

MINUTES

CITY COMMISSION MEETING

OLD CITY HALL, 510 GREENE STREET

TUESDAY, APRIL 2, 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, April 2, 2013.

Mayor Craig Cates called the meeting to order at 6:05 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, Chief Assistant City Attorney Larry Erskine, City Planner Don Craig, Community Services Director Greg Veliz, Deputy Community Services Director Rodrigo Delostrinos, 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 Tom Sterner, First Congregational Church, gave the invocation.

The pledge of allegiance to the flag of the United States of America was given by all present lead by the Boys and Girls Clubs of Key West.

CHANGES TO THE AGENDA:

Commissioner Rossi requested Item #25 be removed from the Consent Agenda.

Commissioner Lopez requested Item #21 be postponed to May 7, 2013.

Commissioner Yaniz requested Item #22 be removed from the Consent Agenda.

Commissioner Johnston requested Item #20 be removed from the Consent Agenda.

The City Manager stated Item #17 had been withdrawn. The City Manager asked that Item #11, the Presentation from FDOT, be moved to be heard before the reading of the Proclamations.

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

PRESENTATION:

- 1) Florida Department of Transportation Quarterly Update, North Roosevelt Boulevard Project – Mr. Dean Walters, Public Information Specialist

PROCLAMATIONS:

- 2) Boys and Girls Clubs of the Keys Week
- 3) National Service Recognition Day
- 4) Comcast Cares Day
- 5) Fair Housing and Community Development Month
- 6) Water Conservation Month
- 7) Municipal Clerks Week
- 8) Father Canon John H. Reece, Jr. Day
- 9) National Public Health Week
- 10) Minority Health Month

PRESENTATION:

- 11) Southern Keys Cemetery – Stanley Sabuk

City Attorney's Report

City Attorney Smith updated the Commission regarding the BP Compensation claim. He asked for general direction to authorize the filing of the claim. There were no objections from the Commission.

Mayor Cates asked for an update on the ruling with Sunset Marina. Mr. Smith reported they were successful in defending the challenge by Sunset Marine to the recently passed changes to the PS

Zoning District. He stated the administrative judge agreed that we followed the Comprehensive Plan and that the changes to the PS Zoning District permissibly allow for a homeless center to be established via Conditional Use. They are also facing circuit court litigation on the similar subject of the location of KOTS at the jail. The homeless safe zone at the Easter Seal property could be established as a Conditional Use. He stated the County has expressed an interest to work with the City.

City Manager's Report

City Manager Vitas reminded the Commission of the Special Meeting on April 17, 2013 where they will consider three items; 1) to discuss priorities for Fiscal 2014 and they will be provided with a six-month update on the Fiscal 2013 priorities; 2) the Architectural Services Agreement with Bender and Associates for the New City Hall; and 3) the State of the City Address from the Mayor.

Commissioner Weekley reported he had a number of complaints regarding the right-of-way maintenance and tree trimming. He asked that before any tree trimming is done that the residents be informed of the ordinance regarding trees over the right-of-way. Also, staff needs to be trained on how to trim the trees properly. Community Services Director Greg Veliz stated they will be training the right-of-way crews this week and they will establish a process by which they trim trees. Mr. Veliz stated they may involve Code Compliance to notify owners to come into compliance. Mr. Vitas would look into the issue and follow-up with a better program. Mr. Smith stated that homeowners need to realize they face liability when they have not complied with Code.

CONSENT AGENDA:

The Clerk read the titles of the Resolutions.

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

March 19, 2013 (Regular)
March 20, 2013 (Workshop)

RESOLUTIONS:

RESOLUTION NO. 13-084

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPOINTING SUZANNE SULLIVAN TO THE TREE COMMISSION; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-085

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE ATTACHED AGREEMENT BETWEEN THE CITY OF KEY WEST, FLORIDA, AND THE CONCH REPUBLIC INDEPENDENCE CELEBRATION, AIDS HELP, THE KEY WEST CULTURAL PRESERVATION SOCIETY, BOURBON STREET PUB AND PETRONIA ST. NEIGHBORHOOD ASSOCIATION FOR THE 2013 CONCH REPUBLIC INDEPENDENCE CELEBRATION FROM APRIL 19 THROUGH APRIL 28, 2013; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE ENCLOSED AREA; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-086

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING 425 TACOS, LLC DBA AMIGOS TORTILLA BAR TO CONDUCT A "CINCO DE MAYO" FUNDRAISER FOR FLORIDA KEYS SPCA ON GREENE STREET FROM THE CORNER OF DUVAL STREET TO TELEGRAPH LANE SUNDAY, MAY 5, 2013 FROM 5:00 P.M. TO 12:00 MIDNIGHT; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE CLOSURE OF THE 400 BLOCK OF GREENE STREET BETWEEN DUVAL STREET AND TELEGRAPH LANE FROM 5:00 P.M. TO 12:00 MIDNIGHT; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 5:00 P.M. TO 12:00 MIDNIGHT; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE BARRICADED AREA; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-087

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING LA TE DA REDUX, INC. TO CONDUCT THE QUEEN MOTHER PAGEANT ON MONDAY, MAY 13, 2013 FROM 12:00 NOON TO 10:30 P.M.; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE CLOSURE OF THE 1100 BLOCK OF DUVAL STREET FROM 12:00 NOON TO 12:00 MIDNIGHT; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 7:00 P.M. TO 10:30 P.M. (SOUND CHECK AT 4:00 P.M. TO 4:30 P.M.); AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE ENCLOSED AREA; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-088

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING AN ADDITIONAL SIXTY (60) DAY CONTRACT TIME EXTENSION FOR D.N. HIGGINS, INC., TO COMPLETE CONSTRUCTION OF THE GLYNN ARCHER/14TH STREET SIDEWALK ENHANCEMENT PROJECT (PROJECT NO. EN-1004) AT NO ADDITIONAL COST; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. POSTPONED TO MAY 7, 2013

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVAL OF TASK ORDER NO. 2 FOR SOLID WASTE PROCUREMENT FOR THE CITY OF KEY WEST IN AN AMOUNT NOT TO EXCEED \$ 40,000.00; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-089

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING PURSUANT TO SECTION 2-771(C) OF THE CODE OF ORDINANCES THE DISPOSAL OF TWENTY-ONE (21) CITY-OWNED VEHICLES; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-090

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING PURSUANT TO SECTIONS 2-797(1) AND 2-844(A) AND (B) OF THE CODE OF ORDINANCES THE PURCHASE OF TEN (10) COBAN "EDGE" IN-CAR VIDEO RECORDING SYSTEMS FROM COBAN TECHNOLOGIES IN THE AMOUNT OF \$52,200.00; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-091

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED LIST OF ROADWAYS TO BE PAVED UNDER THE ASPHALT PAVING CONTRACT GN-1202 FOR FY 2012-13 ON A WORK ORDER BASIS IN A TOTAL AMOUNT NOT TO EXCEED \$990,389.00; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-092

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVE THE ATTACHED AGREEMENT BETWEEN THE CITY AND J. JEFFERSON OVERBY FOR CODE ENFORCEMENT SPECIAL MAGISTRATE SERVICES; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-093

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

RESOLUTION NO. 13-094

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED "AGREEMENT FOR CITY OF KEY WEST, FLORIDA, TO REIMBURSE THE PROPERTY APPRAISER" BETWEEN THE MONROE COUNTY PROPERTY APPRAISER AND THE CITY OF KEY WEST, FLORIDA (THE "ILA") CONCERNING SOLID WASTE AND STORMWATER UTILITY BILLING THROUGH THE PROPERTY TAX ROLL; AUTHORIZING THE CITY MANAGER TO EXECUTE THE ILA ON BEHALF OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-095

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AN AMENDMENT TO THE ATTACHED “AGREEMENT FOR CITY OF KEY WEST KEYS OVERNIGHT TEMPORARY SHELTER (KOTS)” BETWEEN THE CITY AND THE SOUTHERNMOST HOMELESS ASSISTANCE LEAGUE, INC. (SHAL).; 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. 13-096

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVAL ISSUANCE OF A TASK ORDER TO BLACK & VEATCH FOR CONSULTING SERVICES FOR THE DEVELOPMENT OF A REQUEST FOR QUALIFICATIONS (RFQ) FOR THE OPERATION AND MAINTENANCE OF THE CITY’S WASTEWATER TREATMENT PLANT AND SEWER AND STORMWATER COLLECTION SYSTEMS IN AN AMOUNT NOT TO EXCEED \$67,545.00; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following person spoke on the matter:

Bob Vitas, City 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. 13-097

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AWARDED THE BID OF D. N. HIGGINS, INC. FOR THE CONSTRUCTION OF SWITCHGEAR ENCLOSURES AND A FUEL STATION AT THE NAVY MOLE PIER IN AN AMOUNT NOT TO EXCEED \$2,056,140.00 IN ACCORDANCE WITH THE TERMS SPECIFIED IN ITB 13-011 AND AMENDMENTS THERETO; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT ON BEHALF OF THE CITY OF KEY WEST; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following person spoke on the matter:

Terry Justice, Engineer

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. 13-098

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE PURCHASE OF THREE (3) VEHICLES FROM DUVAL FORD, ONE (1) FIVE ~~(5)~~ VEHICLES FROM DON REID FORD, AND THREE (3) VEHICLES FROM ALAN JAY FORD PURSUANT TO SECTION 2-797 OF THE CODE OF ORDINANCES IN THE TOTAL AMOUNT OF \$139,943.00 ~~\$206,539.00~~ FOR USE BY THE KEY WEST MAIL COURIER, PARKING ENFORCEMENT AND COMMUNITY SERVICES DEPARTMENT; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Eduardo Herrera, Fleet Manager
Bob Vitas, City Manager
John Wilkins, Parking Manager

It was moved by Commissioner Rossi and seconded by Commissioner Wardlow, for discussion, to postpone the item.

After discussion, it was moved by Commissioner Rossi and seconded by Commissioner Wardlow that the Resolution be passed as amended holding off with the purchase of four (4) Ford Fusion Automobiles.

The Mayor requested the Clerk 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:

RESOLUTION NO. 13-099

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 IN RESOLUTION 09-242 AND AMENDED IN RESOLUTION 11-274 TO AMEND THE LAYOUT OF THE COMMERCIAL FLOOR AREA, REDUCE RETAIL SPACE AND CONVERT RETAIL AREA TO MIXED RETAIL AND BAR/LOUNGE CONSUMPTION AREA FOR THE PROPERTY LOCATED AT 512 GREENE STREET (RE# 00001170-000000); PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

Commissioner Rossi recused himself from this item.

The Clerk read the title of the Resolution. The Clerk administered the oath to those giving testimony on this item.

The following people spoke on the matter:

Owen Trepanier, 402 Appelrouth Lane
Bill LaRose, Tattoos and Scars
Casey Vinyl, 512 Greene Street
Hania Rivera, 2412 Fogarty
Don Craig, City Planner
Mark Anderson, 3227 Pearl Avenue
Ben Hennington, 1307 Truman Avenue
Christopher Shultz, 1025 Roberts Lane
Rob O'Neal, 1612 Washington
Sherri Hall, 605 Dey Street
Joe Messina, 529 Caroline Street
Richard Tallmadge, 1700 Jamaica Drive
Rick Dostal, 210 Truman Avenue
Dale Larkin, 32 7th Avenue
Jermy Ashby, 1223 White Street
Mona Friedman, 705 Ashe Street
Shawn Smith, City Attorney

It was moved by Commissioner Weekley 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, Wardlow, Weekley, Yaniz and Mayor Cates

Nays: Commissioner Johnston

Recused: Commissioner Rossi

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

The Mayor asked for a brief recess in the meeting and reconvened at 8:40 p.m.

ADMINISTRATIVE APPEAL - QUASI-JUDICIAL HEARING:

RESOLUTION NO. 13-100

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING/DENYING THE APPEAL BY PETER JANKER AND UPHOLDING/AMENDING THE PLANNING DEPARTMENT'S LAWFUL UNIT DETERMINATION FOR 417 UNITED

STREET UPSTAIRS ADDITION; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution. The Clerk administered the oath to those giving testimony on this item.

The following people spoke on the matter:

Shawn Smith, City Attorney
Peter Janker, Owner 417 United Street
Don Craig, City Planner

It was moved by Commissioner Johnston and seconded by Commissioner Lopez that the appeal be denied and the ruling of the City Planner be upheld.

The Mayor requested the Clerk call the roll.

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

Nays: Commissioners Rossi and Wardlow

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 SECOND READING: (Public Hearing)

ORDINANCE NO. 13-07

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 66 OF THE CODE OF ORDINANCES ENTITLED "TAXATION" BY AMENDING SECTION 66-56 TO PROVIDE FOR AN ADDITIONAL HOMESTEAD EXEMPTION, EQUAL TO THE PROPERTY'S ASSESSED VALUE, FROM TAXES LEVIED BY THE CITY OF KEY WEST FOR PERSONS WHO HAVE LEGAL OR EQUITABLE TITLE TO REAL ESTATE WITH A JUST MARKET VALUE LESS THAN \$250,000.00 THAT IS AND HAS BEEN THEIR PERMANENT RESIDENCE FOR AT LEAST 25 YEARS, AND WHO HAVE ATTAINED THE AGE OF 65, AND HAVE A HOUSEHOLD INCOME THAT DOES NOT EXCEED \$27,030.00; DIRECTING THE CLERK TO DELIVER A COPY OF THIS ORDINANCE TO THE PROPERTY APPRAISER; 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 Weekley and seconded by Commissioner Wardlow for the Ordinance to be passed on second reading as read.

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

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:

There were no comments from the public.

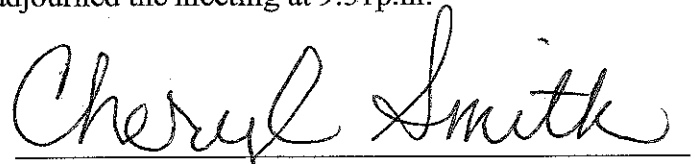
COMMISSION COMMENTS:

Commissioner Wardlow asked the City Manager to make sure the neighbors are notified prior to the start of the asphalt paving project.

Commissioner Yaniz commended City Attorney Smith for the work he has done with Last Stand and the Chamber of Commerce regarding the wording for the referendum on the Channel Widening Study.

ADJOURNMENT:

There being no further business the Mayor adjourned the meeting at 9:31p.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