



# City of Key West, FL

Old City Hall  
510 Greene Street  
Key West FL 33040

## Action Minutes - Final City Commission

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Tuesday, March 3, 2015

6:00 PM

Old City Hall

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**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 305-809-3731 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

### CALL MEETING TO ORDER

6:00 P.M.

### ROLL CALL

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

**INVOCATION** - Rev. Gwendolyn Magby, Trinity Presbyterian Church

**PLEDGE OF ALLEGIANCE TO THE FLAG**

### APPROVAL OF AGENDA

*It was moved by Commissioner Rossi and seconded by Commissioner Wardlow to approve the Agenda as amended.*

### COMMENDATIONS

1 J. B. Stayton

**Sponsors:** Mayor Cates

**Received and Filed**

### PROCLAMATIONS

**2** Bishop Albert Kee Day

**Sponsors:** Mayor Cates, Commissioner Lopez, Commissioner Weekley,  
Commissioner Wardlow, Commissioner Johnston, Commissioner  
Rossi and Commissioner Yaniz

**Received and Filed**

**3** Conch Heritage Day

**Sponsors:** Mayor Cates, Commissioner Lopez, Commissioner Weekley,  
Commissioner Wardlow, Commissioner Rossi, Commissioner  
Johnston and Commissioner Yaniz

**Received and Filed**

**4** Save Our Pines Day

**Sponsors:** Mayor Cates

**Received and Filed**

**5** Women's History Month

**Sponsors:** Mayor Cates and Commissioner Johnston

**Received and Filed**

**PRESENTATIONS****6** Fantasy Fest - Market Share

**Sponsors:** City Manager Scholl

**Received and Filed**

**7** Michelle Keewan Halpern Center for Learning - Michael Halpern

**Sponsors:** Mayor Cates

**Received and Filed**

**City Attorney's Report**

**City Manager's Report**

**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**

- 8                      \*February 18, 2015 (Regular)
- Approved**

**RESOLUTIONS**

- 9                      \*Re-appointing Daniel Acevedo, Paul Marrotte, Richard Milelli and Norman Woods, Jr. to the Contractors Examining Board.
- Sponsors:**        Mayor Cates
- Passed**
- Enactment No: Res 15-073
- 
- 10                     \*Authorizing Mote Marine Laboratory, Inc. to conduct a "Florida Keys Ocean Festival" at the Truman Waterfront Annex, 38 East Quay Road (Eco-Discovery) on Saturday, April 4, 2015 from 8:00 A.M. to 7:00 P.M. (set up Friday, April 3, 2015); Pursuant to terms and conditions set forth by the City Manager; Authorizing the use of the Truman Waterfront next to the Eco Discovery from 8:00 A.M. to 7:00 P.M.; Authorizing the sale and consumption of alcoholic beverages within the barricaded area.
- Sponsors:**        City Manager Scholl
- Passed**
- Enactment No: Res 15-074

- 11                   \*Authorizing the Rotary Club of Key West, Florida, Inc. to conduct a Keys Stock 2015 Musical Concert at the Truman Waterfront Southwest Field on Saturday, May 2, 2015 from 5:00 P.M. to 10:00 P.M. (set up) Friday, May 1, 2015 from 8:00 A.M. to 5:00 P.M. for a concert; Pursuant to terms and conditions set forth by the City Manager; Authorizing the Sale and Consumption of Alcoholic Beverages within an enclosed area; Granting an exemption from the Noise Control Ordinance pursuant to Section 6-86 of the Code of Ordinances during the event.

**Sponsors:**           City Manager Scholl

**Passed**

Enactment No: Res 15-075

- 12                   \*Authorizing Zonta Foundation of Key West, Inc. to conduct an Annual Radio Zonta Day on Friday, May 8, 2015 from 3:00 P.M. to 9:00 P.M.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of a portion of Catherine Street between Simonton Street and entrance to Gato Building parking lot from 3:00 P.M. to 9:00 P.M.; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinance from 3:00 P.M. to 9:00 P.M.; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

**Sponsors:**           City Manager Scholl

**Passed**

Enactment No: Res 15-076

- 13                   \*Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to James Wooten for a wedding ceremony and reception at the Gardens Club 1100 Atlantic Boulevard during the hours of 7:30 P.M. to 12:00 Midnight on Saturday, June 6, 2015.

**Sponsors:**           City Manager Scholl

**Passed**

Enactment No: Res 15-077

- 14                   \*Authorizing free use of Key West Public Transportation on March 17, 2015; Encouraging residents and visitors to use Public Transportation throughout the year.

**Sponsors:**           City Manager Scholl

**Passed**

Enactment No: Res 15-078

- 15                   \*Authorizing pursuant to Section 2-771(c) of the Code of Ordinances the disposal of one surplus and obsolete Elgin Crosswind Fury Street Vacuum; Authorizing the City Manager to execute any necessary documents.

**Sponsors:**           City Manager Scholl

**Passed**

Enactment No: Res 15-079

- 16                   \*Approving the attached "State Financial Assistance Agreement - City of Key West DEP Agreement No. LP44030 - pursuant to line items 1626A and 1672 of the 2014-15 General Appropriations Act" between the City and the State of Florida Department of Environmental Protection for reimbursement funding of Florida Keys Wastewater Improvements; Authorizing necessary budget amendments and transfers to accept the funding; Authorizing the City Manager to execute necessary documents.

**Sponsors:**           City Manager Scholl

**Passed**

Enactment No: Res 15-080

#### **Approval of the Consent Agenda**

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

- 17                   Directing the City Manager to investigate the feasibility of creating Affordable Housing on the city owned property currently leased to the Florida Keys Mosquito Control District.

**Sponsors:**           Mayor Cates

**A motion was made by Commissioner Weekley, seconded by Commissioner Johnston, 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 15-081

- 18                   Directing the City Attorney and City Manager to investigate establishing a minimum wage where possible in the City of Key West.

**Sponsors:**           Mayor Cates

**A motion was made by Commissioner Johnston, seconded by Commissioner Yaniz, that the Resolution be Passed. The motion carried by the following vote:**

**No:** 2 - Commissioner Rossi and Commissioner Wardlow

**Yes:** 5 - Commissioner Johnston, Commissioner Lopez, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

Enactment No: Res 15-082

**19**

Supporting Florida Senate Bill 966 and House Bill 661, which, if passed, would allow certain municipalities to establish pilot programs for the regulation or ban of disposable plastic bags.

**Sponsors:** Mayor Cates, Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Commissioner Yaniz

**A motion was made by Commissioner Weekley, seconded by Commissioner Johnston, 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 15-083

**20**

Supporting the Key West Chamber of Commerce in its opposition to expansion of ecological reserves and/or preservation areas within the Florida Keys National Marine Sanctuary.

**Sponsors:** Commissioner Rossi, Commissioner Wardlow and Commissioner Yaniz

**A motion was made by Commissioner Yaniz, seconded by Commissioner Rossi, that the Resolution be Passed. The motion carried by the following vote:**

**No:** 3 - Commissioner Johnston, Commissioner Weekley and Mayor Cates

**Yes:** 4 - Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow and Commissioner Yaniz

Enactment No: Res 15-084

**21**

Requesting the City Manager to provide a monthly report on Key West City Government Personnel changes.

**Sponsors:** Commissioner Wardlow

**A motion was made by Commissioner Wardlow, seconded by Commissioner Rossi, that the Resolution be Passed. The motion carried by the following vote:**

**No:** 3 - Commissioner Johnston, Commissioner Weekley and Mayor Cates

**Yes:** 4 - Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow and Commissioner Yaniz

Enactment No: Res 15-085

- 22 Directing the City Manager to provide notice of termination of the attached "Revocable License Agreement for use of City Property" between the City and Steamplant Condominium Association, Inc.; Directing City Staff to investigate and move forward on any requirements to use that public property for the purpose of exercising animals (dog park).

**Sponsors:** Commissioner Weekley

*Meeting went into Recess*

*Meeting Reconvened at 9:17 p.m.*

**A motion was made by Commissioner Weekley, seconded by Commissioner Rossi, 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 15-086

- 23 Extending the "Consulting Agreement" between the City of Key West and Langton Associates, Inc., and IN REM Solutions, Inc. for Grant Writing Services for a period of one additional year; Approving the compensation rate of \$5,500.00 per month, not to exceed \$66,000.00 per year.

**Sponsors:** City Manager Scholl

**A motion was made by Commissioner Wardlow, seconded by Commissioner Johnston, 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 15-087

- 24 Approving the Staff Ranking of Respondents to the Request for Qualifications (RFQ) 15-001 for Design-Build Criteria Documents for Parking Garages at Two Old Town Key West Locations; Authorizing the City Manager to negotiate and execute a contract in substantial compliance with the RFQ and pursuant to legal review with the highest ranked firm.

**Sponsors:** City Manager Scholl

**A motion was made by Commissioner Rossi, seconded by Commissioner Johnston, 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 15-088

- 25** Ranking the responses to Request for Proposals (RFP) No. 04-015: Code Compliance Special Magistrate; Authorizing the City Manager to negotiate a contract for approval by the City Commission.

**Sponsors:** City Manager Scholl

**A motion was made by Commissioner Johnston, seconded by Commissioner Lopez, that the Resolution be Postponed to March 17, 2015. The motion carried by the following vote:**

**No:** 2 - Commissioner Wardlow and Commissioner Yaniz

**Yes:** 5 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Weekley and Mayor Cates

- 26** **QUASI-JUDICIAL HEARING: Easement - 101 Duval Street**

Approving an easement of 104 square feet, more or less, along the Duval Street right-of-way and 155 square feet, more or less, along the Front Street right-of-way, to address the encroachment of a portion of existing brick entry steps and planters onto City right-of-way abutting the property located at 101 Duval Street (RE #00000470-000000, AK #1000469), Key West, Florida; Providing fees and conditions.

**Sponsors:** City Manager Scholl

**A motion was made by Commissioner Lopez, seconded by Commissioner Johnston, 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 15-089

- 27** **QUASI-JUDICIAL HEARING: Major Development Plan and Landscape Modification / Waiver 716-718 South Street**

Granting Major Development Plan and Landscape Modification / Waiver Approvals pursuant to Sections 108-91.A.2.(a) and 108-517 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida for the reconstruction of 17 transient residential units and for the reduction of required landscaping associated with the proposed hotel redevelopment on property located at 716-718 South Street (RE #00036870-000000, AK #1037681) in the Historic Residential / Office (HRO) Zoning District; Providing conditions.

**Sponsors:** City Manager Scholl

**A motion was made by Commissioner Rossi, seconded by Commissioner Lopez, 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 15-090

**28 QUASI-JUDICIAL HEARING: Major Development Plan & Landscape Modifications / Waivers 1212, 1220 & 1222 Simonton Street**

Granting Major Development Plan and Landscape Modifications/Waiver Approvals pursuant to Sections 108-91.A.2.(a) and 108-517 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida for the redevelopment of a 22 room motel and one non-transient residential unit and for the reduction of required landscaping associated with the property located at 1212, 1220 and 1222 Simonton Street (RE #00028730-000000, 00028750-000000; AK #1029513, 1029530) in the Historic Neighborhood Commercial - Truman / Simonton (HNC-1) Zoning District; Providing conditions.

**Sponsors:** City Manager Scholl

**A motion was made by Commissioner Rossi, seconded by Commissioner Lopez, that the Resolution be Passed as amended, striking sentence two from Condition 10. The motion carried by the following vote:**

**No:** 1 - Commissioner Johnston

**Yes:** 6 - Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

Enactment No: Res 15-091

**ORDINANCES – FIRST READING**

**29** 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 and bicycle substitutions; Continuing the 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 the Ordinance, whichever occurs first; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** Commissioner Johnston

**A motion was made by Commissioner Rossi, seconded by Commissioner Johnston, that the Ordinance be Passed to Second Reading on March 17, 2015. 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)**

**30**

An Ordinance of the City of Key West, Florida, amending Chapter 30 of the Code of Ordinances entitled "Fire and Fire Prevention" by adding Sections 30-36 through 30-39 to provide a uniform fee structure for Emergency Medical Services; Adding Section 30-36 to provide Definitions; Adding Section 30-37 to provide Emergency Medical Service Rates and Adjustments; Adding Section 30-38 to provide for Collection of Emergency Medical Fees and Delinquency Fees; Adding Section 30-39 Consideration of Resident Waiver of Emergency Medical Fees; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Scholl

**A motion was made by Commissioner Yaniz, seconded by Commissioner Lopez, 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 15-04

#### **CITIZEN COMMENTS**

#### **COMMISSION COMMENTS**

#### **ADJOURNMENT**

**10:56 P.M.**