

**MINUTES**  
**CITY COMMISSION MEETING**  
**OLD CITY HALL, 510 GREENE STREET**  
**WEDNESDAY, FEBRUARY 19, 2014**

A regular meeting of the City Commission of the City of Key West, Florida was held in Commission Chambers, Old City Hall, on Wednesday, February 19, 2014.

Mayor Craig Cates called the meeting to order at 6:00 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, City Attorney Shawn Smith, City Planner and Director of Community Development Don Craig, Chief of Police Donie Lee, Fire Chief David Fraga, Human Resources Director Samantha Farist, Code Compliance Manager Jim Young, Planner II Kevin Bond, Planning Analyst Carlene Smith, Community Services Director Greg Veliz, Deputy Director of Community Services Rod Delostrinos, Assistant City Attorney Ronald Ramsingh, Marine Services Director Doug Bradshaw, Senior Construction Manager Mike Vieux, Information Technology Director Patti McLaughlin, Utilities Manager Jay Gewin, Deputy City Clerk Angela Budde and City Clerk Cheri Smith.

Reverend Dr. Randolph Becker, Unitarian Universalist 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 Lopez requested to Withdraw Ordinance Item #25

Commissioner Johnston requested Resolution Item #16 to be removed from the Consent Agenda for discussion.

The Clerk announced speakers for Resolution Items #9, #10, #12 and #19 and requested those items be removed from the Consent Agenda.

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

**COMMENDATIONS:**

Recognizing the Reverend Doctor Randolph W.B. Becker for his Years of Service to the Bahama Village Redevelopment Advisory Committee

**PROCLAMATIONS:**

Water Quality Awareness Month

**PRESENTATIONS:**

Presentation of the 2013 Holiday Parade Winners:

Best Commercial – Florida Keys Aqueduct Authority  
Best Non-Profit - Basilica School of Key West  
Best Youth Group – Boys and Girls Club – Big Pine  
Honorable Mention – Bling, Bling, DJ Services

State of the City - Mayor Craig Cates

Building Permit Allocation System 2013 Annual Report – City Planner Don Craig

City Attorney’s Report

No report.

City Manager’s Report

No report.

**CONSENT AGENDA:**

The Clerk read the titles of the Resolutions.

It was moved by Commissioner Wardlow and seconded by Commissioner Lopez 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.

**APPROVAL OF MINUTES:**

January 22, 2014 (Regular)

January 29, 2014 (Special)

February 4, 2014 (Regular)

**RESOLUTIONS:**

**RESOLUTION NO. 14-044**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING PURSUANT TO SECTIONS 2-797 (3) (A) (B) (C) AND 2-844 (A) OF THE CODE OF ORDINANCES THE PURCHASE OF SEVENTEEN (17) GETAC B300 RUGGED NOTEBOOK COMPUTERS AND RELATED EQUIPMENT FROM HEWLETT-PACKARD IN THE AMOUNT OF \$70,524.00, PURSUANT TO STATE CONTRACT #250-WSCA-10-ACS; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 14-045**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING PURSUANT TO SECTION 2-771 (C) OF THE CODE OF ORDINANCES THE DISPOSAL OF EIGHT (8) UNMARKED CITY-OWNED VEHICLES; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 14-046**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING FOUR WORK ORDERS UNDER THE CITY'S GENERAL SERVICES CONTRACT WITH DOUGLASS N. HIGGINS, INC. IN A TOTAL AMOUNT NOT TO EXCEED \$178,019.03 FOR SIDEWALK REPLACEMENT/INSTALLATIONS; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 14-047**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED CONCESSION AGREEMENT FOR THE WILDLIFE RESCUE FACILITY AT SONNY MCCOY INDIGENOUS PARK BETWEEN THE CITY OF KEY WEST AND KEY WEST WILD BIRD CENTER, INC.; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 14-048**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN MONROE COUNTY AND THE CITY OF KEY WEST FOR USE OF A PORTION OF THE GEOGRAPHIC INFORMATION SYSTEM (GIS); PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 14-049**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED “PUBLIC TRANSPORTATION JOINT PARTICIPATION AGREEMENT” (JPA) BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AND THE CITY OF KEY WEST FOR SECTION 5311 GRANT PROGRAM FUNDING ASSISTANCE FOR FY 2013-14 FOR OPENING EXPENSES OF THE FIXED ROUTE BUS TRANSIT SYSTEM IN KEY WEST IN AN AMOUNT NOT TO EXCEED \$542,52.00 (50% OF THE PROGRAM COST) [FDOT FINANCIAL PROJECT NUMBER 425732184091, CONTRACT #ARB19); AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY DOCUMENTS AND NECESSARY DOCUMENTS AND NECESSARY BUDGET AMENDMENTS; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 14-050**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE SETTLEMENT IN SHOULTON TYLER VS. THE CITY OF KEY WEST, WORKER’S COMPENSATION CASE NO. OJCC11-4394CMH IN AN AMOUNT OF \$125,000.00 AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL SETTLEMENT DOCUMENTS CONSISTENT THEREWITH; 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. FAILED**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, SPECIFYING THAT THE MAYOR DELIVER THE STATE OF THE CITY ADDRESS TO ALL CITIZENS OF KEY WEST BEFORE ADDRESSING SELECT GROUPS; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Mayor Emeritus Dennis Wardlow  
Margaret Romero, 1615 Washington Street  
Mark Wartman, 1118 Pearl Street  
Judy Martinez, 1020 Emma – 3a  
Christine Russell, 1014 Grinnell Street  
Sloan Bashinsky, 1711 Seminary Street  
Tom Milone, 832 Caroline Street  
City Attorney Smith

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

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

Yeas: Commissioners Lopez, Weekley and Yaniz

Nays: Commissioner Johnston, Wardlow and Mayor Cates

The Resolution Failed.

**RESOLUTION NO. 14-051**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AWARDED THE BID OF CHARLEY TOPPINO AND SONS, INC. FOR THE KEY WEST CITY HALL AT GLYNN ARCHER, PHASE 1 – SELECTIVE DEMOLITION, IN ACCORDANCE WITH THE TERMS SPECIFIED IN ITB 14-007, IN AN AMOUNT NOT TO EXCEED \$483,610.20. (BASE BID PLUS BID ALTERNATE #1 AND A \$50,000.00 UNFORESEEN CONDITIONS ALLOWANCE);**

**AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT IN THE BID PACKAGE ON BEHALF OF THE CITY OF KEY WEST AND UPON ADVICE AND CONSENT OF THE CITY ATTORNEY; 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  
Sloan Bashinsky, 1711 Seminary Street

It was moved by Commissioner Wardlow and seconded by Commissioner Yaniz that the Resolution be passed and adopted 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 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. 14-052**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING TASK ORDER NO. 1-14-FAC FROM CH2M HILL, ENGINEERING, INC. IN AN AMOUNT NOT TO EXCEED \$71,560.00 FOR ADDITIONAL MATERIALS TESTING OF THE EXISTING CONCRETE WALLS OF THE GLYNN ARCHER SCHOOL FACILITY; 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 the second and requested the Clerk to call the roll.

Yeas: Commissioners Johnston, Lopez, 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. 14-053**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, ADOPTING THE ATTACHED 2014 CITY OF KEY WEST WORK FORCE HOUSING INCOME, SALE AND RENT LIMITS; STATING THAT THE INCOME, SALES AND RENT LIMITS ARE BASED ON MONROE COUNTY ANNUAL MEDIAN INCOME FOR A FAMILY OF FOUR OF \$63,500.00; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

It was moved by Commissioner Johnston and seconded by Commissioner Weekley that the Resolution be passed and adopted 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 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. 14-054**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE SETTLEMENT IN MITCHELL ANDREWS VS. CITY OF KEY WEST, WORKER'S COMPENSATION CASE NO. OJCC11-4394DWL IN AN AMOUNT OF \$25,000.00 AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL**

**SETTLEMENT DOCUMENTS CONSISTENT THEREWITH;  
PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following person spoke on the matter:

Christine Russell, 1014 Grinnell Street

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 the second and requested the Clerk to call the roll.

Yeas: Commissioners Johnston, Lopez, 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 MARCH 4, 2014**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 2 ENTITLED "ADMINISTRATION", ARTICLE V ENTITLED "COMMITTEES, BOARDS AND COMMISSIONS", DIVISIONS 8 ENTITLED "ART IN PUBLIC PLACES BOARD" OF THE CODE OF ORDINANCES BY AMENDING SECTION 2-487 ENTITLED "FUNDING OF ART IN NEW CONSTRUCTION AND MAJOR RENOVATION PROJECTS" BY ADDING A PURPOSE AND INTENT STATEMENT, ADDING DEFINITIONS, CHANGING THE METHOS IN WHICH THE AMOUNT REPRESENTING 1% OF CONSTRUCTION COSTS IS PAID, CLARIFYING AND ELABORATING CERTAIN PROVISIONS OF THE PROGRAM AND ESTABLISHING PROCEDURE FOR EFFICIENT IMPLEMENTATION OF THE PROGRAM; 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:



City Planner Don Craig

It was moved by Commissioner Weekley and seconded by Commissioner Johnston 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. PASSED TO SECOND READING MARCH 4, 2014**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES ENTITLED "BUSINESSES" BY AMENDING ARTICLE VI ENTITLED "MOBILE VENDORS", SECTION 18-324 "CONDITIONS OF USE"; 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:

Ron Ramsingh, Assistant City Attorney  
Donna Nadeau, 226 Julia Street  
Mike Mongo, 1407 United Street  
City Attorney Smith

It was moved by Commissioner Weekley and seconded by Commissioner Wardlow with direction to the City Attorneys office to review the grandfather clause and explain on second reading the findings and 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 and Mayor Cates

Nays: Commissioner Yaniz

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. Postponed**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 62, ARTICLE V OF THE CODE OF ORDINANCES ENTITLED "NEWSRACKS" BY ADJUSTING THE SPELLING TO 'NEWS RACKS' THROUGHOUT THE ORDINANCE; BY AMENDING SECTION 62-151 TO AMEND DEFINITIONS; ADDING SECTION 62-152 TO STATE PURPOSE AND CRITERIA; AMENDING SECTION 62-177 TO SET JULY 15 AS THE APPLICATION FOR LOCATIONS DEADLINE; AMENDING SECTION 62-179 TO ESTABLISH AND ADJUST CERTAIN FEES; AMENDING SECTION 62-181, DENIAL; AMENDING SECTION 62-182 TO AMEND THE REPLACEMENT PROCEDURE; AMENDING SECTION 62-183, TO AMEND LOCATION REQUIREMENTS; 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:

Code Compliance Manager Jim Young  
Naja Girard, 1214 Newton Street  
Robert Cintron, 317 Whitehead Street  
Richard Tamborino, Representing the Keynoter  
City Attorney Smith

It was moved by Commissioner Yaniz and seconded by Commissioner Johnston, for discussion, to amend the Ordinance to include all the changes recommended and to change the size of the Concrete pad to 24 x 24 inches.

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

It was moved by Commissioner Weekley and seconded by Commissioner Lopez that the Ordinance be postponed to March 18, 2014.

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 postponed to March 18.

**ORDINANCE NO. 14-01**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 82 OF THE CODE OF ORDINANCES ENTITLED "WATERWAYS" BY ADDING SECTION 82-2, "ALTERATION OF KEY WEST'S MAIN SHIP CHANNEL" TO PROVIDE FOR VOTING REQUIREMENTS IN ORDER TO TAKE ANY ACTION WHICH WOULD RESULT IN THE WIDENING, DEEPENING OR OTHER ALTERATION OF KEY WEST'S MAIN SHIP CHANNEL; 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:

Judy Martinez, 1020 Emma – 3a  
Christine Russell, 1014 Grinnell Street  
Eliott Baron, 608 Griffin Lane  
Naja Girard, on behalf of Last Stand  
Sloan Bashinsky, 1711 Seminary Street

It was moved by Commissioner Johnston and seconded by Commissioner Weekley that the Ordinance be passed on second 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 and second reading and was adopted and authenticated with the signatures of the Mayor and the Clerk of the Commission.

**SO ORDERED**

**RESCINDING VOTE ON ORDINANCE:**

**ORDINANCE NO. WITHDRAWN**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 78 OF THE CODE OF ORDINANCES ENTITLED "VEHICLES FOR HIRE" BY ADDING SECTIONS 78-65, 78-66 78-67 AND AMENDING 78-198 TO PROVIDE FOR THE CONVERSION OF CONTRACT VEHICLE FOR HIRE LICENSES TO WHEELCHAIR ACCESSIBLE PASSENGER VEHICLE FOR HIRE LICENSES, OPERATIONS REQUIREMENTS FOR SUCH VEHICLES AND A REVOCATION PROCESS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**CITIZEN COMMENTS:**

Sloan Bashinsky, 1711 Seminary Street  
Christine Russell, 1014 Grinnell Street

**COMMISSION COMMENTS:**

Commissioner Lopez thanked Mark Finigan for his time serving the City of Key West and thanked Commissioner Yaniz and City Manager Vitas for attending the Cemetery Stroll last month.

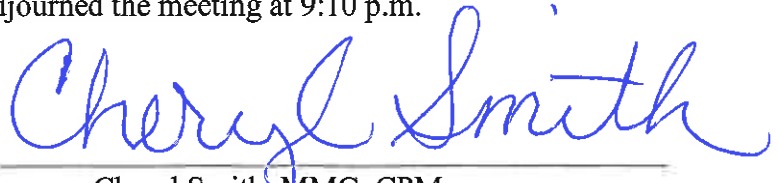
Commissioner Wardlow asked if the lights can be fixed on the stairwell and the back entrance where restrooms and inquired into the parking situation in front of the Chamber of Commerce.

He congratulated FDOT for the Palm Tree plantings on North Roosevelt Boulevard.

Commissioner Yaniz thanked Commissioner Lopez for allowing him to participate in the Sandy Cornish life story.

**ADJOURNMENT:**

There being no further business the Mayor adjourned the meeting at 9:10 p.m.



Cheryl Smith, MMC, CPM  
City Clerk