



# City of Key West, FL

Old City Hall  
510 Greene Street  
Key West FL 33040

## Action Minutes - Final City Commission

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Wednesday, October 16, 2013

6:00 PM

Old City Hall

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**ADA Assistance:** It is the policy of the City of Key West to comply with all requirements of the Americans with Disabilities Act (ADA). Please call the TTY number at 305-809-1000 or the ADA Coordinator at 305-809-3951 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

### CALL MEETING TO ORDER

6:06 P.M.

### ROLL CALL

**Present** 7 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

### INVOCATION - Commissioner Teri Johnston

### PLEDGE OF ALLEGIANCE TO THE FLAG

### APPROVAL OF AGENDA

### PROCLAMATIONS

1 Pit Bull Awareness Month

**Sponsors:** Commissioner Yaniz

**Attachments:** [Proclamation](#)

Received and Filed

### PRESENTATIONS

**Presenting Street Sweeper to Harbor Island, Bahamas  
- Mayor Cates**

**City Attorney's Report**

**City Manager's Report  
- Introduction of New Staff and Positions**

**CONSENT AGENDA\***

**\*Item is considered to be routine and enacted by one motion with no separate discussion, unless requested by a Commission Member or citizen, in which event the item will be removed from the order and considered in its normal sequence on the agenda. The City of Key West may take action on any matter during this meeting, including items that are not set forth within this agenda.**

**RESOLUTIONS**

- 2**                    \*Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to the Florida Powerboat Club for an event to take place during the hours of 8:00 A.M. to 11:00 P.M. on Thursday, November 7, Friday, November 8 and Saturday, November 9, 2013 from 8:00 A.M. to 11:00 P.M. at the Conch Republic Seafood Company.

**Sponsors:**            City Manager Vitas

**Attachments:**        [Resolution](#)  
                                  [Application](#)

**Passed**

Enactment No: Res 13-257

- 3**                    \*Authorizing William LaRose & Its Just 4 Kids, Inc. to conduct a free concert on Greene Street between Simonton Street and Ann Street on Saturday, November 23, 2013 from 4:00 P.M. to 11:00 P.M. pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Greene Street between Simonton Street and Ann Street; 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.

**Sponsors:**            City Manager Vitas

**Attachments:**        [Resolution](#)  
                                  [Application](#)  
                                  [Advertisement](#)

**Passed**

Enactment No: Res 13-258

- 4 \*Ratifying the acceptance of a 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) - Local Solicitation, in the amount of \$12,935.00, to allow for continued expansion and enhancement of information technology capabilities of the Key West Police Department, specifically to purchase accessories and equipment to upgrade a video/audio training simulator.

**Sponsors:** City Manager Vitas

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[2013-DJ-BX-1122 City of Key West \\$12935 acceptance](#)  
[2013 Byrne Grant e-mail threads](#)  
[2013 Byrne Local Abstract](#)  
[2013 Byrne Local Budget Worksheet and Narrative](#)  
[2013 Byrne Local JAG Disclosure of Pending Applications](#)  
[Byrne Local Program Narrative](#)  
[Byrne Local Review Narrative](#)  
[Byrne Memorial Local Executive Summary](#)  
[CDW-G Computer quote](#)  
[HP Computer quote](#)  
[PCConnection Computer quote](#)

**Passed**

Enactment No: Res 13-259

- 5 \*Authorizing the authority to execute and submit grant documentation through the Transportation Electronic Award Management System (TEAM) to the Federal Transit Administration (FTA) and Federal Highway Administration (FHWA), and to the Florida Department of Transportation (FDOT) and U.S. Department of Transportation (USDOT) to City Manager Bogdan Vitas, Key West Department of Transportation Director Norman Whitaker, and alternate designees Project and Grants Manager Carolyn Haia, and Assistant City Manager David Fernandez; Authorizing City Attorney Shawn Smith and Chief Assistant City Attorney Larry Erskine to affirm the authority of the City and its designees to apply for an accept Grant Funding.

**Sponsors:** City Manager Vitas

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[TEAM User Access Request](#)  
[Designation of Authority](#)  
[Resolution 12-279](#)

**Passed**

Enactment No: Res 13-260

#### **Approval of the Consent Agenda**

**A motion was made by Commissioner Weekley, seconded by Commissioner Rossi to Approve the Consent Agenda. The motion was carried unanimously.**

- 6 Urging cooperation and collaboration for the good of the Key West community.

**Sponsors:** Commissioner Weekley

**Attachments:** [Resolution](#)

**A motion was made by Commissioner Jimmy Weekley, seconded by Commissioner Clayton Lopez, that the Resolution be Passed. The motion passed by an unanimous vote.**

Enactment No: Res 13-261

- 7 Approving the attached Agreement between the Conch Republic Offshore Powerboat Racing Association and the City of Key West to conduct the Key West World Championship Races on November 3-11, 2013; a Boat Parade on Sunday, November 3, 2013 starting at 4:00 P.M., a block party on Friday, November 8, 2013 from 7:00 P.M. to 11:00 P.M.; the parade will be starting at Truman Annex Southard Street Gate to Whitehead Street - right going south to United Street - left to Duval Street - left go north to Front Street - to Whitehead Street - left go south to Southard Street and right back to Truman Annex; the Street Party on Friday, November 8, 2013 from 7:00 P.M. to 11:00 P.M., pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Duval Street between Fleming and Front Streets including Greene from Ann to Fitzpatrick Streets and Duval Street and a welcome party for the US and International teams at the Mole Pier on Monday, November 4, 2013 from 6:00 P.M. to 10:00 P.M., the use of the Truman Waterfront for the staging, launching and hauling of the racing boats; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

**Sponsors:** City Manager Vitas

**Attachments:** [Resolution](#)  
[Agreement](#)  
[Application](#)  
[Advertisement](#)

**A motion was made by Commissioner Rossi, seconded by Commissioner Wardlow, that the Resolution be Passed as amended. The motion carried by the following vote:**

**Yes:** 7 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

Enactment No: Res 13-262

- 8 Authorizing the purchase and installation of 42 3G Modems for Cale Multi-space Pay and Display Parking Stations, from Cale America, Inc. in accordance with City Code Section 2-844, in an amount not to exceed \$22,622.92 installed, pursuant to City Code Section 2-797(1).

**Sponsors:** City Manager Vitas

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Cale Service Quote](#)  
[FY2014 Approved Budget](#)

**A motion was made by Commissioner Jimmy Weekley, seconded by Commissioner Clayton Lopez, that the Resolution be Passed. The motion passed by an unanimous vote.**

Enactment No: Res 13-263

- 9 Authorizing Change Order #2 to Michael Miller, Architect, for Re-Design and Additional Technical Services, Reimbursable Expenses and an outside estimate for the Sexton's House in the City Cemetery in an additional amount not to exceed \$17,269.00; Approving necessary budget amendments.

**Sponsors:** City Manager Vitas

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Architect Quote](#)  
[Resolution 13-214](#)  
[Bid Tab 13-019 Sextons House](#)  
[Resolution 12-353](#)

**A motion was made by Commissioner Teri Johnston, seconded by Commissioner Clayton Lopez, that the Resolution be Passed. The motion passed with 6 Yea Votes to 1 Nay vote by Commissioner Mark Rossi.**

Enactment No: Res 13-264

- 10 Transmitting to the Army Corps of Engineers (USACE) the results of a City-wide binding referendum which expressed opposition by a margin of 74.53% to 24.47% to the question of whether the City of Key West should request that the Army Corps of Engineers conduct a comprehensive feasibility study to determine the impacts of widening the Key West Main Ship Channel for use by modern and longer cruise ships; Affirming that the City Commission will consider additional legislation to codify the overwhelming opposition expressed by the voters.

**Sponsors:** Commissioner Johnston

**Attachments:** [Resolution](#)

**A motion was made by Commissioner Johnston, seconded by Commissioner Yaniz, that the Resolution be Passed as amended. The motion carried by the following vote:**

**No:** 1 - Commissioner Rossi

**Yes:** 6 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

Enactment No: Res 13-265

- 11 Creating the Historic District Signage Task Force (Signage Task Force); Providing for recommendations to HARC regarding proposed ordinance and HARC Guideline revisions concerning signage in the Historic District; Providing for membership; Providing for its composition, staffing and duties; Providing for a Sunset date.

**Sponsors:** Commissioner Johnston

**Attachments:** [Resolution](#)

**A motion was made by Commissioner Johnston, seconded by Commissioner Yaniz, that the Resolution be Passed. The motion carried by the following vote:**

**No:** 1 - Commissioner Rossi

**Yes:** 6 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

Enactment No: Res 13-266

12 Directing City Staff to suspend work and expenditures towards development of the Easter Seals Property, until such time as the best use of the property is determined.

Sponsors: Commissioner Wardlow

Attachments: [Resolution](#)  
[Letter from Edwin Stieve](#)

**A motion was made by Commissioner Wardlow, seconded by Commissioner Yaniz, that the Resolution be Passed. The motion carried by the following vote:**

**Yes:** 7 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

Enactment No: Res 13-267

**ORDINANCES - SECOND READING (Public Hearing)**



13

An Ordinance of the City of Key West, Florida, amending Chapter 86, Section 86-9 entitled "Definition of Terms"; Amending Chapter 108 of the Land Development Regulations of the Code of Ordinances, entitled Planning and Development specifically Article X entitled "Building Permit Allocation System" by amending Section 108-986 "Definitions"; Adding Definitions to Section 86-9 entitled "Definition of Terms"; Amending Section 108-987 entitled "Purpose and Intent"; Amending Section 108-989 entitled "Authority"; Amending Section 108-991 "Development Not Affected by Article"; Amending Section 108-994 entitled "Established"; Amending Section 108-995 entitled "Reporting Requirements and Adjustments in Residential Allocation Schedule"; Repealing Section 108-996 entitled "Period of Allocation"; Adding a new Section 108-996 entitled "Intent"; Repealing Section 108-997 entitled "Tracking and Monitoring System"; Adding a new Section 108-997 entitled "Period of Allocation and Ranking/Review of Applications", Adding a new Section 108-998 entitled "Compact Infill Development and Mixed Use Development Incentives"; Amending and Renumbering Section 108-998 to 108-199 entitled "Procedures for Ensuring Beneficial Use of Private Property"; Repealing Section 108-999 entitled "Zoning in Progress"; Adding Section 108-1000 entitled "Allocation of Residential Permits in the Truman Waterfront Redevelopment Area"; and Amending Chapter 122 entitled "Zoning", by amending Section 122-1470 entitled "Accessory Unit Infill"; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Vitas

**Attachments:** [Ordinance](#)  
[Executive Summary](#)  
[Planning Board Staff Report](#)  
[LEED](#)  
[FGBC](#)  
[ARCOSA Standards](#)  
[15% Energy and Water Reduction Resources](#)  
[FEMA Standards](#)  
[Building Permit Allocation System \(BPAS\) Public Comments](#)

**A motion was made by Commissioner Jimmy Weekley, seconded by Commissioner Billy Wardlow, that the Ordinance be Postponed to November 6. The motion passed by an unanimous vote.**

14

An Ordinance of the City of Key West, Florida, amending Chapter 90 of the Code of Ordinances entitled "Administration" by amending Section 90-392 and by adding Section 90-398 to authorize the City Planner to issue Administrative Variances, establish Procedures for an Application for Administrative Variances, establish a Procedure for Providing Notice to Adjoining Property Owners of the City Planner's Intent to Issue an Administrative Variance, to establish Criteria for the Issuance of Administrative Variances and establish a Procedure for Public Hearings on Applications for Administrative Variances; Amending Chapter 122 entitled "Zoning" by amending Section 122-28 and adding Section 122-32 (g) to establishing Procedures for Nonconformities; Providing for Severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Vitas

**Attachments:** [Ordinance](#)  
[Executive Summary](#)  
[Exhibit 1 Timeline](#)  
[Planning Board Resolution 2013-32](#)  
[Planning Board Package](#)  
[Background Information Variance Review](#)  
[\\*Large File\\* Backup Info-Variences 2011 & 2012](#)  
[City of Key West Code on Variances 90-391](#)  
[Monroe County Code on Administrative Variances](#)  
[Monroe County Property Notification Letter](#)

**A motion was made by Commissioner Wardlow, seconded by Commissioner Lopez, that the Ordinance be Adopted as amended. The motion carried by the following vote:**

**No:** 1 - Commissioner Rossi

**Yes:** 6 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

Enactment No: Ord 13-18

#### **CITIZEN COMMENTS**

#### **COMMISSION COMMENTS**

#### **ADJOURNMENT**

**9:27 P.M.**