

MINUTES

CITY COMMISSION MEETING

OLD CITY HALL, 510 GREENE STREET

TUESDAY, AUGUST 2, 2011

A regular meeting of the City Commission of the City of Key West, Florida was held in Commission Chambers, Old City Hall, on Tuesday, August 2, 2011.

Mayor Craig Cates called the meeting to order at 6:08 p.m.

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

Commissioner Barry Gibson was absent.

Also present were City Manager Jim Scholl, Assistant City Manager David Fernandez, Assistant City Manager Mark Finigan, Assistant City Attorney Larry Erskine, City Planner Don Craig, Police Chief Donie Lee, Fire Chief David Fraga, Utilities Manager Jay Gewin, Community Services Director Greg Veliz, Parking Manager John Wilkins, DOT Manager Myra Wittenberg, Information Technology Director Patti McLaughlin, HARC Planner Enid Torregrosa, Port and Transit Director Jim Fitton, Port Project Manager John Paul Castro, Senior Property Manager Marilyn Wilbarger, Senior Deputy City Clerk Sue Harrison and City Clerk Cheri Smith.

Reverend Dr. Randal Becker, Unitarian Universalist Fellowship, 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:

The Clerk announced speakers for Items 14 and 17 and those items would need to be removed from the Consent Agenda.

The City Manager stated Item 18, the request for a Major Development Plan at Mallory Square, would need to be postponed due to pending legal action as would the corresponding item on the Board of Adjustment when those items come up on the agenda.

It was moved by Commissioner Rossi and seconded by Commissioner Lopez to approve the agenda as changed. The Mayor acknowledged the motion and second and without opposition, the agenda was accepted as changed.

PROCLAMATIONS:

Abuse Prevention Emphasis Day (Commissioner Lopez)

PRESENTATIONS:

Care Ambulance – Doug Tisdale

City Attorney's Report

Assistant City Attorney Erskine had no report for the Commission.

City Manager's Report

City Manager Scholl briefed the Commission on Tropical Storm Emily. Mr. Scholl stated the Budget Workshops had been presented the previous week and the tentative milage rate was set at 2.8627 and would be formally adopted by the Commission in September. Mr. Scholl stated the newspaper article in Sunday's paper was misleading regarding the solid waste contract with Waste Management.

Commissioner Johnston asked for a School District update on the 5% capacity issue. Mr. Scholl has spoken with the School Superintendent. A consultant had been hired to determine the student station numbers for Horace O'Bryant School. The City and School Administration were scheduled to meet again later in the month. They would then move forward with the Interlocal Agreement and the process that needed to be done to resolve the problem.

CONSENT AGENDA:

The Clerk read the titles of the Resolutions.

It was moved by Commissioner Rossi and seconded by Commissioner Weekley 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:

- *July 13, 2011 (Workshop)
- *July 19, 2011 (Regular)

RESOLUTIONS:

RESOLUTION NO. 11-223

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING AIDS HELP, INC TO CONDUCT THE CORONATION OF THE KING AND QUEEN OF FANTASY FEST AT THE SOUTHERNMOST BEACH CAFÉ ON FRIDAY, OCTOBER 21, 2011 FROM 9:00 A.M. TO 12:00 MIDNIGHT; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 6:00 P.M. TO 12:00 MIDNIGHT; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE ENCLOSED AREA; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-224

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING PARADISE CHARITABLE FOUNDATION TO CONDUCT PARROT HEADS IN PARADISE STREET PARTY ON FRIDAY, NOVEMBER 4, 2011 FROM 8:00 A.M. TO 6:00 P.M. PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE CLOSURE OF THE 500 BLOCK OF DUVAL STREET BETWEEN FLEMING AND SOUTHARD STREETS; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 8:00 A.M. TO 6:00 P.M.; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE ENCLOSED AREA; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-225

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPOINTING COMMISSIONERS JIMMY WEEKLEY, BILLY WARDLOW AND CITY CLERK CHERYL SMITH TO SERVE ON THE CANVASSING BOARD FOR THE MUNICIPAL ELECTION OF OCTOBER 4, 2011 AND THE RUN-OFF ELECTION, IF ANY, NOVEMBER 8, 2011; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-226

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RESCINDING RESOLUTION 11-191; APPROVING A TASK ORDER IN PARTNERSHIP WITH MONROE COUNTY, UNDER THE CITY'S GENERAL SERVICES CONTRACT WITH DOUGLAS N. HIGGINS, INC. IN AN AMOUNT NOT TO EXCEED \$418,655.79 (CITY SHARE \$241,827.90) TO MILL AND PAVE EATON STREET FROM SIMONTON STREET TO WHITE STREET; AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE COUNTY AND THE CONTRACTOR; AUTHORIZING A BUDGET TRANSFER FROM SEWER FUND RESERVES; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-227

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, REQUESTING THE FLORIDA DEPARTMENT OF TRANSPORTATION TO MILL AND PAVE EATON STREET FROM WHITE STREET TO WHITEHEAD STREET AND THE GARRISON BIGHT CAUSEWAY FROM NORTH ROOSEVELT TO PALM AVENUE; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-228

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE EXECUTION OF THE ATTACHED MODIFICATION NUMBER ONE TO "FEDERALLY FUNDED SUBGRANT AGREEMENT" CONTRACT NUMBER 11HM-2V-11-54-02-004 (STATE FEMA PROJECT NO: HMGP 1539-47-R; STATE PROJECT NO: 1539-116) WITH THE STATE OF FLORIDA DIVISION EMERGENCY MANAGEMENT (FDEM) FOR PHASE I FEMA FUNDING FOR EAST FRONT STREET FLOOD MITIGATION PROJECT, TO REINSTATE AND EXTEND THE PERIOD OF PERFORMANCE; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-229

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, EXTENDING THE CONTRACT FOR SIDEWALK ENHANCEMENTS PHASE VII – LEON STREET SIDEWALKS PROJECT WITH CHARLEY TOPPINO AND SONS, INC. UNTIL DECEMBER 31, 2011; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-230

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, EXTENDING THE CONTRACT FOR SIDEWALK ENHANCEMENTS PHASE VI - DUCK AVENUE SIDEWALKS PROJECT WITH CHARLEY TOPPINO AND SONS, INC. UNTIL DECEMBER 31, 2011; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-231

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING PURSUANT SECTION 2-797(3) OF THE CODE OF ORDINANCES THE PURCHASE OF AN ELECTRONIC DOCUMENT SCANNING MANAGEMENT SYSTEM FROM ADVANCED PROCESSING & IMAGING, INC. (API) IN THE AMOUNT OF \$47,296.00; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT BETWEEN THE CITY AND API, CONSISTENT WITH THE AGREEMENT EXECUTED BY THE MONROE COUNTY STATE ATTORNEY’S OFFICE; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-232

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING A REDUCTION IN ONE-WAY BUS FARE FOR SENIORS USING THE LOWER KEYS SHUTTLE; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-233

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING EXECUTION OF HISTORIC PRESERVATION GRANT AWARD AGREEMENT NO. F1105 IN THE AMOUNT OF \$46,943.89 WITH THE STATE OF FLORIDA, DEPARTMENT OF STATE, DIVISION OF HISTORICAL RESOURCES, FOR UPDATING THE HISTORIC RESOURCES SURVEY OF KEY WEST; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH PANAMERICAN CONSULTANTS, INC.; RESCINDING RESOLUTIONS NO. 10-304 AND 11-102; 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 SEPTEMBER 6, 2011

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AWARDED THE BID OF LED LIGHTING SOLUTIONS, LLC IN THE AMOUNT OF \$54,796.00 FOR THE PURCHASE OF LED LIGHT FIXTURES TO BE INSTALLED AT THE PARK N RIDE; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

- Joan Langley, 821 Georgia Street
- Jim Fitton, Port and Transit Director
- Myra Wittenberg, DOT Manager

It was moved by Commissioner Rossi and seconded by Commissioner Weekley that the Resolution be postponed to September 6, 2011.

The Mayor requested the Clerk call the roll.

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

Nays: None

SO ORDERED

RESOLUTION NO. 11-234

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE CITY OF KEY WEST TO ENTER INTO A REVOCABLE LICENSE AGREEMENT WITH THE STEAMPLANT CONDOMINIUM ASSOCIATION, INC. FOR LANDSCAPING AND MAINTENANCE OF A CITY-OWNED VACANT PARCEL ON TRUMBO ROAD; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution and read a letter into the record from Christine Russell.

1014 Grinnell Street.

The following people spoke on the matter:

Margaret Romero, 1615 Washington Street
Sloan Bashinsky, 1031 Grand Street, Little Torch Key
Larry Erskine, Assistant City Attorney
Ed Swift, 201 Front Street
Jim Scholl, City Manager

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

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Lopez, Rossi, Wardlow, Weekley 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

RESOLUTION NO. POSTPONED INDEFINITELY

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING A MAJOR DEVELOPMENT PLAN FOR REDEVELOPMENT OF A RESTAURANT AND ADJACENT PROPERTY LOCATED AT MALLORY SQUARE (RE# 00072082-001100; 00072082-001400 AND 00072082-003700), KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

It was moved by Commissioner Weekley and seconded by Commissioner Lopez that the resolution be postponed indefinitely.

The Mayor acknowledged the motion and second and asked for objections; seeing none the item was postponed indefinitely.

SO ORDERED

ORDINANCES SECOND READING: (Public Hearing)

ORDINANCE NO. 11-10

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 90 OF THE CODE OF ORDINANCES ENTITLED "ADMINISTRATION" TO PROVIDE FOR MODIFICATION OF THE MEMBERSHIP AND MEMBERSHIP REQUIREMENTS OF THE HISTORIC ARCHITECTURAL REVIEW COMMISSION BY AMENDING SECTION 90-127, MEMBERSHIP, TERMS AND REMOVAL; SECTION 90-128, VACANCIES, AND 90-135 QUORUM; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following person spoke on the matter:

Don Craig, City Planner

It was moved by Commissioner Wardlow and seconded by Commissioner Lopez for the Ordinance to be amended to reinsert the language at the top of page three "or who shall have a business, employment or profession located in the city and reside in the lower keys from Key West to Big Coppitt Key" that had been removed on first reading.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Lopez, Rossi, Wardlow, Weekley and Mayor Cates

Nays: Commissioner Johnston

It was moved by Commissioner Lopez and seconded by Commissioner Wardlow for the Ordinance to be passed on second reading as amended.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Wardlow, Weekley 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. 11-11

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 90 OF THE CODE OF ORDINANCES ENTITLED "ADMINISTRATION" BY AMENDING SECTIONS 90-133, 90-136 AND 90-138 TO AMEND NOTICE REQUIREMENTS; BY ADDING SECTION 90-143 TO PROVIDE FOR AN EXPANDED AND CONSISTENT PUBLIC NOTICING PROCESS FOR THE HISTORIC ARCHITECTURAL REVIEW COMMISSION; BY AMENDING CHAPTER 102 OF THE CODE OF ORDINANCES ENTITLED "HISTORIC PRESERVATION" BY AMENDING SECTIONS 102-217 AND 102-251 TO AMEND NOTICE REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

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

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Wardlow, Weekley 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:

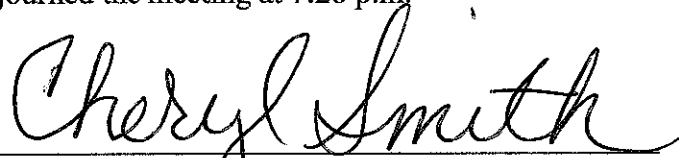
Sloan Bashinsky, 1031 Grant Street, Little Torch Key

COMMISSION COMMENTS:

There were no comments from the Commission.

ADJOURNMENT:

There being no further business the Mayor adjourned the meeting at 7:28 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