

MINUTES

CITY COMMISSION MEETING

OLD CITY HALL, 510 GREENE STREET

WEDNESDAY, FEBRUARY 20, 2013

A regular meeting of the City Commission of the City of Key West, Florida was held in Commission Chambers, Old City Hall, on Wednesday, February 20, 2013.

Mayor Craig Cates called the meeting to order at 6:02 p.m.

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

Also present were City Manager Bob Vitas, Assistant City Manager David Fernandez, Assistant City Manager Mark Finigan, City Attorney Shawn Smith, Human Resources Director Sandy Gilbert, Entire staff from the Human Resources Department, City Planner Don Craig, Fire Chief David Fraga, Division Chief Emergency Management Craig Marston, Parking Manager John Wilkins, Information Technology Director Patti McLauchlin, Port and Transit Director Jim Fitton, Utilities Manager Jay Gewin, Deputy City Clerk Angela Budde and City Clerk Cheri Smith.

Pastor Charles Elliott, Eagle's Rest Christian Center, 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 City Manager requested Resolution Item #18 be postponed to March 5 meeting.

The City Clerk announced Resolution Items #11 and #15 had speakers and requested those items be removed from the Consent Agenda.

Commissioner Johnston requested Resolution Item #6 to be removed from the Consent Agenda.

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

PROCLAMATION:

Florida Keys Community College Presidential Inauguration Day

Water Quality Awareness Month

PRESENTATIONS:

Key West Fire Department

- Captain Ray Alvarez 25 Year Service Award

City Attorney's Report

The City Attorney prepared a slideshow presentation featuring the City's retiring Human Resources Director Sandy Gilbert.

City Attorney Smith updated the Commission on the Assisted Care Coalition lease negotiations.

The City Attorney offered his congratulation to his Chief Assistant City Attorney Larry Erskine on becoming a first time Grandfather. He also thanked all of the Commission for their diligent efforts in cleaning up Boog Powell Court.

Commissioner Weekley asked to have two Resolutions on the next agenda; opposing the passages of House Bill 511 and Senate Bill 354 regarding Property Taxes and Peary Court and a Resolution to oppose the passage of House Bill 655 regarding Equal Benefits.

City Manager's Report

The City Manager had no report.

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 pass the Resolutions as read.

RESOLUTIONS:

RESOLUTION NO. 13-047

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RATIFYING THE ATTACHED "LICENSE AGREEMENT FOR USE OF CITY PROPERTY" BETWEEN THE CITY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT); PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-048

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 HARD ROCK KEY WEST FOR AN EVENT TO TAKE PLACE AT 313 DUVAL STREET DURING THE HOURS OF 9:45 P.M. TO 12:00 MIDNIGHT ON THURSDAY, MARCH 14, 2013; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-049

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AWARDING WORK ORDER NO. 1 IN AN AMOUNT NOT TO EXCEED \$167,840.00; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-050

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, EXTENDING THE CONTRACT FOR LANZO CONSTRUCTION, INC., FOR THE CONSTRUCTION OF THE PATRICIA/ASHBY STREET STORMWATER EMERGENCY OUTFALL PROJECT TO JANUARY 25, 2013 ON A NO-COST BASIS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-051

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED "AMENDMENT TO AGREEMENT" BETWEEN THE CITY AND WASTE MANAGEMENT, INC. OF FLORIDA ("WASTE MANAGEMENT"); PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-052

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE REPLACEMENT AND UPGRADE OF THE ODOR CONTROL UNIT AT SEWER LIFT STATION D BY HEYWARD, INC., ON A SOLE SOURCE BASIS IN ACCORDANCE WITH CITY CODE SECTION 2-797 (1) IN THE TOTAL AMOUNT OF \$48,235.00; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-053

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A ONE-YEAR EXTENSION TO THE MASTER AGREEMENT TO FURNISH FINANCIAL CONSULTING SERVICES BETWEEN MALCOLM PIRNIE AND THE CITY OF KEY WEST; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-054

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE APPROVAL OF TASK ORDER 03-2013-SWR FOR RED OAK CONSULTING, A DIVISION OF MALCOLM PIRNIE, INC., IN AN AMOUNT NOT TO EXCEED \$19,750.00 TO PROVIDE A RATE STUDY FOR PREPARATION OF THE CITY'S 2014 SEWER BILLING; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-055

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE APPROVAL OF TASK ORDER 02-2013-STM FOR RED OAK CONSULTING, A DIVISION OF MALCOLM PIRNIE, INC., IN AN AMOUNT NOT TO EXCEED OF \$19,750.00 TO PROVIDE A RATE STUDY FOR PREPARATION OF THE CITY'S STORMWATER BILLING; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-056

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AN ADJUSTMENT TO CITY OF KEY WEST PLANNING DEPARTMENT FEES; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. Postponed to March 5th

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING MOTE MARINE LABORATORY TO CONDUCT A "FLORIDA KEYS OCEAN FESTIVAL" AT 38 E. QUAY ROAD TRUMAN ANNEX ON SATURDAY, MARCH 30, 2013 FROM 11:00 A.M. TO 6:00 P.M.; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE USE OF THE TRUMAN WATERFRONT NEXT TO THE ECO DISCOVERY FROM 11:00 A.M. TO 6:00 P.M.; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE BARRICADED AREA; 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. 13-057

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE BID OF DOUGLAS N. HIGGINS, INC., FOR THE ASPHALT PAVING PROJECT (PROJECT #GN-1202 AND GN-1201); PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

City Manager Vitas
Senior Project Manager Doug Bradshaw

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

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

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. 13-058

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVAL OF TASK ORDER NO.1 FOR EDSA, INC. IN AN AMOUNT NOT TO EXCEED \$173,690.00 TO PROVIDE DESIGN, CONSTRUCTION DOCUMENTS AND PERMITTING FOR THE INDIGENOUS PARK, BOCCE BALL COURTS AND REST BEACH ACCESS; AUTHORIZING ALLOCATION OF FUNDS FROM INFRASTRUCTURE RESERVES; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The Deputy Clerk read the following letter into the record:

Thomas Sweets and Peggy Coontz, Directors of the Key West Wildlife Center

The following people spoke on the matter:

Neil Mellies, President of Southernmost Bocce League
Assistant City Manager Finigan

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

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

Yeas: Commissioners Johnston, Lopez, Rossi, Wardlow, Weekley, Yaniz 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. 13-059

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING TASK ORDER NO. 12.0D01.A FROM HAYES CUMMING ARCHITECTS, PA IN AN AMOUNT NOT TO EXCEED \$187,783.00 FOR ARCHITECTURAL SERVICES FOR A FULL CONDITION ASSESSMENT OF THE FREDERICK DOUGLASS COMMUNITY CENTER; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Judy Martinez, 801 Emma Street, 3A
City Manager Vitas

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

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

Yeas: Commissioners Johnston, Lopez, Rossi, Wardlow, Weekley, Yaniz 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. 13-060

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, ESTABLISHING DATES AND TIMES FOR EARLY VOTING IN 2013 CITY ELECTIONS; PROVIDING FOR AN EFFECTIVE DATE.

The Clerk read the title of the Resolution.

The following people spoke on the matter:

City Clerk Smith
Tom Milone, 832 Caroline Street

Following a brief discussion, the consensus of the Commission was to have early voting established September 16 thru September 28, Monday thru Friday from 8:30 a.m. to 4:30 p.m.; Saturday, September 21 and September 28 from 10:00 a.m. to 5:00 p.m.; No Sundays.

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

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

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

QUASI JUDICIAL HEARING: MAJOR DEVELOPMENT

RESOLUTION NO. 13-061

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING DENYING A MAJOR DEVELOPMENT FOR REDEVELOPMENT OF A RESTAURANT AND ADJACENT PROPERTY LOCATED AT MALLORY SQUARE (RE#00072082-001100, 00072082-0001400 AND 00072082-003700), KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

At this time the Clerk asked anyone giving testimony on this item to please stand to be sworn in; the Clerk administered the oath.

Commissioners Lopez, Yaniz and Wardlow disclosed they have had conversations with individuals in support of the Application and in opposition of the application.

The City Clerk read the following letter into the record:

Williams M. Barry

The following people spoke on the matter:

Joe Walsh, Applicant
City Planner Craig
City Attorney Smith
Ryan Seimers, Sunset Celebration
Judy Martinez, 1020 Emma Street, 3A
Bryan Greene, 910 Watson Street
Mark Songer, 1310 Newton Street
Sharon Wells, 812 Thomas Street
Fred Salinero, 410 Wall Street
Robert Cintron, 317 White Street
Ken Metcalf, 317 Whitehead Street

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

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

Yeas: Commissioners Rossi and Yaniz

Nays: Commissioners Johnston, Lopez, Wardlow, Weekley and Mayor Cates

Motion failed.

It was moved by Commissioner Johnston and seconded by Commissioner Weekley to Deny the Resolution as read.

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

Yeas: Commissioner Johnston, Lopez, Wardlow, Weekley and Mayor Cates

Nays: Commissioners Rossi and Yaniz

The said Resolution was thereupon declared by the Mayor to have been passed denying the application for Major Development.

SO ORDERED

ORDINANCES - FIRST READING:

ORDINANCE NO. Passed to Second Reading

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, CREATING CHAPTER OR AMENDING CHAPTER 14, 34 AND 108 OF THE CODE OF ORDINANCES AND AMENDMENTS TO LOCAL SECTIONS 104, 107, 117, 202, 1612 OF THE 2010 FLORIDA BUILDING CODES FOR THE PURPOSE OF UPDATING THE CITY'S FLOOD DAMAGE PROTECTION ORDINANCES AND RELATED BUILDING CODES; 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 Craig
City Attorney Smith

The following items were requested to be included into the Ordinance as recommended by the State of Florida to refine the definition of structures that are exempt from the Flood Plain Management Ordinance:

- Railroads and ancillary facilities
- Non-Residential Farm Buildings
- Temporary Buildings or Sheds used exclusively for construction purposes
- Mobile or modular structures used as temporary offices
- Chickee Huts constructed exclusively by the Miccosukee Tribe of Indians
- Family Mausoleums not exceeding 250 square feet in area.
- Temporary housing provided by the Department of Corrections
- A structure with two or more outside rigged walls
- Manufactured homes built on a permanent chassis and affixed to a permanent site
- Travel trailers without wheels affixed to a permanent foundation

The City Attorney recommended inserting into Section 34-123.3 the following language:

“Flood Hazard areas that have been delineated on the following terms are subject to wave heights between and 1 and 1 ½ feet and 3 feet be established as Coastal A-Zones”.

It was moved by Commissioner Rossi and seconded by Commissioner Weekley that the Ordinance be amended to include the items identified by the City Planner and City Attorney and to be passed on first reading as amended.

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

Yeas: Commissioners Johnston, Lopez, Rossi, 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

ORDINANCE NO. Passed to Second Reading

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES ENTITLED “OFF PREMISE CANVASSING” BY AMENDING SECTION 18-412 PENALTIES TO PROVIDE FOR AN AMENDMENT ALLOWING VIOLATIONS TO BE PUNISHABLE BY SECTION 1-15; 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 Manager Vitas
City Attorney Smith
Code Compliance Sr. Manager Jim Young

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

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

Yeas: Commissioners Johnston, Lopez, Rossi, 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:

None

COMMISSION COMMENTS:

Commissioner Yaniz announced he will be a Grandfather and he also thanked City Staff for their continual hard work.

ADJOURNMENT:

There being no further business the Mayor adjourned the meeting at 8:28 p.m.

A handwritten signature in cursive script that reads "Cheryl Smith". The signature is written in dark ink and is positioned above a horizontal line.

Cheryl Smith, MMC, CPM
City Clerk