



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Tuesday, November 1, 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

6:05 P.M.

ROLL CALL

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

INVOCATION - Rabbi Simon Dudai, Congregation B’Nai Zion Synagogue

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

COMMENDATIONS

- 1 Dr. Nils Muench
- Sponsors: Mayor Cates
- Received and Filed

PROCLAMATIONS

- 2 SMART Ride Day
- Sponsors: Mayor Cates
- Received and Filed

PRESENTATIONS

3 White Fly - Kim Gable, Monroe County Extension Services

Sponsors: City Manager Scholl

Received and Filed

4 Findings of the Carrying Capacity Traffic Study

Sponsors: City Manager Scholl

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

5 *September 20, 2011 (Regular)

Passed

6 *October 5, 2011 (Regular)

Passed

7 *October 18, 2011 (Regular)

Passed

RESOLUTIONS

- 8 *Re-appointing Richard (Dick) Moody to the Art in Public Places Board.
- Sponsors: Mayor Cates
- Passed**
- Enactment No: Res 11-297
- 9 *Authorizing the Event Network-Pirates in Paradise, Florida Special Event's (Helpline Fair), Key West Helpline, Inc. and Advanced Soft Tissue Assessment & Rehabilitation (ASTAAR) Inc., the use of the Truman Waterfront as depicted on the map attached for the Pirates Festivities starting on Wednesday, November 23, 2011 (set up November 21, 2011) through Sunday, December 4, 2011; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances throughout the event; Authorizing the sale and consumption of alcoholic beverages within the barricaded area.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 11-298
- 10 *Authorizing Premier Racing the use of the Truman Waterfront for the staging, launching and hauling of racing sailboats and support boats on January 1, 2012 to February 1, 2012 from 6:00 A.M. to 8:00 P.M.; Pursuant to terms and conditions set forth by the City Manager.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 11-299
- 11 *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 November 15, 2011**

- 12 *Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to Alexis Rizo for a wedding at the Southernmost House 1400 Duval Street for an event to take place during the hours of 4:00 P.M. to 9:00 P.M. on Saturday, December 1, 2012.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 11-300

- 13 *Approving the attached "Memorandum of Agreement for participating Fort Lauderdale UASI (Urban Area Security Initiative) Agencies" pursuant to a federally funded subgrant agreement between the State of Florida Department of Emergency Management and the Fort Lauderdale Urban Area (City of Miramar, As Administrator) for the Department of Homeland Security FY 2008 UASI Grant Program, in the amount of \$35,000.00, to fund planning, recruiting, training, exercising, supplies and equipment for the City of Key West Community Emergency Response Team and Citizens Corps; Authorizing the City Manager to execute the necessary documents.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 11-301

- 14 *Approving the attached "Memorandum of Agreement for participating Fort Lauderdale UASI (Urban Area Security Initiative) Agencies" pursuant to a federally funded subgrant agreement between the State of Florida Department of Emergency Management and the Fort Lauderdale Urban Area (City of Miramar, as Administrator) for the Department of Homeland Security FY 2009 UASI Grant Program, in the amount of \$42,000.00, to fund planning, recruiting, training, exercising, supplies and equipment for the City of Key West Community Emergency Response Team and Citizens Corps; Authorizing the City Manager to execute the necessary documents.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 11-302

- 15 *Authorizing the authority to execute and submit grant documentation through the Transportation Electronic Award Management System (TEAM) to the Federal Transit Administration (FTA) and Federal Highway Administration (FHWA), and to the Florida Department of Transportation (FDOT) and U.S. Department of Transportation (USDOT) to City Manager Jim Scholl, Key West Department of Transportation Manager Myra H. Wittenberg, and alternate designees Port and Transit Director Jim Fitton and Assistant City Manager David Fernandez; Authorizing City Attorney Shawn Smith and Chief Assistant City Attorney Larry Erskine to affirm the authority of the City and its designees to apply for and accept grant funding.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 11-303

- 16 *Accepting and approving a matching Grant Award Agreement in the amount of \$10,400.00 for 2012 State of Florida Preserve America Historic Preservation Grant, Grant Number 12PA05 - Key West Historic Preservation Forum; Providing for an effective date.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 11-304

- 17 *Approving the attached "Use Agreement" between the City of Key West and the Florida Division of Alcoholic Beverages and Tobacco ("ABT").

Sponsors: City Manager Scholl

Passed

Enactment No: Res 11-305

- 18 *Authorizing cumulative expenditures in excess of \$20,000.00 during FY 11-12 to authorized state contract vendors including, but not limited to, Special Products Group (SPG), Galls, Law Enforcement Supply, and Lou's Police Distributors, Inc., for police equipment and supplies.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 11-306

- 19 *Authorizing a Purchasing Exception pursuant to Section 2-797 of the Code of Ordinances, to allow cumulative expenditures during FY10-11 to Sunset Moving and Storage in a total amount not to exceed \$20,357.00.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 11-307

- 20 *Awarding the bid of D R Swanson Company to Resod City Ball Fields in accordance with the terms specified in ITB #12-004 in an amount not to exceed \$202,170.00; 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.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 11-308

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.

- 22 Approving Task Order No. 2 - Solid Waste Service Procurement and Transition Assistance for the City of Key West, in an amount not to exceed \$78,000.00; Approving a budget transfer in the amount of \$30,500.00 from reserves.

Sponsors: City Manager Scholl

Withdrawn

- 23 Approving the attached 'Sovereignty Submerged Land Lease Renewal' between the City and the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for the Key West Bight Area, effective May 21, 2011.

A motion was made by Commissioner Rossi, seconded by Commissioner Weekley, that the Resolution be Postponed to November 15, 2011. The motion passed by a unanimous vote.

- 24 Authorizing the Duval Street Improvement Association to establish the Duval Street Café Zone on Friday and Saturday evenings from November 12, 2011 through April 14, 2012 from 6:00 P.M. to 12:00 A.M. pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Duval Street between Angela Street and Fleming Street; Authorizing the sale and consumption of alcoholic beverages within the designated area; Providing conditions.

Sponsors: Commissioner Weekley

A motion was made by Commissioner Lopez, seconded by Commissioner Rossi, that the Resolution be Postponed to November 15, 2011. The motion carried by the following vote:

No: 3 - Commissioner Wardlow, Commissioner Weekley and Commissioner Yaniz

Yes: 4 - Commissioner Lopez, Commissioner Johnston, Commissioner Rossi and Mayor Cates

- 25 Directing the City Manager to implement the Alternate Side of the Street Cleaning Project initially presented at the City Commission Meeting of September 20, 2011.

Sponsors: Commissioner Weekley

A motion was made by Commissioner Weekley, seconded by Commissioner Yaniz, that the Resolution be Approved. The motion Failed by the following vote:

No: 5 - Commissioner Lopez, Commissioner Wardlow, Commissioner Johnston, Commissioner Rossi and Mayor Cates

Yes: 2 - Commissioner Weekley and Commissioner Yaniz

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

Sponsors: Commissioner Weekley

A motion was made by Commissioner Rossi, seconded by Commissioner Lopez, that the Resolution be Postponed to December 6, 2011. The motion passed by a unanimous vote.

- 27 Authorizing an expenditure not to exceed \$20,000.00 for installation of lights at Poinciana School Soccer Fields; Authorizing a budget transfer.

Sponsors: Commissioner Yaniz

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 11-309

ORDINANCES – First Reading:

- 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 Rossi, that the Ordinance be Postponed to November 15, 2011. The motion carried by the following vote:

No: 1 - Mayor Cates

Yes: 6 - Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley, Commissioner Johnston, Commissioner Rossi and Commissioner Yaniz

- 29 An Ordinance of the City of Key West, Florida, authorizing assignment of all stock in Duck Tours Seafari, Inc. from Duck Tours Seafari, LLC to Michael Thomas, JR., pursuant to Section 6 of the Franchise granted in Key West Ordinance No. 11-02; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

A motion was made by Commissioner Yaniz, seconded by Commissioner Rossi, that the Ordinance be Passed to Second Reading on November 15, 2011. The motion carried by the following vote:

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

30

An Ordinance of the City of Key West, Florida to call for a referendum permitting the City to seek modifications to widen the Key West Harbor Deep Water Channel to facilitate safe navigation; Authorizing the City Clerk to take all necessary action to place this measure on the ballot for January 31, 2012; 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 Weekley, that the Ordinance be denied on First Reading. The motion carried by the following vote:

No: 1 - Commissioner Rossi

Yes: 6 - Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley, Commissioner Johnston, Mayor Cates and Commissioner Yaniz

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

10:53 P.M.