



# City of Key West, FL

Old City Hall  
510 Greene Street  
Key West FL 33040

## Action Minutes - Final City Commission

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Tuesday, March 18, 2014

6:00 PM

Old City Hall

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**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

6:03 P.M.

### ROLL CALL

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

### INVOCATION - Pastor Ozzie Vator, Fifth Street Baptist Church

### PLEDGE OF ALLEGIANCE TO THE FLAG

### APPROVAL OF AGENDA

### PROCLAMATIONS

1 National Boys and Girls Club Week

Sponsors: Mayor Cates

Received and Filed

2 Larry Baeder Day

Sponsors: Commissioner Yaniz

Received and Filed

### PRESENTATIONS

3 25 Year Service Award - Key West Fire Department Captain Wayne Owen

Received and Filed

**City Attorney's Report**

**City Manager's Report**

- Truman Waterfront Park Project Historical Overview

Received and Filed

- Current Legislative Priorities

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**

4 \*February 19, 2014 (Regular)

Approved

5 \*February 25, 2014 (Special)

Approved

**RESOLUTIONS**

6 \*Re-Appointing Timothy R. Atwell to the Civil Service Board .

Sponsors: Mayor Cates

Passed

Enactment No: Res 14-073

- 7                    \*Re-Appointing Mark Albury to the Civil Service Board.
- Sponsors:        Mayor Cates
- Passed**
- Enactment No: Res 14-074
- 8                    \*Re-Appointing George Cabanas, Jr. to the Civil Service Board.
- Sponsors:        Mayor Cates
- Passed**
- Enactment No: Res 14-075
- 9                    \*Supporting Florida Senate Bill 1090; Supporting Florida Senate Bill 786; and Supporting Florida Senate Bill 516; Authorizing the City Clerk to Transmit Certified Copies of the Resolution.
- Sponsors:        Commissioner Weekley
- Passed**
- Enactment No: Res 14-076
- 10                   \*Approving and authorizing the City Manager to execute the attached agreement between the City of Key West, Florida, and the Conch Republic Independence Celebration, AIDS Help, the Key West Cultural Preservation Society, Bourbon Street Pub; Petronia Street Neighborhood Association for the 2014 Conch Republic Independence Celebration from April 18 through April 27, 2014; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.
- Sponsors:        City Manager Vitas
- Passed**
- Enactment No: Res 14-077
- 11                   \*Authorizing Zonta Foundation of Key West, Inc. to conduct an annual Radio Zonta Day on Friday, May 9, 2014 from 3:00 p.m. to 9:00 p.m; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of a portion of Catherine Street between Simonton Street and entrance to the Gato Building Parking Lot from 3:00 p.m. to 9:00 p.m; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 3:00 p.m. to 9:00 p.m; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.
- Sponsors:        City Manager Vitas
- Passed**

Enactment No: Res 14-078

- 12** \*Approving a Task Order under the City's General Services Contract with Douglas N. Higgins, Inc. in a total amount not to exceed \$69,000.05 for repairs to 30" HDPE Sewer Force Main.

Sponsors: City Manager Vitas

**Passed**

Enactment No: Res 14-079

- 13** \*Approving the Letter of Understanding between the City of Key West and the Teamster Union, Local 769 creating a new classification of pay applicable to ASE Certified Mechanics and authorizing the City Manager to execute all documents consistent therewith.

Sponsors: City Manager Vitas

**Passed**

Enactment No: Res 14-080

- 14** \*Authorizing the execution of the attached "Federally Funded Subgrant Agreement" Contract Number 14HM-6B-11-54-02-XXX (Project No. 4084-06-R) with the State of Florida Division of Emergency Management (FDEM) for Phase 1 FEMA funding for Design of the Simonton Street Emergency Outfall Project, in the amount of \$12,109.00 (City match \$100,008.00 - 89.1994 % of Project Cost); Amending the Stormwater Budget to accept the grant.

Sponsors: City Manager Vitas

**Passed**

Enactment No: Res 14-081

- 15** \*Approving Task Order No. 14-02 to Perez Engineering and Development, Inc. in an amount not to exceed \$82,940.00 for construction administration services for the East Front Street Stormwater Improvements Project.

Sponsors: City Manager Vitas

**Passed**

Enactment No: Res 14-082

- 16                    \*Authorizing a Purchasing Exception pursuant to Section 2-797 of the Code of Ordinances, to allow an additional \$71,000.00 in cumulative expenditures during FY 13-14 to Cummins Southeastern for bus engine repair, resulting in a total amount not to exceed \$106,000.00.
- Sponsors:        City Manager Vitas
- Passed**
- Enactment No: Res 14-083
- 17                    \*Awarding the Bid of T. Mac Wilder & Associates, LLC to Resod the Truman Annex Sports Field in accordance with the terms specified in ITB #14-011 in an amount not to exceed \$96,350.00; 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 14-084
- 18                    \*Authorizing a one-year extension of the "Agreement for Administrative Services" with Employers Mutual, Inc. (EMI), as the City's Insurance Program Third Party Claims Administrator for the Policy Period 10/01/2014 - 9/30/2015, pursuant to Section 2-797(4)(b), best interest of the City.
- Sponsors:        City Manager Vitas
- Passed**
- Enactment No: Res 14-085
- 19                    \*Providing for a waiver of impact fees in the amount of \$14,094.32 for a lawful unit located at 326 Truman Avenue.
- Sponsors:        Commissioner Lopez
- Postponed**

### Approval of the Consent Agenda

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

- 20 Authorizing the Rotary Club of Key West, Florida, Inc. to conduct a Keys Stock 2014 Musical Concert at the Truman Waterfront Southwest Field on Saturday, May 3, 2014 from 9:00 a.m. to 5:00 p.m. (set up) 5:00 p.m. to 10:00 p.m. (concert); 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 Ordinance pursuant to Section 6-86 of the Code of Ordinances during the event.

**Sponsors:** City Manager Vitas

**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 14-086

- 21 Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to the Key West Rotary Club of Key West, Florida, Inc. for a reggae concert at Clarence Higgs Beach from the hours of 8:00 a.m. to 11:00 p.m. on Saturday, May 24, 2014 (set up is at 8:00 am to 5:00 pm).

**Sponsors:** City Manager Vitas

**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 14-087

- 22 Approving the attached Third Amendment to Lease between the City and Comcast of California/Colorado/Florida/Oregon, Inc.

**Sponsors:** City Manager Vitas

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

**No:** 1 - Commissioner Yaniz

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

Enactment No: Res 14-088

- 23 Approving the Attached amended and restated Lease between the City and Monroe County for the Animal Control premises; Approving the Attached Joint Participation Agreement.
- Sponsors:** City Manager Vitas
- A motion was made by Commissioner Yaniz, 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 14-089
- 24 Approving the attached "Second Amendment to Contract" for Ambulance Services between the City of Key West and Lifestar response of Alabama", now known as Care/American Ambulance.
- Sponsors:** City Manager Vitas
- A motion was made by Commissioner Wardlow, seconded by Commissioner Johnston, that the Resolution be Passed. The motion carried by the following vote:**
- No:** 1 - Commissioner Yaniz
- Yes:** 6 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley and Mayor Cates
- Enactment No: Res 14-090
- 25 Approving a "Homeless Safe Zone Interlocal Agreement" between the City and the Monroe County Board of County Commissioners.
- Sponsors:** City Manager Vitas
- A motion was made by Commissioner Johnston, seconded by Commissioner Weekley, 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 14-091

**ORDINANCES – FIRST READING**

26

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 26-199, 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

**A motion was made by Commissioner Weekley, seconded by Commissioner Johnston, that the Ordinance be Passed as Amended to Second Reading on April 1, 2014. 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: Ord 14-06

27

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

**A motion was made by Commissioner Weekley, seconded by Commissioner Yaniz, that the Ordinance be Passed to Second Reading on April 1, 2014. 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: Ord 14-07

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



28 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 and 78-67 to provide for wheelchair accessible vehicles, operational requirements for such vehicles and a revocation process; 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 Lopez, that the Ordinance be Adopted. The motion carried by the following vote:**

**No:** 3 - Commissioner Rossi, Commissioner Wardlow and Commissioner Yaniz

**Yes:** 4 - Commissioner Johnston, Commissioner Lopez, Commissioner Weekley and Mayor Cates

Enactment No: Ord 14-05

**RESOLUTIONS CONTINUED:**

29 Approving the attached First Amendment to Agreement between the City and the Key West Cultural Preservation Society, Inc. for the use of Mallory Square for Sunset Celebration.

**A motion was made by Commissioner Weekley, 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 14-092

**CITIZEN COMMENTS**

**COMMISSION COMMENTS**

**ADJOURNMENT**

11:56 P.M.