



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Tuesday, May 1, 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: Rev. John Baker, Rector, The Basilica of Saint Mary Star of the Sea

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

PROCLAMATIONS

1 American Legion Auxiliary Poppy Week

Sponsors: Mayor Cates

Received and Filed

2 Motorcycle Safety Awareness Month

Sponsors: Mayor Cates

Received and Filed

3 National Historic Preservation Month 2012

Sponsors: Mayor Cates

Received and Filed

- 4 Basilica of Saint Mary Star of the Sea Day
Sponsors: Mayor Cates
Received and Filed

PRESENTATIONS

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

- 5 *March 20, 2012 (Regular)
Passed
- 6 *April 3, 2012 (Regular)
Passed

RESOLUTIONS

- 7 *Reappointing Ray Limbert to the Key West Civil Service Board.
Sponsors: Mayor Cates
Passed
Enactment No: Res 12-130
- 8 *Appointing Bob Bowersox to the Art in Public Places Board.
Sponsors: Commissioner Rossi
Passed
Enactment No: Res 12-131

- 9 *Authorizing Sister Season Fund Inc. the use of the Southernmost Beach at 1405 Duval Street for the 35th Annual Survivors Party on Monday, May 28, 2012 from 4:00 P.M. to 8:00 P.M.; Authorizing the sale and consumption of alcoholic beverages within the barricaded area.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 12-132
- 10 *Authorizing Key West Business Guild to conduct a Key West Pride Celebration on June 9 & 10, 2012; Authorizing the Key West Business Guild to conduct numerous events starting with a street fair on Saturday, June 9, 2012 on the 700 & 800 blocks of Duval Street from 10:00 A.M. to 7:00 P.M.; A parade on Sunday, June 10, 2012 from 5:00 P.M. to 7:00 P.M. starting at Truman Annex going left on Whitehead Street, right on Duval and ending at the end of the 1100 block of Duval Street; Pursuant to terms and conditions set forth by the City Manager; Authorizing the sale and consumption of alcoholic beverages within an enclosed area; Authorizing the closure of the 700 & 800 blocks of Duval Street; 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
- Passed**
- Enactment No: Res 12-133
- 11 *Approving a mural to be painted at 227 Petronia Street.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 12-134
- 12 *Accepting pursuant to Section 2-797(3) of the Code of Ordinances the attached proposal of Garber Automall in the total amount of \$77,006.00 for three police patrol vehicles for use by the Key West Police Department.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 12-135

- 13** *Rejecting all bids received in response to Invitation to Bid (ITB) #12-019, for Police Department Window Repairs.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 12-136
-
- 14** *Authorizing the 60-month lease of a Pitney Bowes Connect+ Series Postage Meter plus accessories in an amount not to exceed \$26,520.00 (\$442.00/month for a 60 month term) pursuant to State of Florida Contract 600-760-11-1.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 12-137
-
- 15** *Authorizing the purchase of sixteen (16) Cale MP104 Compact Multi-space Pay and Display Parking Stations in accordance with City Code Section 2-844, in an amount not to exceed \$142,900.00 installed, pursuant to City Code Section 2-797(1).
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 12-138
-
- 16** *Authorizing a one-year renewal, for the policy period 10/01/2012 - 10/01/2013, of the Broker Services Agreement with Brown & Brown - Public Risk Insurance Agency (PRIA) for the City's Property and Casualty Insurance Program.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 12-139
-
- 17** *Renewing the "Agreement for Administrative Services" with Employers Mutual, Inc. (EMI), as the City's Insurance Program Third Party Claims Administrator for the policy period of 10/01/2012 - 10/01/2013.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 12-140

- 18 *Approving the attached “Second 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 12-141
- 19 *Approving and authorizing the City Manager to execute the attached “Local Agency Program Supplemental Agreement” between the City of Key West and FDOT for the transfer of \$40,000.00 from Construction, Engineering and Inspection (CEI) Funds (Phase 68) to Construction Funds (Phase 58) for the Poinciana Elementary School Safe Routes to School Sidewalk Improvement Project; Approving necessary budget amendments.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 12-142
- 20 *Authorizing the Key West Police Department (KWPD) to apply for, and accept if awarded, the US Department of Justice Byrne Memorial Justice Assistance Grant - Local Solicitation, in the amount of \$13,327.00, to allow for continued expansion and enhancement of KWPD Information Technology Capabilities.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 12-143
- 21 *Approving a five-year lease with the Key West Community Sailing Center, Inc. for property located at 705 Palm Avenue.
- Sponsors: City Manager Scholl
- Postponed to May 15, 2012**
- 22 *Authorizing the Settlement of Tara Koenig v. City of Key West, Case Number 10-4927LAR; Authorizing the City Manager and City Attorney to execute Settlement Documents.
- Sponsors: City Attorney Smith
- Passed**
- Enactment No: Res 12-144

- 23 *Approving the addition of two full time equivalent Maintenance Worker I Positions; Approving a budget transfer from General Fund - City Cemetery (001-1905-34-00) to General Fund Salaries (001-1905-519-12) to offset personnel costs.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 12-145

- 24 *Approving the attached "Agreement Between the Florida Keys Aqueduct Authority and City of Key West, Florida" to provide billing and collection services to the City of Key West's Sewer Utility; Conforming the City's Sewer Billing Ordinances with FKAA Rules and Regulations in conjunction with the approval of this Agreement

Sponsors: City Manager Scholl

Passed

Enactment No: Res 12-146

- 25 *Appointing **Harry Bowman** to the Key West Bight Management District Board.

Sponsors: Mayor Cates

Passed

Enactment No: Res 12-147

- 26 *Ranking pursuant to RFP #004-12 firms to provide Federal Government Relations Services.

Sponsors: City Manager Scholl

Postponed

Enactment No: Postponed

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.

- 27 Granting a Major Development Plan for the property located 1000 Atlantic Boulevard - Higgs Beach Park in the PS (Public and Semipublic Service) Zoning District (RE# 00058800-000000, 00058790-000100, 00058790-000000), Key West, Florida.

Sponsors: City Manager Scholl

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 12-148

- 28 Authorizing the attached Development Agreement per Chapter 90 Article IX of the Land Development Regulations with the Monroe County Board of County Commissioners.

Sponsors: City Manager Scholl

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 12-149

DISCUSSION

- 29 Advisory Screening Committee for a New City Manager Recommendations to the City Commission.

Sponsors: City Attorney Smith

Discussed

RESOLUTIONS - Continued:

- 30 Authorizing the Key West Police Athletic League Inc. (PAL) use of city owned ~~Key West Police Department~~ vans to conduct its Youth Programs; Providing conditions.

Sponsors: Commissioner Lopez, Commissioner Wardlow and Commissioner Yaniz

A motion was made by Commissioner Johnston, seconded by Commissioner Rossi, that the Resolution be Passed as amended. 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 12-150

- 31 Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to the Key West Rotary Club of Key West, Fla., Inc. for a Reggae Concert at Clarence Higgs Beach from the hours of 6:30 P.M. to 11:30 P.M. on Saturday, May 26, 2012.

Sponsors: City Manager Scholl

A motion was made by Commissioner Johnston, seconded by Commissioner Rossi, 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 12-151

- 32 Authorizing Bayshore Productions, Inc. to conduct a "Verizon Music Festival" at Mallory Square on Friday, June 1, 2012 from 4:00 P.M. to 11:00 P.M. (set up starting at 7:00 A.M.); Saturday, June 2, 2012 from 12:00 Noon to 11:00 P.M. and Sunday, June 3, 2012 from 12:00 Noon to 11:00 P.M.; 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 4:00 P.M. to 11:00 P.M. on Friday, June 1, 2012, from 12:00 Noon to 11:00 P.M. on Saturday, June 2, 2012 and from 12:00 Noon to 11:00 P.M. on Sunday, June 3, 2012.

Sponsors: City Manager Scholl

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

Enactment No: Res 12-152

- 33** Approving and authorizing execution of the attached Agreement between the City of Key West and the Sunrise Rotary Club for Motorcycle Bike Week on September 14 & 15, 2012; Authorizing the closure of Duval Street from Southard to Front Street on Friday, September 14, 2012 from 10:00 A.M. to 12:00 Midnight and on Saturday, September 15, 2012 from 10:00 A.M. to 12:00 Midnight; All cross streets shall remain open except Greene Street between Elizabeth to Whitehead Streets; Authorizing the sale & consumption of alcoholic beverages within the barricaded area of the event; 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

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

Enactment No: Res 12-153

- 34** Directing the City Manager to provide plan and a timeline for the possible relocation of KOTS to the City owned former Easter Seals property.

Sponsors: Mayor Cates

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

No: 2 - Commissioner Rossi and Commissioner Wardlow

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

Enactment No: Res 12-154

- 35** Approving the attached Interlocal Agreement between the City of Key West and the School Board of Monroe County, Florida.

Sponsors: City Attorney Smith

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 12-155

- 36 Approving a Minor Development Plan for real property located at 313 Margaret Street; Providing for conditions.
- Sponsors:** City Manager Scholl
- A motion was made by Commissioner Weekley, seconded by Commissioner Johnston, that the Resolution be Adopted As Amended. 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 12-156
- 37 Granting a Major Development Plan for property located at Nelson English and Willie Ward Parks in the HMDR and the HHDR Zoning Districts - 306 Catherine Street (RE# 00026460-000000), 304 Catherine Street (RE# 00026470-000000, 00026480-000000), 300 Louisa Street (RE# 00026500-000000), 307 Louisa Street (RE# 00026490-000000, 00026510-000000, 00026520-000000), 250 Amelia Street (RE# 00026610-000000, 00026610-000100), Key West, Florida.
- Sponsors:** City Manager Scholl
- A motion was made by Commissioner Lopez, seconded by Commissioner Rossi, 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 12-157
- 38 Authorizing Recommended Media, LLC to close Whitehead Street from the Southernmost Point South Street to Front Street and from Front Street to Exchange Street into Mallory Square from 10:00 P.M. to 2:00 A.M. on May 16, 2012 for the filming of a Ford Commercial; Pursuant to terms and conditions set forth by the City Manager.
- 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 12-158

ORDINANCES – FIRST READING

- 39** An Ordinance of the City of Key West, Florida, amending Chapter 62 of the Code of Ordinances entitled “Streets and Sidewalks” by amending Section 62-4 entitled “No Camping” to include recreational and motor vehicles; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.
- Sponsors:** Mayor Cates
- Withdrawn**
- 40** An Ordinance of the City of Key West, Florida, amending Chapter 70 of the Code of Ordinances entitled “Wreckers and Towing Service”; By amending Section 70-654 to clarify required wreckers and equipment for the City Tow Rotation List; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.
- Sponsors:** Commissioner Johnston
- A motion was made by Commissioner Johnston, seconded by Commissioner Wardlow, that the Ordinance be Passed to Second Reading on May 15, 2012. 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: Ord 12-09
- 41** An Ordinance of the City of Key West, Florida, amending Chapter 74 of the Code of Ordinance entitled “Utilities” by amending Sections 74-201, 74-203, 74-208, 74-209 and 74-238 to conform City Billing Policies with those of Florida Keys Aqueduct Authority to provide uniform billing procedures for customers in Key West for both water and sanitary sewer services; Amending Section 74-201 to amend security deposit requirements for new accounts, and adding bank draft (automatic deposits) provisions; Amending Section 74-203 to provide that sewer connection fees are paid directly to the City of Key West; Amending Section 74-208 to allow payment to City designee; Amending Section 74-209 to amend delinquent payment and non-payment disconnection procedures; Amending 74-238 to eliminate use of deduct meters; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.
- Sponsors:** City Manager Scholl
- A motion was made by Commissioner Rossi, seconded by Commissioner Weekley, that the Ordinance be Passed to Second Reading on May 15, 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

Enactment No: Ord 12-08

ORDINANCES - SECOND READING (Public Hearing)

42

An Ordinance of the City Commission of the City of Key West, Florida approving an amendment to the Historic Architectural Review Commission Guidelines for solar energy collectors or other energy production devices as referenced in Section 90-142 of the Code of Ordinances of the City of Key West, Florida; Providing for an effective date.

Sponsors: City Manager Scholl

A motion was made by Commissioner Rossi, seconded by Commissioner Johnston, 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 12-07

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

9:51 P.M.