



# 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 17, 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

6:10 P.M.

### ROLL CALL

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

### INVOCATION - Reverend Sarah Fowler, St. Peters Episcopal Church

### PLEDGE OF ALLEGIANCE TO THE FLAG

### APPROVAL OF AGENDA

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

### PROCLAMATIONS

1 Child Sexual Abuse Prevention Day

**Sponsors:** Commissioner Johnston

Received and Filed

2 Transportation Month

**Sponsors:** Mayor Cates

Received and Filed

- 3 Boys and Girls Club of the Keys Week

Sponsors: Mayor Cates

Received and Filed

**PRESENTATIONS**

- 4 Key West Community Services Department Facilities Maintenance Supervisor Brett Wright - 20 Year Service Award

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 \*March 3, 2015 (Regular)

Approved

**RESOLUTIONS**

- 6 \*Opposing Florida Senate Bill 586, which, if passed, would revise the distribution of Revenue from the tax on documents, substantially reducing affordable housing trust funds.

Sponsors: Commissioner Weekley

Passed

Enactment No: Res 15-094

- 7                    \*Authorizing for the FY 2014-15 Budget Year an expenditure not to exceed \$5,000.00 for the Annual 4th of July Fireworks, presented by the Key West Rotary Club.
- Sponsors:        Commissioner Yaniz
- Passed**
- Enactment No: Res 15-095
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- 8                    \*Authorizing Bauer Restaurant, Inc. dba Key West Songwriter's Festival to conduct a Songwriters Festival on Saturday, May 9, 2015 during the hours of 7:00 P.M. to 10:00 P.M. (set up 7:00 A.M.); Authorizing the closure of the 100 and 200 block of Duval Street including Greene Street from 7:00 A.M. to 12:00 Midnight; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 4:00 P.M. to 10:00 P.M.
- Sponsors:        City Manager Scholl
- Passed**
- Enactment No: Res 15-096
- 
- 9                    \*Authorizing pursuant to Sections 2-797 (3)(a)(b)(c) and 2-844 (a) of the Code of Ordinances the purchase of Eighteen (18) Getac B300 rugged notebook computers and related equipment from Hewlett-Packard in the amount of \$76,272.00, pursuant to State Contract #250-WSCA-10-ACS.
- Sponsors:        City Manager Scholl
- Passed**
- Enactment No: Res 15-097
- 
- 10                   \*Authorizing an increase in the amount payable for 4th Quarter Insurance Premiums to Public Risk Insurance Agency (PRIA) for the remaining policy period of 10/01/2014 - 10/01/2015 in an amount not to exceed \$70,000.00 (PO # 77551); Authorizing necessary Budget Transfers; Authorizing the City Manager to execute all documents consistent therewith.
- Sponsors:        City Manager Scholl
- Passed**
- Enactment No: Res 15-098

- 11                    \*Authorizing the purchase of one (1) clean diesel (low sulfur) Gillig 29' low floor BRT Bus and one (1) clean diesel (low sulfur) Gillig 35' low floor BRT Bus in a total amount not to exceed \$900,000.00 pursuant to State Contract, pursuant to Sections 2-797 (1)(3) and 2-844 (a) of the Code of Ordinances.
- Sponsors:        City Manager Scholl
- Passed**
- Enactment No: Res 15-099
- 12                    \*Approving the attached "Residential Space Lease Agreement" between the City of Key West and the Monroe County School District for storage space in the Glynn Archer Elementary School Gymnasium.
- Sponsors:        City Manager Scholl
- Passed**
- Enactment No: Res 15-100
- 13                    \*Approving the attached First Amendment to Agreement, to extend the Interlocal Agreement between the City of Key West, Monroe County and the City of Marathon for the Lower Keys Shuttle Bus service through April 4, 2020.
- Sponsors:        City Manager Scholl
- Passed**
- Enactment No: Res 15-101
- 14                    \*Approving the Attached Mutual Aid Agreement for Fire Rescue and Emergency Services between the City of Key West and Monroe County.
- Sponsors:        City Manager Scholl
- Passed**
- Enactment No: Res 15-102
- 15                    \*Approving a Revocable License Agreement with Whoduz, Inc. for the Green Market at Bayview Park.
- Sponsors:        City Manager Scholl
- Passed**
- Enactment No: Res 15-103

- 16                    **QUASI JUDICIAL HEARING: EASEMENT - 723 Olivia Street**  
\*Approving an Easement of 383 ± square feet along the Poorhouse Lane Right-of-Way, to address the encroachment of a portion of an existing two story single family home and chain link fence that extend onto City Right-of-Way abutting the property located at 723 Olivia Street,  
(RE # 00019590-000000, AK # 1020273), Key West, Florida;  
Providing fees and conditions.

**Sponsors:**            City Manager Scholl

**This Item was Postponed to April 7, 2015 Meeting.**

- 17                    \*Approving the use of Owner Direct Purchase to eliminate sales tax fees on selected project materials for construction of New City Hall at Glynn Archer School; Approving Burke Construction Group, Inc. to manage the Owner Direct Purchase program on behalf of the City for a negotiated fee of 10 percent on the total savings realized.

**Sponsors:**            City Manager Scholl

**Passed**

Enactment No: Res 15-104

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

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

- 18                    Supporting Florida Senate Bill 156 and Supporting Florida House Bill 33, creating the "Florida Competitive Workforce Act," to secure for all individuals in the State Freedom from Discrimination because of or based on the perception of Race, Color, Religion, Sex, National Origin, Age, Sexual Orientation, Gender Identity or Expression, Handicap, or Marital Status; Authorizing the City Clerk to transmit Certified Copies of the Resolution.

**Sponsors:**            Commissioner Weekley

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

Enactment No: Res 15-105

- 19 Opposing Florida House Bill 583 and Florida Senate Bill 1464, which, if passed, would provide that public restrooms are restricted to persons of the sex for which the facility is designated, effectively requiring citizens, including Transgender Citizens, to be able to provide documentation of their Biological Gender, or "Papers to Pee", in order to go about their daily lives.

**Sponsors:** Commissioner Weekley and Commissioner Lopez

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

Enactment No: Res 15-106

- 20 Approving and authorizing the City Manager to execute the attached agreement between the City of Key West, Florida, and the Conch Republic Independence Celebration, LLC., A.H. of Monroe County, Inc., Key West Cultural Preservation Society, Inc., Bourbon Street Pub, Inc., Petronia St. Neighborhood Associations, Inc., for the 2015 Conch Republic Independence Celebration from April 17 through April 26, 2015; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

**Sponsors:** City Manager Scholl

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

Enactment No: Res 15-107

- 21 Designating the City Right-of-Way at the street entrance on 14th Street to the Wickers Field Sports Complex "Bill Cates Circle".

**Sponsors:** City Manager Scholl

**A motion was made by Commissioner Billy Wardlow, seconded by Commissioner Jimmy Weekley, for Discussion, that the Resolution be Passed. The motion passed by an unanimous vote.**

Enactment No: Res 15-108

- 22 Authorizing the City Manager to enter into the attached "Agreement to prepare Amendments to the Land Development Regulations of the City of Key West" between the City and Calvin, Giordano & Associates, Inc. in an amount not to exceed \$143,700.00; Authorizing the associated Budget Transfer.

**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:**

**No:** 1 - Commissioner Yaniz

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

Enactment No: Res 15-109

23

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 2014-15 for operating expenses of the Fixed Route Bus Transit System in Key West in an amount not to exceed \$441,473.00 (50% of the program cost) [FDOT Financial Project Number 42778318401, Contract #ARR90]; Authorizing the City Manager to execute necessary documents and necessary budget amendments.

**Sponsors:** City Manager Scholl

**A motion was made by Commissioner Billy Wardlow, seconded by Commissioner Clayton Lopez, that the Resolution be Passed. The motion passed by an unanimous vote.**

Enactment No: Res 15-110

24

Directing the City Manager to cease expenditures towards development of the Easter Seals property for a Homeless Safe Zone shelter until such time as a report detailing the description of facilities, estimated costs and the permissible number of occupants is prepared.

**Sponsors:** Commissioner Wardlow

**A motion was made by Commissioner Rossi, seconded by Commissioner Wardlow, that the Resolution be passed as amended by including the language "outside expenses". The motion carried by the following vote:**

**No:** 1 - Commissioner Weekley

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

Enactment No: Res 15-111

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, selecting J. Jefferson Overby as the Code Compliance Special Magistrate and 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 15-112

#### **ORDINANCES – FIRST READING**

**26**

An Ordinance of the City of Key West, Florida, amending Chapter 46, Section 246 of the Code of Ordinances to increase the post retirement supplement paid to retirees of the Police Officers' and Firefighters' Retirement Plan; Creating Chapter 46, Section 328 of Code of Ordinances to provide for an Ad-Hoc Thirteenth Check to be paid funded by net investment returns of the plan over nine percent; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** Commissioner Yaniz

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

**Recuse:** 1 - Commissioner Wardlow

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



27

An Ordinance of the City of Key West, Florida, amending Chapter 14 of the Code of Ordinances entitled "Buildings and Building Regulations" by amending Section 14-2 to amend Administrative Fees, add Permit Fees, Mechanical Fees, add Electrical Fees, add Plumbing Fees and After-the-fact Penalty Fees; Amending Section 14-31 to update Adopted Construction Codes; Amending Section 14-35 to repeal Section 107.4 Schedule of Permit Fees; Amending Section 14-36 to Clarify the Chief Building Official's Duties; Amending Section 14-37 to clarify Exceptions and Requirements for Professional Plans and Display of Address; Amending Section 14-38 to clarify Minimum Floor Elevation, Requiring a Total Height Certificate; Amending Section 14-39, Hurricane Requirements; Amending Section 14-40 regarding permits in Historic Districts; Adding Section 14-41 Cistern Safety Program; Adding Section 14-42, Construction Site Requirements; Amending Section 14-76 to Update Parties to be Notified of Demolition in the Historic District; Amending Section 14-150 to amend Insurance Coverage Requirements; Amending Section 14-181 to add a Definition of Vessel, Houseboat, etc.; Amending Section 14-186 to correct a scrivener's error; Amending Section 14-192 to Adjust Guardrail Load Requirements; Repealing Section 14-259, Permit Fees; Amending Section 14-291, Adoption of Electrical Code; Repealing Section 14-324, Employment of Refrigeration and Air Conditioning Mechanics; Amending Section 14-325, Permits Required; Amending Section 14-326, to Clarify Plans and Specifications Requirements; Amending Section 14-328 to Require Side Yard Setbacks Clear and Accessible; Repealing Section 14-358, Amendments to Florida Plumbing Code; Amending Section 14-360 to Correct Name of Community Services Department; Repealing Section 14-361, Excavations, and replacing it with a new Section 14-361, Side Yard Setbacks; Amending Section 14-364 to require Stormwater to be Retained on Individual Lots; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Scholl

**A motion was made by Commissioner Rossi, seconded by Commissioner Lopez, for Discussion, that the Ordinance be Passed to Second Reading. 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 122, Article V, Division 3 of the Code of Ordinances by amending Section 122-1149 entitled "Height" to provide for re-ordering existing provisions and adding a new Sub-Section entitled "Flood Protection Building Height Exception"; 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 Johnston, that the Ordinance be Passed to Second Reading. 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 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 Weekley, seconded by Commissioner Johnston, for Discussion, 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 15-05

#### **CITIZEN COMMENTS**

#### **COMMISSION COMMENTS**

#### **ADJOURNMENT**

8:28 P.M.

**CODE COMPLIANCE SPECIAL  
MAGISTRATE RFP 04-015**

**Highest Points Prevails**

	<b>J. Jefferson Overby</b>	<b>Jed R. Schneck</b>	<b>David Van Loon</b>
Commissioner Johnston	1		
Commissioner Lopez			1
Commissioner Rossi	1		
Commissioner Wardlow			1
Commissioner Weekley	1		
Commissioner Yaniz			1
Mayor Cates	1		
<b>TOTALS</b>	<b>4</b>	<b>0</b>	<b>3</b>
<b>1st Choice</b>	<b>J. Jefferson Overby</b>		

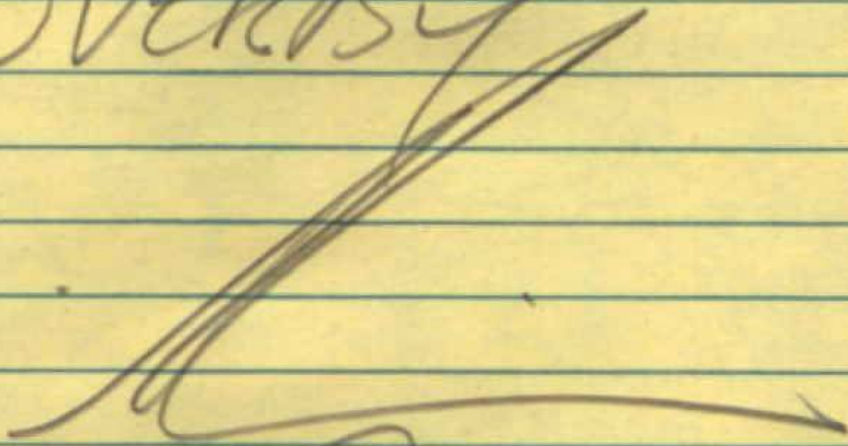
Judge Overby

Tris John

VAN LOON

Clayton

OVERBY



ROSE

DAVE  
VANHOOP

Billy Hardlow

J. Weekley

Jimmy Weekley



Van Loon

Tony Ypn12

JEFF OVERBY

Ray Cates

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Wardlow, William		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE City Commission	
MAILING ADDRESS P.O. Box 1409		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Key West	COUNTY Monroe	<input checked="" type="checkbox"/> CITY	<input type="checkbox"/> COUNTY
DATE ON WHICH VOTE OCCURRED March 17, 2015		NAME OF POLITICAL SUBDIVISION:	
		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTEE	

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, William Wardlow, hereby disclose that on MARCH 17, 2015:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

An Ordinance of the City of Key West, Florida, Amending Chapter 46, Section 246 of the Code of Ordinances to increase the Post Retirement supplement paid to Retirees of the Police Officers' and Firefighters' Retirement Plan; Creating Chapter 46, Section 328 of the Code of Ordinances to provide for an Ad-Hoc Thirteenth check to be paid funded by net investment returns of the plan over nine percent; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date

March 17, 2015  
Date Filed

William R. Wardlow  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.