



# 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, December 6, 2011

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

6:02 P.M.

### ROLL CALL

**Absent** 2 - Commissioner Rossi and Commissioner Yaniz

**Present** 5 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

**INVOCATION - Deacon Peter Batty, St. Mary's Star of the Sea Catholic Church**

### PLEDGE OF ALLEGIANCE TO THE FLAG

### APPROVAL OF AGENDA

### PROCLAMATIONS

1 National Homeless Persons Memorial Day  
  
**Sponsors:** Mayor Cates and Commissioner Weekley  
  
**Received and Filed**

2 Real Men Wear Pink Sneakers Week  
  
**Sponsors:** Mayor Cates  
  
**Received and Filed**

### PRESENTATIONS

- 3 The .5 Mill Referendum - Monroe County Schools Chairman John Dick

**Sponsors:** Mayor Cates

**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 \*November 22, 2011 (Special)

**RESOLUTIONS**

- 5 \*Authorizing Helpline Inc. to conduct their Annual Fair to take place at the Truman Waterfront during the hours of 10:00 A.M. to 10:00 P.M. starting on Friday, December 16, 2011 through Sunday, January 1, 2012 (set up Thursday, December 15, 2011).

**Sponsors:** City Manager Scholl

**Passed**

Enactment No: Res 11-328

- 6                   \*Authorizing Rotary Club of Key West, Inc. to conduct a fundraiser at Dewitt Roberts Field (Wickers Sports Complex) and Pedro Aguilar Field (Clayton Sterling Complex) for the Third Annual Marques Butler Memorial Softball Tournament on Saturday, January 28 and Sunday, January 29, 2012 from 8:00 A.M. to 11:00 P.M. pursuant to terms and conditions set forth by the Office of the City Manager; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 8:00 A.M. to 11:00 P.M. on Saturday, January 28 and Sunday, January 29, 2012; Authorizing the sale and consumption of alcoholic beverages on the date and during the hours stated above.

**Sponsors:**       City Manager Scholl

**Passed**

Enactment No: Res 11-329

- 7                   \*Authorizing the Key West Art Center to conduct a Craft Festival Show on Saturday, January 28, 2012 and Sunday, January 29, 2012 during the hours of 10:00 A.M. to 5:00 P.M.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Whitehead Street between Greene Street and Eaton Street including Caroline on January 28, 2012 and January 29, 2012 from 10:00 A.M. to 5:00 P.M.

**Sponsors:**       City Manager Scholl

**Passed**

Enactment No: Res 11-330

- 8                   \*Authorizing the Key West Art Center to conduct an Art Show on Saturday, February 25, 2012 and Sunday, February 26, 2012 (street closed from February 25, 2012 6:00 A.M. through February 26, 2012 8:00 P.M.) during the hours of 10:00 A.M. to 5:00 P.M.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Whitehead Street between Greene Street and Eaton Street including Caroline on February 25, 2012 and February 26, 2012 from 10:00 A.M. to 5:00 P.M.

**Sponsors:**       City Manager Scholl

**Passed**

Enactment No: Res 11-331

- 9                   \*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

**Postponed to January 3, 2012**

- 10                  \*Authorizing the City to provide up to three free shuttle bus trips per calendar year for residents of the Key West Housing Authority Senior Citizen Center.

**Sponsors:**           City Manager Scholl

**Passed**

Enactment No: Res 11-332

- 11                  \*Authorizing Free Public Transportation Bus Services in Key West and the Lower Keys from Wednesday, December 21st through and including December 24th, 2011 **and Free Parking in Old Town from Wednesday, December 21 through and including December 25, 2011.**

**Sponsors:**           City Manager Scholl

**Passed**

Enactment No: Res 11-333

- 12                  \*Authorizing pursuant to Sections 2-797(3) and 2-844(a) and (b) of the Code of Ordinances the purchase of Microsoft Software from Software House International Corp. (SHI) in the amount of \$53,065.43.

**Sponsors:**           City Manager Scholl

**Passed**

Enactment No: Res 11-334

- 13                    \*Approving an Inter-local Agreement between the City and the Monroe County Board of County Commissioners for reimbursement of certain public access water-related expenses.
- Sponsors:**        City Manager Scholl
- Passed**
- Enactment No: Res 11-335
- 14                    \*Approving the attached agreement regarding management and maintenance for the Key West Marine Park by Reef Relief.
- Postponed to January 3, 2012**
- 15                    \*Authorizing the award of Task Order No. 04 to Atkins North America, Inc. for Environmental Permitting Services at Smathers Beach as required by Florida Department of Environmental Protection (FDEP) and United States Army Corps of Engineers (USACE) in an amount not to exceed \$39,640.00; Approving necessary budget transfers.
- Sponsors:**        City Manager Scholl
- Passed**
- Enactment No: Res 11-336
- 16                    \*Exercising the second of two one-year renewal options stipulated in the contract for Grant Writing Services with Sheila Griffin Inc., originally approved in Resolution No. 09-185.
- Sponsors:**        City Manager Scholl
- Passed**
- Enactment No: Res 11-337
- 17                    \*Approving the attached Supplemental Joint Participation Agreement (SJPA) between the Florida Department of Transportation (FDOT) and the City of Key West for additional funding for the Lower Keys Shuttle in the amount of \$441,120.00.
- Sponsors:**        City Manager Scholl
- Passed**
- Enactment No: Res 11-338

- 18                    \*Extending the contract for construction of Headworks Modifications at the Richard A. Heyman Environmental Protection Facility with Encore Construction Company, LLC until January 27, 2012 for substantial completion, and to February 27, 2012 for final completion on a no-cost basis.

**Sponsors:**            City Manager Scholl

**Passed**

Enactment No: Res 11-339

- 19                    \*Extending by an additional 180 days the moratorium declared in Ordinance No. 10-07, and extended in Resolution Nos. 10-235, 11-023 and 11-204, on the issuance of any permit, license, business tax receipt, franchise or similar authorizations related to motorized and non-motorized commercial vehicles that make primary use of city streets in the operation of their businesses.

**Sponsors:**            City Manager Scholl

**Passed**

Enactment No: Res 11-340

- 20                    \*Authorizing the City Manager to enter into an agreement with US Real Estate Services, property owner(s) in Code Compliance Case Number CES-10-347 (3317 Eagle Avenue) permitting a release of lien upon payment by the owners of a mitigated amount of \$2,500.00.

**Sponsors:**            City Manager Scholl

**Passed**

Enactment No: Res 11-341

- 21                    \*Authorizing a \$34,000.00 expenditure to A Positive Step of Monroe County, Inc. for the Summer Job Training Program.

**Sponsors:**            Commissioner Weekley

**Passed**

Enactment No: Res 11-342

22

\*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 2011, 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

**Postponed to January 3, 2012**

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

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

23

Approving the inclusion of the 800 through 1500 blocks of Virginia Street as well as the ~~1100 and 1200~~ **1000 and 1100** blocks of Margaret Street, Packer Street, Grinnell Street and Watson Street in the Residential Parking Program.

**Sponsors:** Commissioner Lopez and Commissioner Johnston

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

**No:** 1 - Commissioner Wardlow

**Absent:** 2 - Commissioner Rossi and Commissioner Yaniz

**Yes:** 4 - Commissioner Johnston, Commissioner Lopez, Commissioner Weekley and Mayor Cates

Enactment No: Res 11-343

- 24 Approving the attached 2012 Meeting Schedule for the Key West City Commission.

**Sponsors:** City Manager Scholl

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

**Absent:** 2 - Commissioner Rossi and Commissioner Yaniz

**Yes:** 5 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Res 11-344

- 25 Accepting pursuant to Section 2-797 ~~(3)~~ (4)(b) and 7-798 of the Code of Ordinances the attached proposal of Niles Sales & Service, Inc. in the total amount of \$33,948.70 for one Chevy Tahoe for use by the Key West Fire Department.

**Sponsors:** City Manager Scholl

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

**Absent:** 2 - Commissioner Rossi and Commissioner Yaniz

**Yes:** 5 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Res 11-345

- 26 Approving the attached Mutual Aid Agreement between the City of Key West and the Monroe County School District regarding a School Resource Officer at Key West High School.

**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:** 1 - Commissioner Johnston

**Absent:** 2 - Commissioner Rossi and Commissioner Yaniz

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

Enactment No: Res 11-346



- 27                      Awarding the bid of Lanzo Construction, Inc., for the construction of the Patricia/Ashby Street Stormwater Emergency Outfall Project in an amount not to exceed \$1,485,580.00 (city 25% match).

**Sponsors:**            City Manager Scholl

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

**Absent:** 2 - Commissioner Rossi and Commissioner Yaniz

**Yes:** 5 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Res 11-347

#### **ORDINANCES - SECOND READING (Public Hearing)**

- 28                      An Ordinance of the City of Key West, Florida, amending Chapter 70 of the Code of Ordinances entitled "Traffic and Vehicles", Article XI "Wreckers and Towing Service" by adding Division 3 "Non-consensual Private Towing Services", Sections 70-701, 70-702, 70-703, 70-704, 70-705, 70-706, 70-707, 70-708, 70-709 and 70-710 to provide for authority, purpose and definitions in enacting regulations governing nonconsensual tows; Providing for the issuance of operating permits; Providing for the setting of rates and requirements for non-consensual tows; Providing for enforcement and penalties; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:**            Mayor Cates and Commissioner Rossi

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

**Absent:** 2 - Commissioner Rossi and Commissioner Yaniz

**Yes:** 5 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Ord 11-22

29

An Ordinance of the City of Key West, Florida supplementing Ordinance No. 03-15; Authorizing the issuance of not exceeding \$6,400,000.00 Sewer System Revenue Bonds, series 2011, 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 revenue 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 to a national banking organization with a designated office in the State of Florida selected by the City Commission pursuant to a request for proposals conducted in compliance with State law and the Code of Ordinances of the City of Key West 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; Authorizing an amendment to the reserve account requirement upon consent of a majority of bondholders; Providing certain other matters in connection therewith; Providing for an effective date.

**Sponsors:** City Manager Scholl

**A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Ordinance be Postponed to January 3, 2012. The motion passed by a unanimous vote.**

#### **CITIZEN COMMENTS**

#### **COMMISSION COMMENTS**

#### **ADJOURNMENT**

**7:51 P.M.**