

MINUTES
CITY COMMISSION MEETING
OLD CITY HALL, 510 GREENE STREET
WEDNESDAY, NOVEMBER 7, 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, November 7, 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, Tony Yaniz and Mayor Craig Cates.

Commissioner Jimmy Weekley was absent.

Also present were Assistant City Manager David Fernandez, Assistant City Manager Mark Finigan, City Attorney Shawn Smith, Police Chief Donnie Lee, Fire Chief David Fraga, Community Services Director Greg Veliz, Deputy Community Services Director Rodrigo Delostrinos, Human Resources Director Sandy Gilbert, Information Technology Director Patti McLauchlin, KW DoT Manager Myra Wittenberg, 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 Ernie DeLoach, Glad Tidings Tabernacle Assembly, 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:

Commissioner Yaniz requested Item #22 be postponed to December 4th and to remove Item #21 from the Consent Agenda.

Commissioner Rossi requested Item #19 be removed from the Consent Agenda.

Commissioner Johnston requested Item #20 be removed from the Consent Agenda.

City Attorney Smith stated Item #27 was withdrawn and Item #28 had been requested to be postponed to November 20, 2012 by both the applicant and the City.

Assistant City Manager Fernandez requested Items #4 and #23 be postponed to December 4, 2012.

It was moved by Commissioner Rossi and seconded by Commissioner Lopez to accept the agenda as changed. Without opposition, the agenda was accepted as changed.

PROCLAMATIONS:

National Home Care Month

Smart Ride Day

National Hospice and Palliative Care Month

PRESENTATIONS:

Preserve Island Life Campaign – Climate Marketing/Advertising Contract

City Attorney's Report

City Attorney Smith expressed his condolences to the family at the recent passing of Commissioner Weekley's Mother-in-law.

City Attorney Smith reported on a letter from the Navy and their intent to request information and eventually to move forward to go out for bids on the mole pier. He said he and the City Manager and Mr. Fitton would work with staff on this.

City Manager's Report

Assistant City Manager Fernandez asked Mr. Fitton to come up for the Transit Award the City had received. For the fifth consecutive year the City has won the First Place Bus Safety Award.

Mr. Fernandez asked Mr. McVeigh to assist with the presentations for the 19th Ambassador Graduation Class.

Commissioner Yaniz asked Mr. Fernandez about the PBA Contract. Mr. Fernandez stated both the Fire and Police contracts would be on the next agenda.

CONSENT AGENDA:

The Clerk read the titles of the Resolutions.

It was moved by Commissioner Rossi and seconded by Commissioner Lopez 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:

October 11, 2012 (Special)

RESOLUTIONS:

RESOLUTION NO. 12-304

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 FLORIDA POWERBOAT CLUB, INC. FOR AN EVENT TO TAKE PLACE DURING THE HOURS OF 8:00 A.M. TO 12:00 A.M. ON FRIDAY, NOVEMBER 9 THROUGH SATURDAY, NOVEMBER 10, 2012 FROM 8:00 P.M. TO 11:00 P.M. AT THE CONCH REPUBLIC SEAFOOD COMPANY; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-305

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, SPONSORING A HOLIDAY SEASON PARADE ON SATURDAY, DECEMBER 8, 2012, BETWEEN 7:00 P.M. AND 10:00 P.M.; AUTHORIZING THE CLOSURE OF CERTAIN STREETS FOR THE PARADE; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-306

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 ALEXA SELLERS FOR A WEDDING TO TAKE PLACE AT 404 SOUTH STREET DURING THE HOURS OF 2:00 P.M. TO 9:00 P.M. ON SATURDAY, FEBRUARY 16, 2013; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-307

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A MURAL TO BE PAINTED AT 1215 SIMONTON STREET; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-308

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING TRANSFER OF MOBILE VENDOR LICENSE (MVL) #12784 FROM PAUL MCGRAIL TO ASSAF AZOULAY DUE TO HARDSHIP; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-309

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF KEY WEST AND TEAMSTERS LOCAL 769, OFFICE AND BLUE COLLAR WORKERS, EFFECTIVE OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2014; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-310

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A ONE-YEAR RENEWAL, RETROACTIVE TO MARCH 3, 2012, OF THE THYSSENKRUPP ELEVATOR CORPORATION CONTRACT, FOR CITY OF KEY WEST ELEVATOR/LIFT MAINTENANCE AND SERVICE; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-311

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING A NINETY (90) DAY CONTRACT TIME EXTENSION FOR DOUGLAS N. HIGGINS, INC. TO COMPLETE CONSTRUCTION OF THE GLYNN ARCHER / 14TH STREET ROADWAY RECONSTRUCTION (PROJECT NO. EN-1004) AT NO ADDITIONAL COST; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-312

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING A 16-DAY CONTRACT TIME EXTENSION WITH OTAK GROUP, INC. FOR SIDEWALK INSTALLATION FOR THE SAFE ROUTES TO SCHOOL (SRTS) GERALD ADAMS ELEMENTARY SCHOOL SIDEWALK INSTALLATION PROJECT #FM 425851-1 AT NO ADDITIONAL COST; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-313

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING TASK ORDER NO. 1 OF GENERAL ARCHITECTURAL SERVICES CONTRACT FOR DESIGN/TECHNICAL SERVICES AT THE GARRISON BIGHT MARINA TRANSIENT FACILITY/DOCK MASTER BUILDING IN AN AMOUNT NOT TO EXCEED \$122,204.00; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-314

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING KEY WEST PORT OPERATIONS, WITH THE KEY WEST POLICE DEPARTMENT, TO ACCEPT GRANT AWARD NO. EMW-2012-PU-0056 IN THE AMOUNT OF \$90,000.00 FROM THE DEPARTMENT OF HOMELAND SECURITY PORT SECURITY GRANT PROGRAM (PSGP) (CITY MATCH 25% - \$30,000.00); PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-315

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE CITY OF KEY WEST TO ENTER INTO A REVOCABLE LICENSE AGREEMENT WITH THE SUNRISE ROTARY TO CONSTRUCT A COMPOSTING SHED AT THE MOUNTED POLICE STABLES; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. POSTPONED TO DECEMBER 4, 2012

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING AND DIRECTING CITY STAFF TO INVESTIGATE THE CONCEPT OF MAKING DUVAL STREET A PEDESTRIAN MALL; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. POSTPONED TO DECEMBER 4, 2012

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, DIRECTING MODIFICATIONS TO THE CITY'S SOLID WASTE AND RECYCLING COLLECTION CONTRACT; DIRECTING THE CITY ATTORNEY TO PREPARE AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY AND WASTE MANAGEMENT, INC. OF FLORIDA FOR COMMISSION CONSIDERATION; DIRECTING STAFF TO BEGIN PREPARATION OF BID DOCUMENTS FOR SOLID WASTE AND RECYCLING COLLECTION SERVICES TO COMMENCE AT THE CONCLUSION OF THE CURRENT CONTRACT; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. WITHDRAWN

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AN ADMINISTRATIVE APPEAL OF A DECISION BY THE CITY PLANNER ON AUGUST 21, 2012 REGARDING THE CALCULATION OF BACK FEES ASSOCIATED WITH THE DOUGLAS HOUSE GUESTHOUSE LOCATED AT 417, 419 AND 423 AMELIA AND 418 VIRGINIA STREETS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. POSTPONED TO NOVEMBER 20, 2012

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AN APPEAL OF THE CHIEF BUILDING OFFICIAL'S ISSUANCE OF A BUILDING PERMIT DATED OCTOBER 3, 2012 FOR THE PROPERTY LOCATED AT 525 FRANCES STREET, MARY AND KARL HAFFENREFFER PROPERTY OWNERS, BY ROBERT CINTRON, REPRESENTATIVE FOR LEONARD GARTNER OF 1109 STUMP LANE; 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. POSTPONED TO NOVEMBER 20, 2012

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AWARING THE BID OF EBSARY FOUNDATION COMPANY IN RESPONSE TO RFP 12-030 IN A TOTAL AMOUNT NOT TO EXCEED \$1,421,523.00, FOR REPLACEMENT OF TARPON PIER AT CITY MARINA AT GARRISON BIGHT; WAIVING MINOR IRREGULARITIES WITH THE BID TABULATION SHEET AND THE CONTRACTOR'S PROPOSAL; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution and a letter was read into the record from John Jones, 1021 James Street.

The following people spoke on the matter:

Rob Lane, Garrison Bight Marina
Doug Bradshaw, Senior Project Manager

It was moved by Commissioner Rossi and seconded by Commissioner Johnston that the Resolution be postponed to the next meeting on November 20, 2012.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Wardlow, 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. 12-316

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT NUMBER ONE TO THE JOINT PARTICIPATION AGREEMENT (JPA) FOR CONTRACT AQN20 BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AND THE CITY OF KEY WEST, TO INCREASE THE MAXIMUM PARTICIPATION OR GRANT AWARD FROM FDOT FROM \$1,000,000.00 TO A TOTAL OF \$2,000,000.00 TO BE USED FOR

**CONSTRUCTION COSTS OF THE NEW TRANSIT FACILITY AT 5701
COLLEGE ROAD, KEY WEST, FLORIDA; PROVIDING FOR AN
EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following person spoke on the matter:

Myra Wittenberg, DoT Manager

It was moved by Commissioner Rossi and seconded by Commissioner Johnston 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. 12-317

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY
WEST, FLORIDA, APPROVING THE ATTACHED "FIRST
AMENDMENT TO AGREEMENT" AMENDING THE "AGREEMENT
BETWEEN THE CITY OF KEY WEST AND HISTORIC TOURS OF
AMERICA, INC. FOR THE PROVISION OF SHUTTLE SERVICES FOR
CRUISE SHIP PASSENGERS"; PROVIDING FOR AN EFFECTIVE
DATE**

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Shawn Smith, City Attorney
David Fernandez, Assistant City Attorney
Jim Fitton, Port & Transportation Director

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, 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

PUBLIC HEARING:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED WITHIN THE INCORPORATED AREA OF THE CITY; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE

There were no speakers on this item.

RESOLUTION NO. 12-318

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED WITHIN THE INCORPORATED AREA OF THE CITY; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following person spoke on the matter:

Jay Gewin, Utilities Manager

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, Rossi, Wardlow, Yaniz and Mayor Cates

Nays: Commissioner Lopez

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. 12-319

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RANKING PURSUANT TO RFP #004-12 FIRMS TO PROVIDE FEDERAL GOVERNMENT RELATIONS SERVICES; PROVIDING THE ~~THREE~~ FOUR TOP-RANKED FIRMS WITH AN OPPORTUNITY TO MAKE A PRESENTATION AT THE DECEMBER 4, 2012 CITY COMMISSION MEETING; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following person spoke on the matter:

David Fernandez, Assistant City Manager

It was moved by Commissioner Wardlow and seconded by Commissioner Yaniz that the Resolution be passed and adopted to accept the top three companies recommended by staff and to include a fourth company, Holland and Knight, for consideration.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Wardlow, 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

CITIZEN COMMENTS:

Dave Marsh, Whitehead Street

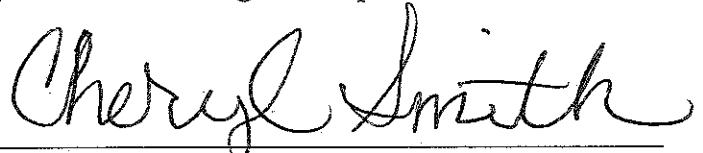
COMMISSION COMMENTS:

Commissioner Johnston congratulated the candidates from the recent election.

Commissioner Yaniz expressed his condolences at the passing of Commissioner Weekley's Mother-in-law.

ADJOURNMENT:

There being no further business the Mayor adjourned the meeting at 7:32 p.m.

A handwritten signature in cursive script that reads "Cheryl Smith". The signature is written in black ink and is positioned above a horizontal line.

Cheryl Smith, MMC, CPM
City Clerk