

MINUTES

CITY COMMISSION MEETING

OLD CITY HALL, 510 GREENE STREET

WEDNESDAY, OCTOBER 16, 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, October 16, 2013.

Mayor Craig Cates called the meeting to order at 6:02 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 Don Craig, Police Chief Donie Lee, Fire Chief David Fraga, Fire Marshal Danny Blanco, Community Services Director Greg Veliz, Deputy Human Resources Director Samantha Farist, Information Technology Director Patti McLauchlin, Grant Manager for DOT Carolyn Haia, Utilities Manager Jay Gewin, Key West Bight Manager John Castro, Deputy City Clerk Angela Budde 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:

The City Manager requested Ordinance Item #13 be postponed to November 6, 2013.

The City Clerk announced speakers for Resolution Items #2, #4 and #8 and requested those items 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:

- 1) Pit Bull Awareness Month

PRESENTATIONS:

Street Sweeper to Harbor Island, Bahamas – Mayor Cates

City Attorney's Report

City Attorney Shawn Smith had no report.

City Manager's Report

- Introduction of New Staff and Positions.

City Manager Bob Vitas introduced the following new staff to the City Commission.

- Human Resources Director Samantha Farist
- Finance Director Nancy Kielman
- Marina Services Director Doug Bradshaw
- Marina Services Deputy Director John Paul Castro
- Senior Construction Manager Mike Vieux
- Transportation Director Norman Whitaker

Commissioner Wardlow thanked the City Manager for introducing the new staff members.

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.

RESOLUTIONS:

RESOLUTION NO. 13-257

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 THE FLORIDA POWERBOAT CLUB FOR AN EVENT TO TAKE PLACE DURING THE HOURS OF 8:00 A.M. TO 11:00 P.M. ON THURSDAY, NOVEMBER 7, FRIDAY, NOVEMBER 8 AND SATURDAY, NOVEMBER 9, 2013 FROM 8:00 A.M. TO 11:00 P.M. AT THE CONCH REPUBLIC SEAFOOD COMPANY; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-258

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING WILLIAM LAROSE & ITS JUST 4 KIDS, INC. TO CONDUCT A FREE CONCERT ON GREENE STREET BETWEEN SIMONTON STREET AND ANN STREET ON SATURDAY, NOVEMBER 23, 2013 FROM 4:00 P.M. TO 11:00 P.M. PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE CLOSURE OF GREENE STREET BETWEEN SIMONTON STREET AND ANN STREET; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 4:00 P.M. TO 11:00 P.M.; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-259

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RATIFYING THE ACCEPTANCE OF A 2013 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) – LOCAL SOLICITATION, IN THE AMOUNT OF \$12,935.00, TO ALLOW FOR CONTINUED EXPANSION AND ENHANCEMENT OF INFORMATION TECHNOLOGY CAPABILITIES OF THE KEY WEST POLICE DEPARTMENT, SPECIFICALLY TO PURCHASE ACCESSORIES AND EQUIPMENT TO UPGRADE A VIDEO/AUDIO TRAINING SIMULATOR.; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-260

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE AUTHORITY TO EXECUTE AND SUBMIT GRANT DOCUMENTATION THROUGH THE TRANSPORTATION ELECTRONIC AWARD MANAGEMENT SYSTEM (TEAM) TO THE FEDERAL TRANSIT ADMINISTRATION (FTA) AND FEDERAL HIGHWAY ADMINISTRATION (FHWA), AND TO THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AND U.S. DEPARTMENT OF TRANSPORTATION (USDOT) TO CITY MANAGER BOGDAN VITAS, KEY WEST DEPARTMENT OF TRANSPORTATION DIRECTOR NORMAN WHITAKER, AND ALTERNATE DESIGNEES PROJECT AND GRANTS MANAGER CAROLYN HAIA, AND ASSISTANT CITY MANAGER DAVID FERNANDEZ; AUTHORIZING CITY ATTORNEY SHAWN SMITH AND CHIEF ASSISTANT CITY ATTORNEY LARRY ERSKINE TO AFFIRM THE AUTHORITY OF THE CITY AND ITS DESIGNEES TO APPLY FOR AN ACCEPT GRANT FUNDING; 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. 13-261

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, URGING COOPERATION AND COLLABORATION FOR THE GOOD OF THE KEY WEST COMMUNITY; 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
Christine Russell, 1014 White Street

It was moved by Commissioner Weekley 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. 13-262

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED AGREEMENT BETWEEN THE CONCH REPUBLIC OFFSHORE POWERBOAT RACING ASSOCIATION AND THE CITY OF KEY WEST TO CONDUCT THE KEY WEST WORLD CHAMPIONSHIP RACES ON NOVEMBER 3-11, 2013; A BOAT PARADE ON SUNDAY, NOVEMBER 3, 2013 STARTING AT 4:00 P.M., A BLOCK PARTY ON FRIDAY, NOVEMBER 8, 2013 FROM 7:00 P.M. TO 11:00 P.M.; THE PARADE WILL BE STARTING AT TRUMAN ANNEX SOUTHARD STREET GATE TO WHITEHEAD STREET - RIGHT GOING SOUTH TO UNITED STREET - LEFT TO DUVAL STREET - LEFT GO NORTH TO FRONT STREET - TO WHITEHEAD STREET - LEFT GO SOUTH TO SOUTHARD STREET AND RIGHT BACK TO TRUMAN ANNEX; THE STREET PARTY ON FRIDAY, NOVEMBER 8, 2013 FROM 7:00 P.M. TO 11:00 P.M., PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE CLOSURE OF DUVAL STREET BETWEEN FLEMING AND FRONT STREETS INCLUDING GREENE FROM ANN TO FITZPATRICK STREETS AND DUVAL STREET AND A WELCOME PARTY FOR THE US AND INTERNATIONAL TEAMS AT THE MOLE PIER ON MONDAY, NOVEMBER 4, 2013 FROM 6:00 P.M. TO 10:00 P.M., THE USE OF THE TRUMAN WATERFRONT FOR THE STAGING, LAUNCHING AND HAULING OF THE RACING BOATS; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE ENCLOSED AREA; 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
Christine Russell, 1014 White Street
Bill Spottswood, 500 Fleming Street
City Manager Vitas

It was moved by Commissioner Rossi and seconded by Commissioner Wardlow, for discussion, that the Resolution be passed and adopted as read.

Commissioner Wardlow asked Commissioner Rossi to amend his motion to direct City staff to negotiate a 5 year contract with the Conch Republic Offshore Powerboat Racing Association.

Commissioner Rossi amended his motion.

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. 13-263

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE PURCHASE AND INSTALLATION OF 42 3G MODEMS FOR CALE MULTI-SPACE PAY AND DISPLAY PARKING STATIONS, FROM CALE AMERICA, INC. IN ACCORDANCE WITH CITY CODE SECTION 2-844, IN AN AMOUNT NOT TO EXCEED \$22,622.92 INSTALLED, PURSUANT TO CITY CODE SECTION 2-797 (1); PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

It was moved by Commissioner Weekley 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. 13-264

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING CHANGE ORDER #2 TO MICHAEL MILLER, ARCHITECT, FOR RE-DESIGN AND ADDITIONAL TECHNICAL SERVICES, REIMBURSABLE EXPENSES AND AN OUTSIDE ESTIMATE FOR THE SEXTON'S HOUSE IN THE CITY CEMETERY IN AN ADDITIONAL AMOUNT NOT TO EXCEED \$17,269.00; APPROVING NECESSARY BUDGET AMENDMENTS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the item.

The following people spoke on the matter:

Margaret Romero, 1615 Washington Street
City Manager Vitas
Assistant City Manager Finigan
Michael Miller, Architect

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 verbal approval. The response was 6 Yeas to 1 Nay by Commissioner Rossi 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. 13-265

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, TRANSMITTING TO THE ARMY CORPS OF ENGINEERS (USACE) THE RESULTS OF A CITY-WIDE BINDING REFERENDUM WHICH EXPRESSED OPPOSITION BY A MARGIN OF 74.53% TO 24.47% TO THE QUESTION OF WHETHER THE CITY OF KEY WEST SHOULD REQUEST THAT THE ARMY CORPS OF ENGINEERS CONDUCT A COMPREHENSIVE FEASIBILITY STUDY TO DETERMINE THE IMPACTS OF WIDENING THE KEY WEST MAIN SHIP CHANNEL FOR USE BY MODERN AND LONGER CRUISE SHIPS; AFFIRMING THAT THE CITY COMMISSION WILL CONSIDER ADDITIONAL LEGISLATION TO CODIFY THE

**OVERWHELMING OPPOSITION EXPRESSED BY THE VOTERS.;
PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Judy Martinez, 1020 Emma Street 3A
Naja Girard, 1214 Newton Street
Will Benson, 17216 Bonita Lane, Sugarloaf Key
Arlo Haskell, 716 Love Lane
Christine Russell, 1014 Grinnell Street
City Attorney Smith

It was moved by Commissioner Johnston and seconded by Commissioner Yaniz to amend the Resolution by including communications to Senator Bullard, Governor Scott, Rep. Holly Raschein, NOAA, Florida Ports Council, Florida Ports Financing Commission, Non Federal Sponsor and interested and applicable parties and 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, Wardlow, Weekley, Yaniz and Mayor Cates

Nays: Commissioner Rossi

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 of the meeting at 7:33 pm

The Mayor reconvened the meeting at 7:44 pm

RESOLUTION NO. 13-266

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, CREATING THE HISTORIC DISTRICT SIGNAGE TASK FORCE (SIGNAGE TASK FORCE); PROVIDING FOR RECOMMENDATIONS TO HARC REGARDING PROPOSED ORDINANCE AND HARC GUIDELINE REVISIONS CONCERNING SIGNAGE IN THE HISTORIC DISTRICT; PROVIDING FOR MEMBERSHIP; PROVIDING FOR ITS COMPOSITION, STAFFING

AND DUTIES; PROVIDING FOR A SUNSET DATE; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

City Attorney Smith
Assistant City Attorney Ron Ramsingh

City Attorney Smith advised the individuals for consideration to the Task Force would come before the Commission for approval.

It was moved by Commissioner Johnston 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, Wardlow, Weekley, Yaniz and Mayor Cates

Nays: Commissioner Rossi

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. 13-267

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, DIRECTING CITY STAFF TO SUSPEND WORK AND EXPENDITURES TOWARDS DEVELOPMENT OF THE EASTER SEALS PROPERTY, UNTIL SUCH TIME AS THE BEST USE OF THE PROPERTY IS DETERMINED; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Robin Mitchall, 24 Spoonbill Way
Mark Gambuzza, 214 Golf Club Drive
Suzanne Coleman, 233 Golf Club Drive
Vickie Datzman, 61 Spoonbill Way
Christine Russell, 1014 Grinnell Street
City Attorney Smith

City Planner Craig
City Manager Vitas

It was moved by Commissioner Wardlow to add "City staff to identify potential other sites" and seconded by Commissioner Yaniz, for discussion, 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 - SECOND READING: (Public Hearing)

ORDINANCE NO. Postponed to November 6

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.

It was moved by Commissioner Weekley and seconded by Commissioner Wardlow that the Ordinance be postponed to November 6 meeting.

The Mayor acknowledged the motion and second and requested verbal approval. The response was unanimous to postpone the Ordinance.

SO ORDERED

ORDINANCE NO. 13-18

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 90 OF THE CODE OF ORDINANCES ENTITLED "ADMINISTRATION" BY AMENDING SECTION 90-392 AND BY ADDING SECTION 90-398 TO AUTHORIZE THE CITY PLANNER TO ISSUE ADMINISTRATIVE VARIANCES, ESTABLISH PROCEDURES FOR AN APPLICATION FOR ADMINISTRATIVE VARIANCES, ESTABLISH A PROCEDURE FOR PROVIDING NOTICE TO ADJOINING PROPERTY OWNERS OF THE CITY PLANNER'S INTENT TO ISSUE AN ADMINISTRATIVE VARIANCE, TO ESTABLISH CRITERIA FOR THE ISSUANCE OF ADMINISTRATIVE VARIANCES AND ESTABLISH A PROCEDURE FOR PUBLIC HEARINGS ON APPLICATIONS FOR ADMINISTRATIVE VARIANCES; AMENDING CHAPTER 122 ENTITLED "ZONING" BY AMENDING SECTION 122-28 AND ADDING SECTION 122-32 (G) TO ESTABLISHING PROCEDURES FOR NONCONFORMITIES; 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:

Margaret Romero, 1615 Washington Street
City Planner Craig
City Attorney Smith

It was moved by Commissioner Wardlow and seconded by Commissioner Lopez to amend the Ordinance to include "30-working days" and the Ordinance be passed as amended on second reading as read.

The Mayor acknowledged the motion and second and requested the Clerk to 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 and second reading and was adopted and authenticated with the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

CITIZEN COMMENTS:

Margaret Romero, 1615 Washington Street

COMMISSION COMMENTS:

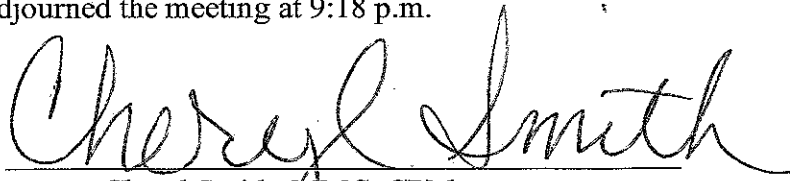
Commissioner Yaniz commended City staff and City Manager Vitas for the recent promotions and for promoting staff from within.

Commissioner Wardlow commented on the recent promotions and their raises.

Commissioner Weekley asked the City Attorney to review Resolution 93-405 regarding an agreement with Pier B that is set to expire. The Commissioner also inquired to the City Manager the upcoming event "Zombie Bicycle Ride" and the City's involvement with cost and safety.

ADJOURNMENT:

There being no further business the Mayor adjourned the meeting at 9:18 p.m.


Cheryl Smith, MMC, CPM
City Clerk