

MINUTES
CITY COMMISSION MEETING
OLD CITY HALL, 510 GREENE STREET
TUESDAY, MAY 21, 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, May 21, 2013.

Mayor Craig Cates called the meeting to order at 6:10 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, Assistant City Attorney Ron Ramsingh, City Planner Don Craig, Police Chief Donie Lee, Fire Chief David Fraga, Community Services Director Greg Veliz, Deputy Community Services Director Rodrigo Delostrinos, DoT Manager Myra Wittenberg, Information Technology Director Patti McLaughlin, 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.

Steve Torrence, Chaplin Key West Police Department, 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 that Item #10 be removed from the Consent Agenda.

The City Manager requested that Item #17 be postponed to the July 2, 2013 meeting.

The Clerk announced there was a speaker for Item #8 and that item would need to be removed from the Consent Agenda.

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

COMMENDATION:

Captain Patrick A. Lefere

PROCLAMATIONS:

Maritime Day

Youth Leadership Month

Key West Inns Week

PRESENTATIONS:

The City's New Residential Recycling/Yard Waste/Solid Waste Program

City Attorney's Report

The City Attorney updated the Commission on the results of the Truman Waterfront Advisory Board meeting the previous evening. The agreement was unanimously accepted to assign the right to Wendover and is expected to move forward for Commission approval.

City Manager's Report

The City Manager reported the groundbreaking for the new transportation center on College Road would be at 5:00 p.m. on June 3, 2013. Also, the handover for the Glynn Archer School property would be at 4:00 p.m. on May 30, 2013 at the school.

Mr. Vitas reported the bids for Fire Station #2 and the Sexton's Building would be out for bid by the end of the week. He said there would be illustrations of the projects on-site. There will be a Senior Construction Manager on staff for all the new projects.

Mr. Vitas reported they are at the end of the courtesy review period for the Truman Waterfront Park and that information would be coming before the Commission on June 4, 2013. The master plan for this project will also be available.

Mr. Vitas reported the U. S. Department of the Navy approved entering into exclusive lease negotiations with the City for use of the outer mole pier.

Commissioner Wardlow requested reducing the speed limit on 14th Street.

Commissioner Weekley requested enforcement of the reduced speed limit in Old Town.

CONSENT AGENDA:

The Clerk read the titles of the Resolutions.

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

May 7, 2013 (Regular)

RESOLUTIONS:

RESOLUTION NO. 13-125

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPOINTING REAPPOINTING JIMMY LANE TO THE KEY WEST BIGHT MANAGEMENT DISTRICT BOARD; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-126

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, URGING THE PRESIDENT OF THE UNITED STATES AND THE U.S. ENVIRONMENTAL PROTECTION AGENCY TO EMPLOY AND ENFORCE THE CLEAN AIR ACT TO REDUCE CARBON IN OUR ATMOSPHERE TO NO MORE THAN 350 PARTS PER MILLION; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-127

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 KEY WEST ROTARY CLUB OF KEY WEST, INC. FOR A REGGAE CONCERT AT CLARENCE HIGGS BEACH FROM THE HOURS OF 5:00 P.M. TO 11:00 P.M. ON SATURDAY, MAY 25, 2013 (SET UP TIME IS 8:00 A.M. TO 5:00 P.M.); PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-128

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING MEL FISHER DAYS, INC. TO CONDUCT A 2013 CELEBRATION OF THE FINDING OF THE ATOCHA ON SATURDAY, JULY 13, 2013 DURING THE HOURS OF 2:00 P.M. TO 8:00 P.M.; AUTHORIZING THE CLOSURE OF THE 100 & 200 BLOCK OF DUVAL STREET INCLUDING GREENE STREET FROM TELEGRAPH LANE TO ANN STREETS FROM 10:00 A.M. TO 10:00 P.M.; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 10:00 A.M. TO 10:00 P.M.; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITH THE ENCLOSED AREA; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-129

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING SLOPPY JOE'S BAR TO CONDUCT AN EVENT FOR HEMINGWAY DAYS ON SATURDAY, JULY 20, 2013 FROM 12:00 NOON TO 11:00 P.M. PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE CLOSURE OF GREENE STREET BETWEEN DUVAL AND ANN STREETS FROM 11:00 A.M. TO MIDNIGHT; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE ENCLOSED AREA; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-130

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING SLOPPY JOE'S BAR TO CONDUCT AN EVENT FOR MOTORCYCLE BIKE WEEK ON SATURDAY, SEPTEMBER 21, 2013 FROM 12:00 NOON TO 11:00 P.M.; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE CLOSURE OF GREENE STREET BETWEEN DUVAL AND ANN STREETS FROM 11:00 A.M. TO 12:00 MIDNIGHT;

AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE ENCLOSED AREA; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-131

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, EXERCISING THE YEAR-TO-YEAR EXTENSION OPTION CONTAINED IN SECTION 6.1 OF THE CONTRACT FOR GENERAL ENVIRONMENTAL CONSULTING SERVICES WITH PBS&J, NOW KNOWN AS ATKINS NORTH AMERICA, INC. FOR THE SPECIFIC PURPOSE OF COMPLETING TASK ORDER 14 FOR SMATHERS BEACH RENOURISHMENT PHASE II, AND TASK ORDER 15 FOR REST BEACH RENOURISHMENT; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-132

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING AN EXTENSION OF THE CONTRACT FOR ENGINEERING SERVICES FOR THE RECONSTRUCTION OF SOUTH ROOSEVELT BOULEVARD WITH METRIC ENGINEERING (FORMERLY SANCHEZ-ZEINALI AND ASSOCIATES), ORIGINALLY APPROVED IN RESOLUTION 04-146; AMENDING THE CONTRACT WITH SANCHEZ-ZEINALI AND ASSOCIATES BY ASSIGNING THE CONTRACT TO METRIC ENGINEERING; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-133

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AWARDED THE BID OF T. MAC WILDER & ASSOCIATES, LLC TO RESOD GEORGE MIRA FOOTBALL FIELD IN ACCORDANCE WITH THE TERMS SPECIFIED IN ITB #13-015 IN AN AMOUNT NOT TO EXCEED \$59,664.60; AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT IN SUBSTANTIAL CONFORMANCE WITH THE CONTRACT DOCUMENTS CONTAINED IN THE BID PACKAGE ON BEHALF OF THE CITY OF KEY WEST; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. POSTPONED TO JULY 2, 2013

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED LEASE AGREEMENT BETWEEN THE CITY AND OLD FIRE HOUSE PRESERVATION, INC. FOR 1026 GRINNELL STREET; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-134

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE SETTLEMENT OF MYRLENE MILLIKEN V. CITY OF KEY WEST, CASE NUMBER 2011-CA-442-K; AUTHORIZING THE CITY MANAGER TO EXECUTE SETTLEMENT DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-135

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE ATTACHED WORKER'S COMPENSATION SETTLEMENT AGREEMENT BETWEEN ONERI FLEITA AND THE CITY OF KEY WEST; AUTHORIZING THE CITY MANAGER TO EXECUTE SETTLEMENT DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-136

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE 2013 SYSTEM SAFETY PROGRAM PLAN (SSPP) FOR THE CITY OF KEY WEST TRANSIT DEPARTMENT (KWT); 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. 13-137

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, DIRECTING THE CITY MANAGER TO INVESTIGATE POSSIBLE CITY USES FOR THE PROPERTY CURRENTLY LEASED TO THE FLORIDA KEYS MOSQUITO CONTROL DISTRICT; 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
Steven Smith, 1525 Atlantic Boulevard, Mosquito Control Commissioner
Michael Doyle, 5224 College Avenue, Director Florida Keys Mosquito Control
Bob Vitas, 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, Lopez, Wardlow, Yaniz and Mayor Cates

Nays: Commissioners Rossi and 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. 13-138

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE ROTARY CLUB OF KEY WEST, FLORIDA, INC. TO CONDUCT A FUNDRAISER AT MCCOY INDIGENOUS PARK JULY 4, 2013 (SET UP JULY 2, 2013) FROM 7:00 A.M. TO 8:00 P.M. AND DISPLAY AND CLEANUP FROM 9:00 P.M. TO 12:00 MIDNIGHT; AUTHORIZING FIREWORKS DISPLAY OFF THE WHITE STREET PIER ON JULY 4, 2013 FROM 9:00 P.M. TO 10:00 P.M.; GRANTING AN EXEMPTION FROM THE NOISE CONTROL ORDINANCE PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES DURING THE JULY 4TH FIREWORKS CELEBRATION; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT MCCOY INDIGENOUS PARK; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Bob Vitas, City Manager
Ian Whitney, 1209 Virginia Street, Rotary Club, Fireworks Committee Chairman

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

QUASI-JUDICIAL HEARING:

RESOLUTION NO. 13-139

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AND AUTHORIZING EXECUTION OF THE ATTACHED "AMENDED AND RESTATED DEVELOPMENT AGREEMENT" FOR THE KEY WEST HOTEL COLLECTION BETWEEN THE CITY AND JRC KEY WEST HOTEL, LLC, AN ILLINOIS LIMITED LIABILITY COMPANY, RFA KEY WEST LLC, AN ILLINOIS LIMITED LIABILITY COMPANY; RFA KEY WEST II, LLC, A FLORIDA LIMITED LIABILITY COMPANY, AVA KEY WEST, LLC, AN ILLINOIS LIMITED LIABILITY COMPANY; JL KEY WEST, LLC, AN ILLINOIS LIMITED LIABILITY COMPANY, JL KEY WEST II, LLC, A FLORIDA LIMITED LIABILITY COMPANY; JLW KEY WEST 1, LLC, A FLORIDA LIMITED LIABILITY COMPANY, AND JLW KEY WEST 2, LLC, A FLORIDA LIMITED LIABILITY COMPANY; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution. The Clerk swore in those about to give testimony on this item.

The following people spoke on the matter:

John Gonzalez, representing the ownership group
Don Craig, City Planner
Tom Milone, 832 Caroline Street
Shawn Smith, City Attorney

Commissioners with ex-parte communications disclosed their discussions.

It was moved by Commissioner Wardlow and seconded by Commissioner Rossi, for discussion, that the Resolution be passed and adopted with additional conditions: ninety days severance pay to employees laid off during the reconstruction process and a five year development agreement.

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 called for a five-minute recess. The meeting reconvened at 9:00 p.m.

The Mayor left the meeting and the gavel was passed to Vice-Mayor Mark Rossi.

QUASI-JUDICIAL HEARING:

RESOLUTION NO. 13-140

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A MAJOR MODIFICATION TO THE MAJOR DEVELOPMENT PLAN APPROVAL PREVIOUSLY APPROVED BY RESOLUTION 07-164 FOR THE PROPERTY LOCATED AT 3820, 3824, 3850 AND 3852 N. ROOSEVELT BOULEVARD (RE #00065530-000000, AK #1068233; RE #00065550-000000, AK #1068250; RE #00064940-000000, AK #1065455; RE #00065060-000000, AK #1065587); PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution. The Clerk swore in those about to give testimony on this item.

The following people spoke on the matter:

John Gonzalez
Don Craig, City Planner

It was moved by Commissioner Wardlow and seconded by Commissioner Yaniz, that the Resolution be passed and adopted with the conditions as approved for the amended and restated development agreement, and including a construction management plan that will limit the construction traffic exiting the site from any street other than North Roosevelt Boulevard.

The Vice-Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Wardlow, Weekley, Yaniz and Vice-Mayor Rossi

Nays: None

The said Resolution was thereupon declared by the Vice-Mayor to have been duly passed and adopted and was authenticated by the signatures of the Vice-Mayor and the Clerk of the Commission.

SO ORDERED

ORDINANCES SECOND READING: (Public Hearing)

ORDINANCE NO. 13-08

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, TO CALL FOR A BINDING REFERENDUM TO DETERMINE WHETHER THE CITY OF KEY WEST SHOULD REQUEST THAT THE ARMY CORPS OF ENGINEERS CONDUCT A COMPREHENSIVE FEASIBILITY STUDY, AT NO MONETARY COST TO THE CITY, TO DETERMINE THE ENVIRONMENTAL, ECONOMIC AND SOCIAL IMPACTS OF WIDENING THE KEY WEST MAIN SHIP CHANNEL FOR USE BY MODERN AND LONGER CRUISE SHIPS WHILE ALSO ADDRESSING NAVIGATIONAL SAFETY; AUTHORIZING THE CITY CLERK TO TAKE ALL NECESSARY ACTION TO PLACE THIS MEASURE ON THE BALLOT FOR OCTOBER 1, 2013; 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:

John Dolan-Heitlinger, 21 Azalea Drive
Christine Russell, 1014 Grinnell Street
Jennifer Hulse, 1018 Elgin Lane
Joe Walsh, 909 16th Terrace
Tom Milone, 823 Caroline Street
Shawn Smith, City Attorney

It was moved by Commissioner Yaniz and seconded by Commissioner Johnston, for discussion, for the Ordinance to be passed on second reading as read.

After discussion Commissioner Johnston asked Commissioner Yaniz to accept her amendment and he declined.

It was moved by Commissioner Johnston and seconded by Commissioner Weekley to amend the Ordinance replacing “widening” to “dredging” and adding after ship channel “in the National Marine Sanctuary”.

The Vice-Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston and Weekley

Nays: Commissioners Lopez, Wardlow, Yaniz and Vice-Mayor Rossi

The motion to amend failed.

The Vice-Mayor requested the Clerk call the roll on the original motion to approve.

Yeas: Commissioners Lopez, Wardlow, Yaniz and Vice-Mayor Rossi

Nays: Commissioners Johnston and Weekley

The said Ordinance was thereupon declared by the Vice-Mayor to have been duly passed on first and second reading and was adopted and authenticated with the signatures of the Vice-Mayor and the Clerk of the Commission.

SO ORDERED

CITIZEN COMMENTS:

Margaret Romero, 1615 Washington Street
Christine Russell, 1014 Grinnell Street

COMMISSION COMMENTS:

Commissioner Weekley commented that about 70% of the residents in his District were opposed to the dredging of the Channel. He was encouraging the PACs to take their positions to the people to educate them on the issue.

Commissioner Lopez commented on his agreement with Commissioner Weekley regarding the referendum. He also stated there would be a presentation at his next District 6 Meeting regarding this issue.

Commissioner Wardlow asked the City Manager to get a letter drafted for the establishments adjacent to the parking lot behind Old City Hall regarding use of the designated parking spaces.

Commissioner Yaniz announced he would be having a bike tour of Little Hamaca Park on Saturday, May 25, 2013 at 8:30 a.m.

ADJOURNMENT:

There being no further business the Mayor adjourned the meeting at 9:32 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