

MINUTES

CITY COMMISSION MEETING

OLD CITY HALL, 510 GREENE STREET

TUESDAY, OCTOBER 2, 2012

A regular meeting of the City Commission of the City of Key West, Florida was held in Commission Chambers, Old City Hall, on Tuesday, October 2, 2012.

Mayor Craig Cates called the meeting to order at 6:02 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 Acting City Manager David Fernandez, Assistant City Manager Mark Finigan, City Attorney Shawn Smith, City Planner Don Craig, Police Chief Donnie Lee, Fire Chief David Fraga, Community Services Director Greg Veliz, Engineering Senior Project Manager Doug Bradshaw, Utilities Manager Jay Gewin, Senior Property Manager Marilyn Wilbarger, Deputy City Clerk Angela Budde and City Clerk Cheri Smith

NASKW Commander Chaplin David Martin 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:

Acting City Manager Fernandez requested Administrative Appeal Item #21 to be postponed to November 7.

It was moved by Commissioner Johnston and seconded by Commissioner Weekley to approve the agenda.

The Mayor acknowledged the motion and second and requested verbal approval. The response was unanimous to approve the agenda as changed.

PROCLAMATIONS:

National Energy Awareness Month

Fire Prevention Week

PRESENTATIONS:

City Attorney's Report

The City Attorney asked the Commission to begin thinking of issues for our Federal and State Lobbyist.

City Manager's Report

Acting City Manager Fernandez reminded the public of the Commission Workshop for road construction projects to be held on October 3rd.

He introduced Police Chief Lee to swear in the new officers to the Key West Police Department.

Key West Police Department Promotions:

Lieutenant JR Torres to Captain

Sergeant Sean Brandenburg to Lieutenant

Officer Eric Biskup to Sergeant

Commissioner Weekley asked the Acting City Manager to schedule a Commission Workshop on Duval Street issues and legislative items in November.

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

MINUTES:

August 7, 2012 (Regular)
August 15, 2012 (Special)
August 20, 2012 (Workshop)
August 21, 2012 (Regular)
August 29, 2012 (Special)
September 5, 2012 (Regular)
September 6, 2012 (Special)
September 18, 2012 (Regular)

RESOLUTIONS:

RESOLUTION NO. 12-272

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPOINTING DOMINGO CASTELLANOS TO THE KEY WEST CONTRACTORS EXAMINING BOARD; PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION NO. 12-273

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE UNITED STATES COAST GUARD TO HOLD THE ANNUAL VETERANS DAY PARADE ON DUVAL STREET FROM 4:00 P.M. TO 8:00 P.M. SUNDAY, NOVEMBER 11, 2012; AUTHORIZING THE CLOSURE OF CERTAIN STREETS OR PORTIONS THEREOF FOR SAID PARADE FROM 4:00 P.M. TO 8:00 P.M.; WAIVING ALL FEES FOR REQUIRED CITY SERVICES; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-274

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 STUDIOS OF KEY WEST FOR AN EVENT TO TAKE PLACE AT THE ARMORY BUILDING 600 WHITE STREET DURING THE HOURS OF 8:00 P.M. O 12:00 MIDNIGHT ON SATURDAY, DECEMBER 1, 2012; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-275

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING PREMIER RACING THE USE OF THE TRUMAN WATERFRONT FOR THE STAGING, LAUNCHING AND HAULING OF RACING SAILBOATS AND SUPPORT BOATS FROM JANUARY 1, 2013 TO FEBRUARY 1, 2013 FROM 6:00 A.M. TO 8:00 P.M.; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-276

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING KELLY'S CARIBBEAN AND PREMIER RACING TO CONDUCT A STREET CLOSURE DURING PREMIER RACING ON FRIDAY, JANUARY 18, 2013 THROUGH FRIDAY, JANUARY 25, 2013 FROM 8:00 A.M. TO 8:00 P.M.; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE CLOSURE OF CAROLINE STREET BETWEEN WHITEHEAD STREET AND TELEGRAPH LANE BETWEEN THE HOURS OF 8:00 A.M. TO 8:00 P.M.; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-277

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE MONROE COUNTY COMMERCIAL FISHERMAN, INC. TO CONDUCT THEIR ANNUAL FLORIDA KEYS SEAFOOD FESTIVAL AT BAYVIEW PARK INCLUDING THE SOFTBALL FIELDS ON SATURDAY, JANUARY 19, 2013 FROM 11:00 A.M. TO 8:00 P.M. PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE ENCLOSED AREA; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 11:00 A.M. TO 8:00 P.M.; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-278

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING PURSUANT TO SECTIONS 2-797 (1) AND 2-844 (A) AND (B) OF THE CODE OF ORDINANCES THE PURCHASE OF TWENTY (20) COBAN "EDGE" IN-CAR VIDEO

RECORDING SYSTEMS FROM COBAN TECHNOLOGIES IN THE AMOUNT OF \$115,990.00; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-279

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE AUTHORITY TO EXECUTE AND SUBMIT GRANT DOCUMENTATION THROUGH THE TRANSPORTATION ELECTRONIC AWARD MANAGEMENT SYSTEM (TEAM) TO THE FEDERAL TRANSIT ADMINISTRATION (FTA) AND FEDERAL HIGHWAY ADMINISTRATION (FHWA), AND TO THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AND U.S. DEPARTMENT OF TRANSPORTATION (USDOT) TO CITY MANAGER BOGDAN VITAS, KEY WEST DEPARTMENT OF TRANSPORTATION MANAGER MYRA H. WITTENBERG, AND ALTERNATE DESIGNEES PORT AND TRANSIT DIRECTOR JIM FITTON, PROJECT AND GRANTS MANAGER CAROLYN HAIA, AND ASSISTANT CITY MANAGER DAVID FERNANDEZ; AUTHORIZING CITY ATTORNEY SHAWN SMITH AND CHIEF ASSISTANT CITY ATTORNEY LARRY ERKSINE TO AFFIRM THE AUTHORITY OF THE CITY AND ITS DESIGNEES TO APPLY FOR AND ACCEPT GRANT FUNDING; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-280

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING STAFF RANKING OF AWARDING CONTRACTS ON A TASK ORDER BASIS TO EIGHT BIDDERS IN RESPONSE TO REQUEST FOR QUALIFICATIONS NO. 12-005 FOR GENERAL ENGINEERING SERVICES; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-281

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AN EXTENSION OF THE TIME LIMITATIONS OF THE SOUND CONTROL ORDINANCE PURSUANT TO SECTION 26-193 (3) (B) OF THE CODE OF ORDINANCES FOR THE DEMOYA GROUP, FOR THE CONSTRUCTION OF NORTH ROOSEVELT BOULEVARD; PROVIDING CONDITIONS; 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

ADMINISTRATIVE APPEAL:

Postponed to November 7

AN ADMINISTRATIVE APPEAL OF A DECISION BY THE CITY PLANNER ON AUGUST 21, 2012 REGARDING THE CALCULATION OF BACK FEES ASSOCIATED WITH THE DOUGLAS HOUSE GUESTHOUSE LOCATED AT 417, 419 AND 423 AMELIA AND 418 VIRGINIA STREETS.

It was moved by Commissioner Lopez and seconded by Commissioner Weekley that the Resolution be postponed to November 7, 2012.

The Mayor acknowledged the motion and second and requested verbal approval. The response was unanimous to postpone the Resolution.

SO ORDERED

ORDINANCES - FIRST READING:

ORDINANCE NO. Passed to Second Reading

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING THE KEY WEST COMPREHENSIVE PLAN BY ADOPTING A NEW FUTURE LAND USE MAP IN ITS ENTIRETY; BY AMENDING THE GOALS, OBJECTIVES AND POLICIES OF THE LAND USE ELEMENT, THE HISTORIC PRESERVATION ELEMENT, THE TRAFFIC CIRCULATION ELEMENT, THE HOUSING ELEMENT, THE PUBLIC FACILITIES ELEMENT, THE COASTAL MANAGEMENT ELEMENT, THE PORT MASTER PLAN SUB ELEMENT, THE CONSERVATION ELEMENT, THE RECREATION AND OPEN SPACE ELEMENT, THE INTERGOVERNMENTAL COORDINATION ELEMENT, THE CAPITAL IMPROVEMENTS ELEMENT, AND THE GENERAL MONITORING AND REVIEW CRITERIA; BY UPDATING THE APPENDICES; BY AMENDING THE DATA AND ANALYSIS SUPPORTIVE OF THE PLAN BUT NOT A PART OF THE COMPREHENSIVE PLAN; BY INSERTING THE CITY'S STRATEGIC PLAN IN THE INTRODUCTION TO THE COMPREHENSIVE PLAN; BY ADOPTING A WATER SUPPLY FACILITIES WORK PLAN, AS PROVIDED FOR IN CHAPTER 90, ARTICLE VI, AMENDMENTS, DIVISION 3, COMPREHENSIVE PLAN AMENDMENTS, BASED UPON

**RECOMMENDATIONS FROM THE CITY ADOPTED 2005 AND 2007
EVALUATION AND APPRAISAL REPORTS; PROVIDING FOR
TRANSMITTAL TO THE STATE LAND PLANNING AGENCY;
PROVIDING FOR THE FILING WITH SECRETARY OF STATE;
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:

City Planner Don Craig
Joe Corradino from the Corradino Group gave a presentation to the Commission
Mark Songer, 1310 Newton Street
Judy Martinez, 1020a Emma Street

Commissioner Weekley asked to have the inclusion of Stock Island in the annexation of the Intergovernmental Coordination Element Amendments.

The City Planner recognized the efforts of current Planner II Nicole Malo and former Planner II Ashley Monnier along with City Attorney Smith and his staff for their contributions to bring the Comprehensive (Comp.) Plan to completion. City Planner Craig mentioned the last time the plan was addressed was 28 years ago.

Mayor Cates also acknowledged the efforts of staff and gave praise for combining the Strategic Plan with the Comp. Plan.

Commissioner Yaniz inquired if the Comp. Plan would prevent the changing of Duval Street from a motor vehicle roadway to a Pedestrian walkway.

Commissioner Johnston complimented staff for including the Strategic Plan and their hard work to bring the Comp Plan before them for a vote. The Commissioner also expressed her vision for seeing an improvement in the bike lanes in the City.

It was moved by Commissioner Weekley and seconded by Commissioner Yaniz to amend the Ordinance to include South Stock Island to evaluate for feasibility along with Key Haven in the Intergovernmental Coordination Element.

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

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

Nays: None

It was moved by Commissioner Weekley and seconded by Commissioner Lopez that the Ordinance to 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, 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

CITIZEN COMMENTS:

Margaret Romero, 1615 Washington Street

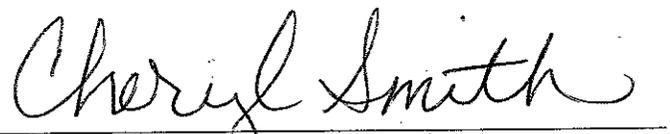
COMMISSION COMMENTS:

Commissioner Yaniz spoke on N. Roosevelt Blvd construction and he encouraged the Commission and elected officials to contact FDOT and urge them to complete the construction project earlier than the scheduled date.

Mayor Cates spoke on the subject and explained he called the Commission Workshop meeting to discuss the road construction updates with the community and FDOT.

ADJOURNMENT:

There being no further business the Mayor adjourned the meeting at 7:18 p.m.



Cheryl Smith, MMC, CPM
City Clerk