

**MINUTES**  
**CITY COMMISSION MEETING**  
**OLD CITY HALL, 510 GREENE STREET**  
**WEDNESDAY, NOVEMBER 6, 2013**

A regular meeting of the City Commission of the City of Key West, Florida was held in Commission Chambers, Old City Hall, on Wednesday, November 6, 2013.

Mayor Craig Cates called the meeting to order at 6:04 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, 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, Fleet Manager Christina Hepworth, Information Technology Director Patti McLauchlin, Parking Manager John Wilkins, Utilities Manager Jay Gewin, Port and Marina Services Director Doug Bradshaw, Senior Deputy City Clerk Sue Harrison and City Clerk Cheri Smith.

Reverend Sarah Fowler, St. Peter's Episcopal Church, 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:**

The City Manager requested Resolution Item #26 be postponed to November 19, 2013 at the request of the applicant.

The Clerk announced speakers for Resolution Items #21 and #22 and those items would need to be removed from the Consent Agenda.

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.

**PROCLAMATIONS:**

National Hospice and Home Health Care Month

Dia de la Tradicion

Florida Keys Community College's Community Day

National Hunger and Homelessness Awareness Week

Smart Ride Day

**PRESENTATIONS:**

City Attorney's Report

Mr. Smith indicated their office continues to receive applications for the new Assistant City Attorney position.

City Manager's Report

Mr. Vitas presented the Key West Ambassador Graduation Class 21.

Mr. Vitas gave the Commission a report about the Major Special Events including financials for the last 12 months. They would continue to monitor events and work with the TDC.

Mr. Vitas presented the idea to recognize Diana Nyad with a monument at Smathers Beach. He stated the Art In Public Places Board would evaluate submissions for eventual Commission approval. The Commission consensus was positive for this recognition but they wanted to see movement on the Bishop Kee statue. Michael Shields, Chairman of the Art In Public Places Board also addressed the Commission regarding both issues.

Mr. Vitas requested a workshop for the site location of a homeless shelter be scheduled. The Commission agreed to December 18, 2013 at 6:00 p.m. for the workshop.

Mr. Vitas thanked all the city departments involved with Goombay and Fantasy Fest for their outstanding job during the event.

Mr. Vitas stated Mr. Bender would provide an update on the City Hall project at the next meeting on November 19, 2013.

Mr. Vitas asked for input from the Commission regarding an ordinance regarding maintenance dredging. The Commission was in favor of an ordinance addressing this issue.

Mr. Vitas addressed the issue regarding extension of the leases with the Mosquito Control Board. Responses from the Commission were not in favor of a \$1.00 a year lease or in selling the property.

Use of the space at the Truman Waterfront was briefly discussed.

#### **CONSENT AGENDA:**

The Clerk read the titles of the Resolutions.

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

October 2, 2013 (Regular)

#### **RESOLUTIONS:**

##### **RESOLUTION NO. 13-269**

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

##### **RESOLUTION NO. 13-270**

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

**RESOLUTION NO. 13-271**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RE-APPOINTING RICHARD (DICK) MOODY TO THE ART IN PUBLIC PLACES BOARD; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 13-272**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RE-APPOINTING DAHLIA WOODS TO THE ART IN PUBLIC PLACES BOARD; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 13-273**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RE-APPOINTING JEFF RODRIQUEZ TO THE ART IN PUBLIC PLACES BOARD; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 13-274**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RE-APPOINTING W. PERRY ARNOLD TO THE ART IN PUBLIC PLACES BOARD; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 13-275**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE UNITED STATES NAVY TO HOLD THE ANNUAL VETERANS DAY PARADE ON DUVAL STREET FROM 4:00 P.M. TO 8:00 P.M., MONDAY, NOVEMBER 11, 2013; AUTHORIZING THE CLOSURE OF CERTAIN STREETS OR PORTIONS THEREOF FOR SAID PARADE FROM 4:00 P.M. TO 8:00 P.M.; WAIVING ALL FEES FOR REQUIRED CITY SERVICES; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 13-276**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING TRIKW, LLC TO CONDUCT THEIR ANNUAL TRIATHLON ON SATURDAY, DECEMBER 7, 2013 AT HIGGS BEACH; AUTHORIZING CERTAIN STREET CLOSURES**

**THEREOF DURING THE EVENT AND CLOSING ATLANTIC BOULEVARD EXCEPT RESIDENTS DURING THE EVENT; GRANTING AN EXEMPTION FROM THE NOISE CONTROL ORDINANCE PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 6:00 A.M. TO 12:00 NOON; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 13-277**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING PREMIER RACING THE USE OF THE TRUMAN WATERFRONT FOR THE STAGING, LAUNCHING AND HAULING OF RACING SAILBOATS AND SUPPORT BOATS FROM JANUARY 1, 2014 THROUGH FEBRUARY 1, 2014 FROM 6:00 A.M. TO 8:00 P.M.; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 13-278**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING KELLY'S CARIBBEAN AND PREMIER RACING TO CONDUCT A STREET CLOSURE DURING PREMIER RACING DAYS ON FRIDAY, JANUARY 17, 2014 THROUGH FRIDAY, JANUARY 24, 2014 FROM 8:00 A.M. TO 8:00 P.M.; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE CLOSURE OF CAROLINE STREETS BETWEEN WHITEHEAD STREET AND TELEGRAPH LANE BETWEEN THE HOURS OF 8:00 A.M. TO 8:00 P.M.; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 13-279**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING TRANSFER OF MOBILE VENDOR LICENSE (MVL) #12786 FROM LAWRENCE CHIANGO TO THEODORE M. WASILEK DUE TO HARDSHIP; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 13-280**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED "WORKFORCE SERVICES CONTRACT BETWEEN THE SOUTH FLORIDA WORKFORCE INVESTMENT BOARD AND THE CITY OF KEY WEST" FOR A TOTAL GRANT AWARD OF \$37,500.00 TO CONDUCT THE FIRE ACADEMY TRAINING PROGRAM (WORKFORCE INVESTMENT ACT YOUTH FUNDING); PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 13-281**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING PURSUANT TO SECTION 2-771(C) OF THE CODE OF ORDINANCES THE DISPOSAL OF TWENTY (20) CITY-OWNED VEHICLES; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 13-282**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A TASK ORDER BETWEEN THE CITY AND SALTZ MICHELSON ARCHITECTS IN AN AMOUNT NOT TO EXCEED \$100,157.50 FOR ARCHITECTURAL SERVICES FOR REDEVELOPMENT OF THE COMMUNITY SERVICES/UTILITIES FACILITY LOCATED AT 627 PALM AVENUE, PROJECT NUMBER FM 1201; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 13-283**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED SECOND AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY AND THE KEY WEST BOTANICAL GARDEN SOCIETY, INC.; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 13-284**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE PAYMENT OF A NEGOTIATED SETTLEMENT OF OUTSTANDING ATTORNEY FEES RELATED TO THE PENDING WORKERS' COMPENSATION CASE BETWEEN EDWARD GATES AND THE CITY OF KEY WEST IN THE AMOUNT OF \$41,752.86; AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. POSTPONED TO NOVEMBER 19, 2013**

**GRANTING/DENYING THE APPEAL BY C & D PROPERTIES OF KEY WEST 1, LLC, AND UPHOLDING/DENYING/AMENDING THE PLANNING DEPARTMENT'S NON-CONFORMING USE DETERMINATION FOR 405 FLEMING 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. 13-285**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE SALE OF A SURPLUS 1991 SPARTAN PUMPER (KNOWN AS ENGINE 6) FOR THE BEST NEGOTIATED AMOUNT; 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 Lopez 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. 13-286**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RATIFY THE EMERGENCY PURCHASE APPROVED BY THE CITY MANAGER IN EXCESS OF \$20,000.00 AS ALLOWED UNDER SECTION 2-797(2) OF THE CITY'S CODE OF ORDINANCES, FOR THE PROCUREMENT OF TWO RESTROOM**

**TRAILERS IN THE AMOUNT OF \$77,466.00 FROM PORTABLE  
RESTROOM TRAILERS, LLC; AUTHORIZING NECESSARY BUDGET  
TRANSFERS; 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 Lopez 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. 13-287**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY  
WEST, FLORIDA, APPOINTING MEMBERS TO THE HISTORIC  
DISTRICT SIGNAGE TASK FORCE (SIGNAGE TASK FORCE);  
PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Bob Vitas, City Manager  
Shawn Smith, City Attorney

Commissioner Rossi moved to postpone the item; there was no second to the motion.

Commissioner Yaniz withdrew the nomination for Anthony Baisetti.

It was moved by Commissioner Johnston and seconded by Commissioner Wardlow to accept the two business owners nominated; Christopher Schultz and Lois Songer.

The Mayor acknowledged the motion and second and requested verbal approval. The response was six to one with Commissioner Rossi opposed to accept Christopher Schultz and Lois Songer.



It was moved by Commissioner Weekley and seconded by Commissioner Johnston to accept Scott McCollum as the sign industry representative.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Lopez, Weekley and Yaniz

Nays: Commissioners Johnston, Rossi, Wardlow and Mayor Cates

The Mayor declared the motion failed.

It was moved by Commissioner Johnston and seconded by Commissioner Yaniz to accept Carl Reid as the sign industry representative.

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**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA INVOKING THE ZONING IN PROGRESS DOCTRINE; DECLARING THAT THE CITY IS CONSIDERING AMENDMENTS TO ITS LAND DEVELOPMENT REGULATIONS TO REDUCE THE NEED FOR PARKING VARIANCES; DIRECTING PLANNING DEPARTMENT STAFF TO DEFER THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR PARKING VARIANCES; CONTINUING THIS POLICY UNTIL NEW OR AMENDED LAND DEVELOPMENT REGULATIONS ARE ADOPTED BY THE CITY COMMISSION OR UNTIL THE PASSAGE OF 360 DAYS FROM THE DATE OF THIS ORDINANCE, WHICHEVER OCCURS FIRST; 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:

Don Craig, Director of Community Development and Planning  
Shawn Smith, City Attorney

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, 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**

#### **ORDINANCE NO. PASSED TO SECOND READING**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA,  
AMENDING CHAPTER 18, ENTITLED "BUSINESSES", DIVISION 3  
ENTITLED "OPEN CONTAINERS" BY AMENDING SECTION 18-87 TO  
CLARIFY PROHIBITIONS; PROVIDING FOR SEVERABILITY;  
PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS;  
PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Ordinance.

The following person spoke on the matter:

Shawn Smith, City Attorney

It was moved by Commissioner Weekley and seconded by Commissioner Lopez 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**

**ORDINANCES SECOND READING: (Public Hearing)**

**ORDINANCE NO. 13-19**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 86, SECTION 86-9 ENTITLED "DEFINITION OF TERMS"; AMENDING CHAPTER 108 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, ENTITLED PLANNING AND DEVELOPMENT SPECIFICALLY ARTICLE X ENTITLED "BUILDING PERMIT ALLOCATION SYSTEM" BY AMENDING SECTION 108-986 "DEFINITIONS"; ADDING DEFINITIONS TO SECTION 86-9 ENTITLED "DEFINITION OF TERMS"; AMENDING SECTION 108-987 ENTITLED "PURPOSE AND INTENT"; AMENDING SECTION 108-989 ENTITLED "AUTHORITY"; AMENDING SECTION 108-991 "DEVELOPMENT NOT AFFECTED BY ARTICLE"; AMENDING SECTION 108-994 ENTITLED "ESTABLISHED"; AMENDING SECTION 108-995 ENTITLED "REPORTING REQUIREMENTS AND ADJUSTMENTS IN RESIDENTIAL ALLOCATION SCHEDULE"; REPEALING SECTION 108-996 ENTITLED "PERIOD OF ALLOCATION"; ADDING A NEW SECTION 108-996 ENTITLED "INTENT"; REPEALING SECTION 108-997 ENTITLED "TRACKING AND MONITORING SYSTEM"; ADDING A NEW SECTION 108-997 ENTITLED "PERIOD OF ALLOCATION AND RANKING/REVIEW OF APPLICATIONS", ADDING A NEW SECTION 108-998 ENTITLED "COMPACT INFILL DEVELOPMENT AND MIXED USE DEVELOPMENT INCENTIVES"; AMENDING AND RENUMBERING SECTION 108-998 TO 108-199 ENTITLED "PROCEDURES FOR ENSURING BENEFICIAL USE OF PRIVATE PROPERTY"; REPEALING SECTION 108-999 ENTITLED "ZONING IN PROGRESS"; ADDING SECTION 108-1000 ENTITLED "ALLOCATION OF RESIDENTIAL PERMITS IN THE TRUMAN WATERFRONT REDEVELOPMENT AREA"; AND AMENDING CHAPTER 122 ENTITLED "ZONING", BY AMENDING SECTION 122-1470 ENTITLED "ACCESSORY UNIT INFILL"; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Ordinance.

The following person spoke on the matter:

Don Craig, Director of Community Development and Planning

It was moved by Commissioner Weekley and seconded by Commissioner Rossi for the Ordinance to be passed on second 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 and second reading and was adopted and authenticated with the signatures of the Mayor and the Clerk of the Commission.

### **SO ORDERED**

#### **CITIZEN COMMENTS:**

Judy Martinez, 1020 Emma Street  
Margaret Romero, 1615 Washington Street  
Christine Russell, 1014 Grinnell Street

#### **COMMISSION COMMENTS:**

Commissioner Yaniz spoke about the 2013 cruise ship report card and sewage treatment.

Commissioner Weekley spoke about legislative priorities in Tallahassee to bring a bill forward regarding clean water and protection of the reef. He felt the Florida League of Cities should support advanced water treatment for the cruise lines also.

Commissioner Lopez agreed with the comments about Fantasy Fest regarding sleaziness. He congratulated Commissioner Johnston for her cat-woman entry in the parade. He said this was one of the best Goomay Festivals in a long time. Mr. Lopez also spoke about the Florida Redevelopment Association conference he had recently attended. He recommended that staff take advantage of these training conferences offered by the association.

Commissioner Wardlow asked the City Manager to have Michael Ingram provide an update on the fire station at a future meeting.

Commissioner Johnston asked if the proclamations could be shortened. Ms. Johnston commented on her float that won the grand prize award and that all the people that helped did an incredible job and had a great time. She asked that the City Manager work with Linda O'Brien regarding the glass issue on Duval Street to make it safer.

**ADJOURNMENT:**

There being no further business the Mayor adjourned the meeting at 8:30 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