

MINUTES

CITY COMMISSION MEETING

OLD CITY HALL, 510 GREENE STREET

TUESDAY, SEPTEMBER 6, 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, September 6, 2011.

Mayor Craig Cates called the meeting to order at 6:00 p.m.

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

Commissioner Jimmy Weekley was absent.

Also present were City Manager Jim Scholl, Assistant City Manager David Fernandez, Assistant City Manager Mark Finigan, City Attorney Shawn Smith, City Planner Don Craig, Police Chief Donie Lee, Fire Chief David Fraga, Community Services Director Greg Veliz, Department of Transportation Manager Myra Wittenberg, Human Resources Director Sandy Gilbert, Information Technology Director Patti McLaughlin, 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. Lawrence Schenk, Peace Covenant Presbyterian 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 a speaker for Item 12 and that item would need to be removed from the Consent Agenda.

Commissioner Johnston requested Items 9, 11, 15 and 19 be removed from the Consent Agenda.

Commissioner Rossi announced he would request a postponement of Item 24 to the next meeting on September 20, 2011 when the item was called on the agenda.

Commissioner Gibson requested Item 23 be added to the Consent Agenda.

It was moved by Commissioner Rossi and seconded by Commissioner Lopez to accept the agenda as changed.

The Mayor asked for objections and seeing none the agenda was accepted unanimously.

Commissioner Lopez asked for a moment of silence in honor of Commissioner Weekley's mother, Mrs. Ana Weekley, and Mr. Brooks White at their recent passing.

PROCLAMATIONS:

The N.Y.P.D. Pipe and Drums of the Emerald Society 9/11 Memorial Days

USS Spruance (DDG 111) Week

PRESENTATIONS:

Retirement Recognition Cynthia Domenech-Coogle - Urban Forestry Manager

Mobile Outreach Project --
Wendy Coles, Executive Director Southernmost Homeless Assistance League

City Attorney's Report -

The City Attorney asked for a closed attorney/client session for either September 19 or September 20, 2011 before the meeting set for that date on the matter of Sunset Marina Residences vs City of Key West, Case No. 2011-CA-911K.

The City Attorney asked the Commission to consider a legislative platform for the coming year.

The City Attorney reported on the School Board Interlocal Agreement draft that would be brought before the Commission for consideration at the next meeting.

Commissioner Johnston asked about the Federal Lobbyist contract. Mr. Scholl confirmed the contract is now on a month-to-month extension. There will be a new bid for lobbyist forthcoming.

The date of September 20, 2011 was set to hear the Executive Session at 5:00 p.m.

City Manager's Report –

City Manager Scholl reported on the move from Angela Street to Flagler Avenue scheduled for the coming weekend.

Mr. Scholl announced the first of two budget hearings September 8, 2011 at 6:00 p.m. and on September 19, 2011 at 6:00 p.m. a special meeting for the LRA to discuss the assisted care facility lease and the Truman Waterfront architect and engineering design and construction management items. He added that at the September 20th City Commission meeting they would hear the second reading of the budget for adoption at the beginning of the meeting.

Commissioner Wardlow asked if the City Planner had looked into the variances for Angela Street. Mr. Scholl had preliminary information from Mr. Ingram regarding the time line and the process.

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:

July 25, 2011 (Workshop)

July 25, 2011 (Workshop)

August 2, 2011 (Regular)

RESOLUTIONS:

RESOLUTION NO. 11-238

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 PIER HOUSE RESORT & CARIBBEAN SPA FOR AN EVENT TO TAKE PLACE DURING THE HOURS OF 8:00 P.M. TO 11:30 P.M. ON

THURSDAY, OCTOBER 27, 2011; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-239

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE JOHN CAUDILL – WALKER BROTHERS CIRCUS THE USE OF THE SOUTH WEST FIELD OF THE TRUMAN WATERFRONT FOR A SMALL FAMILY CIRCUS WITH SHOWTIMES ON THURSDAY, JANUARY 26 AND FRIDAY, JANUARY 27 AT 5:30 P.M. AND 7:30 P.M., AND SATURDAY, JANUARY 28 AT 3:00 AND 5:30 P.M. AND SUNDAY, JANUARY 29 AT 2:00 AND 4:00 P.M.; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES DURING THE EVENT; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-240

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING A PURCHASING EXCEPTION PURSUANT TO SECTION 2-797 OF THE CODE OF ORDINANCES, TO ALLOW CUMULATIVE EXPENDITURES DURING FY 10-11 TO CERTIFIED RECORDS MANAGEMENT (CRM) FOR RECORDS STORAGE IN A TOTAL AMOUNT NOT TO EXCEED \$27,500.00; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-241

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING AN APPLICATION FOR A GRANT IN THE AMOUNT OF \$500,000.00 TO THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FOR THE BOATING INFRASTRUCTURE GRANT PROGRAM FOR THE CITY MARINA AT GARRISON BIGHT; APPROVING IN CONCEPT A 20-YEAR AGREEMENT FOR THE MAINTENANCE AND OPERATION OF FACILITIES BUILT WITH GRANT FUNDING; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-242

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A TEN-YEAR LEASE WITH THE BOYS AND GIRLS CLUBS OF THE KEYS AREA, INC.; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-243

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

RESOLUTION NO. 11-244

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, REJECTING ALL BIDS RECEIVED IN RESPONSE TO INVITATION TO BID (ITB) #11-013, FOR WATER TESTING AT THE CITY MARINA AT GARRISON BIGHT; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-245

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BRENT & CHRISTINE MATHEESEN, PROPERTY OWNER(S) IN CODE COMPLIANCE CASE NUMBER CES-04-2184 (1110 WHITE STREET) PERMITTING A RELEASE OF LIEN UPON PAYMENT BY THE OWNERS OF A MITIGATED AMOUNT OF \$1,000.00; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-246

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, ACCEPTING THE STAFF RANKINGS OF RESPONDENTS TO RFP 006-11, TENNIS PROFESSIONAL SERVICES; AUTHORIZING CITY STAFF TO NEGOTIATE A CONTRACT WITH HIGHEST RANKED FIRM AND EACH FIRM THEREAFTER, IF NECESSARY, IN ACCORDANCE WITH THE SOLICITATION UNTIL ONE CONTRACT FOR CITY COMMISSION CONSIDERATION IS REACHED; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-247

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED AGREEMENT BETWEEN THE CITY, MONROE COUNTY AND THE KEY WEST BOTANICAL GARDEN REGARDING REMEDIATION COSTS FOR THE FORMER MONROE COUNTY PUBLIC SERVICE BUILDING SITE ON THE PROPERTY LOCATED AT 5210 COLLEGE ROAD; PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-248

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED MASTER AGREEMENT CONTRACT TO PREPARE EVALUATION AND APPRAISAL REPORT (EAR) AMENDMENTS TO THE COMPREHENSIVE PLAN OF THE CITY OF KEY WEST BETWEEN THE CITY AND CORRADINO GROUP, 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. 11-249

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE MONROE COUNTY COMMERCIAL FISHERMEN, INC. TO CONDUCT THEIR ANNUAL FLORIDA KEYS SEAFOOD FESTIVAL AT BAYVIEW PARK ON SATURDAY, JANUARY 14, 2012 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 FOR 11:00 A.M. TO 8:00 P.M.; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following person spoke on the matter:

Jim Scholl, City Manager

It was moved by Commissioner Johnston and seconded by Commissioner Rossi 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

RESOLUTION NO. 11-250

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A SOUND CONTROL ORDINANCE WAIVER FOR SERVICE CABLE ELECTRIC, INC. FOR THE REPLACEMENT OF A DIESEL BASE TANK AT HOME DEPOT; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following person spoke on the matter:

Jim Scholl, City Manager

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

RESOLUTION NO. 11-251

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 person spoke on the matter:

Joan Langley, 821 Georgia Street

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

RESOLUTION NO. 11-252

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED "STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION DEFERRED UTILITY RELOCATION EXPENSE REIMBURSEMENT (INCLUDING INTEREST) AGREEMENT" FOR THE NORTH ROOSEVELT SEWER FORCE MAIN PROJECT; AUTHORIZING FUNDS TO REIMBURSE THE STATE ~~REPAY THE LOAN~~ OVER A THREE-YEAR PERIOD FROM THE CITY'S SEWER UTILITY; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Jim Scholl, City Manager
Shawn Smith, City Attorney
Jay Gewin, Utilities Manager

It was moved by Commissioner Rossi and seconded by Commissioner Wardlow that the Resolution be passed and adopted replacing the phrase “repay the loan” with “reimburse the state”.

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

RESOLUTION NO. 11-253

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING TASK ORDER NO. 11-009 TO PEREZ ENGINEERING AND DEVELOPMENT, INC. IN AN AMOUNT NOT TO EXCEED \$73,500.00 FOR ENGINEERING AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE NORTH ROOSEVELT SEWER FORCE MAIN PROJECT; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Jim Scholl, City Manager
Jay Gewin, Utilities Manager

It was moved by Commissioner Rossi and seconded by Commissioner Wardlow 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

RESOLUTION NO. POSTPONED TO SEPTEMBER 20, 2011

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING MODIFICATION TO THE MAJOR DEVELOPMENT PLAN AND CONDITIONAL USE PREVIOUSLY APPROVED BY RESOLUTION 09-242 TO PERMIT RECONFIGURATION OF A PARKING LOT, ELIMINATION OF PREVIOUSLY REQUIRED INGRESS AND EGRESS EASEMENT, RELOCATION OF GARBAGE STORAGE AND PICK-UP AREAS, AND TO MODIFY CONDITIONS TO PERMIT OUTDOOR CONSUMPTION AREA FOR THE PROPERTY LOCATED AT 512 GREENE STREET (RE #00001170-000000); PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

It was moved by Commissioner Rossi and seconded by Commissioner Lopez that the Resolution be postponed to September 20, 2011.

The Mayor requested the Clerk call the roll.

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

Nays: Commissioner Gibson

SO ORDERED

RESOLUTION NO. 11-254

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING A 2.4 PERCENT ADJUSTMENT TO INCREASE THE USER FEE OF EACH EQUIVALENT STORMWATER UNIT (ESU) TO \$7.68; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

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

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Gibson, Johnston, Lopez and Rossi

Nays: Commissioner Wardlow 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. 11-255

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, ACCEPTING THE PROPOSAL FOR EMPLOYEE INSURANCE BENEFITS FROM CIGNA HEALTHCARE FOR FISCAL YEAR 2011-12, AND RENEWAL FOR A PERIOD OF UP TO FIVE (5) YEARS; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE AND EXECUTE A CONTRACT IN ACCORDANCE WITH THE RESPONSE TO RFP# 010-12, UPON THE ADVICE AND CONSENT OF THE CITY ATTORNEY; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

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

The Mayor requested the Clerk call the roll.

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

ORDINANCES - FIRST READING:

ORDINANCE NO. Second Reading September 20, 2011

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, CREATING CHAPTER OR AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES ENTITLED "ADMINISTRATION" BY AMENDING SECTION 2-32 TO PROVIDE FOR SALARY ADJUSTMENTS FOR THE MAYOR AND CITY COMMISSIONERS; 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:

Mark Songer, 1310 Newton Street
Shawn Smith, City Attorney

It was moved by Commissioner Johnston 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 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. FAILED

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 74 OF THE CODE OF ORDINANCES ENTITLED "UTILITIES" BY AMENDING SECTION 74-246 TO ADJUST THE BASE CHARGE COMPONENT (BCU) OF THE SEWER SERVICE USER CHARGE; THE PROPORTIONAL USE CHARGE COMPONENT OF THE SEWER SERVICE USER CHARGE; THE MONTHLY ALTERNATIVE WATER SURCHARGE; THE SEWER SERVICE MONTHLY BASE CHARGE UNIT; 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:

Jay Gewin, Utilities Manager
Jim Scholl, City Manager

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

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Lopez and Rossi

Nays: Commissioners Gibson, Johnston, Wardlow and Mayor Cates

The said Ordinance was thereupon declared by the Mayor to have failed.

SO ORDERED

It was moved by Commissioner Johnston and seconded by Commissioner Rossi to revisit the previous item.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston and Lopez

Nays: Commissioners Gibson, Rossi, Wardlow and Mayor Cates

Motion to reconsider failed.

CITIZEN COMMENTS:

There were no comments from the public.

COMMISSION COMMENTS:


Commissioner Wardlow thanked the City Manager and Staff for finishing the job repaving Eaton Street in a timely fashion and on Northside Drive for improvement of the flooding impacts in the area.

Commissioner Gibson commented about the Atlantic Boulevard repaving but the landscaping needed to be completed.

Commissioner Johnston commented along with the passing of Mrs. Weekley and Mr. White they also had lost Mary Jo DeSilva and Raymond the Hot-dog Man who would be greatly missed.

ADJOURNMENT:

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


Cheryl Smith, MMC, CPM
City Clerk