

MINUTES

CITY COMMISSION MEETING

OLD CITY HALL, 510 GREENE STREET

TUESDAY, MARCH 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, March 19, 2013.

Mayor Craig Cates called the meeting to order at 6:00 p.m.

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

Commissioner Mark Rossi was absent.

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, Fire Chief David Fraga, Community Services Director Greg Veliz, Information Technology Director Patti McLauchlin, Parking Manager John Wilkins, Port and Transit Director Jim Fitton, DOT Manager Myra Wittenberg, Sustainability Coordinator Alison Higgins, 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.

Father John Baker, Basilica of St. Mary Star of the Sea Catholic 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 Wardlow requested Item #11 be removed from the Consent Agenda.

The Clerk announced speakers for Items #5, #6 and #10 and those items would need to be removed from the Consent Agenda. The Clerk also stated Item #12 would need to be postponed to April 2, 2013 until all evaluations have been received.

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

COMMENDATIONS:

- 1) Extra Mile Award to Mrs. Martha Fitch, School Crossing Guard

PROCLAMATIONS:

- 2) Transportation Month

PRESENTATIONS:

City Attorney's Report

The City Attorney had no report for the Commission.

City Manager's Report

The City Manager reminder the Commission and the public of the Parking Workshop scheduled for 6:00 p.m. the next evening.

Mr. Vitas reported he had the opportunity to go through Little Hamaca Park with Commissioner Yaniz and the Community Services Department has been busy cleaning up and securing the area.

Commissioner Yaniz thanked the City Manager, Randy Sterling and Greg Veliz as the park was starting to look very nice, and that it is a great green space. Also, he had been in touch with retired military that could assist in restoration at the Hawk Missile Site.

Commissioner Wardlow thanked the City Manager for being the "hands on" administrator that he is.

CONSENT AGENDA:

The Clerk read the titles of the Resolutions.

It was moved by Commissioner Weekley 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:

February 20, 2013 (Regular)

March 5, 2013 (Regular)

RESOLUTIONS:

RESOLUTION NO. 13-073

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED LEASE AGREEMENT BETWEEN THE CITY AND PETERSON'S HARLEY DAVIDSON OF MIAMI, LLC FOR THE LEASE OF THREE (3) HARLEY DAVIDSON POLICE MOTORCYCLES; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-074

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED "INTERLOCAL AGREEMENT BETWEEN THE FLORIDA KEYS AQUEDUCT AUTHORITY AND CITY OF KEY WEST, FLORIDA" (THE "ILA") CONCERNING THE TRANSITION PLAN FOR THE CITY'S WATER RATE; AUTHORIZING THE CITY MANAGER TO EXECUTE THE ILA ON BEHALF OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-075

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A BUDGET TRANSFER OF \$414,000.00 FROM THE 103 FORT TAYLOR SURCHARGE FUND TO 101 INFRASTRUCTURE SURTAX FUND TO FULLY FUND THE REST BEACH RENOURISHMENT PROJECT; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. POSTPONED TO APRIL 2, 2013

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE CITY CLERK PERFORMANCE EVALUATION; 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. 13-076

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, SUPPORTING FLORIDA SENATE BILL 74 WHICH, IF PASSED, WOULD PROHIBIT THE USE OF HAND-HELD WIRELESS COMMUNICATIONS DEVICES WHILE DRIVING; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following person spoke on the matter:

Judy Martinez, 1020 Emma Street

It was moved by Commissioner Weekley and seconded by Commissioner Lopez 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

RESOLUTION NO. 13-077

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, SUPPORTING FLORIDA SENATE BILL 722 AND HOUSE BILL 957, WHICH, IF PASSED, WOULD PROHIBIT STORES FROM PROVIDING DISPOSABLE PLASTIC BAGS, AND PROVIDE MUNICIPALITIES WITH AUTHORITY TO REQUIRE RETAIL STORES TO PROVIDE RECYCLABLE PAPER BAGS, TO COLLECT CERTAIN

FEEES FOR RECYCLABLE BAGS, AND TO PROVIDE QUARTERLY REPORTS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Judy Martinez, 1020 Emma Street
Shawn Smith, City Attorney

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 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. 13-078

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING CUMULATIVE EXPENDITURES DURING FY 12-13 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:

Tom Milone, 832 Caroline Street
Bob Vitas, City Manager
Mark Finigan, Assistant City Manager

It was moved by Commissioner Johnston and seconded by Commissioner Warlow, for discussion, that the Resolution be passed and adopted removing the portion regarding SHAL.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, 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. 13-079

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING PURSUANT TO SECTION 2-797(3) OF THE CODE OF ORDINANCES THE PURCHASE OF ELECTRONIC DOCUMENT SCANNING MANAGEMENT SYSTEM EQUIPMENT FROM ADVANCED PROCESSING & IMAGING, INC. (API) IN THE AMOUNT OF \$83,612.00; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT BETWEEN THE CITY AND API UPON ADVICE AND CONSENT OF THE CITY ATTORNEY; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Bob Vitas, City Manager
Cheri Smith, City Clerk

It was moved by Commissioner Wardlow 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, 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. 13-080

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE AWARD OF BID TO D. N. HIGGINS FOR THE DESIGN-BUILD OF THE PUBLIC TRANSIT FACILITY AND THE DEMOLITION AND CLOSURE OF THE SOLID WASTE TO ENERGY SITE IN AN AMOUNT NOT TO EXCEED

\$8,536,327.00; AUTHORIZING NECESSARY BUDGET TRANSFERS AND AMENDMENTS; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT IN ACCORDANCE WITH THE BID DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Jim Fitton, Port and Transit Director
Jay Gewin, Utilities Manager
Birchard Ohlinger, Engineer

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

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Lopez, 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

ORDINANCES - FIRST READING:

ORDINANCE NO. PASSED TO SECOND READING APRIL 2, 2013

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 66 OF THE CODE OF ORDINANCES ENTITLED "TAXATION" BY AMENDING SECTION 66-56 TO PROVIDE FOR AN ADDITIONAL HOMESTEAD EXEMPTION, EQUAL TO THE PROPERTY'S ASSESSED VALUE, FROM TAXES LEVIED BY THE CITY OF KEY WEST FOR PERSONS WHO HAVE LEGAL OR EQUITABLE TITLE TO REAL ESTATE WITH A JUST MARKET VALUE LESS THAN \$250,000.00 THAT IS AND HAS BEEN THEIR PERMANENT RESIDENCE FOR AT LEAST 25 YEARS, AND WHO HAVE ATTAINED THE AGE OF 65, AND HAVE A HOUSEHOLD INCOME THAT DOES NOT EXCEED \$27,030.00; DIRECTING THE CLERK TO DELIVER A COPY OF THIS ORDINANCE TO THE PROPERTY APPRAISE; 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 Lopez and seconded by Commissioner Yaniz that the Ordinance be passed on first reading as read.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, 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

ORDINANCES SECOND READING: (Public Hearing)

ORDINANCE NO. 13-05

AN ORDINANCE OF THE CITY OF KEY WEST AMENDING THE CITY OF KEY WEST CODE OF ORDINANCES BY REPEALING CURRENT CHAPTER 14, SECTIONS 14-391 THROUGH AND INCLUDING 14-407; REPEALING CHAPTER 34, SECTIONS 34-26 THROUGH AND INCLUDING 34-121; AND REPEALING CHAPTER 108, SECTIONS 108-821 THROUGH AND INCLUDING 108-927 IN THEIR ENTIRETY; BY REPLACING THE FLOOD MANAGEMENT PROVISIONS BY ADDING NEW SECTIONS TO CHAPTER 34, BEGINNING WITH SECTION 34-122 THROUGH 34-149 ESTABLISHING A FLOODPLAIN MANAGEMENT ORDINANCE; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR RELATED PURPOSES; ADOPTING LOCAL ADMINISTRATIVE AND TECHNICAL AMENDMENTS TO FLORIDA BUILDING CODE SECTIONS 104, 107, 117, 1612 AND 202; PROVIDING FOR APPLICABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

The Clerk read the title of the Ordinance.

The following person spoke on the matter:

Donald Craig, City Planner

It was moved by Commissioner Weekley and seconded by Commissioner Wardlow that the Ordinance to be passed on second reading as read.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, 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. 13-06

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF KEY WEST, APPROVING AN AMENDMENT TO THE HISTORIC ARCHITECTURAL REVIEW COMMISSION GUIDELINES FOR MINIMUM REQUIREMENTS FOR SUBMITTALS FOR A CERTIFICATE OF APPROPRIATENESS AS REFERENCED IN SECTION 90-142 OF THE CITY OF KEY WEST LAND DEVELOPMENT REGULATIONS; 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 Lopez and seconded by Commissioner Weekley that the Ordinance to be passed on second reading as read.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, 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

CITIZEN COMMENTS:

Judy Martinez, 1020 Emma Street
Tom Milone, 832 Caroline Street

COMMISSION COMMENTS:

Commissioner Yaniz spoke briefly about the trash collection on the beach during Spring Break and the picture in the paper was not fair to hard working City crews and the Police Department. The crews were at the beach twice each day. He would be working on setting up a committee for public service ads for next year.

Commissioner Weekley stated there would be a Quality Florida Event on Saturday, March 23rd at The Gardens Hotel from 5:00 to 7:30 p.m. open to the public.

Commissioner Lopez acknowledged the passing of former Senator Larcenia Bullard and he expected to be in attendance at her home-going ceremony. Also, there would be a ceremony at the Casa Marina on Saturday at 5:00 p.m. for Robert Walker. Commissioner Lopez also mentioned he would be having a walk in part of his District at 5:30 p.m. on Thursday.

Commissioner Weekley mentioned that he had enjoyed the walk through his District last week.

ADJOURNMENT:

There being no further business the Mayor adjourned the meeting at 7:16 p.m.



Cheryl Smith, MMC, CPM
City Clerk