



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Tuesday, December 7, 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

Absent 1 - Commissioner Rossi

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

INVOCATION - Fr. John Baker, St. Mary's Star of the Sea Catholic Church

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

PROCLAMATIONS

1 National Homeless Persons Memorial Day

Sponsors: Mayor Cates and Commissioner Weekley

Attachments: [Proclamation](#)

This matter was Received and Filed

PRESENTATIONS

2 Strategic Planning Committee

Sponsors: Commissioner Weekley

Attachments: [Attachment](#)

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

3 *September 14, 2010 (Special)

Attachments: [Minutes](#)

Passed

4 *September 21, 2010 (Regular)

Attachments: [Minutes](#)

Passed

5 *September 23, 2010 (Special)

Attachments: [Minutes](#)

Passed

RESOLUTIONS

6 *Urging the U. S. Senate to reconsider its prior position and adopt legislation providing subpoena power to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling (S3462).

Sponsors: Commissioner Weekley

Attachments: [Resolution](#)
[Florida Keys Environmental Coalition Letters](#)

Passed

Enactment No: Res 10-342

7 *Authorizing Helpline, Inc. to conduct their annual fair to take place at the Truman Waterfront along the East Quay Wall during the hours of 10:00 A.M. to 9:00 P.M. starting on Saturday, December 18, 2010 through Monday, January 3, 2011; Set up date of Friday, December 17, 2010.

Sponsors: City Manager Scholl

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

Passed

Enactment No: Res 10-343

8 *Approving the attached 2011 Meeting Schedule for the Key West City Commission.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[2011 Meeting Dates](#)

Passed

Enactment No: Res 10-344

9 *Approving a release of lien for the property located at 2507 Linda Avenue.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Mortgage](#)
[Quit Claim Deed](#)
[Assignment Mortgage](#)
[Lis Pendens](#)
[City Lien](#)
[2507 Linda - Purchase and Sale Agreement](#)
[2507 Linda HUD-1-\(1\)](#)
[Buyer Letter](#)

Passed

Enactment No: Res 10-345

10 *Approving the attached "1st Amendment to Homeless Safe Zone Interlocal Agreement" between the City and the Monroe County Board of County Commissioners.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Amendment #1](#)
[Resolution 09-056](#)
[Sheriff's Approval](#)

Passed

Enactment No: Res 10-346

11 *Exercising the first of two one-year renewal options stipulated in the contract for Grant Writing Services with Sheila Griffin Inc., originally approved in Resolution No. 09-185.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Resolution 09-185](#)
[Resolution 09-124](#)

Passed

Enactment No: Res 10-347

- 12 *Approving Task Order 6-11-SWR for CH2M Hill for Engineering and Construction Phase Services for the Headworks Modification Project at the Richard A. Heyman Environmental Protection Facility in an amount not to exceed \$298,194.00.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Headworks Construction Engineering Revised](#)
[Task Order](#)

Passed

Enactment No: Res 10-348

- 13 *Awarding the bid of Encore Construction Company, LLC in the amount of \$3,056,000.00, including the additive alternate proposal, for the construction of Headworks Modifications at the Richard A. Heyman Environmental Protection Facility in response to Invitation to Bid #11-002; Authorizing the use of reserves to fund acceleration of project schedule; Authorizing execution of a contract.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Resolution 10-154](#)
[City Clerk's Bid Tab](#)
[CH2M Hill Engineer Contract Award Recommendation](#)
[Encore Construction Bid](#)
[DN Higgins Bid](#)
[Metro Bid](#)
[TLC Diversified Bid](#)
[Wharton Smith Bid](#)
[Wright Construction Bid](#)

Passed

Enactment No: Res 10-349

- 14 *Approving after the fact repairs to pump #2 at Stormwater Pump Station #5 in the amount of \$26,795.40 from Florida Bearings, Inc. on an emergency procurement bases.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[City Manager Emergency Purchase Declaration](#)
[Florida Bearings Quote](#)

Passed

Enactment No: Res 10-350

- 15 *Awarding the bid of Charley Toppino & Sons, Inc. for a City of Key West Three-year Contract for Rehabilitation of Stormwater Drainage Wells in response to Invitation to Bid (ITB) #10-017; Waiving minor bid irregularity.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[City Clerk's Bid Tab](#)
[Engineer's Award Recommendation Letter](#)
[Signed Agreement](#)
[Bid Proposal from Toppino's](#)
[Licenses for Well Drilling](#)
[Bid Documents for Rehab of Stormwater Drainage Wells](#)

Passed

Enactment No: Res 10-351

- 16 *Extending the "Master Agreement to Furnish General Transportation Engineering Services to the City of Key West" for Chen & Associates, Inc. through June 13, 2011; Continuing Task Order 107.001 at no additional cost.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Resolution 06-270](#)

Passed

Enactment No: Res 10-352

- 17 *Approving the extension of the attached Interlocal Agreement between the City and Monroe County Sheriff's Office for shared use of 800 MHz Bandwidth for Department of Transportation Radio Communications, for an additional four years, retroactive to October 1, 2009.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Resolution 06-012](#)

Passed

Enactment No: Res 10-353

- 18 *Authorizing a purchase from Pro-am Safety, Inc. for ten (10) Scott AP75 2.2 SCBA (Self Contained Airway Breathing Apparatus) plus accessories as a brand name project, pursuant to City Code Section 2-797(3), for the Key West Fire Department in an amount not to exceed \$37,835.00.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Pro-Am quote](#)
[Fisher Quote](#)
[Pro-Am Retail List](#)
[Lake County Contract](#)

Passed

Enactment No: Res 10-354

19

*Approving the attached "Memorandum of Agreement"; acceptance, authorization and execution of the attached "Utility Work by Highway Contractor Agreement" with the State of Florida Department of Transportation (FDOT), for Financial Project Number 250548-3-56-02, for installation of a North Roosevelt Sewer Force Main from Georgia Street to 14th Street in a total amount not to exceed \$2,153,227.22; Rescinding Resolution 10-232 and agreeing to the cancelation of the agreement provided for therein as it is superseded by the instant agreement; Providing for necessary budget transfers.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Memo of Understanding](#)
[FDOT Utility Work Agreement](#)
[FDOT new cost estimate](#)
[Resolution 10-232](#)

Passed

Enactment No: Res 10-355

20

*Approving an increase of \$22,009.22 to the Utility Design by FDOT Consultant Agreement originally approved in City Commission Resolution 09-102 to permit an extension of the project to 14th Street; Providing for necessary budget transfers.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Additional Design Cost Estimate](#)
[Original FDOT JPA - North Roosevelt Design](#)
[Fully Executed JPA Design](#)

Passed

Enactment No: Res 10-356

- 21 *Authorizing a payment plan in the amount of \$20,653.00 for impact and connect fees for Samuel's House, Inc. for construction of the 16-unit "Casa de Meredith" at Poinciana Plaza.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Request from Samuels House](#)
[Impact Fee & Connect Fee Worksheet](#)
[FKAA Payment Agreement](#)

Passed

Enactment No: Res 10-357

- 22 *Authorizing amendments to the budget for Fiscal Year 2010/2011.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Budget Amendment Dec 10](#)

Passed

Enactment No: Res 10-358

- 23 *Approving a settlement in the case of Lawrence Schober v. City of Key West.

Sponsors: City Attorney Smith

Attachments: [Resolution](#)
[Settlement Summary](#)
[Settlement Agreement](#)

Passed

Enactment No: Res 10-359

24 *Approving the settlement in the 16th Judicial Circuit Case No. 2008-CA-1903-K of Suleyman and Adelaide Unuvar v. City of Key West and Officer Luis Sanchez.

Sponsors: City Attorney Smith

Attachments: [Resolution](#)
 [Attachment - Burke](#)

Passed

Enactment No: Res 10-360

25 *Approving pursuant to Section 50-91 of the Code of Ordinances an amendment to the Key West Civil Service Board Rules and Regulations.

Sponsors: City Attorney Smith

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Proposed Rules & Regulations](#)

Passed

Enactment No: Res 10-361

26

*Approving a Major Modification to the Major Development Plan; Approving modification to required aisle width and parking stall size per Section 122-699(9) and Section 108-91(A)(2)(b) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida; for the property located at 512 Greene Street (RE #00001170-000000); Providing conditions.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Planning Board Resolution 2010-024](#)
[Staff Report](#)
[Application](#)
[Prior Approvals](#)
[Prior Modification to Site Plans](#)
[Proposed Site Plan](#)
[Parking Lot Maneuverability Analysis](#)
[Solid Waste Management plan](#)
[Concurrency Analysis](#)
[DRC Minutes and Updated Member Comments](#)
[Public Comments](#)
[Property Appraiser & Public Noticing](#)

Postponed to February 15, 2011 meeting.

- 27 *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

Attachments: [Resolution](#)
[Request to postpone](#)
[Executive Summary](#)
[Proposed Settlement](#)
[Revised Compliance with Amended Settlement Agreement](#)
[Resolution 98-209](#)
[Planning Board Resolution 2010-016](#)
[Site Plans](#)
[Planning Board Staff Report](#)
[Licensing Information](#)
[Application](#)
[Verification](#)
[Authorization](#)
[Power of Attorney](#)
[Warranty Deed](#)
[Easement Agreement](#)
[Property Record Card](#)
[Development Review Committee Minutes](#)
[Mailings & Radius Map](#)

Postponed to February 15, 2011 meeting.

- 28 *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

Attachments: [Resolution](#)
[Request to postpone](#)
[Executive Summary](#)
[Proposed 2nd Amended Settlement Agreement](#)
[Resolution 98-209](#)
[Compliance Report](#)

Postponed to February 15, 2011 meeting.

- 29 *Approving the Vacation of a portion of alleyway in the dimensions of 189 feet in length by 10 feet in width, to the property owner of two lots abutting the alleyway located at 1100 Angela Street, between White Street and Ashe Street; Providing Conditions.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[CC Executive Summary](#)
[Application](#)
[Survey](#)
[DRC Minutes](#)
[Plats and Sanborn Maps](#)
[Site Photos](#)
[Letters Non-Objection Support](#)
[Property Appraiser Right of Way](#)
[Property Appraiser Surrounding Property Owners](#)

Postponed to January 4, 2011 meeting

Approval of the Consent Agenda

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

- 30 Approving Task Order 2-11-STM for CH2M Hill, Inc. to conduct a Stormwater Master Plan for the City of Key West, including an inventory of the City's existing utility infrastructure in an amount not to exceed \$398,000.00.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Task Order 2-11](#)

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

No: 1 - Commissioner Wardlow

Absent: 1 - Commissioner Rossi

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

Enactment No: Res 10-362

- 31 Accepting the Bid of Douglas N. Higgins, Inc., for the construction of the Pump Station F Force Main Upgrade on Glynn Archer Drive (Project #406518) in the amount of \$767,977.24; Providing for a ten percent contingency for a total project cost not to exceed \$844,775.00.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Resolution 10-154](#)
[General Services Forcemain F DNHiggins](#)
[Force Main F Bid Proposal Letter](#)
[Pump Station F Work Order Toppinos](#)
[KW Pump Station F Force Main Vol 1 Bid Docs Specs 8-26-10](#)
[KW Pump Station F Force Main Vol 2 Bid Docs-Drawings 8-26-10](#)

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

No: 1 - Commissioner Wardlow

Absent: 1 - Commissioner Rossi

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

Enactment No: Res 10-363

- 32 Approving the attached Collective Bargaining Agreement between the City and International Association of Firefighters Local 1424.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Collective Bargaining Agreement](#)

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

Absent: 1 - Commissioner Rossi

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

Enactment No: Res 10-364

33 Approving a 12-month extension of the Major Development Plan granted for 524 Eaton Street in Resolution No. 10-025.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Major Development Plan Extension Request](#)
[DCA Determination](#)
[Resolution 10-026](#)
[Planning Resolution 2009-041](#)
[Noticing](#)

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

Absent: 1 - Commissioner Rossi

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

Enactment No: Res 10-365

34 Approving modifications to conditions associated with the Major Development Plan for the Merili McCoy Key West Botanical Garden on the property located at 5100-5210 College Road.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Approved Site Plan Excerpts](#)
[Applicant Request](#)
[City Commission Resolution 08-064](#)
[Staff Review of Compliance](#)
[Applicant's Compliance Documentation](#)
[Property Record Card](#)
[Botanical Gardens noticing](#)
[Botanical Gardens radius map](#)

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

Absent: 1 - Commissioner Rossi

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

Enactment No: Res 10-366

ORDINANCES – FIRST READING

- 35 An Ordinance of the City of Key West, Florida, amending Chapter 70 of the Code of Ordinances entitled "Traffic and Vehicles", Article XI "Wreckers and Towing Service" by adding Division 3 "Non-consensual Private Towing Services", Sections 70-701, 70-702, 70-703, 70-704, 70-705, 70-706, 70-707, 70-708, 70-709, 70-710, 70-711, 70-712 and 70-713 to provide for authority, purpose and definitions in enacting regulations governing nonconsensual tows; Providing for the issuance of operating permits; Providing for the setting of rates and requirements for non-consensual tows; Requiring prior express instruction of real property owner or duly authorized agent prior to tow; Instituting notice requirements for non-consensual tow services; Requiring maintenance of a manifest and records retention; Providing for enforcement and penalties; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date

Sponsors: Mayor Cates

Attachments: [Ordinance](#)

A motion was made by Commissioner Lopez, seconded by Commissioner Gibson, that this Ordinance be Postponed to February 1, 2011 meeting. The motion carried by the following vote:

Absent: 1 - Commissioner Rossi

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

- 36 An Ordinance of the City of Key West, Florida, amending Chapter 70 of the Code of Ordinances entitled "Wreckers and Towing Service"; by amending Section 70-650, 70-652, 70-653, 70-657, 70-658, 70-661 to provide consistency for the City Tow Rotation List; Increased fees; Indemnification; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date

Sponsors: Mayor Cates

Attachments: [Ordinance](#)

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

No: 1 - Commissioner Johnston

Absent: 1 - Commissioner Rossi

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

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

8:56 P.M.