

## MINUTES

### CITY COMMISSION MEETING

OLD CITY HALL, 510 GREENE STREET

TUESDAY, FEBRUARY 4, 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, February 4, 2014.

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, City Planner and Director of Community Development Don Craig, Fire Chief David Fraga, Information Technology Director Patti McLaughlin, Port and Marina Services Director Doug Bradshaw, Utilities Manager Jay Gewin, Senior Deputy City Clerk Sue Harrison and City Clerk Cheri Smith.

Command Chaplain Lt. Ethan Everts, NAS Key West, 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 Yaniz requested Ordinance Item #15 be postponed to February 19, 2014.

Commissioner Lopez requested Ordinance Item #16 be postponed to February 19, 2014.

The City Manager requested Resolution Item #13 be postponed to March 4, 2014.

The Clerk announced speakers for Resolution Items #10 and #11 and those items would need to 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.

**PROCLAMATIONS:**

Key West Lady Conchs 2013 8/9U Travel Softball Team

**PRESENTATIONS:**

20 Year Service Award – Key West Fire Department Firefighter Omar Garcia  
20 Year Service Award – Key West Fire Department Captain Kenneth Wardlow

City Attorney’s Report

The City Attorney updated the Commission on an Affordable Housing Ordinance regarding development.

City Manager’s Report

The City Manager reported the approved extension to the agreement with the Navy was sent and ratification will be coming back for approval before the Commission at the next meeting.

The joint meeting with the County Commission was cancelled due to a scheduling conflict and a new date would need to be set. The Commission agreed the date for the meeting should be March 12, 2014 at 2:00 p.m. at the Harvey Government Center.

The City Manager requested a date for a workshop or special meeting regarding the Noise Ordinance and to set legislative priorities. The Commission requested a Special Commission Meeting for those topics to be held on February 25, 2014 at 6:00 p.m.

Commissioner Yanis asked about the replacement process for the Assistant City Manager position.

Mayor Cates reported he would give the State of the City presentation at the next meeting.

**CONSENT AGENDA:**

The Clerk read the titles of the Resolutions.

It was moved by Commissioner Weekley and seconded by Commissioner Rossi 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:**

January 7, 2014 (Regular)

**RESOLUTIONS:**

**RESOLUTION NO. 14-035**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RE-APPOINTING ROBERT BETHEL TO THE TREE COMMISSION; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 14-036**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE WESLEY HOUSE FAMILY SERVICES, INC. TO CONDUCT ITS ANNUAL "VALENTINE'S DAY FUNDRAISER" AT THE CURRY MANSION LOCATED AT 511 CAROLINE STREET ON FRIDAY, FEBRUARY 14, 2014 FROM 9:00 A.M. TO 11:30 P.M.; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE CLOSURE OF CAROLINE STREET FROM DUVAL STREET TO SIMONTON STREET AND ANN STREET FROM GREENE STREET TO CAROLINE STREET FROM 9:00 A.M. TO 11:30 P.M.; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 9:00 A.M. TO 11:30 P.M.; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE BARRICADED AREA; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 14-037**

**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 KEY WEST ART & HISTORICAL SOCIETY FOR A CONCERT AT EAST MARTELLO TOWERS 3501 SOUTH ROOSEVELT BOULEVARD DURING THE HOURS OF 2:00 P.M. TO 9:00 P.M. ON SUNDAY, FEBRUARY 23, 2014; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 14-038**

**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 EAST QUAY ROAD TRUMAN ANNEX ON SATURDAY, MARCH 29, 2014 FROM 8:00 A.M. TO 7:00 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 8:00 A.M. TO 7:00 P.M.; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE BARRICADED AREA; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 14-039**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE AWARD OF BID FOR ITB #13-020, PORT AND MARINA SECURITY SERVICES (PORT AND CITY MARINA), TO THE LOWEST QUALIFIED AND RESPONSIVE BIDDER, NORTHSTAR SECURITY, INC., FOR A CONTRACT PRICE OF \$18.00/HOUR (\$69,822.00 PER YEAR FOR PORT AND \$65,700.00 PER YEAR FOR CITY MARINA); AUTHORIZING THE EXECUTION OF A CONTRACT IN ACCORDANCE WITH THE BID DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. POSTPONED TO MARCH 4, 2014**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE CITY OF KEY WEST TO ENTER INTO A REVOCABLE LICENSE AGREEMENT FOR NONPERMANENT USE OF 760.75 SQUARE FEET OF CITY PROPERTY FOR BRICK PAVERS AND LANDSCAPING ASSOCIATED WITH AN HISTORIC STRUCTURE LOCATED AT 4 PINDER LANE, PURSUANT TO SECTION 2-939 OF THE CODE OF ORDINANCES; PROVIDING CONDITIONS; 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. 14-040**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A SIX MONTH EXTENSION TO THE AGREEMENT WITH GRAY ROBINSON ATTORNEYS AT LAW TO SERVE AS THE CITY'S FLORIDA GOVERNMENT LOBBYIST; 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 Rossi and seconded by Commissioner Wardlow 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. WITHDRAWN**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, DETAILING THE PARKING FEES AND EXCEPTION FOR THE FORT STREET PARKING LOT; 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  
Bob Vitas, City Manager  
Shawn Smith, City Attorney

The City Manager withdrew the item.

**SO ORDERED**

**RESOLUTION NO. 14-041**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE CITY OF KEY WEST TO ENTER INTO A REVOCABLE LICENSE AGREEMENT FOR NONPERMANENT USE OF CITY PROPERTY TO PLACE TWO BENCHES WITHIN THE GREENE STREET RIGHT-OF-WAY AND ~~TWO BENCHES WITHIN THE FITZPATRICK STREET RIGHT-OF-WAY~~ ADJACENT TO PROPERTY LOCATED AT 411 GREENE STREET PURSUANT TO SECTION 2-939 OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution and administered the oath to those about to give testimony on the item. The Clerk announced there were 8 notices sent to property owners within 50 feet and 4 responses were received; 2 objections and 2 non-objections. The objections were from Joseph Cohen, 300 Front Street and Michael Halpern, 105 Whitehead Street.

The following people spoke on the matter:

Jack Akwani, Applicant and Business Owner at 411 Greene Street  
Don Craig, City Planner  
Shawn Smith, City Attorney

It was moved by Commissioner Wardlow and seconded by Commissioner Weekley that the Resolution be passed and adopted as stated in Option 2 of the Executive Summary.

The Mayor requested the Clerk call the roll.

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

Nays: Commissioners Rossi 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**

**ORDINANCES - FIRST READING:**

**ORDINANCE NO. SECOND READING FEBRUARY 19, 2014**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 82 OF THE CODE OF ORDINANCES ENTITLED "WATERWAYS" BY ADDING SECTION 82-2, "ALTERATION OF KEY WEST'S MAIN SHIP CHANNEL" TO PROVIDE FOR VOTING REQUIREMENTS IN ORDER TO TAKE ANY ACTION WHICH WOULD RESULT IN THE WIDENING, DEEPENING OR OTHER ALTERATION OF KEY WEST'S MAIN SHIP CHANNEL; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Ordinance and announced she had received a letter from Christine Russell in favor of the item.

The following people spoke on the matter:

Judy Martinez, 1020 Emma Street  
Naja Girard, 1214 Newton Street for Last Stand  
Sloan Bashinsky, 1711 Seminary Street

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

The Mayor requested the Clerk call the roll.

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

Nays: Commissioner Rossi

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 FEBRUARY 19, 2014**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 62, ARTICLE V OF THE CODE OF ORDINANCES ENTITLED "NEWSRACKS" BY ADJUSTING THE**

**SPELLING TO 'NEWS RACKS' THROUGHOUT THE ORDINANCE; BY AMENDING SECTION 62-151 TO AMEND DEFINITIONS; ADDING SECTION 62-152 TO STATE PURPOSE AND CRITERIA; AMENDING SECTION 62-177 TO SET JULY 15 AS THE APPLICATION FOR LOCATIONS DEADLINE; AMENDING SECTION 62-179 TO ESTABLISH AND ADJUST CERTAIN FEES; AMENDING SECTION 62-181, DENIAL; AMENDING SECTION 62-182 TO AMEND THE REPLACEMENT PROCEDURE; AMENDING SECTION 62-183, TO AMEND LOCATION REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE**

**RESCINDING VOTE ON ORDINANCE:**

**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 78-67 AND AMENDING 78-198 TO PROVIDE FOR THE CONVERSION OF CONTRACT VEHICLE FOR HIRE LICENSES TO WHEELCHAIR ACCESSIBLE PASSENGER VEHICLE FOR HIRE LICENSES, OPERATIONS 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 titles of the Ordinances.

It was moved by Commissioner Weekley and seconded by Commissioner Lopez for the Ordinances to be postponed to February 19, 2014.

The Mayor asked for objections and seeing none the items were postponed to February 19, 2014.

**CITIZEN COMMENTS:**

Sloan Bashinsky, 1711 Seminary Street  
Margaret Romero, 1615 Washington Street  
Tom Milone, 832 Caroline Street

**COMMISSION COMMENTS:**

Commissioner Yaniz commented on bringing Spring Break Court back this year.

Commissioner Lopez congratulated Mr. Sam Trophia and Mr. George Fernandez as having received the 20<sup>th</sup> Annual Florence Spottswood American Red Cross Key West Humanitarian of the Year Award.

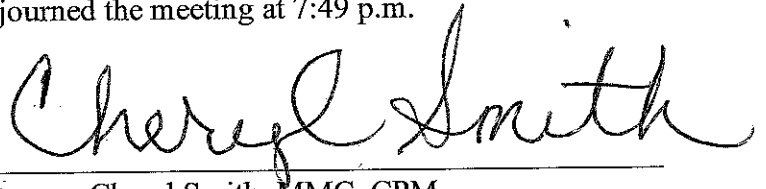


Commissioner Johnston commented that the RFP for Solid Waste bid had been issued and seven companies attended the pre-bid conference.

Mayor Cates commented that his presentation to the Business Guild had not been the State of the City address but a brief talk on his vision for the City. He also supported Commissioner Yaniz' regarding Spring Break Court and he was not in favor of Spring-breakers drinking on the beach.

**ADJOURNMENT:**

There being no further business the Mayor adjourned the meeting at 7:49 p.m.

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

Cheryl Smith, MMC, CPM  
City Clerk