

MINUTES

CITY COMMISSION MEETING

OLD CITY HALL, 510 GREENE STREET

TUESDAY, NOVEMBER 19, 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, November 19, 2013.

Mayor Craig Cates called the meeting to order at 6:01 p.m.

Answering roll call were Commissioners Teri Johnston, Mark Rossi, Billy Wardlow, Jimmy Weekley, Tony Yaniz and Mayor Craig Cates.

Commissioner Clayton Lopez was absent.

Also present were Acting 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 of Operations Michael Davila, Division Chief/Fire Marshal Danny Blanco, Division Chief of Emergency Management and Training Alan Averette, Community Services Director Greg Veliz, Deputy Human Resources Director Samantha Farist, Information Technology Director Patti McLaughlin, Fleet Manager Christina Hepworth, Utilities Manager Jay Gewin, Deputy City Clerk Angela Budde and City Clerk Cheri Smith.

Reverend Dr. Lawrence Schenk, 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 Weekley requested Resolution Items #7 and #8 to be removed from the Consent Agenda.

Commissioner Rossi requested Resolution Item #16 to be removed from the Consent Agenda for discussion.

The City Clerk announced speakers for Resolution Items #9 and #10 and requested those items to be removed from the Consent Agenda. The City Clerk reported the City received a letter to withdraw Administrative Appeal Item #21 and the item was withdrawn from the Agenda.

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

PROCLAMATIONS:

World AIDS Day

Gainey Maxwell Day

PRESENTATIONS:

Recognizing Fire Chief David Fraga for his 40 Years of Service.

City Attorney's Report

City Attorney Shawn Smith had no report

City Manager's Report

- New City Hall Presentation by Bert Bender

Architect Bert Bender gave a presentation on the status of the New City Hall.

- Potential Shelter Sites Presentation by City Planner Don Craig

City Planner Don Craig gave a power point presentation to the Commission on publicly owned and privately owned locations for possible shelter site locations throughout Monroe County and Key West.

CONSENT AGENDA:

The Clerk read the titles of the Minutes and 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.

MINUTES:

October 16, 2013 (Regular)

RESOLUTIONS:

RESOLUTION NO. 13-289

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 ALANA WHITLOCK AND DANIEL HERNANDEZ FOR A WEDDING AND RECEPTION AT THE HEMINGWAY HOUSE AT 907 WHITEHEAD STREET DURING THE HOURS OF 5:30 P.M. TO 11:00 P.M. ON SUNDAY, NOVEMBER 24, 2013; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-290

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, SPONSORING A HOLIDAY SEASON PARADE ON SATURDAY, DECEMBER 7, 2013 BETWEEN 7:00 P.M. TO 10:00 P.M.; AUTHORIZING THE CLOSURE OF CERTAIN STREETS FOR THE PARADE; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-291

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING PURSUANT TO SECTIONS 2-797 (4) (B) OF THE CODE OF ORDINANCES THE PURCHASE OF NETWORK SERVER EQUIPMENT AND SUPPORT FROM GOVCONNECTION, INC. IN AN AMOUNT OF \$23,923.08; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-292

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING A PURCHASE FROM FISHER SAFETY, INC. FOR FIVE (5) SCOTT AP75 2.2 SCBA (SELF-CONTAINED BREATHING APPARATUS) PLUS ACCESSORIES, TWENTY-FIVE (25) FACE PIECES, AND TWENTY (20) 30-MINUTE

CARBON-FIBER CYLINDERS AS BRAND NAME PRODUCTS, PURSUANT TO CITY CODE SECTION 2-797 (3), FOR THE KEY WEST FIRE DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$40,137.25; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-293

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 (#2)" BETWEEN THE CITY OF KEY WEST AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR ADDITIONAL FUNDING OF \$223,154.00 FOR THE DESIGN OF THE SOUTH ROOSEVELT BOULEVARD RECONSTRUCTION PROJECT; APPROVING ANY NECESSARY BUDGET AMENDMENTS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-294

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED TASK ORDER FROM METRIC ENGINEERING FOR SCOPE OF SUPPLEMENTAL SERVICES (#2) IN AN AMOUNT NOT TO EXCEED \$223,154.00 FOR THE DESIGN OF RECONSTRUCTION OF APPROXIMATELY 4,800 LINEAR FEET OF SOUTH ROOSEVELT BOULEVARD; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-295

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVAL OF A TASK ORDER 12.0D01.B FROM HAYES CUMMING ARCHITECTS IN THE AMOUNT OF \$199,720.00 FOR COMPLETE ARCHITECTURAL SERVICES INCLUDING CONCEPT DEVELOPMENT, ENVIRONMENTAL TESTING, PROGRAM DEVELOPMENT, PREPARATION OF RECORD DRAWINGS, SELECTIVE DEMOLITION DESIGN, FULL DESIGN AND CONSTRUCTION DOCUMENTS, BIDDING, AND CONSTRUCTION OVERSIGHT OF THE FREDERICK COMMUNITY CENTER; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-296

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AWARING PURSUANT TO SECTION 2-797 (4)(B) OF THE CODE OF ORDINANCES THE BID OF DUNCAN FORD IN THE TOTAL AMOUNT OF \$79,008.00 FOR FOUR TOYOTA PRIUS C VEHICLES WITH ACCESSORIES FOR USE BY THE KEY WEST CODE COMPLIANCE DEPARTMENT; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-297

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING A PURCHASING EXCEPTION PURSUANT TO SECTION 2-797 OF THE CODE OF ORDINANCES, TO ALLOW CUMULATIVE EXPENDITURES DURING FY 13-14 TO ALLOW CERTIFIED RECORDS MANAGEMENT (CRM) FOR RECORDS STORAGE IN A TOTAL AMOUNT NOT TO EXCEED \$39,540.00; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-298

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING FOUR WORK ORDERS UNDER THE CITY'S GENERAL SERVICES CONTRACT WITH DOUGLAS N. HIGGINS, INC. IN A TOTAL AMOUNT NOT TO EXCEED \$77,938.37 FOR SIDEWALK REPLACEMENT/INSTALLATION; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-299

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED "TEMPORARY USE AGREEMENT BOT #440346895" BETWEEN THE CITY AND THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA FOR THE KEY WEST MOORING FIELD; 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. 13-300

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING FOR THE 16TH ANNUAL KEY WEST MARATHON TO CONDUCT THEIR ANNUAL MARATHON AND 5K ON SUNDAY, JANUARY 19, 2014 AT THE HALF SHELL RAW BAR; AUTHORIZING CERTAIN STREET CLOSURES THEREOF DURING THE EVENT; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following person spoke on the matter:

City Attorney Smith

It was moved by Commissioner Weekley and seconded by Commissioner Rossi that the Resolution be amended to include the language “the event organizer shall use spray chalk or another readily removable substance for all course markings placed on public property” and 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. 13-301

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING QUESTOR MULTISPORT, LLC TO CONDUCT A BONE ISLAND IRON DISTANCE TRIATHLON ON SATURDAY, JANUARY 25, 2014; AUTHORIZING CERTAIN STREET CLOSURES THEREOF DURING THE EVENT AND THE USE OF MALLORY SQUARE FOR THE FINISH LINE FROM 7:00 A.M. TO 12:00 MIDNIGHT; GRANTING AN EXEMPTION FROM THE NOISE CONTROL ORDINANCES PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES DURING THE FESTIVAL; PURSUANT TO

**TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER;
PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following person spoke on the matter:

City Attorney Smith

It was moved by Commissioner Weekley and seconded by Commissioner Rossi that the Resolution be amended to include the language “the event organizer shall use spray chalk or another readily removable substance for all course markings placed on public property” and 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. 13-302

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY
WEST, FLORIDA, AUTHORIZING CUMULATIVE EXPENDITURES
DURING FY 13-14 TO ENTITIES LISTED IN ATTACHMENT “A” IN
EXCESS OF \$20,000.00; 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
Acting City Manager David Fernandez
Assistant City Manager Mark Finigan
City Attorney Smith

It was moved by Commissioner Weekley and seconded by Commissioner Rossi, for discussion, 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, 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. 13-303

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE PURCHASE OF A 29' FIRE BOAT FROM SAFE BOATS INTERNATIONAL LLC IN AN AMOUNT NOT TO EXCEED \$289,964.60 FOR THE FIRE DEPARTMENT; 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
Fire Chief David Fraga
Division Fire Chief of Operations Michael Davila

It was moved by Commissioner Rossi and seconded by Commissioner Wardlow, for discussion, 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, 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. 13-304

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE AWARD OF BID TO OPERATIONS MANAGEMENT INTERNATIONAL, INC. (OMI) A SUBSIDIARY OF CH2M HILL COMPANIES, LTD., IN RESPONSE TO RFP 09-13, TO OPERATE, MAINTAIN AND MANAGE THE CITY'S WASTEWATER TREATMENT PLAN, WASTEWATER COLLECTION SYSTEM AND LIFT/PUMPING STATIONS, AND THE STORMWATER COLLECTION SYSTEM AND PUMPING STATIONS; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT IN SUBSTANTIAL CONFORMANCE WITH THE RFP DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Acting City Manager David Fernandez
Utilities Manager Jay Gewin
City Attorney Smith
Ron Demes, Executive Director of the Naval Air Station Key West

It was moved by Commissioner Rossi and seconded by Commissioner Johnston, for discussion,
that the Resolution be postponed to January 2014.

The Mayor acknowledged the motion and second and requested the Clerk to call the roll.

Yeas: Commissioners Rossi, Wardlow and Yaniz

Nays: Commissioners Johnston, Weekley and Mayor Cates

The motion failed.

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

Yeas: Commissioners Johnston, Wardlow, Weekley, Yaniz and Mayor Cates

Nays: Commissioner Rossi

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. WITHDRAWN

GRANTING/DENYING THE APPEAL BY C & D PROPERTIES OF KEY WEST 1, LLC, AND UPHOLDING/DENYING/AMENDING THE PLANNING DEPARTMENT'S NON-CONFORMING USE DETERMINATION FOR 405 FLEMING STREET; PROVIDING FOR AN EFFECTIVE DATE

ORDINANCES - FIRST READING:

ORDINANCE NO. Passed to Second Reading

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 78 OF THE CODE OF ORDINANCES ENTITLED "VEHICLES FOR HIRE" BY ADDING SECTIONS 78-65, 78-66 78-67 AND AMENDING 78-198 TO PROVIDE FOR THE CONVERSION OF CONTRACT VEHICLE FOR HIRE LICENSES TO WHEELCHAIR ACCESSIBLE PASSENGER VEHICLE FOR HIRE LICENSES, OPERATIONS REQUIREMENTS FOR SUCH VEHICLES AND A REVOCATION PROCESS; 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:

Jim McCulloch, 531 Frances Street
Glenn Stevenson, 616 Virginia Street
Kevin Bowes, 6631 Maloney Avenue

It was moved by Commissioner Weekley and seconded by Commissioner Yaniz that the Ordinance be amended to include in Section 1 of Section 78-65 under letter B part 2 to strike through hundred eighty days (180) and to replace with "year" and passed on first reading as read.

The Mayor acknowledged the motion and second and requested the Clerk to call the roll.

Yeas: Commissioners Johnston, 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

ORDINANCE NO. Passed to Second Reading

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 26 ENTITLED "ENVIRONMENT", DIVISION 3 ENTITLED "USE OF BEACHES LOCATED ON CITY PROPERTY" BY AMENDING SECTION 26-62 TO CLARIFY PROHIBITIONS; 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:

City Attorney Smith

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, 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

ORDINANCE NO. Passed to Second Reading

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 26 ENTITLED "ENVIRONMENT", DIVISION 4 ENTITLED "USE OF PARKS LOCATED ON CITY PROPERTY" BY AMENDING SECTION 26-97 TO CLARIFY PROHIBITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Ordinance.

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 verbal approval. The response was unanimous to pass the Ordinance as read.

The said Ordinance was thereupon declared by the Mayor to have been duly passed on first reading.

SO ORDERED

ORDINANCES -SECOND READING: (PUBLIC HEARING)

ORDINANCE NO. 13-20

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA INVOKING THE ZONING IN PROGRESS DOCTRINE; DECLARING THAT THE CITY IS CONSIDERING AMENDMENTS TO ITS LAND DEVELOPMENT REGULATIONS TO REDUCE THE NEED FOR PARKING VARIANCES; DIRECTING PLANNING DEPARTMENT STAFF TO DEFER THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR PARKING VARIANCES; CONTINUING THIS POLICY UNTIL NEW OR AMENDED LAND DEVELOPMENT REGULATIONS ARE ADOPTED BY THE CITY COMMISSION OR UNTIL THE PASSAGE OF 360 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.

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

The Mayor acknowledged the motion and second and requested the Clerk to call the roll.

Yeas: Commissioners Johnston, 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

ORDINANCE NO. 13-21

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 18, ENTITLED "BUSINESSES", DIVISION 3 ENTITLED "OPEN CONTAINERS" BY AMENDING SECTION 18-87 TO CLARIFY PROHIBITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Ordinance.

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

The Mayor acknowledged the motion and second and requested verbal approval. The response was unanimous to pass the Ordinance as read.

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:

Margaret Romero, 1615 Washington Street

COMMISSION COMMENTS:

Commissioner Johnston spoke of the 1:00 pm walk around her District, scheduled for November 22, to talk to the neighbors about the New City Hall project. The Commissioner also spoke on the complaints she has received regarding the Simonton Beach vendor.

Commissioner Weekley also advised he has received complaints about the Simonton Beach vendor.

Commissioner Wardlow inquired if other Commissioners had received complaints on the once a week garbage pickup.

Commissioner Yaniz expressed his regrets for not attending the Truman Waterfront Advisory Board meeting held the previous night at Old City Hall. The Commissioner also thanked first responders who put themselves into harm's way and he wished for everyone to have a Happy Thanksgiving.

City Attorney Smith reported on behalf of Commissioner Lopez during his absence from the meeting the Commissioner's utmost confidence in the volunteer members serving on the Truman Waterfront Advisory Board.

ADJOURNMENT:

There being no further business the Mayor adjourned the meeting at 8:25 p.m.



Cheryl Smith, MMC, CPM
City Clerk