

MINUTES
CITY COMMISSION MEETING
OLD CITY HALL, 510 GREENE STREET
TUESDAY, APRIL 1, 2014

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 1, 2014.

Mayor Craig Cates called the meeting to order at 6:03 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, City Attorney Shawn Smith, City Planner and Director of Community Development Don Craig, Police Chief Donie Lee, Fire Chief David Fraga, Information Technology Director Patti McLauchlin, Engineering Director James Bouquet, Port and Marina Services Director Doug Bradshaw, Utilities Manager Jay Gewin, Senior Deputy City Clerk Sue Harrison and City Clerk Cheri Smith.

Reverend Gwendolyn Magby, Trinity 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:

Commissioner Weekley requested Ordinance Items 24, 27 and 28 be postponed and asked for a special meeting for these items.

The Clerk announced speakers for Resolution Items 10, 11 and 19 and those items would need to be removed from the Consent Agenda. The Clerk also stated Resolution Item 14 would need to be postponed to May 6, 2014.

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

PROCLAMATIONS:

Fair Housing and Community Development Month

Guardian ad Litem Day

Tropic Cinema 10th Anniversary Day

The Mayor recessed the meeting at 6:18 p.m. for the LRA Agenda.

The Mayor reconvened the meeting at 7:30 p.m.

PRESENTATIONS:

Determining the Future of EMS in Key West, Dr. Harold C. Cohen

City Attorney's Report

Mr. Smith asked for a Closed Session in the litigation of Klosowski versus City of Key West.

City Manager's Report

- FDOT Report - Dean Walters

Mr. Vitas reported on the City's recent trip to Tallahassee for Key West Days.

Mr. Vitas asked the Commission about holding a special meeting for their fiscal priorities for 2015.

Commissioner Johnston and Commissioner Weekley agreed there should be two separate meetings to hear the ordinances and for the fiscal priorities. April 22 and April 23 were decided to hold the two special meetings.

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 4, 2014 (Regular)
March 12, 2014 (Special)
March 18, 2014 (Regular)

RESOLUTIONS:

RESOLUTION NO. 14-096

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RE-APPOINTING ROOSEVELT SANDS, JR. TO THE HOUSING AUTHORITY OF THE KEY WEST BOARD OF COMMISSIONERS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 14-097

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AMENDING THE TERM OF THE HISTORIC ARCHITECTURE REVIEW COMMISSION - FAIR INSURANCE RATES MONROE COUNTY TASK FORCE (HARC-FIRM TASK FORCE) TO SUNSET SIX MONTHS AFTER THE FIRST MEETING OF THE TASK FORCE; PROVIDING FOR A SUNSET DATE; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 14-098

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 10, 2014 DURING THE HOURS OF 7:00 P.M. TO 10:00 P.M. (SET UP 12:00 NOON); AUTHORIZING THE CLOSURE OF THE 200 BLOCK OF DUVAL STREET INCLUDING GREENE STREET FROM 2:00 P.M. TO 10:00 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. 14-099

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 12, 2014 FROM 12:00 NOON TO 11:00 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 11:00 P.M.; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 8:00 P.M. TO 10:45 P.M. (SOUND CHECK AT 4:00 P.M. TO 5:00 P.M.); AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE ENCLOSED AREA; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. POSTPONED TO MAY 6, 2014

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

RESOLUTION NO. 14-100

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RATIFYING AN EMERGENCY PURCHASE APPROVED BY THE CITY MANAGER IN EXCESS OF \$20,000.00 AS ALLOWED UNDER SECTION 2-797(2) OF CITY'S CODE OF ORDINANCES, FOR THE PROCUREMENT FROM ATKINS NORTH AMERICA OF ADDITIONAL GROUNDWATER CONTAMINATION INVESTIGATION AND POSSIBLE ABANDONMENT OF MONITORING WELLS AT 525 ANGELA STREET; AUTHORIZING NECESSARY BUDGET TRANSFERS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 14-101

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING STAFF RANKING OF THE RESPONDENTS TO CITY OF KEY WEST – REQUEST FOR PROPOSALS – TRANSIT DEVELOPMENT PLAN (TDP) 2014 MAJOR UPDATE, 002-14; DIRECTING STAFF TO NEGOTIATE WITH THE HIGHEST RANKED FIRM; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE HIGHEST RANKED FIRM IN AN AMOUNT NOT TO EXCEED \$75,000.00; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 14-102

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 THIRTEEN (13) COBAN “EDGE” IN-CAR VIDEO RECORDING SYSTEMS FROM COBAN TECHNOLOGIES IN THE AMOUNT OF \$69,095.00; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 14-103

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RATIFYING A PURCHASING EXCEPTION PURSUANT TO SECTION 2-797 OF THE CODE OF ORDINANCES, TO ALLOW THE EXECUTION OF A CHANGE ORDER TO ELCI CONSTRUCTION GROUP, INC. IN AN AMOUNT NOT TO EXCEED \$47,706.00 FOR FLOORING; RATIFYING A PURCHASING EXCEPTION TO ALLOW THE EXECUTION OF A CONTRACT TO CONSOLIDATED ENVIRONMENTAL ENGINEERING IN AN AMOUNT NOT TO EXCEED \$78,400.00 FOR MOLD REMEDIATION; AND AUTHORIZING BUDGET TRANSFERS TO PROJECT PD 1302 POLICE STATION WINDOWS REPLACEMENT; 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. 14-104

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, SUPPORTING FLORIDA SENATE BILL 1562 AND SUPPORTING FLORIDA HOUSE BILL 1039, RELATING TO RECREATIONAL MARIJUANA; AUTHORIZING THE CITY CLERK TO TRANSMIT CERTIFIED COPIES OF THE RESOLUTION; 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
Judy Martinez, 1020 Emma Street
Sloan Bashinsky, 1711 Seminary Street
Kathy Day, Director Plant Freedom

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

The Mayor requested the Clerk call the roll.

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

Nays: Commissioner Johnston

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. WITHDRAWN

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RECOGNIZING THE TERMINATION OF THE PRECLEARANCE REQUIREMENT OF THE UNITED STATES JUSTICE DEPARTMENT IN SECTION 5 OF THE VOTING RIGHTS ACT; PROVIDING FOR A YEARLY ROTATION OF DISTRICTS TO WHICH THE CITY COMMISSION MEMBERS ARE ASSIGNED; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

Commissioner Weekley withdrew the resolution.

RESOLUTION NO. 14-105

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING FOR THE FY 2014-15 BUDGET YEAR AN EXPENDITURE NOT TO EXCEED \$500,000.00 FOR THE VIETNAM VETERAN'S MEMORIAL PROJECT, CONTINGENT UPON RECEIPT OF PRIVATE AND GRANT FUNDING; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following person spoke on the matter:

Margaret Romero, 1615 Washington Street

It was moved by Commissioner Wardlow 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. 14-106

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED “REVOCABLE LICENSE AGREEMENT FOR USE OF CITY PROPERTY” BETWEEN THE CITY AND MONROE COUNTY FOR THE PURPOSE OF EXERCISING ANIMALS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

It was moved by Commissioner Rossi and seconded by Commissioner Weekley 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

EASEMENT - 600 DUVAL STREET

RESOLUTION NO. 14-107

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AN EASEMENT OF 109 SQUARE FEET, MORE OR LESS, TO ADDRESS THE ENCROACHMENT OF AN EXISTING BALCONY ON CITY RIGHT-OF-WAY ABUTTING THE PROPERTY LOCATED AT 600 DUVAL STREET, KEY WEST, FLORIDA (RE #00012660-000000); PROVIDING FEES AND CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution. At this time the Clerk asked anyone giving testimony on this item to please stand to be sworn in; Clerk administered the oath.

The following people spoke on the matter:

Jennifer Reed, Applicant
Donald Craig, City Planner
Bob Vitas, 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

EASEMENT - 533 EATON STREET

RESOLUTION NO. 14-108

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AN EASEMENT OF 279.2 SQUARE FEET, MORE OR LESS, TO ADDRESS THE ENCROACHMENT OF EXISTING ROOF OVERHANGS ON CITY RIGHT-OF-WAY ABUTTING THE PROPERTY LOCATED AT 533 EATON STREET, KEY WEST, FLORIDA (RE #00004130-000000); PROVIDING FEES AND CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution. At this time the Clerk asked anyone giving testimony on this item to please stand to be sworn in; Clerk administered the oath.

The following people spoke on the matter:

Owen Trepanier, Applicant
Donald Craig, City Planner

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

MAJOR DEVELOPMENT AND CONDITIONAL USE – 533 EATON STREET

RESOLUTION NO. 14-109

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING A MAJOR DEVELOPMENT PLAN, CONDITIONAL USE AND LANDSCAPE WAIVER APPROVALS PURSUANT TO SECTIONS 108-91.A.2., 108-517, 122-62 AND 122-808 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA FOR THE ADAPTIVE REUSE OF A FORMER SCOTTISH RITE MASONIC CLUB/LODGE BUILDING INTO NEW ART STUDIO CLASSROOMS, OFFICES AND EXHIBITION SPACES ON PROPERTY LOCATED AT 533 EATON STREET (RE #00004130-000000, AK #1004294) IN THE HISTORIC NEIGHBORHOOD COMMERCIAL - TRUMAN/SIMONTON (HNC-1) ZONING DISTRICT; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution. At this time the Clerk asked anyone giving testimony on this item to please stand to be sworn in; Clerk administered the oath.

The following people spoke on the matter:

Owen Trepanier, Applicant
Michael Miller, Architect
Donald Craig, City Planner
Rosi Ware, 1400 Olivia Street
Jed Dodds, 1700 Rose Street

It was moved by Commissioner Rossi and seconded by Commissioner Weekley 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

ORDINANCES - FIRST READING:

ORDINANCE NO. POSTPONED TO APRIL 22, 2014

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 18 "BUSINESSES", ARTICLE II "ALCOHOLIC BEVERAGES", DIVISION 2 "ENTERTAINMENT LICENSE", TO AMEND SECTION 18-56 REGARDING DEFINITIONS; BY AMENDING 18-57 TO PROVIDE FOR THE LOCATION OF SPEAKERS; BY AMENDING SECTION 18-59 TO UPDATE DEFINITIONS; BY AMENDING SECTION 18-60 TO INCREASE THE NUMBER OF VIOLATIONS BEFORE AN ENTERTAINMENT LICENSE MAY BE REVOKED OR SUSPENDED; 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 Johnston that the Ordinance be postponed to April 22, 2014.

The Mayor acknowledged the motion and second and requested verbal approval. The response was unanimous to postpone the item to April 22, 2014.

SO ORDERED

ORDINANCE NO. SECOND READING MAY 6, 2014

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 IN THE AMOUNT OF \$50,000.00, RETROACTIVELY EFFECTIVE TO THE 2013 TAX ROLL, FOR ANY PERSON WITH LEGAL OR EQUITABLE TITLE TO REAL ESTATE AND MAINTAINS THEREON PERMANENT RESIDENCE AS OWNER, WHO HAS ATTAINED THE AGE OF 65, AND WHOSE HOUSEHOLD INCOME DOES NOT EXCEED \$20,000.00; DIRECTING THE CITY 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 Lopez and seconded by Commissioner Rossi that the Ordinance be passed on first reading as read.

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

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

SO ORDERED

ORDINANCE NO. SECOND READING MAY 6, 2014

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 82 OF THE CODE OF ORDINANCES ENTITLED "WATERWAYS" BY AMENDING SECTION 82-31 TO ADD DEFINITIONS AND AMEND REGULATIONS REGARDING UNLAWFUL DOCKING AND MOORING; 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 acknowledged the motion and second and requested verbal approval. The response was unanimous to pass the Ordinance as read on first reading.

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. POSTPONED TO APRIL 22, 2014

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES ENTITLED "ENVIRONMENT," ARTICLE IV ENTITLED "SOUND CONTROL" BY ADDING SECTION 26-189, PURPOSE; ADDING

SECTION 26-190, FINDINGS OF FACT; AMENDING SECTION 26-191, DEFINITIONS; AMENDING SECTION 26-192 TO AMEND AND CLARIFY UNREASONABLY EXCESSIVE NOISE PROHIBITIONS; AMENDING SECTION 26-193 TO CLARIFY AND AMEND EXCEPTIONS TO THE SOUND CONTROL ORDINANCE; AMENDING SECTION 26-194 TO CLARIFY CITATION PROCEDURE AND PENALTIES; ADDING SECTION 26-199, TO PROVIDE FOR TEMPORARY WAIVERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Ordinance.

ORDINANCE NO. POSTPONED TO APRIL 22, 2014

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES ENTITLED "AMUSEMENTS AND ENTERTAINMENT," DIVISION 3 ENTITLED "NOISE CONTROL" BY AMENDING SECTION 6-86 TO AMEND THE PERMIT APPLICATION PROCESS; 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 Ordinances to be postponed to April 22, 2014.

The Mayor acknowledged the motion and second and requested verbal approval. The response was unanimous to postpone the Ordinances to April 22, 2014.

SO ORDERED

DISCUSSION: HEIGHT REFERENDUM

City Planner Donald Craig introduced the item for the Commission. He stated according to the 2010 Florida Building Code all residential and commercial structures must build a foot above base flood level and according to our new BPAS Ordinance all new residential structures must build a foot and a half above base flood level. If a referendum is approved by the citizens there could be substantial savings in flood insurance for the property owner. He said they were looking for direction and they

would craft the language with the City Attorney for the November election. The consensus of the Commission was to go forward with the ordinance.

CITIZEN COMMENTS:

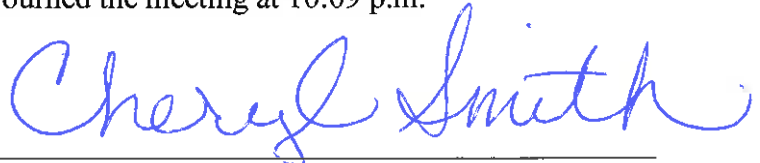
Margaret Romero, 1615 Washington Street
Mark Songer, 1310 Newton Street
Sloan Bashinsky, 1711 Seminary
Mike Morawski, 907 Whitehead Street
Carl Mott, 1508 Von Phister Street

COMMISSION COMMENTS:

Commissioner Johnston asked the City Manager for a report on ADA Licenses at the end of 180 days.

ADJOURNMENT:

There being no further business the Mayor adjourned the meeting at 10:09 p.m.



Cheryl Smith, MMC, CPM
City Clerk