

MINUTES
CITY COMMISSION MEETING
OLD CITY HALL, 510 GREENE STREET
TUESDAY, DECEMBER 2, 2014

A regular meeting of the City Commission of the City of Key West, Florida was held in Commission Chambers, Old City Hall, on Tuesday, December 2, 2014.

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.

Pastor Ozzie Vater, 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.

APPROVAL OF AGENDA:

The Clerk announced an Add-on Commendation and asked that it be heard after Approval of the Agenda.

The City Attorney announced an Add-on Resolution for Settlement Agreement and the Commission agreed this would be added to the Consent Agenda.

Assistant City Manager Veliz requested Resolution Item #18 be postponed to the January 21, 2015 meeting and the item was added to the Consent Agenda.

It was moved by Commissioner Rossi and seconded by Commissioner Wardlow to approve the agenda. The Mayor acknowledged the motion and second and asked for approval, there were no objections.

COMMENDATIONS:

Key West High School Conchettes

PROCLAMATIONS:

Team Lily Bow Day

National Homeless Persons' Memorial Day

PRESENTATION:

CITY ATTORNEY'S REPORT

City Attorney Smith proposed dates for a meeting regarding the franchise agreements. The Commission agreed on December 15, 2014 at 6:00 p.m.

Mr. Smith reported on a vagrant problem behind Winn Dixie. This area is being watched by the Police Department along with Public Works to resolve the problem.

CITY MANAGER'S REPORT

Assistant City Manager Veliz reported City Manager Scholl was in Miami.

Commissioner Rossi requested the Palm trees on North Roosevelt Boulevard be attended to. Mr. Veliz stated they would have a crew out in the morning to take care of the trees.

Commissioner Wardlow asked if the problem was the Flexipave around the new trees. Mr. Veliz stated the trees are still under warranty but the Flexipave should not be the problem.

CONSENT AGENDA:

The Clerk read the titles of the Resolutions.

It was moved by Commissioner Rossi and seconded by Commissioner Yaniz 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.

MINUTES:

November 5, 2014 (Regular)
November 18, 2014 (Regular)
November 19, 2014 (Workshop)

RESOLUTIONS:

RESOLUTION NO. 14-352

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING FREE BUS TRANSPORTATION ON DECEMBER 23 AND 24, 2014; AND AUTHORIZING FREE METERED PARKING IN OLD TOWN FROM DECEMBER 23 THROUGH AND INCLUDING DECEMBER 25, 2014; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 14-353

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE PURCHASE AND INSTALLATION OF A REPLACEMENT 12,000 GALLON UNLEADED FUEL TANK WITH TWO DISPENSING SYSTEMS FOR FLEET MANAGEMENT BY CONTAINMENT SOLUTIONS, INC. IN THE AMOUNT OF \$64,993.68, VIA THE GENERAL SERVICES ADMINISTRATION (GSA) CONTRACT #80576-B, WITHOUT FORMAL COMPETITIVE PROCUREMENT PURSUANT TO SECTION 2-797(3) OF THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 14-354

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED TWO-YEAR LEASE AGREEMENT BETWEEN THE CITY AND CHESTER'S FT. LAUDERDALE HARLEY DAVIDSON FOR THE LEASE OF THREE (3) HARLEY-DAVIDSON POLICE MOTORCYCLES; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 14-355

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, ACCEPTING PURSUANT TO SECTION 7-797(4)(B) OF THE CODE OF ORDINANCES THE ATTACHED PROPOSAL OF CHESTER'S FT. LAUDERDALE HARLEY DAVIDSON IN THE TOTAL AMOUNT OF \$18,353.14 (INCLUSIVE OF TRADE-IN) FOR THE PURCHASE OF TWO HARLEY DAVIDSON ROAD KING MOTORCYCLES FOR USE BY THE KEY WEST POLICE DEPARTMENT TRAFFIC UNIT; AUTHORIZING TRADE-IN OF TWO USED 2011 HARLEY DAVIDSON ROAD KING MOTORCYCLES PURSUANT TO SECTION 2-771(C) OF THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 14-356

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING PURSUANT TO SECTIONS 2-797(1) AND 2-844(A) AND (B) OF THE CODE OF ORDINANCES THE PURCHASE OF TWENTY-FOUR (24) COBAN “EDGE” IN-CAR VIDEO RECORDING SYSTEMS FROM COBAN TECHNOLOGIES IN THE AMOUNT OF \$128,448.00; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 14-357

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED “PUBLIC TRANSPORTATION JOINT PARTICIPATION AGREEMENT” (JPA CONTRACT NUMBER ARN97) BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AND THE CITY OF KEY WEST FOR SECTION 5311 GRANT PROGRAM FUNDING ASSISTANCE FOR FY 14-15 FOR CAPITAL FUNDING TO PURCHASE REPLACEMENT BUSES IN AN AMOUNT NOT TO EXCEED \$331,261.00 (LOCAL MATCH 20%); AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY DOCUMENTS AND NECESSARY BUDGET AMENDMENTS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 14-358

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING A PURCHASING EXCEPTION PURSUANT TO SECTION 2-797(4)B OF THE CODE OF ORDINANCES, TO APPROVE A TWO-YEAR CONTRACT EXTENSION AND ALLOW AN INCREASE NOT TO EXCEED \$4,776.00 IN CUMULATIVE EXPENDITURES FOR CITY MARINA AT GARRISON BIGHT TO BEACON WI-FI TECHNOLOGIES, LLC (IN CONJUNCTION WITH THE INCREASE OF \$4,776.00 FOR THE KEY WEST BIGHT HISTORIC SEAPORT, AS SET FORTH IN CONCURRENT CRA RESOLUTION NO. 14-365) TO A TOTAL OF \$23,880.00; APPROVING THE ATTACHED FIRST AMENDMENT TO AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 14-359

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING STAFF RANKING AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE CONTRACTS ON A TASK ORDER BASIS TO TWO FIRMS IN RESPONSE TO REQUEST FOR QUALIFICATIONS NO. 14-004 FOR ENVIRONMENTAL ENGINEERING SERVICES; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. POSTPONED TO JANUARY 21, 2015

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING MAJOR DEVELOPMENT PLAN AND LANDSCAPE MODIFICATION/WAIVER APPROVALS PURSUANT TO SECTIONS 108-91.A.2.(A) AND 108-517 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA FOR THE RECONSTRUCTION OF 17 TRANSIENT RESIDENTIAL UNITS AND FOR THE REDUCTION OF REQUIRED LANDSCAPING ASSOCIATED WITH THE PROPOSED HOTEL REDEVELOPMENT ON PROPERTY LOCATED AT 716-718 SOUTH STREET (RE #00036870-000000, AK #1037681) IN THE HISTORIC RESIDENTIAL/OFFICE (HRO) ZONING DISTRICT; PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 14-360

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT IN THE CASE OF KIA SCOTT V. CITY OF KEY WEST (CASE 2011-CA-1269-K), IN ACCORDANCE WITH THE ATTACHED RELEASE; AUTHORIZING THE CITY MANAGER TO EXECUTE 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. MOTION FAILED

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RESCINDING THE ACCEPTANCE OF PROPOSAL ISSUED UNDER RESOLUTION 14-348 TO BURKE CONSTRUCTION GROUP INC. IN RESPONSE TO RFP #001-15 FOR CONSTRUCTION OF THE NEW CITY HALL AT GLYNN ARCHER; REJECTING ALL BIDS FOR BUDGETARY REASONS; 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
David Martinez, Burke Construction, 3210 Flagler Avenue

Shawn Smith, City Attorney
Greg Veliz, Assistant City Manager

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

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Yaniz and Mayor Cates

Nays: Commissioners Lopez, Rossi, Wardlow and Weekley

The said Resolution was thereupon declared by the Mayor to have failed.

SO ORDERED

RESOLUTION NO. 14-361

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE CITY ATTORNEY 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 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. 14-362

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED SECOND AMENDMENT TO EMPLOYMENT AGREEMENT BETWEEN THE CITY OF KEY WEST AND SHAWN D. SMITH FOR THE POSITION OF CITY ATTORNEY; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following person spoke on the matter:

Judy Martinez, 1020 Emma Street

It was moved by Commissioner Rossi and seconded by Commissioner Wardlow 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. 14-363

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED “CONSULTING AGREEMENT” BETWEEN THE CITY OF KEY WEST AND DONALD LELAND CRAIG D/B/A THE CREATIVE EDGE FOR SERVICES SPECIFIED IN THE CONTRACT; 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
Sarah Hannah Spurlock, Assistant City Manager
Samantha Farist, Human Resources Director

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

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Weekley and Mayor Cates

Nays: Commissioners Rossi, Wardlow and Yaniz

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 SECOND READING: (Public Hearing)

ORDINANCE NO. 14-20

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 26, OF THE CODE OF ORDINANCES ENTITLED "ENVIRONMENT" BY AMENDING SECTION 26-96 "DEFINITIONS" TO INCLUDE THE UPLAND AREAS OF REST BEACH; 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:

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

SO ORDERED

CITIZEN COMMENTS:

Mark Songer, 1310 Newton Street for Last Stand
Margaret Romero, 1615 Washington Street
Sloan Bashinsky, 1711 Seminary Street
Skip O'Neil, 1401 Truman Avenue

COMMISSION COMMENTS:

Commissioner Lopez thanked Community Services for their work at the AIDS Memorial.

Commissioner Rossi thanked the City Clerk for the decorations in the Chambers and for the crew at the Bayview Park for the Christmas tree; he wished everyone a happy holiday.

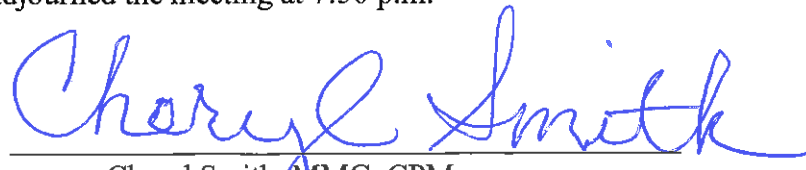
Commissioner Wardlow asked about the meeting date for the 15th, the City Attorney stated that it is set for the Franchise agreements.

Commissioner Yaniz asked Mr. Veliz and Ms. Farist to conclude contract negotiations before the holidays.

Mayor Cates commented on the benefits of the new City Hall at Glynn Archer on White Street.

ADJOURNMENT:

There being no further business the Mayor adjourned the meeting at 7:50 p.m.


Cheryl Smith, MMC, CPM
City Clerk