



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Tuesday, May 21, 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

6:10 P.M.

ROLL CALL

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

INVOCATION - Steve Torrence, Chaplin KW Police Department

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

COMMENDATIONS

Captain Patrick A. Lefere

PROCLAMATIONS

- 1 Maritime Day

Sponsors: Mayor Cates

Received and Filed
- 2 Youth Leadership Month

Sponsors: Mayor Cates

Received and Filed

3 Key West Inns Week

Sponsors: Mayor Cates

Received and Filed

PRESENTATIONS**4** The City's New Residential Recycling/Yard Waste/Solid Waste Program

Sponsors: City Manager Vitas

Received and Filed

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** *May 7, 2013 (Regular)

Passed

RESOLUTIONS**6** *Reappointing Jimmy Lane to the Key West Bight Management District Board.

Sponsors: Mayor Cates

Passed

Enactment No: Res 13-125

7 *Urging the President of the United States and the U.S. Environmental Protection Agency to employ and enforce the Clean Air Act to reduce carbon in our atmosphere to no more than 350 parts per million.

Sponsors: Commissioner Weekley

Passed

Enactment No: Res 13-126

- 8 *Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to the Key West Rotary Club of Key West, Inc. for a Reggae Concert at Clarence Higgs Beach from the hours of 5:00 P.M. to 11:00 P.M. on Saturday, May 25, 2013 (set up time is 8:00 A.M. to 5:00 P.M.).

Sponsors: City Manager Vitas

Passed

Enactment No: Res 13-127

- 9 *Authorizing Mel Fisher Days, Inc. to conduct a 2013 Celebration of the Finding of the Atocha on Saturday, July 13, 2013 during the hours of 2:00 P.M. to 8:00 P.M.; Authorizing the closure of the 100 & 200 block of Duval Street including Greene Street from Telegraph Lane to Ann Streets from 10:00 A.M. to 10:00 P.M.; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 10:00 A.M. to 10:00 P.M.; Authorizing the sale and consumption of alcoholic beverages with the enclosed area.

Sponsors: City Manager Vitas

Passed

Enactment No: Res 13-128

- 10 *Authorizing Sloppy Joe's Bar to conduct an event for Hemingway Days on Saturday, July 20, 2013 from 12:00 Noon to 11:00 P.M. pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Greene Street between Duval and Ann Streets from 11:00 A.M. to Midnight; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

Sponsors: City Manager Vitas

Passed

Enactment No: Res 13-129

- 11 *Authorizing Sloppy Joe's Bar to conduct an event for Motorcycle Bike Week on Saturday, September 21, 2013 from 12:00 Noon to 11:00 P.M.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Greene Street between Duval and Ann Streets from 11:00 A.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 13-130

- 12** *Exercising the year-to-year extension option contained in Section 6.1 of the contract for General Environmental Consulting Services with PBS&J, now known as Atkins North America, Inc. for the specific purpose of completing Task Order 14 for Smathers Beach Renourishment Phase II, and Task Order 15 for Rest Beach Renourishment.
- Sponsors:** City Manager Vitas
- Passed**
- Enactment No: Res 13-131
-
- 13** *Authorizing an extension of the Contract for Engineering Services for the Reconstruction of South Roosevelt Boulevard with Metric Engineering (formerly Sanchez-Zeinali and Associates), originally approved in Resolution 04-146; Amending the Contract with Sanchez-Zeinali and Associates by assigning the Contract to Metric Engineering.
- Sponsors:** City Manager Vitas
- Passed**
- Enactment No: Res 13-132
-
- 14** *Awarding the Bid of T. Mac Wilder & Associates, LLC to Resod George Mira Football Field in accordance with the terms specified in ITB #13-015 in an amount not to exceed \$59,664.60; 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 13-133
-
- 15** *Approving the attached Lease Agreement between the City and Old Fire House Preservation, Inc. for 1026 Grinnell Street.
- Sponsors:** City Manager Vitas
- Postponed to July 2, 2013**
-
- 16** *Authorizing the Settlement of Myrlene Milliken v. City of Key West, Case Number 2011-CA-442-K; Authorizing the City Manager to execute settlement documents.
- Sponsors:** City Attorney Smith
- Passed**

Enactment No: Res 13-134

- 17 *Authorizing the attached Worker's Compensation Settlement Agreement between Oneri Fleita and the City of Key West; Authorizing the City Manager to execute Settlement Documents.

Sponsors: City Attorney Smith

Passed

Enactment No: Res 13-135

- 18 *Approving the 2013 System Safety Program Plan (SSPP) for the City of Key West Transit Department (KWT).

Sponsors: City Manager Vitas

Passed

Enactment No: Res 13-136

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.

- 19 Directing the City Manager to investigate possible City uses for the property currently leased to the Florida Keys Mosquito Control District.

Sponsors: Commissioner Yaniz

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

No: 2 - Commissioner Rossi and Commissioner Weekley

Yes: 5 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Yaniz and Mayor Cates

Enactment No: Res 13-137

- 20 Authorizing the Rotary Club of Key West, Florida, Inc. to conduct a Fundraiser at McCoy Indigenous Park July 4, 2013 (set up July 2, 2013) from 7:00 A.M. to 8:00 P.M. and display and cleanup from 9:00 P.M. to 12:00 Midnight; Authorizing fireworks display off the White Street Pier on July 4, 2013 from 9:00 P.M. to 10:00 P.M.; Granting an exemption from the Noise Control Ordinance pursuant to Section 6-86 of the Code of Ordinances during the July 4th Fireworks Celebration; Authorizing the sale and consumption of alcoholic beverages at McCoy Indigenous Park.

Sponsors: City Manager Vitas

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 13-138

21

Quasi-Judicial Hearing:

Approving and authorizing execution of the attached "Amended and Restated Development Agreement" for the Key West Hotel Collection between the City and JRC Key West Hotel, LLC, an Illinois Limited Liability Company, RFA Key West LLC, an Illinois Limited Liability Company; RFA Key West II, LLC, a Florida Limited Liability Company, AVA Key West, LLC, an Illinois Limited Liability Company; JL Key West, LLC, an Illinois Limited Liability Company, JL Key West II, LLC, a Florida Limited Liability Company; JLW Key West 1, LLC, a Florida Limited Liability Company, and JLW Key West 2, LLC, a Florida Limited Liability Company.

Sponsors: City Manager Vitas

A motion was made by Commissioner Wardlow, seconded by Commissioner Rossi, that the Resolution be Passed with conditions. 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 13-139

22

Quasi-Judicial Hearing:

Approving a Major Modification to the Major Development Plan Approval previously approved by Resolution 07-164 for the property located at 3820, 3824, 3850 and 3852 N. Roosevelt Boulevard (RE #00065530-000000, AK #1068233; RE #00065550-000000, AK #1068250; RE #00064940-000000, AK #1065455; RE #00065060-000000, AK #1065587); Providing conditions.

Sponsors: City Manager Vitas

Mayor Craig Cates stepped down from the dais.

A motion was made by Commissioner Wardlow, seconded by Commissioner Yaniz, that the Resolution be Passed with conditions. 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 13-140

ORDINANCES - SECOND READING (Public Hearing)**23**

An Ordinance of the City of Key West, Florida to call for a Binding Referendum to determine whether the City of Key West should request that the Army Corps of Engineers conduct a Comprehensive Feasibility Study, at no monetary cost to the City, to determine the environmental, economic and social impacts of widening the Key West Main Ship Channel for use by modern and longer Cruise Ships while also addressing navigational safety; Authorizing the City Clerk to take all necessary action to place this measure on the Ballot for October 1, 2013; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Yaniz

A motion was made by Commissioner Yaniz, seconded by Commissioner Johnston, that the Ordinance be Adopted. 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: Ord 13-08

CITIZEN COMMENTS**COMMISSION COMMENTS****ADJOURNMENT**

9:32 P.M.