



# City of Key West, FL

Old City Hall  
510 Greene Street  
Key West FL 33040

## Action Minutes - Final City Commission

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Tuesday, August 20, 2013

6:00 PM

Old City Hall

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**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

6:02 P.M.

### ROLL CALL

**Present** 7 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

**INVOCATION - Pastor Ruben Velasco, Key West United Methodist Church**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**APPROVAL OF AGENDA**

### COMMENDATIONS

1 Recognizing Carmen Turner and Her Dedicated Years of Service

**Sponsors:** Commissioner Lopez

**Attachments:** [Commendation](#)

Received and Filed

### PRESENTATIONS

2 Rainbow Pride Bridge - Adelle Brasky-Moore

**Sponsors:** Commissioner Weekley

Received and Filed

3 Frederick Douglass Report - Hayes/Cummings Architects, PA

**Sponsors:** City Manager Vitas

Received and Filed

**City Attorney's Report**

**City Manager's Report**

- Request for Proposals (RFP) for Towing Services

- FDOT Update

**RESOLUTIONS**

4 Approving an extension of the time limitations of the Sound Control Ordinance pursuant to Section 26-193 (3)(b) of the Code of Ordinances for The Demoya Group and authorized FDOT Contractors, for the construction for the North Roosevelt Boulevard; Providing conditions.

**Sponsors:** Commissioner Wardlow

**Attachments:** [Resolution](#)  
[Letter Requesting Unrestricted Work at Night](#)  
[Ordinance 12-30](#)

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

**Yes:** 7 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

Enactment No: Res 13-203

**5** Thanking the Florida Department of Transportation (FDOT) Secretary for his personal involvement; Providing input to FDOT regarding its proposed maintenance of traffic plan (MOT) to be implemented during current and future phases of the construction of North Roosevelt Boulevard; Requesting FDOT to proceed expeditiously.

**Sponsors:** Mayor Cates and Commissioner Rossi

- Attachments:** [Resolution](#)  
[Letter from Rick Boettger](#)  
[Letter from Julie Brown](#)  
[Letter from Julie Crane](#)  
[Letter from Penny Underwood](#)  
[Letter from Greg Meintjes](#)  
[Letter from Piper Smith](#)

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

**No:** 1 - Commissioner Rossi

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

Enactment No: Res 13-204

**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.**

**RESOLUTIONS**

**6** \*Designating the City Right-of-Way currently known as Donald Avenue, between 16th Terrace and 19th Street "Robert Walker Memorial Way".

**Sponsors:** Commissioner Rossi and Commissioner Wardlow

**Attachments:** [Resolution](#)

**Passed**

Enactment No: Res 13-205

- 7 \*Authorizing pursuant to Sections 2-797(4) of the Code of Ordinances the purchase of network server equipment and support from GovConnection, Inc. in the amount of \$23,923.08.

**Sponsors:** City Manager Vitas

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Gov Connection Quote](#)  
[Dell Quote](#)  
[SHI Quote](#)  
[Midrange Quote](#)

**Passed**

Enactment No: Res 13-206

- 8 \*Ratifying a 31-day extension of the Contract approved in Resolution 12-329 between the City and Charley Toppino & Sons, Inc., for the Poinciana Safe Routes to School (SRTS) Sidewalk Installation Project.

**Sponsors:** City Manager Vitas

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Emergency Approval](#)  
[Time Extension Request](#)  
[Resolution 12-329](#)

**Passed**

Enactment No: Res 13-207

- 9 \*Approving the attached "Modification No. 1 to License Number N69450-13-RP-00085" between the United States of America by the Secretary of the Navy, and the City of Key West, regarding a portion of the Outer Mole Pier at Truman Annex.

**Sponsors:** City Manager Vitas

**Attachments:** [Resolution](#)  
[Cover Letter from the US Navy](#)  
[Modification No. 1 Navy Mole License](#)  
[Resolution 13-170](#)

**Passed**

Enactment No: Res 13-208

- 10 \*Approving the attached Lease Agreement between the City and Old Fire House Preservation, Inc. for 1026 Grinnell Street.

**Sponsors:** City Manager Vitas

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Lease Agreement](#)

**Passed**

Enactment No: Res 13-209

- 11 \*Approving pursuant to Section 50.91 of the Code of Ordinances an amendment to the Key West Civil Service Board Rules and Regulations.

**Sponsors:** City Attorney Smith

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Civil Service Board proposed rule amendment](#)

**Passed**

Enactment No: Res 13-210

- 12 **Quasi-Judicial Hearing: Administrative Appeal**  
Granting/Denying the Appeal by Barton Smith on behalf of Richard Klitenick and Upholding/Amending the Planning Department's Decision regarding Non-conforming Uses of 405 Fleming Street.

**Sponsors:** City Manager Vitas

**Attachments:** [Postponement Request](#)  
[Appeal 405 Fleming St](#)

**Postponed to October 2, 2013.**

- 13 \*Approving the attached Assignment of Lease and Consent of Lessor from SMB Restaurant, LLC (Assignor) to Sunset City, LLC, a Delaware Limited Liability Corporation (Assignee), a wholly owned subsidiary of LaSalle Hotel Operating Partnership, LP (Gurantor) for 1405 Duval Street d/b/a The Southernmost Beach Cafe; Approving a sublease between Sunset City, LLC, and Sunset City Lessee, LLC.

**Sponsors:** Mayor Cates

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Resolution 09-110](#)  
[Lease Assignment with Guaranty](#)  
[LaSalle Hotel Properties Quarterly Report](#)  
[Sunset City LLC Incorporation](#)  
[Sunset City Lessee LLC Incorporation](#)

**Passed**

Enactment No: Res 13-211

#### **Approval of the Consent Agenda**

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

- 14 Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to Kenva Reese for a birthday party at 911 Fort Street during the hours of 8:00 p.m. to 1:00 a.m. on August 24, 2013.

**Sponsors:** City Manager Vitas

**Attachments:** [Resolution](#)  
[Application](#)  
[Advertisement](#)

**A motion was made by Commissioner Lopez, seconded by Commissioner Wardlow, that the Resolution be Passed. The motion passed by a unanimous vote.**

Enactment No: Res 13-212

- 15 Approving and authorizing the Petronia St. Neighborhood Association, Inc. and the Union Lodge #47 F & AM PHA to conduct a Goombay Festival on October 18 & 19, 2013 from 12:00 Noon to 12:00 Midnight; Authorizing the closure of Petronia Street between Duval Street and Fort Street including the Truman Waterfront recreational fields; Authorizing the consumption of alcoholic beverages within the barricaded area of the festival; Granting an exemption from the Noise Control Ordinance pursuant to Section 6-86 of the Code of Ordinances during the festival.

**Sponsors:** City Manager Vitas

**Attachments:** [Resolution](#)  
[\\*Large File\\* Part 1 of Application](#)  
[\\*Large File\\* Part 2 of Application](#)  
[Advertisement](#)  
[Letter from Marci Rose](#)

**A motion was made by Commissioner Lopez, seconded by Commissioner Rossi, that the Resolution be Passed. The motion carried by the following vote:**

**Yes:** 7 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

Enactment No: Res 13-213

- 16 Rejecting all Bids received in response to Invitation to Bid (ITB) #13-019 for Cemetery Sexton's House.

**Sponsors:** City Manager Vitas

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[City Clerk's memo](#)  
[\\*Large File\\* DL Porter Bid](#)  
[\\*Large File\\* Overholt Construction Bid](#)  
[E.L.C.I. Construction Company Group, Inc. Bid](#)  
[City Bid documents](#)  
[Specification](#)  
[Drawings](#)  
[Addendum I](#)  
[Addendum II](#)

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

Enactment No: Res 13-214

17 Approving the City Manager Performance Evaluation Form.

**Sponsors:** City Manager Vitas

**Attachments:** [Resolution](#)  
[Evaluation Form](#)

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

Enactment No: Res 13-215

18 **Quasi Judicial Hearing: Major Development Plan**

Granting a Major Development Plan for removal for existing Trailers, Mobile Homes and RVs and related structures, and construction of twenty-one single family units on the property located at 1015-1025 Simonton Street (RE #00027070-000000, AK#1027847), in the HNC-1 Zoning District of Key West, Florida.

**Sponsors:** City Manager Vitas

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Planning Board Resolution 2013-30](#)  
[\\*Large File\\* Planning Board Package](#)  
[\\*Large File\\* Planning Board Site Plans](#)  
[\\*Large File\\* Planning Board Public Comments](#)  
[Email](#)

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

**No:** 3 - Commissioner Johnston, Commissioner Rossi and Commissioner Yaniz

**Yes:** 4 - Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Res 13-216

## ORDINANCES – FIRST READING



19

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

**Attachments:** [Ordinance](#)

**A motion was made by Commissioner Lopez, seconded by Commissioner Wardlow, that the Ordinance be Passed to Second Reading on September 4, 2013. The motion carried by the following vote:**

**Yes:** 7 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

Enactment No: Ord 13-15

20

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

**Attachments:**    [Ordinance](#)  
                              [Executive Summary](#)  
                              [Planning Board Resolution 2013-36](#)

**A motion was made by Commissioner Weekley, seconded by Commissioner Johnston, that the Ordinance be Passed to Second Reading on September 4, 2013. The motion carried by the following vote:**

**Yes:** 7 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

Enactment No: Ord 13-16

#### **ORDINANCES - SECOND READING (Public Hearing)**

21

An Ordinance of the City of Key West, Florida amending Chapter 6 of the Code of Ordinances entitled "Amusements and Entertainment" by adding Definitions to Section 6-116; Amending Chapter 18 of the Code of Ordinances entitled "Businesses" by deleting "Moped and Scooter Rentals," and adding "Recreational Rental Vehicles"; By adding Section 18-354 establishing that Permits Required, Application, Franchise Fees; By adding Section 18-355 establishing Recreational Rental Vehicles deemed a Conditional Use; By adding Section 18-356 establishing a 30-day period to establish numbers of Recreational Rental Vehicles; By adding Section 18-357 establishing Restrictions on Bicycle Tour Companies; By adding Section 18-358 establishing Requirement of Concurrency Traffic Analysis for the Establishment of New or Relocated Recreational Rental Businesses; By adding Section 18-359 establishing Identification by Decal of all Recreational Rental Vehicles; By adding Section 18-360 establishing an Annual Inspection of Each Recreational Rental Vehicle Facility; By adding Section 18-361 establishing Penalties for Violations; Providing for severability; Providing for repeal of inconsistent provisions; and Providing for an effective date.

**Sponsors:**        City Manager Vitas

**Attachments:**    [Ordinance](#)  
                              [Executive Summary](#)  
                              [Planning Board Resolution 2013-21](#)  
                              [Planning Board Package](#)  
                              [Public Comment](#)

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

**Yes:** 7 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

Enactment No: Ord 13-13

22

An Ordinance of the City of Key West Florida, Approving a Bond Ordinance to Authorize the City of Key West to Issue \$23,500,000 in Sewer System Revenue Bonds to Finance Completed Sewer Projects, Including Paying Costs Relating to Loan Issuance; Providing for severability; Providing for repeal of inconsistent provisions; and Providing for an effective date.

**Sponsors:** City Manager Vitas

**Attachments:** [Ordinance](#)

[Executive Summary](#)

[RFP for Sewer Loan](#)

[2013 Bonds Distribution List](#)

[\\*Large File" Ordinance 03-15 Refunding Sewer Revenue Bonds](#)

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

**Yes:** 7 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

Enactment No: Ord 13-14

## RESOLUTIONS - CONTINUED

23

Supplementing Ordinance No. 03-15 as amended and supplemented by an Ordinance enacted on the date hereof, which authorized the issuance of the City's Sewer System refunding Revenue Bond, Series 2013 in a principal amount not to exceed \$20,000,000.00 to refund all or a portion of certain outstanding sewer system debt of the City and paying costs of issuance related thereto; Pledging a Parity Lien on the net revenues of the sewer system for the payment of such bond; Appointing a Bond Registrar Paying Agent and Escrow Agent; Approving the form of an Escrow Deposit Agreement; Authorizing the private negotiated sale of such bond pursuant to the terms and conditions described herein and in the commitment; Providing certain other matters in connection therewith.

**Sponsors:** City Manager Vitas

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Loan Recommendation Memo](#)  
[Exhibit A - Lender Commitment](#)  
[Exhibit B - Form of 2013 Bond](#)  
[Exhibit C - Form of Lender's Certificate](#)  
[Exhibit D - Form of Disclosure Letter](#)  
[Exhibit E - Form of Escrow Deposit Agreement](#)  
[Public Financial Management, Inc. presentation](#)  
[Debt Service Schedule](#)  
[Request for Proposals \(RFP\) for Sewer Loan](#)  
[Bank Loan Proposal Summary Matrix](#)

**A motion was made by Commissioner Rossi, seconded by Commissioner Lopez, that the Resolution be Passed. The motion carried by the following vote:**

**Yes:** 7 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

Enactment No: Res 13-217

#### CITIZEN COMMENTS

#### COMMISSION COMMENTS

#### ADJOURNMENT

10:12 P.M.