

MINUTES
CITY COMMISSION MEETING
OLD CITY HALL, 510 GREENE STREET

TUESDAY, APRIL 3, 2012

A regular meeting of the City Commission of the City of Key West, Florida was held in Commission Chambers, Old City Hall, on Tuesday, April 3, 2012.

Mayor Craig Cates called the meeting to order at 6:02 p.m.

Answering roll call were Commissioners Teri Johnston, Clayton Lopez, Mark Rossi, Billy Wardlow, Jimmy Weekley, Tony Yaniz and Mayor Craig Cates.

Also present were City Manager Jim Scholl, Assistant City Manager David Fernandez, Assistant City Manager Mark Finigan, City Attorney Shawn Smith, Police Chief Donnie Lee, Fire Department Division Chief Michael Davila, City Planner Don Craig, HARC Planner Enid Torregrosa, Community Services Director Greg Veliz, Deputy Community Services Director Rodrigo Delostrinos, Code Compliance Manager Jim Young, Information Technology Director Patti McLaughlin, Parking Manager John Wilkins, Port and Transit Director Jim Fitton, Senior Project Manager Doug Bradshaw, Utilities Manager Jay Gewin, Senior Property Manager Marilyn Wilbarger, Senior Deputy City Clerk Sue Harrison and City Clerk Cheri Smith.

Pastor Ozzie Vator, Fifth Street Baptist Church, gave the invocation.

The pledge of allegiance to the flag of the United States of America was given by all present.

CHANGES TO THE AGENDA:

The City Manager requested an Add-on Resolution Item #40 be added to the Consent Agenda.

The City Manager asked to postpone Resolution Items #37, and to postpone to May 1, 2012 Resolution Items #38 and #39.

The City Manager also proposed that a Special LRA meeting be set, to accommodate the Resolution on the LRA Agenda, to the third week of April, date to be announced. He also suggested (on the same date to be announced) holding a Special City Commission meeting to hear Resolution Item #37. The postponed items would be read into the record under the Consent Agenda.

The Clerk announced speakers for Items #8, #13, #15, #17, #19, #20, #34 and #35 and those items would need to be removed from the Consent Agenda.

Commissioner Johnston requested Item #14 be removed from the Consent Agenda for discussion; without opposition, the agenda was accepted as changed.

COMMENDATIONS:

Key West High School Outstanding Achievement/Unsung Hero Awards
Kennedy Brester
Natalie Castaldo
Griffin Saunders – Not Available

Key West High School Excellence in the Visual, Performing and Vocational Arts Award
Belle Japol – Not Available
Kelly Rosch

Key West High School Academic Excellence Awards
Tabitha Cervantes
Shelbi Swanson

PROCLAMATIONS:

Boys and Girls Club Week of the Keys
Fair Housing and Community Development Month

PRESENTATIONS:

City Attorney's Report - The City Attorney had no report.

City Manager's Report

The City Manager congratulated the OMI Team upon winning an Operations and Maintenance Outstanding Excellence Award. OMI staff work closely with City Staff especially Jay Gewin and David Fernandez.

The City Manager reported on the property sale at the Pier House. Pier House representatives have indicated they are willing to negotiate and there would be a Resolution on May 1, 2012 for the Commission to consider their options on how to proceed.

Commissioner Johnston asked the City Manager what he would like to accomplish during the remainder of his contract. Mr. Scholl indicated he would like to see progress continue on the North Roosevelt Boulevard project, the Truman Waterfront project and to finish the Collective Bargaining Agreements.

Commissioner Johnston requested a Kessler update at the Sustainability meeting on May 10, 2012.

Commissioner Yaniz asked the City Manager what kind of contingency plan is in place after a storm for debris placement. Mr. Scholl said there are multiple DEP permitted sites throughout the City that typically include athletic fields, vacant lots, Truman Waterfront property. Jay Gewin added that sites used are based on the severity of a storm. Each year he applies to FDEP for the site designation.

CONSENT AGENDA:

The Clerk read the titles of the Resolutions.

It was moved by Commissioner Weekley and seconded by Commissioner Rossi to approve the consent agenda items.

The Mayor acknowledged the motion and second and requested verbal approval. The response was unanimous to approve the Minutes and pass the Resolutions as read.

APPROVAL OF MINUTES:

February 22, 2012 (Regular)
March 6, 2012 (Regular)

RESOLUTIONS:

RESOLUTION NO. 12-100

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, NAMING KIRBY CONGDON AS THE FIRST POET LAUREATE OF THE CITY OF KEY WEST; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-101

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE ATTACHED AGREEMENT BETWEEN THE CITY OF KEY WEST, FLORIDA AND THE CONCH REPUBLIC INDEPENDENCE CELEBRATION, AIDS HELP, INC. THE KEY WEST CULTURAL PRESERVATION SOCIETY, BOURBON STREET PUB, PETRONIA ST. NEIGHBORHOOD ASSOCIATION & XENA FUND FOR THE 2012 CONCH REPUBLIC INDEPENDENCE CELEBRATION FROM APRIL 20 THROUGH APRIL 29, 2012; GRANTING AN EXEMPTION FROM THE NOISE CONTROL ORDINANCES DURING THE CELEBRATION; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE ENCLOSED AREA; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-102

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES TO THE KEY WEST PERFORMING ARTS COMPANY FOR A ISLAND ROOTS FESTIVAL DURING THE CONCH REPUBLIC INDEPENDENCE CELEBRATION AT 804 WHITEHEAD STREET FROM THE HOURS OF 10:00 A.M. TO 10:00 P.M. ON FRIDAY, APRIL 20, 2012 AND SATURDAY, APRIL 21, 2012; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-103

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES TO THE TURTLE KRAALS RESTAURANT AT 231 MARGARET STREET FOR A HOWARD LIVINGSTON BAND CONCERT DURING THE HOURS OF 5:00 P.M. TO 10:00 P.M. ON SATURDAY, APRIL 21, 2012; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-104

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED FORM OF "KEY WEST CITY MARINA AT GARRISON BIGHT CHARTERBOAT DOCKAGE AGREEMENT" (FIVE-YEAR TERM); PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-105

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED "AGREEMENT TO FURNISH PROFESSIONAL SERVICES FOR MONITORING OF DEBRIS REMOVAL AND RELATED SERVICES TO THE CITY OF KEY WEST" BETWEEN THE CITY AND SCIENCE APPLICATIONS INTERNATIONAL CORPORATION (SAIC), IN RESPONSE TO THE RANKED RESPONSES IN RFP #011-18; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-106

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, EXTENDING THE CONTRACT FOR SIDEWALK ENHANCEMENTS PHASE VI – DUCK AVENUE SIDEWALKS WITH CHARLEY TOPPINO AND SONS, INC. UNTIL APRIL 20, 2012; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-107

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, EXTENDING THE CONTRACT FOR SIDEWALK ENHANCEMENTS PHASE VII – LEON STREET SIDEWALKS PROJECT WITH CHARLEY TOPPINO AND SONS, INC. UNTIL APRIL 20, 2012; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-108

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A MONTH-TO-MONTH EXTENSION TO THE CONTRACT FOR UTILITY BILL PRINTING WITH LOCAL ENTERPRISES, INC. (FORMALLY KNOWN AS BARRETT AND COMPANY, INC. AND BARRETT PRINTING AND PROMOTIONS) TO A TOTAL NOT TO EXCEED \$45,000.00; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-109

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, EXTENDING THE CONTRACT FOR COLLEGE ROAD ENHANCEMENTS PROJECT NUMBER GN 0711 WITH CHARLEY TOPPINO & SONS, INC. TO APRIL 30, 2012; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-110

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, EXTENDING THE CONTRACT FOR ATLANTIC BOULEVARD ENHANCEMENTS PROJECT NO. GN 0710 WITH CHARLEY TOPPINO AND SONS, INC. UNTIL APRIL 30, 2012; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-111

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, ACCEPTING THE BID OF DOUGLAS N. HIGGINS, INC. FOR THE CONSTRUCTION OF THE GLYNN ARCHER/14TH STREET ROADWAY RECONSTRUCTION (PROJECT #420042-1) IN THE AMOUNT OF \$2,686,659.78; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-112

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING A SUPPLEMENTAL LAP AGREEMENT BETWEEN THE CITY OF KEY WEST AND FDOT IN THE AMOUNT OF \$792,000.00 FOR THE GLYNN ARCHER DRIVE/14TH ST. ROADWAY RECONSTRUCTION PROJECT (EN 1004); APPROVING NECESSARY BUDGET AMENDMENTS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-113

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING PURSUANT TO SECTION 2-771 (3)C OF THE CODE OF ORDINANCES THE DISPOSAL/DEMOLITION OF THE PARKING ATTENDANT BOOTH AT THE MALLORY SQUARE PARKING LOT ENTRANCE (CITY ASSET #980240 AND 980241); PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-114

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AWARDED THE BID OF EBSARY FOUNDATION COMPANY, INC. IN A TOTAL AMOUNT NOT TO EXCEED \$3,278,882.00 FOR REPAIRS TO NAVY MOLE BULKHEAD 497; APPROVING NECESSARY BUDGET TRANSFERS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-115

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING TASK ORDER NO. 5-12- PORTS FROM CH2M HILL ENGINEERING, INC. IN AN AMOUNT NOT TO EXCEED \$49,350.00 FOR ENGINEERING SERVICES FOR EVALUATE, TEST AND DEVELOP A STATEMENT OF WORK FOR REPAIRS TO THE NAVY MOLE ELECTRICAL SYSTEM; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-116

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE PAYMENT OF \$356,052.00 TOWARDS THE REQUIRED MINIMUM CITY FUNDING CONTRIBUTION FOR FY ENDING SEPTEMBER 30, 2011 TO THE POLICE OFFICER'S AND FIREFIGHTER'S RETIREMENT PLAN; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-117

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED WORKER'S COMPENSATION SETTLEMENT AGREEMENT BETWEEN GEORGE VILLAREAL AND THE CITY OF KEY WEST IN THE AMOUNT OF \$25,000.00; AUTHORIZING THE CITY MANAGER TO EXECUTE SETTLEMENT DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-118

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE SETTLEMENT OF JESSICA BURKE V. CITY OF KEY WEST, CASE NUMBER 2011-CA-148-K; AUTHORIZING THE CITY MANAGER TO EXECUTE SETTLEMENT DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. POSTPONED

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, SUPPORTING KEYS ENERGY SERVICES EFFORTS TO REMOVE ELECTRICAL FACILITIES FROM INACCESSIBLE LOCATIONS; WAIVING PERMIT FEES FOR CERTAIN ELECTRICAL WORK; DIRECTING THE CITY MANAGER TO FACILITATE CUSTOMER UPGRADES; SUPPORTING EFFORTS TO REMOVE ADDITIONAL FACILITIES SO EXCESS POLES CAN BE REMOVED IN A TIMELY MANNER; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. POSTPONED TO MAY 1, 2012

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A MINOR DEVELOPMENT PLAN FOR REAL PROPERTY LOCATED AT 313 MARGARET STREET; PROVIDING FOR CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. POSTPONED TO MAY 1, 2012

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING A MAJOR DEVELOPMENT PLAN FOR PROPERTY LOCATED AT NELSON ENGLISH AND WILLIE WARD PARKS IN THE HMDR AND THE HHDR ZONING DISTRICTS – 306 CATHERINE STREET (RE #00026460-000000), 304 CATHERINE STREET (RE #00026470-000000, 00026480-000000), 300 LOUISA STREET (RE #00026500-000000), 307 LOUISA STREET (RE #00026490-000000, 00026510-000000, 00026520-000000), 250 AMELIA STREET (RE #00026610-000000, 00026610-000100) KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-119

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED “AMENDMENT NO. 2 TO THE INTERLOCAL AGREEMENT BETWEEN MONROE COUNTY AND THE CITY OF KEY WEST, FOR JOINT PARTICIPATION IN GRANT AGREEMENT NO. ARS010”; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE

The said Resolutions were thereupon declared by the Mayor to have been duly passed and adopted and were authenticated by the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

RESOLUTION NO. 12-120

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, OPPOSING THE INTRODUCTIONS OF GENETICALLY-ALTERED MOSQUITOES UNTIL FURTHER RESEARCH IS PROVIDED AND APPROVED; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Cliff Saylor, 321 Margaret Street
Jerry Curtis, 724 Thomas Street
Coleen Fitzsimmons, 1218 Petronia Street
Ed Russo, 162 Golf Club Drive
Joel Biddle, 824 Olivia Street
Meagan Morrison, 247 Geiger Road
Jody Smith Williams, 1217 White Street
Heidi Golightly, 1208 Watson Street
Diana Dodson, 701 Spanish Main, Cudjoe Key
Mila deMier, 14 Calle Uno
Oliver Koford, 3312 Northside Drive, #405
Richard Robinson, 2601 S. Roosevelt Boulevard
TJ McGann, 309 Petronia Street

It was moved by Commissioner Weekley and seconded by Commissioner Lopez that the Resolution be passed and adopted amending the resolution to include that approval is obtained from the applicable regulatory body, and operational standards and a plan to demonstrate measurable outcomes are described to the public.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Wardlow, Weekley and Yaniz

Nays: Commissioner Rossi and Mayor Cates

The said Resolution was thereupon declared by the Mayor to have been duly passed and adopted and was authenticated by the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

RESOLUTION NO. 12-121

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING LA TE DA REDUX, INX. TO CONDUCT THE QUEEN MOTHER PAGEANT ON MONDAY, MAY 14, 2012 FROM 6:00 P.M. TO 11:00 P.M.; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE CLOSURE OF THE 1100 BLOCK OF DUVAL STREET FROM 12:00 NOON TO 12:00 MIDNIGHT; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 7:00 P.M. TO 10:30 P.M. (SOUND CHECK AT 4:00 P.M. TO 4:30 P.M.); AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE ENCLOSED AREA; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Randy Roberts, 1114 Duval Street
John "Ma" Evans, 1224 Seminary Street
Patrick Hanley, 408 Aronovitz

It was moved by Commissioner Lopez and seconded by Commissioner Rossi that the Resolution be passed and adopted as read.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Wardlow, Weekley, Yaniz and Mayor Cates

Nays: None

The said Resolution was thereupon declared by the Mayor to have been duly passed and adopted and was authenticated by the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

RESOLUTION NO. 12-122

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE CITY CLERKS PERFORMANCE EVALUATION; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

It was moved by Commissioner Rossi and seconded by Commissioner Yaniz that the Resolution be passed and adopted as read.

The Mayor acknowledged the motion and second and requested verbal approval. The response was unanimous to pass the Resolution as read.

The said Resolution was thereupon declared by the Mayor to have been duly passed and adopted and was authenticated by the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

RESOLUTION NO. POSTPONED TO MAY 15, 2012

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, ADJUSTING RATES FOR LIVEBOARD, COMMERCIAL AND RECREATIONAL LEASES AT THE CITY MARINA AT GARRISON BIGHT; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Rob Lane, Tarpon 16, Garrison Bight Marina
Marylou Lane, Tarpon 16, Garrison Bight Marina
Bill Blue, Marlin Pier, Garrison Bight Marina
Bob Kelly, 1801 N. Roosevelt, Marlin Pier, Garrison Bight Marina
Stu Kessler, 1801 N. Roosevelt
Ed Gully, 1801 N Roosevelt
Jim Scholl, City Manager
Marilyn Wilbarger, Senior Property Manager

It was moved by Commissioner Rossi and seconded by Commissioner Lopez that the Resolution be postponed to May 15, 2012.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Wardlow, Weekley, Yaniz and Mayor Cates

Nays: None

SO ORDERED

RESOLUTION NO. POSTPONED

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE FORM OF THE ATTACHED "CITY MARINA AT GARRISON BIGHT COMMERCIAL DOCKAGE AGREEMENT" (ONE-YEAR TERM); PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Richard Hoode, 703 Catherine Street
Paul Wachter, 10750 Cypress, Sugarloaf
Paul McGrail, 306 Peacon Lane
Richard Gomez, 1801 N. Roosevelt
Craig Jiovani, 2 Jay Lane
Brice Barr, 3367 Flagler Avenue
Billy Wickers, 114 Avenue G
Dave Tuxbury, Jetpack Adventures
Marilyn Wilbarger, Senior Property Manager

It was moved by Commissioner Rossi and seconded by Commissioner Lopez that the Resolution be postponed.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Wardlow, Weekley, Yaniz and Mayor Cates

Nays: None

SO ORDERED

The meeting was recessed for 10 minutes.

RESOLUTION NO. 12-123

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, EXTENDING THE CONTRACT FOR SIDEWALK ENHANCEMENTS PHASE IV – VIRGINIA STREET SIDEWALKS AND APPELROUTH LANE SIDEWALKS WITH CHARLEY TOPPINO AND SONS, INC. UNTIL APRIL 20, 2012; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Paul Toppino, Charley Toppino & Sons, Inc.
Jim Scholl, City Manager
Doug Bradshaw, Engineering Senior Project Manager

It was moved by Commissioner Johnston and seconded by Commissioner Yaniz that the Resolution be passed and adopted as read.

The Mayor acknowledged the motion and second and requested verbal approval. The response was unanimous to pass the Resolution as read.

The said Resolution was thereupon declared by the Mayor to have been duly passed and adopted and was authenticated by the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

RESOLUTION NO. 12-124

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, EXTENDING THE CONTRACT FOR SIDEWALK ENHANCEMENTS PHASE V – EISENHOWER DRIVE SIDEWALKS, TELEGRAPH LANE SIDEWALKS AND PETRONIA STREET/WHITEHEAD RAMPS WITH CHARLEY TOPPINO AND SONS, INC. UNTIL APRIL 20, 2012; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

It was moved by Commissioner Rossi and seconded by Commissioner Lopez that the Resolution be passed and adopted as read.

The Mayor acknowledged the motion and second and requested verbal approval. The response was unanimous to pass the Resolution as read.

The said Resolution was thereupon declared by the Mayor to have been duly passed and adopted and was authenticated by the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

RESOLUTION NO. 12-125

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING TASK ORDERS NUMBERS SIX (6) THROUGH ELEVEN (11) TO MBI-K2M ARCHITECTURE, INC. IN AN AMOUNT NOT TO EXCEED \$175,750.00, FOR THE PLANNING, DESIGN, CONTRACT ADMINISTRATION AND CONTRACT CLOSEOUT SERVICES REQUIRED FOR THE CONSTRUCTION OF A STAND-ALONE FIRE STATION #2, TO INCLUDE ADJOINING SITE DEVELOPMENT AND BUS SHELTER PURSUANT TO THE AGREEMENT APPROVED IN RESOLUTION NO. 08-253, AND EXTENDED IN RESOLUTION NO. 12-070; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Margaret Romero, 1615 Washington Street
Mark Finigan, Assistant City Manager

It was moved by Commissioner Wardlow and seconded by Commissioner Lopez that the Resolution be passed and adopted as read.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Lopez, Wardlow, Weekley, Yaniz and Mayor Cates

Nays: Commissioner Johnston and Rossi

The said Resolution was thereupon declared by the Mayor to have been duly passed and adopted and was authenticated by the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

RESOLUTION NO. 12-126

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED EASEMENT AGREEMENT WITH THE MONROE COUNTY SCHOOL DISTRICT TO CONSTRUCT AN ELEVATED GENERATOR PLATFORM AND CONTROL PANEL FOR A STORMWATER PUMP STATION IN THE VICINITY OF THE HOB PROPERTY; PROVIDING FEES AND CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following person spoke on the matter:

Margaret Romero, 1615 Washington Street

It was moved by Commissioner Yaniz and seconded by Commissioner Lopez that the Resolution be passed and adopted as read.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Wardlow, Weekley, Yaniz and Mayor Cates

Nays: None

The said Resolution was thereupon declared by the Mayor to have been duly passed and adopted and was authenticated by the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

RESOLUTION NO. 12-127

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED "AGREEMENT FOR CONVEYANCE OF REAL PROPERTY" BETWEEN THE CITY AND SCHOOL BOARD OF MONROE COUNTY, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Margaret Romero, 1615 Washington Street
Doris Arnold, 23 Flipper Road
Shawn Smith, City Attorney
Enid Torregrosa, HARC Planner

It was moved by Commissioner Rossi and seconded by Commissioner Lopez that the Resolution be passed and adopted amending one sentence in Section 10 of the agreement to say "City's failure to comply with this notice requirement shall constitute rejection of the property in its present "as is" condition."

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Wardlow, Weekley, Yaniz and Mayor Cates

Nays: None

The said Resolution was thereupon declared by the Mayor to have been duly passed and adopted and was authenticated by the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

ORDINANCES - FIRST READING:

ORDINANCE NO. SECOND READING MAY 1, 2012

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER APPROVING AN AMENDMENT TO THE HISTORIC ARCHITECTURAL REVIEW COMMISSION GUIDELINES FOR SOLAR ENERGY COLLECTORS OR OTHER ENERGY PRODUCTION DEVICES AS REFERENCED IN SECTION 90-142 OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Ordinance.

The following people spoke on the matter:

Victor Cushman, 720 Emma Street
Don Craig, City Planner
Shawn Smith, City Attorney

It was moved by Commissioner Rossi and seconded by Commissioner Lopez that the Ordinance be passed on first reading as read.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Wardlow, Weekley, Yaniz and Mayor Cates

Nays: None

The said Ordinance was thereupon declared by the Mayor to have been duly passed on first reading.

SO ORDERED

ORDINANCE NO. DENIED

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, CREATING CHAPTER OR AMENDING CHAPTER 70 OF THE CODE OF ORDINANCES ENTITLED "WRECKERS AND TOWING SERVICE" BY AMENDING SECTION 70-654 TO CLARIFY REQUIRED EQUIPMENT FOR THE CITY TOW ROTATION LIST; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Ordinance.

The following people spoke on the matter:

Margaret Romero, 1615 Washington Street
John Marston, 517 Duval Street
Greg Sullivan, Waste Management, 125 Toppino Industrial Drive
Christine Rodrigues, Alex's Auto Wrecking, 111 U. S. Highway 1
Shane Arnold, Arnold's Towing, 25 Flipper Road
Doris Arnold, Arnold's Towing, 23 Flipper Road
Ricky Arnold, Arnold's Towing, 25 Flipper Road
Ashley Reynolds, Anchor Towing, 185 U.S. Highway 1, Rockland
Mike Mongo, 1218 Pearl Street
Shawn Smith, City Attorney
Jim Scholl, City Manager
Donnie Lee, Police Chief

It was moved by Commissioner Johnston and seconded by Commissioner Lopez that the Ordinance be denied with direction to the City Attorney to bring back clarification of the ordinance.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Wardlow, Weekley and Yaniz

Nays: Mayor Cates

The said Ordinance was thereupon declared by the Mayor to have been denied on first reading.

SO ORDERED

It was moved by Commissioner Rossi and seconded by Commissioner Lopez to extend the meeting.

The Mayor acknowledged the motion and second and asked for verbal approval. Commissioner Johnston was opposed.

CITIZEN COMMENTS CONTINUED:

J. Patrick Hanley, Continued
Tom Milone, 832 Caroline Street

COMMISSION COMMENTS:

Commissioner Lopez thanked the City Manager, Chief Lee, Officer Steve Torrence, Commissioner Yaniz and everyone who came out for the march in support of the Interfaith Ministerial Alliance for Justice recently.

ADJOURNMENT:

There being no further business the Mayor adjourned the meeting at 11:30 p.m.



Cheryl Smith, MMC, CPM
City Clerk