

MINUTES

CITY COMMISSION MEETING

OLD CITY HALL, 510 GREENE STREET

TUESDAY, NOVEMBER 16, 2010

A regular meeting of the City Commission of the City of Key West, Florida was held in Commission Chambers, Old City Hall, on Tuesday, November 16, 2010.

Mayor Craig Cates called the meeting to order at 6:01 P.M.

Answering roll call were Commissioners Barry Gibson, Teri Johnston, Clayton Lopez, Mark Rossi, Billy Wardlow, Jimmy Weekley and Mayor Craig Cates.

Also present were City Manager Jim Scholl, Assistant City Manager David Fernandez, Assistant City Manager Mark Finigan, City Attorney Shawn Smith, City Planner Amy Kimball-Murley, Fire Chief David Fraga, Division Chief/EMG Management & Training Craig Marston, Community Services Director Greg Veliz, Utilities Manager Jay Gewin, Parking Manager John Wilkins, Engineering Doug Bradshaw, Senior Property Manager Marilyn Wilbarger, Deputy Clerk Angela Budde and City Clerk Cheri Smith.

Pastor Ernie DeLoach of the Glad Tidings Tabernacle Assembly gave the invocation.

The pledge of allegiance to the flag of the United States of America was given by all present.

CHANGES TO THE AGENDA

Commissioner Weekley asked to have Resolution Item 8 removed from the Consent Agenda.

Commissioner Johnston requested Resolution Items 10, 11 and 17 be removed from the Consent Agenda for further discussion.

City Manager Scholl requested to place an Add On Resolution for a Special Event Boxing Event to be placed on the Consent Agenda. The Clerk stated the Resolution would be Item number 21.

Without opposition, the agenda was accepted as changed.

PROCLAMATIONS:

- 1) Loaves and Fish Food Pantry Day
- 2) Metropolitan Community Church 30th Anniversary
- 3) National Hunger and Homelessness Awareness Week

PRESENTATIONS:

Service Awards:

- 4) Fire Department Engineer Michael Budde, 20 Years
- 5) Customer Service Manager Valarie Barrera, 25 Years

City Attorney's Report

City Attorney Smith gave an update regarding the recent developments with the BCCLT and the potential sale of their assets to the Housing Authority and the dissolution of the BCCLT.

The City Attorney advised of his request he sent last month to the Attorney General of Florida for his opinion on the use of Tourist Development Council (TDC) tax and if it could be used for funding for developing the Truman Waterfront Development. He stated the Board of County Commissioners (BOCC) have on their November 17th agenda to discuss this issue and he will be in attendance at that meeting.

City Manager's Report

The City Manager reported he received a letter from Easter Seals informing him the organization would be vacating the City property they occupy on College Road by December 6. The City Manager gave an update on the assisted care facility and Assistant City Manager Mark Finigan is working on completing the financial analysis report with having it available for review next month. He stated the Pier House Referendum passed and prior to the City selling the property the City would engage 2 qualified appraisals. The City Manager reported the Phase II of the Environmental Evaluation on Trumbo Road would be done this week.

CONSENT AGENDA:

The Clerk read the titles of the Resolutions.

It was moved by Commissioner Rossi and seconded by Commissioner Wardlow to approve the consent agenda items.

The Mayor acknowledged the motion and second and requested verbal approval. The response was unanimous to approve the Minutes and pass the Resolutions as read.

APPROVAL OF MINUTES:

- 6) July 20, 2010 (Regular)
- 7) August 17, 2010 (Special)

RESOLUTIONS:

RESOLUTION NO. 10-328

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE PLACEMENT OF A STATUE OF BISHOP ALBERT KEE IN THE AREA OF THE SOUTHERNMOST POINT; AUTHORIZING THE SUBMISSION OF GRANT APPLICATIONS TO AID IN ITS FUNDING; RESTRICTING THE USE OF CITY FUNDS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 10-329

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE JOHN CAUDILL-WALKER BROTHERS CIRCUS THE USE OF THE TRUMAN WATERFRONT ALONG THE EAST QUAY WALL FOR A SMALL FAMILY CIRCUS WITH SHOWTIMES ON THURSDAY, JANUARY 27 AND FRIDAY, JANUARY 28 FROM 5:30 P.M. AND 7:30 P.M.; SATURDAY, JANUARY 29 FROM 3:00 P.M. AND 5:30 P.M. AND SUNDAY, JANUARY 30, FROM 2:00 P.M. AND 4:30 P.M.; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 10-330

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE MUNICIPALITY ELECTION SERVICES AGREEMENT WITH THE MONROE COUNTY SUPERVISOR OF ELECTIONS; AUTHORIZING THE CITY CLERK TO

EXECUTE THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 10-331

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE KEY WEST CEMETERY LANDSCAPING SERVICES BETWEEN THE CITY AND MONROE ASSOCIATION FOR RETARDED CITIZENS, INC. ("MARC") IN AN AMOUNT NOT TO EXCEED \$53,366.40 FOR FY 10-11; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 10-332

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, EXERCISING THE TWO-YEAR RENEWAL OPTION STIPULATED IN THE FUEL SUPPLY CONTRACT WITH MCKENZIE PETROLEUM, INC., ORIGINALLY APPROVED IN RESOLUTION NO. 07-421; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 10-333

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, 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 APRIL 30, 2011; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 10-334

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE EXPENDITURE OF \$42,128.00 TO COVER EXCESS MEDICARE SET ASIDE COSTS AND FINALIZING THE WORKERS COMPENSATION SETTLEMENT AGREEMENT WITH CHARLES WINTERS; PROVIDING FOR AN EFFECTIVE DATE

ADD-ON RESOLUTION NO. 10-335

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING 218 DUVAL STREET CORPORATION TO CONDUCT A PROFESSIONAL BOXING EVENT

AT MALLORY SQUARE ON FRIDAY, JANUARY 14, 2011, FROM 7:00 P.M. TO 11:00 P.M. AND AUTHORIZING A SET UP DATE OF THURSDAY, JANUARY 13, 2011, STARTING AT 9:00 A.M.; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 7:00 P.M. TO 11:00 P.M.; AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES WITHIN AN ENCLOSED AREA; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; PROVIDING FOR AN EFFECTIVE DATE

The said Resolutions were thereupon declared by the Mayor to have been duly passed and adopted and were authenticated by the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

RESOLUTION NO. 10-336

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF KEY WEST AND THE MONROE COUNTY SCHOOL DISTRICT TO ESTABLISH PARAMETERS FOR NEGOTIATION OF A CONTRACT REGARDING THE CITY'S POTENTIAL ACQUISITION OF THE GLYNN ARCHER PROPERTY; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The Clerk read the following letter into the record:

Michael Ritchie

The following people spoke on the matter:

Margaret Romero, 1615 Washington Street
Christine Russell, 1014 Grinnell Street
Tom Milone, 832 Caroline Street
John Jones, 1024 James Street
City Manager Scholl
City Attorney Smith
Property Real Estate Manager Marilyn Wilbarger

It was moved by Commissioner Weekley and seconded by Commissioner Johnston to remove from the Memo of Understanding (MOU) Section 2 (b) and that the Resolution be passed as amended.

The Mayor acknowledged the motion and second and requested the Clerk to call the roll.

Yeas: Commissioners Gibson, Johnston, Lopez, Rossi, Wardlow and Weekley

Nays: Mayor Cates

The said Resolution was thereupon declared by the Mayor to have been duly passed and adopted and was authenticated by the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

RESOLUTION NO. 10-337

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, DIRECTING THE CITY MANAGER TO TAKE ALL NECESSARY STEPS TO PREPARE THE SITE AT 525 ANGELA STREET FOR DEMOLITION AND CONSTRUCTION OF A NEW FIRE STATION; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Margaret Romero, 1615 Washington Street
John Jones, 1024 James Street
Christine Russell, 1014 Grinnell Street
City Manager Scholl
Michael Ingram, Architect
Assistant City Manager David Fernandez
City Attorney Smith

It was moved by Commissioner Rossi and seconded by Commissioner Wardlow that the Resolution be amended to include a 90 days for negotiations with the Monroe County School Board to sunset all negotiations on March 31, 2011 and that the Resolution be passed as amended.

The Mayor acknowledged the motion and second and requested the Clerk to call the roll.

Yeas: Commissioners Gibson, Johnston, Lopez, Rossi, Wardlow and Weekley

Nays: Mayor Cates

The said Resolution was thereupon declared by the Mayor to have been duly passed and adopted and was authenticated by the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

RESOLUTION NO. 10-338

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, SPONSORING A HOLIDAY SEASON PARADE ON SATURDAY, DECEMBER 4, 2010 BETWEEN 7:00 P.M. AND 10:00 P.M.; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

It was moved by Commissioner Johnston and seconded by Commissioner Lopez that the Resolution be passed and adopted as read.

The Mayor acknowledged the motion and second and requested the Clerk to call the roll.

Yeas: Commissioners Gibson, Johnston, Lopez, Rossi, Wardlow, Weekley and Mayor Cates

Nays: None

The said Resolution was thereupon declared by the Mayor to have been duly passed and adopted and was authenticated by the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

RESOLUTION NO. 10-339

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AWARDED THE BID OF CHARLEY TOPPINO & SONS, INC., FOR THE CONSTRUCTION OF ATLANTIC BOULEVARD ENHANCEMENTS (PROJECT GN-0710) IN AN AMOUNT NOT TO EXCEED \$498,839.13; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

City Manager Scholl
Senior Project Manager Doug Bradshaw

It was moved by Commissioner Johnston and seconded by Commissioner Weekley that the Resolution be passed and adopted as read.

The Mayor acknowledged the motion and second and requested the Clerk to call the roll.

Yeas: Commissioners Gibson, Johnston, Lopez, Rossi, Wardlow, Weekley and Mayor Cates

Nays: None

The said Resolution was thereupon declared by the Mayor to have been duly passed and adopted and was authenticated by the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

RESOLUTION NO. 10-340

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RANKING RESPONDENTS TO RFP 009-10 FOR AMBULANCE SERVICES; AUTHORIZING 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; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The Clerk read the following letters into the record:

Norman Fowler, 824 Terry Lane
Ann Marie Haskins, 5th Generation Conch
Dr. Mark Morroco, UCLA Medical Center

The following people spoke on the matter:

Dean and Bettyann Crossno, 2615 Harris Avenue
Manuel Lorano, 1400 Kennedy Drive
Paul Hansen, 2613 Harris Avenue
Joseph Williams, 712 Ashe Street
Tom Milone, 832 Caroline Street
Dave Erlandson MD, 811 3rd Street
Tommy Mac, 1402 Pine Street
Rick Haskins, 1225 2nd Street
Margaret Romero, 1615 Washington Street
Dave Oatway, 623 Simonton Street
Christine Russell, 1014 Grinnell Street
Kim Tackleberry, Key West
Mike Mongo, 1218 Pearl Street

The Mayor called for a recess at 9:01 P.M.

The Mayor reconvened the meeting at 9:16 P.M.

Dr. Harold Cohen, Consultant for the City of Key West answered questions from the Commission.

Ranking sheets were passed out to the Commission with the following selection process:

First Choice:

Second Choice:

The Clerk read the results as follows:

First Choice:

Lifestar	—————→	3 Votes
American Medical Response (AMR)	—————→	3 Votes
American Ambulance	—————→	1 Vote

Second Vote to break Tie with the following results:

First Choice:

Lifestar	—————→	4 Votes
American Medical Response (AMR)	—————→	3 Votes

(The Official Ranking Forms are attached hereto and made a part of these minutes.)

It was moved by Commissioner Rossi and seconded by Commissioner Gibson that the Resolution be passed accepting the ranking and adopted as read.

The Mayor acknowledged the motion and second and requested the Clerk to call the roll.

Yeas: Commissioners Gibson, Johnston, Lopez, Rossi, Weekley and Mayor Cates

Nays: Commissioner Wardlow

The said Resolution was thereupon declared by the Mayor to have been duly passed and adopted and was authenticated by the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

ORDINANCES SECOND READING: (Public Hearing)

ORDINANCE NO. Postponed to January 4, 2011

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER AN ORDINANCE GRANTING A FRANCHISE TO DUCK TOURS SEAFARI INC. TO OPERATE A NON-EXCLUSIVE CITY-WIDE AMPHIBIOUS SIGHTSEEING OPERATION; PROVIDING TERMS AND CONDITIONS, INCLUDING THE FOLLOWING: PROVIDING THAT ORDINANCE DOES NOT PROHIBIT CITY FROM OPERATING A SHUTTLE SERVICE; DEFINING THE TERRITORY TO BE SERVED; AUTHORIZING CITY INSPECTION OF SIGHTSEEING VEHICLES; PROVIDING FOR THE OBSERVANCE OF CURRENT AND FUTURE RULES AND REGULATIONS, INSURANCE REQUIREMENTS AND INDEMNIFICATION; LIMITING ASSIGNMENT OF THE FRANCHISE; PROVIDING CONSIDERATION FOR GRANT OF THE FRANCHISE AND CONTINGENT RELIEF; DIRECTING THE PROCEDURE FOR DESIGNATION OF STOPS AND OPERATIONAL REQUIREMENTS OF FRANCHISEE; PROVIDING FOR INSPECTION OF BOOKS AND RECORDS; AUTHORIZING THE ISSUANCE OF PERMITS; ESTABLISHING THE DURATION OF THE FRANCHISE; PROVIDING FOR THE ESTABLISHMENT OF RATES, FEES AND ROUTES; SPECIFYING DEFAULT PROVISIONS AND PROCEDURE FOR NOTICE, SUSPENSION AND/OR TERMINATION UPON DEFAULT, INCLUDING APPEAL PROVISIONS; PROVIDING REMEDIES UPON BANKRUPTCY OF FRANCHISEE; INDICATING FRANCHISE IS NOT A WAIVER OF OTHER CITY REQUIREMENTS; CLARIFYING THAT NO JOINT VENTURE IS CREATED; PROHIBITING DISCRIMINATION; PROVIDING FOR CONSTRUCTION AND INTERPRETATION OF PROVISIONS; INDICATING TIME IS OF THE ESSENCE; PROVIDING FOR ATTORNEYS FEES, WAIVER OF JURY TRIAL AND SPECIFYING VENUE IN THE EVENT OF LITIGATION; PROVIDING FOR NOTICE, ACKNOWLEDGEMENT, ACCEPTANCE AND CUMULATIVE PROVISIONS; SPECIFYING THE FRANCHISE CONSTITUTES THE ENTIRE AGREEMENT BETWEEN THE PARTIES AND MAY ONLY BE AMENDED BY SUBSEQUENT ORDINANCE OF THE CITY COMMISSION; PROVIDING FOR ELIMINATION OF PERMANENT INJUNCTION UPON INSTITUTION AND COMPLIANCE WITH THE FRANCHISE AGREEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Ordinance.

The following person spoke on the matter:

City Attorney Smith

It was moved by Commissioner Rossi and seconded by Commissioner Weekley for the Ordinance to be postponed to January 4, 2011.

The Mayor acknowledged the motion and second and requested the Clerk to call the roll.

Yeas: Commissioners Gibson, Johnston, Lopez, Rossi, Wardlow, Weekley and Mayor Cates

Nays: None

The said Ordinance was thereupon declared postponed.

SO ORDERED

CITIZEN COMMENTS:

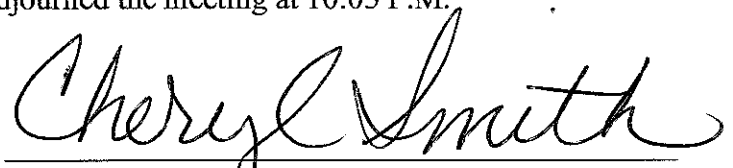
Christine Russell, 1014 Grinnell Street
John Jones, 1032 James Street

COMMISSION COMMENTS:

Mayor Cates thanked the City Planner Amy Kimball-Murley for her time served to the City.

ADJOURNMENT:

There being no further business the Mayor adjourned the meeting at 10:05 P.M.



Cheryl Smith, MMC, CPM
City Clerk

OFFICIAL RANKING FORM
EMERGENCY AMBULANCE SERVICE
RFP# 009-10
Resolution Item 19
November 16, 2010

Upon completion, the form is to be submitted to the City Clerk for tabulation as part of the selection process records.

First Choice Ranking

Life Star

Second Choice Ranking

Third Choice Ranking

American Ambulance

American Medical Response

Lifestar Response

Submitted by Commissioner:

Johnster

OFFICIAL RANKING FORM
EMERGENCY AMBULANCE SERVICE
RFP# 009-10
Resolution Item 19
November 16, 2010

Upon completion, the form is to be submitted to the City Clerk for tabulation as part of the selection process records.

First Choice Ranking AMERICAN

Second Choice Ranking LIFESTAR

Third Choice Ranking _____

American Ambulance

American Medical Response

Lifestar Response

Submitted by Commissioner: Lopez

OFFICIAL RANKING FORM
EMERGENCY AMBULANCE SERVICE

RFP# 009-10

Resolution Item 19

November 16, 2010

Upon completion, the form is to be submitted to the City Clerk for tabulation as part of the selection process records.

First Choice Ranking

AMR



Second Choice Ranking

American

Third Choice Ranking

LIFE STAR

American Ambulance

American Medical Response

Lifestar Response

Submitted by Commissioner:

Ros

OFFICIAL RANKING FORM
EMERGENCY AMBULANCE SERVICE

RFP# 009-10

Resolution Item 19

November 16, 2010

Upon completion, the form is to be submitted to the City Clerk for tabulation as part of the selection process records.

First Choice Ranking Key West Rescue (AMR)

Second Choice Ranking _____

Third Choice Ranking _____

American Ambulance

American Medical Response

Lifestar Response

Submitted by Commissioner: Billy Hardin

OFFICIAL RANKING FORM
EMERGENCY AMBULANCE SERVICE
RFP# 009-10
Resolution Item 19
November 16, 2010

Upon completion, the form is to be submitted to the City Clerk for tabulation as part of the selection process records.

First Choice Ranking AMR

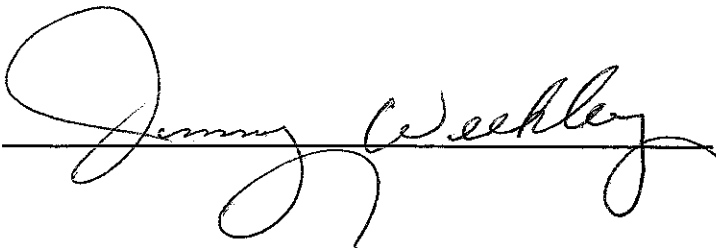
Second Choice Ranking _____

Third Choice Ranking _____

American Ambulance

American Medical Response

Lifestar Response

Submitted by Commissioner: 

AMBULANCE SERVICES

	AMERICAN AMBULANCE	AMERICAN MEDICAL RESPONSE	LIFESTAR RESPONSE	TOTALS
Commissioner Gibson			1	1
Commissioner Johnston			1	1
Commissioner Lopez			1	1
Commissioner Rossi		1		1
Commissioner Wardlow		1		1
Commissioner Weekley		1		1
Mayor Cates			1	1
TOTALS		3	4	7

Lifestar Response

American Medical Response

1st Choice

2nd Choice