

MINUTES

CITY COMMISSION MEETING

OLD CITY HALL, 510 GREENE STREET

TUESDAY, MAY 1, 2012

A regular meeting of the City Commission of the City of Key West, Florida was held in Commission Chambers, Old City Hall, on Tuesday, May 1, 2012.

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 City Manager Jim Scholl, Assistant City Manager David Fernandez, Assistant City Manager Mark Finigan, City Attorney Shawn Smith, Assistant City Attorney Ron Ramsingh, Fire Chief David Fraga, Community Services Director Greg Veliz, Deputy Community Services Director Rodrigo Delostrinos, Human Resources Director Sandy Gilbert, HARC Planner Enid Torregrosa, 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.

Father John Baker, Rector, The Basilica of Saint Mary Star of the Sea, 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:

Commissioner Weekley requested Resolution Item #29 be added to the Consent Agenda.

Commissioner Rossi requested Discussion Item #42 be moved up on the agenda.

Mayor Cates requested Resolution Items #35 and #36 (Higgs Beach) be moved up on the agenda to be heard after the Consent Agenda. Mayor Cates suggested the Discussion Item #42 be heard after these two items.

The City Manager requested the two proposed Add-on Items be added to the agenda; Proclamation #4 and Resolution Item #37. Mr. Scholl had received a request to postpone Resolution Item #25 to the next meeting on May 15, 2012.

Commissioner Wardlow requested Resolution Item #32 be postponed until a new City Manager has been selected.

Commissioner Johnston requested Resolution Items #9 and #10 be removed from the Consent Agenda.

Mayor Cates requested Ordinance Item #38 be withdrawn from the agenda.

Commissioner Rossi asked that Resolution Items #12 and #14 be removed from the Consent Agenda.

It was moved by Commissioner Rossi and seconded by Commissioner Lopez to approve the agenda.

The Mayor acknowledged the motion and second and requested verbal approval. The response was unanimous to approve the agenda as changed.

Commissioner Rossi pointed out that Monroe County Sheriff Bob Peryam was in the audience.

PROCLAMATIONS:

- 1) American Legion Auxiliary Poppy Week
- 2) Motorcycle Safety Awareness Month
- 3) National Historic Preservation Month 2012
- 4) Basilica of Saint Mary Star of the Sea Day

PRESENTATIONS:

City Attorney's Report

City Attorney Smith reported the Ordinance the Mayor has withdrawn from this agenda would be coming back before the Commission on the next agenda.

Commissioner Johnston asked the City Attorney for an update on the tax obligations of Peary Court. Mr. Smith reported both he and Chief Assistant City Attorney Erskine have been researching this with the Property Appraiser's Office. The office of the Property Appraiser will determine whether or not taxes are due.

Commissioner Yaniz asked about the Glynn Archer building. Mr. Smith reported there would be a standing report on the item at each meeting.

City Manager's Report

City Manager Scholl recognized the 18th Ambassador Graduation Class.

Mr. Scholl updated the Commission on Glynn Archer. There had been an initial walk through to set up a task order for the engineering analysis. Mr. Smith reminded the Commission if there were any questions or concerns or particular items they would like addressed the sooner they could get those to either the City Manager or himself the smoother the process would go.

Mr. Scholl reported the mill and pave on South Roosevelt would begin next week. The project has officially begun for North Roosevelt Boulevard. Also, roadwork repairs were expected to be done on Duck and Atlantic Avenues.

Mr. Scholl also reported on the repair of the pedestrian bridge that connects Mallory Square with the Westin. Commissioner Rossi asked about Admirals Cut in that area. Mr. Scholl stated that area would be dependent on the plan and development at the Truman Waterfront. He stated it was in the City's best interest to repair the pedestrian bridge.

Mr. Scholl reported on concrete repair at the Thompson Fish House at the Key West Bight.

Commissioner Yaniz requested of the City Manager that he be kept apprised of any major issues that affect the City particularly those that may be of a controversial nature so when he is contacted by constituents he can respond to their questions.

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 approve the Minutes and pass the Resolutions as read.

APPROVAL OF MINUTES:

March 20, 2012 (Regular)
April 3, 2012 (Regular)

RESOLUTIONS:

RESOLUTION NO. 12-130

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, REAPPOINTING RAY LIMBERT TO THE KEY WEST CIVIL SERVICE BOARD; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-131

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

RESOLUTION NO. 12-132

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING SISTER SEASON FUND INC. THE USE OF THE SOUTHERNMOST BEACH AT 1405 DUVAL STREET FOR THE 35TH ANNUAL SURVIVORS PARTY ON MONDAY, MAY 28, 2012 FROM 4:00 P.M. TO 8:00 P.M.; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE BARRICADED AREA; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-133

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING KEY WEST BUSINESS GUILD TO CONDUCT A KEY WEST PRIDE CELEBRATION ON JUNE 9 & 10, 2012; AUTHORIZING THE KEY WEST BUSINESS GUILD TO CONDUCT NUMEROUS EVENTS STARTING WITH A STREET FAIR ON SATURDAY, JUNE 9, 2012 ON THE 700 & 800 BLOCKS OF DUVAL STREET FROM 10:00 A.M. TO 7:00 P.M.; A PARADE ON SUNDAY, JUNE 10, 2012 FROM 5:00 P.M. TO 7:00 P.M. STARTING AT TRUMAN ANNEX GOING LEFT ON WHITEHEAD STREET, RIGHT ON DUVAL AND ENDING AT THE END OF THE 1100 BLOCK OF DUVAL STREET; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN AN ENCLOSED AREA; AUTHORIZING THE CLOSURE OF THE 700 & 800 BLOCKS OF DUVAL STREET; GRANTING AN EXEMPTION FROM THE NOISE CONTROL ORDINANCE PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES DURING THE EVENT; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-134

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A MURAL TO BE PAINTED AT 227 PETRONIA STREET; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-135

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, ACCEPTING PURSUANT TO SECTION 2-797(3) OF THE CODE OF ORDINANCES THE ATTACHED PROPOSAL OF GARBER AUTOMALL IN THE TOTAL AMOUNT OF \$77,006.00 FOR THREE POLICE PATROL VEHICLES FOR USE BY THE KEY WEST POLICE DEPARTMENT; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-136

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, REJECTING ALL BIDS RECEIVED IN RESPONSE TO INVITATION TO BID (ITB) #12-019, FOR POLICE DEPARTMENT WINDOW REPAIRS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-137

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE 60-MONTH LEASE OF A PITNEY BOWES CONNECT+ SERIES POSTAGE METER PLUS ACCESSORIES IN AN AMOUNT NOT TO EXCEED \$26,520.00 (\$442.00/MONTH FOR A 60 MONTH TERM) PURSUANT TO STATE OF FLORIDA CONTRACT 600-760-11-1; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-138

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE PURCHASE OF SIXTEEN (16) CALE MP104 COMPACT MULTI-SPACE PAY AND DISPLAY PARKING STATIONS IN ACCORDANCE WITH CITY CODE SECTION 2-844, IN AN AMOUNT NOT TO EXCEED \$142,900.00 INSTALLED, PURSUANT TO CITY CODE SECTION 2-797(1); PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-139

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING A ONE-YEAR RENEWAL; FOR THE POLICY PERIOD 10/01/2012 – 10/01/2013, OF THE BROKER SERVICES AGREEMENT WITH BROWN & BROWN – PUBLIC RISK INSURANCE AGENCY (PRIA) FOR THE CITY'S PROPERTY AND CASUALTY INSURANCE PROGRAM; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-140

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RENEWING THE "AGREEMENT FOR ADMINISTRATIVE SERVICES" WITH EMPLOYERS MUTUAL, INC. (EMI), AS THE CITY'S INSURANCE PROGRAM THIRD PARTY CLAIMS ADMINISTRATOR FOR THE POLICY PERIOD OF 10/01/2012 – 10/01/2013; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-141

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED "SECOND AMENDMENT TO MEMORANDUM OF AGREEMENT FOR PARTICIPATING FORT LAUDERDALE UASI (URBAN AREA SECURITY INITIATIVE) AGENCIES" FOR FY 2008; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-142

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE ATTACHED "LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT" BETWEEN THE CITY OF KEY WEST AND FDOT FOR THE TRANSFER OF \$40,000.00 FROM CONSTRUCTION, ENGINEERING AND INSPECTION (CEI) FUNDS (PHASE 68) TO CONSTRUCTION FUNDS (PHASE 58) FOR THE POINCIANA ELEMENTARY SCHOOL SAFE ROUTES TO SCHOOL SIDEWALK IMPROVEMENT PROJECT; APPROVING NECESSARY BUDGET AMENDMENTS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-143

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE KEY WEST POLICE DEPARTMENT (KWPD) TO APPLY FOR, AND ACCEPT IF AWARDED, THE US DEPARTMENT OF JUSTICE BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT – LOCAL SOLICITATION, IN THE AMOUNT OF \$13,327.00, TO ALLOW FOR CONTINUED EXPANSION AND ENHANCEMENT OF KWPD INFORMATION TECHNOLOGY CAPABILITIES; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. POSTPONED TO MAY 15, 2012

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A FIVE-YEAR LEASE WITH THE KEY WEST COMMUNITY SAILING CENTER, INC. FOR PROPERTY LOCATED AT 705 PALM AVENUE; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-144

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE SETTLEMENT OF TARA KOENIG V. CITY OF KEY WEST, CASE NUMBER 10-4927LAR; AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO EXECUTE SETTLEMENT DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-145

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ADDITION OF TWO FULL TIME EQUIVALENT MAINTENANCE WORKER I POSITIONS; APPROVING A BUDGET TRANSFER FROM GENERAL FUND – CITY CEMETERY (001-1905-34-00) TO GENERAL FUND SALARIES (001-1905-519-12) TO OFFSET PERSONNEL COSTS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-146

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED “AGREEMENT BETWEEN THE FLORIDA KEYS AQUEDUCT AUTHORITY AND CITY OF KEY WEST, FLORIDA” TO PROVIDE BILLING AND COLLECTION SERVICES TO THE CITY OF KEY WEST'S SEWER UTILITY; CONFORMING THE CITY'S SEWER BILLING ORDINANCES WITH FCAA RULES AND REGULATIONS IN CONJUNCTION WITH THE APPROVAL OF THIS AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-147

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPOINTING HARRY BOWMAN TO THE KEY WEST BIGHT MANAGEMENT DISTRICT BOARD; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. POSTPONED UNTIL NEW CITY MANAGER IS HIRED

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RANKING PURSUANT TO RFP #004-12 FIRMS TO PROVIDE FEDERAL GOVERNMENT RELATIONS SERVICES; 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. 12-148

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING A MAJOR DEVELOPMENT PLAN FOR THE PROPERTY LOCATED 1000 ATLANTIC BOULEVARD – HIGGS BEACH PARK IN THE PS (PUBLIC AND SEMIPUBLIC SERVICE) ZONING DISTRICT (RE# 00058800-000000, 00058790-000100, 00058790-000000), KEY WEST, FLORIDA; 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:

Bill Horn, 915 Eaton Street, Architect for the Higgs Beach Master Plan Project for Monroe County
Nicole Malo, Planning Department

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

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

RESOLUTION NO. 12-149

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE ATTACHED DEVELOPMENT AGREEMENT PER CHAPTER 90 ARTICLE IX OF THE LAND DEVELOPMENT REGULATIONS WITH THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS; 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:

Barbara Mitchell, Mitchell Planning & Design
Nicole Malo, Planning Department
Roman Gastesi, Monroe County Administrator

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

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

DISCUSSION:

Advisory Screening Committee for a New City Manager Recommendations to the City Commission

City Attorney Smith addressed the Commission regarding questions from the Advisory Screening Committee. They were looking for direction from the Commission regarding questions; 1) about candidate Mr. Shew whose resume was filed untimely, and 2) the Committee needed direction on three candidates (Mr. Cohen, Mr. Davis and Ms. Romero) in that these candidates lacked the specified criteria set by the City Commission. They requested direction from the Commission as to possible consideration of Mr. Shew and the other three candidates.

After discussion by the Commission it was the consensus not to accept candidate applications after the deadline.

After discussion by the Commission on accepting candidates that did not have the specified minimum qualification there was no consensus reached.

RESOLUTIONS – Continued:

RESOLUTION NO. 12-150

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE KEY WEST POLICE ATHLETIC LEAGUE INC. (PAL) USE OF CITY OWNED ~~KEY WEST POLICE DEPARTMENT~~ VANS TO CONDUCT ITS YOUTH PROGRAMS; PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Leland Hurd, 1641 Morgan Court
Deglys Chavarria, Key West PAL President
Ricky Jackson, 2428 Linda
Bascom Grooms, 1415 Thompson Street
Ricky Arnold, 927 United Street
Shawn Smith, City Attorney
Steve Torrence, Key West Police Department Community Affairs Officer
Greg Veliz, Community Services Director

It was moved by Commissioner Johnston and seconded by Commissioner Rossi that the Resolution be passed and adopted amended to reflect “City Owned Vans”.

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

RESOLUTION NO. 12-151

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 KEY WEST ROTARY CLUB OF KEY WEST, FLA., INC. FOR A REGGAE CONCERT AT CLARENCE HIGGS BEACH FROM THE

**HOURS OF 6:30 P.M. TO 11:30 P.M. ON SATURDAY, MAY 26, 2012;
PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Jim Scholl, City Manager
Albert Gonzalez, Rotary Club of Key West

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

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

RESOLUTION NO. 12-152

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING BAYSHORE PRODUCTIONS, INC. TO CONDUCT A "VERIZON MUSIC FESTIVAL" AT MALLORY SQUARE ON FRIDAY, JUNE 1, 2012 FROM 4:00 P.M. TO 11:00 P.M. (SET UP STARTING AT 7:00 A.M.); SATURDAY, JUNE 2, 2012 FROM 12:00 NOON TO 11:00 P.M. AND SUNDAY, JUNE 3, 2012 FROM 12:00 NOON TO 11:00 P.M.; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 4:00 P.M. TO 11:00 P.M. ON FRIDAY, JUNE 1, 2012, FROM 12:00 NOON TO 11:00 P.M. ON SATURDAY, JUNE 2, 2012 AND FROM 12:00 NOON TO 11:00 P.M. ON SUNDAY, JUNE 3, 2012; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Jim Scholl, City Manager
Thomas Baramas, Bayshore Productions
Jay Collins, Verizon Wireless

It was moved by Commissioner Weekley and seconded by Commissioner Johnston 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. 12-153

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AND AUTHORIZING EXECUTION OF THE ATTACHED AGREEMENT BETWEEN THE CITY OF KEY WEST AND THE SUNRISE ROTARY CLUB FOR MOTORCYCLE BIKE WEEK ON SEPTEMBER 14 & 15, 2012; AUTHORIZING THE CLOSURE OF DUVAL STREET FROM SOUTHARD TO FRONT STREET ON FRIDAY, SEPTEMBER 14, 2012 FROM 10:00 A.M. TO 12:00 MIDNIGHT AND ON SATURDAY, SEPTEMBER 15, 2012 FROM 10:00 A.M. TO 12:00 MIDNIGHT; ALL CROSS STREETS SHALL REMAIN OPEN EXCEPT GREENE STREET BETWEEN ELIZABETH TO WHITEHEAD STREETS; AUTHORIZING THE SALE & CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE BARRICADED AREA OF THE EVENT; GRANTING AN EXEMPTION FROM THE NOISE CONTROL ORDINANCE PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES DURING THE EVENT; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

J. P. Hanley, 408 Aronovitz
Jerry Sanders, Sunrise Rotary Club
Jim Scholl, City Manager

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 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. 12-154

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, DIRECTING THE CITY MANAGER TO PROVIDE PLAN AND A TIMELINE FOR THE POSSIBLE RELOCATION OF KOTS TO THE CITY OWNED FORMER EASTER SEALS PROPERTY; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution and read a letter into the record from David Hubbert, President Key West Golf Club Home Owners Association.

The following people spoke on the matter:

Bart Smith, 1504 Seminary Street
Shawn Smith, City Attorney
Joanne Alexander, 5601 College Road, #102

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

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

The Mayor called for a recessed of the meeting for fifteen minutes.

RESOLUTION NO. 12-155

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

The Clerk read the title of the Resolution:

The following person spoke on the matter:

Shawn Smith, City Attorney

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

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

RESOLUTION NO. 12-56

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A MINOR DEVELOPMENT PLAN FOR REAL PROPERTY LOCATED AT 313 MARGARET STREET; PROVIDING FOR CONDITIONS; 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:

Michael Ingram, Architect for Scott Saunders
Shawn Smith, City Attorney
Nicole Malo, Planning Department
Joyce Moore, 910 James Street

Craig Fazio, 910 James Street
Cliff Saylor, 321 Margaret Street

It was moved by Commissioner Weekley and seconded by Commissioner Johnston, for discussion, that the Resolution be passed and adopted amended to reflect the shed be used only for storage.

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

RESOLUTION NO. 12-157

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING A MAJOR DEVELOPMENT PLAN FOR PROPERTY LOCATED AT NELSON ENGLISH AND WILLIE WARD PARKS IN THE HMDR AND THE HHDR ZONING DISTRICTS - 306 CATHERINE STREET (RE# 00026460-000000), 304 CATHERINE STREET (RE# 00026470-000000, 00026480-000000), 300 LOUISA STREET (RE# 00026500-000000), 307 LOUISA STREET (RE# 00026490-000000, 00026510-000000, 00026520-000000), 250 AMELIA STREET (RE# 00026610-000000, 00026610-000100), KEY WEST, FLORIDA; 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:

Michael Ingram, Architect for the City of Key West
Nicole Malo, Planning Department
Patricia Eables, 313 Catherine Street, #3

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

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

RESOLUTION NO. 12-158

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING RECOMMENDED MEDIA, LLC TO CLOSE WHITEHEAD STREET FROM THE SOUTHERNMOST POINT SOUTH STREET TO FRONT STREET AND FROM FRONT STREET TO EXCHANGE STREET INTO MALLORY SQUARE FROM 10:00 P.M. TO 2:00 A.M. ON MAY 16, 2012 FOR THE FILMING OF A FORD COMMERCIAL; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

J. P. Hanley, 408 Aronovitz
Jim Scholl, City Manager
Jeff Rohrer, Recommended Media

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

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

ORDINANCES - FIRST READING:

ORDINANCE NO. SECOND READING MAY 15, 2012

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 70 OF THE CODE OF ORDINANCES ENTITLED "WRECKERS AND TOWING SERVICE"; BY AMENDING SECTION 70-654 TO CLARIFY REQUIRED WRECKERS AND EQUIPMENT FOR THE CITY TOW ROTATION LIST; 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:

Shawn Smith, City Attorney
Ricky Arnold, 5540 3rd Street
Ashley Reynolds, Anchor Towing, Rockland Key
Christine Rodriguez, Alex's Auto Wrecking
Officer Randall Hartle, Key West Police Department

It was moved by Commissioner Johnston and seconded by Commissioner Wardlow that the Ordinance be passed on first reading as read.

The Mayor requested the Clerk call the roll.

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

Nays: Mayor Cates

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

SO ORDERED

ORDINANCE NO. SECOND READING MAY 15, 2012

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 74 OF THE CODE OF ORDINANCE ENTITLED "UTILITIES" BY AMENDING SECTIONS 74-201, 74-203, 74-208, 74-209 AND 74-238 TO CONFORM CITY BILLING POLICIES WITH THOSE OF FLORIDA KEYS AQUEDUCT AUTHORITY TO PROVIDE UNIFORM BILLING PROCEDURES FOR CUSTOMERS IN KEY WEST FOR BOTH WATER AND SANITARY SEWER SERVICES; AMENDING SECTION 74-201 TO AMEND SECURITY DEPOSIT REQUIREMENTS

FOR NEW ACCOUNTS, AND ADDING BANK DRAFT (AUTOMATIC DEPOSITS) PROVISIONS; AMENDING SECTION 74-203 TO PROVIDE THAT SEWER CONNECTION FEES ARE PAID DIRECTLY TO THE CITY OF KEY WEST; AMENDING SECTION 74-208 TO ALLOW PAYMENT TO CITY DESIGNEE; AMENDING SECTION 74-209 TO AMEND DELINQUENT PAYMENT AND NON-PAYMENT DISCONNECTION PROCEDURES; AMENDING 74-238 TO ELIMINATE USE OF DEDUCT METERS; 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 that the Ordinance be passed on first reading as read.

The Mayor requested the Clerk 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. 12-07

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, APPROVING AN AMENDMENT TO THE HISTORIC ARCHITECTURAL REVIEW COMMISSION GUIDELINES FOR SOLAR ENERGY COLLECTORS OR OTHER ENERGY PRODUCTION DEVICES AS REFERENCED IN SECTION 90-142 OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Ordinance.

The following person spoke on the matter:

Shawn Smith, City Attorney

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

The Mayor requested the Clerk 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:

J. P. Hanley, 408 Aronovitz
Mike Mongo, 1218 Pearl Street

COMMISSION COMMENTS:


Commissioner Yaniz thanked the City Staff for all their hard work.

Commissioner Lopez thanked City Staff also. He wanted the City Manager to look into the decimal meter reading regarding sound.

Commissioner Weekley mentioned two items that would be heard before the Commission soon, the zoning of Peary Court and the zoning issue on Stock Island. He felt with the importance of both those items there should be a special meeting to hear them.

ADJOURNMENT:

There being no further business the Mayor adjourned the meeting at 9:51 p.m.



Cheryl Smith, MMC, CPM
City Clerk