



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Wednesday, February 18, 2015

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 305-809-3731 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

Absent 1 - Commissioner Weekley

Present 6 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Yaniz and Mayor Cates

INVOCATION - Pastor Steve Torrence, Metropolitan Community 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 Recognizing Dan Probert for serving on the Key West Bight Management District Board.

Sponsors: Mayor Cates

Received and Filed

PROCLAMATIONS

2 Water Quality Awareness Month

Sponsors: Mayor Cates

Received and Filed

3 Mick Kilgos Day

Sponsors: Commissioner Yaniz

Received and Filed

PRESENTATIONS

4 State of the City - Mayor Cates

Sponsors: Mayor Cates

Received and Filed

5 Florida Keys National Marine Sanctuary - Sanctuary Superintendent Sean Morton

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

6 *January 28, 2015 (Special)

Approved

7 *February 3, 2015 (Regular)

Approved

RESOLUTIONS

- 8 *Re-appointing Frank Balbuena, Sr., Domingo Castellanos and Merrell F. Sands to the Key West Contractors Examining Board.
- Sponsors: Mayor Cates
- Passed**
- Enactment No: Res 15-052
- 9 *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
- Item Postponed to March 3, 2015 meeting.**
- 10 *Authorizing 320 Grinnell, LLC to conduct the St. Patrick's Day Celebration on March 17, 2015, from 9:00 a.m. to Midnight; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of James Street between Grinnell and Margaret Streets from 9:00 a.m. to Midnight; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 10:00 a.m. to Midnight; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 15-053
- 11 *Authorizing McConnell's Irish Pub & Grill Corp. to conduct the St. Patrick's Day celebration on March 17, 2015 from 10:00 A.M. to 11:00 P.M.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of the 900 Block of Duval Street from 10:00 A.M. to 11:00 P.M.; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 12:00 Noon to 11:00 P.M.; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 15-054

- 12 *Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to Rotary Club of Key West, Florida, Inc. for a Reggae Concert at Clarence Higgs Beach from the hours of 6:00 P.M. to 11:00 P.M. on Saturday, March 28, 2015 (set up time is 8:00 A.M. to 5:00 P.M.).

Sponsors: City Manager Scholl

Passed

Enactment No: Res 15-055

- 13 *Authorizing A.H. of Monroe County, Inc. to conduct their annual Taste of Key West at the Truman Waterfront East Quay Wall on Monday, April 13, 2015 from 6:00 P.M. to 9:00 P.M.; (set up starting at 8:00 A.M.); 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 Ordinance from 5:00 P.M. to 10:00 P.M.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 15-056

- 14 *Approving the attached Supplemental Number Four (4) to the Joint Participation Agreement (JPA) for Contract AQN20 between the Florida Department of Transportation (FDOT) and the City of Key West, to amend the maximum participation or grant award from FDOT from \$3,225,600.00 to \$3,825,600.00, reflecting an increased amount to be used for construction costs or related capital expenses of the New Transit Facility at 5701 College Road, Key West, Florida.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 15-057

- 15 *Authorizing the approval of the attached agreement with Arcadis U.S., Inc. (formerly known as Malcolm Pirnie/Red Oak) in an amount not to exceed \$30,000.00 to provide a general fund cost allocation study update.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 15-058

- 16 *Approving the attached "Agreement" between Enterprise Florida, Inc. (EFI) for the Florida Defense Support Task Force (FDSTF) and the City of Key West for funding to enhance access to U.S. Navy Facilities via Truman Waterfront Park in an amount not to exceed \$100,000.00; Authorizing the City Manager to execute the Agreement.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 15-059

- 17 *Awarding the Bid of Fullcover Roofing Systems, Inc. Police Station Roof Replacement of the Key West Police Station Roof in an amount not to exceed \$194,437.00 in accordance with the terms specified in ITB 15-001; Authorizing the City Manager to execute a Contract on behalf of the City of Key West.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 15-060

- 18 *Authorizing pursuant to Section 2-771(c) of the Code of Ordinances the disposal of seven (7) City-owned vehicles.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 15-061

- 19 *Approving transfer of Mobile Vendor License (MVL) #12771 from Natasha Matazzo to Domenico Amarena due to hardship.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 15-062

- 20 *Approving the attached Letter of Understanding between the City and the International Association of Firefighters (IAFF) Local 1424 for integrated Emergency Medical Services for the period of April 1, 2015 through September 30, 2015; Authorizing the City Manager to execute all documents consistent therewith.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 15-063

- 21 *Approving the attached "Board of Trustees of the Internal Improvement Trust Fund of the State of Florida - Sovereignty Submerged Lands Fee Waived Lease renewal" (BOT File No. 440769265) between the City and the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (BOT) for a portion of baybottom in the Mallory Square Area; Authorizing payment of the lease renewal fee in the amount of \$619.00.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 15-064

- 22 *Approving the attached Easement Agreement between the City and the Monroe County School District to allow construction of sidewalk improvements on a portion of May Sands School property located at 1400 United Street, Key West, Florida; Providing fees and condntions.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 15-065

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.

- 23 Authorizing the City Manager to apply for and accept a 2014-2015 Florida Department of Transportation (FDOT) Highway Safety Grant in the amount of \$80,000.00 for the "Not One More: Police Traffic Services Enforcement Campaign" (Project No. PT-14-12-11) through the US Department of Transportation National Highway Traffic Safety Administration Grant to the Florida Department of Transportation.

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 15-066

- 24 Approving a one-year extension of the contract between the City and Douglas N. Higgins, Inc., for the Ashpalt Paving Project (Project #GN-1202).
- Sponsors:** City Manager Scholl
- A motion was made by Commissioner Johnston.
Motion died due to lack of second.*
- A motion was made by Commissioner Wardlow to deny Resolution, seconded by Commissioner Lopez, for Discussion.
Motion was withdrawn by Commissioners Wardlow and Lopez.*
- A motion was made by Commissioner Wardlow, seconded by Commissioner Rossi, for Discussion, to amend and Pass the Resolution by extending the contract by 180 days (6 months). The motion carried by the following vote:**
- No:** 2 - Commissioner Johnston and Mayor Cates
- Absent:** 1 - Commissioner Weekley
- Yes:** 4 - Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow and Commissioner Yaniz
- Enactment No: Res 15-067
- 25 Approving the attached "Submerged Land Lease" for City owned submerged lands in Garrison Bight adjacent to 801 Eisenhower Drive between the City and Strombus Corporation.
- 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:**
- Absent:** 1 - Commissioner Weekley
- Yes:** 6 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Yaniz and Mayor Cates
- Enactment No: Res 15-068
- 26 Approving the attached mediation agreement in the case of Treavor Eimers, as personal representative of the Estate of Charles Eimers v. City of Key West et al. (Case 2015-CV-10028); Authorizing the City Manager and the City Attorney to execute necessary documents.
- Sponsors:** City Attorney Smith
- A motion was made by Commissioner Rossi, seconded by Commissioner Yaniz, that the Resolution be Passed. The motion carried by the following vote:**
- Absent:** 1 - Commissioner Weekley
- Yes:** 6 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Yaniz and Mayor Cates

Enactment No: Res 15-069

27

Authorizing a waiver of Building Permit and associated Fees for the Michelle Keevan Halpern Center for learning located at 1908 Flagler Avenue, in an amount not to exceed \$24,000.00.

Sponsors: Commissioner Lopez and Commissioner Yaniz

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

Absent: 1 - Commissioner Weekley

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

Enactment No: Res 15-070

28

QUASI-JUDICIAL HEARING: Major Development Plan - 1315 Whitehead Street

Granting Major Development Plan approval pursuant to Sections 108-91.A.2.(a) and 122-627 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida for the construction of seven (7) permanent residential units on property located at 1315 Whitehead Street (RE #00036180-000000; AK #1037044) in the Historic High Density Residential (HHDR) Zoning District; Providing Conditions.

Sponsors: City Manager Scholl

Meeting went into Recess

Meeting Reconvened

A motion was made by Commissioner Lopez, seconded by Commissioner Rossi, to amend and Pass the Resolution with the conditions set by City staff and the applicant. The motion carried by the following vote:

Absent: 1 - Commissioner Weekley

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

Enactment No: Res 15-071

ORDINANCES – FIRST READING

29

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, 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 Johnston, to Amend and Pass the Ordinance to Second Reading by removing Section 2 titled "Administrative Waiver Qualification" and Section 3 titled "Resident Qualification". The motion carried by the following vote:

Absent: 1 - Commissioner Weekley

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

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

8:40 P.M.