

MINUTES

CITY COMMISSION MEETING

OLD CITY HALL, 510 GREENE STREET

TUESDAY, NOVEMBER 20, 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, November 20, 2012.

Mayor Craig Cates called the meeting to order at 6:04 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 Acting City Manager David Fernandez, Assistant City Manager Mark Finigan, Chief Assistant City Attorney Larry Erskine, Police Chief Donnie Lee, Fire Chief David Fraga, Information Technology Director Patti McLauchlin, City Planner Don Craig, Port and Transit Director Jim Fitton, Senior Project Manager Doug Bradshaw, Senior Property Manager Marilyn Wilbarger, Deputy City Clerk Angela Budde and City Clerk Cheri Smith.

Reverend Dr. Lawrence Schneck, Peace Covenant Presbyterian 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:

Commissioner Rossi requested Item #10 to be removed from the Consent Agenda for discussion.

Chief Assistant City Attorney Erskine requested Administrative Appeal Item #24 to be postponed until December 4, 2012.

A Motion was made by Commissioner Rossi and seconded by Commissioner Lopez to approve the agenda.

The Mayor acknowledged the motion and second and requested verbal approval. The response was unanimous to approve the agenda as changed.

PROCLAMATIONS:

R4 Month

World Aids Day

PRESENTATIONS:

City Attorney's Report

Chief Assistant City Attorney Erskine requested a Closed Session with the Commission for December 4th at 5:15 pm regarding litigation styled Key West Golf Club Homeowners' Association, Inc., Gwenn M. Smith and Key West HMA, LLC v. City of Key West; Case No. 2009-CA-822-K.

City Manager's Report

No Report.

CONSENT AGENDA:

The Clerk read the titles of the Resolutions.

It was moved by Commissioner Rossi 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:

October 2, 2012 (Regular)
October 3, 2012 (Workshop)
October 16, 2012 (Regular)
October 17, 2012 (Special)

RESOLUTIONS:

RESOLUTION NO. 12-325

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

RESOLUTION NO. 12-326

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING RAGNAR RELAY FLORIDA KEYS TO HOLD A RELAY STARTING IN KEY BISCAIYNE AND ENDING IN KEY WEST AT THE SOUTHERNMOST BEACH CAFÉ ON JANUARY 5, 2013; AUTHORIZING THE CLOSURE OF SOUTH STREET FROM SIMONTON TO DUVAL AND DUVAL STREET FROM SOUTH STREET TO END OF DUVAL STREET FROM 5:00 A.M. TO 10:00 P.M. FOR THE FINISH LINE; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-327

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE KEY WEST ROTARY CLUB FOUNDATION, INC. TO CONDUCT THE 3RD ANNUAL "KEY WEST CONCHFEST" AT BAYVIEW PARK ON SATURDAY, MARCH 2, 2013 FROM 7:00 A.M. TO 10:00 P.M.; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE ENCLOSED AREA; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 7:00 A.M. TO 10:00 P.M; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-328

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE ATTACHED "LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT" BETWEEN THE CITY OF KEY WEST AND FDOT FOR ADDITIONAL FUNDS (PHASE 58) FOR THE POINCIANA ELEMENTARY SCHOOL SAFE ROUTES TO SCHOOL SIDEWALK IMPROVEMENT PROJECT; APPROVING ANY NECESSARY BUDGET AMENDMENT; APPROVING ANY NECESSARY BUDGET AMENDMENTS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-329

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AWARDING THE BID OF CHARLEY TOPPINO & SONS, INC. FOR SIDEWALK IMPROVEMENTS FOR THE SAFE ROUTES TO SCHOOL (SRTS) POINCIANA ELEMENTARY SCHOOL SIDEWALK IMPROVEMENT PROJECT, NO. EN-1101 IN AN AMOUNT NOT TO EXCEED \$531,676.00; AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CHARLEY TOPPINO & SONS, INC; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-330

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING PURSUANT TO SECTIONS 2-797(4) OF THE CODE OF ORDINANCES THE PURCHASE OF CISCO SWITCHING EQUIPMENT AND RELATED PRODUCTS FROM PRESIDIO NETWORKED SOLUTIONS IN THE AMOUNT OF \$34,398.88; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-331

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RATIFYING AN EMERGENCY PURCHASE APPROVED BY THE CITY MANAGER IN EXCESS OF \$20,000 AS ALLOWED UNDER SECTION 2-797(2) OF THE CITY'S CODE OF ORDINANCES, FOR THE PROCUREMENT OF SURVEYING SERVICES TO DOCUMENT TROPICAL STORM EROSION ACCESS AND DOCUMENT DAMAGE TO FOUR CITY BEACHES, SAID PROCUREMENT IN THE AMOUNT OF \$24,874 TO ATKINS NORTH AMERICA; AUTHORIZING NECESSARY BUDGET TRANSFERS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-332

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF) LOCAL 1424 FOR PERIOD OF OCTOBER 1, 2011 TO SEPTEMBER 30, 2012; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-333

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND IAFF FOR PERIOD OF OCTOBER 1, 2012 TO SEPTEMBER 30, 2015; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-334

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF KEY WEST AND THE FLORIDA POLICE BENEVOLENT ASSOCIATION, INC. (KEY WEST CHAPTER) FROM OCTOBER 1, 2011 TO SEPTEMBER 30, 2014; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-335

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE PAYMENT OF \$723,047.00 TOWARDS THE REQUIRED MINIMUM CITY FUNDING CONTRIBUTION FOR FY ENDING SEPTEMBER 30, 2012 TO THE POLICE OFFICER'S AND FIREFIGHTER'S RETIREMENT PLAN; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-336

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE REHABILITATION OF A CITY SEWER VACTOR TRUCK BY ENVIRONMENTAL PRODUCTS OF FLORIDA CORPORATION, ON A SOLE SOURCE BASIS IN ACCORDANCE WITH THE CITY CODE SECTION 2-797(1), IN THE TOTAL AMOUNT OF \$35,227.00; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-337

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED "THIRD AMENDMENT TO MEMORANDUM OF AGREEMENT FOR PARTICIPATING FORT LAUDERDALE UASI (URBAN AREA SECURITY INITIATIVE) AGENCIES" PURSUANT TO A FEDERALLY FUNDED SUBGRANT AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF EMERGENCY MANAGEMENT AND THE CITY OF MIRAMAR, AS ADMINISTRATOR FOR THE DEPARTMENT OF HOMELAND SECURITY UASI GRANT PROGRAM FOR THE FORT LAUDERDALE URBAN AREA, IN THE AMOUNT OF \$35,000.00, TO FUND EMERGENCY RESPONSE PLANNING, RECRUITMENT, TRAINING, EXERCISING, PROVISION OF SUPPLIES AND EQUIPMENT AND/OR CONTINUATION OF EDUCATION FOR THE SOUTH FLORIDA CITIZEN CORPS TASKFORCE; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-338

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED "SECOND AMENDMENT TO MEMORANDUM OF AGREEMENT FOR PARTICIPATING FORT LAUDERDALE UASI (URBAN AREA SECURITY INITIATIVE) AGENCIES" PURSUANT TO A FEDERALLY FUNDED SUBGRANT AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF EMERGENCY MANAGEMENT AND THE CITY OF MIRAMAR, AS ADMINISTRATOR FOR THE

DEPARTMENT OF HOMELAND SECURITY UASI GRANT PROGRAM FOR THE FORT LAUDERDALE URBAN AREA, IN THE AMOUNT OF \$42,000.00, TO FUND EMERGENCY RESPONSE REGIONAL PLANNING, RECRUITMENT, TRAINING, EXERCISING, PROVISION OF SUPPLIES AND EQUIPMENT AND/OR CONTINUATION OF EDUCATION FOR THE SOUTH FLORIDA CITIZEN CORPS TASKFORCE; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-339

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE SECOND AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY AND RL BB-FL HILLSBOROUGH, LLC, AS SUCCESSOR IN INTEREST TO HILLSBOROUGH CENTER ASSOCIATES, LLC FOR THE PROPERTY LOCATED AT 3132 FLAGLER AVENUE; PROVIDING FOR AN EFFECTIVE DATE

**ADMINISTRATIVE APPEALS:
QUASI-JUDICIAL HEARING**

RESOLUTION NO. Postponed to December 4, 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. 12-340

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AWARDING 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.

The following people spoke on the matter:

Acting City Manager Fernandez
Birch Ohlinger, Engineer for the City
Chief Assistant City Attorney Erskine

A discussion on concrete pillars vs. steel pillars and the maintenance involved for the short term and long term and the cost differential of the two types of pillars ensued.

It was moved by Commissioner Weekley and seconded by Commissioner Wardlow 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, 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. 12-341

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING PERMISSION FOR HISTORIC MARKERS, INC. D/B/A HISTORIC KEY WEST TO PLACE UP TO (100) "500 YEARS OF PARADISE" BANNERS AT CERTAIN LOCATIONS IN THE VICINITY OF MALLORY SQUARE, WHITEHEAD STREET, FRONT STREET AND GREENE STREET IN ACCORDANCE WITH SECTIONS 114-35 AND 114-103(A)(2) OF THE CODE OF ORDINANCES; PROVIDING CONDITIONS; RESCINDING PRIOR RESOLUTIONS 12-177 AND 12-087 UPON COMMENCEMENT OF THE PROJECT; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Bruce Neff, Art in Public Places Member
Chief Assistant City Attorney Erskine
City Planner Don Craig

It was moved by Commissioner Weekley to amend the design of the banner by having the sponsorship at the bottom 1/3 of the banner and seconded by Commissioner Yaniz that the Resolution be passed and adopted as amended.

The Mayor acknowledged the motion and second and 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

ORDINANCE – FIRST READING:

ORDINANCE NO. Passed to Second Reading

AN ORDINANCE OF THE CITY OF KEY WEST CITY COMMISSION INVOKING THE ZONING IN PROGRESS DOCTRINE: DECLARING THAT THE CITY IS CONSIDERING AMENDMENTS TO ITS LAND DEVELOPMENT REGULATIONS TO ADOPT CRITERIA PERMITTING AND REGULATING THE LOCATION OF PAIN MANAGEMENT CLINICS; DIRECTING BUILDING AND PLANNING DEPARTMENT STAFF TO DEFER THE ACCEPTANCE AND PROCESSING OF APPLICATIONS REQUIRING THE ISSUANCE OF PERMITTING THE LOCATION OF PAIN MANAGEMENT CLINICS; CONTINUING THIS POLICY UNTIL NEW PERMIT REGULATIONS OR AMENDED LAND DEVELOPMENT REGULATIONS ARE ADOPTED BY THE CITY COMMISSION OR UNTIL THE PASSAGE OF 180 DAYS FROM THE DATE OF THIS ORDINANCE, WHICHEVER OCCURS FIRST; 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:

Judy Martinez, 1020-3A Emma Street

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

The Mayor acknowledged the motion and second and 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

CITIZEN COMMENTS:

Tom Milone, 832 Caroline Street
Judy Martinez, 1020-3A Emma Street

COMMISSION COMMENTS:

Commissioner Yaniz thanked City Manager Vitas and City Staff for their professionalism while negotiating new contracts for the Teamsters, IAFF and PBA Unions.

Commissioner Wardlow addressed the concerns spoken by Mr. Milone on the City of Key West Fire Fighters exams.

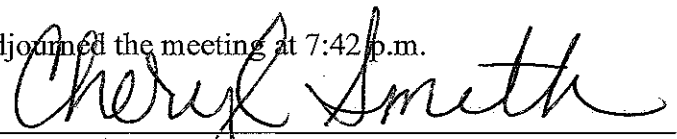
Commissioner Rossi wished a Happy Thanksgiving to all.

Commissioner Weekley reminded the Commission of the December 5th Workshop meeting and the topics to be discussed.

Commissioner Lopez and Mayor Cates also wished a Happy Thanksgiving to all.

ADJOURNMENT:

There being no further business the Mayor adjourned the meeting at 7:42 p.m.



Cheryl Smith, MMC, CPM
City Clerk