

## **MINUTES**

### **CITY COMMISSION MEETING**

**OLD CITY HALL, 510 GREENE STREET**

**WEDNESDAY, FEBRUARY 22, 2012**

A regular meeting of the City Commission of the City of Key West, Florida was held in Commission Chambers, Old City Hall, on Wednesday, February 22, 2012.

Mayor Craig Cates called the meeting to order at 6:00 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, Assistant City Attorney Ron Ramsingh, City Planner Don Craig, Police Chief Donnie Lee, Fire Department Division Chief Michael Davila, Community Services Director Greg Veliz, Deputy Community Services Director Rodrigo Delostrinos, Human Resources Director Sandy Gilbert, Information Technology Technician John Padron, Information Technology Director Patti McLaughlin, Parking Manager John Wilkins, PIO Alyson Crean, Senior Properties Manager Marilyn Wilbarger, Deputy City Clerk Angela Budde and City Clerk Cheri Smith.

~~Pastor Timothy Jemly, Impact Community Church~~ Commissioner Teri Johnston 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 withdrawal of Ordinance Item # 13 from the agenda.

The Clerk announced a speaker and letters to be read into the record for Resolution Item # 10 and requested for the item to be removed from the Consent Agenda.

It was moved by Commissioner Rossi and seconded by Commissioner Johnston to approve the agenda as changed.

The Mayor acknowledged the motion and second and without opposition, the agenda was accepted as changed.

**PRESENTATIONS:**

25 Year Service Award to David Fernandez

Advisory Screening Committee for a new City Manager by Madam Chair Shirley Freeman

City Attorney's Report

The City Attorney advised the Commission that he would bring forth a Resolution for their consideration on the March 6<sup>th</sup> agenda to allocate funds of \$21,500.00 to pay for the services of the firm Colin Baenziger and Associates utilizing an existing contract awarded to the firm by Hernando County, Florida allowing the City of Key West to piggyback off of that contract.

He gave an update to the Commission on the Glynn Archer negotiations and indicated his intentions were to have a Resolution draft agreement before them for consideration on their March 6<sup>th</sup> agenda.

The City Attorney reported an anticipated closing date of March 1 for the remaining BCCLT properties and the transferring of those properties to the Housing Authority.

City Manager's Report

The City Manager reported the North Roosevelt Road project is still on track for the month of April. He announced February 29<sup>th</sup> is Florida Keys Days in Tallahassee, Florida and he stated he will be attending the event with the new Sustainability Coordinator Alyson Higgins.

Commissioner Wardlow advised a pre-construction meeting from FDOT for the North Roosevelt Boulevard project has been confirmed for March 22<sup>nd</sup> at Old City Hall and he requested the City Manager to coordinate with FDOT to have the ambulances staged downtown prior to the actual construction of the Boulevard begins. The City Manager updated the Commission on the Strategic Planning Committee and a couple of the members are doing well with a matrix framework to keep track of the projects. Jim asked the members to consider using the City staff for the resources to support the process.

#### **CONSENT AGENDA:**

The Clerk read the titles of the Resolutions.

It was moved by Commissioner Weekley and seconded by Commissioner Wardlow 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:**

January 18, 2012 (Regular)  
January 24, 2012 (Special)  
February 7, 2012 (Regular)

#### **RESOLUTIONS:**

##### **RESOLUTION NO. 12-066**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RE-APPOINTING KATHRYN A. OVIDE TO THE KEY WEST BIGHT MANAGEMENT DISTRICT BOARD; PROVIDING FOR AN EFFECTIVE DATE**

##### **RESOLUTION NO. 12-067**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING EXECUTIVE ADVENTURES, LLC DBA WORLD SAILFISH CHAMPIONSHIP TO CONDUCT A WORLD SAILFISH CHAMPIONSHIP TOURNAMENT FESTIVITIES AT**

**MALLORY SQUARE PLAZA STARTING ON TUESDAY, APRIL 17<sup>TH</sup> THROUGH SATURDAY, APRIL 21<sup>ST</sup>, 2012 FROM 12:00 NOON TO 12:00 MIDNIGHT (SET UP APRIL 13-17, 2012 AND BREAKDOWN APRIL 21-23, 2012); PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 11:00 A.M. TO 12:00 MIDNIGHT; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN AN ENCLOSED AREA; APPROVING A FIVE YEAR CONTRACT STARTING ON 2012 THROUGH 2016 WITH EXECUTIVE ADVENTURES; PROVIDING FOR PAYMENTS TO THE CITY ; RECINDING RESOLUTION 12-005; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-068**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, ACCEPTING PURSUANT TO SECTION 2-797 (3) OF THE CODE OF ORDINANCES THE ATTACHED PROPOSAL OF GARBER AUTOMAIL IN THE TOTAL AMOUNT OF \$413,008.90 FOR SIXTEEN POLICE VEHICLES FOR USE BY THE KEY WEST POLICE DEPARTMENT; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-069**

**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 TRUE NORTH EMERGENCY MANAGEMENT, LLC., IN RESPONSE TO THE RANKED RESPONSES TO RFP #011-08; 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. 12-070**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE FIRST TWO YEAR CONTRACT**

**RENEWAL BETWEEN THE CITY OF KEY WEST AND MBI/K2M  
ARCHITECTURE, INC; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The Clerk read the following letters into the record:

Debra Yates, 1205 Von Phister Street  
Stephen Hatch, 3513 Sunrise Drive  
Anne O'Shea and Brian Quattrini, 414 Louisa Street  
Mary Smith, 1219 Grinnell Street  
Chris Stone, 1608 Von Phister Street

The following people spoke on the matter:

City Manager Scholl  
Michael Miller, 517 Duval Street  
Roger McVeigh, 627 Simonton Street  
Richard Tallmadge, 1700 Jamaica Drive  
Kate Miano, 520 Angela Street  
Michael Ingram, Architect – mbi/k2m

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

The Mayor acknowledged the motion and second and requested the Clerk to call the roll.

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

Nays: Commissioner Weekley

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. 12-071**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY  
WEST, FLORIDA, SELECTING A CONCEPT DESIGN FOR A NEW  
FIRE STATION ON ANGELA STREET; DIRECTING THE  
PREPARATION OF A TASK ORDER FOR DESIGN AND PLANNING  
SERVICES; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The Clerk read the title of the Resolution and read the following letter into the record:

Jason Bogoeff, President of Key West Firefighter's Local Union 1424

The following people spoke on the matter:

Tom Milone, 832 Caroline Street  
Dave Earwen, 3026 Flagler Avenue  
Michael Miller, 517 Duval Street  
Roger McVeigh, 627 Simonton Street  
Margaret Romero, 1615 Washington Street  
Richard Tallmadge, 1700 Jamaica Drive  
Kate Miano, 520 Angela Street  
Rudy Molinet, 517 Grinnell Street  
Michael Ingram, Architect – mbi/k2m

It was moved by Commissioner Rossi and seconded by Commissioner Yaniz to select Scheme 2, Phase 1, with discussion, that the Resolution be passed and adopted as read.

The Mayor requested the Clerk to 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. 12-072**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, ADOPTING THE ATTACHED CITY MANAGER JOB DESCRIPTION TO BE USED IN THE SEARCH AND SELECTION OF THE NEXT CITY MANAGER; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following people spoke on the matter:

City Attorney Smith  
Tom Milone, 832 Caroline Street  
Margaret Romero, 1615 Washington Street  
City Manager Scholl

It was moved by Commissioner Rossi and seconded by Commissioner Johnston, for discussion, to amend the qualifications of residence requiring selected City Manager to reside in the City of Key West within 6 months of post hire and to strike the 3<sup>rd</sup> bullet point "Equivalent educational experience may be considered" and to pass the Resolution as amended and adopted as read.

The Mayor requested the Clerk to call the roll.

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

Nays: Commissioner Wardlow

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. Withdrawn**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, CREATING CHAPTER OR AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES ENTITLED "STREET PERFORMERS AND STREET ARTISTS," BY AMENDING SECTION 6-1 DEFINITIONS, TO PROVIDE FOR AN AMENDMENT TO THE DEFINITION OF THE DUVAL STREET CORRIDOR CULTURAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE**

##### **ORDINANCE NO. Passed to Second Reading**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 70 OF THE CODE OF ORDINANCES ENTITLED "TRAFFIC AND VEHICLES" BY AMENDING SECTION 70-372 ENTITLED "TIME LIMITS FOR DELIVERIES ON DUVAL STREET", TO EXPAND THE DEFINED AREA TO INCLUDE SIMONTON AND WHITEHEAD STREETS; AMENDING SECTION 70-373 ENTITLED "TIME LIMITS FOR DELIVERIES WITHIN THE HISTORIC DISTRICT" TO EXPAND THE AMENDED TIME RESTRICTIONS TO ALL OTHER PORTIONS OF THE HISTORIC DISTRICT; 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:

Assistant City Attorney Ron Ramsingh  
Parking Manager John Wilkins  
Paul Menta, 1202 Margaret Street

It was moved by Commissioner Rossi and seconded by Commissioner Lopez to amend the time limits for deliveries to 7:00 AM to 3:00 PM, for discussion, and that the Ordinance be passed as amended.

The Mayor requested the Clerk to 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**

**ORDINANCES - SECOND READING: (Public Hearing)**

**ORDINANCE NO. 12-03**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, CREATING  
CHAPTER OR AMENDING CHAPTER 42 ENTITLED  
"MISCELLANEOUS OFFENSES" BY AMENDING SECTION 42-11 "NO  
PANHANDLING/NO SOLICITATION AREAS", REDEFINING THE  
PROHIBITED AREAS WITHIN THE CITY OF KEY WEST; PROVIDING  
FOR THE ESTABLISHMENT OF ALLOWABLE PANHANDLING  
ZONES WITHIN PROHIBITED AREAS; 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:

Assistant City Attorney Ramsingh



City Attorney Smith  
Jack Anderson, 800 Caroline Street  
Jeffrey Page, 301 Grinnell Street  
Virginia Panico, 510 Greene Street, Chamber of Commerce  
Chief of Police Lee  
Julie Brown, 301 Grinnell Street

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

The Mayor requested the Clerk to 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 and second reading and was adopted and authenticated with the signatures of the Mayor and the Clerk of the Commission.

#### **SO ORDERED**

#### **ORDINANCE NO. 12-04**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA,  
AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES  
ENTITLED "ENVIRONMENT" BY CREATING SECTION 26-101 PARK  
RULES TO PROVIDE FOR REGULATIONS CONCERNING ALL CITY  
PARKS; 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:

Assistant City Attorney Ramsingh  
Tom Milone, 832 Caroline Street

It was moved by Commissioner Johnston and seconded by Commissioner Lopez to amend the language in Exhibit A, Rule No. 8 referring to tables and/or benches and change the word "sleeping" to the word "lying" and that the Ordinance be passed on second reading as amended.

The Mayor requested the Clerk to 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 and second reading and was adopted and authenticated with the signatures of the Mayor and the Clerk of the Commission.

**SO ORDERED**

**ORDINANCE NO. 12-05**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES ENTITLED "ADMINISTRATION" BY ADDING SECTION 2-799 TO REQUIRE CITY CONTRACTORS TO PROVIDE EQUAL BENEFITS TO DOMESTIC PARTNERS; PROVIDING EXCEPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Ordinance.

The following person spoke on the matter:

Rudy Molinet, 517 Grinnell Street

It was moved by Commissioner Weekley and seconded by Commissioner Johnston to amend the threshold amount required by Contractors to \$20,000.00 and that the Ordinance be passed on second reading as amended.

The Mayor requested the Clerk to 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 and second reading and was adopted and authenticated with the signatures of the Mayor and the Clerk of the Commission.

**SO ORDERED**

The Mayor called for a recess at 8:43 P.M.

The Mayor reconvened the meeting at 8:51 P.M.

**CITIZEN COMMENTS:**

Tom Milone, 832 Caroline Street  
Bob Kelly, 1801 N. Roosevelt Blvd.

**COMMISSION COMMENTS:**

Commissioner Johnston observed a Taxi cab using a Bicycle lane on a City Street and the Taxi cut a bicyclist off already in the lane. She expressed her concern to the Police Chief how important the bicyclist's safety is to our community.

Commissioner Yaniz echoed what Commissioner Johnston said about Bicycle safety and enforcement of the laws and he asked his fellow Commissioners to think about the islands future in reference to modes of transportation encouraging a dialogue for ideas to nurture positive long term changes in the way our community travels in Key West.

Commissioner Weekley requested the City Manager to review the intersection of Pine and Pearl Streets for the possibility of adding a stop sign there, if warranted.

**ADJOURNMENT:**

There being no further business the Mayor adjourned the meeting at 8:58 p.m.

  
Cheryl Smith, MMC, CPM  
City Clerk