

MINUTES

CITY COMMISSION MEETING

OLD CITY HALL, 510 GREENE STREET

WEDNESDAY, JANUARY 22, 2014

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 22, 2014.

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 Vice-Mayor Mark Rossi.

Mayor Craig Cates was absent.

Also present were City Manager Bob Vitas, Assistant City Manager Mark Finigan, City Attorney Shawn Smith, City Planner and Director of Community Development Don Craig, Police Chief Donie Lee, Fire Chief David Fraga, Community Services Director Greg Veliz, Deputy Community Services Director Rodrigo Delostrinos, Director of Transportation Norman Whitaker, Code Compliance Manager Jim Young, Information Technology Director Patti McLaughlin, Engineering Director James Bouquet, Port and Marina Services Director Doug Bradshaw, Utilities Manager Jay Gewin, Senior Property Manager Marilyn Wilbarger, Deputy City Clerk Angela Budde and City Clerk Cheri Smith.

Elder Winston Hutchison, Church of Jesus Christ Latter-Day Saints, 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 Ordinance Item #19 and Item #20 be postponed to February 4, 2014 meeting.

The City Manager requested Resolution Item # 17 to be withdrawn and for Resolution Item #18 be postponed to the Special Meeting scheduled for next Wednesday, January 29, 2014 at 6:00 pm.

Commissioner Lopez requested Ordinance Item #22 be postponed.

The Clerk announced speakers for Resolution Items #4, Item #10 and Item #15 and for those items to be removed from the Consent Agenda.

City Attorney Smith requested to have a Proposed Add-on Resolution Item #23 be added to the Consent Agenda

It was moved by Commissioner Lopez and seconded by Commissioner Yaniz to approve the addition of the Add-on Resolution Item #23 and to add the item to the Consent Agenda and to also approve the changes made to the agenda. Seeing no objections, the agenda was approved.

PROCLAMATIONS:

Key West Junior Football 2013 Orange Bowl Champions

PRESENTATIONS:

Mike Langton & Associates – Grants Needs Assessment and Strategic Grants Plan

Mote Marine Laboratory – Jason Wolf

City Attorney’s Report

Mr. Smith announced the hiring of the new Assistant City Attorney Chris Bridger who has 9 years of local experience in the legal field and a recommendation from the Public Defender’s Office Rosemary Enright.

The City Attorney formally recognized Commissioner Clayton Lopez’s recent distinction by the South Florida Times as the “King of Kings” who recognized the Commissioner’s life passion and commitment to Public Service for which emulated the late Martin Luther King, Jr’s work.

City Manager’s Report

Presentation from FDOT – Dean Walters

City Manager Vitas spoke of the new program for Employee Performance Evaluations for employees. He discussed the Directors will have training on the process of evaluations and to tie those

evaluations in with the Anniversary date of the employee and then have the evaluation filtered in to the Fiscal Year.

Commissioner Wardlow inquired on the contract expiring on for the Ambulance service expiring. Discussion ensued with the Division Fire Chief Davila about the Fire Department taking over the Ambulance services.

Commissioner Johnston congratulated the City Manager for moving in the direction of having the Ambulance service brought in-house to the finest Fire Department on the East Coast.

Commissioner Yaniz inquired on the process to replace our current Assistant City Manager Mark Finigan whose imminent departure from the City is scheduled as February 21, 2014.

A discussion on the City's State Lobbyist contract resulted with the acknowledgment the contract expires at the end of March, 2014.

Commissioner Weekley requested to have the current contract with the State Lobbyist to continue through the legislative session. City Manager Vitas advised they would begin working on extending the Lobbyist contract.

CONSENT AGENDA:

The Clerk read the titles of the Resolutions.

It was moved by Commissioner Weekley and seconded by Commissioner Lopez to approve the consent agenda items.

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

RESOLUTIONS:

RESOLUTION NO. 14-020

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING ROTARY CLUB OF KEY WEST,

INC. TO CONDUCT A FUNDRAISER AT THE CLAYTON STERLING COMPLEX FOR THE ANNUAL MARQUES BUTLER MEMORIAL SOFTBALL TOURNAMENT ON SATURDAY, FEBRUARY 15, 2014 AND SUNDAY, FEBRUARY 16, 2014 FROM 7:00 A.M. TO 11:00 P.M. PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE OFFICE OF THE CITY MANAGER; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 11:00 A.M. TO 11:00 P.M. ON SATURDAY, FEBRUARY 15, 2014 AND SUNDAY, FEBRUARY 16, 2014; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES ON THE DATE AND DURING THE HOURS STATED BELOW; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 14-021

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING FINNEGAN'S WAKE IRISH PUB & EATERY, INC. TO CONDUCT THE ANNUAL ST. PATRICK'S DAY CELEBRATION ON MARCH 17, 2014 FROM 9:00 A.M. TO MIDNIGHT; PURSUANT TO TERMS AND 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 THE 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. 14-022

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING AIDS HELP TO CONDUCT THEIR ANNUAL TASTE OF KEY WEST EVENT AT THE TRUMAN WATERFRONT ON MONDAY, APRIL 14, 2014 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. 14-023

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING TRANSFER OF MOBILE VENDOR LICENSE (MVL) #18026 FROM CAROLYN GENERAUX TO MAUREEN BURGE DUE TO HARDSHIP; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 14-024

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RESCINDING THE CONTRACT ISSUED UNDER RESOLUTION 12-184 TO THE OTAK GROUP, INC. IN RESPONSE TO ITB #12-008 FOR DESIGN, PURCHASE AND INSTALLATION OF COMPLETE SEWER PUMP-OUT SYSTEMS FOR WAHOO AND KINGFISH DOCKS AT THE CITY MARINA AT GARRISON BIGHT; APPROVING THE ATTACHED "RELEASE AND CANCELLATION OF CONTRACT"; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 14-025

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING TASK ORDER NO. 14-01 TO PEREZ ENGINEERING AND DEVELOPMENT, INC. IN AN AMOUNT NOT TO EXCEED \$64,840.00 FOR MECHANICAL INTEGRITY TESTING AND PERMITTING OF WWTP DEEP INJECTION WELLS IW-1 AND IW-2; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 14-026

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AWARDED THE BID OF DOUGLAS N. HIGGINS, INC. FOR CONSTRUCTION OF THE FORT STREET PARKING LOT (PROJECT #TR-1201) IN THE AMOUNT OF \$347,924.00; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 14-027

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE EXECUTIVE DIRECTOR OF THE HOUSING AUTHORITY OF THE CITY OF KEY WEST TO EXECUTE CITY OF KEY WEST COMMUNITY DEVELOPMENT BLOCK GRANT, MAYOR'S REVOLVING LOAN FUND, CDBG-DISASTER RECOVERY 2005 INITIAL, CDBG-DISASTER RECOVERY 2005 SUPPLEMENTAL, CDBG-DISASTER RECOVERY 2005 DE-

OBLIGATED AND IMPACT FEE PROVISIO HOMEOWNERSHIP MORTGAGE SUBORDINATION DOCUMENTS FOR THE PURPOSE OF ALLOWING THE REFINANCE OF EXISTING PRIMARY MORTGAGE LOANS AT IMPROVED TERMS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 14-028

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE CITY MANAGER PERFORMANCE EVALUATION; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. Postponed to January 29, 2014

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED "LEASE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE CITY OF KEY WEST" (CONTRACT NO.N69450-12-RP-00166) BETWEEN THE UNITED STATES OF AMERICA, ACTING BY AND THROUGH THE DEPARTMENT OF THE NAVY, NAVAL FACILITIES ENGINEERING COMMAND SOUTHEAST, AND THE CITY OF KEY WEST, REGARDING A PORTION OF THE OUTER MOLE PIER AT TRUMAN WATERFRONT; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 14-029

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, CONFIRMING THE APPOINTMENT OF CHRIST BRIDGER AS ASSISTANT CITY ATTORNEY; PROVIDING FOR AN EFFECTIVE DATE

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

SO ORDERED

RESOLUTION NO. 14-030

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING A WAIVER OF DEVELOPMENT

PLAN/CONDITIONAL USE, VARIANCE, EASEMENT AND ALCOHOL SALES EXCEPTION APPLICATION FEES FOR THE STUDIOS OF KEY WEST REDEVELOPMENT OF THE BUILDING LOCATED AT 533 EATON STREET IN AN AMOUNT NOT TO EXCEED \$10,100.00; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following person spoke on the matter:

Margaret Romero, 1615 Washington Street

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

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

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

Nays: Vice-Mayor Rossi

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

RESOLUTION NO. 14-031

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AWARDED THE BID OF DOUGLAS N. HIGGINS, INC. FOR CONSTRUCTION OF THE FORT STREET PARKING LOT (PROJECT #TR-1201) IN THE AMOUNT OF \$347,924.00; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Ron Demes, A324 Forrestal Avenue, Naval Air Station Key West
Margaret Romero, 1615 Washington Street
Christine Russell, 1014 Grinnell Street
City Attorney Smith
City Planner Don Craig

It was moved by Commissioner Lopez and seconded by Commissioner Yaniz, for discussion, that the Resolution be passed and adopted as read.

The Vice-Mayor acknowledged the motion and second and requested the Clerk to 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

RESOLUTION NO. 14-032

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE CITY ATTORNEY PERFORMANCE EVALUATION; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following person spoke on the matter:

Christine Russell, 1014 Grinnell Street

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

The Vice-Mayor acknowledged the motion and second and requested the Clerk to 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

RESOLUTION NO. 14-033

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, DIRECTING THE CITY MANAGER TO RESTORE THE MULTI-USE FIELD AT THE TRUMAN WATERFRONT; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Robert Cintron, 317 Whitehead Street
Ann Reynolds, 56 Front Street
Dr. Frank Wood, 56 Front Street
Judy Martinez, 1020 Emma Street 3a
Tim Coward, 1316 Laird Street
Ron Demes, A324 Forrestal Avenue, Naval Air Station Key West
Sloan Bashinsky, 1711 Seminary Street
Christine Russell, 1014 Grinnell Street
Jim Gilleran, 2900 Riveria Drive
Yul Knighton, 301 Avenue F, #B
City Attorney Smith

It was moved by Commissioner Yaniz and seconded by Commissioner Wardlow that the Resolution be amended that the City shall submit the placement of an irrigation system on the field to the Navy for a thirty (30) day review period and to be passed and adopted as amended.

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

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

Nays: Commissioners Johnston and Weekley

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

RESOLUTION NO. Withdrawn

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE WAIVING OF FORMAL BID PROCEDURES FOR CRITICAL PATH COMPONENTS IN ORDER TO

FACILITATE DEVELOPMENT OF PHASE 1A OF THE TRUMAN WATERFRONT: MULTI-USE FIELDHORSE STABLES, IN ACCORDANCE WITH CITY CODE SECTION 2-797(4)(B); PROVIDING FOR AN EFFECTIVE DATE

ORDINANCES - FIRST READING:

ORDINANCE NO. Postponed Indefinitely

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES ENTITLED "ENVIRONMENT," ARTICLE IV ENTITLED "SOUND CONTROL" BY ADDING SECTION 26-189, PURPOSE; ADDING SECTION 26-190, FINDINGS OF FACT; AMENDING SECTION 26-191, DEFINITIONS; AMENDING SECTION 26-192 TO AMEND AND CLARIFY UNREASONABLY EXCESSIVE NOISE PROHIBITIONS; AMENDING SECTION 26-193 TO CLARIFY AND AMEND EXCEPTIONS TO THE SOUND CONTROL ORDINANCE; AMENDING SECTION 26-194 TO CLARIFY CITATION PROCEDURE AND PENALTIES; ADDING SECTION 16-199, TO PROVIDE FOR TEMPORARY WAIVERS; 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 Weekley and seconded by Commissioner Lopez that the Ordinance be postponed indefinitely.

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

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

Nays: None

The Ordinance was Postponed Indefinitely.

SO ORDERED

ORDINANCE NO. Postponed Indefinitely

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES ENTITLED "AMUSEMENTS AND ENTERTAINMENT," DIVISION 3

ENTITLED "NOISE CONTROL" BY AMENDING SECTION 6-86 TO AMEND THE PERMIT APPLICATION PROCESS; 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 Weekley and seconded by Commissioner Lopez that the Ordinance be postponed indefinitely.

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

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

Nays: None

The Ordinance was Postponed Indefinitely.

SO ORDERED

ORDINANCE NO. Passed to Second Reading

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 62, ARTICLE V OF THE CODE OF ORDINANCES ENTITLED "NEWSRACKS" BY ADJUSTING THE SPELLING TO 'NEWS RACKS' THROUGHOUT THE ORDINANCE; BY AMENDING SECTION 62-151 TO AMEND DEFINITIONS; ADDING SECTION 62-152 TO STATE PURPOSE AND CRITERIA; AMENDING SECTION 62-177 TO SET JULY 15 AS THE APPLICATION FOR LOCATIONS DEADLINE; AMENDING SECTION 62-179 TO ESTABLISH AND ADJUST CERTAIN FEES; AMENDING SECTION 62-181, DENIAL; AMENDING SECTION 62-182 TO AMEND THE REPLACEMENT PROCEDURE; AMENDING SECTION 62-183, TO AMEND LOCATION REQUIREMENTS; 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:

Robert Citron, 317 Whitehead Street
Naja Girard, Key West the Newspaper
Travis Yednak, 114 Jerome Avenue
Jim Young, Code Compliance Manager

Peg Corbett, City Code Compliance Officer

It was moved by Commissioner Yaniz and seconded by Commissioner Wardlow, for discussion, that the Ordinance is passed on first reading as read.

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

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

Nays: None

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

SO ORDERED

RESCINDING VOTE ON ORDINANCE:

ORDINANCE NO. Postponed to February 4, 2014

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.

It was moved by Commissioner Lopez and seconded by Commissioner Wardlow that the Ordinance be postponed to February 4, 2014.

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

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

Nays: None

The Ordinance was postponed to February 4, 2014.

SO ORDERED

CITIZEN COMMENTS:

Margaret Romero, 1615 Washington Street
Sloan Bashinsky, 1711 Seminary Street
Christine Russell, 1014 Grinnell Street
Yul Knighton, 301 Avenue F, #B

COMMISSION COMMENTS:

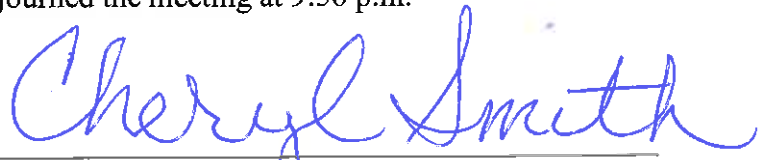
Commissioner Lopez advised he would contact Bert Bender to have a presentation prepared for a future joint meeting with Bahama Village Redevelopment Advisory Committee and Truman Waterfront Advisory Board. The Commissioner thanked his fellow Commissioners, various staff members of the City and the community for making Martin Luther King Jr. day a success.

Commissioner Yaniz thanked the Vice-Mayor for running a smooth meeting. He thanked Mr. Manuel Castillo and the Board of the Senior Citizens for taking the Assisted Living project over.

Vice-Mayor Rossi advised Reverend Steve Braddock is holding his annual homeless point and time count throughout Monroe County on January 28, 2014 at 2221 Patterson Avenue.

ADJOURNMENT:

There being no further business the Mayor adjourned the meeting at 9:56 p.m.



Cheryl Smith, MMC, CPM
City Clerk