



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Tuesday, October 19, 2010

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

6:02 P.M.

ROLL CALL

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

INVOCATION - Reverend Joe McMurray, Metropolitan Community Church

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

COMMENDATIONS

1 Peter Batty - Historic Architectural Review Commission

Sponsors: Mayor Cates

Attachments: [Commendation](#)

This matter was Received and Filed

2 George Galvan - Historic Architectural Review Commission

Sponsors: Mayor Cates

Attachments: [Commendation](#)

This matter was Received and Filed

3 Erick Lowe - Key West High School Academic Excellence Award

Sponsors: Mayor Cates

Attachments: [Commendation](#)

This matter was Received and Filed

4 Thomas O'Connell - Key West High School Academic Excellence Award

Sponsors: Mayor Cates

Attachments: [Commendation](#)

This matter was Received and Filed

5 Kevin Florez Bernal - Key West High School Arts, Visual, Performing and Vocational Award

Sponsors: Mayor Cates

Attachments: [Commendation](#)

This matter was Received and Filed

6 Shelby Stansel - Key West High School Arts, Visual, Performing and Vocational Award

Sponsors: Mayor Cates

Attachments: [Commendation](#)

This matter was Received and Filed

7 Alison McLellan - Key West High School Outstanding Achievement/Unsung Hero Award

Sponsors: Mayor Cates

Attachments: [Commendation](#)

This matter was Received and Filed

8 Alexis Marie Monticello - Key West High School Outstanding Achievement/Unsung Hero Award

Sponsors: Mayor Cates

Attachments: [Commendation](#)

This matter was Received and Filed

PROCLAMATIONS

9 Let's Move Campaign

Sponsors: Mayor Cates and Commissioner Lopez

Attachments: [Proclamation](#)

This matter was Received and Filed

PRESENTATIONS

10 FKACC Selection and Recommendation for Assisted Living

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.**

RESOLUTIONS

- 11 *Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinance to Blue Heaven 729 Thomas Street for an event to take place during the hours of 2:00 P.M. to 6:30 P.M. on Sunday, November 7, 2010.

Sponsors: City Manager Scholl

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

Passed

Enactment No: Res 10-299

- 12 *Authorizing United States Navy to hold the Annual Veterans Day Parade on Duval Street from 4:00 P.M. to 8:00 P.M. Thursday, November 11, 2010; Authorizing the closure of certain streets or portions thereof for said parade from 4:00 P.M. to 8:00 P.M.; Waiving all fees for required city services.

Sponsors: City Manager Scholl

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

Passed

Enactment No: Res 10-300

- 13 *Authorizing a request for approval to provide free shuttle bus services for the Annual 2010 Green Living and Energy Education (GLEE) Organization Expo event in Marathon, Florida on November 6, 2010 for all lower keys shuttle busses, providing two (2) additional stop locations and providing a third (3rd) shuttle bus to increase frequency of service for November 6, 2010.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)

Passed

Enactment No: Res 10-301

- 14 *Approving a time extension to Kimley-Horn and Associates, Inc. for Transportation Design and Construction Engineering Services Consulting for Duval Street/Truman Annex Improvements Project #GN 0901 for a period of 14 days, from March 15 to March 29, 2011.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Extension Request](#)
[Resolution 10-116](#)

Passed

Enactment No: Res 10-302

- 15 *Authorizing the attached Interlocal Agreement between the City of Key West and Monroe County for Energy Efficiency & Conservation Block Grant (EECBG), Florida Energy Commission of the State of Florida Grant Agreement No. ARS010.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Grant Agreement Revised](#)
[Resolution 09-268](#)
[Climate Action Plan 10-1-09](#)
[Interlocal Agreement](#)

Passed

Enactment No: Res 10-303

- 16 *Approving an Historic Preservation Grant Award Agreement in the amount of \$38,250.00 for small matching Grant No. F1005 from the State of Florida, Department of State, Division of Historical Resources, for updating the Historic Resources Survey of Key West.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Resolution 09-332](#)
[Historic Preservation Grant Award Agreement](#)
[Correspondence](#)

Passed

Enactment No: Res 10-304

- 17 *Approving the attached Sovereignty Submerged Lands Fee Waived Lease (BOT File No. 440769265) between the City and the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (BOT) for a portion of Baybottom in the Mallory Square Area.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Submerged Lands Lease](#)
[Executive Summary](#)

Passed

Enactment No: Res 10-305

- 18 *Ranking respondents to RFP 009-10 for Ambulance Services; Authorizing staff to negotiate a contract in accordance with the accepted proposals with the top ranked firm and each firm thereafter as necessary until an acceptable contract is brought before the Commission.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)

This matter was Postponed to the November 16, 2010 Commission Meeting.

- 19 *Supporting and urging the appointment of Edwin A. Scales to the vacant position on the Third District Court of Appeal

Sponsors: Mayor Cates

ADD-ON ITEM

Passed

Enactment No: Res 10-306

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.

- 20 Supporting healthy lifestyle choices and joining the Florida League of Mayors in supporting the "Let's Move!" Campaign.

Sponsors: Commissioner Lopez

Attachments: [Resolution](#)
[Lets Move](#)

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

Enactment No: Res 10-307

- 21 Celebrating the 10th Anniversary of the "One Human Family" Campaign in Key West.

Sponsors: Commissioner Weekley

Attachments: [Resolution](#)

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

Enactment No: Res 10-308

- 22 Authorizing the Maritime Heritage Museum and Pirates in Paradise the use of the Truman Waterfront on the USS Mohawk and the Ingham for the Conch Republic Pirates Festivities starting on Tuesday, November 30, 2010 through Sunday, December 5, 2010; 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

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

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

Enactment No: Res 10-309

- 23 Approving the attached Agreement for Professional Services between the City of Key West and Calvin, Giordano & Associates, Inc. for City of Key West Carrying Capacity Traffic Study in an amount not to exceed \$247,885.00.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Carrying Capacity Contract](#)
[Calvin, Giordano & Associates Scope and Cost](#)
[RFQ submittal by Calvin, Giordano & Associates](#)
[Ordinance 10-07](#)
[Request for Qualifications #10-009 Documents](#)

A motion was made by Commissioner Weekley, 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 10-310

24

Awarding the bid from Charley Toppino & Sons, Inc. for the Northside Drive Stormwater Mitigation Project (FDOT Project #422718-1) in an amount not to exceed \$343,325.00.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[City Clerk Bid Results](#)
[City Staff Bid Review](#)
[FDOT Concurrence Letter](#)
[Charley Toppino Bid Proposal](#)
[DN Higgins Bid Proposal](#)

A motion was made by Commissioner Wardlow, seconded by Commissioner Weekley, 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 10-311

25

Approving an Easement of 67 square feet to address the encroachment of an existing porch, roof eaves and steps related to a contributing historic structure located at the corner of Elizabeth and Angela Streets at 630 Elizabeth Street (RE #00011970-000000); Providing fees and conditions.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Easement Agreement](#)
[Executive Summary](#)
[Application](#)
[Survey](#)
[Site Photographs](#)
[DRC Minutes](#)
[Property Appraiser](#)
[Public Advertisement](#)

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 10-312

ORDINANCES – FIRST READING

- 26 An Ordinance of the City of Key West, Florida, amending Chapter 90 of the Code of Ordinances entitled “Administration” by amending Sections 90-133, 90-136, 90-138 and 90-143 and Chapter 102 of the Code of Ordinances entitled "Historic Protection" by amending Section 102-217 to provide for an expanded and consistent public noticing process for the Historic Architectural Review Commission; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

Attachments: Ordinance
Executive Summary
Planning Board Staff Report
Planning Board Resolution 2010-036

A motion was made by Commissioner Rossi, seconded by Commissioner Weekley, that this Ordinance be Postponed to the November 3, 2010 Commission Meeting. The motion carried unanimously.

ORDINANCES - SECOND READING (Public Hearing)

- 27 An Ordinance of the City Of Key West, Florida, amending Chapter 6 of the Code of Ordinances entitled Amusements and Entertainment; By amending Section 6-1, to add definitions; Section 6-2 to amend permit, application and appeal processes, adding palm weaving permits and extending 2010 permits; Amending Section 6-3, regarding locations; Amending Section 6-4 by amending permit regulations and prohibitions; Amending Section 6-7 regarding revocation of permits; Amending Section 6-8, adjusting permit fees; Amending Section 6-9 regarding penalty enforcement; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Weekley

Attachments: [Ordinance](#)
[Exhibits A, B & C](#)
[Memo](#)

This matter was Withdrawn

28

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 Weekley, seconded by Commissioner Johnston, that this Ordinance be Postponed to the November 3, 2010 Commission Meeting. The motion carried unanimously.

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

10:00 P.M.