

MINUTES

CITY COMMISSION MEETING

OLD CITY HALL, 510 GREENE STREET

WEDNESDAY, JANUARY 23, 2013

A regular meeting of the City Commission of the City of Key West, Florida was held in Commission Chambers, Old City Hall, on Wednesday, January 23, 2013.

Mayor Craig Cates called the meeting to order at 6:00 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 Donnie Lee, Information Technology Director Patti McLauchlin, Port and Transit Director Jim Fitton, Utilities Manager Jay Gewin, Fire Marshal Dan Blanco, Fleet Manager Ed Herrera, Deputy City Clerk Angela Budde and City Clerk Cheri Smith.

Reverend Dr. Randy Becker, Unitarian Universalist Congregation, 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 Item #16 to be added to the Consent Agenda. There were no objections to add the item to the Consent Agenda.

Commissioner Wardlow requested Resolution Item # 17 to be added to the Consent Agenda. It failed to reach a consensus to add the item and it was not added to the Consent Agenda.

Commissioner Rossi requested Resolution Item #18 to be added to the Consent Agenda. There were no objections to add the item to the Consent Agenda.

The Clerk announced there were speakers for Resolution Item #3 and Resolution Item #13 and requested the items be removed from the Consent Agenda.

City Attorney Smith requested to postpone Ordinance Item #19 to the next regularly scheduled meeting for February 5 and for the Item to be read into the Consent Agenda as postponed.

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

PROCLAMATION:

Wendy Coles Day

PRESENTATIONS:

Florida Department of Transportation's Quarterly update on North Roosevelt Project – Mr. Dean Walters, Public Information Specialist.

City Attorney's Report

Shawn Smith, City Attorney, had no report for the Commission.

City Manager's Report

Bob Vitas, City Manager, had no report for the Commission.

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.

RESOLUTIONS:

RESOLUTION NO. 13-013

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, PLEDGING SUPPORT FOR THE RECONSTRUCTION OF THE FLORIDA KEYS SPCA ANIMAL SHELTER; DIRECTING STAFF TO EXPEDITE REVIEW OF SPACE REQUIREMENTS ON STOCK ISLAND; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-014

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE 22ND ANNUAL KELLY MCGILLIS CLASSIC INTERNATIONAL WOMEN'S FLAG FOOTBALL CHAMPIONSHIP AND WORLD CHALLENGE GAMES TO HOLD A PARADE ON THURSDAY, FEBRUARY 7, 2013 FROM 5:00 P.M. TO 6:00 P.M.; AUTHORIZING THE CLOSURE OF SAID STREETS FOR THE PARADE STARTING AT THE RUM BARRELL ON FRONT STREET TO DUVAL STREET AND ENDING AT UNITED STREET FROM 5:00 P.M. TO 6:00 P.M. AUTHORIZING THE KEY WEST WOMEN'S FLAG FOOTBALL LEAGUE THE USE OF WICKERS FIELD COMPLEX FOR THEIR TOURNAMENT; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-015

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE AMERICAN CANCER SOCIETY TO CONDUCT ROCKING AWAY CANCER EVENT ON THE 200 BLOCK OF DUVAL STREET ON SATURDAY, FEBRUARY 16, 2013 FROM 12:00 NOON TO 6:00 P.M. PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE CLOSURE OF THE 200 BLOCK OF DUVAL STREET FROM 9:00 A.M. TO 7:00 P.M.; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 12:00 NOON TO 6:00 P.M.; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-016

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE ROTARY CLUB OF KEY WEST TO CONDUCT A MUSICAL CONCERT AT THE TRUMAN WATERFRONT SOUTHWEST FIELD ON SATURDAY, FEBRUARY 16, 2013, FROM 7:00 A.M. TO 11:00 P.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 ORDINANCE PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES DURING THE EVENT; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-017

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE KEY WEST ART CENTER TO CONDUCT AN ART SHOW ON SATURDAY, FEBRUARY 23, 2013 AND SUNDAY, FEBRUARY 24, 2013 (STREET CLOSED FROM FEBRUARY 23, 2013 6:00 A.M. THROUGH FEBRUARY 24, 2013 8:00 P.M.) DURING THE HOURS OF 10:00 A.M. TO 5:00 P.M.; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE CLOSURE OF WHITEHEAD STREET BETWEEN GREENE STREET AND EATON STREET INCLUDING CAROLINE ON FEBRUARY 23, 2013 AND FEBRUARY 24, 2013 FROM 10:00 A.M. TO 5:00 P.M.; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-018

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, REJECTING ALL BIDS RECEIVED IN RESPONSE TO INVITATION TO BID (ITB) #13-005, FOR FUEL SUPPLY CONTRACT; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-019

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING A MONTH-TO-MONTH EXTENSION, NOT TO EXCEED 90 DAYS, OF THE FUEL SUPPLY CONTRACT WITH MCKENZIE PETROLEUM, INC.; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-020

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING WORK CHANGE DIRECTIVE 8, IN AN AMOUNT NOT TO EXCEED \$83,408.00 TO THE CONTRACT WITH THE EBSARY FOUNDATION COMPANY, INC. FOR NAVY MOLE BULKHEAD 497 REPAIRS, PROJECT OM1201; APPROVING

NECESSARY BUDGET TRANSFERS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-021

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED FIRST AMENDMENT TO LEASE AGREEMENT BETWEEN NADENE GROSSMAN ENTERPRISES, INC. D/B/A/ WE'VE GOT THE KEYS AND THE CITY FOR PROPERTY LOCATED AT 922 CAROLINE STREET.; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-022

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING AN ADJUSTMENT TO THE TRAFFIC LIGHTS AT THE INTERSECTION OF EATON STREET, PALM AVENUE AND WHITE STREET IN KEY WEST; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-023

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, REJECTING THE PROPOSED FLORIDA KEYS AQUEDUCT AUTHORITY (FKAA) WATER AGREEMENT; DIRECTING THE CITY MANAGER AND CITY ATTORNEY TO PROPOSE A COUNTER PROPOSAL CONSISTENT WITH THE CITY/FKAA DISTRIBUTION SYSTEM LEASE AS DETAILED IN THE ATTACHED MEMORANDUM; PROVIDING FOR AN EFFECTIVE DATE

ORDINANCE NO. Postponed to February 5

AN ORDINANCE OF THE CITY OF KEY WEST AMENDING CHAPTERS 14, 34 AND 108 OF THE CODE OF ORDINANCES AND AMENDMENTS TO LOCAL SECTIONS 104, 017, 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. 13-024

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, URGING CONGRESS TO ENACT LEGISLATION BANNING ASSAULT STYLE WEAPONS AND HIGH CAPACITY MAGAZINES; URGING CONGRESS TO ENACT LEGISLATION TO REQUIRE MANDATORY BACKGROUND CHECK AND TRAINING IN CONJUNCTION WITH EVERY FIREARM PURCHASE IN THE UNITED STATES; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Veronica Brown, 6531 Maloney Avenue #6
Judy Martinez, 1020 Emma, 3A

It was moved by Commissioner Weekley and seconded by Commissioner Johnston 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. 13-025

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A RELEASE OF LIEN FOR THE PROPERTY LOCATED AT 2500 PATTERSON AVENUE; PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Tom Milone, 832 Caroline Street
Donna Windle, 2013 Fogarty Avenue
Peter Williams, 1313 Duncan Street
City Attorney Smith
City Manager Vitas

It was moved by Commissioner Yaniz 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, 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. 13-026

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, URGING COOPERATION AND COLLABORATION BY AND BETWEEN THE CITY OF KEY WEST, MONROE COUNTY SCHOOL BOARD AND LOCAL LAW ENFORCEMENT AGENCIES FOR THE SAFEGUARDING OF MONROE COUNTY SCHOOL CHILDREN; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Judy Martinez, 1020 Emma, 3A
Mr. Henriquez, Monroe County Schools
City Attorney Smith

It was moved by Commissioner Wardlow and seconded by Commissioner Lopez 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. 13-027

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, DIRECTING THE KEY WEST BIGHT MANAGEMENT DISTRICT BOARD TO SCHEDULE REGULAR MEETINGS AFTER 5:00 P.M., TO ENCOURAGE AND FACILITATE PUBLIC AND TENANT ATTENDANCE AND PARTICIPATION; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Tom Milone, 832 Caroline Street
Scott Saunders, 313 Margaret Street
City Attorney Smith

It was moved by Commissioner Rossi and seconded by Commissioner Johnston amending the Resolution to include a trial period of 6 months starting for the Board to meet in the evenings beginning with their February 13th meeting and to have the Commission evaluate the meeting time change after the trial period ends and to pass the Resolution 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.

RESOLUTION NO. 13-028

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING BAZAAR PRODUCTIONS, INC. THE USE OF THE TRUMAN WATERFRONT FOR THE WEEKLY OPEN AIR MARKET PLACE STARTING FROM 10:00 A.M. TO 4:00 P.M.; 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 Deputy Clerk read the following letter into the record:

Sterling Christian, representing the TAMPOA Board

The following people spoke on the matter:

Tom Milone, 832 Caroline Street
Candida Andriole, Event organizer
City Manager Vitas

It was moved by Commissioner Wardlow 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, Lopez, Rossi, Wardlow, Yaniz and Mayor Cates

Nays: Commissioner 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

ORDINANCES – FIRST READING:

ORDINANCE NO. Passed to Second Reading

AN ORDINANCE OF THE CITY OF KEY WEST GRANTING AN AMENDING TO CHAPTER 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 AN EFFECTIVE DATE

The Clerk read the title of the Ordinance.

The following people spoke on the matter:

City Attorney Smith
Michael Thomas, President of CityView Trolley Tours

It was moved by Commissioner Yaniz and seconded by Commissioner Rossi to amend the Ordinance to include the language “with a 6 month extension to allow conversion to BioFuel” and that the Ordinance be passed on first reading as amended.

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

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

Nays: Commissioner Weekley

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

SO ORDERED

CITIZEN COMMENTS:

Judy Martinez, 1020 Emma – 3A
Mark Songer, 1310 Newton Street

COMMISSION COMMENTS:

Commissioner Weekley asked staff if there were a limit placed on the number of cruise ship passengers allowed in Key West and the City Attorney Smith stated he had listened to prior, older City Commission meetings with respect to the number of cruise ships but not cruise ship passengers. Port Operations Director Jim Fitton would research on this topic for the Commissioner.

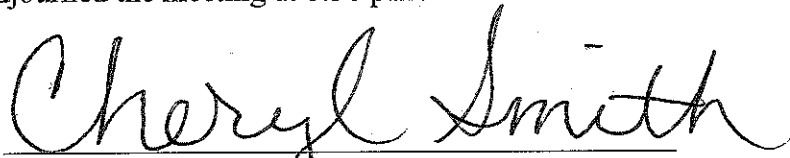
Commissioner Yaniz thanked all of the Senators, Congressman and Congresswomen along with locally elected officials from South Florida that he met with while in Washington, D.C. for the Presidential Inauguration Ceremonies.

Commissioner Lopez expressed his heartfelt thanks to Mayor Cates and Commissioner Yaniz telephoning him to convey their sentiments of attending the Parade/March honoring the late Martin Luther King, Jr. on the National Holiday. He also thanked Executive Assistant Portia Navarro for making the Picnic in the Park happen. Commissioner Lopez also thanked City Staff and outside agencies for providing their assistance with making the Parade/March a success.

Commissioner Wardlow asked the City Attorney to draft a Resolution urging Monroe County to rename the Airport terminal or something at the Key West International Airport renamed "The Fred Cabanas, Sr. Airport".

ADJOURNMENT:

There being no further business the Mayor adjourned the meeting at 8:30 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