

MINUTES
CITY COMMISSION MEETING
OLD CITY HALL, 510 GREENE STREET
TUESDAY, JUNE 18, 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, June 18, 2013.

Mayor Craig Cates called the meeting to order at 6:00 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 Acting City Manager David Fernandez, Assistant City Manager Mark Finigan, City Attorney Shawn Smith, Fire Chief David Fraga, Fire Marshal Danny Blanco, Fire Inspector Alan Averette, Chief of Police Donie Lee, CRB Director Sue Srch, City Coordinator with the Navy Terrence Justice, Fleet Manager Ed Herrera, Sustainability Coordinator Alison Higgins, DOT Carolyn Haia, Planning Director Don Craig, Community Services Director Greg Veliz, Parking Manager John Wilkins, Deputy Community Services Director Rodrigo Delostrinos, Information Technology Director Patti McLauchlin, Port and Transit Director Jim Fitton, Senior Project Manager Doug Bradshaw, Utilities Manager Jay Gewin, Deputy City Clerk Angela Budde and City Clerk Cheri Smith..

Pastor Ozzie Vater, Fifth Street Baptist 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:

City Clerk announced two (2) proposed add-ons, Resolution Items #15 and #16. The Acting City Manager discussed the proposed add-ons with the Commission. The Mayor asked for a consensus from the Commission to add the items to the agenda and it was met with overall approval.

Commissioner Yaniz requested Resolution Item #15 and Resolution Item #16 be added to the Consent Agenda.

The City Clerk requested Resolution Item #13 to be removed from Consent Agenda to accommodate speakers signed up to talk on the item.

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

PROCLAMATIONS:

- 1) National HIV Testing Day

PRESENTATIONS:

City Attorney's Report

The City Attorney updated the Commission on an Interlocal Agreement document with the Monroe County School Board that has not been signed by the School Board since it was passed by the City Commission in 2012.

City Attorney Smith suggested for consideration the Commission have a Request for Proposals for Towing be developed to call for solicitations.

- Assisted Care Discussion

The City Attorney discussed with the Commission his concerns on key points requiring clarification from the Commission before City staff can move forward with drafting an Agreement.

Key Points were:

- Building Permit allocations
- Developer Fee
- Assignment – Master Tenant and two subleases (to be approved by the Commission)
- Base Rent

- Personal Guarantee
- Developer is asking to have Waive up to \$20,000.00 in Building Fees.
- CPI

City Manager's Report

The Acting 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 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. 13-160

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPOINTING JEFF RODRIQUEZ TO THE ART IN PUBLIC PLACES BOARD; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-161

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING HELPLINE, INC. TO CONDUCT IT'S ANNUAL CARIBBEAN STREET FAIR ON SATURDAY, JULY 20, 2013 FROM 8:00 A.M. TO 9:00 P.M.; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE CLOSURE OF DUVAL STREET BETWEEN FRONT AND FLEMING STREETS BETWEEN THE HOURS OF 8:00 A.M. TO 9:00 P.M.; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE ENCLOSED AREA; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-162

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED "MEMORANDUM OF AGREEMENT FOR PARTICIPATING UASI (URBAN AREA SECURITY INITIATIVE) GRANT 2011 AGENCY" PURSUANT TO A FEDERALLY FUNDED SUBGRANT AGREEMENT BETWEEN THE U.S. DEPARTMENT OF HOMELAND SECURITY (USDHS) AND THE MIAMI AND FORT LAUDERDALE URBAN AREA FOR THE MIAMI UASI GRANT PROGRAM FY 2011, IN THE AMOUNT OF \$15,000.00, TO FUND THE PURCHASE OF EQUIPMENT, SERVICES AND ALLOWABLE PERSONNEL COST IN CONNECTION WITH THE DEVELOPMENT AND SUPPORT OF THE UASI PROJECT ADMINISTERED BY THE CITY OF MIAMI DEPARTMENT OF FIRE-RESCUE; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-163

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AN AMENDMENT TO THE FY 2012-13 BUDGET BY ALLOCATING FUNDS FROM THE U.S. NAVY POOLED CASH ACCOUNT #602-0000-104-00 TO THE NAVY RESERVES ACCOUNT #602-1900-519.98-06 IN THE AMOUNT OF \$1,675,000.00; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-164

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE AWARD OF INVITATION TO BID #13-006, SMATHERS AND REST BEACH RENOURISHMENT TO DICKERSON FLORIDA, INC. IN AN AMOUNT NOT TO EXCEED \$1,029,891.45; AUTHORIZING NECESSARY BUDGET TRANSFERS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-165

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE AWARD OF TASK ORDER NO. 14 FOR CONSTRUCTION ENGINEERING & INSPECTION (CEI)

AND FOUR-YEAR POST CONSTRUCTION BIOLOGICAL AND PHYSICAL MONITORING FOR THE RENOURISHMENT OF SMATHERS BEACH PROJECT PHASE II TO ATKINS NORTH AMERICA, INC. ("ATKINS") IN AN AMOUNT NOT TO EXCEED \$193,609.00; AUTHORIZING NECESSARY BUDGET TRANSFERS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-166

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RATIFYING PURSUANT TO SECTION 2-797(2) THE CITY MANAGER'S APPROVAL OF TASK ORDER NO. 4-13-STM FROM CH2M HILL ENGINEERING, INC. IN AN AMOUNT NOT TO EXCEED \$112,117.00 FOR ENGINEERING SERVICES FOR THE DESIGN, PERMITTING AND BID PHASE SERVICES FOR AN EMERGENCY OUTFALL AND GENERATOR FOR THE SIMONTON STREET STORMWATER PUMP STATION; APPROVING APPROPRIATE BUDGET TRANSFERS FROM STORMWATER FUND RESERVES; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-167

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RATIFYING A PROPOSAL FROM DOUGLAS N. HIGGINS TO CONSTRUCT NEW VALVES FOR THE SIMONTON STREET STORMWATER PUMP STATION IN AN AMOUNT NOT TO EXCEED \$73,222.67. AUTHORIZING A NECESSARY BUDGET TRANSFER; AUTHORIZING EXECUTION OF RELATED CONTRACT DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-168

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING PURSUANT TO SECTION 2-797(3) THE PURCHASE OF A CATERPILLAR 450F BACKHOE LOADER VEHICLE FROM KELLY TRACTOR COMPANY FOR \$138,980.00 THROUGH PIGGYBACKING ON THE FLORIDA SHERIFF'S ASSOCIATION CONTRACT; APPROVING A BUDGET TRANSFER; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-169

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE PURCHASE OF FOUR (4) TOYOTA PRIUS C HYBRID VEHICLES FROM ALAN JAY FORD, PURSUANT TO SECTION 2-797(3) OF THE CODE OF ORDINANCES, IN THE TOTAL AMOUNT OF \$78,772.00; AUTHORIZING A BUDGET TRANSFER FROM INFRASTRUCTURE RESERVES; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-170

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED "LICENSE FOR NONFEDERAL USE OF REAL PROPERTY" (LICENSE NUMBER N69450-13-RP-00085) BETWEEN THE UNITED STATES OF AMERICA BY THE SECRETARY OF THE NAVY, AND THE CITY OF KEY WEST, FOR APPROXIMATELY 800 FEET OF THE OUTER PORTION OF THE MOLE PIER AT TRUMAN ANNEX; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-171

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED SUPPLEMENT NUMBER TWO (2) TO THE JOINT PARTICIPATION AGREEMENT (JPA) FOR CONTRACT AQN20 BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AND THE CITY OF KEY WEST, TO INCREASE THE MAXIMUM PARTICIPATION OR GRANT AWARD FROM FDOT FROM \$2,000,000.00 TO \$3,781,266.00, REFLECTING AN INCREASED AMOUNT OF \$1,781,266.00 TO BE USED FOR CONSTRUCTION COSTS OR RELATED CAPITAL EXPENSES OF THE NEW TRANSIT FACILITY AT 5701 COLLEGE ROAD, KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-172

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING GRANT AGREEMENT NO. ARE064 BETWEEN THE CITY AND THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, OFFICE OF ENERGY, IN THE AMOUNT OF \$250,000.00; AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT AGREEMENT UPON CONSENT OF THE CITY ATTORNEY; AUTHORIZING A CITY MATCH; AUTHORIZING NECESSARY BUDGET AMENDMENTS; 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. 13-173

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED "FIRST AMENDMENT TO AGREEMENT" BETWEEN THE CITY AND THE SCHOOL BOARD OF MONROE COUNTY, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Margaret Romero, 1615 Washington Street
City Attorney Smith

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

The Mayor acknowledged the motion and second 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. 13-174

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPOINTING A MEMBER TO THE CITIZENS REVIEW BOARD; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

City Clerk Smith
City Attorney Smith
Candidate Perry Frantzman
Candidate Fred Marchak
Candidate Hayward Magby

The Deputy Clerk passed out ranking forms to the Commission to select one candidate to serve on the Citizens Review Board.

The City Clerk read the ballots and Mr. Hayward Magby was selected.

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

The Mayor acknowledged the motion and second 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

ORDINANCES - FIRST READING:

ORDINANCE NO. Passed to Second Reading

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES ENTITLED "AMUSEMENTS AND ENTERTAINMENT" BY ADDING DEFINITIONS TO SECTION 6-166; BY AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES ENTITLED "BUSINESSES" BY DELETING "MOPED AND SCOOTER RENTALS", AND ADDING "RECREATIONAL RENTAL VEHICLES", BY ADDING SECTION 18-354 ESTABLISHING PERMITS REQUIRED, APPLICATION, FRANCHISE FEES, BY ADDING SECTION 18-354 ESTABLISHING RECREATIONAL RENTAL VEHICLES DEEMED A CONDITIONAL USE; BY ADDING SECTION 18-356 ESTABLISHING A 30-DAY

PERIOD TO ESTABLISH NUMBERS OF RECREATIONAL RENTAL VEHICLES; BY ADDING SECTION 18-357 ESTABLISHING RESTRICTIONS ON BICYCLE TOUR COMPANIES; BY ADDING SECTION 18-358 ESTABLISHING OF NEW RECREATIONAL OF CONCURRENCY TRAFFIC ANALYSIS FOR THE ESTABLISHMENT OF NEW RECREATIONAL RENTAL BUSINESSES; BY ADDING SECTION 18-359 ESTABLISHING IDENTIFICATION BY DECAL OF ALL RECREATIONAL RENTAL VEHICLES; BY ADDING SECTION 18-360 ESTABLISHING AN ANNUAL INSPECTION OF EACH RECREATIONAL RENTAL VEHICLES FACILITY; BY ADDING SECTION 18-561 ESTABLISHING PENALTIES FOR VIOLATIONS; 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:

City Planner Craig

It was moved by Commissioner Rossi and seconded by Commissioner Lopez, for discussion that the Ordinance be passed on first reading.

The Mayor acknowledged the motion and second 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, REPEALING THE ZONING IN PROGRESS ADOPTED BY ORDINANCE NO. 12-35; AMENDING CHAPTER 122 OF THE CODE OF ORDINANCES ENTITLED "ZONING" BY AMENDING SECTION 122-418 "CONDITIONAL USES" IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT TO PROVIDE FOR PAIN MANAGEMENT CLINICS AS A CONDITIONAL USE; BY CREATING DIVISION 14

ENTITLED "PAIN MANAGEMENT CLINICS"; BY ADDING SECTIONS 122-1547 THROUGH AND INCLUDING 122-1553, TO ALLOW AND REGISTER PAIN MANAGEMENT CLINICS AS DEFINED; 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
Judy Martinez, 1020 Emma 3A

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

The Mayor acknowledged the motion and second 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

ORDINANCES SECOND READING: (Public Hearing)

ORDINANCE NO. 13-09

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 58 OF THE CODE OF ORDINANCES ENTITLED "SOLID WASTE" TO CONVERT MONTHLY UTILITY BILLING TO A NON AD VALOREM ASSESSMENT ON THE PROPERTY TAX ROLL BEGINNING IN FY 2014; AMENDING CERTAIN REGULATIONS TO CONFORM THE SOLID WASTE ORDINANCE WITH THE CURRENT SOLID WASTE COLLECTION PROCESS, AND THE CITY'S RECYCLING GOALS; BY AMENDING SECTION 58-1 TO ADD DEFINITIONS; AMENDING SECTION 58-2 TO CLARIFY AUTHORITY OF FRANCHISEES; AMENDING SECTION 58-31 TO CLARIFY WASTE CONTAINER REQUIREMENTS; AMENDING SECTION 58-32 TO CLARIFY TEMPORARY DUMPSTER PROVISIONS; AMENDING SECTION 58-35 TO CLARIFY BULK AND EXCESS YARD WASTE PICK-UPS;

RESCINDING SECTION 58-62 TO RESCIND MONTHLY BILLING; RESCINDING SECTION 58-63 TO RESCIND DELINQUENCY PROVISIONS; AMENDING SECTION 58-66 TO ADJUST THE CONVERSION RATE FOR NON-COMPACTION CONTAINERS; AMENDING SECTION 58-68 REGARDING COMMERCIAL SOLID WASTE ACCOUNTS; AMENDING SECTION 58-71 TRASH HAULERS; RESCINDING SECTION 58-72 RESPONSIBILITY OF OWNER AND TENANT FOR PAYMENT; RESCINDING SECTION 58-73 REGARDING ISSUANCE OF BUSINESS TAX RECEIPT; AMENDING SECTION 58-82 TO AMEND RESIDENTIAL RECYCLABLE MATERIALS; AMENDING SECTION 58-84 REGARDING COLLECTION CONTAINERS OF RESIDENTIAL RECYCLABLE MATERIALS; AMENDING SECTION 58-86 TO INCLUDE WHITE GOODS IN THE ANTI-SCAVENGER CLAUSE; ADDING DIVISION V – SECTIONS 58-100 THROUGH 58-115 TO ESTABLISH REGULATIONS FOR IMPLEMENTING AN ANNUAL SOLID WASTE ASSESSMENT FOR RESIDENTIAL PROPERTIES AND BILLING REGULATIONS FOR COMMERCIAL AND GOVERNMENT PROPERTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

The Clerk read the title of the item.

The following people spoke on the matter:

Judy Martinez, 1020 Emma Street 3A
Utilities Manager Jay Gewin
Acting City Manager Fernandez

Commissioner Wardlow stated for the record he is supporting the change but if the City receives too many complaints about Garbage accumulating that he would be requesting for twice a week garbage pickup to resume.

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

The Mayor acknowledged the motion and second 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 and second reading and was adopted and authenticated with the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

ORDINANCE NO. 13-10

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 74 OF THE CODE OF ORDINANCES ENTITLED "UTILITIES," ARTICLE V, STORMWATER UTILITY, TO CONVERT MONTHLY STORMWATER BILLING TO A NON AD VALOREM ASSESSMENT ON THE PROPERTY TAX ROLL BEGINNING IN FY 2014; BY AMENDING SECTION 74-361 TO ADD DEFINITIONS; AMENDING SECTION 74-365 TO PROVIDE FOR USER FEE; REPEALING SECTION 74-366 AND REPLACING IT WITH A NEW SECTION 74-366 REGARDING STORMWATER SERVICE ASSESSMENTS; ADDING A NEW SECTION 74-367 TO PROVIDE FOR STORMWATER IMPROVEMENT ASSESSMENTS; ADDING A NEW SECTION 74-368 TO PROVIDE FOR AN INITIAL ASSESSMENT RESOLUTION; ADDING A NEW SECTION 74-369, STORMWATER ASSESSMENT ROLL; ADDING SECTION 74-370 TO PROVIDE NOTICE BY PUBLICATION; ADDING SECTION 74-371 TO PROVIDE NOTICE BY MAIL; ADDING SECTION 74-372 TO PROVIDE FOR FINAL ASSESSMENT RESOLUTION; ADDING SECTION 74-373 TO PROVIDE AN ANNUAL RATE RESOLUTION; ADDING SECTION 74-374 TO PROVIDE EFFECT OF STORMWATER RESOLUTIONS; ADDING SECTION 74-375 TO PROVIDE FOR LIEN OF STORMWATER ASSESSMENTS; ADDING SECTION 74-376 TO PROVIDE A METHOD OF COLLECTION OF STORMWATER ASSESSMENTS; ADDING SECTION 74-377 TO PROVIDE AN ALTERNATIVE METHOD OF COLLECTION OF STORMWATER ASSESSMENT; ADDING SECTION 74-378 TO PROVIDE FOR COLLECTION OF STORMWATER ASSESSMENTS FROM GOVERNMENT PROPERTY; ADDING SECTION 74-379 TO PROVIDE RESPONSIBILITY FOR ENFORCEMENT; ADDING SECTION 74-381 TO PROVIDE FOR PROCEDURAL IRREGULARITIES; ADDING SECTION 74-382 TO PROVIDE FOR CORRECTION OF ERRORS AND OMISSIONS; ADDING SECTION 74-383, APPLICABILITY; ADDING SECTION 74-484 ALTERNATIVE METHOD; RENUMBERING SECTION 74-367 TO 74-385; RENUMBERING SECTION 74-368 TO 74-386; RENUMBERING SECTION 74-369 TO SECTION 74-387 AND ADJUSTING THE EQUIVALENT STORMWATER UNIT (ESU) RATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF

INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

The Clerk read the title of the item.

The following person spoke on the matter:

Utilities Manager Gewin

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

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

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

Nays: Commissioner Rossi

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. 13-11

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES ENTITLED "ADMINISTRATION" BY ADDING SECTION 2-773, "CONE OF SILENCE" TO PROVIDE FOR LIMITATIONS AND PROCEDURES REGARDING COMMUNICATIONS CONCERNING CITY ISSUED COMPETITIVE SOLICITATIONS; PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Ordinance.

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

The Mayor acknowledged the motion and second 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 and second reading and was adopted and authenticated with the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

CITIZEN COMMENTS:

Judy Martinez, 1020 Emma Street 3A
Margaret Romero, 1615 Washington Street
Christine Russell. 614 Grinnell Street

COMMISSION COMMENTS:

Commissioner Johnston reminded the audience there would be a neighborhood meeting held Saturday, June 22, at Glynn Archer School beginning at 10:00 am until 1:00 pm. The purpose is to discuss expectations on the impending construction of a future City Hall such as the site plans and noise that may affect the surrounding community.

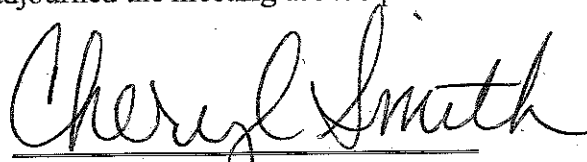
Commissioner Yaniz asked the City Attorney to prepare a Resolution for July 2 agenda regarding a cultural exchange with the Country of Cuba.

Commissioner Weekley asked ACM Finigan for an update on BP Settlement.

Commissioner Lopez spoke of State Senator Dwight Bullard's visit for the Africana Festival that was held over the weekend.

ADJOURNMENT:

There being no further business the Mayor adjourned the meeting at 9:08 p.m.



Cheryl Smith, MMC, CPM
City Clerk

OFFICIAL TALLY SHEET

Selecting One Member to the Citizen Review Board

JUNE 18, 2013

Upon completion, the form is to be submitted to the City Clerk for tabulation.

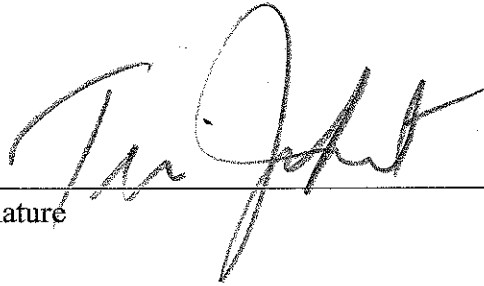
Candidates for Selection:

1. Perry Frantzman
2. Hayward Magby
3. Fred Marchak

Candidate Selection:

Fred Marchak

Commissioner's Signature



OFFICIAL TALLY SHEET

Selecting One Member to the Citizen Review Board

JUNE 18, 2013

Upon completion, the form is to be submitted to the City Clerk for tabulation.

Candidates for Selection:

1. Perry Frantzman
2. Hayward Magby
3. Fred Marchak

Candidate Selection: Fred Marchak

[Signature]
Commissioner's Signature

OFFICIAL TALLY SHEET

Selecting One Member to the Citizen Review Board

JUNE 18, 2013

Upon completion, the form is to be submitted to the City Clerk for tabulation.

Candidates for Selection:

1. Perry Frantzman
2. Hayward Magby
3. Fred Marchak

Candidate Selection: Perry Frantzman

Billy Madala
Commissioner's Signature

OFFICIAL TALLY SHEET

Selecting One Member to the Citizen Review Board

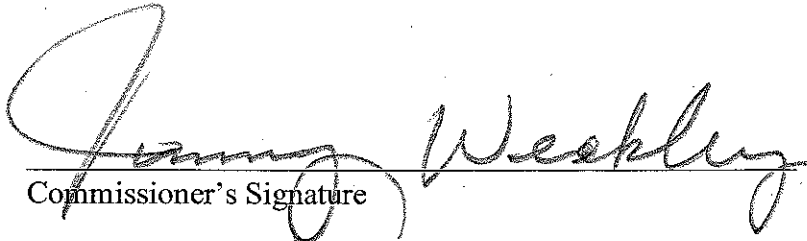
JUNE 18, 2013

Upon completion, the form is to be submitted to the City Clerk for tabulation.

Candidates for Selection:

1. Perry Frantzman
2. Hayward Magby
3. Fred Marchak

Candidate Selection: MAGBY



Commissioner's Signature

OFFICIAL TALLY SHEET

Selecting One Member to the Citizen Review Board

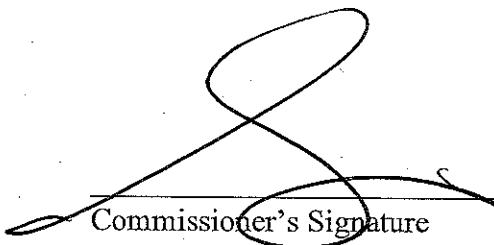
JUNE 18, 2013

Upon completion, the form is to be submitted to the City Clerk for tabulation.

Candidates for Selection:

1. Perry Frantzman
2. Hayward Magby
3. Fred Marchak

Candidate Selection: _____


Commissioner's Signature

(TOSKY)

OFFICIAL TALLY SHEET

Selecting One Member to the Citizen Review Board

JUNE 18, 2013

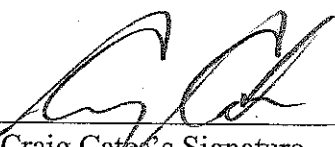
Upon completion, the form is to be submitted to the City Clerk for tabulation.

Candidates for Selection:

1. Perry Frantzman
2. Hayward Magby
3. Fred Marchak

Candidate Selection:

Hayward Magby



Mayor Craig Cates's Signature