



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Tuesday, October 18, 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

6:02 P.M.

ROLL CALL

Absent 2 - Commissioner Wardlow and Commissioner Rossi

Present 5 - Commissioner Lopez, Commissioner Weekley, Commissioner Johnston, Mayor Cates and Commissioner Yaniz

INVOCATION - Commissioner Clayton Lopez

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

PROCLAMATIONS

1 Lights on After School

Sponsors: Mayor Cates

Attachments: [Proclamation](#)

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

- 2 *Re-Appointing Michael Shields to the Art in Public Places Board.
- Sponsors:** Commissioner Johnston
- Attachments:** [Resolution](#)
 [Resolution 10-004](#)
- Passed**
- Enactment No: Res 11-284
- 3 *Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to Terry Riecken 618 Caroline Street for an event to take place during the hours of 1:00 p.m. to 6:00 p.m. on Friday, November 4, 2011.
- Sponsors:** City Manager Scholl
- Attachments:** [Resolution](#)
 [Application](#)
 [Advertisement](#)
- Passed**
- Enactment No: Res 11-285
- 4 *Authorizing Key West Business Guild to conduct a Mixer Kick Off Toys for Tots Drive Event on Wednesday, November 9, 2011 from 12:00 noon to 10:00 p.m. pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of the 900 block of Frances Street; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 2:00 p.m. to 10:00 p.m.; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.
- Sponsors:** City Manager Scholl
- Attachments:** [Resolution](#)
 [Application](#)
 [Advertisement](#)

Passed

Enactment No: Res 11-286

- 5 *Approving the attached quit claim deed of a portion of parcel 844 on the south side of North Roosevelt Boulevard for the benefit of the Florida Department of Transportation (FDOT) for the purpose of improving the road and constructing sidewalks.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Quit Claim Deed](#)
[Resolution 10-225](#)

Passed

Enactment No: Res 11-287

- 6 *Approving and supporting the proposed activities as outlined in the 2012/2013 local government funding requests to FDEP for Key West Beaches and Coastal Systems; Authorizing the City to act as a local sponsor with the State Division of Parks and Recreation; Expressing the City's intention to provide the local cost share from its general fund.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Rest Beach Renourishment Application](#)
[Smathers Beach Renourishment Application](#)

Passed

Enactment No: Res 11-288

- 7 *Approving the attached Settlement Agreement between the City and Charley Toppino and Sons for the White Street Stormwater Pump Station Project.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Settlement Agreement](#)
[Resolution 09-296](#)
[Resolution 10-244](#)

Passed

Enactment No: Res 11-289

- 8 *Approving Amendment No. 1 to Task Order 03-10-STM from CH2M Hill for Engineering Services for the construction of the White Street Pump Assisted Stormwater Drainage Wells in the amount not to exceed \$16,115.44.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Resolution 09-299](#)
[CH2M Hill Task Order 3-10-STM Amendment # 1](#)

Passed

Enactment No: Res 11-290

- 9 Authorizing the Duval Street Improvement Association to establish the Duval Street Café Zone on Friday and Saturday evenings from November 11, 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

Attachments: [Resolution](#)
[Support Document](#)

Postponed to November 1, 2011

Approval of the Consent Agenda

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

- 10 Directing action by the City Manager regarding cooperation with the School District concerning obligations for complete replacement of Recreational Facilities at Poinciana School; Directing the City Manager and City Attorney to work collaboratively with the School District for the enforcement, amendment and/or extension of Interlocal Agreements for Recreational Facilities in the City of Key West.

Sponsors: Commissioner Yaniz

Attachments: [Proposed Add-on Resolution](#)

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

Absent: 2 - Commissioner Wardlow and Commissioner Rossi

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

Enactment No: Res 11-291

11

*Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to the Bourbon Street Pub at 730 Duval Street Outside Garden Pub for an event to take place during the hours of 10:00 p.m. to ~~4:00 a.m.~~ 2:00 a.m. on Thursday, October 27, 2011.

Sponsors: City Manager Scholl

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

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

Absent: 2 - Commissioner Wardlow and Commissioner Rossi

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

Enactment No: Res 11-292

12

*Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to Dante's Key West 951 Caroline Street for an event to take place during the hours of 12:00 noon to 7:00 p.m. on Thursday, October 27, 2011.

Sponsors: City Manager Scholl

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

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

No: 2 - Commissioner Lopez and Commissioner Weekley

Absent: 2 - Commissioner Wardlow and Commissioner Rossi

Yes: 3 - Commissioner Johnston, Mayor Cates and Commissioner Yaniz

Enactment No: Res 11-293

13

Ranking responses to RFP 011-11, Climate Action Plan Marketing and Advertising project; Authorizing City staff to negotiate a contract with

highest qualified firm and each firm thereafter, if necessary, in accordance with the solicitation until one contract for City Commission consideration is reached.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Request for Proposal](#)
[City staff ranking matrix](#)
[City Clerk's Tabulation memo](#)
[Contract](#)
[Progressive Strategy Group](#)
[The Cunningham Group](#)
[*Large File* TREE Institute Proposal](#)

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

Absent: 2 - Commissioner Wardlow and Commissioner Rossi

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

Enactment No: Res 11-294

14

Authorizing a waiver of Development Plan application fees for Monroe County improvements at Higgs Beach Park in an amount not to exceed \$3,650.00.

Sponsors: Commissioner Johnston

Attachments: [Proposed Add-on Resolution](#)
[Planning Department E-mail](#)
[Letter from Monroe County](#)

A motion was made by Commissioner Clayton Lopez, seconded by Commissioner Tony Yaniz, that the Resolution be Passed. The motion passed by an unanimous vote.

Enactment No: Res 11-295

ORDINANCES - SECOND READING (Public Hearing)

15

An Ordinance of the City of Key West, Florida, amending Chapter 2 of the Code of Ordinances entitled "Administration" by amending Section 2-603 to provide additional duties for the Bahama Village Redevelopment Advisory Committee; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Lopez

Attachments: [Ordinance](#)

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

Absent: 2 - Commissioner Wardlow and Commissioner Rossi

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

Enactment No: Ord 11-16

16

An Ordinance of the City of Key West, Florida, amending Chapter 6 of the Code of Ordinances entitles "Amusements and Entertainment" by amending Section 6-1 "Definitions" to amend the definition of a "Weapon" to exclude firearms which are governed by Florida Statutes Chapter 790; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Attorney Smith

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

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

Absent: 2 - Commissioner Wardlow and Commissioner Rossi

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

Enactment No: Ord 11-17

17

An Ordinance of the City of Key West, Florida, amending Chapter 22 of the Code of Ordinances entitled "Cemeteries" by repealing Section 22-11 - "Firearms"; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Attorney Smith

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

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

No: 1 - Commissioner Weekley

Absent: 2 - Commissioner Wardlow and Commissioner Rossi

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

Enactment No: Ord 11-18

18

An Ordinance of the City of Key West, Florida, amending Chapter 10 of the Code of Ordinances entitled "Animals" by amending Section 10-14 "Bird Sanctuary" to amend regulations pertaining to the destruction of birds consistent with Chapter 790 of the Florida Statutes; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Attorney Smith

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

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

Absent: 2 - Commissioner Wardlow and Commissioner Rossi

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

Enactment No: Ord 11-19

19

An Ordinance of the City of Key West, Florida, amending Chapter 18 of the Code of Ordinances entitled "Businesses" by amending Section 18-477 "Designation of Officer or Agent of Corporation" to amend Section (b) to incorporate a reference to firearms as governed by Florida Statute Chapter 790; By amending Section 18-480 - "Failure to Make Report" to incorporate a reference to Florida Statute Chapter 790; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Attorney Smith

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

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

Absent: 2 - Commissioner Wardlow and Commissioner Rossi

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

Enactment No: Ord 11-20

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

8:26 P.M.