



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Wednesday, September 3, 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 305-809-3731 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

CALL MEETING TO ORDER

6:02 P.M.

ROLL CALL

Absent 1 - Commissioner Rossi

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

INVOCATION - Father Erik Zegeer, Basilica St. Mary's Star of the Sea Catholic Church

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

PRESENTATIONS

1 Model Homeless Shelter - Mr. Keith Oropeza

Sponsors: City Manager Scholl

Postponed to September 16, 2014

2 Smathers Beach Jetty - Lori Bervaldi Tucker

Sponsors: Commissioner Wardlow, Commissioner Weekley and Commissioner Yaniz

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

- 3** *July 23, 2014 (Special)
Approved

- 4** *August 5, 2014 (Regular)
Approved

- 5** *August 19, 2014 (Regular)
Approved

RESOLUTIONS

- 6** *Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to Clyde Joyce for an AIDS Fundraiser at The Restaurant Store, 1111 Eaton Street, during the hours of 5:00 P.M. to 9:00 P.M. on Friday, September 19, 2014.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 14-230

- 7 *Authorizing the Key West Gator Club as an affiliate of the University of Florida Athletic Association to conduct a Full and 1/2 Marathon on Saturday, October 11, 2014; Authorizing the closure of Front Street from Duval Street and Simonton Street including Simonton Street Beach Area; Authorizing certain street closures thereof during the event; Granting an exemption from the Noise Control Ordinance pursuant to Section 6-86 of the Code of Ordinances from 5:00 A.M. to 12:00 Noon; Pursuant to terms and conditions set forth by the City Manager.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 14-231

- 8 *Authorizing JIATF South to hold the Annual Veterans Day Parade on Duval Street from 4:00 P.M. to 8:00 P.M. Tuesday, November 11, 2014; Authorizing the closure of certain streets or portions thereof for said parade from 4:00 P.M. to 8:00 P.M.; Waiving all fees for required City Services.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 14-232

- 9 *Authorizing Visualize Entertainment, Inc. the use of Bayview Park to show free movies the first and third Friday of the month starting October 3, 2014 through May 29, 2015 (with the exception of events that are confirmed every year) from dusk till after movie; Pursuant to terms and conditions set forth by the City Manager.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 14-233

- 10 *Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to Just Save The Date, LLC for a wedding ceremony and reception at the Hemingway House on Whitehead Street during the hours of 5:30 P.M. to 12:00 Midnight on Saturday, November 8, 2014.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 14-234

- 11 *Approving transfer of Mobile Vendor License (MVL) #12788 from Ruth Boyette to Stuart Kemp due to hardship.
- Passed**
- Enactment No: Res 14-235
- 12 *Approving the attached "Third Amendment to Contract" for Ambulance Services between the City of Key West and Lifestar Response of Alabama, now known as Care/America Ambulance.
- Sponsors:** City Manager Scholl
- Passed**
- Enactment No: Res 14-236
- 13 *Authorizing the purchase for the Fire Department of three (3) new Horton Ambulances from Hall-Mark Fire Apparatus, pursuant to Government Contract, pursuant to Section 2-797(3) of the Code of Ordinances in a total amount not to exceed \$387,291.00; Authorizing the purchase of one (1) used Ford E-450 Medtec Ambulance from Hall-Mark Fire Apparatus pursuant to Section 2-771(3)(a) of the Code of Ordinances in a total amount not to exceed \$8,209.00.
- Sponsors:** City Manager Scholl
- Passed**
- Enactment No: Res 14-237
- 14 *Authorizing the purchase of one (1) 2015 Ford F250 with lift gate for \$27,536.50 from Alan Jay Ford Lincoln Mercury pursuant to Section 2-797(4)(b) of the Code of Ordinances; and Authorizing the purchase of one (1) Ford Econoline Cargo Van for \$37,607.00 from Duval Ford, for use by the Key West Utilities Department, through Piggybacking on the Florida Sheriff's Association Contract, pursuant to Section 2-797(3) of the Code of Ordinances.
- Sponsors:** City Manager Scholl
- Passed**
- Enactment No: Res 14-238

- 15** *Authorizing a Purchasing Exception pursuant to Section 2-797 of the Code of Ordinances, to allow an increase in cumulative expenditures during FY 13-14 to Roy's Auto Parts (\$4,000.00 increase to a total of \$39,600.00), Banner Tire (\$4,500.00 increase to a total of \$36,200.00), Gillig LLC (\$15,000.00 increase to a total of \$2,063,875.66), Flamingo Oil (\$11,500.00 increase to a total of \$33,500.00), and Thermo King (\$5,000.00 increase to a total of \$8,078.02).
- Sponsors:** City Manager Scholl
- Passed**
- Enactment No: Res 14-239
- 16** *Approving an expenditure not to exceed \$36,850.00 for Building/Electrical/Mechanical Inspection Services by M.T. Causley, Inc.; Authorizing a Waiver of Competitive Bidding; Authorizing necessary budget transfers and amendments.
- Sponsors:** City Manager Scholl
- Passed**
- Enactment No: Res 14-240
- 17** *Approving the attached "Submerged Lands Lease" for City-owned submerged lands in Garrison Bight adjacent to 719 Eisenhower Drive between the City and Paradise Harbor Condominium Association, Inc.
- Sponsors:** City Manager Scholl
- Passed**
- Enactment No: Res 14-241
- 18** *Approving the attached "Submerged Lands Lease" for City-owned submerged lands in Garrison Bight adjacent to 833 Eisenhower Drive between the City and Harbor Lodge Condominium Owners Association, Inc.
- Sponsors:** City Manager Scholl
- Passed**
- Enactment No: Res 14-242
- 19** *Approving the attached "Submerged Lands Lease" for City-owned submerged lands in Garrison Bight adjacent to 903 Eisenhower Drive between the City and Harborside Motel and Marine, Inc.
- Passed**
- Enactment No: Res 14-243

- 20** *Approving the attached “Submerged Lands Lease” for City-owned submerged lands in Garrison Bight adjacent to 915 Eisenhower Drive between the City and Pelican Landing a Private Fishing Condominium, Inc.
- Sponsors:** City Manager Scholl
- Passed**
- Enactment No: Res 14-244
- 21** *Approving the attached “Submerged Lands Lease” for City-owned submerged lands in Garrison Bight adjacent to 1601-05 North Roosevelt Boulevard between the City and Garrison Bight Investors, Ltd.
- Sponsors:** City Manager Scholl
- Passed**
- Enactment No: Res 14-245
- 22** *Approving the attached “Submerged Lands Lease” for City-owned submerged lands in Garrison Bight adjacent to 701 Palm Avenue between the City and A-1 Boat Service, Inc.
- Passed**
- Enactment No: Res 14-246
- 23** *Approving the attached “Submerged Lands Lease” for City-owned submerged lands in Garrison Bight adjacent to 705 Palm Avenue between the City and Key West Community Sailing Center, Inc.
- Sponsors:** City Manager Scholl
- Passed**
- Enactment No: Res 14-247
- 24** *Approving the submission of the attached City of Key West Department of Transportation (KWDOT) Ten-year “Transit Development Plan Major Update (TDP 2015-2024)” from the City of Key West for review and approval by the Florida Department of Transportation (FDOT).
- Sponsors:** City Manager Scholl
- Passed**
- Enactment No: Res 14-248

Approval of the Consent Agenda

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

- 25** Awarding the Bid of Douglas N. Higgins, Inc., for construction of East Front Street Flood Mitigation Project No. ST-1201 in the amount of \$2,964,012.50.

Sponsors: City Manager Scholl

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

Enactment No: Res 14-249

- 26** Approving Change Order No. 2 to the construction contract awarded under Resolution No. 13-154 to Burke Construction Group Inc. for Enhancements/Renovations to Nelson English/Willie Ward Parks (Purchase Order 74986) in an amount not to exceed \$62,826.14, due to a combination of unforeseen underground obstructions, site space limitations, and permitting requirements; Authorizing the use of Bahama Village TIF Funds allocated in Resolution 14-162; Authorizing the City Manager to execute necessary documents.

Sponsors: City Manager Scholl

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

Enactment No: Res 14-250

- 27** Approving the attached "Submerged Lands Lease" for City-owned submerged lands in Garrison Bight adjacent to 711-717 Eisenhower Drive between the City and Island Tranquility, Inc.

Sponsors: City Manager Scholl

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

Enactment No: Res 14-251

- 28** **QUASI-JUDICIAL HEARING:**
Approving the attached "Submerged Lands Lease" between the City and 3810 Flagler Avenue, LLC for use of approximately 900 square feet of City-owned submerged lands to construct a new dock, floating dock and boat lift adjacent to property located at 3810 Flagler Avenue; Providing conditions.
Sponsors: City Manager Scholl
Withdrawn
- 29** Imposing Solid Waste Service Assessments against certain real residential property located within the City of Key West, Florida, approving the Solid Waste Assessment Roll for the Solid Waste Service Assessments; Confirming the initial assessment resolution.
Sponsors: City Manager Scholl
A motion was made by Commissioner Wardlow, seconded by Commissioner Yaniz, that the Resolution be Passed as amended. The motion carried by the following vote:
No: 2 - Commissioner Johnston and Commissioner Weekley
Absent: 1 - Commissioner Rossi
Yes: 4 - Commissioner Lopez, Commissioner Wardlow, Commissioner Yaniz and Mayor Cates
Excused: 0
Enactment No: Res 14-252
- 30** Imposing Stormwater Service Assessments against certain real property within the City of Key West; Approving the Stormwater Assessment Roll for the Stormwater Service Assessments.
Sponsors: City Manager Scholl
A motion was made by Commissioner Wardlow, seconded by Commissioner Johnston, that the Resolution be Passed. The motion carried by the following vote:
Absent: 1 - Commissioner Rossi
Yes: 6 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates
Excused: 0
Enactment No: Res 14-253

- 31 Approving the attached First Amendment to Contract for Solid Waste Collection and Processing Services between the City and Waste Management of Florida, Inc. (WMI); Authorizing the City Manager to execute the Amendment to Contract.

Sponsors: City Manager Scholl

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

No: 2 - Commissioner Wardlow and Commissioner Yaniz

Absent: 1 - Commissioner Rossi

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

Excused: 0

Enactment No: Res 14-254

ORDINANCES – FIRST READING

- 32 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, Exceptions; Adding Section 26-305, Penalty; Adding Section 26-306, 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 Yaniz, seconded by Commissioner Johnston, that the Ordinance be Postponed to September 16, 2014. The motion carried by the following vote:

Absent: 1 - Commissioner Rossi

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

Excused: 0

ORDINANCES - SECOND READING (Public Hearing)

33

An Ordinance of the City of Key West, Florida, amending Chapter 58 of the Code of Ordinances entitled "Solid Waste" by amending Section 58-65 to adjust Residential Solid Waste Rates; Amending Section 58-66 to adjust Dumping Fees for Commercial establishments and licensed businesses; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

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

No: 2 - Commissioner Johnston and Commissioner Weekley

Absent: 1 - Commissioner Rossi

Yes: 4 - Commissioner Lopez, Commissioner Wardlow, Commissioner Yaniz and Mayor Cates

Excused: 0

Enactment No: Ord 14-17

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

8:05 P.M.