

MINUTES

CITY COMMISSION MEETING

OLD CITY HALL, 510 GREENE STREET

TUESDAY, JULY 2, 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, July 2, 2013.

Vice-Mayor Rossi called the meeting to order at 6:00 p.m.

Answering roll call were Commissioners Teri Johnston, Clayton Lopez, Billy Wardlow, Tony Yaniz and Vice-Mayor Mark Rossi.

Commissioner Jimmy Weekley and Mayor Craig Cates were absent.

Also present were City Manager Bob Vitas, Assistant City Manager David Fernandez, City Attorney Shawn Smith, Fire Chief David Fraga, Community Services Director Greg Veliz, Licensing Official Carolyn Walker, Information Technology Director Patti McLaughlin, Senior Project Manager Doug Bradshaw, Utilities Manager Jay Gewin, Senior Deputy City Clerk Sue Harrison and City Clerk Cheri Smith.

Lt. David Martin, Command Chaplain NAS Key West, gave the invocation.

The pledge of allegiance to the flag of the United States of America was given by all present.

APPROVAL OF AGENDA - CHANGES TO AGENDA:

The City Manager requested Ordinance Item #9 be postponed to August 6, 2013.

Commissioner Wardlow requested Resolution Item #8 be removed from the Consent Agenda.

Without opposition, the agenda was accepted as changed.

PROCLAMATIONS:

- 1) Visiting Nurse Association & Hospice of the Florida Keys Awareness Week
- 2) Mel Fisher Days

PRESENTATIONS:

City Attorney's Report

City Attorney Smith updated the Commission on two litigation matters recently reported in the press. The first that the court ruled in favor of Officer Eric Biscup on all counts on the Hollis lawsuit and second another case (Quintana) had been moved to September.

City Manager's Report

City Manager Vitas stated Mr. Dean Walters, Public Information Specialist from the Florida Department of Transportation, was present to give the quarterly update for the North Roosevelt Boulevard project.

Commissioner Yaniz asked the City Manager about the assisted living facility project.

Commissioner Yaniz commended the City Manager regarding his appointments of Samantha Farist as Human Resources Director and Ron Wampler as Chief Building Official.

Vice-Mayor Rossi asked the City Attorney if they could have a joint meeting with the Key West Housing Authority Board regarding the future of Senior Housing as it exists in the community. Mr. Smith advised that an initial course of action would be that the CEO of the City and the CEO of the Housing Authority meet to chart a course before bringing both boards together.

Mr. Walters updated the Commission on the North Roosevelt Boulevard Project. Mr. Charlie Phinizy, FDOT Project Manager and Ms. Jackie Hart, Project Administrator, were available to answer questions from the Commission.

CONSENT AGENDA:

The Clerk read the titles of the Resolutions.

It was moved by Commissioner Wardlow and seconded by Commissioner Yaniz to approve the consent agenda items.

The Vice-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:

June 4, 2013 (Regular)

RESOLUTIONS:

RESOLUTION NO. 13-176

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPOINTING MICHAEL BROCKNER TO THE CIVIL SERVICE BOARD; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-177

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, SUPPORTING THE VIETNAM LIVING MEMORIAL PROPOSAL; DIRECTING THE CITY MANAGER TO WORK WITH THE ORGANIZERS TO REVIEW PLANS FOR COMMISSION APPROVAL; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-178

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, EXTENDING AN INVITATION TO CHIEF OF THE CUBAN INTERESTS SECTION AMBASSADOR JOSE R. CABAÑAS AND FIRST SECRETARY RAUL SANCHEZ CORDOVI AND TO VISIT THE CITY OF KEY WEST FOR AN EXCHANGE OF IDEAS ON THE PRESENT AND FUTURE RELATIONS BETWEEN THE CITY AND THE ISLAND OF CUBA; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 13-179

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING A CHANGE ORDER TO THE CONTRACT FOR REPLACEMENT OF TARPON PIER WITH EBSARY FOUNDATION COMPANY ADJUSTING THE CONTRACT PRICE AND EXTENDING THE CONTRACT FOR A PERIOD OF 21 DAYS; PROVIDING FOR AN EFFECTIVE DATE

The said Resolutions were thereupon declared by the Vice-Mayor to have been duly passed and adopted and were authenticated by the signatures of the Vice-Mayor and the Clerk of the Commission.

SO ORDERED

RESOLUTION NO. 13-180

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ISSUANCE OF A TASK ORDER TO AVIROM & ASSOCIATES, INC. FOR SURVEY WORK ON UNITED STREET (\$25,920.00) AND VIRGINIA STREET (\$24,792.00) IN A TOTAL AMOUNT NOT TO EXCEED \$50,712.00; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following person spoke on the matter:

Bob Vitas, City Manager

It was moved by Commissioner Wardlow and seconded by Commissioner Johnston that the Resolution be passed and adopted as read.

The Vice-Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Wardlow, Yaniz and Vice-Mayor Rossi

Nays: None

The said Resolution was thereupon declared by the Vice-Mayor to have been duly passed and adopted and was authenticated by the signatures of the Vice-Mayor and the Clerk of the Commission.

SO ORDERED

ORDINANCES SECOND READING: (Public Hearing)

ORDINANCE NO. POSTPONED TO AUGUST 6, 2013

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; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Ordinance.

It was moved by Commissioner Lopez and seconded by Commissioner Johnston that the Ordinance to be postponed to August 6, 2013.

The Vice-Mayor acknowledged the motion and second and requested verbal approval. The response was unanimous to postpone the Ordinance to August 6, 2013.

SO ORDERED

ORDINANCE NO. 13-12

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, REPEALING THE ZONING IN PROGRESS ADOPTED BY ORDINANCE NO. 12-35; AMENDING CHAPTER 122 OF THE CODE OF ORDINANCES ENTITLED "ZONING" BY AMENDING SECTION 122-418 "CONDITIONAL USES" IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT TO PROVIDE FOR PAIN MANAGEMENT CLINICS AS A CONDITIONAL USE; BY CREATING DIVISION 14 ENTITLED "PAIN MANAGEMENT CLINICS"; BY ADDING SECTIONS 122-1547 THROUGH AND INCLUDING 122-1553, TO ALLOW AND REGISTER PAIN MANAGEMENT CLINICS AS DEFINED; 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:

Judy Martinez, 1020 Emma Street

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

The Vice-Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Wardlow, Yaniz and Vice-Mayor Rossi

Nays: None

The said Ordinance was thereupon declared by the Vice-Mayor to have been duly passed on first and second reading and was adopted and authenticated with the signatures of the Vice-Mayor and the Clerk of the Commission.

SO ORDERED

CITIZEN COMMENTS:

Margaret Romero, 1615 Washington Street
Eric Geen, 19 Kingfisher Lane
Rick Boettger, 1402 Olivia Street
Judy Martinez, 1020 Emma Street
Tom Milone, 832 Caroline Street

COMMISSION COMMENTS:

Commissioner Johnston wished everyone a happy and safe Fourth of July and thanked everyone for the birthday wishes.

Commissioner Lopez commented on the recent momentous Supreme Court decisions.

Commissioner Lopez wished a safe and happy Independence Day celebration to everyone.

Commissioner Wardlow wished everyone a Happy 4th and a Happy Birthday to Commissioner Johnston. He asked about the time that the budget hearings would begin. Mr. Vitas confirmed they would begin at 9:00 a.m. He also asked about the meeting on August 6, 2013 with FDOT and Mr. Vitas stated 5:00 p.m. prior to the regular City Commission meeting at 6:00 p.m.

Commissioner Yaniz thanked the staff, in particular City Attorney Smith, for the work they have done recently.

Vice-Mayor Rossi wished a happy and safe Fourth of July to everyone.

ADJOURNMENT:

There being no further business the Vice-Mayor adjourned the meeting at 7:27 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