



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Tuesday, September 20, 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

6:06 P.M.

ROLL CALL

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

INVOCATION - NASKW Command Chaplin David Martin

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

ORDINANCES - SECOND READING (Public Hearing)

- 1 An Ordinance of the City of Key West, Florida, Adopting an Ad Valorem Tax General Municipal Millage Rate for FY 2011-2012; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

Attachments: [Ordinance](#)

A motion was made by Commissioner Rossi, seconded by Commissioner Wardlow, that the Ordinance be Adopted as amended and that the final adopted Ad Valorem Tax General Municipal Millage Rate for FY2011-2012 is hereby set at 2.8627 Mills (\$2.8627 per thousand dollars of assessed property value). The 2011-2012 final adopted millage rate is one (1) percent less than the 2011-2012 rolled back rate. The motion carried by the following vote:

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

Enactment No: Ord 11-12

RESOLUTIONS

2 Adopting the Final Budget for FY 2011-2012 and providing appropriations in accordance therewith.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Final Budget for Fiscal Year 2011-2012](#)

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 Gibson, Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Res 11-262

COMMENDATIONS

3 Key West High School for Excellence in the Visual, Performing and Vocational Arts
John Koenig

Sponsors: Mayor Cates

Attachments: [John Koenig](#)

Received and Filed

4 Key West High School Academic Achievement Award
Robyn DeRoche and Katelyn Garcia

Sponsors: Mayor Cates

Attachments: [Robyn DeRoche](#)
[Katelyn Garcia](#)

Received and Filed

5 Key West High School Outstanding Achievement/Unsung Hero Award
Marlee Gil and Ryan Wagner

Sponsors: Mayor Cates

Attachments: [Marlee Gil](#)
[Ryan Wagner](#)

Received and Filed

PRESENTATIONS

City Attorney's Report

City Manager's Report

Update on Strategic Plan (Commissioner Weekley)

Update on alternate side of street sweeping (Commissioner Weekley)

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.**

RESOLUTIONS

6 *Authorizing Fogarty's to conduct a Red Party event at 227 Duval Street on Wednesday, October 26, 2011 from 12:00 Noon to 4:00 A.M. pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Caroline Street between Duval and Simonton Streets from 8:00 A.M. to 4:00 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 Scholl

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

Passed

Enactment No: Res 11-263

7 *Authorizing Rotary Club of Key West, Florida, Inc. to conduct a Reggae Concert at the Truman Waterfront southwest field on Friday, November 18, 2011, from 5:30 P.M. to 11:30 P.M.; Pursuant to terms

and conditions set forth by the City Manager; Authorizing the sale and consumption of alcoholic beverages within an enclosed area; Granting an exemption from the Noise Control Ordinance pursuant to Section 6-86 of the Code of Ordinances during the event.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[*Large file* Application](#)
[Advertisement](#)

Passed

Enactment No: Res 11-264

- 8 *Authorizing Ragnar Relay Florida Keys to hold a relay starting in Miami and ending in Key West at the Southernmost Beach Cafe on Saturday, January 7, 2012; Authorizing the closure of South Street from Simonton to Duval and Duval Street from South Street to end of Duval Street from 6:00 A.M. to 10:00 P.M.; Pursuant to terms and conditions set forth by the City Manager.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[*Large file* Application](#)
[Advertisement](#)

Passed

Enactment No: Res 11-265

- 9 *Authorizing Kelly's Caribbean and Premier Racing to conduct a street closure during Premier Racing on Friday, January 13 through Friday, January 20, 2012 from 8:00 A.M. to 8:00 P.M.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Caroline Street between Whitehead Street and Telegraph Lane between the hours of 8:00 A.M. to 8:00 P.M.

Sponsors: City Manager Scholl

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

Passed

Enactment No: Res 11-266

- 10 *Approving the attached "Amendment No. 1 to the Interlocal Agreement between Monroe County and the City of Key West, for joint participation in Grant Agreement No. ARS010"; Authorizing the City Manager to execute the necessary documents.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Interlocal Agreement](#)
[Amendment No 1](#)
[Resolution 10-303](#)
[EECBG Grant Agreement](#)

Passed

Enactment No: Res 11-267

- 11 *Authorizing the disposal of surplus City property known as one decommission 2006 Ford Expedition K-9 SUV as a donation to the Florida Keys SPCA pursuant to Section 2-771 (3) of the Code of Ordinances; Providing conditions.

Sponsors: City Manager Scholl

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

Passed

Enactment No: Res 11-268

- 12 *Appointing Barbara Bowers to the Historic Architectural Review Commission (HARC) as an alternate member.

Sponsors: Mayor Cates

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

Passed

Enactment No: Res 11-269

- 13 *Appointing George Galvan to the Historic Architectural Review Commission (HARC) as an alternate member.

Sponsors: Mayor Cates

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

Passed

Enactment No: Res 11-270

Approval of the Consent Agenda

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

- 14 Awarding Invitation to Bid (ITB #11-019) to Alex's Auto Wrecking Inc., for the purchase of surplus vehicles and equipment, for the total amount of \$19, 038.30.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[City Clerk's bid tabulation memo](#)
[ITB 11-019](#)
[Surplus Vehicle Disposal Inventory](#)
[Alex's Bid proposal](#)
[Arnolds Towing Bid Proposal](#)

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

Enactment No: Res 11-271

- 15 Approving Task Order No. 11-11 STM from CH2M Hill Engineering, Inc. in an amount not to exceed \$69,894.00 for Engineering Services for the re-design permitting, and bid phase services for the stormwater pump station and outfall system for the George Street drainage area.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Task Order 11-11 STM](#)
[Resolution 09-082](#)

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

Enactment No: Res 11-272

- 16 Authorizing modification number three to a subgrant agreement with Florida Division of Emergency Management in order to reinstate and extend the term and increase federal funding share of FEMA Grant Contract 09HM-37-11-54-02-30 (George/First Street Pump Station outfall).

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[FEMA George Modification #3](#)
[Resolution 09-006](#)
[Resolution 09-195](#)
[Resolution 11-213](#)

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

Enactment No: Res 11-273

- 17 Requesting the U.S. Congress to proceed with a process of certifying the Army Corps of Engineers Reconnaissance Report and directing a feasibility study to determine whether widening Key West Channel Cut B is possible; Authorizing City staff to pursue funding from public and private sources for the feasibility study.

Sponsors: City Manager Scholl

Attachments: Resolution
Executive Summary
Key West Harbor Reconnaissance Study 2010

Withdrawn

- 18 **Major Development Plan and Conditional Use - 512 Greene Street (RE# 00001170-000000)**

Approving modification to the Major Development Plan and Conditional Use previously approved by Resolution 09-242 to permit reconfiguration of a parking lot, elimination of previously required ingress and egress Easement, relocation of garbage storage and pick-up areas, and to modify conditions to permit outdoor consumption area for the property located at 512 Greene Street (RE #00001170-000000); Providing conditions.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Planning Board Resolution 2010-035](#)
[Staff Report](#)
[Site Plans](#)
[Application](#)
[DRC Minutes and Comments](#)
[Property Appraisers Information](#)
[Concurrency Analysis](#)
[Planning Board Resolution 2010-024](#)
[*Large File* Resolution 09-242](#)

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

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

Enactment No: Res 11-274

19

Minor Development Plan - 241 Margaret (RE# 00072082-004501)

Approving a Minor Development Plan for real property located at 241 Margaret Street; Providing for conditions.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Planning Board Resolution 2011-043](#)
[Planning Board Staff Report](#)
[CRA Resolution 11-069](#)
[Application](#)
[Site Plans](#)
[Parking and Trip Analysis](#)
[Coordination and DRC](#)
[Concurrency](#)
[Site Contamination Report](#)

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

No: 3 - Commissioner Gibson, Commissioner Rossi and Mayor Cates

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

Enactment No: Res 11-275

ORDINANCES – FIRST READING

20

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

Attachments: [Ordinance](#)
[Exhibit A](#)
[Exhibit B](#)
[Exhibit C](#)
[Exhibit D](#)
[Exhibit E](#)

Withdrawn

- 21 An Ordinance of the City of Key West, Florida, Amending Chapter 18 entitled "Businesses", Division 3 entitled "Open Containers" by amending Section 18-86 to amend definitions; Amending Section 18-87 to clarify prohibitions; Providing for severability; Providing for repeal of inconsistent provision; Providing for an effective date.

Sponsors: Mayor Cates

Attachments: [Ordinance](#)

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

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

- 22 An Ordinance of the City of Key West, Florida, Amending Chapter 26, entitled "Environment", Division 3, entitled "Use of Beaches on City Property" by amending Section 26-62, to amend definitions; Amending Division 4, entitled "Use of Parks Located on City Property", by amending Section 26-96, to amend definitions, by amending Section 26-97 to clarify prohibitions; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Mayor Cates

Attachments: [Ordinance](#)

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

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

- 23 An Ordinance of the City of Key West, Florida, Amending Chapter 110 entitled "Resource Protection" by amending Section 110-287 "Funds", providing for expanded expenditures for educational programs; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Lopez

Attachments: [Ordinance](#)
[Planning Board Executive Summary](#)
[Planning Board Resolution 2011-041](#)

Withdrawn

ORDINANCES - SECOND READING (Public Hearing)

24

An Ordinance of the City of Key West, Florida, amending Chapter 2 of the Code of Ordinances entitled "Administration" by amending Section 2-32 to provide for Salary Adjustments for the Mayor and City Commissioners; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

Attachments: [Ordinance](#)
[Support Documents](#)

A motion was made by Commissioner Johnston, seconded by Commissioner Weekley, that the Ordinance be Adopted. The motion carried by the following vote:

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

Enactment No: Ord 11-13

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

8:56 P.M.