



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Tuesday, January 4, 2011

6:00 PM

Old City Hall

ADA Assistance: If you are a person with a disability who needs special accommodations in order to participate in this proceeding, including requesting materials in accessible format, a sign language interpreter or other assistance (5 days advance notice required), or information on access available to individuals with disabilities, please contact the ADA Coordinator at 305-809-3951 between the hours of 8:00 a.m. and 5:00 p.m. If you are hearing or voice impaired, please call 305-809-1000.

CALL MEETING TO ORDER

6:00 P.M.

ROLL CALL

Absent 1 - Commissioner Gibson

Present 6 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

INVOCATION - Reverend Sarah Fowler, St. Peter's Episcopal Church

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

PRESENTATIONS

15th Annual Holiday Parade Awards

1 Presentation of FPTA Safety Award

Sponsors: City Manager Scholl

This matter was 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

2 *September 7, 2010 (Regular)

Attachments: [Minutes](#)

Passed

3 *October 5, 2010 (Regular)

Attachments: [Minutes](#)

Passed

RESOLUTIONS

4 *Approving a transfer of funds in the amount of \$25,000.00 from the Infrastructure Surtax Reserve Fund, 101-1900-519.94, to the Recreational Project Account for improvements to the Bocce Courts located at the corner of Atlantic Boulevard and White Street.

Sponsors: Commissioner Gibson

Attachments: [Resolution](#)
[Executive Summary](#)
[Request From Southernmost Bocce League Inc](#)
[Bocce Courts](#)
[Southernmost Bocce League Inc](#)
[State of FL 2010 Annual Report](#)
[Articles of Incorporation](#)
[By-Laws](#)
[Application for 501\(c\)\(7\)](#)

Passed

Enactment No: Res 11-001

- 5 *Authorizing the Rotary Club of Key West to conduct a Fundraiser at Bayview Park, Wickers Field and Pepe Hernandez Field for the Second Annual Marques Butler Memorial Softball Tournament on Saturday, January 29 and Sunday, January 30, 2011 from 8:00 A.M. to 9:00 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 10:00 A.M. to 9:00 P.M. on Saturday, January 29 and Sunday, January 30, 2011; Authorizing the sale and consumption of alcoholic beverages on the date and during the hours stated above.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Application](#)

Passed

Enactment No: Res 11-002

- 6 *Authorizing the Key West Art Center to conduct a Craft Festival Show on Saturday, January 29, 2011 and Sunday, January 30, 2011 during the hours of 8:00 A.M. to 8:00 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 29, 2011 and January 30, 2011 from 6:00 A.M. to 8:00 P.M.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Application](#)

Passed

Enactment No: Res 11-003

- 7 *Authorizing the Wesley House to conduct its Annual "Valentines Day Fundraiser" at the Curry Mansion located at 511 Caroline Street on Monday, February 14, 2011, from 9:00 A.M. to 11:30 P.M.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Caroline Street from Duval to Simonton Streets and Ann Street from Greene to Caroline Streets from 9:00 A.M. to 11:30 P.M.; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 9:00 A.M. to 11:00 P.M.; Authorizing the sale and consumption of alcoholic beverages within the barricaded area.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Application](#)

Passed

Enactment No: Res 11-004

8 *Approving the attached "State of Florida Department of Transportation Traffic Signal Maintenance and Compensation Agreement".

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Executive Summary](#)
 [FDOT Traffic Signal Maintenance and Compensation Agreement](#)
 [E-mail from Keys Energy Director of Engineering and Control Dale Z. Finigan](#)
 [City Traffic Light Billing](#)
 [Electrical Cost](#)

Passed

Enactment No: Res 11-005

9 *Exercising the two-year renewal option contained in the Contract for Right of Way Maintenance with Charley Toppino & Sons, Inc. originally approved in Resolution No. 08-041.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Resolution 08-041](#)

Passed

Enactment No: Res 11-006

10 *Authorizing the purchase of fifteen (15) Cale MP104 Compact Multi-space Pay and Display Parking Stations in accordance with City Code Section 2-844, in an amount not to exceed \$133,500.00 installed, pursuant to City Code Section 2-797(1).

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Brand Name Sole Source Justification](#)
 [Cale Quote](#)
 [Sole Source for Cale](#)

Passed

Enactment No: Res 11-007

- 11 *Authorizing pursuant to Sections 2-797(3) and 2-844(a) and (b) of the Code of Ordinances the purchase of Dell computers and accessories from Dell Marketing L.P. in the amount of \$54,571.21.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Florida State Contract](#)
 [DELL QUOTE 568159363](#)
 [DELL QUOTE 568159588](#)
 [DELL QUOTE 568159894](#)
 [DELL QUOTE 568160083](#)
 [DELL QUOTE 568160159](#)

Passed

Enactment No: Res 11-008

- 12 *Authorizing the acceptance of a Street Performer Application from Mustafa Abdal-Khallaq.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Street Performers Appeal](#)

Passed

Enactment No: Res 11-009

- 13 Approving the attached agreement for Ambulance Services between the City of Key West and Lifestar Response of Alabama, d/b/a Care Ambulance.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Resolution 10-340](#)
 [911 Contract](#)

Postponed

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 Appointing Michael Wilson to the Key West Bight Management District Board.

Sponsors: Mayor Cates

Attachments: [Resolution](#)
 [Michael Wilson Resume](#)

A motion was made by Commissioner Rossi, seconded by Commissioner Wardlow, that this Resolution be Passed. The motion carried unanimously.

Enactment No: Res 11-010

- 15 Appointing Robert Bethel to the Tree Commission.

Sponsors: Mayor Cates

Attachments: [Resolution](#)
 [Robert Bethel Resume](#)

A motion was made by Commissioner Rossi, seconded by Commissioner Lopez, that this Resolution be Passed. The motion carried unanimously.

Enactment No: Res 11-011

- 16 Approving staff short listing of respondents to RFQ 11-001 for Nelson English/Willie Ward Park Enhancement Project; Ranking the top three firms based upon qualifications; Authorizing staff to negotiate with the top ranked firm and each firm thereafter until an acceptable contract is brought before the Commission.

Sponsors: City Manager Scholl

- Attachments:** [Resolution](#)
[Executive Summary](#)
[Resolution No 10-159](#)
[Request for Qualifications documents](#)
[Ranking of respondents](#)
[Respondent Bender&Associates](#)
[Respondent mbi2km Architecture](#)
[Respondent IBI](#)
[Respondent Calvin-Giordano & Associates](#)
[Respondent Carlos Rojas](#)
[Respondent Environmental Quality](#)
[Respondent Landwise Design](#)
[Respondent PBS&J](#)
[Respondent Sea Tech](#)
[Respondent The Russell Partnership](#)

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

- Absent:** 1 - Commissioner Gibson
- Yes:** 6 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Res 11-012

17

Approving the Vacation of a portion of alleyway in the dimensions of 189 feet in length by 10 feet in width, to the property owner of two lots abutting the alleyway located at 1100 Angela Street, between White Street and Ashe Street; Providing Conditions.

Sponsors: City Manager Scholl

- Attachments:** [Resolution](#)
[CC Executive Summary](#)
[Application](#)
[Survey](#)
[DRC Minutes](#)
[Plats and Sanborn Maps](#)
[Site Photos](#)
[Letters Non-Objection Support](#)
[Property Appraiser Right of Way](#)
[Property Appraiser Surrounding Property Owners](#)

This matter was Withdrawn

ORDINANCES – FIRST READING

- 18 An Ordinance of the City of Key West, Florida, amending Chapter 18 of the Code of Ordinances entitled "Businesses" by amending Section 18-28 to provide criteria for the granting of a special exception from the prohibition against alcohol sales in proximity to churches, schools, cemeteries and funeral homes; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Johnston

Attachments: [Ordinance](#)

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

Absent: 1 - Commissioner Gibson

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

- 19 An Ordinance of the City of Key West, Florida, Amending Chapter 2 of the Code of Ordinances entitled "Administration" by creating Section 2-487 entitled "Funding of art in new construction and major renovation projects"; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Johnston, Commissioner Lopez and Commissioner Weekley

Attachments: [Ordinance](#)

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

No: 1 - Commissioner Rossi

Absent: 1 - Commissioner Gibson

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

ORDINANCES - SECOND READING (Public Hearing)

- 20 An Ordinance granting a Franchise to Duck Tours Seafari Inc. to operate a non-exclusive city-wide amphibious sightseeing operation; Providing terms and conditions, including the following: providing that

Ordinance does not prohibit City from operating a shuttle service; Defining the territory to be served; Authorizing City inspection of sightseeing vehicles; Providing for the observance of current and future rules and regulations, insurance requirements and indemnification; Limiting assignment of the Franchise; Providing consideration for grant of the Franchise and contingent relief; Directing the procedure for designation of stops and operational requirements of Franchisee; Providing for inspection of books and records; Authorizing the issuance of permits; Establishing the duration of the Franchise; Providing for the establishment of rates, fees and routes; Specifying default provisions and procedure for notice, suspension and/or termination upon default, including appeal provisions; Providing remedies upon bankruptcy of Franchisee; Indicating Franchise is not a waiver of other City requirements; Clarifying that no joint venture is created; Prohibiting discrimination; providing for construction and interpretation of provisions; Indicating time is of the essence; Providing for attorneys fees, waiver of jury trial and specifying venue in the event of litigation; Providing for notice, acknowledgement, acceptance and cumulative provisions; Specifying the Franchise constitutes the entire agreement between the parties and may only be amended by subsequent Ordinance of the City Commission; Providing for elimination of permanent injunction upon institution and compliance with the Franchise Agreement; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Rossi

Attachments: [Ordinance](#)
[Exhibits A-E](#)

A motion was made by Commissioner Johnston, seconded by Commissioner Weekley, that this Ordinance be Postponed to February 1, 2011. The motion carried by the following vote:

Absent: 1 - Commissioner Gibson

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

21

An Ordinance of the City of Key West, Florida, amending Chapter 70 of the Code of Ordinances entitled "Wreckers and Towing Service"; by amending Section 70-650, 70-652, 70-653, 70-657, 70-658, 70-661 to provide consistency for the City Tow Rotation List; Increased fees; Indemnification; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Mayor Cates

Attachments: [Ordinance](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Johnston, that this Ordinance be Postponed to February 15, 2011. The motion carried by the following vote:

No: 1 - Commissioner Wardlow

Absent: 1 - Commissioner Gibson

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

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

9:30 P.M.