



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Tuesday, April 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

6:02 P.M.

ROLL CALL

Present 7 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

INVOCATION - Pastor Ozzie Vater, Fifth Street Baptist Church

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

COMMENDATIONS

1 Key West High School Outstanding Achievement/Unsung Hero Awards

Sponsors: Mayor Cates

Received and Filed

2 Key West High School Excellence in the Visual, Performing and Vocational Arts Awards

Sponsors: Mayor Cates

Received and Filed

- 3 Key West High School Academic Excellence Awards
Sponsors: Mayor Cates
Received and Filed

PROCLAMATIONS

- 4 Boys and Girls Club Week of the Keys
Sponsors: Mayor Cates
Received and Filed
- 5 Fair Housing and Community Development Month
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

- 6 *February 22, 2012 (Regular)
Passed
- 7 *March 6, 2012 (Regular)
Passed

RESOLUTIONS

- 8 *Naming Kirby Congdon as the first Poet Laureate of the City of Key West.
- Sponsors:** Commissioner Weekley
- Passed**
- Enactment No: Res 12-100
- 9 *Approving and Authorizing the City Manager to execute the attached agreement between the City of Key West, Florida and the Conch Republic Independence Celebration, AIDS Help, Inc. The Key West Cultural Preservation Society, Bourbon Street Pub, Petronia St. Neighborhood Association & Xena Fund for the 2012 Conch Republic Independence Celebration from April 20 through April 29, 2012. Granting an exemption from the noise control Ordinances pursuant to Section 6-86 of the Code of Ordinances during the celebration; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.
- Sponsors:** City Manager Scholl
- Passed**
- Enactment No: Res 12-101
- 10 *Granting a Special Event permit pursuant to Section 6-86 of the Code of Ordinances to the Key West Performing Arts Company for a Island Roots Festival during the Conch Republic Independence Celebration at 804 Whitehead Street from the hours of 10:00 a.m. to 10:00 p.m. on Friday, April 20, 2012 and Saturday, April 21, 2012.
- Sponsors:** City Manager Scholl
- Passed**
- Enactment No: Res 12-102
- 11 *Granting a Special Event permit pursuant to Section 6-86 of the Code of Ordinances to the Turtle Kraals Restaurant at 231 Margaret Street for a Howard Livingston Band concert during the hours of 5:00 p.m. to 10:00 p.m. on Saturday, April 21, 2012.
- Sponsors:** City Manager Scholl
- Passed**
- Enactment No: Res 12-103

- 12 *Approving the attached form of “Key West City Marina at Garrison Bight Charterboat Dockage Agreement” (five-year term).
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 12-104
- 13 *Approving the attached "Agreement to Furnish Professional Services for Monitoring of Debris Removal and Related Services to the City of Key West" between the City and Science Applications International Corporation (SAIC), in response to the ranked responses to RFP #011-08.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 12-105
- 14 *Extending the contract for Sidewalk Enhancements Phase VI - Duck Avenue Sidewalks project with Charley Toppino and Sons, Inc. until April 20, 2012.
- Passed**
- Enactment No: Res 12-106
- 15 *Extending the contract for Sidewalk Enhancements Phase VII - Leon Street Sidewalks project with Charley Toppino and Sons, Inc. until April 20, 2012.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 12-107
- 16 *Approving a month-to-month extension to the contract for utility bill printing with Local Enterprises, Inc. (formally known as Barrett and Company, Inc. and Barrett Printing and Promotions) to a total not to exceed \$45,000.00.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 12-108

- 17 *Extending the contract for College Road enhancements project number GN0711 with Charley Toppino & Sons, Inc. to April 30, 2012.
Sponsors: City Manager Scholl

Passed

Enactment No: Res 12-109
- 18 *Extending the contract for Atlantic Boulevard enhancements project No. GN 0710 with Charley Toppino and Sons, Inc. until April 30, 2012.

Passed

Enactment No: Res 12-110
- 19 *Accepting the Bid of Douglas N. Higgins, Inc., for the construction of the Glynn Archer/14th Street Roadway reconstruction (Project #420042-1) in the amount of \$2,686,659.78.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 12-111
- 20 *Authorizing a supplemental LAP Agreement between the City of Key West and FDOT in the amount of \$792,000.00 for the Glynn Archer Drive / 14th St. Roadway reconstruction project (EN 1004); Approving necessary budget amendments.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 12-112
- 21 *Authorizing pursuant to Section 2-771 (3)c of the Code of Ordinances the disposal/demolition of the parking attendant booth at the Mallory Square parking lot entrance (City Asset # 980240 and 980241).

Sponsors: City Manager Scholl

Passed

Enactment No: Res 12-113
- 22 *Awarding the Bid of Ebsary Foundation Company, Inc. in a total amount not to exceed \$3,278,882.00 for repairs to Navy Mole Bulkhead 497; Approving necessary budget transfers.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 12-114

- 23 *Approval of Task Order NO. 5-12 - Ports from CH2M HILL Engineering, Inc. in an amount not to exceed \$49,350.00 for Engineering Services for evaluate, test and develop a statement of work for repairs to the Navy Mole Electrical System.
- Sponsors:** City Manager Scholl
- Passed**
- Enactment No: Res 12-115
- 24 *Authorizing the payment of \$356,052.00 towards the required minimum City funding contribution for FY ending September 30, 2011 to the Police Officer's and Firefighter's Retirement Plan.
- Sponsors:** City Manager Scholl
- Passed**
- Enactment No: Res 12-116
- 25 *Approving the attached Worker's Compensation Settlement Agreement between George Villareal and the City of Key West in the amount of \$25,000.00; Authorizing the City Manager to execute settlement documents.
- Sponsors:** City Attorney Smith
- Passed**
- Enactment No: Res 12-117
- 26 *Authorizing the Settlement of Jessica Burke v. City of Key West, Case Number 2011-CA-148-K; Authorizing the City Manager to execute settlement documents.
- Sponsors:** City Attorney Smith
- Passed**
- Enactment No: Res 12-118
- 27 *Supporting Keys Energy Services' efforts to remove electrical facilities from inaccessible locations; Waiving Permit Fees for certain electrical work; Directing the City Manager to facilitate customer upgrades; Supporting efforts to remove additional facilities so excess poles can be removed in a timely manner.
- Sponsors:** Commissioner Yaniz
- Postponed**

- 28 *Approving a Minor Development Plan for real property located at 313 Margaret Street; Providing for Conditions, Providing for an effective date.

Sponsors: City Manager Scholl

Postponed to May 1, 2012.

- 29 *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

Postponed to May 1, 2012.

- 30 *Approving the attached "Amendment No. 2 to the Interlocal Agreement between Monroe County and the City of Key West, for joint participation in Grant Agreement No. ARS010"; Authorizing the City Manager to execute the necessary documents.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 12-119

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.

- 31 Opposing the introductions of genetically-altered mosquitoes until further research is provided and approval is obtained from the applicable regulatory body, and operational standards and a plan to demonstrate measurable outcomes are described to the public.

Sponsors: Commissioner Weekley

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

No: 2 - Commissioner Rossi and Mayor Cates

Yes: 5 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Commissioner Yaniz

Enactment No: Res 12-120

- 32 Authorizing La Te Da Redux, Inc. to conduct the Queen Mother Pageant on Monday, May 14, 2012 from 6:00 p.m. to 11:00 p.m.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of the 1100 block of Duval Street from 12:00 Noon to 12:00 Midnight; Granting a Special Event permit pursuant to Section 6-86 of the Code of Ordinances from 7:00 p.m. to 10:30 p.m. (Sound Check at 4:00 p.m. to 4:30 p.m.); Authorizing the sale and consumption of alcoholic beverages within the enclosed area.
- 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 12-121
- 33 Approving the City Clerks Performanace Evaluation.
- Sponsors:** City Manager Scholl
- A motion was made by Commissioner Rossi, seconded by Commissioner Yaniz, that the Resolution be Passed. The motion passed by a unanimous vote.**
- Enactment No: Res 12-122
- 34 Adjusting rates for liveaboard, commercial and recreational leases at the City Marina at Garrison Bight.
- Sponsors:** City Manager Scholl
- A motion was made by Commissioner Rossi, seconded by Commissioner Lopez, that the Resolution be Postponed to 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
- 35 Approving the form of the attached "City Marina at Garrison Bight Commercial Dockage Agreement" (one-year term).
- Sponsors:** City Manager Scholl
- A motion was made by Commissioner Rossi, seconded by Commissioner Lopez, that the Resolution be Postponed. The motion carried by the following vote:**
- Yes:** 7 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

- 36 Extending the contract for Sidewalk Enhancements Phase IV - Virginia Street Sidewalks and Appelrouth Lane Sidewalks with Charley Toppino and Sons, Inc. until April 20, 2012.
- A motion was made by Commissioner Johnston, seconded by Commissioner Yaniz, that the Resolution be Passed. The motion passed by a unanimous vote.**
- Enactment No: Res 12-123
- 37 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 20, 2012.
- Sponsors:** City Manager Scholl
- A motion was made by Commissioner Rossi, seconded by Commissioner Lopez, that the Resolution be Passed. The motion passed by a unanimous vote.**
- Enactment No: Res 12-124
- 38 Authorizing Task Orders numbers Six (6) through Eleven (11) to mbi-k2m Architecture, Inc. in an amount not to exceed \$175,750.00, for the Planning, Design, Contract Administration and Contract Closeout Services required for the construction of a stand-alone Fire Station #2, to include adjoining site development and bus shelter pursuant to the Agreement approved in Resolution No. 08-253, and extended in Resolution No. 12-070.
- 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 Rossi
- Yes:** 5 - Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates
- Enactment No: Res 12-125
- 39 Approving the attached Easement Agreement with the Monroe County School District to construct an elevated generator platform and control panel for a Stormwater Pump Station in the vicinity of the HOB property.
- Sponsors:** City Manager Scholl
- A motion was made by Commissioner Yaniz, 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 12-126

40 Approving the attached "Agreement for Conveyance of Real Property" between the City and School Board of Monroe County, Florida.

Sponsors: Mayor Cates

A motion was made by Commissioner Rossi, seconded by Commissioner Lopez, that the Resolution be Passed and amending Section 10 of the "Agreement". 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 12-127

ORDINANCES – FIRST READING

41 An Ordinance of the City Commission of the City of Key West, 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; and providing an effective date.

Sponsors: City Manager Scholl

A motion was made by Commissioner Rossi, seconded by Commissioner Lopez, that the Ordinance be Passed to Second Reading on May 1, 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: Res 2011-051

42 An Ordinance of the City of Key West, Florida, Amending Chapter 70 of the Code or Ordinances entitled "Wreckers and Towing Service" by amending Section 70-654 to clarify required equipment for the City tow rotation list; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

A motion was made by Commissioner Johnston, seconded by Commissioner Lopez, that the Ordinance be Denied on First Reading. 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

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

11:30 P.M.