



# 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, September 16, 2014

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

6:10 P.M.

### ROLL CALL

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

**INVOCATION** - Kimberley Debus, M. Div, One Island Family

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**APPROVAL OF AGENDA**

**ORDINANCES - SECOND READING (Public Hearing)**

1 An Ordinance of the City of Key West, Florida, Adopting an Ad Valorem Tax General Municipal Millage Rate for FY 2014-2015; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Scholl

*A motion was made by Commissioner Wardlow, seconded by Commissioner Lopez to use 6 reserve days. The motion failed by the following vote:*

*No: 4 - Commissioners Johnston, Rossi, Weekley and Yaniz*

*Yes: 3 - Commissioners Lopez, Wardlow and Mayor Cates*

*Motion Failed.*

*A motion was made by Commissioner Lopez, seconded by Commissioner Wardlow to use 5 reserve days. The motion carried by the following vote:*

*No: 2 - Commissioners Johnston and Weekley*

*Yes: 5 - Commissioners Lopez, Rossi, Wardlow, Yaniz and Mayor Cates*

*Motion Passed.*

**A motion was made by Commissioner Rossi, seconded by Commissioner Lopez, that the Ordinance be Adopted. The motion carried by the following vote:**

**No:** 1 - Commissioner Wardlow

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

**Excused:** 0

Enactment No: Ord 14-18

**RESOLUTIONS (Public Hearing)**

2 Adopting the Final Budget for FY 2014-2015 and providing appropriations in accordance therewith.

**Sponsors:** City Manager Scholl

**A motion was made by Commissioner Johnston, seconded by Commissioner Lopez, that the City Clerk read into the record a public hearing to consider the tentative budget was conducted on September 4, 2014, at which the tentative budget was adopted at \$155,998,169.00 by fund and by major category in Resolution No. 14-260 and WHEREAS, a second public hearing for final adoption of the Fiscal Year 2014-2015 budget was held on September 16, 2014, at which the final budget was adopted at \$155,771,097.00 and for the Resolution to 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

**Excused:** 0

Enactment No: Res 14-261

**COMMENDATIONS**

**3** Recognizing Kevin Collins for serving on the Citizen Review Board.

**Sponsors:** Mayor Cates

**Received and Filed**

**PRESENTATIONS**

**4** Model Homeless Shelter - Mr. Keith Oropeza

**Sponsors:** City Manager Scholl

**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**

**5** \*September 4, 2014 (Special)

**Approved**

**RESOLUTIONS**

**6** \*Re-appointing David A. Jackson to the Tree Commission.

**Sponsors:** Mayor Cates

**Passed**

Enactment No: Res 14-262

- 7                    \*Authorizing the Key West Parrot Head Club, Inc. to conduct a Welcome Street Party on Wednesday, October 29, 2014 from 9:00 A.M. to 9:00 P.M.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Charles Street; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 9:00 A.M. to 9:00 P.M.; Authorizing the sale and consumption of alcoholic beverages with the enclosed area.
- Sponsors:**            City Manager Scholl
- Passed**
- Enactment No: Res 14-263
- 8                    \*Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to We've Got the Keys for a wedding ceremony and reception at the Hemingway House on Whitehead Street during the hours of 5:30 P.M. to 12:00 Midnight on Sunday, March 29, 2015.
- Sponsors:**            City Manager Scholl
- Passed**
- Enactment No: Res 14-264
- 9                    \*Approving a Mural to be painted at 516 White Street.
- Sponsors:**            City Manager Scholl
- Passed**
- Enactment No: Res 14-265
- 10                  \*Approving the attached Joint Participation Agreement (JPA) between the City and the Florida Department of Transportation (FDOT) for funding for a new Mooring Dolphin at the Mallory T-Pier in an amount not to exceed \$762,000.00 (Project FM 435035-1-94-01/Contract ARJ38); Authorizing necessary budget transfers; Authorizing the City Manager to execute the attached JPA.
- Sponsors:**            City Manager Scholl
- Passed**
- Enactment No: Res 14-266

- 11 \*Approving Change Order Number one from Douglas N. Higgins in an amount of \$15,825.40 for tasks and materials related to increased scope of work on the Navy Mole Pier Fender Replacement project (OM 1302).

**Sponsors:** City Manager Scholl

**Passed**

Enactment No: Res 14-267

- 12 \*Authorizing a Purchasing Exception pursuant to Section 2-797 of the Code of Ordinances, to allow a change order for PO 76386 to Government Services Group in the amount of \$13,800.00 for mailing of Solid Waste and Stormwater notices as part of Annual Non-Ad Valorem Assessment process (amended Purchase Order total of \$26,300.15).

**Sponsors:** City Manager Scholl

**Passed**

Enactment No: Res 14-268

- 13 \*Authorizing a Purchasing Exception pursuant to Section 2-797(1) of the Code of Ordinances, to allow an increase not to exceed \$16,150.00 in cumulative expenditures during FY13-14 to Metler Toledo on a sole source basis (\$16,150.00 increase to Purchase Order 77037 to a total of \$30,704.00).

**Sponsors:** City Manager Scholl

**Passed**

Enactment No: Res 14-269

- 14 \*Approving a Task Order under the City's General Services Contract with Douglas N. Higgins, Inc. in a total amount not to exceed \$42,008.01 for sidewalk replacement in the 300 Block of Whitehead Street and 400 Block of Eaton Street.

**Sponsors:** City Manager Scholl

**Passed**

Enactment No: Res 14-270

- 15** \*Authorizing the payment of insurance premiums from Preferred Governmental Insurance Trust (PGIT) as submitted by Public Risk Insurance Agency (PRIA) in the amount of \$1,026,883.00 for the City's Property and Casualty Insurance Premiums for Policy Year 2014/2015; Authorizing acceptance of the proposals received from Travelers, Hartford, Great American, Commerce & Industry, Illinois Union, Indian Harbor and the NFIP as submitted by Public Risk Insurance Agency (PRIA) for crime coverage (\$3,284.00), AD&D (\$5,801.00), Marine Coverage (\$62,544.00), Pollution Coverage (\$28,350.00) and Flood Coverage (\$68,211.00) respectively; Authorizing the City Manager to execute all documents consistent therewith.

**Sponsors:** City Manager Scholl

**Passed**

Enactment No: Res 14-271

- 16** \*Approving the attached Supplemental Joint Participation Agreement number two (SJPA #2) for contract ARB19 between the Florida Department of Transportation (FDOT) and the City of Key West, to amend the maximum participation or grant award from FDOT from \$433,406.00 542,452.00, reflecting an increase of \$109,046.00, to be used for operating expenses of the fixed route Bus Transit System.

**Sponsors:** City Manager Scholl

**Passed**

Enactment No: Res 14-272

- 17** \*Approving the return of \$59,785.26 and to the Federal Emergency Management Agency through the State of Florida; Returning, an additional \$53,893.16 to the State of Florida regarding an unintentional duplication of benefits for a Disaster Recovery Grant from Tropical Storm Isaac for the restoration of Smathers Beach.

**Sponsors:** City Manager Scholl

**Passed**

Enactment No: Res 14-273

- 18                    \*Approving the attached Stipulated Settlement Agreement in the case of Matthew Klosowski v. City of Key West (Case 2007-CA-1642-K); Authorizing the City Manager and the City Attorney to execute necessary documents.

**Sponsors:**        City Attorney Smith

**Passed**

Enactment No: Res 14-274

- 21                    **QUASI-JUDICIAL HEARING: EASEMENT & FEE WAIVER**  
\*Approving an Easement of 129 square feet, more or less, to address the encroachment of existing brick pavers into City Right-of-Way abutting the property located at 951-955 Caroline Street, Key West, Florida (RE # 00002970-000000; AK # 1003069); Providing fees and conditions.

**Sponsors:**        Commissioner Weekley

**Item has been Postpone to be heard at the October 21, 2014 Commission meeting.**

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

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

- 19                    Authorizing the City Manager to enter into an agreement with Deutsche Bank National Trust Company, property owner(s) in Code Compliance file No. 11-121 (1721 Johnson Street) permitting a Release of Lien upon payment by the owners of the amount of \$3,300.00.

**Sponsors:**        City Manager Scholl

**A motion was made by Commissioner Teri Johnston, seconded by Commissioner Mark Rossi, that the Resolution be Passed. The motion passed by an unanimous vote.**

Enactment No: Res 14-275

- 20                    Rescinding Resolution No. 14-214, regarding the nomination of property located at 1012 Fleming Street for acquisition by the Monroe County Land Authority.

**Sponsors:**        Commissioner Johnston

**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

**Excused:** 0

Enactment No: Res 14-276

22

**QUASI-JUDICIAL HEARING: MAJOR DEVELOPMENT PLAN, CONDITIONAL USE & LANDSCAPE WAIVER**

Granting Major Development Plan, Conditional Use and Landscape Waiver approvals pursuant to Sections 108-91.A.2., 108-517, 122-62 and 122-718 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida for the reconstruction of 2,500 or greater of gross floor area for the modification and continuation of public utility and parking lot uses and for the reduction of required Landscaping associated with the proposed renovation of the Keys Energy Office Building on property located at 1001 James Street (RE # 00001700-000000, AK # 1001767) in the Historic Residential Commercial Core - Key West Bight (HRCC-2) Zoning District; Providing conditions.

**Sponsors:** City Manager Scholl

**A motion was made by Commissioner Rossi, 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

**Excused:** 0

Enactment No: Res 14-277

**ORDINANCES – FIRST READING**



23

An Ordinance of the City of Key West, Florida, amending Chapter 26 entitled "Environment", by adding Article VI entitled "Unmanned Aircraft" to provide privacy and safety protections until such time as State or Federal Regulations preempt this Ordinance; Adding Section 26-300, Purpose and Intent; Adding Section 26-301, Definitions; Adding Section 26-302, Registration; Adding Section 26-303, Prohibitions; Adding Section 26-304, Exceptions; Adding Section 26-305, Penalty; Adding Section 26-306, Sunset Provisions; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** Commissioner Weekley

**A motion was made by Commissioner Rossi, seconded by Commissioner Lopez, that the Ordinance be amended to include language in Section 26-303(h) over any Beach within City limits and to Pass to Second Reading. The motion carried by the following vote:**

**No:** 1 - Commissioner Yaniz

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

**Excused:** 0

**CITIZEN COMMENTS**

**COMMISSION COMMENTS**

**ADJOURNMENT**

**8:51 P.M.**