



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Tuesday, January 3, 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

6:03 P.M.

ROLL CALL

Absent 2 - Commissioner Lopez and Commissioner Wardlow

Present 5 - Commissioner Johnston, Commissioner Rossi, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

INVOCATION: Reverend Dr. Lawrence Schenk, Peace Covenant Presbyterian Church

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

PROCLAMATIONS

1 Human Trafficking Awareness 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

2 *November 15, 2011 (Regular)

Passed

3 *December 6, 2011 (Regular)

Passed

RESOLUTIONS

4 *Re-appointing Timothy R. Atwell to the Civil Service Board.

Sponsors: Mayor Cates

Passed

Enactment No: Res 12-001

5 *Re-appointing George Cabanas, Jr. to the Civil Service Board.

Sponsors: Mayor Cates

Passed

Enactment No: Res 12-002

- 6 *Authorizing the Flagler Centennial Committee and the Market Share Company to conduct the Centennial of the Flagler Railroad Rolling Parade on Duval Street from 11:00 A.M. to 4:00 P.M. Sunday, January 22, 2012; Authorizing the closure of certain streets or portions thereof for said parade from 11:00 A.M. to 4:00 P.M.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 12-003

- 7 *Authorizing the American Cancer Society to conduct Rocking Away Cancer Event on the 200 Block of Duval Street on Saturday, February 18, 2012 from 12:00 Noon to 6:00 P.M. pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of the 200 Block of Duval Street from 9:00 A.M. to 7:00 P.M.; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 12:00 Noon to 6:00 P.M.; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 12-004

- 8 *Authorizing Executive Adventures, LLC to conduct a World Sailfish Championship and Tournament Festivities at Mallory Square Plaza starting on Tuesday, April 17 through Saturday, April 21, 2012 from 12:00 Noon to 12:00 Midnight (set up April 13 - 17, 2012 and breakdown April 21 - 23, 2012); 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 11:00 A.M. to 12:00 Midnight; Authorizing the sale and consumption of alcoholic beverages within an enclosed area; Approving a five year contract starting on 2012 through 2016 with Executive Adventures; Providing payments to the City.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 12-005

- 9 *Approving the option for an additional two-year period for the Concession Agreement between the City and Key West Wildlife Center, Inc.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 12-006

- 10 *Approving a one-year extension to the "Master Agreement to Furnish Financial Consulting Services" between the City and Camp, Dresser and McKee, Inc.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 12-007

- 11 *Approving a one-year extension to the Master Agreement to Furnish Financial Consulting Services between Malcolm Pirnie and the City of Key West.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 12-008

- 12 *Approving the attached "Agreement to Provide Marketing and Advertising Services to the City of Key West in Support of the Climate Action Plan," between the City and the Cunningham Group.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 12-009

- 13 *Authorizing an expenditure not to exceed \$57,000.00 to the Florida Keys Community College (FKCC) for Police Academy Training for up to eight (8) Cadets; Providing for budget transfers.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 12-010

- 14 *Authorizing pursuant to Section 2-797(3) of the Code of Ordinances the purchase of one 6,000 pound capacity Yale Cushion Tire Lift Truck from Yale Lift Trucks of Florida & Georgia in an amount not to exceed \$29,291.32.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 12-011

- 15 *Authorizing pursuant to Section 2-797(3) of the Code of Ordinances the purchase of one Toro Reelmaster and Toro Verticutter for Reelmaster from Wesco Turf, Inc. under Florida State Contract #760-00-10-1 for an amount not to exceed \$30,431.59.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 12-012

- 16 *Authorizing pursuant to Sections 2-797(3) and 2-844(a) and (b) of the Code of Ordinances the purchase of four (4) Panasonic Tough Book Laptop Computers from CDW Government, Inc. in the amount of \$20,956.00 and related software and licenses pursuant to Sections 2-797(1) and 2-844(a) and (b) of the Code of Ordinances from Sungard, Inc. in the amount of \$7,600.00; Authorizing payment from COPS Grant #2006CKWX0295 (\$25,228.84) and the Law Enforcement Trust Fund (\$3,327.16).

Sponsors: City Manager Scholl

Passed

Enactment No: Res 12-013

- 17 *Authorizing Modification Number Four to a Subgrant Agreement with Florida Division of Emergency Management in order to reinstate and extend the term for FEMA (Division of Emergency Management) Grant Contract 09HM-37-11-54-02-030 (George/First Street Pump Station Outfall Phase 1).

Sponsors: City Manager Scholl

Passed

Enactment No: Res 12-014

- 18 *Approving Modification #1, Contract No. 12HM-3B-11-54-02-001 from State of Florida Division of Emergency Management to reinstate and extend the term of Phase II FEMA Funding for Patricia/Ashby Streets Drainage Area Project to August 31, 2012, and to increase Federal Funds by \$334,407.00, to a total of \$1,064,897.00 in Federal Funds; Amending the Stormwater Budget to increase the local share amount by \$111,469.00, to a total of \$354,965.00; Authorizing the City Manager to execute Modification #1 to Contract No. 12HM-3B-11-54-02-001.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 12-015

- 19 *Authorizing Change Order #4 to the contract for Sidewalk Enhancements Phase IV - Virginia Street Sidewalks and Applerouth Lane Sidewalks with Charley Toppino and Sons, Inc. in an amount not to exceed \$21,479.50; Authorizing a budget transfer.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 12-016

- 20 *Approving transfer of Mobile Vendor License (MVL) #12785 from Michael I. Nelson to Cash W. Pauley due to hardship.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 12-017

- 21 *Granting permission to initiate a Development Agreement for the Higgs Beach Park Property (1000 Atlantic Boulevard).

Sponsors: City Manager Scholl

Passed

Enactment No: Res 12-018

- 22 *Appointing Robin Robinson to the Tree Commission.

Sponsors: Mayor Cates

Passed

Enactment No: Res 12-019

- 23 *Re-appointing Dan Probert to the Key West Bight Management District Board.

Sponsors: Mayor Cates

Passed

Enactment No: Res 12-020

- 24 *Re-appointing J. Jon Ashby to the Key West Bight Management District Board.

Sponsors: Mayor Cates

Passed

Enactment No: Res 12-021

- 25 *Re-appointing Michael Knowles to the Key West Bight Management District Board.

Sponsors: Mayor Cates

Passed

Enactment No: Res 12-022

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.

- 26 Supporting approval of the Monroe County School District Referendum to renew flexible funding for Monroe County Schools; Urging citizens to vote in the Special Election scheduled for January 31, 2012.

Sponsors: Mayor Cates

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

Absent: 2 - Commissioner Lopez and Commissioner Wardlow

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

Enactment No: Res 12-023

- 27 Amending the Residency Requirement of the "Truman Waterfront Advisory Board" (TWAB).

Sponsors: Commissioner Rossi

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

No: 1 - Commissioner Johnston

Absent: 2 - Commissioner Lopez and Commissioner Wardlow

Yes: 4 - Commissioner Rossi, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

Enactment No: Res 12-024

- 28 Approving the attached Agreement regarding Management and Maintenance for the Key West Marine Park by Reef Relief.

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

Enactment No: Res 12-025

29

Appointing Commissioner Johnston to serve in the "Hurricane Evacuation Clearance Time Work Group" ("Work Group") for the Florida Department of Economic Opportunity ("DEO").

Sponsors: City Manager Scholl

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

Enactment No: Res 12-026

ORDINANCES - SECOND READING (Public Hearing)

30

An Ordinance of the City of Key West, Florida supplementing Ordinance No. 03-15; Authorizing the issuance of a series of Sewer System Revenue Bonds for the purpose of financing sewer projects originally funded through the State of Florida Department of Emergency Management and paying costs of issuance related thereto; Providing for the payment of such Sewer System Revenue Bonds from net revenues of the sewer system of the City; Authorizing an amendment to the reserve account requirement upon consent of a majority of bondholders; And providing 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:

Absent: 2 - Commissioner Lopez and Commissioner Wardlow

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

Enactment No: Ord 12-01

RESOLUTIONS - Continued

31

Supplementing Ordinance No. 03-15, as amended and supplemented by an Ordinance enacted this date, which authorized the issuance of not exceeding \$6,400,000.00 Sewer System Revenue Bonds, Series 2012 of the City to finance sewer projects originally funded through the State of Florida Department of Emergency Management and paying costs of issuance related thereto; Pledging a parity lien on the net revenues of the sewer system for the payment of such bonds; Providing for the rights of the registered owners of such bonds; Appointing a Bond Registrar and Paying Agent; Authorizing the private negotiated sale of such bonds pursuant to the terms and conditions described herein and in the commitment; Designating such bonds as qualified tax-exempt obligations within the meaning of the Internal Revenue Code; Establishing the reserve requirement for such bonds; Providing certain other matters in connection therewith.

Sponsors: City Manager Scholl

A motion was made by Commissioner Yaniz, seconded by Commissioner Johnston, that the Resolution be Postponed Indefinitely. The motion carried by the following vote:

Absent: 2 - Commissioner Lopez and Commissioner Wardlow

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

32

Approving payment to the Florida Department of Emergency Management (FDEM) in the amount of \$6,268,629.48 to resolve Stafford Act Funds owed from the Sewer and Solid Waste Fund from Hurricane Irene; Approving budget transfers as needed to facilitate payment.

Sponsors: City Manager Scholl

A motion was made by Commissioner Rossi, seconded by Commissioner Yaniz, that the Resolution be Postponed Indefinitely. The motion passed by a unanimous vote.

ORDINANCES – FIRST READING

- 33 An Ordinance of the City of Key West, Florida, amending Chapter 2 of the Code of Ordinances entitled "Administration" by adding Section 2-799 to provide for a preference in competitive solicitations where the vendor does not discriminate in the provision of benefits to domestic partners; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Weekley

Withdrawn

- 34 An Ordinance of the City of Key West, Florida, amending Chapter 38, "Human Relations", Article V "Domestic Partnerships" of the Code of Ordinances entitled "Human Relations" by adding Sections 38-297, 38-298, 38-299 and 38-300 to provide for health care surrogate designation, visitation to licensed facilities, preneed guardian designation, and notification of family members; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Weekley

Withdrawn

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

7:49 P.M.