

MINUTES

CITY COMMISSION MEETING

OLD CITY HALL, 510 GREENE STREET

WEDNESDAY, SEPTEMBER 4, 2013

A regular meeting of the City Commission of the City of Key West, Florida was held in Commission Chambers, Old City Hall, on Wednesday, September 4, 2013.

Mayor Craig Cates called the meeting to order at 6:04 p.m.

Answering roll call were Commissioners Teri Johnston, Clayton Lopez, Billy Wardlow, Jimmy Weekley, Tony Yaniz and Mayor Craig Cates.

Commissioner Mark Rossi was absent.

Also present were City Manager Bob Vitas, Assistant City Manager David Fernandez, Assistant City Manager Mark Finigan, City Attorney Shawn Smith, City Planner Don Craig, Chief Building Official Ron Wampler, Urban Forestry Manager Karen DeMaria, Community Services Director Greg Veliz, Information Technology Director Patti McLauchlin, Parking Manager John Wilkins, Utilities Manager Jay Gewin, Senior Deputy City Clerk Sue Harrison and City Clerk Cheri Smith.

Pastor Timothy Jemly, Impact Community 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 #3 be removed from the Consent Agenda, to add Resolution Item #7 to the Consent Agenda, to move Add-on Resolution Item #12 be heard at the beginning of the agenda before the Proclamations and that Add-on Resolution Item #11 be added to the Consent Agenda. The City Clerk asked that the resolution for the Canvassing Board be changed by adding Commissioner Johnston and removing Commissioner Yaniz.

Commissioner Wardlow requested Item #16 be removed from the Consent Agenda.

The City Attorney noted the wording for Item #7 stated "ranking the proposers" and understood the Commission is accepting the ranking as proposed by staff and the resolution will reflect that.

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

RESOLUTION:

RESOLUTION NO. 13-218

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RECOGNIZING THE ACCOMPLISHMENT OF DIANA NYAD FOR HER COMPLETION OF A SWIM FROM CUBA TO KEY WEST ON SEPTEMBER 2, 2013; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

It was moved by Commissioner Johnston and seconded by Commissioner Yaniz 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

PROCLAMATIONS:

Diana Nyad Day

Carl Eric Johanson Awareness Day

National Preparedness Month

PRESENTATIONS:

City Attorney's Report

Mr. Smith called for a closed attorney/client session at 5:15 p.m. on Thursday, September 5, 2013 to discuss the litigation regarding two cases; Sunset Marina Residences of Key West

Condominium Association, Inc. v. City of Key West and Monroe County; Case No. 2011-CA-911-K
and Sunset Marina Residences of Key West Condominium Association, Inc. v. Department of Economic
Opportunity and City of Key West; Case No. 3D13-1842.

City Manager's Report

Mr. Vitas had no report for the Commission.

CONSENT AGENDA:

The Clerk read the titles of the Resolutions.

It was moved by Commissioner Weekley 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 approve the Minutes and pass the Resolutions as read.

APPROVAL OF MINUTES:

August 6, 2013 (Regular)

RESOLUTIONS:

RESOLUTION NO. 13-219

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE PURCHASE OF TEN (10) CALE MP104 COMPACT MULTI-SPACE PAY AND DISPLAY PARKING STATIONS IN ACCORDANCE WITH CITY CODE SECTION 2-844, (CONCURRENTLY WITH ONE (1) CALE PARKING STATION FOR THE KEY WEST BIGHT, APPROVED IN CRA RESOLUTION NO. 13-224) IN AN AMOUNT NOT TO EXCEED \$97,900.00 INSTALLED, PURSUANT TO CITY CODE SECTION 2-797(1); PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-220

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED STRATEGIC ALLIANCE MEMORANDUM BETWEEN THE CITY OF KEY WEST AND THE UNITED STATES SMALL BUSINESS ADMINISTRATION; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-221

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RANKING THE PROPOSALS RECEIVED IN RESPONSE TO RFP 007-13 FOR EXTERNAL AUDITING SERVICES; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT IN SUBSTANTIAL CONFORMANCE WITH THE BID DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-222

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPOINTING COMMISSIONERS TERI JOHNSTON AND CLAYTON LOPEZ, ~~TONY YANIZ~~ AND CITY CLERK CHERYL SMITH TO SERVE ON THE CANVASSING BOARD FOR THE MUNICIPAL ELECTION OF OCTOBER 1, 2013 AND THE RUN-OFF ELECTION, IF ANY, NOVEMBER 5, 2013; 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. 13-223

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO IMMEDIATELY ESTABLISH LOADING AND UNLOADING AREAS FOR TOUR BUSES AT THE 525 ANGELA STREET SITE; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Kate Miano, 526 Angela Street
Jim Marquardt, 204 Olivia Street
Bob Vitas, City Manager
Don Craig, City Planner

It was moved by Commissioner Yaniz and seconded by Commissioner Johnston that the Resolution be passed and adopted directing the City Manager to immediately review potential loading and unloading zones for tour buses and report back to the City Commission within 30 to 60 days.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, 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

Commissioner Weekley asked the City Manager to also review the existing delivery ordinance in conjunction with this resolution.

RESOLUTION NO. POSTPONED TO SEPTEMBER 17, 2013

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED LETTER AND TERMS OF ENGAGEMENT WITH HOLLAND & KNIGHT LLP FOR FEDERAL LOBBYIST SERVICES; PROVIDING FOR CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Bob Vitas, City Manager
Shawn Smith, City Attorney

It was moved by Commissioner Wardlow and seconded by Commissioner Lopez that the Resolution be postponed to September 17, 2013.

The Mayor requested the Clerk call the roll.

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

Nays: Commissioner Yaniz

SO ORDERED

ORDINANCES - FIRST READING:

ORDINANCE NO. FAILED

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 78 OF THE CODE OF ORDINANCES ENTITLED "VEHICLES FOR HIRE" BY ADDING SECTIONS 78-65, 78-66 AND 78-67 TO PROVIDE FOR WHEELCHAIR ACCESSIBLE VEHICLES, OPERATIONAL REQUIREMENTS FOR SUCH VEHICLES AND A REVOCATION PROCESS; 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:

Scott Crowe, 3041 N. Roosevelt Boulevard
Shawn Smith, City Attorney
Glenn Stevenson, 616 Virginia

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

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Lopez, Weekley and Mayor Cates

Nays: Commissioners Johnston, Wardlow and Yaniz

With a tie vote the Mayor declared the item failed.

SO ORDERED

ORDINANCES SECOND READING: (Public Hearing)

ORDINANCE NO. 13-15

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 78 OF THE CODE OF ORDINANCES ENTITLED "VEHICLES FOR HIRE" BY ADDING SECTION 78-167, TO PROVIDE A CLEAN-UP FEE; 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:

Scott Crowe, 3041 N. Roosevelt Boulevard
Shawn Smith, City Attorney

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

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, 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. 13-16

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 110 OF THE LAND DEVELOPMENT REGULATIONS ENTITLED "RESOURCE PROTECTION," BY AMENDING ARTICLE VI ENTITLED "TREE PROTECTION," BY AMENDING SECTIONS 110-252, THROUGH AND INCLUDING 110-435; AMENDING SECTION 110-252 TO ADD AND AMEND DEFINITIONS; AMENDING SECTION 110-253 TO ADJUST THE LIST OF SPECIALLY PROTECTED TREES; AMENDING SECTION 110-254 TO ADJUST THE LIST OF UNPROTECTED TREES; AMENDING SECTION 110-255 TO CLARIFY PROHIBITED ACTS AGAINST COCONUT PALM TREES; AMENDING SECTION 110-256 TO CLARIFY TREE ABUSE AND EXCEPTIONS; AMENDING SECTION 110-258 TO AMEND APPLICATION PROCEDURE FOR EMERGENCY AFTER-THE-FACT PERMITS; AMENDING SECTION 110-259, DUTY OF PRIVATE PROPERTY OWNER; AMENDING SECTION 110-260 TO CLARIFY CHAMPION TREE CENSUS UPDATES; AMENDING SECTION 110-287 TO CLARIFY AUTHORITY FOR USE OF FUNDS; AMENDING SECTION 110-228 TO CLARIFY HEARINGS ON VIOLATIONS; AMENDING SECTION 110-289 TO CLARIFY AUTHORITY FOR REQUIRED NOTICE OF HEARING; AMENDING SECTION 110-290 TO CLARIFY HEARING PROCEDURE; AMENDING SECTION 110-291 TO

CLARIFY COMPLIANCE SETTLEMENT AGREEMENTS; AMENDING SECTION 110-293 TO CLARIFY STATUTORY AUTHORITY; AMENDING SECTION 110-294 TO PROVIDE FOR CONFIRMED ELECTRONIC MAIL NOTIFICATION; AMENDING SECTION 110-321 TO AMEND PERMIT REQUIREMENTS; AMENDING SECTION 110-322 TO AMEND EXCEPTIONS; AMENDING SECTION 110-323 TO REQUIRE APPLICATION TO URBAN FORESTRY MANAGER; AMENDING SECTION 110-324 TO PROVIDE FOR DETERMINATION BY URBAN FORESTRY MANAGER; AMENDING SECTION 110-326 TO PROVIDE FOR A FINDING BY URBAN FORESTRY MANAGER; AMENDING SECTION 110-327 TO AMEND APPROVAL CRITERIA TO ALLOW REPLACEMENT OF DICOT TREES WITH NATIVE PALMS AND NATIVE PALMS WITH DICOT TREES, ESTABLISH AMOUNT OF STANDARD DONATION AND HARDSHIP CRITERIA; AMENDING SECTION 110-331 TO AMEND ISSUANCE AND COMPLIANCE PROVISIONS; AMENDING SECTION 110-334 TO AMEND URBAN FORESTRY MANAGER AUTHORITY TO GRANT RENEWALS; AMENDING SECTION 110-335 TO CLARIFY KEYS ENERGY SERVICE REQUIREMENTS; AMENDING SECTION 110-336 TO AMEND PERMIT REQUIREMENTS FOR PRUNING OR HEAVY MAINTENANCE; AMENDING SECTION 110-366 TO PROVIDE FOR BARRICADING REVIEW BY URBAN FORESTRY MANAGER; AMENDING SECTION 110-396 TO ADD AND AMEND CERTAIN DEFINITIONS; AMENDING SECTION 110-402 TO AMEND PROVISIONS FOR REMOVAL OF LIVE, HEALTHY PALM FRONDS, AND USE OF CLIMBING SPURS; AMENDING SECTION 110-431 TO PROVIDE REFERENCE TO SECTION 110-258; AMENDING SECTION 110-433 TO PROVIDE FOR DIRECTION OF THE URBAN FORESTRY MANAGER; AMENDING SECTION 110-434, TO PROVIDE FOR EVALUATION AND DESIGNATION BY URBAN FORESTRY MANAGER; 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:

Judy Martinez, 1020 Emma Street
Karen DeMaria, Urban Forestry Manager
Don Craig, City Planner
Shawn Smith, City Attorney

It was moved by Commissioner Weekley and seconded by Commissioner Johnston for the Ordinance to be passed on second reading as amended to include a provision that trees can be added to the ordinance upon successful passage of a resolution of the City Commission.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, 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:

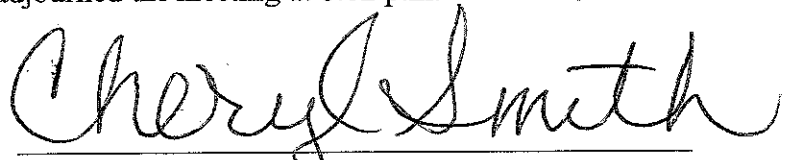
Judy Martinez, 1020 Emma Street

COMMISSION COMMENTS:

Commissioner Yaniz asked the City Manager to look into creating a special parking zone for Fantasy Fest bus parking under Section 70-118. Commissioner Yaniz also thanked all parties involved in making the congratulatory parade for Diana Nyad a success including her arrival on Smathers Beach.

ADJOURNMENT:

There being no further business the Mayor adjourned the meeting at 8:02 p.m.



Cheryl Smith, MMC, CPM
City Clerk