



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Tuesday, May 3, 2011

6:00 PM

Old City Hall

Revised

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

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

INVOCATION - Reverend Phillip Smeadstad, Unity of the Keys Church

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

PROCLAMATIONS

1 Fair Housing and Community Development Month

Sponsors: Mayor Cates

Received and Filed

2 Dave Oatway 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

3 *April 4, 2011 (Regular)

Passed

4 *April 19, 2011 (Special)

Passed

RESOLUTIONS

5 *Authorizing Sister Season Fund Inc. the use of the Southernmost Beach at 1405 Duval Street for the 34th Annual Survivors Party on Monday, May 30, 2011 from 4:00 P.M. to 8:00 P.M.; Authorizing the sale and consumption of alcoholic beverages within the barricaded area; Granting an exemption from the Noise Control Ordinance pursuant to Section 6-86 of the Code of Ordinances during the event.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 11-120

6 *Approving the attached "Tropical Storm/Hurricane Parking Agreement" between Keys Energy Services and the City.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 11-121

- 7 *Approving the attached License Agreement between the City and the Housing Authority of the City of Key West for the use of a portion of Fort Street and Amelia Street.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 11-122
- 8 *Authorizing the execution of the attached “Federally Funded Subgrant Agreement” Contract Number 11HM-2V-11-54-02-004 (State FEMA Project No: HMGP 1539-47-R; State Project No: 1539-116) with the State of Florida Division of Emergency Management (FDEM) for Phase I FEMA Funding for East Front Street Flood Mitigation Project, in the amount of \$148,094.00 (City match 25% of project cost); Amending the FY 2011 Stormwater Budget to accept the grant; Approving a budget transfer from Stormwater Reserves to fund the City match.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 11-123
- 9 *Approving Task Order No. 9-11-STM from CH2M Hill Engineering, Inc. in an amount not to exceed \$111,698.00 for Engineering Services for bidding and construction for the Patricia/Ashby Emergency Outfall Drainage Project.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 11-124
- 10 *Approving Task Order No. 11-006 from Perez Engineering and Development, Inc. in an amount not to exceed \$47,400.00 for Construction Administration Services for the Patricia/Ashby Emergency Outfall Drainage Project.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 11-125

- 11 *Approving the attached "State of Florida Department of Transportation Storm Water Pump Station Maintenance Memorandum of Agreement with the City of Key West".
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 11-126
- 12 *Approving a month-to-month extension to the contract for utility bill printing with Local Enterprises, Inc. (formerly known as Barrett and Company, Inc. and Barrett Printing and Promotions) to a total not to exceed \$60,000.00.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 11-127
- 13 *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.
- Sponsors: City Manager Scholl
- Postponed to June 21, 2011**

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.

- 14 Authorizing the American Cancer Society to conduct a "Cinco de Mayo" Fundraiser on the 400 block of Greene Street from corner of Duval Street to Fitzpatrick Street Thursday, May 5, 2011 from 6:00 P.M. to 10:00 P.M.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of the 400 block of Greene Street between Duval Street and Fitzpatrick Street from 6:00 P.M. to 10:00 P.M.; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 6:00 P.M. to 10:00 P.M.; Authorizing the sale and consumption of alcoholic beverages within the barricaded area.
- Sponsors: City Manager Scholl
- A motion was made by Commissioner Johnston, seconded by Commissioner Rossi, that this Resolution be Passed. The motion passed by a unanimous vote.**

Enactment No: Res 11-128

- 15 Authorizing Key West Business Guild to conduct a Pridefest Celebration on June 11 & 12, 2011; Authorizing the Key West Business Guild to conduct numerous events starting with a street fair on Saturday, June 11, 2011 on the 700 & 800 blocks of Duval Street from 12:00 Noon to 7:00 P.M.; A Pridefest Parade on Sunday, June 12, 2011 from 5:00 P.M. to 7:00 P.M. starting at Truman Annex going left on Whitehead Street, right on Duval Street and ending at the end of the 1100 block of Duval Street; Pursuant to terms and conditions set forth by the City Manager; Authorizing the sale and consumption of alcoholic beverages within an enclosed area; authorizing the closure of the 700 & 800 blocks of Duval Street; Granting an exemption from the Noise Control Ordinance pursuant to Section 6-86 of the Code of Ordinances during the event.

Sponsors: City Manager Scholl

A motion was made by Commissioner Rossi, seconded by Commissioner Lopez, that this Resolution be passed as Amended. The motion passed by a unanimous vote.

Enactment No: Res 11-129

- 16 Approving Task Order No. 11-005 to Perez Engineering and Development, Inc. in an amount not to exceed \$302,755.00 for Caroline Street Infrastructure and Streetscape Design Services (funded by TIF Funds).

Sponsors: City Manager Scholl

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

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

Enactment No: Res 11-130

- 17 Approving Task Order 5-11-FAC for CH2M Hill, Inc. in an amount not to exceed \$82,312.00 to furnish General Engineering Services to conduct a pavement assessment of City-owned roads, and develop a Pavement Management System to be used for a Roadway Capital Improvement Plan; Authorizing a budget transfer from Traffic Impact Fees to fund the \$12,312.00 budget shortfall.

Sponsors: City Manager Scholl

A motion was made by Commissioner Weekley, seconded by Commissioner Johnston, that this Resolution be Passed. The motion passed by a unanimous vote.

Enactment No: Res 11-131

- 18 Approving staff ranking of four companies responding to RFQ 11-003 for the Design Phase of the Safe Routes To School (SRTS) Poinciana Elementary School Sidewalk Installation Project described in the attached executive summary; Authorizing staff to negotiate with the top ranked firm, Hole Montes, Inc. and each firm thereafter as necessary in accordance with the Consultants' Competitive Negotiation Act until an acceptable contract is agreed upon; Authorizing the City Manager to execute a contract with the selected firm in an amount not to exceed \$65,659.00.

Sponsors: City Manager Scholl

A motion was made by Commissioner Wardlow, seconded by Commissioner Rossi, that this Resolution be Passed. The motion passed by a unanimous vote.

Enactment No: Res 11-132

- 19 Authorizing the award of Invitation to Bid #11-016, Smathers Beach Renourishment to American Earth Movers, Inc. in an amount not to exceed \$749,000.00; Authorizing City Manager to execute the contract.

Sponsors: City Manager Scholl

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

No: 2 - Commissioner Lopez and Commissioner Wardlow

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

Enactment No: Res 11-133

- 20 Authorizing the sale of a structure located at 819 Olivia Street to Barry Barroso, Jr. in the amount of \$500.00.

Sponsors: City Manager Scholl

A motion was made by Commissioner Johnston, seconded by Commissioner Lopez, that this Resolution be Passed. The motion passed by a unanimous vote.

Enactment No: Res 11-134

- 21 Directing action by the City Manager and City Attorney regarding the School District's construction at the HOB site.

Sponsors: Commissioner Johnston

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

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

Enactment No: Res 11-135

- 22 Appointing one member to the Citizen Review Board.

Sponsors: City Manager Scholl

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

No: 2 - Commissioner Lopez and Commissioner Weekley

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

Enactment No: Res 11-136

- 23 Approving the First Amendment to Lease Agreement between the City and Hillsborough Center Associates, LLC for the property located at 3132 Flagler Avenue.

Sponsors: City Manager Scholl

Withdrawn

- 24 Approving an Easement of approximately 165 square feet to address the encroachment of a single family home related to a contributing structure located at 520 Petronia Street, Key West, Florida (RE #00016500-000000); Providing fees and conditions.

Sponsors: City Manager Scholl

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

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

Enactment No: Res 11-137

ORDINANCES – FIRST READING

- 25 An Ordinance of the City of Key West, Florida, amending Chapter 70 of the Code of Ordinances entitled “Traffic and Parking” by amending Section 70-246, definitions; Amending Section 247 to clarify the Residential Parking Permit Area; Amending Section 70-248, eligibility; Repealing Section 70-249, additional eligibility; Amending and renumbering Section 70-251, appeal of decisions; and renumbering Sections 70-250 and 70-252; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Weekley

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that this Ordinance be Passed to Second Reading as amended. The motion carried by the following vote:

No: 3 - Commissioner Gibson, Commissioner Johnston and Commissioner Rossi

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

ORDINANCES - SECOND READING (Public Hearing)

- 26 An Ordinance of the City of Key West, Florida amending Chapter 46, Section 323 the Police and Fire Pension Plan to provide for terms regarding reemployment of Police Officers as Firefighters, and reemployment of Firefighters as Police Officers; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Rossi and Commissioner Wardlow

A motion was made by Commissioner Rossi, seconded by Commissioner Lopez, that this Ordinance be Adopted. The motion carried by the following vote:

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

Enactment No: Ord 11-08

CITIZEN COMMENTS**COMMISSION COMMENTS****ADJOURNMENT**

10:44 P.M.