



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Tuesday, February 15, 2011

6:00 PM

Old City Hall

Revised

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

6:02 P.M.

ROLL CALL

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

INVOCATION - Commander Chaplin David Martin, NAS Key West

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

PRESENTATIONS

1 25 Year Award - John Peter Malott - Key West Fire Department

Sponsors: City Manager Scholl

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

2 *December 7, 2010 (Regular)

Attachments: [Minutes](#)

Passed

3 *January 4, 2011 (Regular)

Attachments: [Minutes](#)

Passed

4 *January 13, 2011 (Special)

Attachments: [Minutes](#)

Passed

5 *January 18, 2011 (Regular)

Attachments: [Minutes](#)

Passed

RESOLUTIONS

6 *Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to Rita Murphy for an event to take place during the hours of 6:00 P.M. to 12:00 Midnight at 308 Petronia Street on Friday, March 4, 2011 and on Saturday, March 5, 2011.

Sponsors: City Manager Scholl

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

Passed

Enactment No: Res 11-044

- 7 *Accepting pursuant to Section 2-797(3) of the Code of Ordinances the attached proposal of Garber Automall in the total amount of \$327,486.90 for thirteen E-85 Flex Fuel Compliant Police Patrol Vehicles for use by the Key West Police Department; Approving budget transfers.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Police Vehicle Evaluation and Quotes](#)
[Duncan Memo](#)
[State Contract](#)

Passed

Enactment No: Res 11-045

- 8 *Authorizing pursuant to Section 2-771(3)c of the Code of Ordinances the disposal of the former Police Station Pedestrian Bridge (Asset #980185).

Sponsors: City Manager Scholl

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

Passed

Enactment No: Res 11-046

- 9 *Approving an Interlocal Agreement between the City and the Monroe County Board of County Commissioners for reimbursement of certain public access water-related expenses.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Resolution 10-148 Pump-out Vessels](#)
[KW-BOCC Mooring Reimbursment ILA2010 SG rev 1-11-11](#)

Passed

Enactment No: Res 11-047

- 10 *Approving a Major Modification to the Major Development Plan; Approving modifications to required aisle width and parking stall size

per Section 122-688(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](#)
[Request to Postpone](#)
[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

11

*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

- 12 *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

Approval of the Consent Agenda

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

- 13 Appointing Daniel Metzler to the Historic Architectural Review Commission (HARC).

Sponsors: Mayor Cates

Attachments: [Resolution](#)
 [Resolution 10-195](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Resolution be Passed. The motion passed by an unanimous vote.

Enactment No: Res 11-048

- 14 Supporting in concept a 'Cool Roof Policy' recommended by the Sustainability Advisory Board of the City of Key West.

Sponsors: Commissioner Johnston

Attachments: [Resolution](#)

A motion was made by Commissioner Johnston, seconded by Commissioner Rossi, that the Resolution be passed as amended. The motion passed by an unanimous vote.

Enactment No: Res 11-049

- 15 Authorizing Key West Cultural Preservation Society to conduct an April Fools Party at Mallory Square Dock & Plaza on April 1, 2011 from 6:45 P.M. to 10:45 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.

Sponsors: City Manager Scholl

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

A motion was made by Commissioner Johnston, seconded by Commissioner Lopez, that the 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 11-050

- 16 Exercising the two-year renewal option contained in the Contract for General Environmental Consulting Services with PBS&J, originally approved in Resolution No. 08-061.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
 [Executive Summary](#)
 [PBS&J Extension Request](#)
 [Resolution 07-406](#)
 [Resolution 08-061](#)

A motion was made by Commissioner Lopez, 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: 11-051

17 Approving the City Manager Performance Evaluation.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[City Managers Evaluation Form](#)

A motion was made by Commissioner Johnston, seconded by Commissioner Weekley, that the Resolution be postponed. The motion passed by an unanimous vote.

18 Awarding the Bid of BG Group, LLC for the Demolition of the Buildings located at 525 Angela Street and 604 Simonton Street in response to Invitation to Bid (ITB) #11-001 in an amount not to exceed ~~\$202,529.10~~, \$214,616.70.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary for bid award](#)
[Bid Documents](#)
[Addendum No. 1](#)
[Addendum No. 2](#)
[Bid submittal from The BG Group LLC](#)
[Bid submittal from CharleyToppino & Sons, Inc.](#)
[Bid submittal from D.L. Porter Constructors, Inc.](#)

A motion was made by Commissioner Lopez, seconded by Commissioner Johnston, that the Resolution be passed as amended. 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: Res 11-052

19 Extending the contract for Sidewalk Enhancements Phase VII - Leon Street Sidewalks Project with Charley Toppino and Sons, Inc. until September 13, 2011.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Time Extension Request](#)
[Resolution 09-313](#)

A motion was made by Commissioner Rossi, seconded by Commissioner Lopez, that the 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: 11-053

20

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

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Proposed Revisions Final to Commission 10-19-10](#)

A motion was made by Commissioner Rossi, seconded by Commissioner Weekley, that the 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 11-054

21

Establishing a reasonable application fee for processing Special Exceptions pursuant to City Code of Ordinances Section 18-28.

Sponsors: City Manager Scholl

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

A motion was made by Commissioner Weekley, seconded by Commissioner Rossi, that the Resolution be passed. The motion passed by an unanimous vote.

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

Enactment No: Res 11-055

22

Approving an Easement of approximately 34.84 square feet to address the encroachment of structural piers and windows related to an Historic Structure located on the southeast side of Fleming Street at 730 Fleming Street, Key West Florida (RE #00008670-000000); Providing fees and conditions.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Agreement](#)
[Executive Summary](#)
[Application](#)
[Deed](#)
[Survey](#)
[Site Plans](#)
[Site Photo](#)
[Property Appraiser](#)
[Noticing](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Johnston, that the 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 11-056

23

Approving an Easement of approximately 441 square feet to address the encroachment of an existing knee wall and chain link fence enclosing parts of a front porch, walkway and carport related to a non-contributing Historic Structure located on the northeast side of Catherine Street at 1009 Catherine Street, Key West, Florida (RE #00031880-000000); Providing fees and conditions.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Agreement](#)
[Executive Summary](#)
[Application](#)
[Deed](#)
[Surveys](#)
[Photographs & Sanborn Maps](#)
[Property Appraiser](#)
[Noticing](#)

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 Gibson, Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Res 11-057

ORDINANCES – FIRST READING

24

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 Rossi, seconded by Commissioner Johnston, that the Ordinance be passed on First Reading . The motion failed by the following vote:

No: 4 - Commissioner Gibson, Commissioner Johnston, Commissioner Lopez and Commissioner Wardlow

Yes: 3 - Commissioner Rossi, Commissioner Weekley and Mayor Cates

25

An Ordinance of the City of Key West, Florida, Amending Chapter 22 of the Code of Ordinances entitled "Cemeteries" by amending Section 22-16, "Use of thoroughfares", to define bona fide visit; defining exceptions; 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 passed to Second Reading. 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

ORDINANCES - SECOND READING (Public Hearing)

26

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 Weekley, seconded by Commissioner Rossi, that the Ordinance be Adopted as amended. The motion carried by the following vote:

No: 2 - Commissioner Gibson and Commissioner Wardlow

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

Enactment No: Ord 11-04

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

10:17 P.M.