

MINUTES
CITY COMMISSION MEETING
OLD CITY HALL, 510 GREENE STREET
TUESDAY, MARCH 5, 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, March 5, 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 City Manager Bob Vitas, Assistant City Manager David Fernandez, Assistant City Manager Mark Finigan, City Attorney Shawn Smith, Community Services Director Greg Veliz, City Planner Don Craig, Fire Chief David Fraga, Information Technology Mike Riviera, Engineering Senior Manager Doug Bradshaw, Sustainability Coordinator Alison Higgins, Port and Transit Director Jim Fitton, 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:

The City Manager requested Resolution Item #18 be postponed and for the Commendation to Mrs. Fitch.

Commissioner Weekley requested Resolution Items #15 & 16 to be added to the Consent Agenda and there were no objections to add these items.

The Clerk announced a letter was received for Resolution Item #8 and speakers signed up for Resolution #13 and requested those items be removed from the Consent Agenda.

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.

PROCLAMATION:

Red Cross Month

PRESENTATIONS:

Update on Moving Stormwater and Solid Waste Utility Billing to the Property Tax Roll

Utilities Manager Jay Gewin gave the presentation to Commission.

City Attorney's Report

The City Attorney addressed the Commission on the "Cone of Silence" prohibiting lobbying to the Commission and Staff members by vendors outside the public view for projects after a solicitation of a Bid or Proposal has been issued until the time when the City Commission vote on the Bid or Proposal. City Attorney Smith asked for feedback from the Commission to assist him in drafting an Ordinance.

City Manager's Report

The City Manager reported that an offer of employment was made for the Recycling Coordinator position and starting Friday the second tier of interviews for the Human Resources Director will begin.

CONSENT AGENDA:

The Clerk read the titles of the Resolutions.

It was moved by Commissioner Weekley and seconded by Commissioner Wardlow 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. 13-062

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING BAUER RESTAURANT, DBA KEY WEST SONGWRITERS FESTIVAL TO CONDUCT A SONGWRITERS FESTIVAL ON SATURDAY, MAY 4, 2013 DURING THE HOURS OF 12:00 NOON TO 11:00 P.M. AUTHORIZING THE CLOSURE OF THE 200 BLOCK OF DUVAL STREET FROM 12:00 NOON TO 11:00 P.M.; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 5:00 P.M. TO 11:00 P.M.; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-063

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 JESSICA STEWART & KYLE BUSH FOR A WEDDING CEREMONY AND RECEPTION AT THE HEMINGWAY HOUSE 907 WHITEHEAD STREET DURING THE HOURS OF 8:00 P.M. TO 1:00 A.M. ON TUESDAY, DECEMBER 31, 2013; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-064

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE SALE OF ONE SURPLUS 1991 SPARTAN PUMPER (KNOWN AS ENGINE 6) USING THE SERVICES OF ENGINE BROKER FIRETEC USED APPARATUS SALES, AND PROVIDED THE SALE AMOUNT EQUALS OR EXCEED \$20,000.00 (NET OF BROKERAGE FEES); PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-065

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE AWARD OF BID TO INGRAM CONSTRUCTION COMPANY, INC. FOR THE CONSTRUCTION OF THE KEY WEST CEMETERY MAUSOLEUMS IN AN AMOUNT NOT TO EXCEED \$225,000.00; AUTHORIZING NECESSARY BUDGET TRANSFERS; AUTHORIZING THE CITY MANAGER TO EXECUTE A

**CONTRACT IN ACCORDANCE WITH THE BID DOCUMENTS;
PROVIDING FOR AN EFFECTIVE DATE**

RESOLUTION NO. 13-066

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AWARDED A TASK ORDER FOR CDM, INC. IN AN AMOUNT NOT TO EXCEED \$71,473.00 FOR ENGINEERING SERVICES FOR FDEP PERMIT RENEWAL AND WASTEWATER REUSE EVALUATION FOR THE RICHARD A. HEYMAN ENVIRONMENTAL PROTECTION FACILITY; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-067

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED "STATE WASTEWATER FUNDING DISTRIBUTION AGREEMENT FOR YEAR TWO OF FOUR," AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS, THE CITY OF KEY COLONY BEACH, THE CITY OF MARATHON, THE FLORIDA KEYS AQUEDUCT AUTHORITY, KEY LARGO WASTEWATER TREATMENT DISTRICT AND ISLAMORADA CITY OF ISLANDS; AUTHORIZING THE MAYOR TO EXECUTE NECESSARY DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-068

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

RESOLUTION NO. 13-069

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING PERMISSION TO INITIATE DEVELOPMENT AGREEMENT CONSIDERATION WITH THE NAVAL

**PROPERTIES LOCAL REDEVELOPMENT AUTHORITY (LRA) FOR
THE TRUMAN WATERFRONT PARK MASTER PLAN; PROVIDING
FOR AN EFFECTIVE DATE**

ORDINANCE NO. Postponed

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, CREATING
CHAPTER OR AMENDING CHAPTER 14, 34 AND 108 OF THE CODE
OF ORDINANCES AND AMENDMENTS TO LOCAL SECTIONS 104,
107, 117, 202, 1612 OF THE 2010 FLORIDA BUILDING CODES FOR THE
PURPOSE OF UPDATING THE CITY'S FLOOD DAMAGE
PROTECTION ORDINANCES AND RELATED BUILDING CODES;
PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF
INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE
DATE**

The 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. 13-070

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY
WEST, FLORIDA, AUTHORIZING PURSUANT TO SECTION 2-797 (3)
THE PURCHASE OF 65-GALLON RECYCLING CARTS WITH
TRACKING SOFTWARE FOR \$631,290.00 FROM REHRIG PACIFIC
COMPANY THROUGH PIGGYBACKING ON A BID/CONTRACT
FROM THE CITY OF DEERFIELD BEACH; PROVIDING FOR AN
EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The Deputy Clerk read the following letter into the record:

Maureen Bramlage, 812 Carsten Lane

The following person spoke on the matter:

Utilities Manager Jay Gewin

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

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

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

Nays: None

The said Resolution was thereupon declared by the Mayor to have been duly passed and adopted and was authenticated by the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

RESOLUTION NO. 13-071

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RANKING THE RESPONDENTS TO CITY OF KEY WEST – REQUEST FOR PROPOSALS – GRANT WRITING SERVICES, 002-13; DIRECTING THE CITY MANAGER TO NEGOTIATE A CONTRACT WITH THE HIGHEST RANKED FIRM FOR CITY COMMISSION APPROVAL; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Assistant City Manager Finigan
Judy Martinez, 1020 Emma Street

Presentations were given by the following companies:

Eileen Quinn representing Mary Casanova d.b.a. Writers at Large
Michael Langton representing Langton Associates, Inc. and IN REM Solutions

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

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

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

Nays: Commissioners Wardlow and Yaniz

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. 13-072

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, OPPOSING FLORIDA HOUSE BILL 531 AND FLORIDA SENATE BILL 354, WHICH, IF PASSED, WOULD PROVIDE THAT CERTAIN LEASEHOLD INTERESTS AND IMPROVEMENT TO LAND OWNED BY THE UNITED STATES, A BRANCH OF THE UNITED STATES ARMED FORCES, OR ANY AGENCY OR QUASI-GOVERNMENTAL AGENCY OF THE UNITED STATES ARE EXEMPT FROM AD VALOREM TAXATION UNDER SPECIFIED CIRCUMSTANCES; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

David Paul Horan, representing Southeast Housing
Judy Martinez, 1020 Emma Street

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

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

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

Nays: 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

ORDINANCES – FIRST READING:

ORDINANCE NO. Passed to Second Reading

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF KEY WEST, APPROVING AN AMENDMENT TO THE HISTORIC ARCHITECTURAL REVIEW COMMISSION GUIDELINES FOR MINIMUM REQUIREMENTS FOR SUBMITTALS FOR A CERTIFICATE OF APPROPRIATENESS AS REFERENCED IN SECTION 90-142 OF THE CITY OF KEY WEST LAND DEVELOPMENT REGULATIONS; 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 Wardlow and seconded by Commissioner Yaniz that the Ordinance to be passed on first reading as read.

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

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

Nays: None

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

SO ORDERED

SECOND READING: (PUBLIC HEARING)

ORDINANCE NO. 13-03

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES ENTITLED "OFF PREMISE CANVASSING" BY AMENDING SECTION 18-412 PENALTIES TO PROVIDE FOR AN AMENDMENT ALLOWING VIOLATIONS TO BE PUNISHABLE BY SECTION 1-15; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Ordinance.

The following person spoke on the matter:

Judy Martinez, 1020 Emma Street

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

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

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

Nays: None

The said Ordinance was thereupon declared by the Mayor to have been duly passed on first and second reading and was adopted and authenticated with the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

ORDINANCE NO. 13-04

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING THE KEY WEST COMPREHENSIVE PLAN BY ADOPTING A NEW FUTURE LAND USE MAP IN ITS ENTIRETY; BY AMENDING THE GOALS, OBJECTIVES AND POLICIES OF THE LAND USE ELEMENT, THE HISTORIC PRESERVATION ELEMENT, THE TRAFFIC CIRCULATION ELEMENT, THE HOUSING ELEMENT, THE PUBLIC FACILITIES ELEMENT, THE COASTAL MANAGEMENT ELEMENT, THE PORT MASTER PLAN SUB ELEMENT, THE CONSERVATION ELEMENT, THE RECREATION AND OPEN SPACE ELEMENT, THE INTERGOVERNMENTAL COORDINATION ELEMENT, THE CAPITAL IMPROVEMENTS ELEMENT, AND THE GENERAL MONITORING AND REVIEW CRITERIA; BY UPDATING THE APPENDICES; BY AMENDING THE DATA AND ANALYSIS SUPPORTIVE OF THE PLAN BUT NOT A PART OF THE COMPREHENSIVE PLAN; BY INSERTING THE CITY'S STRATEGIC PLAN IN THE INTRODUCTION TO THE COMPREHENSIVE PLAN; BY ADOPTING A WATER SUPPLY FACILITIES WORK PLAN, AS PROVIDED FOR IN CHAPTER 90, ARTICLE VI, AMENDMENTS, DIVISION 3, COMPREHENSIVE PLAN AMENDMENTS, BASED UPON RECOMMENDATIONS FROM THE CITY ADOPTED 2005 AND 2007 EVALUATION AND APPRAISAL REPORTS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING FOR THE FILING WITH SECRETARY OF STATE; 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 Yaniz and seconded by Commissioner Weekley, for discussion, that the Ordinance to be passed on second reading as read.

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

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

Nays: None

The said Ordinance was thereupon declared by the Mayor to have been duly passed on first and second reading and was adopted and authenticated with the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

CITIZEN COMMENTS:

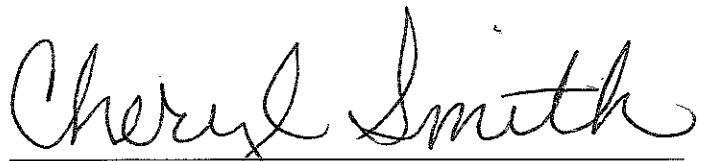
None

COMMISSION COMMENTS:

The Mayor advised he has begun a Mayor's Advisory Committee on Sustainable Tourism and the first meeting had been scheduled for March 12 at 12 Noon in the City Commissioners Conference Room. After a brief discussion, the consensus of Commission along with the City Attorney's consent was to advertise the meetings to allow one or more Commission members to attend the public meetings.

ADJOURNMENT:

There being no further business the Mayor adjourned the meeting at 7:38 p.m.

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

Cheryl Smith, MMC, CPM
City Clerk