



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Tuesday, April 5, 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

6:05 P.M.

ROLL CALL

Absent 1 - Commissioner Rossi

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

INVOCATION - Rabbi Simon Dudai, Congregation B’Nai Zion Synagogue

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

COMMENDATIONS

- 1 Key West High School Academic Excellence Award
- Jordan Pfof and Acola Remy

Sponsors: Mayor Cates

Received and Filed

- 2 Key West High School Excellence in Visual, Performing and Vocational Arts Award
- Dominic Giardino and Tesia Theriault

Sponsors: Mayor Cates

Received and Filed

- 3 Key West High School Outstanding Achievement/Unsung Hero Award
- Marta Staniec and Alioht Valdez-Marrero

Sponsors: Mayor Cates

Received and Filed

PROCLAMATIONS

- 4 Children's Day in Key West

Sponsors: Mayor Cates

Received and Filed

- 5 Comcast Cares Day

Sponsors: Mayor Cates

Received and Filed

- 6 Water Conservation Month

Sponsors: Mayor Cates

Received and Filed

PRESENTATIONS

- 7 Sustainability Advisory Board's Annual Report

Sponsors: Commissioner Johnston

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

8 *February 8, 2011 (Workshop)

Passed

9 *February 15, 2011 (Regular)

Passed

10 *March 1, 2011 (Regular)

Passed

11 *March 15, 2011 (Regular)

Passed

RESOLUTIONS

12 *Reappointing John G. Parks, Jr. to the Housing Authority of the City of Key West Board of Commissioners.

Sponsors: Mayor Cates

Passed

Enactment No: Res 11-093

13 *Reappointing Roosevelt Sands, Jr. to the Housing Authority of the City of Key West Board of Commissioners.

Sponsors: Mayor Cates

Passed

Enactment No: Res 11-094

14 *Appointing Michael Marrero to the Art In Public Place Board.

Sponsors: Commissioner Wardlow

Passed

Enactment No: Res 11-095

- 15 *Granting a Special Event Permit pursuant to Section 6-68 of the Code of Ordinances to the We've Got The Keys for an event to take place during the hours of 6:00 P.M. to 10:00 P.M. on Thursday, April 7, 2011 at the Southernmost House 1400 Duval Street.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 11-096

- 16 *Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to the Key West Songwriters Festival for an event to take place during the hours of 6:00 P.M. to 8:00 P.M. on Wednesday, April 27, 2011 at the Ocean Key House Resort Sunset Pier.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 11-097

- 17 *Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to the Key West Songwriters Festival for event to take place during the hours of 8:00 P.M. to 11:00 P.M. on Saturday, April 30, 2011 at the Conch Republic Seafood Company.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 11-098

- 18 *Extending the Contract for Sidewalk Enhancements Phase V - Eisenhower Drive Sidewalks, Telegraph Lane Sidewalks and Petronia Street/Whitehead Ramps with Charley Toppino and Sons, Inc. until December 31, 2011.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 11-099

- 19 *Accepting pursuant to Section 7-797(4)(B) of the Code of Ordinances the attached proposal of Murray Marine, Inc. in the total amount of \$21,778.00 for two Mercury Marine 250HP Opti-Max Outboard Engines for use by the Key West Police Department Marine Unit; Authorizing trade-in of used motors.
- Sponsors:** City Manager Scholl
- Passed**
- Enactment No: Res 11-100
- 20 *Approving the attached Key West Comprehensive Emergency Management Plan 2010 (CEMP).
- Sponsors:** City Manager Scholl
- Passed**
- Enactment No: Res 11-101
- 21 *Accepting Amendment Number One to Historic Preservation Grant No. F1005 from the State of Florida, Department of State, Division of Historical Resources, for updating the Historic Resources Survey of Key West, for a total Grant Award of \$50,000.00.
- Sponsors:** City Manager Scholl
- Passed**
- Enactment No: Res 11-102
- 22 *Authorizing the Settlement of Denton v. Key West, Case Number 2010-DR-937-K; Authorizing the City Manager to execute settlement documents.
- Sponsors:** City Attorney Smith
- Passed**
- Enactment No: Res 11-103
- 23 *Approving an Easement of approximately 307.26 square feet at the end of Caraballo Lane to address the encroachment of a proposed security gate at the rear of property located at 327 William Street, Key West, Florida (RE #00003270-000000); Providing fees and conditions.
- Sponsors:** City Manager Scholl
- Postponed to May 3, 2011**

Approval of the Consent Agenda

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

24

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, Inc., The Key West Cultural Preservation Society, Bourbon Street Pub, 801 Bourbon Street Bar & Xena Fund for the 2011 Conch Republic Independence Celebration from April 22 through May 1, 2011; Granting an exemption from the Noise Control Ordinance pursuant to Section 6-86 of the Code of Ordinances during the celebration; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

Sponsors: City Manager Scholl

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

Absent: 1 - Commissioner Rossi

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

Enactment No: Res 11-104

25

Authorizing LaTeDa Redux, Inc. to conduct the Queen Mother Pageant on Monday, May 9, 2011 from 12:00 Noon to 12:00 Midnight; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of the 1100 block of Duval Street from 12:00 Noon to 12:00 Midnight; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 7:00 P.M. to 10:30 P.M. (sound check at 4:00 P.M. to 4:30 P.M.); Authorizing the sale and consumption of alcoholic beverages within the enclosed area; Providing for an effective date.

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

Enactment No: Res 11-105

- 26 Awarding the bid of Bella Construction of Key West, Inc. for the Martin Luther King Center Renovations Project in accordance with the terms specified in ITB #11-007 in an amount not to exceed \$350,000.00; Authorizing necessary budget allocations; Authorizing the City Manager to execute contract documents contained in the bid package on behalf of the City of Key West.

Sponsors: City Manager Scholl

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

Absent: 1 - Commissioner Rossi

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

Enactment No: Res 11-106

- 27 Approving the attached Agreement with Gray/Robinson to serve as the City's Florida Legislative and Executive Branch Government Lobbyist.

Sponsors: City Manager Scholl

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

Absent: 1 - Commissioner Rossi

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

Enactment No: Res 11-107

- 28 Authorizing the approval of Task Order 01-2011-STM for Red Oak Consulting, a Division of Malcolm Pirnie, Inc., in an amount not to exceed \$19,750.00 to provide a Rate Study for preparation of the City's Stormwater Billing.

Sponsors: City Manager Scholl

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

No: 1 - Commissioner Wardlow

Absent: 1 - Commissioner Rossi

Yes: 5 - Commissioner Gibson, Commissioner Johnston, Commissioner Lopez, Commissioner Weekley and Mayor Cates

Enactment No: Res 11-108

- 29 Authorizing the approval of Task Order 01-2011-SWR for Red Oak Consulting, a Division of Malcolm Pirnie, Inc., in an amount not to exceed \$19,750.00 to provide a Rate Study for preparation of the City's Wastewater Billing.

Sponsors: City Manager Scholl

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

No: 1 - Commissioner Wardlow

Absent: 1 - Commissioner Rossi

Yes: 5 - Commissioner Gibson, Commissioner Johnston, Commissioner Lopez, Commissioner Weekley and Mayor Cates

Enactment No: Res 11-109

- 30 Approving the attached contract between the City and mbi/k2m Architecture, Inc., for Design, Engineering and Construction Management Services for the Nelson English/Willie Ward Park Enhancement Project in an amount not to exceed \$95,000.00.

Sponsors: City Manager Scholl

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

Enactment No: Res 11-110

- 31 Accepting the Ranking of the Evaluation Committee of respondents to RFP 002-11 for Merchant Services; Authorizing the Evaluation Committee, in conjunction with City Staff, to negotiate a contract in accordance with the accepted proposals with the top ranked firm and each firm thereafter as necessary until an acceptable contract is brought before the Commission.

Sponsors: City Manager Scholl

Resolution amended to select 1st State Bank and eGov Strategies as first and second choice respectively as respondents to RFP 002-11. The motions passed by the following vote:

No: 1 - Commissioner Johnston

Absent: 1 - Commissioner Rossi

Yes: 5 - Commissioner Gibson, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Res 11-111

- 32 Opposing Florida House Bill 883 and Florida Senate Bill 476, which, if passed, would remove most local jurisdiction over vacation rental properties in the City of Key West and the State of Florida.

Sponsors: Commissioner Weekley

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

Absent: 1 - Commissioner Rossi

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

Enactment No: Res 11-112

- 33 Approving an easement of approximately 204 square feet to allow construction of a fence, brick pavers and landscape planting at 1415 Olivia Street, Key West, Florida (RE #00023940-000000); Providing fees and conditions.

Sponsors: City Manager Scholl

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

No: 1 - Commissioner Weekley

Absent: 1 - Commissioner Rossi

Yes: 5 - Commissioner Gibson, Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow and Mayor Cates

Enactment No: Res 11-113

ORDINANCES – FIRST READING

- 34 An Ordinance of the City of Key West, Florida amending Chapter 46, Section 323 the Police and Fire Pension Plan to provide for terms regarding reemployment of Police Officers as Firefighters, and reemployment of Firefighters as Police Officers; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Rossi and Commissioner Wardlow

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

Absent: 1 - Commissioner Rossi

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

35

An Ordinance of the City of Key West, Florida, amending Chapter 70 of the Code of Ordinances entitled "Traffic and Parking" by amending Section 70-246, definitions; Amending Section 247 to clarify the Residential Parking Permit Area; Amending Section 70-248, eligibility; Repealing Section 70-249, additional eligibility; Amending and renumbering Section 70-251, appeal of decisions; and renumbering Sections 70-250 and 70-252; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Weekley

Withdrawn

ORDINANCES - SECOND READING (Public Hearing)

36

An Ordinance of the City of Key West, Florida, amending Chapter 6 of the Code of Ordinances entitled "Amusements and Entertainment"; by amending Section 6-1, to add definitions; Section 6-2 to amend permit, application and appeal processes, adding palm weaving permits and extending 2010 permits; Amending Section 6-3, regarding locations; Amending Section 6-4 by amending permit regulations and prohibitions; Amending Section 6-7 regarding revocation of permits; Amending Section 6-8, adjusting permit fees; Amending Section 6-9 regarding penalty enforcement; 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 this Ordinance be Adopted. The motion carried by the following vote:

No: 2 - Commissioner Johnston and Mayor Cates

Absent: 1 - Commissioner Rossi

Yes: 4 - Commissioner Gibson, Commissioner Lopez, Commissioner Wardlow and Commissioner Weekley

Enactment No: Ord 11-07

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

April 6, 2011 - 12:30 A.M.