Authorizing pursuant to Section 2-797(3) of the Code of Ordinances the purchase of one Ford F 550 Bucket Truck from Palmetto Ford in an amount not to exceed \$98,051.00 through the Florida Sheriff's Association and Florida Association of Counties Bid No. 14-12-0904.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 15-005

- 13 *Authorizing pursuant to Section 2-771(c) of the Code of Ordinances the disposal of one surplus and obsolete (disassembled) Case Front End Loader; Authorizing the City Manager to execute any necessary documents.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 15-006
- 14 *Authorizing pursuant to Section 2-771(c) of the Code of Ordinances the disposal of two (2) surplus and obsolete city buses; Authorizing the City Manager to execute any necessary documents.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 15-007
- 15 *Approving the attached Master Agreement between the City and SRS Engineering Inc. for furnishing Design and Construction Engineering/Inspection Services of 20 Bus Aprons throughout the Lower Keys.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 15-008
- 16 *Approving the attached Supplemental Joint Participation Agreement Number Two (SJPA #1) for Contract AR707 between the Florida Department of Transportation (FDOT) and the City of Key West, to amend the maximum participation or Grant Award from FDOT from \$2,072,532.00 to \$3,298,132.00, reflecting an increase of \$1,225,600.00, to be used for purchase of replacement buses for the Fixed Route Bus Transit System; Approving necessary budget amendments and transfers.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 15-009
- 17 *Approving a two-year extension of the Contract between the City and Flowers Chemical Laboratories for Water Testing at the City Marina at Garrison Bight in an amount not to exceed \$9,692.00.
- Passed**
- Enactment No: Res 15-010

- 18 *Approving a Task Order under the City's General Services Contract with Douglas N. Higgins, Inc. in a total amount not to exceed \$33,540.15 for ADA Compliant Sidewalk Ramp Construction in the 500 and 600 blocks of Greene Street.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 15-011

- 19 *Authorizing the City Manager to enter into a Settlement Agreement with PNC Mortgage in settlement of PNC Mortgage v. Coppola, Case Nos. 2012-245 and 2012-228; Permitting a partial release of lien upon payment by PNC in the amount of \$55,000.00.

Sponsors: City Attorney Smith

Passed

Enactment No: Res 15-012

- 20 *Approving the attached Easement Agreement between the City of Key West and Harborside, LLC, granting the City of Key West the right to use portions of property located at 200 William Street as public sidewalk along William Street and Lazy Way Lane.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 15-013

Approval of the Consent Agenda

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

- 21 Requesting an Amendment to Florida Statutes 380.0661-380.0667, to expand the authorized use funds controlled by the Monroe County Land Authority to include construction, renovation and preservation of affordable housing; Directing the City Clerk to provide certified copies of this Resolution to Representative Holly Raschein, Senator Dwight Bullard, the Monroe County Board of County Commissioners, Governor Rick Scott and other interested parties.

Sponsors: Commissioner Weekley

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 15-014

22

Authorizing the Sole-source purchase of 60 Taser X26Ps with Taser HD Cams, associated accessories and a five-year Taser Assurance Plan (TAP), pursuant to City Ordinance Section 2-797(1)(a) and Section 2-844 (a) and (b) from Taser International Inc. in a total amount not to exceed \$161,816.00, plus the return/destruction of 60 Taser X26E Tasers; Approving the use of State Police Forfeiture Funds for the purchase.

Sponsors: City Manager Scholl

A motion was made by Commissioner Rossi, 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 15-015

23

Approving the attached list of roadways to be paved for FY 2014-15 on a Work Order basis.

Sponsors: City Manager Scholl

A motion was made by Commissioner Rossi, 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 15-016

- 24 Approving the attached "State of Florida - Florida Fish and Wildlife Conservation Commission Agreement No. 14154" for the Boating Infrastructure Grant Program (BIGP) between the City and the Florida Fish and Wildlife Conservation Commission for Transient Bath House Facilities/Dockmaster's Office and Electrical Upgrades to the Wahoo and Kingfish Piers at City Marina at Garrison Bight (CFDA No. 15.622, Federal Award No. FL-Y-F13APA-412), in an amount not to exceed \$500,000.00; Authorizing the City Manager to execute the Grant Agreement; Providing conditions.

Sponsors: City Manager Scholl

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

Enactment No: Res 15-017

- 25 Ratifying an Emergency Procurement dated December 31, 2013 and approved by the City Manager as allowed under Section 2-797(2) of the Code of Ordinances, extending the Agreement for Cruise Ship Passenger Shuttle Service through December 31, 2014 (originally approved in Resolution 07-379 and extended in Resolution 12-307); Approving a one-year extension of the "Agreement Between the City and Historic Tours of America, Inc." (inclusive of the First Amendment to Agreement, and the Emergency Procurement Extension), subject to additional negotiations after six months, for the provision of Shuttle Services for Cruise Ship Passengers.

Sponsors: City Manager Scholl

A motion was made by Commissioner Rossi, seconded by Commissioner Wardlow, 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 15-018

- 26 Approving the Committee Ranking of firms submitting responses to Request for Proposals (RFP) No. 004-14: Land Development Regulation Amendments; Authorizing the City Manager to negotiate a contract for approval by the City Commission.

Sponsors: City Manager Scholl

A motion was made by Commissioner Johnston, seconded by Commissioner Wardlow, 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 15-019

27

QUASI-JUDICIAL HEARING:

Easement - 1200-1212 White Street and 1124 Catherine Street

Approving an easement of 780 square feet, more or less, to address the proposed encroachment of a new metal awning into City rights-of-way abutting the property located at 1200-1212 White Street and 1124 Catherine Street, Key West, Florida (RE #00033010-000000 / 00033050-000000; AK #1033774 / 1033812); Providing fees and conditions.

Sponsors: City Manager Scholl

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 15-020

28

QUASI-JUDICIAL HEARING:

Easement - 320 Grinnell Street

Approving an easement of 728 square feet, more or less, to address the encroachment of an existing two-story balcony into City rights-of-way abutting the property located at 320 Grinnell Street (RE #00002690-000200, AK #8653379), Key West, Florida; Providing fees and conditions.

Sponsors: City Manager Scholl

A motion was made by Commissioner Weekley, 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 15-021

ORDINANCES - SECOND READING (Public Hearing)

29

An Ordinance of the City of Key West, Florida, amending Chapter 26 entitled "Environment", by adding Article VI entitled "Unmanned Aircraft" to provide privacy and safety protections until such time as State or Federal Regulations preempt this Ordinance; Adding Section 26-300, Purpose and Intent; Adding Section 26-301, Definitions; Adding Section 26-302, ~~Registration~~; Adding Section ~~26-303~~, Prohibitions; Adding Section ~~26-304~~, 26-303, ~~Exceptions~~; Adding Section ~~26-305~~, Penalty; Adding Section ~~26-306~~ 26-304, Sunset Provisions; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Weekley

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

No: 5 - Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Yaniz and Mayor Cates

Yes: 2 - Commissioner Johnston and Commissioner Weekley

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

8:52 P.M.