



# City of Key West, FL

Old City Hall  
510 Greene Street  
Key West FL 33040

## Action Minutes - Final City Commission

---

Tuesday, June 21, 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

6:04 P.M.

### ROLL CALL

**Absent** 1 - Commissioner Lopez

**Present** 6 - Commissioner Gibson, Commissioner Johnston, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

### INVOCATION - Key West Police Chaplin Steve Torrence

### PLEDGE OF ALLEGIANCE TO THE FLAG

### APPROVAL OF AGENDA

### PROCLAMATIONS

1 Leadership Monroe County 20th Anniversary

**Attachments:** [Proclamation](#)

Received and Filed

### PRESENTATIONS

2 20 Year Service Award  
Lieutenant David Smith

Received and Filed

3 20 Year Service Award:  
Lieutenant Alfredo Vazquez Jr.

Received and Filed

4 25 Year Service Award  
Tony Michelle Gage

Received and Filed

5 25 Year Service Award  
Pearline Lewis

Received and Filed

6 Florida Keys Assisted Care Coalition Facility Update

Received and Filed

7 Lower East Coast Water Supply Plan Update by Tom Genovese from  
the South Florida Water Management District (SFWMD)

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.**

**RESOLUTIONS**

8 \*Appointing Thomas D. Mack Sr., to the Key West Civil Service Board.

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

**Passed**

Enactment No: Res 11-178

- 9 \*Appointing David A. Jackson to the Tree Commission.

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

**Passed**

Enactment No: Res 11-179

- 10 \*Authorizing Mel Fisher Maritime Heritage Society, Inc. to conduct the 26th Anniversary Celebration of the finding of the Atocha on Friday, July 15, 2011 during the hours of 3:00 P.M. to 9:00 P.M. authorizing the closure of the 200 block of Duval Street from 10:00 A.M. to 10:00 P.M.; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 1:00 P.M. to 10:00 P.M.; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

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

**Passed**

Enactment No: Res 11-180

- 11 \*Authorizing Helpline, Inc. and the Key West Shrine Club to conduct its Annual Hemingway Days Street Fair on Saturday, July 23, 2011 from 8:00 A.M. to 9:00 P.M.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Duval Street between Front and Fleming Streets between the hours of 8:00 A.M. to 9:00 P.M.; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

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

**Passed**

Enactment No: Res 11-181

- 12 \*Authorizing execution of the attached partnership agreement for South Florida Regional Partnership Consortium - HUD Sustainable Communities Regional Planning Grant Program.

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Consortium Agreement Grant](#)  
[Letter from City Manager Scholl](#)  
[Resolution 10-230](#)  
[Narrative from Southeast Florida Regional Partnership](#)  
[Attachment A](#)  
[Attachment B](#)  
[Match Form](#)  
[Workplan Matrix](#)  
[FAQ sheet from U.S. HUD](#)

**Passed**

Enactment No: Res 11-182

- 13 \*Authorizing the purchase of 15 electronic ticketing systems from Advanced Public Safety Inc. pursuant to City of Key West Code of Ordinances Sections 2-797 (1) (3) and 2-844 (a) in an amount not to exceed \$27,187.00.

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Brand Name Certification by Finance](#)  
[Resolution 09-035](#)

**Passed**

Enactment No: Res 11-183

- 14 \*Amending the contract for General and Utility Engineering Services with CH2M Hill, Inc. by consenting to novate the contract to CH2M Hill Engineers, Inc.

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Letter from CH2M Hill](#)  
[Resolution 07-331](#)  
[Resolution 10-287](#)

**Passed**

Enactment No: Res 11-184

- 15 \*Awarding the Bid of Charley Toppino & Sons, Inc., for the construction of College Road Enhancements (Project GN-0711) in an amount not to exceed \$279,841.99.

**Attachments:**    [Resolution](#)  
[Executive Summary](#)  
[Resolution 08-102](#)  
[Resolution 10-234](#)  
[Clerks Bid memo](#)  
[Charley Toppino & Sons proposal](#)  
[Douglas N Higgins proposal](#)  
[City of Key West bid documents](#)  
[Bid check sheet](#)

**Passed**

Enactment No: Res 11-185

- 16                    \*Determining that the continued deterioration of the Sunrise Canal may constitute a nuisance affecting the public's health and welfare; Directing staff to seek grant funding and obtain permits for maintenance dredging to restore the canal and abate the nuisance.

**Attachments:**    [Resolution](#)

**Passed**

Enactment No: Res 11-186

**Approval of the Consent Agenda**

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

- 17                    Authorizing Rick's & Durty Harry's Entertainment Complex to conduct a Seafood Lobster Festival on Saturday, August 13, 2011 from 10:00 A.M. to 12:00 Midnight, pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of the 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.

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

*Commissioner Mark Rossi recused himself from the vote due to a conflict of interest.*

**A motion was made by Commissioner Jimmy Weekley, seconded by Commissioner Billy Wardlow, that the Resolution be Passed. The motion passed by an unanimous vote with the exception of Commissioner Rossi.**

**Absent:** 1 - Commissioner Lopez

Enactment No: Res 11-187

18

Authorizing execution of the attached settlement agreement (revised) between M&I Regional Properties, LLC (as successor in title to Caroline Street Partners, LLC), Harborside, LLC and the City of Key West.

**Attachments:** [Resolution](#)  
[Settlement Agreement](#)  
[Boundary Survey, Legal Description & layout sketch of Property](#)  
[Resolution 03-279](#)  
[Resolution 04-093](#)  
[March 2004 \(Revised\) Settlement Agreement](#)  
[May 2004 Agreement between the City, DCA and Caroline Street Partners. L](#)

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

**No:** 1 - Commissioner Weekley

**Absent:** 1 - Commissioner Lopez

**Yes:** 5 - Commissioner Gibson, Commissioner Johnston, Commissioner Rossi, Commissioner Wardlow and Mayor Cates

Enactment No: Res 11-188

19

Awarding the bid of Imperial Electric, Inc. to retrofit local park ball field lighting in accordance with the terms specified in ITB #11-015 in an amount not to exceed \$707,677.00; Authorizing necessary budget allocations; Authorizing the City Manager to negotiate and enter into a contract in substantial conformance with the contract documents contained in the bid package on behalf of the City of Key West.

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Resolution 09-268](#)  
[Resolution 10-303](#)  
[City's Invitation to Bid documents](#)  
[Addendum 1](#)  
[Addendum 2](#)  
[Addendum 3](#)  
[Bid Tabulation](#)  
[Imperial Electric Proposal](#)  
[Canseco Electrical Contractors Inc proposal](#)  
[Davco proposal](#)  
[\\*Large File\\* Electrical Contracting Service Inc proposal](#)  
[Key West Submittal](#)

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

Enactment No: Res 11-189

20

Approving the attached fourth amendment to the City's bus shelter agreement with Anderson Outdoor Advertising, Inc.

**Attachments:**     [Resolution](#)  
                              [Executive Summary](#)  
                              [Fourth Amendment to Agreement](#)  
                              [Resolution 92-283](#)  
                              [Resolution 94-318](#)  
                              [Resolution 95-466](#)  
                              [Resolution 99-119](#)  
                              [Resolution 03-330](#)  
                              [Resolution 06-179](#)

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

**Absent:** 1 - Commissioner Lopez

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

Enactment No: Res 11-190

21

Approving a Task Order under the General Services Contract with Douglas N. Higgins, Inc. in an amount not to exceed \$306,843.13 for repair of sewer lateral trenches on Eaton Street; Authorizing a budget transfer from sewer fund reserves.

**Attachments:**     [Resolution](#)  
                              [Executive Summary](#)  
                              [Resolution 10-319](#)  
                              [DN Higgins Proposal](#)  
                              [Charley Toppino and Sons proposal](#)  
                              [Eaton Street Bid comparison](#)

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

Enactment No: Res 11-191

22

Ranking proposals received in response to RFP #011-08, for monitoring of debris removal and related services; Authorizing the negotiation of contracts with two of the ranked proposers.

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Review and Ranking](#)  
[\\*Large File\\* Science Applications Int'l Corp. proposal](#)  
[True North proposal](#)  
[\\*Large File\\* GRD Solutions proposal](#)

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

Enactment No: Res 11-192

23

Approving an Easement of approximately 307.26 square feet at the end of Caraballo Lane to address the encroachment of a proposed security gate at the rear of property located at 327 William Street, Key West, Florida (RE #00003270-000000); Providing fees and conditions.

**Attachments:** [Resolution](#)  
[Easement Agreement](#)  
[Executive Summary](#)  
[Application](#)  
[Deed](#)  
[Survey](#)  
[Noticing](#)  
[Mailing list - June 2011](#)

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

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

**Absent:** 1 - Commissioner Lopez

**Yes:** 4 - Commissioner Gibson, Commissioner Rossi, Commissioner Wardlow and Mayor Cates

Enactment No: Res 11-193

## **ORDINANCES – FIRST READING**

24

An Ordinance of the City of Key West, Florida, Amending Chapter 18 of the Code of Ordinances entitled "Businesses" by amending Section 18-27(a) to allow consumption of alcoholic beverages between the hours of 7 A.M. and 4 A.M.; Repealing section 18-27(b), which prohibited alcohol sales between 4 A.M. and 12 Noon on Sundays; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Attachments:** [Ordinance](#)



*Commissioners Mark Rossi and Jimmy Weekley recused themselves from the vote due to each of them having a conflict of interest.*

**A motion was made by Commissioner Wardlow, seconded by Commissioner Gibson, that the Ordinance be Passed to Second Reading. The motion carried by the following vote with the exceptions of Commissioners Mark Rossi and Jimmy Weekley :**

**Recuse:** 2 - Commissioner Rossi and Commissioner Weekley

**Absent:** 1 - Commissioner Lopez

**Yes:** 4 - Commissioner Gibson, Commissioner Johnston, Commissioner Wardlow and Mayor Cates

**CITIZEN COMMENTS**

**COMMISSION COMMENTS**

**ADJOURNMENT**

**10:02 P.M.**