



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Wednesday, November 3, 2010

6:00 PM

Old City Hall

Revised

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

Absent 1 - Commissioner Wardlow

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

INVOCATION - Reverend Dr. Randy Becker, Unitarian Universalist Fellowship Church

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

PROCLAMATIONS

1 Crime Stoppers of the Florida Keys Week in Key West

Sponsors: Mayor Cates

This matter was Received and Filed

2 Dry Tortugas National Park Day

Sponsors: Mayor Cates

This matter was Received and Filed

3 Just 4 Kids Week

Sponsors: Mayor Cates

This matter was Received and Filed

4 National Family Week in the City of Key West

Sponsors: Mayor Cates

This matter was Received and Filed

5 SMART Ride Day

Sponsors: Mayor Cates

This matter was Received and Filed

PRESENTATIONS

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 6, 2010 (Regular)

Passed

7 *August 3, 2010 (Regular)

Passed

RESOLUTIONS

8 *Authorizing Fair Insurance Rates in Monroe to conduct a bike ride on Sunday, November 7, 2010 from 8:00 a.m. to 1:00 p.m.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Reynolds Street from Atlantic Boulevard to Casa Marina Court; White Street from Atlantic Boulevard to Casa Marina Court; Casa Marina Court from White Street to Reynolds Street; Atlantic Boulevard closure previously approved by Monroe County.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 10-314

9 *Accepting Grant Agreement No. 4600002251 with the South Florida Water Management District (SFWMD) for \$100,000.00 for Development of a Stormwater Master Plan; Authorizing the City Manager to execute the Agreement; Authorizing amendment of the Stormwater Budget to reflect grant income and required matching funds.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 10-315

10 *Awarding the Bid of Charley Toppino & Sons, Inc., for the construction of a stormwater gravity well at the intersection of 17th Street and 17th Terrace (FDOT Project #422719-1) in an amount not to exceed \$168,155.46; Waiving minor irregularities in the bid.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 10-316

- 11 *Awarding the bid of Douglas N. Higgins, Inc., for the construction of a stormwater gravity well at the intersection of 20th Street and Duck Avenue (FDOT Project #422719-1) in an amount not to exceed \$205,800.00.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 10-317

- 12 *Awarding the bid of Douglas N. Higgins, Inc., for the construction of a stormwater gravity well at the intersection of Elizabeth Street and Olivia Street (FDOT Project #422716-1) in an amount not to exceed \$198,900.00.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 10-318

- 13 *Awarding the bid of Douglas N. Higgins, Inc. for a City of Key West General Services Contract in response to Invitation to Bid (ITB) #10-015.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 10-319

- 14 *Awarding the bid of Charley Toppino & Sons, Inc. for a City of Key West General Services Contract in response to Invitation to Bid (ITB) #10-015; Waiving bid irregularities.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 10-320

- 15 *Approving Task Order 1-11-SWR for CH2M Hill for Engineering Services for the site sampling and demolition documents at the site of the former Waste to Energy Facility on Stock Island in an amount not to exceed \$126,278.00.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 10-321

- 16 *Authorizing the award of bid for IB #10-011, Port Operations Security Services, to the lowest qualified and responsive bidder, Tactical Protection Corporation, for a contract price of \$15.00/hour; Authorizing the execution of a contract in accordance with the bid documents.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 10-322

- 17 *Approving the Collective Bargaining Agreement between the City of Key West and Teamsters Local 769, Office and Blue Collar Workers, effective October 1, 2010 through September 30, 2011.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 10-323

- 18 *Accepting the Planning Department's attached Annual Development Agreement Compliance Reports issued pursuant to Key West Code of Ordinances Section 90-688 for the project located at 3800, 3820, 3850 and 3852 North Roosevelt Boulevard and 1185 20th Street, also known as the Key West Resort and Conference Center and the project located at 1341 McCarthy Lane (formerly known as a portion of Duck Avenue) situated within the leasehold property of the Poinciana Plaza Special Needs Section and known as Poinciana Royale for AIDS Help of Monroe County.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 10-324

- 19 *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

Postponed

20 *Approving a waiver for Phil Anderton, to Section 114-35 and 114-103 regarding the placement of Banners in the Historic District, to allow placement of a 20 foot long by 32 inch wide banner at 701 Duval Street from November 12, 2010 through December 2, 2010.

Sponsors: Commissioner Weekley

Passed

Enactment No: 10-325

Approval of the Consent Agenda

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

21 Re-appointing Frank D. Balbuena, Sr., Norman Wood, Jr., Nicholas E. Reeb and Merrell F. Sands, III to the Key West Contractors Examining Board.

Sponsors: Mayor Cates

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

Enactment No: Res 10-326

22 Authorizing an adjustment in Lower Keys Shuttle (Bus) Fares.

Sponsors: City Manager Scholl

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

No: 1 - Commissioner Gibson

Absent: 1 - Commissioner Wardlow

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

- 23 Approving an Easement of 164 square feet to address the encroachment of existing roof eaves and two second floor balconies related to a contributing historic structure located at the northeast corner of Flagler Avenue and First Avenue at 1901 Flagler Avenue (RE #00045080-000000); Providing fees and conditions.

Sponsors: City Manager Scholl

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

Absent: 1 - Commissioner Wardlow

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

Enactment No: Res 10-327

ORDINANCES – FIRST READING

- 24 An Ordinance of the City of Key West, Florida, amending Chapter 90 of the Code of Ordinances entitled "Administration" by amending Sections 90-133, 90-136, 90-138 and 90-143 and Chapter 102 of the Code of Ordinances entitled "Historic Protection" by amending Section 102-217 to provide for an expanded and consistent public noticing process for the Historic Architectural Review Commission; 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 meeting of November 16, 2010.

Absent: 1 - Commissioner Wardlow

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

ORDINANCES - SECOND READING (Public Hearing)

25

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

A motion was made by Commissioner Rossi, seconded by Commissioner Lopez, that this Ordinance be Postponed to the meeting of November 16, 2010.

Absent: 1 - Commissioner Wardlow

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

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

7:55 P.M.