MINUTES

CITY COMMISSION MEETING

OLD CITY HALL, 510 GREENE STREET

TUESDAY, FEBRUARY 5, 2013

A regular meeting of the City Commission of the City of Key West, Florida was held in Commission Chambers, Old City Hall, on Tuesday, February 5, 2013.

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 City Manager Bob Vitas, Assistant City Manager David Fernandez, Assistant City Manager Mark Finigan, City Attorney Shawn Smith, City Planner Don Craig, Police Chief Donie Lee, Fire Chief David Fraga, Division Chief Emergency Management Craig Marston, Community Services Director Greg Veliz, Deputy Community Services Director Rod Delostrinos, Port and Transit Director Jim Fitton, Senior Project Manager Doug Bradshaw, Utilities Manager Jay Gewin, Senior Deputy City Clerk Sue Harrison and City Clerk Cheri Smith.

Yeshe Ellen Booth Church, Key West Tara Mandala Buddhist Sangha, 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 Ordinance Item 20 be postponed to February 20, 2013 and to addon the Proclamation for Wesley House Valentine's Day.

The Clerk announced a speaker for Item #3 and that item would need to be removed from the Consent Agenda.

It was moved by Commissioner Rossi and seconded by Commissioner Lopez to approve the agenda as changed. The Mayor asked for objections and seeing none the agenda was approved.

PROCLAMATION:

Wesley House Valentine's Day

PRESENTATIONS:

City Attorney's Report

The City Attorney had no report and there were no questions from the Commission.

City Manager's Report

City Manager Vitas announced that the Annual Report had been released on February 1, 2013 on the City's website.

Mr. Vitas reported the City had received news that 1300 parcels in the City that had been on the FEMA List regarding endangered national wildlife species have been removed. A notice would be sent to the owners of those properties.

Update on Advertising on City Rights-of-Way

Mr. Vitas has reviewed the program for advertising on City Rights-of-Way. He said for the most part it is working. Advertising on buses is up to date. With regard to telephone booths, there had been a contract that has expired. They would take a close look at continuing the advertising program.

Mr. Vitas updated the Commission regarding the trash cans with advertising. He stated the payments had ended in 2006 and Outdoor Partner Media had gone out of business. There is no agreement between the City and the group advertising on the bins. They would follow up with the parties involved with the advertising.

Right-of-Way Clean Up

Deputy Community Services Director Rod Delostrinos provided a brief presentation to the Commission regarding the schedule of Right-of-Way maintenance.

Senior Project Manager Doug Bradshaw updated the Commission and answered questions regarding canal cleanup.

CONSENT AGENDA:

The Clerk read the titles of the Resolutions.

It was moved by Commissioner Rossi and seconded by Commissioner Weekley 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 8, 2013 (Regular)

RESOLUTIONS:

RESOLUTION NO. 13-030

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE WESLEY HOUSE FAMILY SERVICES, INC. TO CONDUCT ITS ANNUAL "VALENTINE'S DAY FUNDRAISER" AT THE CURRY MANSION LOCATED AT 511 CAROLINE STREET ON THURSDAY, FEBRUARY 14, 2013 FROM 9:00 A.M. TO 11:30 P.M; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE CLOSURE OF CAROLINE STREET FROM DUVAL STREET TO SIMONTON STREET AND ANN STREET FROM GREENE STREET TO CAROLINE STREET FROM 9:00 A.M. TO 11:30 P.M; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 9:00 A.M. TO 11:30 P.M; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE BARRICADED AREA; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-031

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING FINNEGAN'S WAKE IRISH PUB & EATERY TO CONDUCT THE ANNUAL ST. PATRICK'S DAY CELEBRATION ON MARCH 17, 2013 FROM 10:00 A.M. TO MIDNIGHT; PURSUANT TO TERMS & CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE CLOSURE OF JAMES STREET BETWEEN GRINNELL AND MARGARET STREETS FROM 10:00 A.M. TO MIDNIGHT; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 10:00 A.M. TO MIDNIGHT; AUTHORIZING THE SALE AND CONSUMPTION OF

ALCOHOLIC BEVERAGES WITHIN THE ENCLOSED AREA; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-032

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA. AUTHORIZING AIDS HELP TO CONDUCT THEIR ANNUAL TASTE OF KEY WEST AT THE TRUMAN WATERFRONT ALONG THE EAST OUAY WALL ON MONDAY, APRIL 29, 2013 FROM 6:00 P.M. TO 9:00 P.M. (SET UP STARTING AT 8:00 A.M.): PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN AN ENCLOSED AREA: GRANTING AN EXEMPTION FROM THE NOISE CONTROL **ORDINANCES** PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 5:00 P.M. TO 11:00 P.M.; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-033

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING KAREN BOWERS D/B/A SHOOT FOR THE MOON PERMISSION TO CONDUCT A BATTLE IN THE BAY DRAGON BOAT FESTIVAL AT THE TRUMAN WATERFRONT ON SATURDAY, MAY 11, 2013 FROM 6:00 A.M. TO 7:00 P.M. (PRACTICE SESSION MAY 10, 2013); PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN AN ENCLOSED AREA; GRANTING AN EXEMPTION FROM THE NOISE CONTROL ORDINANCES PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 6:00 A.M. TO 7:00 P.M.; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-034

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE CITY MANAGER TO ACCEPT A 2012 FLORIDA DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES (FDHSMV) LAW ENFORCEMENT E-CRASH HARDWARE GRANT VIA THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION GRANT TO THE STATE OF FLORIDA IN THE AMOUNT OF \$25,000.00; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-035

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RATIFYING A BUDGET TRANSFER FROM STORMWATER FUND RESERVES, AND PAYMENT TO FLORIDA KEYS COMMUNITY COLLEGE (FKCC) IN THE AMOUNT OF \$214,630.08 IN COMPLIANCE WITH THE AMENDED FINAL JUDGMENT IN THE 16TH JUDICIAL CIRCUIT CASE 2009-CA-729-K; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-036

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A ONE-YEAR EXTENSION TO THE "MASTER AGREEMENT TO FURNISH FINANCIAL CONSULTING SERVICES" BETWEEN THE CITY AND CAMP, DRESSER & MCKEE, INC., NOW KNOWN AS CDM SMITH, INC.; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-037

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A THREE-YEAR EXTENSION TO THE AGREEMENT TO FURNISH DISASTER RESPONSE SERVICES TO THE CITY OF KEY WEST BETWEEN THE CITY AND CROWDERGULF JOINT VENTURE, INC.; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-038

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A THREE-YEAR EXTENSION TO THE AGREEMENT TO FURNISH DISASTER RESPONSE SERVICES TO THE CITY OF KEY WEST BETWEEN THE CITY AND OMNI PINNACLE, LLC.; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-039

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A THREE-YEAR EXTENSION TO THE AGREEMENT TO FURNISH DISASTER RESPONSE SERVICE TO THE CITY OF KEY WEST BETWEEN THE CITY AND ASHBRITT ENVIRONMENTAL, INC.; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-040

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING AN ADDITIONAL THIRTY (30) 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. 13-041

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING AN EXPENDITURE OF STATE POLICE FORFEITURE FUNDS IN AN AMOUNT NOT TO EXCEED \$21,170.00 FOR ENROLLMENT, HOUSING AND PER DIEM COSTS FOR TWO KWPD OFFICERS TO ATTEND THE SOUTHERN POLICE INSTITUTE OFFICERS DEVELOPMENT COURSE (SPI-CODC) BETWEEN MARCH AND JULY, 2013; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-042

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE ATTACHED WORKER'S COMPENSATION SETTLEMENT AGREEMENT BETWEEN WILMER BRINGLE AND THE CITY OF KEY WEST IN THE AMOUNT OF \$30,000.00; AUTHORIZING THE CITY MANAGER TO EXECUTE SETTLEMENT DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE

ORDINANCES - FIRST READING:

ORDINANCE NO. POSTPONED TO FEBRUARY 20, 2013

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, CREATING CHAPTER OR AMENDING CHAPTER 14, 34 AND 108 OF THE CODE OF ORDINANCES AND AMENDMENTS TO LOCAL SECTIONS 104, 107, 117, 202, 1612 OF THE 2010 FLORIDA BUILDING CODES FOR THE PURPOSE OF UPDATING THE CITY'S FLOOD DAMAGE PROTECTION ORDINANCES AND RELATED BUILDING CODES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; 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. 13-043

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RECOMMENDING TO THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY THAT THE COMMUNICATIONS TOWER AT KEY WEST INTERNATIONAL AIRPORT BE NAMED AFTER FRED CABANAS AIRPORT IN KEY WEST BE NAMED "THE KEY WEST FRED CABANAS INTERNATIONAL AIRPORT".

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Mimi Grantham, 7-A Hilton Haven Shawn Smith, City Attorney

It was moved by Commissioner Rossi and seconded by Commissioner Wardlow that the Resolution be amended recommending naming the tower after Fred Cabanas.

The Mayor requested the Clerk call the roll.

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

Nays: Commissioner Johnston

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. 13-044

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE COMMITTEE RANKING OF FIRMS SUBMITTING RESPONSES TO REQUEST FOR QUALIFICATIONS (RFQ) NO. 13-001: ARCHITECTURAL SERVICES KEY WEST CITY HALL; AUTHORIZING STAFF TO NEGOTIATE A CONTRACT FOR APPROVAL BY THE CITY COMMISSION; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution. The Clerk announced the order in which the firms would make their presentations; Horn, Bender and then Rodriguez.

The firms were allowed 10-minutes for their presentations.

William Horn, William P. Horn Architect, P.A. Bert Bender, Bender & Associates Architects, P.A. Raul Rodriguez, Rodriguez and Quiroga Architects

The following people spoke on the matter:

Don Craig, City Planner Richard Grusin, 2318 Staples Avenue Judy Martinez, 1020 Emma Doug Bradshaw, Senior Project Manager Shawn Smith, City Attorney Bob Vitas, City Manager

The Commission ranked their first choice for Architectural Services for Key West City Hall as follows:

Commissioner Johnston - Bender and Associates
Commissioner Rossi - Bender and Associates
Commissioner Wardlow - William P. Horn Architects
Commissioner Weekley - Bender and Associates
Commissioner Weekley - Bender and Associates
Commissioner Yaniz - William P. Horn Architects
Mayor Cates - Bender and Associates

(Ranking Forms and Tabulation Sheet attached hereto and made a part of these minutes.)

It was moved by Commissioner Rossi and seconded by Commissioner Yaniz that the Resolution be passed and adopted choosing Bender and Associates Architects and to appoint Commissioner Johnston as liaison for this project.

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

The Mayor asked for a brief recess in the meeting and reconvened at 8:03 p.m.

QUASI JUDICIAL HEARING:

RESOLUTION NO. 13-045

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING **EASEMENT** $\mathbf{A}\mathbf{N}$ APPROXIMATELY 30 **SOUARE** FEET TO ADDRESS ENCROACHMENT OF EXISTING FRONT STEPS, AN AWNING, LANDSCAPED AREA AND AN EAVE THAT ENCROACH ON CITY RIGHT OF WAY ABUTTING THE PROPERTY LOCATED AT 1114 WATSON STREET, KEY WEST, FLORIDA (RE#00031790-000000); PROVIDING FEES AND CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution. At this time the Clerk asked anyone giving testimony on this item to please stand to be sworn in; the Clerk administered the oath.

The following people spoke on the matter:

Jennifer Stephens, Applicant, 1114 Watson Street Don Craig, City Planner

It was moved by Commissioner Weekley 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

QUASI JUDICIAL HEARING:

RESOLUTION NO. 13-046

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A MINOR DEVELOPMENT PLAN AND CONDITIONAL USE FOR REAL PROPERTY LOCATED AT 701

PASSOVER LANE (RE# 000020620-000000) IN THE HISTORIC PUBLIC AND SEMIPUBLIC SERVICE (HPS) ZONING DISTRICT; PROVIDING FOR CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution. At this time the Clerk asked anyone giving testimony on this item to please stand to be sworn in; the Clerk administered the oath.

The following person spoke on the matter:

Don Craig, City Planner

It was moved by Commissioner Weekley 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

ORDINANCES SECOND READING: (Public Hearing)

ORDINANCE NO. 13-02

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, GRANTING AN AMENDMENT TO SECTION 9, AND ADDING A RELATED EXHIBIT A-1 TO THE FRANCHISE AGREEMENT BETWEEN THE CITY AND CITYVIEW TROLLEY TOURS OF KEY WEST, INC. TO AMEND THE TYPE OF SIGHTSEEING VEHICLE(S) PERMITTED BY THE FRANCHISE AGREEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Ordinance. A letter was read into the record from John Murphy, Duck Tours Seafari LLC.

The following people spoke on the matter:

Michael Thomas, 105 Whitehead Street, President CityView Trolley Tours Peter Rysman, 62 Front Street Shawn Smith, City Attorney

It was moved by Commissioner Wardlow and seconded by Commissioner Rossi for the Ordinance to be passed on second reading as amended at the time of the first reading to grant a six-moth grace period for Bio-diesel fuel.

The Mayor requested the Clerk call the roll.

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

Nays: Commissioner Weekley and Mayor Cates

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:

Tom Milone, 832 Caroline Street

COMMISSION COMMENTS:

Commissioner Weekley asked for a workshop to be scheduled on parking issues in the City.

Commissioner Johnston said they needed to include Planning and the Building Department as they continue to subdivide homes without the provision for off-street parking.

Commissioner Rossi concurred with the comments of Commissioner Johnston.

Commissioner Yaniz agreed with Commissioner Weekley and suggested a system to encourage both locals and tourists alike to not bring their cars downtown.

Commissioner Lopez stated they needed to put all the different pieces together that have been mentioned as part of the workshop. He said the workshop was much needed and way overdue.

ADJOURNMENT:

There being no further business the Mayor adjourned the meeting at 8:33 p.m.

Cheryl Smith, MMC, CPM

City Člerk

TABULATION FORM FOR RFQ# 13-001 ARCHITECTURAL SERVICES KEY WEST CITY HALL

Highest Points Prevails

	BENDER &	WILLIAM P HORN	RODRIGHEZ AND	
	ASSOCIATES ARCHITECTS	ARCHITECTS	QUIROGA	TOTALS
Commissioner Johnston				
Commissioner Lopez	~~	-		
Commissioner Rossi				
Commissioner Wardlow				
Commissioner Weekley				
Commissioner Yaniz				
Mayor Cates				
TOTALS	5	2		
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3rd Choice		Rodriguez	Rodriguez and Quiroga	

RANKING THREE (3) RESPONDENTS TO RFQ 13-001 ARCHITECTURAL SERVICES FOR KEY WEST CITY HALL

FEBRUARY 5, 2013

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RANKING THREE (3) RESPONDENTS TO RFQ 13-001 ARCHITECTURAL SERVICES FOR KEY WEST CITY HALL

FEBRUARY 5, 2013

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RANKING THREE (3) RESPONDENTS TO RFQ 13-001 ARCHITECTURAL SERVICES FOR KEY WEST CITY HALL

FEBRUARY 5, 2013

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RANKING THREE (3) RESPONDENTS TO RFQ 13-001 ARCHITECTURAL SERVICES FOR KEY WEST CITY HALL

FEBRUARY 5, 2013

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FEBRUARY 5, 2013

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Submitted by Commissione	r: Jer	Jimmy W		<u>) e</u>	hle	7
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RANKING THREE (3) RESPONDENTS TO RFQ 13-001 ARCHITECTURAL SERVICES FOR KEY WEST CITY HALL

FEBRUARY 5, 2013

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Submitted by Commissioner:	Tony Yani	Ym12	<u></u>

RANKING THREE (3) RESPONDENTS TO RFQ 13-001 ARCHITECTURAL SERVICES FOR KEY WEST CITY HALL

FEBRUARY 5, 2013

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Submitted by Mayor Cates	/ /	Craig Cates	_	