



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Tuesday, February 7, 2012

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

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

INVOCATION - Command Chaplin David Martin, NASKW

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

COMMENDATIONS

- 1 Ms. Peggy Ward-Grant

Sponsors: City Manager Scholl

Received and Filed
- 2 Mr. Warren Leamard

Sponsors: City Manager Scholl

Received and Filed

PROCLAMATIONS

3 Wesley House Valentine's Day

Sponsors: Mayor Cates

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

4 *January 3, 2012 (Regular)

Passed

RESOLUTIONS

5 *Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to Luis Perez for a Family Reunion at 2924 Patterson Avenue for an event to take place during the hours of 12:00 Noon to 10:00 P.M. on Saturday, February 18, 2012.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 12-047

- 6 *Authorizing Finnigan's Wake Irish Pub & Eatery to conduct the Annual St. Patrick's Day Celebration on March 17, 2012 from 10:00 A.M. to Midnight; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of James Street between Grinnell & Margaret Streets from 10:00 A.M. to Midnight; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 10:00 A.M. to Midnight; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 12-048

- 7 *Authorizing Amigos Tortilla Bar to conduct a "Cinco de Mayo" fundraiser for the American Cancer Society on the 400 block of Greene Street from the corner of Duval Street to Telegraph Lane Saturday, May 5, 2012 from 5:00 P.M. to 12:00 Midnight; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of the 400 block of Greene Street between Duval Street and Telegraph Lane from 5:00 P.M. to 12:00 Midnight; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 5:00 P.M. to 12:00 Midnight; Authorizing the sale and consumption of alcoholic beverages within the barricaded area.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 12-049

- 8 *Authorizing Bauer Restaurant, dba Key West Songwriters Festival, to conduct a Songwriters Festival on Saturday, May 5, 2012 during the hours of 6:00 P.M. to 11:00 P.M.; Authorizing the closure of the 200 block of Duval Street from 6:00 P.M. to 11:00 P.M.; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 6:00 P.M. to Midnight.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 12-050

- 9 *Approving the attached "First Amendment to Memorandum of Agreement for participating Fort Lauderdale UASI (Urban Area Security Initiative) Agencies" for FY 2008; Authorizing the City Manager to execute the necessary documents.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 12-051

- 10 *Approving the attached "Workforce Services Contract between the South Florida Workforce Investment Board and the City of Key West" for a total grant award of \$35,000.00 to conduct the "Fire Academy Training Program - WIA Youth".

Sponsors: City Manager Scholl

Passed

Enactment No: Res 12-052

- 11 *Authorizing cumulative expenditures during FY 11-12 to entities listed in Attachment "A" in excess of \$20,000.00.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 12-053

- 12 *Approving the attached Concession Agreement between the City and Paul Findlay.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 12-054

- 13 *Adopting the Indirect Cost Study and Cost Allocation Plan, prepared by Malcolm Pirnie, dated July 21, 2011.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 12-055

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.

- 14 Approving the attached Consent Order between the City and the South Florida Water Management District (SFWMD) pertaining to the removal of mangroves on 10th Street; Authorizing the City Manager to execute the Consent Agreement.

Sponsors: City Manager Scholl

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

Enactment No: Res 12-056

- 15 Rejecting the bid received in response to Invitation to Bid (ITB) #12-013 for Cemetery Landscaping Services.

Sponsors: City Manager Scholl

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 12-057

- 16 Approving the attached "Memorandum of Understanding Regarding Parameters for Negotiation of Glynn R. Archer School Property".

Sponsors: Mayor Cates

A motion was made by Commissioner Rossi, seconded by Commissioner Lopez, 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 12-058

- 17 Authorizing the design of a sidewalk on the north side of South Roosevelt Boulevard, using up to six (6) feet of the Bridle Path, to be included in the South Roosevelt Boulevard Reconstruction Project.

Sponsors: City Manager Scholl

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

Enactment No: Res 12-059

- 18 Accepting the recommendations of the Truman Waterfront Advisory Board (TWAB) contained in the attached TWAB Resolution dated January 23, 2012; Modifying Resolution No. 09-051 and Resolution No. 10-277.

Sponsors: City Manager Scholl

A motion was made by Commissioner Johnston, seconded by Commissioner Lopez, 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 12-060

- 19 Authorizing the broadcast of meetings of the Truman Waterfront Advisory Board.

Sponsors: City Manager Scholl

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

No: 2 - Commissioner Johnston and Commissioner Lopez

Yes: 5 - Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

- 20 Supplementing Ordinance No. 03-15, as amended and supplemented by Ordinance No. 12-01, which authorized the issuance of the City's Sewer System Revenue Bonds, Series 2012, to partially 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 revenues 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 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; Providing certain other matters in connection therewith.

Sponsors: City Manager Scholl

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 12-061

21

Approving payment to the Florida Department of Emergency Management (FDEM) in the amount of \$6,268,629.48 to resolve Stafford Act Funds owed from the Sewer and Solid Waste Fund from Hurricane Irene; Approving budget transfers as needed to facilitate payment.

Sponsors: City Manager Scholl

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 12-062

22

Approving the sale of real property commonly known as 529 Front Street (RE Number 00072082-000600); Providing conditions.

Sponsors: City Manager Scholl

A motion was made by Commissioner Weekley, seconded by Commissioner Rossi, that the Resolution be Postponed. The motion carried by the following vote:

No: 1 - Commissioner Yaniz

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

23

Specifying minimum criteria and qualifications for selection of the new City Manager.

Sponsors: City Attorney Smith

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

Enactment No: Res 12-063

ORDINANCES – FIRST READING

- 24 An Ordinance of the City of Key West, Florida, amending Chapter 42 entitled "Miscellaneous Offenses" by amending Section 42-11 "No Panhandling/No Solicitation Areas", redefining the prohibited areas within the City of Key West; Providing for the establishment of allowable Panhandling Zones within prohibited areas; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Mayor Cates

A motion was made by Commissioner Rossi, seconded by Commissioner Lopez, that the Ordinance be Passed to Second Reading on February 22, 2012. The motion carried by the following vote:

No: 2 - Commissioner Wardlow and Commissioner Yaniz

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

- 25 An Ordinance of the City of Key West Florida, amending Chapter 26 of the Code of Ordinances entitled "Environment" by creating Section 26-101 Park Rules to provide for regulations concerning all City Parks; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Johnston

A motion was made by Commissioner Rossi, seconded by Commissioner Johnston, that the Ordinance be Passed to Second Reading on February 22, 2012. 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, amending Chapter 6 of the Code of Ordinances entitled "Street Performers and Street Artists," by amending Section 6-1 Definitions, to provide for an amendment to the definition of the Duval Street Corridor Cultural District; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Lopez

A motion was made by Commissioner Lopez, seconded by Commissioner Weekley, that the Ordinance be Postponed to February 22, 2012. The motion passed by a unanimous vote.

- 27 An Ordinance of the City of Key West, Florida, amending Chapter 2 of the Code of Ordinances entitled "Administration" by adding Section 2-799 to require City contractors to provide equal benefits to Domestic Partners; Providing exceptions; 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 Johnston, that the Ordinance be Passed to Second Reading on February 22, 2012. The motion carried by the following vote:

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

ORDINANCES - SECOND READING (Public Hearing)

- 28 An Ordinance of the City of Key West, Florida, amending Chapter 122 of the Code of Ordinances entitled "Zoning" by amending Section 122-926 to clarify intent; Amending Section 122-928 to clarify cultural and civic activities with accessory/associated commercial sales; Providing for severability; Providing for the repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

A motion was made by Commissioner Weekley, seconded by Commissioner Rossi, 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 12-02

DISCUSSION

- 29 Keys Energy - Hardening Project

Sponsors: City Manager Scholl

Postponed

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

10:13 P.M.