

MINUTES

CITY COMMISSION MEETING

OLD CITY HALL, 510 GREENE STREET

TUESDAY, MARCH 1, 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, March 1, 2011.

Mayor Craig Cates called the meeting to order at 6:04 p.m.

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

Also present were City Manager Jim Scholl, Assistant City Manager David Fernandez, Assistant City Manager Mark Finigan, City Attorney Shawn Smith, Assistant City Attorney Ron Ramsingh, Interim City Planner Don Craig, Police Chief Donie Lee, Fire Chief David Fraga, Community Services Director Greg Veliz, Deputy Community Services Director Rodrigo Delostrinos, Licensing Official Carolyn Walker, Code Compliance Manager Jim Young, Information Technology Director Patti McLauchlin, Parking Manager John Wilkins, Port and Transit Director Jim Fitton, 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.

Reverend Dr. Daryl Robinson, Bethel AME 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:

The Clerk announced speakers and letters for Item #5 and the item would need to be removed from the Consent Agenda.

Without opposition, the agenda was accepted as changed.

PROCLAMATIONS:

Motorcycle Awareness Safety Month
Red Cross Month

PRESENTATIONS:

Emigdio Gill Contractors Examining Board Since 1983

Mayor Cates announced that former Mayor Dennis Wardlow was in the audience.

City Attorney's Report

City Attorney Smith reported on the progress of negotiations with Florida Keys Assisted Care Coalition and Family Pride.

City Manager's Report

City Manager Scholl reported on the Glynn Archer School negotiations process. Meetings would continue to discuss shared use and equity division of property for actual shared ownership and shared responsibility.

Mr. Scholl reported they had received an Army Corp of Engineers permit for Smathers Beach Renourishment.

Mr. Scholl stated they had agreed upon two appraisal types for the Pier House property, fair market value for highest and best use and fair market value as it would be to the Pier House because of the position they have on the property.

Mr. Scholl reported he had several engagements with the commanding officer and executive officer of the pre-commissioning ship U. S. S. Spruance DDG111 regarding the commission of this ship on October 1, 2011 which will take place in Key West. He stated they expected 5,000 guests in town for the commissioning. He said meetings will continue each month and increase as the event draws near.

Mr. Scholl reminded the Commission of the special LRA meeting on Thursday at 5:00 p.m.

Commissioner Johnston asked about an architect of record for Glynn Archer. Mr. Scholl stated Mr. Pope's proposal was for 100% restoration and Mr. Bender's proposal was not as extensive. Mr.

Finigan stated there would be an RFQ at a later date for an architect of record for the design of Glynn Archer.

Commission Johnston asked for an update on the consultant to review the employee pension plan.

Commissioner Weekley asked for a presentation at the next meeting from Mosquito Control. Mr. Weekley also requested an update on code violations at 720 Southard Street.

Commissioner Gibson asked the City Attorney about the towing ordinance. Mr. Smith said a revised version would be drafted at the Commission's request. Commissioner Rossi stated he had spoken with the City Attorney about the towing ordinance.

Commissioner Lopez stated Mosquito Control and the Health Department would be giving a presentation at next meeting regarding Dengue.

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 pass the Resolutions as read.

RESOLUTIONS:

RESOLUTION NO. 11-059

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, URGING GOVERNOR SCOTT AND THE FLORIDA LEGISLATURE TO IMPLEMENT AMENDMENT 5 AND AMENDMENT 6 TO ENSURE A FAIR VOTER REDISTRICTING PROCESS FOR RESIDENTS OF KEY WEST, MONROE COUNTY AND THE STATE OF FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-060

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE DISPOSAL OF SURPLUS CITY PROPERTY KNOWN AS “OLD FIRE ENGINE #5” AS A DONATION TO THE “GUARDIANS OF THE RIBBON-PINK FIRE TRUCK CANCER AWARENESS PROGRAM” PURSUANT TO SECTION 2-771(3)(C) OF THE CODE OF ORDINANCES; PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-061

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE PURCHASE AND INSTALLATION OF 218 STORMWATER INLET FILTERS FROM SUNTREE TECHNOLOGIES, INC., VIA SOLE SOURCE PURCHASE IN ACCORDANCE WITH CITY CODE SECTION 2-797(1), IN THE TOTAL AMOUNT OF \$236,099.00, IN ORDER TO COMPLETE A FEMA DISASTER RECOVERY PROJECT FOR STORMWATER CLEANING AND FUTURE HAZARD MITIGATION; APPROVING BUDGET TRANSFERS; WAIVING COMPETITIVE BIDDING FOR THE INSTALLATION COST OF THE PROJECT; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-062

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE PURCHASE OF \$150,000.00 OF FLEXI-PAVE MATERIAL FROM K. B. INDUSTRIES, INC. ON A SOLE SOURCE BASIS PURSUANT TO SECTION 2-797(1) FOR BRAND NAME ITEMS IN ACCORDANCE WITH 2-844 OF THE CODE OF ORDINANCES FOR PAVING AROUND TREE AND FLORA PLANTER AREAS BORDERING STREETS WITHIN CERTAIN AREAS OF THE HISTORIC DISTRICT; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-063

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AWARDED THE BID OF LAYNE CHRISTENSEN COMPANY FOR A CITY OF KEY WEST THREE-YEAR CONTRACT FOR REHABILITATION OF STORMWATER DRAINAGE WELLS IN RESPONSE TO INVITATION TO BID (ITB) #10-017; AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT IN ACCORDANCE WITH THE SOLICITATION DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-064

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, ACCEPTING PURSUANT TO SECTION 2-797(3)(B) AND 7-798 OF THE CODE OF ORDINANCES THE ATTACHED PROPOSAL OF NILES SALES & SERVICE, INC. IN THE TOTAL AMOUNT OF \$64,605.00 FOR TWO CHEVY TAHOE E-85 FLEX FUEL COMPLIANT POLICE K-9 SPECIALTY VEHICLES (ONE MARKED AND ONE UNMARKED) FOR USE BY THE KEY WEST POLICE DEPARTMENT; APPROVING BUDGET TRANSFERS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-065

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE PURCHASE OF MICROSOFT AND ADOBE SOFTWARE LICENSES FROM SHI INTERNATIONAL CORP IN THE AMOUNT OF \$23,757.73 PURSUANT TO KEY WEST CODE OF ORDINANCES SECTION 2-797(4)(B).; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-066

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED FIRST AMENDMENT TO CONCESSION AGREEMENT BETWEEN THE CITY AND SUNSET WATERSPORTS, INC.; 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. Denied

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A SOUND CONTROL ORDINANCE WAIVER FOR COASTAL CONSTRUCTION FOR THE CONSTRUCTION OF THE HORACE O'BRYANT SCHOOL; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution and letters into the record from the following:

Gary Sechen and Wynn Miller, 1325 South Street
Jedde V. Regante, 1612 United Street
William Iozzino, 1617 Catherine Street
Sheila Tabone, 1438 Virginia Street, #2
Brooks White, 1612 Catherine Street
Gary Morgan and Christine Waite-Morgan, 1201 Ashby Street

The Clerk also reported objections in the form of a petition were submitted by 11 residents.

The following people spoke on the matter:

Louis Latorre, 1615 Unites Street
Eric Anfinson, 1616 Catherine Street
Margaret Romero, 1615 Washington Street
Jim Scholl, City Manager
Shawn Smith, City Attorney
David Fernandez, Assistant City Attorney

It was moved by Commissioner Rossi and seconded by Commissioner Johnston, for discussion, that the Resolution be denied.

The Mayor requested the Clerk call the roll.

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

Nays: None

The said Resolution was thereupon declared by the Mayor to have been denied.

SO ORDERED

RESOLUTION NO. 11-067

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, REQUESTING THE HOUSING AUTHORITY OF THE CITY OF KEY WEST, FLORIDA TO ACQUIRE THE BAHAMA CONCH COMMUNITY LAND TRUST REAL ESTATE ASSETS; IDENTIFY FUNDING SOURCES FOR THE ACQUISITION AND REHABILITATION; MODIFY EXISTING DISASTER RECOVERY SET-ASIDES FOR THE BAHAMA CONCH ACQUISITIONS; RENT OR SELL THE PROPERTIES SUBJECT TO THE EXISTING PUBLIC PURPOSES AFFORDABLE HOUSING RESTRICTIONS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following person spoke on the matter:

Manuel Castillo, Executive Director Key West Housing Authority

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

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Gibson, Johnston, Lopez, Rossi, Wardlow, Weekley 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. 11-068

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE FEDERAL LEGISLATIVE PRIORITIES AS ILLUSTRATED BY THE CONTENT OF THE ATTACHED CORRESPONDENCE; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Mark Songer, 1310 Newton Street
Christine Russell, 1014 Grinnell Street
Diane Burrelson, 25A 7th Avenue
Jim Scholl, City Manager

It was moved by Commissioner Wardlow and seconded by Commissioner Lopez that the Resolution be passed and adopted amending the correspondence eliminating the two paragraphs under the heading "Water Resources Development Act."

The Mayor requested the Clerk call the roll.

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

Nays: Commissioner Rossi and Mayor Cates

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 to March 15, 2011

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

The Clerk read the title of the Resolution.

The following person spoke on the matter:

Jim Scholl, City Manager, asked the Commission to postpone the item to the next meeting on March 15, 2011.

It was moved by Commissioner Weekley and seconded by Commissioner Rossi for the Resolution to be postponed.

The Mayor requested the Clerk call the roll.

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

Nays: Commissioners Gibson and Johnston

SO ORDERED

ORDINANCES - FIRST READING:

ORDINANCE NO. Second Reading March 15, 2011

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES ENTITLED "AMUSEMENTS AND ENTERTAINMENT" BY AMENDING SECTION 6-1, TO ADD DEFINITIONS; SECTION 6-2 TO AMEND PERMIT, APPLICATION AND APPEAL PROCESSES, ADDING PALM WEAVING PERMITS AND EXTENDING 2010 PERMITS; AMENDING SECTION 6-3, REGARDING LOCATIONS; AMENDING SECTION 6-4 BY AMENDING PERMIT REGULATIONS AND PROHIBITIONS; AMENDING SECTION 6-7 REGARDING REVOCATION OF PERMITS; AMENDING SECTION 6-8 ADJUSTING PERMIT FEES; AMENDING SECTION 6-9 REGARDING PENALTY ENFORCEMENT; PROVIDING

FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Ordinance and read letters into the record from the following:

Kurt Matarazzo and Jake Key, 532 Duval Street
Margaret Scribner, 607 Duval Street
Christopher Finn, 425-C Eaton Street

The following people spoke on the matter:

Patrick Stecher, 1015 Simonton Street, #11
Meike Zuechner, 529 Bahama Street
Lee Anne Milazzo McCarthy, 825 Fleming Street
Steve Clark, 5650 Laurel Avenue
Blackdog, 701 Palm Avenue
Lois Songer, 13010 Newton Street
Beau Kirkpatrick, 2405 Seidenberg
Burt White, 416 Whitehead Street
Michael Beaudet, 1015 Simonton Street
Kenyatta Arrington, 1625 2ND Avenue, Stock Island
Bo Walton
Diane Burrelson, 25-A 7th Avenue
Ron Ramsingh, Assistant City Attorney
Jim Young, Code Compliance Manager

It was moved by Commissioner Weekley and seconded by Commissioner Lopez to amend the Ordinance by striking Section 6-8 on page 17 to rectify the discrepancy regarding the fee as stated under Section 6-2(g).

The Mayor requested the Clerk call the roll.

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

Nays: Commissioner Rossi

It was moved by Commissioner Weekley and seconded by Commissioner Gibson to amend the Ordinance by adding Section 6-4(w) stating "Amplification in any form is prohibited".

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Gibson, Johnston, Wardlow, Weekley and Mayor Cates

Nays: Commissioners Lopez and Rossi

It was moved by Commissioner Weekley to amend the Ordinance to state that any kind of music would have to stop at a certain hour.

Commissioner Weekley withdrew his motion.

It was moved by Commissioner Weekley and seconded by Commissioner Lopez that the Ordinance be passed on first reading as amended.

The Mayor requested the Clerk call the roll.

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

Nays: Mayor Cates

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

The Mayor called for a fifteen minute recess.

SO ORDERED

ORDINANCE NO. Second Reading March 15, 2011

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 122 OF THE CODE OF ORDINANCES ENTITLED "ZONING" BY AMENDING SECTION 122-1338, AND 122-1346 TO PROVIDE FOR CLARIFICATION TO THE TRANSFER OF TRANSIENT UNITS ORDINANCE; 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:

Mark Songer, 1310 Newton Street

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

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Gibson, 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 reading.

SO ORDERED

ORDINANCES SECOND READING: (Public Hearing)

ORDINANCE NO. 11-05

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 22 OF THE CODE OF ORDINANCES ENTITLED "CEMETERIES" BY AMENDING SECTION 22-16, "USE OF THOROUGHFARES", TO DEFINE BONA FIDE VISIT; DEFINING EXCEPTIONS; 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:

Cynthia Edwards, 1402 Olivia Street, #1
Rick Boettenger, 1402 Olivia Street, #1
Ben Harrison
Christine Russell, 1014 Grinnell Street
Jim Scholl, City Manager

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

The Mayor requested the Clerk call the roll.

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

Nays: Commissioner Wardlow

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:

Mike Mongo, 1218 Pearl Street

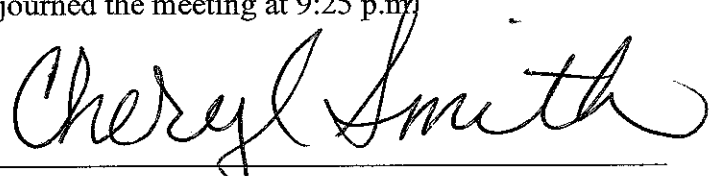
COMMISSION COMMENTS:

Commissioner Weekley congratulated the Key West Police Department Mounted Patrol for the ribbons won at competition in Tampa.

Commissioner Weekley also stated Chief Lee was trying to increase the bicycle patrol.

ADJOURNMENT:

There being no further business the Mayor adjourned the meeting at 9:25 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