



# City of Key West, FL

Old City Hall  
510 Greene Street  
Key West FL 33040

## Action Minutes - Final City Commission

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Tuesday, June 5, 2012

6:00 PM

Old City Hall

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**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

**Absent** 1 - Commissioner Rossi

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

**INVOCATION - Rev. Dr. Gwendolyn Magby, Trinity Presbyterian Church**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**APPROVAL OF AGENDA**

### COMMENDATIONS

**1** Key West High School Academic Challenge Team:  
Jason Correa  
Dylan Higbie  
Gwen Pearson  
Justin Poon  
Sherman Kaplitz  
Kelly Rosch

**Sponsors:** Mayor Cates

**Received and Filed**

**PROCLAMATIONS**

- 2 Key West Pride Week  
**Sponsors:** Mayor Cates  
Received and Filed

**PRESENTATIONS**

- 3 Independent Auditor Presentation  
**Sponsors:** City Manager Scholl  
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 \*April 16, 2012 (Special)  
Passed
- 5 \*May 1, 2012 (Regular)  
Passed

**RESOLUTIONS**

- 6 \*Supporting and urging the appointment of Harry L. Bethel a vacant position on the "State Retirement Commission" of the State of Florida.  
**Sponsors:** Mayor Cates and Commissioner Lopez  
Passed  
Enactment No: Res 12-176

- 7                    \*Amending Resolution No. 12-087 authorizing Historic Markers, Inc. d/b/a Historic Key West to place up to eighty-four (84) "500 Years of Paradise" banners along Duval Street and around Mallory Square in accordance with Sections 114-35 and 114-103(a)(2) of the Code of Ordinances.
- Sponsors:        Commissioner Weekley
- Passed**
- Enactment No: Res 12-177
- 8                    \*Approving the attached First Amendment to Lease Agreement with Key West Women's Club, Inc. for use of property adjacent to 319 Duval Street.
- Sponsors:        Commissioner Weekley
- Passed**
- Enactment No: Res 12-178
- 9                    \*Authorizing Mel Fisher Days, Inc. to conduct a 2012 Celebration of the finding of the Atocha on Saturday, July 14, 2012 during the hours of 4:00 P.M. to 9:00 P.M.; Authorizing the closure of the 100 and 200 block of Duval Street including Greene Street from Telegraph Lane to Ann Street from 11:00 A.M. to 11:00 P.M; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 11:00 A.M. to 11:00 P.M; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.
- Sponsors:        City Manager Scholl
- Passed**
- Enactment No: Res 12-179
- 10                   \*Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to Simply You for an event at the Hemingway House, 907 Whitehead Street, for wedding reception during the hours of 5:00 P.M. to 11:00 P.M. on Sunday, January 20, 2013.
- Sponsors:        City Manager Scholl
- Passed**
- Enactment No: Res 12-180

- 11                    \*Approving Task Order No. 08 to secure a Joint Coastal Permit (JCP) for the Beach Renourishment at Rest Beach, as required by the Florida Department of Environmental Protection (FDEP) and US Army Corps of Engineers Project, to Atkins North America (formerly PBS&J) in an amount not to exceed \$86,707.00; Authorizing necessary budget transfers.
- Sponsors:        City Manager Scholl
- Passed**
- Enactment No: Res 12-181
- 12                    \*Approving Task Order No. 6-12-FAC from CH2M Hill Engineering, Inc. in an amount not to exceed \$273,816.00 for a Full Condition Assessment of the Glynn Archer School Facility.
- Sponsors:        City Manager Scholl
- Passed**
- Enactment No: Res 12-182
- 13                    \*Awarding the Bid of Cash Cycle Solutions, Inc. in response to ITB #12-003 to provide services for Utility Bill processing, printing, postage, print stock and envelopes.
- Sponsors:        City Manager Scholl
- Passed**
- Enactment No: Res 12-183
- 14                    \*Awarding the Bid of the OTAK Group, Inc. in response to ITB #12-008 for Design, Purchase and Installation of complete Sewer Pump-out Systems for Wahoo and Kingfish Docks at the City Marina at Garrison Bight in the total amount of \$92,490.19.
- Sponsors:        City Manager Scholl
- Passed**
- Enactment No: Res 12-184
- 15                    \*Awarding the Bid of Florida Keys Electric, Inc. in a total amount not to exceed \$1,223,025.10, for Electrical Distribution System Upgrades; Approving necessary budget amendments.
- Sponsors:        City Manager Scholl
- Passed**
- Enactment No: Res 12-185

- 16                    \*Awarding the Bid of Florida Orchidman Landscape Artisan Corp. in a total amount not to exceed \$32,000.00 per annum, for Grounds Maintenance at the Navy Mole; Approving necessary budget amendments.
- Sponsors:        City Manager Scholl
- Passed**
- Enactment No: Res 12-186
- 17                    \*Authorizing the City Manager to enter into a Contract with OTAK Group, Inc. for sidewalk installation for the Safe Routes to School (SRTS) Gerald Adams Elementary School Sidewalk Installation Project #FM 425851-1 in an amount not to exceed \$375,793.80.
- Sponsors:        City Manager Scholl
- Passed**
- Enactment No: Res 12-187
- 18                    \*Approving the attached Joint Participation Agreement (JPA) between the Florida Department of Transportation (FDOT) and the City of Key West for funding of construction costs of the new Transit Facility at 5701 College Road in the amount of \$1,000,000.00 (City Match 20% in-kind).
- Sponsors:        City Manager Scholl
- Passed**
- Enactment No: Res 12-188
- 19                    \*Approving the attached "Florida Department of Environmental Protection Clean Vessel Act Grant Program Project Agreement" (DEP Agreement No. MV 078 for CVA 12-643) between the City and the State of Florida Department of Environmental Protection for funding for the purchase and installation of two Marine Sanitation Systems for Wahoo and Kingfish Piers at the City Marina at Garrison Bight; Authorizing the City Manager to execute the Grant Agreement.
- Sponsors:        City Manager Scholl
- Passed**
- Enactment No: Res 12-189

- 20 \*Approving the attached Interlocal Grant Award Agreement with the Monroe County Tourist Development Council (TDC) for funding in the amount of up to \$245,000.00 for Rest Beach Renourishment (City Match up to \$245,000.00).

**Sponsors:** City Manager Scholl

**Passed**

Enactment No: Res 12-190

- 21 \*Requesting the Florida Department of Transportation (FDOT) to schedule commencement of the South Roosevelt Boulevard Construction Project to coincide with the completion of North Roosevelt Boulevard Construction Project; Requesting FDOT oversight, management and construction funding.

**Sponsors:** City Manager Scholl

**Passed**

Enactment No: Res 12-191

- 22 \*Authorizing Rick's & Durty Harry's Entertainment Complex to conduct a Seafood Lobster Festival on Saturday, August 11, 2012 from 10:00 A.M. to 12:00 Midnight, pursuant to terms & conditions set forth by the City Manager; Authorizing the closure of 100, 200, 300, 400 & 500 blocks of Duval Street between Front and Fleming Streets including the Greene Street Intersection and Telegraph Lane from 10:00 A.M. to 12:00 Midnight; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 12:00 Noon to 11:00 P.M.; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

**Sponsors:** City Manager Scholl

**Passed**

Enactment No: Res 12-192

### **Approval of the Consent Agenda**

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

- 23** Supporting the on-going efforts of the State of Florida and the jurisdictions of Monroe County, including Key West, to refine current Hurricane Evacuation Policies and Procedures; Authorizing the use of the City Manager General Fund Contingency Account in an amount not to exceed \$25,000.00 to fund the City's share (25%) of a Country-wide Hurricane Evacuation Behavioral Study for Mobile Home Owners.

**Sponsors:** City Manager Scholl

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

**Absent:** 1 - Commissioner Rossi

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

Enactment No: Res 12-193

- 24** Ranking the respondents to RFP 005-12 for Banking Services; Authorizing contract negotiations 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

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

**Absent:** 1 - Commissioner Rossi

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

Enactment No: Res 12-194

- 25** **Quasi-Judicial Hearing** - Approving an Easement of approximately 157 square feet to address the encroachment of an existing historically contributing single family structure and side yard area enclosed by a fence and portions of the front yard located at 405 Frances Street, Key West, Florida (RE#00004910-000000); Providing fees and conditions.

**Sponsors:** City Manager Scholl

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

**No:** 2 - Commissioner Johnston and Commissioner Weekley

**Absent:** 1 - Commissioner Rossi

**Yes:** 4 - Commissioner Lopez, Commissioner Wardlow, Commissioner Yaniz and Mayor Cates

Enactment No: Res 12-195

**26**

**Quasi-Judicial Hearing** - Approving an easement of approximately 219 square feet to address the encroachment of an existing contributing historic building, sign, roof overhang and balcony located at 729 Thomas Street/305 Petronia Street, Key West, Florida (RE#00013260-000000 and 00013250-000000); Providing fees and conditions.

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

**Absent:** 1 - Commissioner Rossi

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

Enactment No: Res 12-196

#### **ORDINANCES – FIRST READING**

**27**

An Ordinance of the City of Key West, Florida, amending Chapter 70, "Traffic and Vehicles", Article III of the Code of Ordinances entitled "Speed Limits" by adding Section 70-61 to provide for maximum speed limits in certain section of the City; 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 the Ordinance be Passed to Second Reading as amended. The motion carried by the following vote:**

**Absent:** 1 - Commissioner Rossi

**Yes:** 6 - Commissioner Johnston, Commissioner Lopez, 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 62 of the Code of Ordinances entitled "Streets and Sidewalks" by amending Section 62-4 entitled "No Camping" to include make-shift shelters, cardboard and tarpaulins; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** Mayor Cates

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

**Absent:** 1 - Commissioner Rossi

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

Enactment No: Ord 12-10

- 29 An Ordinance of the City of Key West, Florida, amending Chapter 70 of the Code of Ordinances entitled "Traffic and Vehicles" by creating Section 70-130 entitled "No Lodging in Vehicles" to prohibit lodging in vehicles located on City Rights of Way; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** Mayor Cates

**A motion was made by Commissioner Lopez, seconded by Commissioner Yaniz, that the Ordinance be Adopted. The motion carried by the following vote:**

**Absent:** 1 - Commissioner Rossi

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

Enactment No: Ord 12-11

- 30** An Ordinance of the City of Key West, Florida, amending Chapter 38, Article V of the Code of Ordinances entitled "Domestic Partnerships", by repealing Sections 38-291 through 38-294; Adding a new Section 38-291 to provide definitions; Adding a new Section 38-292 to provide registration, amendment, termination and administration procedures; Adding a new Section 38-293, Rights and Legal Effect of Registered Domestic Partnership; Adding a new Section 38-294, limited effect; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** Commissioner Weekley

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

**Absent:** 1 - Commissioner Rossi

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

Enactment No: Ord 12-12

- 31** An Ordinance of the City of Key West, Florida, amending Chapter 90 of the Code of Ordinances entitled "Administration" by amending Section 90-553 to lift the twice per year restriction on Comprehensive Plan amendments; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Scholl

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

**Absent:** 1 - Commissioner Rossi

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

Enactment No: Ord 12-13

- 32 An Ordinance of the City of Key West, Florida, amending Chapter 102 of the Code of Ordinances entitled "Historic Preservation" by amending Section 102-217 "Required Public Meetings", relaxing the requirements to obtain approval to demolish non-historic and non-contributing buildings or structures in the Historic District and including contributing buildings and structures outside of the Historic District in Section 102-216; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Scholl

**A motion was made by Commissioner Weekley, seconded by Commissioner Yaniz, that the Ordinance be Adopted. The motion passed by a unanimous vote.**

Enactment No: Ord 12-14

- 33 An Ordinance of the City of Key West, Florida, amending Chapter 108 of the Code of Ordinances entitled "Planning and Development" to include Section 108-999 to provide for the retroactive invoking of the Zoning in Progress Doctrine; Declaring that the City is considering amendments to its Land Development Regulations and Building Permit Allocation System; Directing Building and Planning Department staff to continue the policy of deferring the acceptance and processing of development applications requiring the issuance of Building Permit allocations; Continuing this policy until new Building Permit allocation regulations or amended Land Development Regulations are adopted by the City Commission; Providing for retroactive effect, directing staff to continue preparations of new Building Permit Allocation Regulations; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Scholl

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

Enactment No: Ord 12-15

- 34 An Ordinance of the City of Key West, Florida, amending Chapter 122 of the Code of Ordinances entitled "Zoning" by amending Sections 122-1016, 122-1017, 122-1018 and 122-1020 to provide for clarification; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Scholl

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

Enactment No: Ord 12-16

**CITIZEN COMMENTS**

**COMMISSION COMMENTS**

**ADJOURNMENT**

7:54 P.M.