



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Tuesday, April 1, 2014

6:00 PM

Old City Hall

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 305-809-3731 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

CALL MEETING TO ORDER

6:03 P.M.

ROLL CALL

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

INVOCATION - Reverend Dr. Gwendolyn Magby, Trinity Presbyterian Church

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

PROCLAMATIONS

1 Fair Housing and Community Development Month

Sponsors: Mayor Cates

Received and Filed

2 Guardian ad Litem Day

Sponsors: City Commission

Received and Filed

3 Tropic Cinema 10th Anniversary Day

Sponsors: Mayor Cates

Received and Filed

PRESENTATIONS**4** Determining the Future of EMS in Key West

Sponsors: City Manager Vitas

Received and Filed

City Attorney's Report

City Manager's Report
- FDOT Report - Dean Walters

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.

MINUTES**5** *March 4, 2014 (Regular)

Approved

6 *March 12, 2014 (Special)

Approved

7 *March 18, 2014 (Regular)

Approved

RESOLUTIONS**8** *Re-appointing Roosevelt Sands, Jr. to the Housing Authority of the Key West Board of Commissioners.

Sponsors: Mayor Cates

Passed

Enactment No: Res 14-096

- 9 *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.

Sponsors: Commissioner Johnston

Passed

Enactment No: Res 14-097

- 10 *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.

Sponsors: City Manager Vitas

Passed

Enactment No: Res 14-098

- 11 *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.

Sponsors: City Manager Vitas

Passed

Enactment No: Res 14-099

- 12 *Approving the City Clerk Performance Evaluation.

Sponsors: City Manager Vitas

Postponed to May 6, 2014

- 13 *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.

Sponsors: City Manager Vitas

Passed

Enactment No: Res 14-100

- 14 *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.

Sponsors: City Manager Vitas

Passed

Enactment No: Res 14-101

- 15 *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.

Sponsors: City Manager Vitas

Passed

Enactment No: Res 14-102

- 16 *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.

Sponsors: City Manager Vitas

Passed

Enactment No: Res 14-103

Approval of the Consent Agenda

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

- 17 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.

Sponsors: Commissioner Weekley

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

No: 1 - Commissioner Johnston

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

Enactment No: Res 14-104

- 18 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.

Sponsors: Commissioner Weekley

Withdrawn

- 19 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.

Sponsors: City Manager Vitas

A motion was made by Commissioner Wardlow, seconded by Commissioner Weekley, 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 14-105

- 20 Approving the attached "Revocable License Agreement for use of City Property" between the City and Monroe County for the purpose of exercising animals.

Sponsors: City Manager Vitas

A motion was made by Commissioner Rossi, seconded by Commissioner Weekley, that the Resolution be Passed. The motion passed by a unanimous vote.

Enactment No: Res 14-106

- 21 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.

Sponsors: City Manager Vitas

A motion was made by Commissioner Rossi, seconded by Commissioner Lopez, that the Resolution be Passed. The motion passed by a unanimous vote.

Enactment No: Res 14-107

- 22 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.

Sponsors: City Manager Vitas

A motion was made by Commissioner Rossi, seconded by Commissioner Lopez, that the Resolution be Passed. The motion passed by a unanimous vote.

Enactment No: Res 14-108

- 23 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.

Sponsors: City Manager Vitas

A motion was made by Commissioner Rossi, seconded by Commissioner Weekley, that the Resolution be Passed. The motion passed by a unanimous vote.

Enactment No: Res 14-109

ORDINANCES – FIRST READING

- 24 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.

Sponsors: Commissioner Weekley

A motion was made by Commissioner Weekley, seconded by Commissioner Johnston, that the Ordinance be Postponed to April 22, 2014. The motion passed by a unanimous vote.

- 25 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.

Sponsors: City Attorney Smith

A motion was made by Commissioner Lopez, seconded by Commissioner Rossi, that the Ordinance be Passed to Second Reading on May 6, 2014. The motion passed by a unanimous vote.

- 26 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.

Sponsors: City Manager Vitas

A motion was made by Commissioner Rossi, seconded by Commissioner Weekley, that the Ordinance be Passed to Second Reading on May 6, 2014. The motion passed by a unanimous vote.

ORDINANCES - SECOND READING (Public Hearing)

- 27 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.

Sponsors: Commissioner Weekley and Mayor Cates

A motion was made by Commissioner Rossi, seconded by Commissioner Weekley, that the Ordinance be Postponed to April 22, 2104. The motion passed by a unanimous vote.

- 28 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.

Sponsors: Commissioner Weekley and Mayor Cates

A motion was made by Commissioner Rossi, seconded by Commissioner Weekley, that the Ordinance be Postponed to April 22, 2104. The motion passed by a unanimous vote.

DISCUSSION

- 29 Height Referendum

Sponsors: Commissioner Johnston, Commissioner Yaniz and Commissioner Wardlow

Discussed

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

10:09 P.M.