

MINUTES
CITY COMMISSION MEETING
OLD CITY HALL, 510 GREENE STREET
TUESDAY, JUNE 17, 2014

A regular meeting of the City Commission of the City of Key West, Florida was held in Commission Chambers, Old City Hall, on Tuesday, June 17, 2014.

Mayor Craig Cates called the meeting to order at 6:12 p.m.

Answering roll call were Commissioners Teri Johnston, Clayton Lopez, Billy Wardlow, Jimmy Weekley, Tony Yaniz and Mayor Craig Cates.

Commissioner Mark Rossi was absent

Also present were City Manager Bob Vitas, Assistant City Manager David Fernandez, Assistant City Manager Sarah Spurlock, City Attorney Shawn Smith, Human Resources Director Samantha Farist, City Planner and Director of Community Development Don Craig, Police Chief Donie Lee, Fire Chief David Fraga, Division Fire Chief of Administration Michael Davila, Finance Director Nancy Kielman, Budget Analyst Schavawn Yarber, Community Services Director Greg Veliz, Utilities Manager Jay Gewin, Code Compliance Manager Jim Young, Information Technology Director Patti McLaughlin, Director of Marina Services Doug Bradshaw, Engineering Director James Bouquet, Parking Manager John Wilkins, Deputy City Clerk Angela Budde and City Clerk Cheri Smith.

Pastor Gary Faith from Grace Lutheran 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:

Commissioner Weekley requested the withdrawal of Ordinance Item # 14.

The City Clerk announced speakers for Resolutions Item #5 and Item #6 and requested those items be removed from the Consent Agenda.

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

COMMENDATIONS:

- Recognizing Dr. Ross Williams for serving on the Sustainability Advisory Board.
- Recognizing Mr. Jay Gewin for his years of service to the City of Key West.

PROCLAMATIONS:

- Green Business Month

PRESENTATIONS:

City Attorney's Report

City Attorney Smith requested a closed session with the Commission prior to the start of the July 1 Commission meeting for 1 hour regarding ADA 24 Hour Plus v. City of Key West.

The City Attorney advised his employment contract expires in December.

City Manager's Report

City Manager Vitas invited Police Chief Lee to come to the podium to present Bill Jordan the Chiefs accommodation for his heroic ability.

The City Manager Vitas discussed E. David Fernandez's decision to retire from the City of Key West and to be re-hired by the City of Key West to fill the vacant Utilities Director position as a contract employment agreement.

CONSENT AGENDA:

The Clerk read the titles of the Resolutions.

It was moved by Commissioner Wardlow 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 pass the Resolutions as read.

RESOLUTIONS:

RESOLUTION NO. 14-164

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPOINTING MARIANNE VAN DEN BROEK TO THE ART IN PUBLIC PLACES BOARD; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 14-165

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AWARDED THE BID OF CHARLEY TOPPINO AND SONS, INC. FOR THE NORTH SIMONTON STREET STORMWATER EMERGENCY OUTFALL, IN ACCORDANCE WITH THE TERMS SPECIFIED IN ITB 14-010, IN THE AMOUNT NOT TO EXCEED \$1,029,227.50; AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT IN SUBSTANTIAL CONFORMANCE WITH THE CONTRACT DOCUMENTS CONTAINED IN THE BID PACKAGE AND UPON THE ADVICE AND CONSENT OF THE CITY ATTORNEY; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 14-166

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING TASK ORDER NO. 3-14-STM FROM CH2M HILL ENGINEERING, INC. IN AN AMOUNT NOT TO EXCEED \$96,212.00 FOR ENGINEERING SERVICES FOR THE CONSTRUCTION PHASE FOR THE STORMWATER OUTFALL SYSTEM AT NORTH SIMONTON STREET; APPROVING NECESSARY BUDGET TRANSFERS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 14-167

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING AMENDMENT #1 TO TASK ORDER 10 TO K2M DESIGN, INC. (PREVIOUSLY KNOWN AS MBI/K2M ARCHITECTURE, INC.), IN AN AMOUNT NOT TO EXCEED \$30,000.00, FOR ADDITIONAL CONSTRUCTION ADMINISTRATION FOR FIRE STATION #2 PURSUANT TO THE AGREEMENT APPROVED IN RESOLUTION NO. 08-253, EXTENDED IN RESOLUTION NO. 12-070 AND EXTENDED IN RESOLUTION 12-125; AUTHORIZING NECESSARY BUDGET AMENDMENTS; 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. 14-168

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING CITY STAFF TO TAKE ACTIONS TOWARD PROVIDING EMERGENCY MEDICAL SERVICES; GRANTING THE CITY MANAGER OR DESIGNEE AUTHORITY TO DEVELOP PLANS AND BUDGET ALLOCATIONS FOR APPROPRIATE STAFFING, EQUIPMENT ACQUISITION, OPERATING PROCEDURES AND RELATED COMPONENTS OF AMBULANCE SERVICE UNDER THE DIRECT SUPERVISION OF THE KEY WEST FIRE DEPARTMENT; AUTHORIZING THE CREATION OF A DIVISION CHIEF OF EMS AND PROVIDING NECESSARY BUDGET TRANSFERS; AUTHORIZING AN ADDITIONAL TWELVE MONTH EXTENSION TO THE CURRENT PRIVATE PROVIDER AGREEMENT IN THE EVENT OF UNFORESEEN CIRCUMSTANCES; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Judy Martinez, 1020 Emma A
Dave Irwin, 3026 Flagler Avenue
Dr. Donald Dixon, 1215 20th Terrace
Dr. Bruce Boros, Cardiologist
Sloan Bashinsky, 1711 Seminary Street
Dr. Eric Herrera, Lower Keys Hospital
Margaret Romero, 1615 Washington Street
Fire Chief Fraga

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

Nays: None

SO ORDERED

RESOLUTION NO. 14-169

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING SWITCHBOARD OF MIAMI, INC. & HELPLINE OF THE KEYS TO CONDUCT ITS ANNUAL CARIBBEAN STREET FAIR ON SATURDAY, JULY 19, 2014 FROM 12:00 NOON TO 9:00 P.M.; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE CLOSURE OF DUVAL STREET BETWEEN FRONT AND EATON STREETS BETWEEN THE HOURS OF 12:00 NOON TO 9:00 P.M.; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following person spoke on the matter:

Mary Lou Hoover, 1227 2nd Street

It was moved by Commissioner Weekley 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 verbal approval. The response was unanimous to pass the Resolution as read.

SO ORDERED

RESOLUTION NO. 14-170

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING A WAIVER OF BUILDING PERMIT FEES FOR CORNISH MEMORIAL AME ZION CHURCH, LOCATED AT 702-704 WHITEHEAD STREET, IN AN AMOUNT NOT TO EXCEED \$4,400.00; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

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

Nays: None

SO ORDERED

RESOLUTION NO. 14-171

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPOINTING TWO MEMBERS TO THE CITIZEN REVIEW BOARD; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following person spoke on the matter:

Larry Beaver, CRB Executive Director

Ranking sheets were passed out to the Commission.

The Clerk read the results of each Commission member's ranking into the record:

Arthur Dennison

Rodney Gullatte

(The Official Ranking Forms are attached hereto and made a part of these minutes).

It was moved by Commissioner Johnston and seconded by Commissioner Weekley that Arthur Dennison and Rodney Gullatte were appointed to the Citizen Review Board (CRB) and 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.

SO ORDERED

ORDINANCES – FIRST READING:

ORDINANCE NO. PASSED TO SECOND READING

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES, ENTITLED "BUSINESSES" BY ADDING ARTICLE XII, SECTIONS 18-701 THROUGH 18-707, ENTITLED "COSMETICS" TO ESTABLISH REQUIREMENTS AND PROCEDURES TO APPLY FOR AN OBTAIN A PERMIT AND FOR VIOLATIONS AND REVOCATION OR SUSPENSION OF A PERMIT; 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:

John Wilkins, Parking Manager
City Attorney Smith
Jack Anderson, 800 Caroline Street
Page Haverty, Garrison Bight

It was moved by Commissioner Yaniz and seconded by Commissioner Weekley that the Ordinance be passed on first reading as read.

The Mayor acknowledged the motion and the second and requested the Clerk to call the roll.

Yeas: Commissioners Johnston, Lopez, Weekley, Yaniz and Mayor Cates

Nays: Commissioner Wardlow

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 70 OF THE CODE OF ORDINANCES ENTITLED "TRAFFIC AND VEHICLES" BY AMENDING ARTICLE IV – PARKING STOPPING AND STANDING, DIVISION 5, RESIDENTIAL PARKING PERMIT PROGRAM, TO AMEND PERMIT ELIGIBILITY AND REGISTRATION PROCEDURES; BY AMENDING SECTION 70-248, TO ESTABLISH ELIGIBILITY; AMENDING SECTION 70-249 REGARDING ELIGIBILITY FOR MILITARY AND SEASONAL RESIDENTS AND AMENDING THE REGISTRATION FEE; AMENDING SECTION 70-251 REGARDING APPEALS; 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:

John Wilkins, Parking Manager
Judy Martinez, 1020 Emma Street
Jack Anderson, 800 Caroline Street

It was moved by Commissioner Weekley and seconded by Commissioner Lopez that the Ordinance be passed on first reading as read.

The Mayor acknowledged the motion and the second and requested the Clerk to call the roll.

Yeas: Commissioners Johnston, Lopez, 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. WITHDRAWN

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES ENTITLED "ENVIRONMENT," ARTICLE IV, ENTITLED "SOUND CONTROL" BY AMENDING SECTION 26-191, DEFINITIONS; AMENDING SECTION 26-192 TO AMEND AND CLARIFY UNREASONABLY EXCESSIVE NOISE PROHIBITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. PASSED TO SECOND READING

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF KEY WEST FOR PROPERTY LOCATED AT 625 SOUTH STREET (RE # 00038140-000000; AK# 1038890), KNOWN AS THE OCEAN BREEZE INN, BY CHANGING THE ZONING DESIGNATION FROM HISTORIC RESIDENTIAL OFFICE (HRO) TO HISTORIC COMMERCIAL TOURIST (HCT); 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:

City Planner Don Craig
Ginny Stones, 221 Simonton Street
City Attorney Smith

It was moved by Commissioner Wardlow and seconded by Commissioner Weekley that the Ordinance be passed on first reading as read.

The Mayor acknowledged the motion and the second and requested the Clerk to call the roll.

Yeas: Commissioners Johnston, Lopez, 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. 14-11

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES, ENTITLED "BUSINESSES" BY ADDING ARTICLE XII, SECTIONS 18-701 THROUGH 18-707, ENTITLED "COSMETICS" TO ESTABLISH REQUIREMENTS AND PROCEDURES TO APPLY FOR AN OBTAIN A PERMIT AND FOR VIOLATIONS AND REVOCATION OR SUSPENSION OF A PERMIT; 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:

George Grodzinski, 1109 Fleming Street

It was moved by Commissioner Weekley and seconded by Commissioner Johnston that the Ordinance be passed 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: 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:

CITIZEN COMMENTS:

Mitzi Grabel, 1415 Newton Street
Donna Feldman, 1420 Angela Street
Linda Shield, 1414 Angela Street
Bonnie Jones, Newton Street
Sloan Bashinsky, 1711 Seminary Street
Judy Martinez, 1020 Emma Street
Margaret Romero, 1615 Washington Street

COMMISSION COMMENTS:

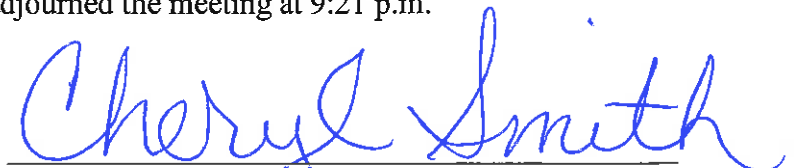
Commissioner Weekley spoke on Peary Court's concerns with removing the Fence and having Street extensions.

Commissioners Yaniz and Lopez called for a Special City Commission meeting to have a Resolution to void E. David Fernandez's July 3rd contract employment agreement as Utilities Director and a Resolution of confidence or no confidence in Bogdan Vitas as the City's City Manager.

Commissioner Lopez asked for prayer for Carmen Fuller who has been stricken with illness.

ADJOURNMENT:

There being no further business the Mayor adjourned the meeting at 9:21 p.m.



Cheryl Smith, MMC, CPM
City Clerk

OFFICIAL TALLY SHEET

Selecting Two Members to the Citizen Review Board

JUNE 17, 2014

Upon completion, the form is to be submitted to the City Clerk for tabulation.

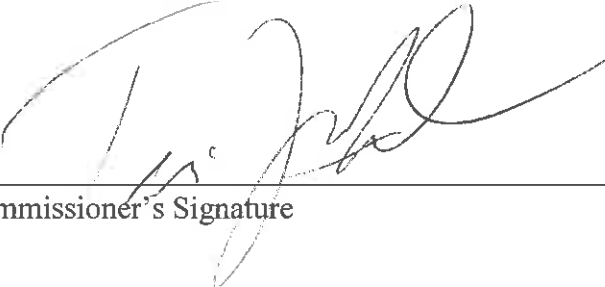
Highest Points Prevail

Candidates for Selection:

1. Arthur Dennison
2. Kathleen Ford
3. Rodney Gullate
4. Chuck Van Soye

1st Selection for the Board: Arthur Dennison

2nd Selection for the Board: Chuck Van Soye



Commissioner's Signature

OFFICIAL TALLY SHEET

Selecting Two Members to the Citizen Review Board

JUNE 17, 2014

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Highest Points Prevail

Candidates for Selection:

1. Arthur Dennison
2. Kathleen Ford
3. Rodney Gullatte
4. Chuck Van Soye

1st Selection for the Board:

Rodney Gullatte

2nd Selection for the Board:

ARTHUR DENNISON


Commissioner's Signature

OFFICIAL TALLY SHEET

Selecting Two Members to the Citizen Review Board

JUNE 17, 2014

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Highest Points Prevail

Candidates for Selection:

1. Arthur Dennison
2. Kathleen Ford
3. Rodney Gullate
4. Chuck Van Soye

1st Selection for the Board: Arthur Dennison

2nd Selection for the Board: Rodney Gullate

Billy Wells
Commissioner's Signature

OFFICIAL TALLY SHEET

Selecting Two Members to the Citizen Review Board

JUNE 17, 2014

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Highest Points Prevail

Candidates for Selection:

1. Arthur Dennison
2. Kathleen Ford
3. Rodney Gullate
4. Chuck Van Soye

1st Selection for the Board: Arthur Dennison

2nd Selection for the Board: Kathleen Ford


Commissioner's Signature

OFFICIAL TALLY SHEET

Selecting Two Members to the Citizen Review Board

JUNE 17, 2014

Upon completion, the form is to be submitted to the City Clerk for tabulation.

Highest Points Prevail

Candidates for Selection:

1. Arthur Dennison
2. Kathleen Ford
3. Rodney Gullate
4. Chuck Van Soye

1st Selection for the Board:

Rodney Gullate

2nd Selection for the Board:

Arthur Dennison



Commissioner's Signature

OFFICIAL TALLY SHEET

Selecting Two Members to the Citizen Review Board

JUNE 17, 2014

Upon completion, the form is to be submitted to the City Clerk for tabulation.

Candidates for Selection:

1. Arthur Dennison
2. Kathleen Ford
3. Rodney Gullate
4. Chuck Van Soye

1ST Selection for Board: ARTHUR DENNISON

2ND Selection for Board: RODNEY GULLATE



Mayor Craig Cates's Signature

HIGHEST POINTS PREVAIL

Ranking of Applicants for 2 Vacancies on the Citizen Review Board

	Arthur Dennison	Kathleen Ford	Rodney Gullatte	Chuck Van Soye
Commissioner Johnston	1			1
Commissioner Lopez	1		1	
Commissioner Rossi				
Commissioner Wardlow	1		1	
Commissioner Weekley	1	1		
Commissioner Yaniz	1		1	
Mayor Cates	1		1	
	6	1	4	1
1st Choice	Arthur Dennison			
2nd Choice	Rodney Gullatte			