



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Tuesday, November 15, 2011

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 P.M.

ROLL CALL

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

INVOCATION - Father Hooper, St. Paul's Episcopal Church

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

PROCLAMATIONS

1 Take Stock in Children Week Twelve Year Anniversary

Sponsors: Mayor Cates

Attachments: [Proclamation](#)

Received and Filed

2 World AIDS Day

Sponsors: Commissioner Lopez and Mayor Cates

Attachments: [Proclamation](#)

Received and Filed

PRESENTATIONS

- 3 Recreational Vehicles (RV's) and Trailered Vessels parking in the City right-of-way.

Sponsors: City Manager Scholl

Attachments: [Executive Summary](#)
 [Powerpoint](#)

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.**

APPROVAL OF MINUTES

- 4 *November 1, 2011 (Regular)

Attachments: [Minutes](#)

Passed

RESOLUTIONS

- 5 *Authorizing the naming of an alleyway behind Kino Plaza as "Kino Alley".

Sponsors: Commissioner Weekley

Attachments: [Resolution](#)
 [Support Document](#)
 [Plat map page showing Alley](#)

Passed

Enactment No: Res 11-310

- 6 *Appointing Commissioner Tony Yaniz as City Commission Liaison to Keys Energy Services.

Sponsors: Commissioner Yaniz

Attachments: [Resolution](#)

Passed

Enactment No: Res 11-311

- 7 *Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to the Turtle Kraals Restaurant at 231 Margaret Street for a Howard Livingston Band Concert & Auction during the hours of 5:00 p.m. to 9:00 p.m. on Saturday, November 26, 2011.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Application](#)
[Advertisement](#)

Passed

Enactment No: Res 11-312

- 8 *Sponsoring a Holiday Season Parade on Saturday, December 3, 2011 between 7:00 p.m. and 10:00 p.m. authorizing the closure of certain streets for the parade.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Advertisement](#)

Passed

Enactment No: Res 11-313

- 9 *Authorizing DEJ Management & Promotions, Inc. to conduct a Boxing Event at Mallory Square on Friday, January 6, 2012, from 6:30 p.m. to 12:00 a.m.(set up date, January 5, 2012 starting at 9:00 a.m.); Granting a Special Event Permit pursuant to Section 6-86 of the Code Of Ordinances starting on Thursday, January 5, 2012 at 9:00 a.m. to 8:00 p.m. and on Friday, January 6, 2012 from 6:30 p.m. to 12:00 a.m.; Pursuant to terms and conditions set forth by the City Manager.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Application](#)
[Site Map](#)
[Advertisement](#)

Passed

Enactment No: Res 11-314

- 10 *Approving transfer of Mobile Vendor License #12787 from Cecilia Pryjomski to David Einhorn due to hardship

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Request for Transfer](#)
[Notarized Transfer Request](#)

Passed

Enactment No: Res 11-315

- 11 *Approving transfer of Mobile Vendor License (MVL) #12789 from Louis Condos to Stephen Bryan due to hardship.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Supporting Document](#)

Passed

Enactment No: Res 11-316

- 12 *Authorizing pursuant to Section 2-771 (3) c of the Code of Ordinances the disposal of one 2001 Gillig Phantom low floor Bus (#806).

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Sworn Statement Document](#)

Passed

Enactment No: Res 11-317

- 13 *Authorizing pursuant to Section 2-797 (3) and 2-844 (A) and (B) of the Code of Ordinances the purchase of Dell Computers and

accessories from Dell Marketing L.P. in the amount of \$44,723.19.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)

Passed

Enactment No: Res 11-318

- 14 *Authorizing the City Manager to accept a 2012 Highway Safety Grant from the Florida Department of Transportation (FDOT) in the amount of \$95,000.00 for the Key West Pedestrian and Bicycle Safety Initiative Project Number PS 12-08-09.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Grant Award Letter](#)
[DOT Grant Narrative and Budget Sheet](#)

Passed

Enactment No: Res 11-319

- 15 *Authorizing the Key West Police Department to accept Grant Award No. 2011UMWX0042 in an amount of \$885,796.00 through the Community Oriented Policing Service Hiring Program (COPS).

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Police Department Staffing 04-05](#)
[Cost summary](#)
[COPS Award Notifications](#)
[2011 COPS Hiring Grant Application](#)
[Federal Grant Conditions](#)

Passed

Enactment No: Res 11-320

- 16 Authorizing Executive Adventures, LLC to conduct a World Sailfish Championship and Tournament Festivities at Mallory Square Plaza starting on Tuesday, April 17 through Saturday, April 21, 2012 from 12:00 Noon to 12:00 Midnight (set up April 13 - 17, 2012 and breakdown April 21 - 23, 2012); Pursuant to terms and conditions set forth by the City Manager; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 11:00 A.M. to 12:00

Midnight; Authorizing the sale and consumption of alcoholic beverages within an enclosed area; Approving a five year contract starting on 2012 through 2016 with Executive Adventures; Providing payments to the City.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Application](#)
[Agreement](#)

Item is postponed to December 6 meeting.

Approval of the Consent Agenda

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

17

Authorizing the Duval Street Improvement Association to establish the Duval Street Café Zone on Friday and Saturday evenings from November 12, 2011 through April 14, 2012 from 6:00 P.M. to 12:00 A.M. pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Duval Street between Angela Street and Fleming Street; Authorizing the sale and consumption of alcoholic beverages within the designated area; Providing conditions.

Sponsors: Commissioner Weekley

Attachments: Resolution
Proposed layout of Cafe Zone
Guidelines

Withdrawn

18

Authorizing the Key West Rotary Club Foundation, Inc. to conduct the 2nd Annual "Key West Conchfest" at Bayview Park on Saturday, March 3, 2012 from 7:00 a.m. to 10:00 p.m.; Pursuant to terms & 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 Scholl

Attachments: [Resolution](#)
[Application](#)
[Site Map](#)
[Advertisement](#)

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

vote.

Enactment No: Res 11-321

- 19 Approving the attached 'Sovereignty Submerged Land Lease Renewal' between the City and the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for the Key West Bight Area, effective May 21, 2011.

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Submerged Land Lease](#)

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 11-322

- 20 Approval of Task Order # 1-12- PORTS from CH2M Hill Engineering, Inc. in the amount of \$111,310.00 for Geotechnical exploration studies at five locations within the City of Key West.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Study locations](#)
 [Task Order agreement](#)
 [Quote 1 Nutting Engineers](#)
 [Quote 2 Kaco](#)
 [Quote 3 Ardaman](#)

A motion was made by Commissioner Rossi, 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 11-323

- 21 Discontinuing all work on the Virginia Street sidewalk project (project FM 426517-1) and terminating all outstanding agreements without further expense to the City.

Sponsors: Commissioner Lopez

- Attachments:** [Resolution](#)
 [New Executive Summary 11-22-11](#)
 [Presentation Revised 11-22-11](#)
 [Executive Summary](#)
 [Presentation](#)
 [2011 State of Florida Highway Safety Performance Plan](#)
 [FDOT Grant Selection Process](#)

A motion was made by Commissioner Rossi, seconded by Commissioner Johnston, that the Resolution be Postponed to November 22, 2011 Special City Commission Meeting. The motion carried by the following vote:

- No:** 1 - Commissioner Wardlow
- Yes:** 6 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

22

Directing the City Manager to take all necessary steps to construct a new Fire Station on the former Madeline Bean Building site and continue to utilize the Station at 525 Angela Street until completion of the new Fire Station.

Sponsors: Commissioner Wardlow

Attachments: [Resolution](#)

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

Enactment No: Res 11-324

23

Invoking the Zoning in Progress Doctrine; Declaring that the City is considering amendments to the future land use element of the Comprehensive Plan and revision to Land Development Regulations in response to the proposed sale of Military property to a non-governmental entity; Assigning an interim zoning designation to the property; Continuing this policy until amended Land Development Regulations are adopted by the City Commission; Providing for severability.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Planning Board Resolution 2011-050](#)
[Support Documents on Zoning in Progress / Peary Court](#)
[Mailing List](#)

A motion was made by Commissioner Rossi, 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 11-325

24 Aligning the appointments to the City of Key West Historic Architectural Review Commission.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Ordinance 11-10](#)
[Ordinance 11-10 DCA Determination](#)
[Planning Board Resolution 2011-029](#)

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

Enactment No: Res 11-326

ORDINANCES – FIRST READING

25 An Ordinance of the City of Key West, Florida, amending Chapter 70 of the Code of Ordinances entitled "Traffic and Vehicles", Article XI "Wreckers and Towing Service" by adding Division 3 "Non-consensual Private Towing Services", Sections 70-701, 70-702, 70-703, 70-704, 70-705, 70-706, 70-707, 70-708, 70-709 and 70-710 to provide for authority, purpose and definitions in enacting regulations governing nonconsensual tows; Providing for the issuance of operating permits; Providing for the setting of rates and requirements for non-consensual tows; Providing for enforcement and penalties; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Mayor Cates and Commissioner Rossi

Attachments: [Ordinance](#)
[Letter from Towing Companies](#)

A motion was made by Commissioner Rossi, seconded by Commissioner Lopez, that the Ordinance be Passed to Second Reading on December 6. The

motion carried by the following vote:

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

26

An Ordinance of the City of Key West, Florida supplementing Ordinance No. 03-15; Authorizing the issuance of not exceeding \$6,400,000.00 Sewer System Revenue Bonds, series 2011, of the City to finance sewer projects originally funded through the State of Florida Department of Emergency Management and paying costs of issuance related thereto; Pledging a parity lien on the net revenue of the sewer system for the payment of such bonds; Providing for the rights of the registered owners of such bonds; Appointing a bond registrar and paying agent; Authorizing the private negotiated sale of such bonds to a national banking organization with a designated office in the State of Florida selected by the City Commission pursuant to a request for proposals conducted in compliance with State law and the Code of Ordinances of the City of Key West pursuant to the terms and conditions described herein and in the commitment; Designating such bonds as qualified tax-exempt obligations within the meaning of the Internal Revenue code; Establishing the reserve requirement for such bonds; Authorizing an amendment to the reserve account requirement upon consent of a majority of bondholders; Providing certain other matters in connection therewith; Providing for an effective date.

Sponsors: City Manager Scholl

Attachments: [Ordinance](#)
[Executive Summary](#)
[Exhibit A](#)
[Exhibit B](#)
[Exhibit C](#)
[Exhibit D](#)
[Letter from Bryant, Miller and Olive](#)
[Loan Timetable](#)
[Request for Proposals](#)
[Florida Dept. of Emergency Management Letter](#)
[Fitch Ratings Affirms Key West AA- Bond Rating](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Rossi, that the Ordinance be Passed to Second Reading on December 6. The motion carried by the following vote:

No: 1 - Mayor Cates

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

ORDINANCES - SECOND READING (Public Hearing)

27

An Ordinance of the City of Key West, Florida, authorizing assignment of all stock in Duck Tours Seafari, Inc. from Duck Tours Seafari, LLC to Michael Thomas, JR., pursuant to Section 6 of the Franchise granted in Key West Ordinance No. 11-02; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

Attachments: [Ordinance](#)
[Guaranty](#)
[Duck Tours Seafari Request](#)
[Franchise Agreement Ordinance 11-02](#)

A motion was made by Commissioner Rossi, seconded by Commissioner Lopez, that the Ordinance be Adopted. 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 11-21

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

10:47 P.M.