

MINUTES
CITY COMMISSION MEETING
OLD CITY HALL, 510 GREENE STREET
TUESDAY, JUNE 3, 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, June 3, 2014.

Mayor Craig Cates called the meeting to order at 6:03 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 Sarah Spurlock, City Attorney Shawn Smith, Assistant City Attorney Ron Ramsingh, City Planner and Director of Community Development Don Craig, Police Chief Donie Lee, Fire Chief David Fraga, Community Services Director Greg Veliz, Deputy Community Services Director Rodrigo Delostrinos, Director of Transportation Norman Whitaker, Code Compliance Manager Jim Young, Information Technology Director Patti McLauchlin, Engineering Director James Bouquet, Parking Manager John Wilkins, Senior Deputy City Clerk Sue Harrison and City Clerk Cheri Smith.

Commissioner Teri Johnston 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 withdrew Resolution Item 11.

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

The Clerk announced an add-on proclamation for Mystery Writers Weekend.

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

COMMENDATIONS:

- Susan C. Srch, Executive Director Citizen Review Board

PROCLAMATIONS:

- Key West Pride Week
- Mystery Writers Weekend

PRESENTATIONS:

- Annual Sustainability Advisory Board Report – Chairman Michael Larson
- Florida Fire Chief’s Association – EMS Report – Dan Harshburger
- International Association of Fire Fighters, Local 1424 – EMS Report – Walter Dicks
- Key West Classic Regatta and Tall Ship Festival

City Attorney’s Report -

City Attorney Smith called for a closed session regarding Harvey Johnson and Captain Runaground Restaurant v. City of Key West; Case No. 2006-CA-740-K, prior to the next Commission Meeting at 5:30 p.m. on June 17, 2014.

City Manager’s Report -

City Manager Vitas responded to Commissioner Yaniz regarding the status of the transit station on Jr. College Road.

CONSENT AGENDA:

The Clerk read the titles of the Resolutions.

It was moved by Commissioner Rossi and seconded by Commissioner Wardlow 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:

April 22, 2014 (Special)
April 23, 2014 (Workshop)
May 6, 2014 (Regular)
May 20, 2014 (Regular)

RESOLUTIONS:

RESOLUTION NO. 14-147

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING KEY WEST BUSINESS GUILD, INC. TO CONDUCT A KEY WEST PRIDE CELEBRATION ON JUNE 14 & 15, 2014; AUTHORIZING THE KEY WEST BUSINESS GUILD, INC. TO CONDUCT NUMEROUS EVENTS STARTING WITH A STREET FAIR ON SATURDAY, JUNE 14, 2014 ON THE 700 & 800 BLOCK OF DUVAL STREET FROM 10:00 A.M. TO 7:00 P.M.; A PARADE ON SUNDAY, JUNE 15, 2014 FROM 5:00 P.M. TO 7:00 P.M. STARTING AT TRUMAN ANNEX, GOING LEFT ON WHITEHEAD STREET, RIGHT ON DUVAL STREET AND ENDING AT THE END OF THE 1100 BLOCK OF DUVAL STREET; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE ENCLOSED AREA; AUTHORIZING THE CLOSURE OF THE 700 & 800 BLOCK OF DUVAL STREET; GRANTING AN EXEMPTION FROM THE NOISE CONTROL ORDINANCE PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES DURING THE EVENT.; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 14-148

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE ROTARY CLUB OF KEY WEST, FLORIDA, INC. TO CONDUCT A FUNDRAISER AT THE MCCOY INDIGENOUS PARK JULY 4TH, 2014 (SET UP JULY 2, 2014) FROM 7:00 A.M. TO 8:00 P.M. AND DISPLAY AND CLEANUP FROM 9:00 P.M. TO 12:00 MIDNIGHT; AUTHORIZING FIREWORKS DISPLAY OFF THE WHITE STREET PIER ON JULY 4, 2014 FROM 9:00 P.M. TO 10:00 P.M.; GRANTING AN EXEMPTION FROM THE NOISE CONTROL ORDINANCE PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES DURING THE JULY 4TH FIREWORKS CELEBRATION; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT MCCOY INDIGENOUS PARK; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 14-149

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, ADOPTING AND APPROVING THE ATTACHED TRIENNIAL UPDATE TO THE DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM POLICY; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AND SUBMIT THE DBE TO THE U.S DEPARTMENT OF TRANSPORTATION; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 14-150

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AMENDING RESOLUTION 14-060 TO ADJUST THE PROCUREMENT PRICE AUTHORIZED FOR THE PURCHASE OF UP TO THREE (3) CLEAN DIESEL (LOW SULFUR) GILLIG 30' LOW FLOOR BRT BUSES AND ONE (1) HYBRID CLEAN DIESEL (LOW SULFUR) ELECTRIC GILLIG 30' LOW FLOOR BRT BUS TO A TOTAL AMOUNT NOT TO EXCEED \$2,001,983.00, PURSUANT TO STATE CONTRACT, PURSUANT TO SECTIONS 2-797(1)(3) AND 2-844(A) OF THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 14-151

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED "PUBLIC TRANSPORTATION JOINT PARTICIPATION AGREEMENT" (JPA) BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AND THE CITY OF KEY WEST FOR SECTION 5311 GRANT PROGRAM FUNDING ASSISTANCE FOR FY 13-14 THROUGH DECEMBER 2015 FOR CAPITAL FUNDING TO PURCHASE REPLACEMENT BUSES IN AN AMOUNT NOT TO EXCEED THE MAXIMUM PARTICIPATION IN THE AMOUNT OF \$2,072,523.00; AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY DOCUMENTS AND NECESSARY BUDGET AMENDMENTS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 14-152

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 \$291,695.15 FOR WHITE STREET PIER GUARDRAIL AND SIDEWALK REPLACEMENT; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 14-153

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 \$41,034.00 FOR INSTALLATION OF ADA COMPLIANT SIDEWALK/WALKWAY AT BILL BUTLER PARK; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 14-154

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 \$433,126.29 FOR INSTALLATION OF SIDEWALK ALONG UNITED STREET FROM LEON STREET TO WHITE STREET; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 14-155

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING TRANSFER OF MOBILE VENDOR LICENSE (MVL) #12771 FROM LARY J. BUDNICK TO CAPTAIN KELLY NELSON DUE TO HARDSHIP; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 14-156

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED LICENSE AGREEMENT BETWEEN THE CITY AND THE HOUSING AUTHORITY OF THE CITY OF KEY WEST FOR THE USE OF A PORTION OF FORT STREET AND AMELIA STREET; 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. 14-157

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED "PUBLIC TRANSPORTATION JOINT PARTICIPATION AGREEMENT" (JPA) BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AND THE CITY OF KEY WEST FOR SECTION 5311 GRANT PROGRAM FUNDING ASSISTANCE FOR FY 13-14 THROUGH DECEMBER 2015 FOR CAPITAL FUNDING TO PURCHASE REPLACEMENT BUSES IN AN AMOUNT NOT TO EXCEED THE MAXIMUM PARTICIPATION IN THE AMOUNT OF \$2,072,523.00; AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY DOCUMENTS AND NECESSARY BUDGET AMENDMENTS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following person spoke on the matter:

Bob Vitas, City Manager

It was moved by Commissioner Johnston and seconded by Commissioner Wardlow 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. POSTPONED TO JUNE 17, 2014

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPOINTING TWO MEMBERS TO THE CITIZEN REVIEW BOARD; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

It was moved by Commissioner Rossi and seconded by Commissioner Yaniz that the item be postponed.

The Mayor requested the Clerk call the roll.

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

Nays: Commissioners Johnston and Weekley

After discussion it was moved by Commissioner Lopez and seconded by Commissioner Weekley that the vote to postpone be reconsidered.

The Mayor requested the Clerk call the roll.

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

Nays: Commissioner Yaniz

The following people spoke on the matter:

Larry Beaver, CRB Executive Director
Kathleen Ford, Applicant
Arthur Dennison, Applicant
Rodney Gullate, Applicant
Chuck Van Soye, Applicant
Shawn Smith, City Attorney

After the applicants spoke it was moved by Commissioner Yaniz and seconded by Commissioner Rossi that the Resolution be postponed to June 17, 2014 to allow the City Attorney time to look into the matter regarding an additional application by George Galvan.

The Mayor requested the Clerk call the roll.

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

Nays: None

SO ORDERED

QUASI-JUDICIAL HEARING:

RESOLUTION NO. 14-158

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 MAINTAIN EXISTING WOOD FENCES LOCATED ON CITY RIGHTS-OF-WAY ABUTTING THE PROPERTY LOCATED AT 1413 GRINNELL STREET (RE #00039200-000000, AK #1039942) PURSUANT TO SECTION 2-939 OF THE CODE OF ORDINANCE OF THE CITY OF KEY WEST, FLORIDA;

PROVIDING FEES AND 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:

Wayne LaRue Smith, Applicant
Don Craig, City Planner

It was moved by Commissioner Rossi and seconded by Commissioner Johnston 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

QUASI-JUDICIAL HEARING:

RESOLUTION NO. 14-159

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 108-92.A.2., 108-517, 122-62 AND 122-958 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA FOR THE ADAPTIVE REUSE OF A FORMER SCHOOL INTO NEW CITY GOVERNMENT OFFICES WITH RELATED CULTURAL AND CIVIC ACTIVITIES ON PROPERTY LOCATED AT 1300 WHITE STREET (RE #000401000-000000, AK #1040827) IN THE HISTORIC PUBLIC AND SEMIPUBLIC SERVICES (HPS) 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:

Bert Bender, Architect, 410 Angela Street
Don Craig, City Planner
Donna Bosold
Margaret Romero, 1615 Washington Street
Sloan Bashinsky, 1711 Seminary

It was moved by Commissioner Rossi and seconded by Commissioner Lopez 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

The Mayor called for a recess at 9:16 p.m. and reconvened the meeting at 9:27 p.m.

QUASI-JUDICIAL HEARING:

RESOLUTION NO. 14-160

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE PROPOSAL FOR VACATION OF A PORTION OF THE WHALTON STREET RIGHT-OF-WAY IN THE DIMENSIONS OF 50 FEET IN WIDTH BY 185 FEET IN LENGTH, TO THE PROPERTY OWNER OF LOTS COMPRISING THE HISTORIC GLYNN ARCHER SCHOOL PROPERTY LOCATED AT 1300 WHITE STREET WITHIN THE HISTORIC PUBLIC AND SEMIPUBLIC SERVICES (HPS) ZONING DISTRICT PURSUANT TO ARTICLE VII OF CHAPTER 90 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; 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:

Bert Bender, Architect, 410 Angela Street
Don Craig, City Planner
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

ORDINANCES - FIRST READING:

ORDINANCE NO. PASSED TO SECOND READING ON JUNE 17, 2014

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES, ENTITLED "BUSINESSES" BY ADDING ARTICLE XII, SECTIONS 18-701 THROUGH 18-707, ENTITLED "COSMETICS" TO ESTABLISH REQUIREMENTS AND PROCEDURES TO APPLY FOR AN OBTAIN A PERMIT AND FOR VIOLATIONS AND REVOCATION OR SUSPENSION OF A PERMIT; 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:

Liz Lustberg, 335 Duval Street
Sloan Bashinsky, 1711 Seminary
Elizabeth Kerns, Key Cove, North Roosevelt Boulevard

It was moved by Commissioner Weekley and seconded by Commissioner Rossi that the Ordinance be passed on first reading 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 Ordinance was thereupon declared by the Mayor to have been duly passed on first reading.

SO ORDERED

CITIZEN COMMENTS:

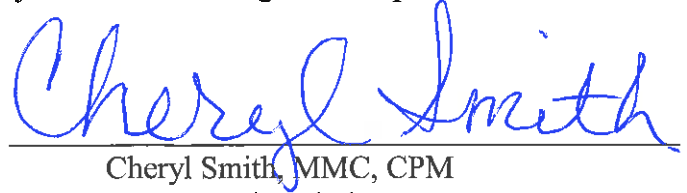
Margaret Romero, 1615 Washington Street
Sloan Bashinsky, 1711 Seminary
Mary Haffenreffer, 525 Frances Street
Carl Haffenreffer, 525 Frances Street
Chris Belland, 201 Front Street

COMMISSION COMMENTS:

The consensus of the Commission was to maintain and bring back the brick streets where appropriate.

ADJOURNMENT:

There being no further business the Mayor adjourned the meeting at 10:05 p.m.



Cheryl Smith, MMC, CPM
City Clerk