

**MINUTES**

**CITY COMMISSION MEETING**

**OLD CITY HALL, 510 GREENE STREET**

**TUESDAY, SEPTEMBER 16, 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, September 16, 2014

Mayor Craig Cates called the meeting to order at 6:10 p.m.

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

Kimberley Debus, M. Div, One Island Family, 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 the proposed add-on Resolution Items #22 and #23 be added to the Consent Agenda.

The Mayor asked for a consensus from the Commission to add the items to the Consent Agenda and it was met with overall approval.

Commissioner Johnston requested Resolution Item # 17 be removed from the Consent Agenda for discussion.

City Manager Scholl requested Resolution Item #19 be postponed to October 21, 2014.

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.

**ORDINANCE – SECOND READING (Public Hearing)**

**ORDINANCE NO. 14-18**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, ADOPTING AN AD VALOREM TAX GENERAL MUNICIPAL MILLAGE RATE FOR FY 2014-2015; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISION; PROVIDING FOR AN EFFECTIVE DATE**

The City Clerk read the title of the Ordinance.

The following people spoke on the matter:

City Manager Jim Scholl  
ACM Sarah Spurlock  
Margaret Romero, 1615 Washington Street  
Sloan Bashinsky, 1711 Seminary Street  
Virginia Panico, Key West Chamber of Commerce

The Assistant City Manager addressed the City Commission on the final budget.

It was moved by Commissioner Wardlow and seconded by Commissioner Lopez to use 6 reserve days and for the Ordinance to be passed on second reading as read.

The Mayor acknowledged the motion and second and requested the City Clerk to call the roll.

Yeas: Commissioners Lopez, Wardlow and Mayor Cates

Nays: Commissioners Johnston, Rossi, Weekley and Yaniz

Motion Failed

It was moved by Commissioner Lopez to use 5 reserve days and seconded by Commissioner Wardlow for the Ordinance to be passed on second reading as read.

The Mayor acknowledged the motion and second and requested the City Clerk to call the roll.

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

Nays: Commissioners Johnston and Weekley

Motion Passed.

It was moved by Commissioner Rossi and seconded by Commissioner Lopez for the final adopted ad valorem tax general municipal millage rate for FY 2014-2015 is hereby set at 2.7743 mills (2.7743 per thousand

dollars of assessed property value). The 2014-2015 final adopted millage rate is 5.09 percent more than the 2014-2015 rolled back rate of 2.6399 mills (\$2.6399 per thousand dollars of assessed property value).

The Mayor acknowledged the motion and second and requested the City Clerk to call the roll.

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

Nays: Commissioner Wardlow

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**

**RESOLUTIONS: (Public Hearing)**

**RESOLUTION NO. 14-261**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, ADOPTING THE FINAL BUDGET FOR FY 2014-2015; PROVIDING FOR AN EFFECTIVE DATE**

The City Clerk read the title of the Resolution.

The following person spoke on the matter:

Assistant City Manager Spurlock

The City Clerk read into the Record a public hearing to consider was held and a tentative budget was conducted on September 4, 2014, at which the tentative budget was adopted at \$155,998,169.00 by fund and by major category in Resolution No. 14-260 and WHEREAS, a second public hearing for final adoption of the Fiscal Year 2014-2015 budget was held on September 16, 2014, at which the final budget was adopted at \$155,771,097.00.

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

The Mayor acknowledged the motion and second and requested the City Clerk to call the roll.

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

Nays: Commissioners Rossi and Wardlow

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**

**COMMENDATIONS:**

Mr. Kevin Collins was recognized for serving on the Citizen Review Board.

**PRESENTATIONS:**

Model Homeless Shelter – Mr. Keith Oropeza

Mr. Keith Oropeza gave a presentation to the Commission.

City Attorney’s Report

No Report

City Manager’s Report

City Manager Scholl advised the Special Event Poker Run will kick off this Thursday and end on Sunday.

The City Manager announced he promoted Rod Delostrinos to the Community Services Director.

**CONSENT AGENDA:**

The Clerk read the titles of the Resolutions.

It was moved by Commissioner Rossi 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 to pass the Resolutions as read.

**MINUTES:**

September 4, 2014 (Special)

**RESOLUTION NO. 14-262**

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

**RESOLUTION NO. 14-263**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE KEY WEST PARROT HEAD CLUB, INC. TO CONDUCT A WELCOME STREET PARTY ON WEDNESDAY, OCTOBER 29, 2014 FROM 9:00 A.M. TO 9:00 P.M.; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE CLOSURE OF CHARLES STREET; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 9:00 A.M. TO 9:00 P.M.; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE ENCLOSED AREA; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 14-264**

**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 WE'VE GOT THE KEYS FOR A WEDDING CEREMONY AND RECEPTION AT THE HEMINGWAY HOUSE ON WHITEHEAD STREET DURING THE HOURS OF 5:30 P.M. TO 12 MIDNIGHT ON SUNDAY, MARCH 29, 2015; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 14-265**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A MURAL TO BE PAINTED AT 516 WHITE STREET; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 14-266**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED JOINT PARTICIPATION AGREEMENT (JOA) BETWEEN THE CITY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR FUNDING FOR A NEW MOORING DOLPHIN AT THE MALLORY SQUARE T-PIER IN AN AMOUNT NOT TO EXCEED \$762,000.00 (PROJECT FM 435035-1-94-01/CONTRACT ARJ38); AUTHORIZING**

**NECESSARY BUDGET TRANSFERS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE ATTACHED JPA; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 14-267**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING CHANGE ORDER NUMBER ONE FROM DOUGLAS N. HIGGINS IN AN AMOUNT OF \$15,825.40 FOR TASKS AND MATERIALS RELATED TO INCREASED SCOPE OF WORK ON THE NAVY MOLE PIER FENDER REPLACEMENT PROJECT (OM1302); PROVIDING FOR AN EFFECTIVE DATE.**

**RESOLUTION NO. 14-268**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING A PURCHASING EXCEPTION PURSUANT TO SECTION 2-797 OF THE CODE OF ORDINANCES, TO ALLOW A CHANGE ORDER FOR PO 76386 TO GOVERNMENT SERVICES GROUP IN THE AMOUNT OF \$13,800.00 FOR MAILING OF SOLID WASTE AND STORMWATER NOTICES AS PART OF ANNUAL NON-AD VALOREM ASSESSMENT PROCESS (AMENDED PURCHASE ORDER TOTAL OF \$26,300.15); PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 14-269**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING A PURCHASING EXCEPTION PURSUANT TO SECTION 2-797(1) OF THE CODE OF ORDINANCES, TO ALLOW AN INCREASE NOT TO EXCEED \$16,150.00 IN CUMULATIVE EXPENDITURES DURING FY 13-14 TO METIER TOLEDO ON A SOLE SOURCE BASIS (\$16,150.00 INCREASE TO PURCHASE ORDER 77037 TO A TOTAL OF \$30,704.00); PROVIDING FOR AN EFFECTIVE DATE.**

**RESOLUTION NO. 14-270**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A TASK ORDER UNDER THE CITY'S GENERAL SERVICES CONTRACT WITH DOUGLAS N. HIGGINS, INC. IN A TOTAL AMOUNT NOT TO EXCEED \$42,008.01 FOR SIDEWALK REPLACEMENT IN THE 300 BLOCK OF WHITEHEAD STREET AND 400 BLOCK OF EATON STREET; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 14-271**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE PAYMENT OF INSURANCE PREMIUMS FROM PREFERRED GOVERNMENTAL INSURANCE TRUST (PGIT) AS SUBMITTED BY PUBLIC RISK INSURANCE AGENCY (PRIA) IN THE AMOUNT OF \$1,026,883.00 FOR THE CITY'S PROPERTY AND CASUALTY INSURANCE PREMIUMS FOR POLICY YEAR 2014/2015; AUTHORIZING ACCEPTANCE OF THE PROPOSALS RECEIVED FROM TRAVELERS, HARTFORD, GREAT AMERICAN, COMMERCE & INDUSTRY, ILLINOIS UNION, INDIAN HARBOR AND THE NFIP AS SUBMITTED BY PUBLIC RISK INSURANCE AGENCY (PRIA) FOR CRIME COVERAGE (\$3,284.00), AD&D (\$5,801.00), MARINE COVERAGE (\$62,544.00), POLLUTION COVERAGE (\$28,350.00) AND FLOOD COVERAGE (\$68,211.00) RESPECTIVELY; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS CONSISTENT THEREWITH; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 14-272**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT NUMBER TWO (SJPA #2) FOR CONTRACT ARB19 BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AND THE CITY OF KEY WEST, TO AMEND THE MAXIMUM PARTICIPATION OR GRANT AWARD FROM FDOT FROM \$433,406.00 TO \$542,452.00, REFLECTING AN INCREASE OF \$109,046.00, TO BE USED FOR OPERATING EXPENSES OF THE FIXED ROUTE BUS TRANSIT SYSTEM; PROVIDING FOR AN EFFECTIVE DATE.**

**RESOLUTION NO. POSTPONED TO OCTOBER 21<sup>ST</sup> MEETING**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AN EASEMENT OF 129 SQUARE FEET, MORE OR LESS, TO ADDRESS THE ENCROACHMENT OF EXISTING BRICK PAVERS INTO CITY RIGHT-OF-WAY ABUTTING THE PROPERTY LOCATED AT 951-955 CAROLINE STREET, KEY WEST, FLORIDA (RE #00002970-000000; AK #1003069), PROVIDING FEES AND CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 14-273**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE RETURN OF \$59,785.26 AND TO**

**THE FEDERAL EMERGENCY MANAGEMENT AGENCY THROUGH THE STATE OF FLORIDA; RETURNING, AN ADDITIONAL \$53,893.16 TO THE STATE OF FLORIDA REGARDING AN UNINTENTIONAL DUPLICATION OF BENEFITS FOR A DISASTER RECOVERY GRANT FROM TROPICAL STORM ISAAC FOR THE RESTORATION OF SMATHERS BEACH; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 14-274**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED STIPULATED SETTLEMENT AGREEMENT IN THE CASE OF MATTHEW KLOSOWSKI V. CITY OF KEY WEST (CASE 2007-CA-1642-K); AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO EXECUTE NECESSARY DOCUMENTS; 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. 14-275**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH DEUTSCHE BANK TRUST COMPANY, PROPERTY OWNER(S) IN CODE COMPLIANCE FILE NO. 11-121 (1721 JOHNSON STREET) PERMITTING A RELEASE OF LIEN UPON PAYMENT BY THE OWNERS OF THE AMOUNT OF \$3,300.00; PROVIDING FOR AN EFFECTIVE DATE.**

The Clerk read the title of the Resolution.

The following person spoke on the matter:

City Attorney Smith

It was moved by Commissioner Johnston and seconded by Commissioner Rossi 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**

**RESOLUTION NO. 14-276**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RESCINDING RESOLUTION 14-214, REGARDING THE NOMINATION OF PROPERTY LOCATED AT 1012 FLEMING STREET FOR ACQUISITION BY THE MONROE COUNTY LAND AUTHORITY; PROVIDING FOR AN EFFECTIVE DATE.**

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Mark Moss, Habitat for Humanity  
Manuel Castillo, Director of the Housing Authority  
Dr. Bryan Greene, 910 Watson Street

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

The Mayor acknowledged the motion and second and requested the Clerk to 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. 14-277**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING MAJOR DEVELOPMENT PLAN, CONDITIONAL USE AND LANDSCAPE WAIVER APPROVALS PURSUANT TO SECTIONS 108-91.A.2, 108-517, 122-62 AND 122-718 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA FOR THE RECONSTRUCTION OF 2,500 OR GREATER OF**

**GROSS FLOOR AREA FOR THE MODIFICATION AND CONTINUATION OF PUBLIC UTILITY AND PARKING LOT USES AND FOR THE REDUCTION OF REQUIRED LANDSCAPING ASSOCIATED WITH THE PROPOSED RENOVATION OF THE KEYS ENERGY OFFICE BUILDING ON PROPERTY LOCATED AT 1001 JAMES STREET (RE #00001700-000000, AK # 1001767) IN THE HISTORIC RESIDENTIAL COMMERCIAL CORE – KEY WEST BIGHT (HRCC-2) ZONING DISTRICT; PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE.**

The Clerk read the title of the Resolution.

The Clerk asked anyone giving testimony to stand and be sworn in; Clerk administered the oath.

The following people spoke on the matter:

Haven Burkee, Bender and Associates  
Kevin Bond, Acting City Planner

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

The Mayor acknowledged the motion and second and requested the Clerk to 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**

**ORDINANCES - FIRST READING:**

**ORDINANCE NO. PASSED TO SECOND READING OCTOBER 7<sup>th</sup>**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 26 ENTITLED “ENVIRONMENT”, BY ADDING ARTICLE VI ENTITLED “UNMANNED AIRCRAFT” TO PROVIDE PRIVACY AND SAFETY PROTECTIONS UNTIL SUCH TIME AS STATE OR FEDERAL REGULATIONS PREEMPT THIS ORDINANCE; ADDING SECTION 26-300, PURPOSE AND INTENT; ADDING SECTION 26-301, DEFINITIONS; ADDING SECTION 26-302, REGISTRATION; ADDING SECTION 26-303, PROHIBITIONS; ADDING SECTION 26-304, EXCEPTIONS; ADDING SECTION 26-305, PENALTY; ADDING**

**SECTION 26-306, SUNSET PROVISIONS; 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:

Ron Ramsingh, Assistant City Attorney  
Peter Horton, Director of Airports Monroe County  
Fred R. Cabanas, Jr.  
Rita Troxell, Florida Keys and Key West Film Commissioner  
Michael Doyle, Executive Director of the Florida Keys Mosquito Control  
Glenn Cullingford, Chief Pilot for Mosquito Control  
Quincy Perkins, Technical Director of Film Institute

It was moved by Commissioner Rossi to amend the Ordinance by including the following language in Section 26-303: (h). Any beach within the City of Key West; (i) Drone operations conducted pursuant to Sec. 26-304(c) shall comply with altitude operational restrictions as indicated in Exhibit A, attached and seconded by Commissioner Lopez, for discussion, that the Ordinance be passed on first reading as amended.

The Mayor acknowledged the motion and second and requested the Clerk to call the roll.

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

Nays: Commissioner Yaniz

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

**SO ORDERED**

**CITIZEN COMMENTS:**

Margaret Romero, 1615 Washington Street

**COMMISSION COMMENTS:**

Commissioner Yaniz thanked Staff for their hard work on the Budget this year.

Commissioner Lopez advised he will not be at the District 6 meeting this Thursday however, he thanked the Mayor in advance for attending the District 6<sup>th</sup> meeting in his absence.

Mayor also thanked Staff for their hard work on the Budget this year.

**ADJOURNMENT:**

There being no further business the Mayor adjourned the meeting at 8:51 p.m.



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Cheryl Smith, MMC, CPM  
City Clerk