

## MINUTES

### CITY COMMISSION MEETING

OLD CITY HALL, 510 GREENE STREET

TUESDAY, SEPTEMBER 17, 2013

A regular meeting of the City Commission of the City of Key West, Florida was held in Commission Chambers, Old City Hall, on Tuesday, September 17, 2013.

Mayor Craig Cates called the meeting to order at 6:01 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 Attorney Larry Erskine, Police Chief Donie Lee, Fire Chief David Fraga, Division Fire Chief Michael Davila, Fire Marshal Danny Blanco, Community Services Director Greg Veliz, Deputy Community Services Director Rodrigo Delostrinos, Human Resources Director Samantha Farist, Fleet Manager Christina Hepworth, Information Technology Director Patti McLauchlin, Acting Transportation Manager Rogelio Hernandez, Planner II Nicole Malo, Senior Planner II Brendon Cunningham, Transportation Projects and Grants Manager Carolyn Haia, Senior Project Manager Doug Bradshaw, Utilities Manager Jay Gewin, Deputy City Clerk Angela Budde and City Clerk Cheri Smith.

Pastor Jonathan Carey, Glad Tiding Tabernacle Assembly, 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 Rossi requested Resolution Item #12 be removed from the Consent Agenda for discussion.

City Manager asked to have the Proposed Add-On Resolution Item #16 be added to the Agenda.

Commissioner Weekley asked for the Proposed Add-On Resolution #16 be moved to the Consent Agenda.

The Mayor asked for a consensus from the Commission to add the item to the Consent Agenda and it was met with overall approval.

Commissioner Johnston requested Resolution Items #9 and #11 be removed from the Consent Agenda for discussion.

The Clerk announced there were speakers for Resolution Items #10 and #13 and those items would need to be removed from the Consent Agenda.

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

#### **ORDINANCE – SECOND READING (Public Hearing)**

##### **ORDINANCE NO. 13-17**

##### **AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, ADOPTING AN AD VALOREM TAX GENERAL MUNICIPAL MILLAGE RATE FOR FY 2013-2014; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISION; PROVIDING FOR AN EFFECTIVE DATE**

The Deputy Clerk read the title of the Ordinance.

The following people spoke on the matter:

City Manager Vitas  
ACM Mark Finigan

The Assistant City Manager Finigan gave a slide presentation to the Commission on the final budget.

It was moved by Commissioner Weekley and seconded by Commissioner Wardlow for the Ordinance to be passed on second reading as read.

The Mayor acknowledged the motion and second and requested the City 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**

**RESOLUTIONS: (Public Hearing)**

**RESOLUTION NO. 13-229**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, ADOPTING THE FINAL BUDGET FOR FY 2013-2014; PROVIDING FOR AN EFFECTIVE DATE**

The City Clerk read the title of the Resolution.

The following person spoke on the matter:

Margaret Romero, 1615 Washington Street

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 the Deputy 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**

**PROCLAMATIONS:**

12-U Little Conch State Championship Day

National Hispanic Heritage Month

**PRESENTATIONS:**

City Attorney's Report

No report

## City Manager's Report

The City Manager introduced Mr. Manuel Castillo, Executive Director of the Key West Housing Authority, who gave an update on the Assisted Living Care facility status.

After discussion, the City Manager stated he would set up workshops; researching sites for the SPCA, Assisted Living Facility and discussion on a location for the Homeless Shelter to include stakeholders in the Keys community sites such as the Lower Keys Hospital, Monroe County Sheriff's Division, Social Service Providers and Key West Law Enforcement.

Commissioner Wardlow requested the City Attorney to prepare a Resolution for the October 2 Commission agenda halting work at the Easter Seals property.

### **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 pass the Resolutions as read.

### **RESOLUTION NO. 13-230**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RE-APPOINTING FRANK TOPPINO TO THE HOUSING AUTHORITY OF THE CITY OF KEY WEST BOARD OF COMMISSIONERS; PROVIDING FOR AN EFFECTIVE DATE**

### **RESOLUTION NO. 13-231**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RE-APPOINTING MARY SANCHEZ TO THE HOUSING AUTHORITY OF THE CITY OF KEY WEST BOARD OF COMMISSIONERS; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 13-232**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RENEWING THE “AGREEMENT FOR ADMINISTRATIVE SERVICES” WITH EMPLOYERS MUTUAL, INC. (EMI) AS THE CITY’S INSURANCE PROGRAM THIRD PARTY CLAIMS ADMINISTRATOR FOR THE POLICY PERIOD OF 10/01/2013 – 10/01/2014; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 13-233**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED “MODIFICATION NO. 1 TO LICENSE NUMBER N6945013-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; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 13-234**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, ADOPTING AND APPROVING THE ATTACHED CITY OF KEY WEST DEPARTMENT OF TRANSPORTATION SUBSTANCE ABUSE MANAGEMENT STATEMENT (SAMS) POLICY PLAN REVISION (UPDATED AS OF AUGUST 21, 2013 WITH AN EFFECTIVE DATE OF OCTOBER 1, 2013); AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE UPDATE AND SUBMIT SAME TO THE U.S. DEPARTMENT OF TRANSPORTATION; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 13-235**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED “AMENDMENT TO THE STATE WASTEWATER FUNDING DISTRIBUTION AGREEMENT FOR YEAR TWO OF FOUR,” AND INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS, THE CITY OF KEY COLONY BEACH, THE CITY OF MARATHON, THE FLORIDA KEYS AQUEDUCT AUTHORITY, KEY LARGO WASTEWATER TREATMENT DISTRICT AND ISLAMORADA CITY OF ISLANDS; AUTHORIZING THE MAYOR**

**TO EXECUTE NECESSARY DOCUMENTS; 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. 13-236**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED TRANSIT DEVELOPMENT PLAN MINOR UPDATE – ANNUAL PROGRESS REPORT 2013 FROM THE CITY OF KEY WEST FOR THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT); PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following people spoke on the matter:

ACM Finigan  
City Manager Vitas

It was moved by Commissioner Johnston 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. 13-237**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AWARDED THE BID OF D.L. PORTER, INC. FOR THE CONSTRUCTION OF FIRE STATION #2 IN AN AMOUNT NOT TO EXCEED \$5,904,376.00 IN ACCORDANCE WITH THE TERMS**

**SPECIFIED IN ITB 13-014, INCLUSIVE OF THE THREE ALTERNATES  
THERE TO; AUTHORIZING THE CITY MANAGER TO EXECUTE A  
CONTRACT ON BEHALF OF THE CITY OF KEY WEST; 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  
City Manager Vitas  
Project Engineer Terrence Justice  
Fire Chief David Fraga

It was moved by Commissioner Wardlow and seconded by Commissioner Lopez, 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**

**RESOLUTION NO. 13-238**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY  
WEST, FLORIDA, APPROVING A MONTH-TO-MONTH CONTRACT  
FOR SMATHERS AND RES BEACH CLEANING SERVICES TO EVAN  
ENVIRONMENTAL & GEOSCIENCES (EE&G), LLC, BASED ON THE  
CONTRACT ORIGINALLY APPROVED IN RESOLUTION 05-248;  
PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following person spoke on the matter:

City Manager Vitas

It was moved by Commissioner Rossi and seconded by Commissioner Johnston 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. 13-239**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED LETTER AND TERMS OF ENGAGEMENT WITH HOLLAND & KNIGHTS LLP FOR FEDERAL LOBBYING SERVICES; PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following people spoke on the matter:

City Manager Vitas  
Chief Assistant City Attorney Erskine

It was moved by Commissioner Yaniz and seconded by Commissioner Weekley 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 and Yaniz

Nays: Commissioner Rossi and Mayor Cates

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. 13-240**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED LEASE AGREEMENT BETWEEN WESLEY HOUSE FAMILY SERVICES, INC. AND THE CITY; 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 Weekley and seconded by Commissioner Johnston 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**

**QUASI-JUDICIAL HEARING: MAJOR DEVELOPMENT**

**RESOLUTION NO. 13-241**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING APPROVAL OF A MAJOR DEVELOPMENT PLAN FOR THE RECONSTRUCTION OF THE SEVENTH FLOOR FROM A MEETING ROOM AND BAR FOR CONVERSION INTO A SIX-UNIT-DAY-SPA FOR PROPERTY LOCATED AT 430 DUVAL STREET (RE# 0006570-0000000, AK# 1006807) IN THE HRCC-1 ZONING DISTRICT, KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The Clerk asked anyone testifying on this item to please stand and she then administered the Oath of Truth to them.

The following people spoke on the matter:

Owen Trepanier, Representative for the Applicant  
Peter Pike, Architect  
Brendon Cunningham, Planner II  
Judy Martinez, 1020 Emma 3a  
Todd Stoller, Remington Group

It was moved by Commissioner Rossi 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, 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 October 2**

**AN ORDINANCE AMENDING THE KEY WEST COMPREHENSIVE PLAN BY AMENDING THE POLICY 1-1.1.8: ALLOWED USED IN THE HISTORIC RESIDENTIAL COMMERCIAL CORE - 4 OF THE LAND USE ELEMENT AS PROVIDED FOR IN CHAPTER 90, ARTICLE VI, AMENDMENTS, DIVISION 3, COMPREHENSIVE PLAN AMENDMENTS, BASED UPON THE REVOCATION OF THE MOLE PIER AND THE TRUMAN WATERFRONT PARK MASTER PLAN; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING FOR THE FILING WITH SECRETARY OF STATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL IN INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

The Clerk read the title of the Ordinance.

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

**SO ORDERED**

**CITIZEN COMMENTS:**

Judy Martinez, 1020 Emma 3a  
Margaret Romero, 1615 Washington Street

**COMMISSION COMMENTS:**

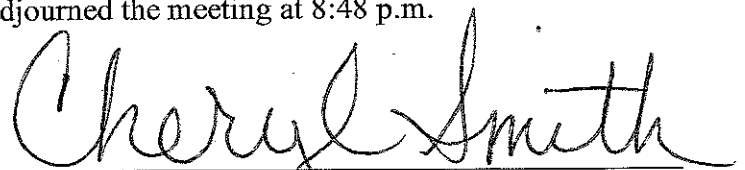
Commissioner Yaniz invited all Citizens and the Commission to attend the District IV debate at the Key West High School on the Referendum Question regarding the Ship Channel Widening study.

Commissioner Johnston announced the new Senior Planner Kevin Bond is working on 30% affordable housing for redevelopment projects.

Commissioner Lopez attended the recent Truman Waterfront Advisory Board meeting and he expressed their importance of having this Board serve the City Commission.

**ADJOURNMENT:**

There being no further business the Mayor adjourned the meeting at 8:48 p.m.



Cheryl Smith, MMC, CPM  
City Clerk