



# City of Key West, FL

Old City Hall  
510 Greene Street  
Key West FL 33040

## Action Minutes - Final City Commission

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Tuesday, September 6, 2011

6:00 PM

Old City Hall

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**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

6:00 P.M.

### ROLL CALL

**Absent** 1 - Commissioner Weekley

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

**INVOCATION - Rev. Dr. Lawrence Schenk, Peace Covenant Presbyterian Church**

### PLEDGE OF ALLEGIANCE TO THE FLAG

### APPROVAL OF AGENDA

### PROCLAMATIONS

1 The N.Y.P.D. Pipe and Drums of the Emerald Society 9/11 Memorial Days

**Sponsors:** Mayor Cates

**Received and Filed**

2 USS Spruance (DDG 111) Week

**Sponsors:** Mayor Cates

**Received and Filed**

**PRESENTATIONS**

- 3 Retirement Recognition Cynthia Domenech-Coogle - Urban Forestry Manager

Sponsors: City Manager Scholl

**Received and Filed**

- 4 Mobile Outreach Project

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 \*July 25, 2011 (Workshop)

**Passed**

- 6 \*July 26, 2011 (Workshop)

**Passed**

- 7 \*August 2, 2011 (Regular)

**Passed**

**RESOLUTIONS**

- 8                    \*Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to the Pier House Resort & Caribbean Spa for an event to take place during the hours of 8:00 P.M. to 11:30 P.M. on Thursday, October 27, 2011.
- Sponsors:        City Manager Scholl
- Enactment No: Res 11-238
- 9                    \*Authorizing the John Caudill - Walker Brothers Circus the use of the south west field of the Truman Waterfront for a small family circus with showtimes on Thursday, January 26 and Friday, January 27 at 5:30 P.M. and 7:30 P.M., and Saturday, January 28 at 3:00 and 5:30 P.M. and Sunday, January 29 at 2:00 and 4:00 P.M.; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances during the event.
- Sponsors:        City Manager Scholl
- Enactment No: Res 11-239
- 10                  \*Authorizing a Purchasing Exception pursuant to Section 2-797 of the Code of Ordinances, to allow cumulative expenditures during FY 10-11 to Certified Records Management (CRM) for records storage in a total amount not to exceed \$27,500.00.
- Sponsors:        City Manager Scholl
- Enactment No: Res 11-240
- 11                  \*Authorizing an application for a grant in the amount of \$500,000.00 to the Florida Fish and Wildlife Conservation Commission for the Boating Infrastructure Grant Program for the City Marina at Garrison Bight; Approving in concept a 20-year agreement for the maintenance and operation of facilities built with grant funding.
- Sponsors:        City Manager Scholl
- Enactment No: Res 11-241
- 12                  \*Approving a ten-year lease with the Boys and Girls Clubs of the Keys Area, Inc.
- Sponsors:        City Manager Scholl
- Enactment No: Res 11-242

- 13                    \*Extending the contract for Sidewalk Enhancements Phase IV - Virginia Street Sidewalks and Applerouth Lane Sidewalks with Charley Toppino and Sons, Inc. until December 31, 2011.

**Sponsors:**        City Manager Scholl

Enactment No: Res 11-243

- 14                    \*Rejecting all bids received in response to Invitation to Bid (ITB) #11-013, for Water Testing at the City Marina at Garrison Bight.

**Sponsors:**        City Manager Scholl

Enactment No: Res 11-244

- 15                    \*Authorizing the City Manager to enter into an Agreement with Brent & Christine Matheesen, Property Owner(s) in Code Compliance Case Number CES-04-2184 (1110 White Street) permitting a Release of Lien upon payment by the Owners of a mitigated amount of \$1,000.00.

**Sponsors:**        City Manager Scholl

Enactment No: Res 11-245

- 16                    \*Accepting the staff rankings of respondents to RFP 006-11, Tennis Professional Services; Authorizing City Staff to negotiate a contract with highest ranked 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

Enactment No: Res 11-246

- 17                    \*Approving the attached Agreement between the City, Monroe County and the Key West Botanical Garden regarding remediation costs for the former Monroe County Public Service Building site on the property located at 5210 College Road; Providing conditions.

**Sponsors:**        City Attorney Smith

Enactment No: Res 11-247

- 18                    \*Approving the attached Master Agreement Contract to prepare Evaluation and Appraisal Report (EAR) Amendments to the Comprehensive Plan of the City of Key West between the City and Corradino Group, Inc.

**Sponsors:**        City Manager Scholl

Enactment No: Res 11-248

**Approval of the Consent Agenda**

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

**Absent:** 1 - Commissioner Weekley

- 19                    Authorizing the Monroe County Commercial Fishermen, Inc. to conduct their Annual Florida Keys Seafood Festival at Bayview Park on Saturday, January 14, 2012 from 11:00 A.M. to 8:00 P.M. pursuant to terms and conditions set forth by the City Manager; Authorizing the sale and consumption of alcoholic beverages within the enclosed area; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances for 11:00 A.M. to 8:00 P.M.

**Sponsors:**        City Manager Scholl

**A motion was made by Commissioner Johnston, seconded by Commissioner Rossi, that the Resolution be Passed. The motion passed by a unanimous vote.**

Enactment No: Res 11-249

- 20                    Approving a Sound Control Ordinance Waiver for Service Cable Electric, Inc. for the replacement of a diesel base tank at Home Depot.

**Sponsors:**        City Manager Scholl

**A motion was made by Commissioner Johnston, seconded by Commissioner Rossi, that the Resolution be Passed. The motion passed by a unanimous vote.**

Enactment No: Res 11-250

- 21                    Awarding the Bid of LED Lighting Solutions, LLC in the amount of \$54,796.00 for the purchase of LED Light Fixtures to be installed at the Park N Ride.

**Sponsors:**        City Manager Scholl

**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 11-251

- 22 Approving the attached "State of Florida Department of Transportation Deferred Utility Relocation Expense Reimbursement (Including Interest) Agreement" for the North Roosevelt Sewer Force Main Project; Authorizing funds to reimburse the state ~~repay the loan~~ over a three-year period from the City's Sewer Utility.

**Sponsors:** City Manager Scholl

**A motion was made by Commissioner Rossi, seconded by Commissioner Wardlow, that the Resolution be Adopted as amended. The motion passed by a unanimous vote.**

Enactment No: Res 11-252

- 23 Approving Task Order No. 11-009 to Perez Engineering and Development, Inc. in an amount not to exceed \$73,500.00 for Engineering and Construction Administration Services for the North Roosevelt Sewer Force Main Project.

**Sponsors:** City Manager Scholl

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

Enactment No: Res 11-253

- 24 **Major Development Plan and Conditional Use - 512 Greene Street (RE# 00001170-000000)**

Approving modification to the Major Development Plan and Conditional Use previously approved by Resolution 09-242 to permit reconfiguration of a parking lot, elimination of previously required ingress and egress Easement, relocation of garbage storage and pick-up areas, and to modify conditions to permit outdoor consumption area for the property located at 512 Greene Street (RE #00001170-000000); Providing conditions.

**Sponsors:** City Manager Scholl

**A motion was made by Commissioner Rossi, seconded by Commissioner Lopez, that the Resolution be postponed to September 20, 2011. The motion carried by the following vote:**

**No:** 1 - Commissioner Gibson

**Absent:** 1 - Commissioner Weekley

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

- 25 Authorizing a 2.4 percent adjustment to increase the user fee of each Equivalent Stormwater Unit (ESU) to \$7.68.

**Sponsors:** City Manager Scholl

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

**No:** 2 - Commissioner Wardlow and Mayor Cates

**Absent:** 1 - Commissioner Weekley

**Yes:** 4 - Commissioner Gibson, Commissioner Johnston, Commissioner Lopez and Commissioner Rossi

Enactment No: Res 11-254

- 26 Accepting the proposal for Employee Insurance Benefits from Cigna Healthcare for Fiscal Year 2011-12, and renewal for a period of up to five (5) years; Authorizing the City Manager or his designee to negotiate and execute a contract in accordance with the response to RFP# 010-12, upon the advice and consent of the City Attorney.

**Sponsors:** City Manager Scholl

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

**Absent:** 1 - Commissioner Weekley

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

Enactment No: Res 11-255

#### **ORDINANCES – FIRST READING**

- 27 An Ordinance of the City of Key West, Florida, amending Chapter 2 of the Code of Ordinances entitled "Administration" by amending Section 2-32 to provide for Salary Adjustments for the Mayor and City Commissioners; 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 Lopez, that the Ordinance be Passed to Second Reading. The motion carried by the following vote:**

**Absent:** 1 - Commissioner Weekley

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

28

An Ordinance of the City of Key West, Florida, amending Chapter 74 of the Code of Ordinances entitled "utilities" by amending Section 74-246 to adjust the Base Charge Component (BCU) of the sewer service user charge; The proportional use charge component of the sewer service user charge; The monthly alternative water surcharge; The sewer service monthly base charge unit; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Scholl

**A motion was made by Commissioner Rossi, seconded by Commissioner Lopez, to approve the Ordinance on First Reading. The motion failed by the following vote:**

**No:** 4 - Commissioner Gibson, Commissioner Johnston, Commissioner Wardlow and Mayor Cates

**Absent:** 1 - Commissioner Weekley

**Yes:** 2 - Commissioner Lopez and Commissioner Rossi

**CITIZEN COMMENTS**

**COMMISSION COMMENTS**

**ADJOURNMENT**

7:28 P.M.