



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Wednesday, November 6, 2013

6:00 PM

Old City Hall

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

6:04 P.M.

ROLL CALL

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

INVOCATION - Rev. Sarah Fowler, St. Peter's Episcopal Church

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

PROCLAMATIONS

1 National Hospice and Home Health Care Month

Sponsors: Mayor Cates

Received and Filed

2 Dia de la Tradicion

Sponsors: Mayor Cates

Received and Filed

3 Florida Keys Community College's Community Day

Sponsors: Mayor Cates

Received and Filed

4 National Hunger and Homelessness Awareness Week
Sponsors: Mayor Cates and Commissioner Weekley
Received and Filed

5 Smart Ride Day
Sponsors: Mayor Cates
Received and Filed

PRESENTATIONS

City Attorney's Report

City Manager's Report

- **Special Events Report**
- **Diana Nyad Monument at Smathers Beach**

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.**

MINUTES

6 *October 2, 2013 (Regular)
Approved

RESOLUTIONS

7 *Re-Appointing Kent Ducote to the Key West Tree Commission.
Sponsors: Mayor Cates
Passed
Enactment No: Res 13-269

- 8 *Re-Appointing Jose L. Pichardo to the Key West Tree Commission.

Sponsors: Mayor Cates

Passed

Enactment No: Res 13-270

- 9 *Re-appointing Richard (Dick) Moody to the Art in Public Places Board.

Sponsors: Mayor Cates

Passed

Enactment No: Res 13-271

- 10 *Re-appointing Dahlia Woods to the Art in Public Places Board.

Sponsors: Commissioner Lopez

Passed

Enactment No: Res 13-272

- 11 *Re-appointing Jeff Rodriquez to the Art in Public Places Board.

Sponsors: Commissioner Wardlow

Passed

Enactment No: Res 13-273

- 12 *Re-appointing W. Perry Arnold to the Art in Public Places Board.

Sponsors: Commissioner Weekley

Passed

Enactment No: Res 13-274

- 13 *Authorizing the United States Navy to hold the Annual Veterans Day Parade on Duval Street from 4:00 P.M. to 8:00 P.M., Monday, November 11, 2013; Authorizing the closure of certain streets or portions thereof for said parade from 4:00 P.M. TO 8:00 P.M.; Waiving all fees for required City services.

Sponsors: City Manager Vitas

Passed

Enactment No: Res 13-275

- 14 *Authorizing TRIKW, LLC to conduct their annual triathlon on Saturday, December 7, 2013 at Higgs Beach; Authorizing certain street closures thereof during the event and closing Atlantic Boulevard except residents during the event; Granting an exemption from the Noise Control Ordinance pursuant to Section 6-86 of the Code of Ordinances from 6:00 A.M. to 12:00 Noon; Pursuant to terms and conditions set forth by the City Manager.

Sponsors: City Manager Vitas

Passed

Enactment No: Res 13-276

- 15 *Authorizing Premier Racing the use of the Truman Waterfront for the staging, launching and hauling of racing sailboats and support boats from January 1, 2014 through February 1, 2014 from 6:00 A.M. to 8:00 P.M.; Pursuant to terms and conditions set forth by the City Manager.

Sponsors: City Manager Vitas

Passed

Enactment No: Res 13-277

- 16 *Authorizing Kelly's Caribbean and Premier Racing to conduct a street closure during Premier Racing Days on Friday, January 17, 2014 through Friday, January 24, 2014 from 8:00 A.M. to 8:00 P.M.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Caroline Streets between Whitehead Street and Telegraph Lane between the hours of 8:00 A.M. to 8:00 P.M.

Sponsors: City Manager Vitas

Passed

Enactment No: Res 13-278

- 17 *Approving transfer of Mobile Vendor License (MVL) #12786 from Lawrence Chiango to Theodore M. Wasilek due to hardship.

Sponsors: City Manager Vitas

Passed

Enactment No: Res 13-279

- 18 *Approving the attached “Workforce Services Contract between the South Florida Workforce Investment Board and the City of Key West” for a total Grant Award of \$37,500.00 to conduct the Fire Academy Training Program (Workforce Investment Act Youth Funding).
- Sponsors: City Manager Vitas
- Passed**
- Enactment No: Res 13-280
- 19 *Authorizing pursuant to Section 2-771(c) of the Code of Ordinances the disposal of twenty (20) City-owned vehicles.
- Sponsors: City Manager Vitas
- Passed**
- Enactment No: Res 13-281
- 20 *Approving a Task Order between the City and Saltz Michelson Architects in an amount not to exceed \$100,157.50 for Architectural Services for redevelopment of the Community Services/Utilities Facility located at 627 Palm Avenue, Project Number FM 1201.
- Sponsors: City Manager Vitas
- Passed**
- Enactment No: Res 13-282
- 21 *Approving the attached Second Amendment to Lease Agreement between the City and the Key West Botanical Garden Society, Inc.
- Sponsors: City Manager Vitas
- Passed**
- Enactment No: Res 13-283
- 22 *Authorizing the payment of a negotiated settlement of outstanding Attorney fees related to the pending Workers Compensation case between Edward Gates and the City of Key West in the amount of \$41,752.86; Authorizing the City Manager to execute necessary documents.
- Sponsors: City Attorney Smith
- Passed**
- Enactment No: Res 13-284

- 23 ***Quasi-Judicial Hearing: Administrative Appeal**
Granting/Denying the Appeal by C & D Properties of Key West, 1, LLC, and Upholding/Denying/Amending the Planning Department's Non-conforming Use Determination for 405 Fleming Street.

Sponsors: City Manager Vitas

Postponed

Approval of the Consent Agenda

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

- 24 Authorizing the sale of a surplus 1991 Spartan Pumper (known as Engine 6) for the best negotiated amount.

Sponsors: City Manager Vitas

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

Enactment No: Res 13-285

- 25 Ratify the emergency purchase approved by the City Manager in excess of \$20,000.00 as allowed under Section 2-797(2) of the City's Code of Ordinances, for the procurement of two restroom trailers in the amount of \$77,466.00 from Portable Restroom Trailers, LLC; Authorizing necessary budget transfers.

Sponsors: City Manager Vitas

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

Enactment No: Res 13-286

- 26 Appointing members to the Historic District Signage Task Force (Signage Task Force).

Sponsors: Commissioner Johnston

A motion was made by Commissioner Johnston, seconded by Commissioner Yaniz, 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 13-287

ORDINANCES – FIRST READING

- 27** An Ordinance of the City Commission of the City of Key West, Florida invoking the Zoning in Progress Doctrine; Declaring that the City is considering amendments to its Land Development Regulations to reduce the need for Parking Variances; Directing Planning Department Staff to defer the acceptance and processing of applications for Parking Variances; Continuing this policy until new or amended Land Development Regulations are adopted by the City Commission or until the passage of 360 days from the date of this Ordinance, whichever occurs first; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Vitas

A motion was made by Commissioner Johnston, seconded by Commissioner Weekley, that the Ordinance be Passed to Second Reading on November 19, 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

- 28** An Ordinance of the City of Key West, Florida, amending Chapter 18, entitled "Businesses", Division 3 entitled "Open Containers" by amending Section 18-87 to clarify prohibitions; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Attorney Smith

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Ordinance be Passed to Second Reading on November 19, 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

ORDINANCES - SECOND READING (Public Hearing)

29

An Ordinance of the City of Key West, Florida, amending Chapter 86, Section 86-9 entitled "Definition of Terms"; Amending Chapter 108 of the Land Development Regulations of the Code of Ordinances, entitled Planning and Development specifically Article X entitled "Building Permit Allocation System" by amending Section 108-986 "Definitions"; Adding Definitions to Section 86-9 entitled "Definition of Terms"; Amending Section 108-987 entitled "Purpose and Intent"; Amending Section 108-989 entitled "Authority"; Amending Section 108-991 "Development Not Affected by Article"; Amending Section 108-994 entitled "Established"; Amending Section 108-995 entitled "Reporting Requirements and Adjustments in Residential Allocation Schedule"; Repealing Section 108-996 entitled "Period of Allocation"; Adding a new Section 108-996 entitled "Intent"; Repealing Section 108-997 entitled "Tracking and Monitoring System"; Adding a new Section 108-997 entitled "Period of Allocation and Ranking/Review of Applications", Adding a new Section 108-998 entitled "Compact Infill Development and Mixed Use Development Incentives"; Amending and Renumbering Section 108-998 to 108-199 entitled "Procedures for Ensuring Beneficial Use of Private Property"; Repealing Section 108-999 entitled "Zoning in Progress"; Adding Section 108-1000 entitled "Allocation of Residential Permits in the Truman Waterfront Redevelopment Area"; and Amending Chapter 122 entitled "Zoning", by amending Section 122-1470 entitled "Accessory Unit Infill"; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Vitas

A motion was made by Commissioner Weekley, seconded by Commissioner Rossi, 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 13-19

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

8:30 P.M.