



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Tuesday, June 19, 2012

6:00 PM

Old City Hall

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

6:01 P.M.

ROLL CALL

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

INVOCATION - Father Hooper, Saint Paul's Episcopal Church

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

PROCLAMATIONS

1 National HIV Testing Day

Sponsors: Mayor Cates and Commissioner Lopez

Attachments: [Proclamation](#)

Received and Filed

2 Mel Fisher Day

Sponsors: Mayor Cates

Attachments: [Proclamation](#)

Received and Filed

PRESENTATIONS

- 3 City Charter and District Boundary Review Committee Report
By: Madam Chair Virginia Panico

Sponsors: City Attorney Smith

Attachments: [Proposed Changes to City Charter](#)
[Proposed District Map](#)

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

- 4 *May 15, 2012 (Regular)

Attachments: [Minutes](#)

Passed

- 5 *June 2, 2012 (Workshop)

Attachments: [Minutes](#)

Passed

- 6 *June 4, 2012 (Special)

Attachments: [Minutes](#)

Passed

RESOLUTIONS

- 7 *Authorizing Helpline, Inc. to conduct it's Annual Hemingway Days Street Fair on Saturday, July 21, 2012 from 8:00 a.m. to 9:00 p.m; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Duval Street between Front and Fleming Streets between the hours of 8:00 a.m. to 9:00 p.m; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

Sponsors: City Manager Scholl

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

Passed

Enactment No: Res 12-197

- 8 *Requesting and urging Florida Legislature to name the segment of U.S. 1 between Key West and the Seven Mile Bridge the "Robert Allen Wise Memorial Highway".

Sponsors: City Manager Scholl

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

Passed

Enactment No: Res 12-198

- 9 *Approving a five-year lease with "It's Just for Kids, Inc." for property located at 727 Fort Street.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[*Large File* Lease](#)
[Corporation Filing and Insurance](#)

Passed

Enactment No: Res 12-199

- 10 *Approving a change order to Task Order No. 12-02 for Perez Engineering and Development, Inc. in an amount not to exceed \$40,780.00 for additional Engineering Services for the replacement of an existing outfall and replacing Duval Street storm inlets for the East Front Street Drainage project.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Task Order #12-02](#)
[Resolution 12-036](#)
[Addendum # 1](#)

Passed

Enactment No: Res 12-200

- 11 *Accepting a Grant from the State of Florida Division of Emergency Management (FDEM) for Phase II FEMA funding for the George Street Drainage Project in the amount of \$2,577,951.00; Authorizing the City Manager to execute a grant agreement contract upon advice and consent of the City Attorney; Amending FY 2012 Stormwater Budget to accept the Grant.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Subgrant Agreement](#)
[Resolution 09-006](#)
[Resolution 09-082](#)
[*Large File* George Street Benefit/Cost Analysis](#)
[FEMA approval letter](#)

Passed

Enactment No: Res 12-201

- 12 *Awarding the Bid of Wharton Smith, Inc., for the construction of the Stormwater Pump Station and Outfall System for the George Street Drainage area in an amount not to exceed \$3,242,000.00 (City 25% Match).

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[City Clerk's Office Bid tabulation memo](#)
[Letter from CH2M Hill](#)
[Wharton Smith Bid Extension Letter](#)
[Wharton Smith Bid](#)
[D.N. Higgins Bid](#)
[Charley Toppino and Sons Bid](#)
[Giannetti Contractors Bid](#)
[Lanzo Construction Co. Part 1](#)
[*Large File* Lanzo Construction Co. Part 2](#)
[*Large File* Metro Equipment Bid](#)
[Project Bid Documents](#)
[Project Bid Drawings](#)
[Project Bid Addendums # 1 and # 2](#)

Passed

Enactment No: Res 12-202

- 13 *Approving Task Order No. 2-12-STM from CH2M Hill Engineering, Inc. in the amount not to exceed \$254,274.00 for Engineering Services for the Construction Phase of the Stormwater Pump Station and Outfall System for George Street Drainage area.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Task Order 2-12-STM](#)
[Resolution 10-287](#)

Passed

Enactment No: Res 12-203

- 14 *Approving Task Order No.11-008 to Perez Engineering and Development, Inc. in the amount not to exceed of \$71,100.00 for Construction Administration Services for the Stormwater Pump Station and Outfall System for George Street Drainage area.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Task Order #11-008](#)
[Resolution 10-294](#)

Passed

Enactment No: Res 12-204

- 15 *Approving the attached Lease Agreement between the City and GRM Enterprises, Inc. for the Upland Premises and the Single Vessel Docking Facility contiguous to the Upland Premises located at 2 Duval Street (described in attached lease).

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Renewal Lease](#)
[*Large File* Prior Lease](#)

Passed

Enactment No: Res 12-205

- 16 *Approving an Inter-Local Agreement in an amount up to \$34,700.00 between City of Key West and Monroe County Board of County Commissioners for reimbursement of certain public access water related expenses.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[*Large File* Inter-Local agreement](#)

Passed

Enactment No: Res 12-206

- 17 *Authorizing an application to the Florida Fish and Wildlife Conservation Commission "Florida Boating Improvement Program" for Grant funding in an amount up to \$270,000.00 for repairs to Wahoo Pier and the trailer parking area at the City Marina at Garrison Bight.

Sponsors: City Manager Scholl

Attachments: [Resolution.pdf](#)
[Executive Summary](#)
[Grant](#)

Passed

Enactment No: Res 12-207

- 18 *Rescinding Resolution No. 12-188 regarding a Joint Participation Agreement (JPA) between the City and the Florida Department of Transportation (FDOT).

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Resolution 12-188](#)
[Executive Summary dated May 18, 2012](#)

Passed

Enactment No: Res 12-208

- 19 *Approving the attached Joint Participation Agreement (JPA) between the Florida Department of Transportation (FDOT) and the City of Key West for funding of construction costs of the new Transit Facility at 5701 College Road in the amount of \$1,000,000.00 (City match 20% in kind); Acknowledging federal interest in the property.

Sponsors: City Manager Scholl

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

Passed

Enactment No: Res 12-209

- 20 An Ordinance of the City of Key West, Florida, amending Chapter 70 of the Code of Ordinances entitled "Traffic and Vehicles" by amending Section 70-116 entitled "Parking, Stopping and Standing" by creating a permit system for parking a vessel or recreational vehicle on the City Right of Way in the Single Family Zoning District; Amending Section 70-462 entitled "Prohibition" by including trailered vessels; Amending Section 70-464 entitled "Exceptions to the Prohibition contained in Section 70-462" by including recreational vehicles and trailered vessels with a valid resident owner permit; Amending Section 70-467 entitled "Resident Owner Permits" including a permit fee and conditions for trailered vessels and recreational vehicles parked on the City's Rights-of-Way; Amending Section 70-468 entitled "Citation of Violator; Removal of Vehicle" including provisions for suspension or revocation of permits; Providing for Severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Yaniz

Attachments: [Ordinance](#)
[Executive Summary](#)
[Exhibits](#)
[Zoning Map Key West](#)

Item was Postponed to July 17, 2012.

- 21 An Ordinance of the City of Key West amending Chapters 14, 34 and 108 of the Code of Ordinances and amendments to local Sections 104, 107, 117, 202, 1612 of the 2010 Florida Building Codes for the purpose of updating the City's Flood Damage Protection Ordinances and related building codes; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

Attachments: [Executive Summary](#)
[Planning Board Resolution 2012-24](#)
[2012 Building Codes](#)
[Florida Model Floodplain Ordinance](#)
[FAQ - New Model Ordinance & Code Amendments](#)

Item was Postponed to July 17, 2012.

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.

22 Approving a five-year lease with the Key West Community Sailing Center, Inc. for property located at 705 Palm Avenue.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Tenant Request](#)
[*Large File* Lease](#)

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

No: 1 - Commissioner Johnston

Yes: 6 - Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

Enactment No: Res 12-210

23 Approving the attached employee agreement between the City of Key West and Bogdan Vitas for the position of City Manager.

Sponsors: City Attorney Smith

Attachments: [Resolution](#)
[Employee Agreement](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Rossi, that the Resolution be Passed with amendments to the employee agreement. The motion carried by the following vote:

No: 2 - Commissioner Wardlow and Commissioner Yaniz

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

Enactment No: Res 12-211

24

Quasi-Judicial Hearing - Approving a Minor Development plan for real property located at 202 William Street; Providing for conditions.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Planning Board Resolution 2012-26](#)
[Planning Board Resolution 2012-27](#)
[Planning Board Staff Report](#)
[Application](#)
[*Large File* Approved Site Plans](#)
[Proposed Elevations](#)
[Utility and Drainage Plans](#)

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

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

Enactment No: Res 12-212

ORDINANCES – FIRST READING

25

An Ordinance of the City of Key West, Florida, amending Chapter 108 of the Code of Ordinances entitled "Planning and Development" by amending Section 108-680 and 108-681 to provide an exception for properties in the SF Zoning District; Amending Section 108-682 to clarify exceptions; Amending 108-683 to clarify exceptions; Providing for severability; Providing for the repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

Attachments: [Ordinance](#)
[Executive Summary](#)
[Planning Board Resolution 2012-19](#)
[Planning Staff Report](#)
[Planning Board Public Comment](#)

A motion was made by Commissioner Yaniz, seconded by Commissioner Wardlow, that the Ordinance be Passed to Second Reading. The motion failed by the following vote:

No: 4 - Commissioner Johnston, Commissioner Rossi, Commissioner Weekley and Mayor Cates

Yes: 3 - Commissioner Lopez, Commissioner Wardlow and Commissioner Yaniz

26

An Ordinance of the City of Key West amending Section 110 of the Code of Ordinance entitled "Floodplain Protection" by adding Section 110-467 providing the basis for enhanced protection of specifically identified endangered species habitat and the species focus area maps and real estate list; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

Attachments: [Ordinance](#)
[Executive Summary](#)
[Supporting Documents](#)
[Planning Board Resolution 2012-23](#)

A motion was made by Commissioner Lopez, seconded by Commissioner Rossi, that the Ordinance be Passed to Second Reading. The motion carried by the following vote:

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

Enactment No: PB Res 2012-23

27

An Ordinance of the City of Key West amending Chapter 122 of the Code of Ordinances entitled "Zoning", Article II, entitled "Nonconformities" by amending Section 122-26 to add definitions; Adding Section 122-33 to provide for an exception for property affected by eminent domain or voluntary conveyance for public transportation or other public purpose; Adding Section 122-34 regarding status of parcels during or after acquisition by eminent domain or voluntary conveyance for public transportation or other public purpose; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

Attachments: [Ordinance](#)
[Executive Summary](#)
[Planning Board Resolution 2012-22](#)
[Planning Board Package](#)

A motion was made by Commissioner Rossi, seconded by Commissioner Lopez, that the Ordinance be Passed to Second Reading. The motion carried by the following vote:

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

ORDINANCES - SECOND READING (Public Hearing)

- 28** An Ordinance of the City of Key West, Florida, amending Chapter 70, "Traffic and Vehicles", Article III of the Code of Ordinances entitled "Speed Limits" by adding Section 70-61 to provide for maximum speed limits in certain section of the City; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Weekley

Attachments: [Ordinance](#)

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

No: 1 - Commissioner Rossi

Yes: 6 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

Enactment No: Ord 12-17

RESOLUTIONS

- 29** Urging and requesting Monroe County and the State of Florida to lower the speed limit on two-lane County and State-controlled Roads within the City of Key West to 20 mph.

Sponsors: Commissioner Weekley

Attachments: [Resolution](#)

A motion was made by Commissioner Jimmy Weekley, seconded by Commissioner Teri Johnston, that the Resolution be Postponed to July 17, 2012 meeting. The motion passed by an unanimous vote.

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

CITIZEN COMMENTS**COMMISSION COMMENTS****ADJOURNMENT**

9:52 P.M.