



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Tuesday, September 21, 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

6:00 P.M.

ROLL CALL

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

INVOCATION - Rabbi Simon Dudai, Congregation B'Nai Zion Synagogue

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

PROCLAMATIONS

- 1 Children's Movement of Florida Week
Sponsors: Mayor Cates
- 2 United Way Appreciation & Support Month
Sponsors: Mayor Cates
- 3 US 1 Radio Day
Sponsors: Mayor Cates

PRESENTATIONS

- 4 Strategic Planning Board
Sponsors: Commissioner Weekley

- 5 Bahama Village Connectivity Project - Kimley-Horn
Sponsors: City Manager Scholl

- 6 Miesel and Spottswood Marina Management Company
Sponsors: City Manager Scholl

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

- 8 *Authorizing Key West Business Guild to conduct a mixer kick off Toys for Tots Drive event on Wednesday, November 10, 2010 from 2:00 P.M. to 10:00 P.M. pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of the 900 block of Fleming Street between Margaret & Grinnell Streets; Granting a special event permit pursuant to Section 6-86 of the Code of Ordinances from 5:00 P.M. to 10:00 P.M.; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.
Sponsors: City Manager Scholl

Passed

Enactment No: 10-267

- 9 *Authorizing Key West Rotary to conduct a Reggae Concert at the Truman Waterfront Southwest Field on Saturday, November 20, 2010 from 6:00 P.M. to 11:30 P.M.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the sale and consumption of alcoholic beverages within an enclosed area; Granting an exemption from the Noise Control Ordinances pursuant to Section 6-86 of the Code of Ordinances during the event.
- Sponsors:** City Manager Scholl
- Passed**
- Enactment No: 10-268
- 11 *Authorizing Kelly's Caribbean and Premier Racing to conduct a street closure during Premier Racing on Friday, January 14 through January 21, 2011 from 8:00 A.M.. to 8:30 P.M. Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Caroline Street between Whitehead Street and Telegraph Lane between the hours of 8:00 A.M. to 8:30 P.M.
- Sponsors:** City Manager Scholl
- Passed**
- Enactment No: 10-269
- 13 *Awarding the bid of Seatech, Inc. in the amount of \$282,716.00 for a generator enclosure replacement at the Wastewater Treatment Plant in response to Invitation to Bid #10-016; Authorizing execution of a contract; Waiving a minor irregularity.
- Sponsors:** City Manager Scholl
- Passed**
- Enactment No: 10-270
- 18 *Approving the settlement in the case of Amy and James Dematteo v. City of Key West.
- Sponsors:** City Attorney Smith
- Passed**
- Enactment No: 10-271
- 21 *Supporting establishment of the City of Key West as an Air and Sea Port of Entry and Exit to Cuba; Directing distribution of the Resolution.
- Sponsors:** Commissioner Rossi
- Passed**

Enactment No: 10-272

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.

- 24 Approving the second amended Settlement Agreement among the City, the Florida Department of Community Affairs and Sunset Ventures of Key West, Inc. for the Sunset Marina property located at 5555 College Road (RE# 00072080-001400).

Sponsors: City Manager Scholl

A motion was made by Commissioner Rossi, seconded by Commissioner Weekley, that this Resolution be Postponed to the December 7th meeting. The motion carried unanimously.

- 25 Authorizing a Major Development Plan and Conditional Use for the installation of stacked boat racks at Sunset Marina in the General Commercial (CG) zoning district for property located at 5555 College Road, Key West (RE# 00072080-001400); Providing conditions.

Sponsors: City Manager Scholl

A motion was made by Commissioner Rossi, seconded by Commissioner Weekley, that this Resolution be Postponed to the December 7th meeting. The motion carried unanimously.

- 7 Appointing Kent Ducote to the Key West Tree Commission.

Sponsors: Mayor Cates

A motion was made by Commissioner Rossi, 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: 10-273

- 10 Authorizing the American Legion Auxiliary Post 168 to conduct a fund raising musical celebration at the Truman Waterfront Athletic Fields on Friday, December 31, 2010, from ~~9:30 P.M. to 2:30 A.M.~~, 7:00 P.M. to 1:00 A.M., pursuant to terms and conditions set forth by the City Manager; Authorizing the sale and consumption of alcoholic beverages within an enclosed area; Granting an exemption from the Noise Control Ordinance pursuant to Section 6-86 of the Code of Ordinances during the event; Waiving the user fee of \$500.00; Directing staff to collect recycling and cleanup deposits.

Sponsors: City Manager Scholl

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

Enactment No: 10-274

- 12 Approving a budget transfer of \$41,600.00 from the General Fund City Manager Operating Contingency Account to the General Fund School Crossing Guard Program account.

Sponsors: City Manager Scholl

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: 10-275

- 14 Approving Task Order No. 1 for development of a Strategic Solid Waste Master plan for the City of Key West in an amount not to exceed \$379,800.00.

Sponsors: City Manager Scholl

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

No: 2 - Commissioner Rossi and Commissioner Wardlow

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

Enactment No: 10-276

- 15 Exercising the two-year renewal option contained in the contract for General and Utility Engineering Services with CH2M Hill, originally approved in Resolution No. 07-331.
- Sponsors:** City Manager Scholl
- A motion was made by Commissioner Johnston, seconded by Commissioner Rossi, that this Resolution be Postponed to the City Commission. The motion carried by the following vote:**
- Yes:** 7 - Commissioner Gibson, Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley and Mayor Cates
- 16 Exercising the two-year renewal option contained in the contract for General and Utility Engineering Services with Perez Engineering and Development, Inc., originally approved in Resolution No. 07-332.
- Sponsors:** City Manager Scholl
- A motion was made by Commissioner Johnston, seconded by Commissioner Lopez, that this Resolution be Postponed. The motion carried by the following vote:**
- Yes:** 7 - Commissioner Gibson, Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley and Mayor Cates
- 17 Exercising the two-year renewal option contained in the contract for General and Utility Engineering Services with Chen and Associates, originally approved in Resolution No. 07-330.
- Sponsors:** City Manager Scholl
- A motion was made by Commissioner Johnston, seconded by Commissioner Lopez, that this Resolution be Postponed to the City Commission. The motion carried unanimously.**
- 19 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
- A motion was made by Commissioner Johnston, seconded by Commissioner Rossi, that this Resolution be Denied. 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

- 20 Supplementing and clarifying the scope of the "Truman Waterfront Advisory Board" (TWAB).
- Sponsors:** Commissioner Lopez
- 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: 10-277
-
- 22 Adopting the "Fund Balance Policy" for the City of Key West.
- Sponsors:** City Manager Scholl
- 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: 10-278
-
- 23 Ranking respondents to RFP 009-10 for Ambulance Services;
Authorizing staff to negotiate with the top ranked firm and each firm thereafter as necessary until an acceptable contract is brought before the Commission.
- Sponsors:** City Manager Scholl
- A motion was made by Commissioner Gibson, seconded by Commissioner Johnston to approve the following ranking:**
- 1. American Medical Responders**
 - 2. LifeStar Response**
 - 3. American Ambulance**
- 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: 10-279

Meeting recessed at 11:49 P.M.

Meeting reconvened at 6:05 P.M. on September 22, 2010

ROLL CALL

Absent 1 - Commissioner Gibson

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

ORDINANCES – FIRST READING

26 Approving an amendment to Chapter 18, "Businesses", of the Code of Ordinances of the City of Key West by adding Article XII, Conditional Approval Permit, Division 1, Sections 18-610 through 18-615 to provide for a conditional approval permit application and enforcement process; 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 Weekley, 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

ORDINANCES - SECOND READING (Public Hearing)

27 An Ordinance of the City of Key West, Florida, amending Chapter 26 of the Code of Ordinances entitled "Environment" by amending Section 26-194 to provide for the regulation of sound emanating from a public right of way; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Weekley

A motion was made by Commissioner Weekley, seconded by Commissioner Rossi that this Ordinance be Postponed to the October 5th City Commission meeting. 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

- 28 An Ordinance of the City of Key West, Florida, amending Chapter 110 of the Code of Ordinances entitled "Resource Protection"; By amending Section 110-255 to provide for Palm Weaving Permit issuance pursuant to Section 6-1 through 6-9; Restricting the methodology of Coconut Palm Tree Trimming; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Weekley

A motion was made by Commissioner Weekley, seconded by Commissioner Rossi that this Ordinance be Postponed to the October 5th City Commission meeting. The motion carried unanimously.

- 29 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

A motion was made by Commissioner Weekley, seconded by Commissioner Rossi, that this Ordinance be Postponed to the October 5th City Commission meeting. The motion carried unanimously.

- 30 An Ordinance of the City of Key West, Florida, amending Chapter 2 of the Code of Ordinances entitled "Administration" by adding Sections 2-700 through 2-704 in order to establish the "Caroline Street Corridor Tax Increment Financing Board"; Providing for its creation, composition, terms, duties and sunset; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Weekley

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that this Ordinance be Postponed to the October 5th City Commission meeting. The motion carried by the following vote:

No: 1 - Mayor Cates

Absent: 1 - Commissioner Gibson

Yes: 5 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow and Commissioner Weekley

31 An Ordinance of the City of Key West, Florida, amending Chapter 58 of the Code of Ordinances entitled "Solid Waste" by amending Section 58-64 to adjust Navy generated solid waste rates; Amending Section 58-65 to adjust residential rates; Amending Section 58-66 to adjust commercial solid waste rates; 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 Weekley, that this Ordinance be Adopted. The motion carried by the following vote:

No: 1 - Mayor Cates

Absent: 1 - Commissioner Gibson

Yes: 5 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow and Commissioner Weekley

Enactment No: 10-18

32 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 sewer service monthly Base Charge Unit (BCU); Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

A motion was made by Commissioner Weekley, seconded by Commissioner Rossi, that this Ordinance be Postponed to the October 5th City Commission meeting. 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

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

6:49 P.M.