



# 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, November 16, 2010

6:00 PM

Old City Hall

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**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

6:01 P.M.

### ROLL CALL

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

**INVOCATION - Pastor Ernie DeLoach, Glad Tidings Tabernacle Assembly**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**APPROVAL OF AGENDA**

### PROCLAMATIONS

1 Loaves and Fish Food Pantry Day

**Sponsors:** Mayor Cates and Commissioner Weekley

**Attachments:** [Proclamation](#)

**This matter was Received and Filed**

2 Metropolitan Community Church 30th Anniversary

Sponsors: Mayor Cates and Commissioner Weekley

Attachments: [Proclamation](#)

This matter was Received and Filed

3 National Hunger and Homelessness Awareness Week

Sponsors: Mayor Cates

Attachments: [Proclamation](#)

This matter was Received and Filed

**PRESENTATIONS**

4 Michael Budde 20 Year Service Award

Sponsors: City Manager Scholl

This matter was Received and Filed

5 Valarie Barrera 25 Year Service 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**

6 \*July 20, 2010 (Regular)

**Attachments:** [Minutes](#)

**Passed**

7 \*August 17, 2010 (Special)

**Attachments:** [Minutes](#)

**Passed**

**RESOLUTIONS**

8 \*Authorizing the placement of a Statue of Bishop Albert Kee in the area of the Southernmost Point; Authorizing the submission of grant applications to aid in its funding; Restricting the use of City funds.

**Sponsors:** Commissioner Lopez

**Attachments:** [Resolution](#)  
[Supporting Documents](#)  
[Resolution 03-372](#)  
[History of Bishop Albert Lee Kee](#)

**Passed**

Enactment No: Res 10-328

9 \*Authorizing the John Caudill-Walker Brothers Circus the use of the Truman Waterfront along the East Quay Wall for a small family circus with showtimes on Thursday, January 27, and Friday, January 28, at 5:30 P.M. and 7:30 P.M.; Saturday, January 29, at 3:00 P.M. and 5:30 P.M. and Sunday, January 30, at 2:00 P.M. and 4:30 P.M.

**Sponsors:** City Manager Scholl

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

**Passed**

Enactment No: Res 10-329

- 10 \*Approving the Municipality Election Services Agreement with the Monroe County Supervisor of Elections; Authorizing the City Clerk to execute the agreement.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[2011 Election Agreement](#)

**Passed**

Enactment No: Res 10-330

- 11 \*Approving the Key West Cemetery Landscaping Services between the City and Monroe Association for Retarded Citizens, Inc. ("MARC") in an amount not to exceed \$53,366.40 for FY 10-11.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Resolution 07-428](#)  
[Consumer Price Index April 09 & 10](#)

**Passed**

Enactment No: Res 10-331

- 12 \*Exercising the two-year renewal option stipulated in the fuel supply contract with McKenzie Petroleum, Inc., originally approved in Resolution No. 07-421.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Contract Documents](#)  
[Signed Contract forms](#)  
[Conditions of the Contract](#)  
[Resolution 07-421](#)

**Passed**

Enactment No: Res 10-332

- 13 \*Extending the contract for Sidewalk Enhancements Phase V- Eisenhower Drive sidewalks, Telegraph Lane sidewalks and Petronia Street/Whitehead ramps with Charley Toppino and Sons, Inc., until April 30, 2011.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Extension Request](#)  
[Resolution 10-115](#)

**Passed**

Enactment No: Res 10-333

- 14 \*Authorizing the expenditure of \$42,128.00 to cover excess Medicare set aside costs and finalizing the Workers Compensation settlement agreement with Charles Winters.

**Sponsors:** City Attorney Smith

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Resolution 10-031](#)  
[Settlement Agreement](#)

**Passed**

Enactment No: Res 10-334

- 15 \*Authorizing DEJ Promotions to conduct a boxing event at Mallory Square on January 14, 2011 from 7:00 P.M. to 12:00 A.M. (set up date, January 13, 2011 ); Granting a Special Event permit pursuant to Section 6-86 of the Code of Ordinances from 8:00 A.M. to 8:00 P.M.; Pursuant to terms and conditions set forth by the City Manager.

**Sponsors:** City Manager Scholl

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

*ADD-ON ITEM*

**Passed**

Enactment No: Res 10-335

### **Approval of the Consent Agenda**

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

- 16 Approving a Memorandum of Understanding between the City of Key West and the Monroe County School District to establish parameters for negotiation of a contract regarding the City's potential acquisition of the Glynn Archer property.

**Sponsors:** Mayor Cates

**Attachments:** [Resolution](#)  
[Memo of Understanding](#)

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

**No:** 1 - Mayor Cates

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

Enactment No: Res 10-336

- 17 Directing the City Manager to take all necessary steps to prepare the site at 525 Angela Street for demolition and construction of a new Fire Station.

**Sponsors:** Commissioner Wardlow

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

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

**No:** 1 - Mayor Cates

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

Enactment No: Res 10-337

- 18 Sponsoring a Holiday Season Parade on Saturday, December 4, 2010 between 7:00 P.M. and 10:00 P.M.

**Sponsors:** City Manager Scholl

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

**A motion was made by Commissioner Johnston, 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 10-338

19

Awarding the Bid of Charley Toppino & Sons, Inc., for the construction of Atlantic Boulevard Enhancements (Project GN-0710) in an amount not to exceed \$498,839.13.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Bid review chart](#)  
[Signed Contract](#)  
[Charley Toppino & Sons, Inc. Proposal](#)  
[Wright Construction Group, Inc. Proposal](#)  
[DN Higgins Proposal](#)

**A motion was made by Commissioner Johnston, 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 10-339

20

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](#)

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

**No:** 1 - Commissioner Wardlow

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

Enactment No: Res 10-340

## ORDINANCES - SECOND READING (Public Hearing)

21

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 Rossi, seconded by Commissioner Weekley, that this Ordinance be Postponed to January 4, 2011 meeting. The motion carried by the following vote:**

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

#### CITIZEN COMMENTS

#### COMMISSION COMMENTS

#### ADJOURNMENT

10:05 P.M.