



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Tuesday, March 17, 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

6:10 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

- 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.