

MINUTES

CITY COMMISSION MEETING

OLD CITY HALL, 510 GREENE STREET

TUESDAY, JANUARY 8, 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, January 8, 2013.

Mayor Craig Cates called the meeting to order at 6:06 p.m.

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

Commissioner Wardlow was absent.

Also present were City Manager Bob Vitas, Assistant City Manager David Fernandez, Assistant City Manager Mark Finigan, City Attorney Shawn Smith, Assistant City Attorney Ron Ramsingh, City Planner Don Craig, Police Chief Donnie Lee, Emergency Management Division Chief Craig Marston, Community Services Director Greg Veliz, Information Technology Director Patti McLauchlin, Port and Transit Director Jim Fitton, Utilities Manager Jay Gewin, Senior Property Manager Marilyn Wilbarger, Senior Deputy City Clerk Sue Harrison and City Clerk Cheri Smith.

Reverend Sarah Fowler, St. Peter's Episcopal 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 Lopez requested Item #16 be removed from the Consent Agenda for discussion.

Commissioner Weekley requested Item #10 be removed from the Consent Agenda.

The City Manager requested Item #19 be postponed to January 23, 2013.

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

PROCLAMATION:

Rev. Dr. Martin Luther King Jr. Day

PRESENTATIONS:

Awards – 17th Annual City of Key West Holiday Parade

- Best Commercial – Affiliated Design & Construction Managers, LLC
- Best Youth Group – Key West Sports Academy
- Best Non Profit – Boys & Girls Clubs of the Keys
- Honorable Mention- Fifth Street Baptist Church

2012 Florida Department of Environmental Protection Wastewater Plant Operations Excellence Award to the City's Richard A. Heyman Environmental Pollution Control Facility

Early Voting for City Elections 2013 – Supervisor of Elections Joyce Griffin

City Attorney's Report

Shawn Smith, City Attorney, updated the Commission on the Assisted Care Coalition Lease, the Navy Outer Mole issue and the Waste Management contract.

Mr. Smith stated the Assisted Care Coalition's lease commenced on the 31st of December, 2012. They have 180 days in which to submit a development plan application. The lease under negotiations by the City Attorney's office was ongoing.

With respect to the Outer Mole lease issue, Mr. Smith stated there is a federal provision where the Navy would not have to go out for bid provided certain public benefits are shown. He is drafting a justification paper for the Navy that will show why the City of Key West should be held out as a perfect example of enhanced use lease agreements with governmental entities. He anticipated having a letter out to the Navy within the next two weeks.

Mr. Smith reported on the contract negotiations between the City and Waste Management. They would meeting the following week to address the points the Commission voted on at the last meeting. It would come before the Commission as a formal amendment to the contract.

Mr. Smith mentioned the school crossing guard at the Montessori School, Martha Finch that made and distributed 120 Christmas stockings for the children.

Commissioner Weekley asked about the term limits considering the change in the election cycle. Mr. Smith stated if the term extended beyond the term limit they would be able to finish their term.

City Manager's Report

Bob Vitas, City Manager, had no report for the Commission. Mayor Cates brought up concerns about the recent shooting at a school in Newtown, Connecticut and the desire for full-time resource officers at the middle school and high school. He asked if the City Manager would work with the Chief of Police to see if they could look into this. Mr. Vitas said he has discussed this with the School Superintendent and would follow up with him, the Police Department and the County Sheriff. Mr. Smith stated he anticipated a resolution on the next agenda so the Commission can have a full discussion on the topic.

Police Department Retirement Recognition Officer Al Rodriguez

Police Chief Donie Lee presented the retirement recognition to Officer Al Rodriguez

Police Department Swearing in Bradley Lariz as Sergeant

Police Chief Donie Lee introduced Officer Bradley Lariz and administered the oath and swearing in of Sergeant Lariz.

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.

APPROVAL OF MINUTES:

November 7, 2012 (Regular)
November 20, 2012 (Regular)
December 4, 2012 (Regular)

RESOLUTIONS:

RESOLUTION NO. 13-001

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED LEASE AGREEMENT FOR THREE (3) POCKET PARKS LOCATED IN THE 600 BLOCK OF LOUISA STREET, 3541 FLAGLER AVENUE, AND 627 GRINNELL STREET BETWEEN THE UTILITY BOARD OF THE CITY OF KEY WEST AND THE CITY; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-002

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPOINTING W. PERRY ARNOLD TO THE ART IN PUBLIC PLACES BOARD; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-003

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING TRANSFER OF MOBILE VENDOR LICENSE (MVL) #12783 FROM JAN NELSON TO DONNA NADEAU DUE TO HARDSHIP; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-004

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE ATTACHED WORKER'S COMPENSATION SETTLEMENT AGREEMENT BETWEEN RAYMOND CASAMAYOR AND THE CITY OF KEY WEST; AUTHORIZING THE CITY MANAGER TO EXECUTE SETTLEMENT DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-005

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING PURSUANT TO SECTION 2-771(C) OF THE CODE OF ORDINANCES THE DISPOSAL OF ONE CITY-OWNED FORD CROWN VICTORIA POLICE UNIT; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-006

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE PURCHASE OF 12 MARKED POLICE PATROL VEHICLES FROM GARBER FLEET SALES AND 10 UNMARKED DETECTIVE/ADMINISTRATIVE VEHICLES FROM DUVAL FORD PURSUANT TO SECTIONS 2-797(3) AND 2-797(4)(B) OF THE CODE OF ORDINANCES IN THE TOTAL AMOUNT OF \$567,602.00 FOR USE BY THE KEY WEST POLICE DEPARTMENT; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-007

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 \$57,225.00; 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

RESOLUTION NO. 13-008

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING STAFF RANKING AND AWARDED CONTRACTS ON A TASK ORDER BASIS TO TWO BIDDERS IN RESPONSE TO REQUEST FOR QUALIFICATIONS NO. 12-004 FOR PROFESSIONAL SURVEYING SERVICES; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-009

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE CITY'S COMMUNITY DEVELOPMENT OFFICE TO SUBMIT A GRANT APPLICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR FUNDING OF HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) PROGRAM WITH THE CITY OF KEY WEST AS "APPLICANT" AND AIDS HELP, INC. AS "SPONSOR"; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. POSTPONED TO JANUARY 23, 2013

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

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. POSTPONED TO JANUARY 23, 2013

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 6:00 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 following people spoke on the matter:

Tom Milone, 832 Caroline Street
Bob Vitas, City Manager
Candida Andrioli, Applicant
Shawn Smith, City Attorney

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

The Mayor requested the Clerk call the roll.

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

Nays: None

SO ORDERED

RESOLUTION NO. 13-010

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED GRANT AWARD AGREEMENT BETWEEN MONROE COUNTY AND THE CITY OF KEY WEST FOR TOURIST DEVELOPMENT COUNCIL (TDC) TAX FUNDING IN THE AMOUNT OF UP TO \$187,500.00 FOR SMATHERS BEACH RENOURISHMENT (CITY 50% MATCH UP TO \$187,500.00); PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following person spoke on the matter:

Greg Veliz, Community Services Director

It was moved by Commissioner Rossi 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

ORDINANCES – SECOND READING: (Public Hearing)

ORDINANCE NO. 13-01

AN ORDINANCE OF THE CITY OF KEY WEST AMENDING CHAPTER 108 OF THE CODE OF ORDINANCES ENTITLED “PLANNING AND DEVELOPMENT” BY AMENDING SECTION 108-999 TO PROVIDE FOR THE RETROACTIVE INVOKING OF THE ZONING IN PROGRESS DOCTRINE; DECLARING THAT THE CITY IS CONSIDERING AMENDMENTS TO ITS LAND DEVELOPMENT REGULATIONS AND BUILDING PERMIT ALLOCATION SYSTEM; DIRECTING BUILDING AND PLANNING DEPARTMENT STAFF TO CONTINUE THE POLICY OF DEFERRING THE ACCEPTANCE OF PROCESSING OF DEVELOPMENT APPLICATIONS REQUIRING THE ISSUANCE OF BUILDING PERMIT ALLOCATIONS; CONTINUING THIS POLICY UNTIL NEW BUILDING PERMIT ALLOCATION REGULATIONS OR AMENDED LAND DEVELOPMENT REGULATIONS ARE ADOPTED BY THE CITY COMMISSION; PROVIDING FOR RETROACTIVE EFFECT, DIRECTING STAFF TO CONTINUE PREPARATIONS OF NEW BUILDING PERMIT ALLOCATION REGULATIONS; 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:

Don Craig, City Planner

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

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, 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:

Margaret Romero, 1615 Washington Street
Tom Milone, 832 Caroline Street

COMMISSION COMMENTS:

Commissioner Lopez stated he was looking forward to a good year, 2013 and welcoming the challenges. He wished all a Happy New Year.

Commissioner Johnston thanked everyone for the recognition for the Holiday Parade.

Commissioner Yaniz echoed Commissioner Lopez's sentiments. He said they have a great federal lobbyist in Washington, D.C. and a great new Congressman, Joe Garcia. He said they have a hard working and dynamic City Commission and thanked them for welcoming him on the Commission.


Commissioner Weekley asked for a schedule when the Public Works crews would be in certain areas of the City. The City Manager would provide that information.

Mayor Cates thanked staff, the Police and Fire Department and Public Works for cleaning up after New Year's Eve and the Holiday Parade. He also mentioned the Fire Department's quick response to the fire the previous day. Mayor Cates stated he was working on the State of the City report and was amazing how much had been accomplished.

Commissioner Weekley mentioned that one of his employees had lived in the house of the fire that week. Commissioner Lopez also said he had been on the scene of the fire as well.

ADJOURNMENT:

There being no further business the Mayor adjourned the meeting at 7:32 p.m.



Cheryl Smith, MMC, CPM
City Clerk