



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final - Final City Commission

Tuesday, June 4, 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

6:01 pm

ROLL CALL

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

INVOCATION - Rabbi Simon Dudai, Congregation B'nai Zion Synagogue

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

PROCLAMATIONS

1 Key West Pride Week
Sponsors: Mayor Cates
Received and Filed

2 The American Cancer Society Day
Sponsors: Mayor Cates
Received and Filed

PRESENTATIONS

3 Report by External Auditor - Fiscal Year Ended September 30, 2012

Sponsors: City Manager Vitas

Received and Filed

City Attorney's Report

City Manager's Report
- Simonton Street Parking Structure

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 *May 21, 2013 (Regular)

Passed

RESOLUTIONS

5 *Authorizing Fogarty's to conduct a Red Party Event at 227 Duval Street on Wednesday, October 23, 2013 from 12:00 Noon to 6:00 A.M; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Caroline Street between Duval & Simonton Streets from 8:00 A.M. to 6:00 A.M; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 12:00 Noon to 4:00 A.M; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

Sponsors: City Manager Vitas

Passed

Enactment No: Res 13-144

- 6 *Authorizing the Monroe County Commercial Fishermen, Inc. to conduct their annual Florida Keys Seafood Festival at Bayview Park including the softball fields on Saturday, January 18, 2014 from 11:00 a.m. to 8:00 p.m. and on Sunday, January 19, 2014 from 12:00 noon to 6:00 p.m.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the sale and consumption of alcoholic beverages within the enclosed area; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 11:00 a.m. to 8:00 p.m.

Sponsors: City Manager Vitas

Passed

Enactment No: Res 13-145

- 7 *Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to Maura Hart for a wedding ceremony and reception at the Hemingway Home & Museum, 907 Whitehead Street, during the hours of 6:00 P.M. to 12:00 A.M. on April 27, 2014.

Sponsors: City Manager Vitas

Passed

Enactment No: Res 13-146

- 8 *Approving after-the-fact, a month to month extension of the Contract approved in Resolution 08-041 between the City and Charley Toppino & Sons, Inc. for Right of Way Maintenance in an amount not to exceed \$220,370.00.

Sponsors: City Manager Vitas

Passed

Enactment No: Res 13-147

- 9 *Approving a month-to-month extension of the Contract authorized in Resolution No. 08-051, and extended for two years in Resolution No. 11-077, between the City of Key West and CRA, and MARC for Trash Collection Services at Garrison Bight Marina (and Key West Bight - Simultaneously approved in CRA Resolution No. 13-155).

Sponsors: City Manager Vitas

Passed

Enactment No: Res 13-148

- 10 *Authorizing the award of Task Order No. 14 for Construction Engineering & Inspection (CEI) and Four-Year Post Construction Biological and Physical Monitoring for the Renourishment of Smathers Beach Project Phase II to Atkins North America, Inc. ("Atkins") in an amount not to exceed \$193,609.00; Authorizing necessary budget transfers.

Sponsors: City Manager Vitas

Passed

Enactment No: Res 13-149

- 11 *Authorizing the sale of a surplus 1991 Spartan Pumper (known as Engine 6) in the amount of \$10,000.00.

Sponsors: City Manager Vitas

Passed

Enactment No: Res 13-150

- 12 *Adopting the attached revised "Fund Balance Policy" for the City of Key West.

Sponsors: City Manager Vitas

Passed

Enactment No: Res 13-151

- 13 *Approving the attached form of Charter Boat Dockage Agreement for the City Marina at Garrison Bight.

Sponsors: City Manager Vitas

Passed

Enactment No: Res 13-152

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.

- 14 Approving a one-year renewal of the attached "Master Agreement to Furnish Solid Waste Consulting Services" between the City of Key West and Kessler Consulting, Inc.

Sponsors: City Manager Vitas

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 13-153

15

Awarding the bid of Burke Construction Group, Inc. for the Nelson English/Willie Ward Renovation and Enhancement Project - BV-1003, in accordance with the terms specified in ITB 13-009, in an amount not to exceed \$1,127,807.00; 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

A motion was made by Commissioner Johnston, 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 13-154

ORDINANCES – FIRST READING

16

An Ordinance of the City of Key West, Florida, pursuant to Section 7.03 of the City Charter, to call for a referendum for the lease of property located at the Truman Waterfront and owned by the Naval Properties Local Redevelopment Authority of the City of Key West ("LRA"), such lease for a duration of 99 years at the rate of \$1.00 per year, thereby exceeding the Charter limit of 20 years, for a parcel to be used for a mixed-income licensed assisted living and independent living facility for senior citizens; 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 provision; Providing for an effective date.

Sponsors: Commissioner Yaniz

Withdrawn

17

An Ordinance of the City of Key West, Florida, amending Chapter 58 of the Code of Ordinances entitled "Solid Waste" to convert monthly utility billing to a non ad valorem assessment on the property tax roll beginning in FY 2014; Amending certain regulations to conform the Solid Waste Ordinance with the current Solid Waste Collection Process, and the City's Recycling Goals; By amending Section 58-1 to add definitions; Amending Section 58-2 to clarify authority of Franchisees; Amending Section 58-31 to clarify waste container requirements; Amending Section 58-32 to clarify temporary dumpster provisions; Amending Section 58-35 to clarify bulk and excess yard waste pick-ups; Rescinding Section 58-62 to rescind monthly billing; Rescinding Section 58-63 to rescind delinquency provisions; Amending Section 58-66 to adjust the conversion rate for non-compaction containers; Amending Section 58-68 regarding commercial solid waste accounts; Amending Section 58-71 Trash Haulers; Rescinding Section 58-72 responsibility of owner and tenant for payment; Rescinding Section 58-73 regarding issuance of business tax receipt; Amending Section 58-82 to amend residential recyclable materials; Amending Section 58-84 regarding collection containers of residential recyclable materials; Amending Section 58-86 to include white goods in the anti-scavenger clause; Adding Division V - Sections 58-100 through 58-115 to establish regulations for implementing an annual solid waste assessment for residential properties and billing regulations for commercial and government properties; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Vitas

A motion was made by Commissioner Wardlow, seconded by Commissioner Johnston, that the Ordinance be Passed to Second Reading on June 18, 2013. The motion carried by the following vote:

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

18

An Ordinance of the City of Key West, Florida, amending Chapter 74 of the Code of Ordinances entitled "Utilities," Article V, Stormwater Utility, to convert monthly stormwater billing to a non ad valorem assessment on the property tax roll beginning in FY 2014; By amending Section 74-361 to add definitions; Amending Section 74-365 to provide for user fee; Repealing Section 74-366 and replacing it with a new Section 74-366 regarding stormwater service assessments; Adding a new Section 74-367 to provide for stormwater improvement assessments; Adding a new Section 74-368 to provide for an initial assessment resolution; Adding a new Section 74-369, Stormwater Assessment Roll; Adding Section 74-370 to provide notice by publication; Adding Section 74-371 to provide notice by mail; Adding Section 74-372 to provide for final assessment resolution; Adding Section 74-373 to provide an annual rate resolution; Adding Section 74-374 to provide effect of stormwater resolutions; Adding Section 74-375 to provide for lien of stormwater assessments; Adding Section 74-376 to provide a method of collection of stormwater assessments; Adding Section 74-377 to provide an alternative method of collection of stormwater assessment; Adding Section 74-378 to provide for collection of stormwater assessments from government property; Adding Section 74-379 to provide responsibility for enforcement; Adding Section 74-381 to provide for procedural irregularities; Adding Section 74-382 to provide for correction of errors and omissions; Adding Section 74-383, Applicability; Adding Section 74-484 alternative method; Renumbering Section 74-367 to 74-385; Renumbering Section 74-368 to 74-386; Renumbering Section 74-369 to Section 74-387 and adjusting the Equivalent Stormwater Unit (ESU) Rate; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Vitas

A motion was made by Commissioner Wardlow, seconded by Commissioner Weekley, that the Ordinance be Passed to Second Reading on June 18, 2013. The motion passed with six (6) in favor and Commissioner Rossi opposed.

19

An Ordinance of the City of Key West, Florida, amending Chapter 2 of the Code of Ordinances entitled "Administration" by adding Section 2-773, "Cone of Silence" to provide for limitations and procedures regarding communications concerning City issued competitive solicitations; Providing penalties for violations; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Attorney Smith

A motion was made by Commissioner Rossi, seconded by Commissioner Johnston, that the Ordinance be Passed to Second Reading on June 18, 2013. The motion carried by the following vote:

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

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

8:29 pm