



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Wednesday, September 4, 2013

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 305-809-3951 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

CALL MEETING TO ORDER

6:04 P.M.

ROLL CALL

Absent 1 - Commissioner Rossi

Present 6 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

INVOCATION - Pastor Timothy Jemly, Impact Community Church

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

RESOLUTIONS

- 1 Recognizing the accomplishment of Diana Nyad for her completion of a swim from Cuba to Key West on September 2, 2013.

Sponsors: Commissioner Yaniz

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

Enactment No: Res 13-218

PROCLAMATIONS

- 2 Diana Nyad Day

Received and Filed

- 3 Carl Eric Johanson Awareness Day
Sponsors: Mayor Cates
Received and Filed

- 4 National Preparedness Month
Received and Filed

PRESENTATIONS

City Attorney's Report

City Manager's Report

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 *August 6, 2013 (Regular)
Approved

RESOLUTIONS - CONTINUED

- 6 *Authorizing the purchase of ten (10) Cale MP104 Compact Multi-space Pay and Display Parking Stations in accordance with City Code Section 2-844, (concurrently with one (1) Cale Parking Station for the Key West Bight, approved in CRA Resolution No. 13-**224**) in an amount not to exceed \$97,900.00 installed, pursuant to City Code Section 2-797(1).
Sponsors: City Manager Vitas
Passed
Enactment No: Res 13-219
- 7 *Approving the attached Strategic Alliance Memorandum between the City of Key West and the United States Small Business Administration.
Sponsors: City Manager Vitas

Passed

Enactment No: Res 13-220

- 8 Ranking the proposals received in response to RFP 007-13 for External Auditing Services; Authorizing the City Manager to negotiate and execute a contract in substantial conformance with the bid documents.

Sponsors: City Manager Vitas

Passed

Enactment No: Res 13-221

- 9 *Appointing Commissioners **Teri Johnston**, Clayton Lopez ~~Tony Yaniz~~ and City Clerk Cheryl Smith to serve on the Canvassing Board for the Municipal Election of October 1, 2013 and the Run-off Election, if any, November 5, 2013.

Sponsors: Commissioner Lopez and Commissioner Yaniz

Passed

Enactment No: Res 13-222

Approval of the Consent Agenda

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

- 10 Authorizing and directing the City Manager to immediately establish loading and unloading areas for tour busses at the 525 Angela Street site.

Sponsors: Commissioner Yaniz

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

Absent: 1 - Commissioner Rossi

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

Enactment No: Res 13-223

- 11 Approving the attached Letter and Terms of Engagement with Holland & Knight LLP for Federal Lobbyist Services; Providing for conditions.

Sponsors: City Manager Vitas

A motion was made by Commissioner Wardlow, seconded by Commissioner Lopez, that the Resolution be Postponed to September 17, 2013. The motion carried by the following vote:

No: 1 - Commissioner Yaniz

Absent: 1 - Commissioner Rossi

Yes: 5 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

ORDINANCES – FIRST READING

- 12** 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 and 78-67 to provide for wheelchair accessible vehicles, operational requirements for such vehicles and a revocation process; 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 Lopez, that the Ordinance be Passed to Second Reading. The motion failed by the following vote:

No: 3 - Commissioner Johnston, Commissioner Wardlow and Commissioner Yaniz

Absent: 1 - Commissioner Rossi

Yes: 3 - Commissioner Lopez, Commissioner Weekley and Mayor Cates

ORDINANCES - SECOND READING (Public Hearing)

- 13** An Ordinance of the City of Key West, Florida, amending Chapter 78 of the Code of Ordinances entitled “Vehicles for Hire” by adding Section 78-167, to provide a clean-up fee; Providing for severability; Providing for an effective date.

Sponsors: Commissioner Weekley

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

Absent: 1 - Commissioner Rossi

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

Enactment No: Ord 13-15

- 14** An Ordinance of the City Of Key West, Florida, amending Chapter 110 of the Land Development Regulations Entitled “Resource Protection,” by amending Article VI Entitled “Tree Protection,” by Amending Sections 110-252, through and including 110-435; Amending Section 110-252 to add and amend Definitions; Amending Section 110-253 to

adjust the list of specially protected Trees; Amending Section 110-254 to adjust the list of unprotected Trees; Amending Section 110-255 to clarify Prohibited Acts Against Coconut Palm Trees; Amending Section 110-256 to clarify Tree abuse and exceptions; Amending Section 110-258 to amend application procedure for Emergency After-The-Fact Permits; Amending Section 110-259, Duty Of Private Property Owner; Amending Section 110-260 to clarify Champion Tree Census Updates; Amending Section 110-287 to clarify Authority for use of funds; Amending Section 110-228 to clarify hearings on violations; Amending Section 110-289 to clarify authority for required Notice of Hearing; Amending Section 110-290 to clarify hearing procedure; Amending Section 110-291 to clarify compliance Settlement Agreements; Amending Section 110-293 to clarify Statutory Authority; Amending Section 110-294 to provide for confirmed Electronic Mail Notification; Amending Section 110-321 to amend permit requirements; Amending Section 110-322 to amend exceptions; Amending Section 110-323 to require application to Urban Forestry Manager; Amending Section 110-324 to provide for determination by Urban Forestry Manager; Amending Section 110-326 to provide for a finding by Urban Forestry Manager; Amending Section 110-327 to amend approval criteria to allow replacement of Dicot Trees with Native Palms and Native Palms with Dicot Trees, establish amount of standard donation and hardship criteria; Amending Section 110-331 to amend issuance and compliance provisions; Amending Section 110-334 to amend Urban Forestry Manager authority to grant renewals; Amending Section 110-335 to clarify Keys Energy Service requirements; Amending Section 110-336 to amend Permit Requirements for pruning or heavy maintenance; Amending Section 110-366 to provide for barricading review by Urban Forestry Manager; Amending Section 110-396 to add and amend certain definitions; Amending Section 110-402 to amend provisions for removal of live, healthy palm fronds, and use of climbing spurs; Amending Section 110-431 to provide reference to Section 110-258; Amending Section 110-433 to provide for Direction of the Urban Forestry Manager; Amending Section 110-434, to provide for evaluation and designation by Urban Forestry Manager; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date

Sponsors: City Manager Vitas

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

Absent: 1 - Commissioner Rossi

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

Enactment No: Ord 13-16

RESOLUTIONS - CONTINUED

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

8:02 P.M.