



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Tuesday, December 3, 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

6:00 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 John Baker, The Basilica of St. Mary's Star of the Sea Catholic Church

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

PROCLAMATIONS

1 Guidance/Care Center Day

Sponsors: Mayor Cates

Received and Filed

2 National Homeless Persons Memorial Day

Sponsors: Mayor Cates and Commissioner Weekley

Received and Filed

PRESENTATIONS

- 3 Be The Change of the Florida Keys Community Partnership - Heidi Golightly

Sponsors: Commissioner Wardlow

Received and Filed

City Attorney's Report

City Manager's Report

- Truman Waterfront Phasing Plan and Status Update
- Old Town Fire Station Update – Michael Ingram

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 *November 6, 2013 (Regular)

Approved

RESOLUTIONS

- 5 *Authorizing Walker International Events, Inc. the use of the south west corner field of the Truman Waterfront for a small family circus with showtimes on Thursday, January 23 and Friday, January 24, 2014 at 5:30 & 7:30 P.M.; and Saturday, January 25, 2014 at 3:00 & 5:30 P.M. and Sunday, January 26, 2014 at 2:00 & 4:30 P.M.; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances during the event.

Sponsors: City Manager Vitas

Passed

Enactment No: Res 13-305

- 6 *Authorizing Ragnar Relay Florida Keys to hold a relay starting in Key Biscayne and ending in Key West at Salute Higgs Beach on February 8, 2014 from 4:00 A.M. to 10:00 P.M.; Authorizing certain street closures thereof during the event; Pursuant to terms and conditions set forth by the City Manager.
- Sponsors:** City Manager Vitas
- Passed**
- Enactment No: Res 13-306
- 7 *Authorizing the Key West Rotary Club Foundation, Inc. to conduct the 3rd Annual "Key West Conchfest" at Bayview Park on Saturday, March 1, 2014 from 7:00 A.M. to 10:00 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 7:00 A.M. to 10:00 P.M.
- Sponsors:** City Manager Vitas
- Passed**
- Enactment No: Res 13-307
- 8 *Authorizing Free Public Transportation Bus Services in Key West and the Lower Keys from December 23 through and including December 24, 2013.
- Sponsors:** City Manager Vitas
- Passed**
- Enactment No: Res 13-308
- 9 *Authorizing Free Metered Parking in Old Town from December 23 through and including December 25, 2013.
- Sponsors:** City Manager Vitas
- Passed**
- Enactment No: Res 13-309
- 10 *Authorizing the expenditure of up to \$7,000.00 from the Law Enforcement Officers Trust Fund (State Forfeiture Funds) for Key West Police Explorers Program.
- Sponsors:** City Manager Vitas
- Passed**
- Enactment No: Res 13-310

- 11 *Awarding the Bid of Lifetime Dock & Lumber in response to Invitation to Bid (ITB) #13-022 for Key West Bight Ferry Terminal Boat Lifts for use by the Key West Police Department, in the total of \$31,491.00; Approving necessary budget transfers; Authorizing the City Manager to execute a contract.
- Sponsors: City Manager Vitas
- Passed**
- Enactment No: Res 13-311
- 12 *Authorizing pursuant to Section 2-797(3) the purchase of a Johnson VT 651 Sweeper from Pat's Pump and Blower for \$248,731.00 through piggybacking on the Florida Sheriff's Association and Florida Association of Counties Bid No. 13-11-0904 Contract; Approving a budget transfer.
- Sponsors: City Manager Vitas
- Passed**
- Enactment No: Res 13-312
- 13 *Authorizing a purchase from Site Horizons, Inc. of 34 trash/recycling stations, 34 trash cans, 18 recycle can lids and 150 replacement liners for public right-of-way containers as brand name products, pursuant to City Code Section 2-797(1), and 2-844, for use on public right-of-way in an amount not to exceed \$137,362.60.
- Sponsors: City Manager Vitas
- Passed**
- Enactment No: Res 13-313
- 14 *Exercising the two-year renewal option contained in the contract for General Services between the City and Douglas N. Higgins, Inc., approved in Resolution 10-319 in response to Invitation to Bid (ITB) #10-015.
- Sponsors: City Manager Vitas
- Passed**
- Enactment No: Res 13-314

- 15** *Approving Task Order No. 5-13-SWR from CH2M Hill Engineering, Inc. in an amount not to exceed \$139,274.00 for the Bid and Construction Phase for Pump Station F Improvements.
- Sponsors:** City Manager Vitas
- Passed**
- Enactment No: Res 13-315
- 16** *Approving Task Order No. 3-13-SWR from CH2M Hill Engineering, Inc. in an amount not to exceed \$151,988.00 for Engineering Services for the Design and Bid Phase for Concrete Repairs at the Richard A. Heyman Environmental Protection Facility.
- Sponsors:** City Manager Vitas
- Passed**
- Enactment No: Res 13-316
- 17** *Approving a Deductive Change Order to Task Order No. 4-12-SWR from CH2M Hill Engineering, Inc. in the amount of \$30,328.00 for Engineering Services for the Design, Permitting, and Bid Phase Services for the Fleming Key Bridge Pipe Support and Piling Repairs.
- Sponsors:** City Manager Vitas
- Passed**
- Enactment No: Res 13-317
- 18** *Authorizing Modification Number Two to the Subgrant Agreement between the Division of Emergency Management and the City of Key West, to modify Contract Number 13-HM-3B-11-54-02-136 in order to reinstate and extend the terms of the Phase II Agreement for the Construction of the George Street Stormwater Pump Assisted Outfall Project to April 22, 2014.
- Sponsors:** City Manager Vitas
- Passed**
- Enactment No: Res 13-318

- 19 *Approving the attached Supplemental Joint Participation Agreement Number Three to the Joint Participation Agreement (JPA) for Contract AQN20 between the Florida Department of Transportation (FDOT) and the City of Key West, to increase the maximum participation or grant award from FDOT from \$3,781,266.00 to a total of \$4,215,800.00 to be used for construction costs of the New Transit Facility and/or other related capital expenses at 5701 College Road, Key West, Florida.

Sponsors: City Manager Vitas

Withdrawn

- 20 *Accepting the attached Grant Award package for Grant No. EMW-2013-PU-00094 from the Department of Homeland Security/FEMA Port Security Grant Program (PSGP) in the amount of \$60,000.00 for the purchase and installation of a mobile security building at the Truman Waterfront Navy Mole Gate (City Match - \$20,000.00); Authorizing necessary budget amendments and transfers.

Sponsors: City Manager Vitas

Passed

Enactment No: Res 13-319

- 21 *Authorizing the settlement of the matter of Mary Ellen Kastl; Authorizing the City Manager to Execute Settlement Documents.

Sponsors: City Attorney Smith

Passed

Enactment No: Res 13-320

Approval of the Consent Agenda

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

- 22 Directing the City Manager to restore the multi-use field at the Truman Waterfront.

Sponsors: Commissioner Yaniz

Postponed

23 Approving the attached 2014 meeting schedule for the Key West City Commission.

Sponsors: City Manager Vitas

A motion was made by Commissioner Wardlow, seconded by Commissioner Lopez, that the Resolution be Passed as amended. 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

Enactment No: Res 13-321

24 Awarding the Bid of EE & G Environmental Services, LLC for Beach Cleaning Services in response to ITB Number 14-001; Authorizing the City Manager to negotiate and execute a contract.

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:

Absent: 1 - Commissioner Rossi

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

Enactment No: Res 13-322

25 Ratifying an emergency repair to the front end loader at the Transfer Station by G.S. Equipment, Inc. in the amount of \$21,657.40 approved by the City Manager in excess of \$20,000.00 as allowed under Section 2-797(2) of the City's Code of Ordinances; Authorizing necessary budget transfers.

Sponsors: City Manager Vitas

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 13-323

- 26 Accepting the attached Grant Award package for Grant No. EMW-2013-PU-00417 from the Department of Homeland Security/FEMA Port Security Grant Program (PSGP) in the amount of \$54,033.00; Approving a scope of work change to reprogram the funding (City Match - 25%); Authorizing necessary budget amendments and transfers.

Sponsors: City Manager Vitas

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

Enactment No: Res 13-324

ORDINANCES - SECOND READING (Public Hearing)

- 27 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 78-67 and Amending 78-198 to provide for the conversion of Contract Vehicle for Hire Licenses to Wheelchair Accessible Passenger Vehicle for Hire Licenses, Operations 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 failed by the following vote:

No: 4 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow and Commissioner Yaniz

Absent: 1 - Commissioner Rossi

Yes: 2 - Commissioner Weekley and Mayor Cates

- 28 An Ordinance of the City of Key West, Florida, Amending Chapter 26 Entitled "Environment", Division 3 Entitled "Use of Beaches Located on City Property" by Amending Section 26-62 to clarify prohibitions; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Attorney Smith

A motion was made by Commissioner Wardlow, seconded by Commissioner Yaniz, that the Ordinance be Adopted. 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

Enactment No: Ord 13-22

29

An Ordinance of the City of Key West, Florida, Amending Chapter 26 Entitled "Environment", Division 4 Entitled "Use of Parks Located on City Property" by Amending Section 26-97 to clarify prohibitions; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Attorney Smith

A motion was made by Commissioner Weekley, seconded by Commissioner Wardlow, that the Ordinance be Adopted. 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

Enactment No: Ord 13-23

30

An Ordinance amending the Key West Comprehensive Plan by amending the Policy 1-1.1.8: Allowed Uses in the Historic Residential Commercial Core-4 of the Land Use Element as provided for in Chapter 90, Article VI, Amendments, Division 3, Comprehensive Plan Amendments, based upon the revocation of the Mole Pier and the Truman Harbor previously deeded by the Navy and the adopted Truman Waterfront Park Master Plan; Providing for transmittal to the State Land Planning Agency; Providing for the filing with Secretary of State; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Vitas

A motion was made by Commissioner Weekley, seconded by Commissioner Wardlow, that the Ordinance be Adopted. The motion passed by a unanimous vote.

Enactment No: Ord 13-24

31

An Ordinance of the City of Key West, amending Chapter 122, of the Land Development Regulations of the Code of Ordinances entitled "Zoning" by amending the HRCC-4 Zoning District Section 122-756 entitled "Intent"; Amending Section 122-757 entitled "Uses Permitted"; Amending Section 122-758 entitled "Conditional Uses"; Amending Section 122-759 entitled "Prohibited Uses"; and Amending Section 122-760 entitled "Dimensional Requirements"; and Amending the HPS-1 Zoning District Section 122-966 entitled "Intent"; Amending Section 122-967 entitled "Uses Permitted"; Amending Section 122-968 entitled "Conditional Uses"; and Amending Section 122-970 entitled "Dimensional Requirements" for amendments to Zoning District Regulations for the lands within the designated Truman Waterfront Park area; and Amending Supplementary District Regulations by amending Section 122-1111 entitled "Table of Land Uses by District"; and Amending Section 122-1151 entitled "Table of Size and Dimension Regulations"; Providing for severability; Providing for the repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Vitas

A motion was made by Commissioner Johnston, seconded by Commissioner Wardlow, that the Ordinance be Adopted. The motion passed by a unanimous vote.

Enactment No: Ord 13-25

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

9:22 P.M.