



# 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, June 16, 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

6:04 P.M.

### ROLL CALL

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

### INVOCATION - Pastor Ozzie Vater, Fifth Street Baptist Church

### PLEDGE OF ALLEGIANCE TO THE FLAG

### APPROVAL OF AGENDA

*It was moved by Commissioner Rossi, seconded by Commissioner Johnston to approve the agenda as changed.*

### PRESENTATIONS

**City Attorney's Report**

**City Manager's Report**

- Update of the Truman Waterfront Park Phase I Design

**Attachments:** [Presentation](#)

**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**

1 \*June 2, 2015 (Regular)

**Attachments:** [Minutes](#)

**Passed**

**RESOLUTIONS**

2 \*Urging the Florida Legislature to allow local control of smoking regulations; Urging Citizens to recognize the negative impact of second hand smoke and to refrain from smoking or using tobacco products on City Property; Directing the City Clerk to provide certified copies of this Resolution to certain members of the Florida Legislature and to Governor Scott.

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

**Attachments:** [Resolution](#)  
[Florida Statutes Chapter 386 Part II](#)  
[Florida Attorney General Legal Opinion 2005-63](#)  
[Letter from Barbara Ramey](#)

**Passed**

Enactment No: Res 15-201

3 \*Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to the Key West Rotary Club Foundation, Inc. for a Rock Concert at East Martello Towers during the hours of 2:00 P.M. to 11:00 P.M. on Sunday, July 26, 2015.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Application](#)  
[Advertisement](#)

**Passed**

Enactment No: Res 15-202

- 4** \*Approving the attached Collective Bargaining Agreement between the City of Key West and the Florida Police Benevolent Association, Inc. (Key West Chapter) from October 1, 2014 to September 30, 2017.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Letter from PBA](#)  
[\\*Large File\\* Collective Bargaining Agreement from 2014 to 2017](#)  
[Appendix A - Step Pay Plan](#)  
[\\*Large File\\* Appendix B - Drug Free Workplace Policy](#)  
[Appendix C - KYPD Performance Evaluation Form](#)  
[Appendix D - Explanation](#)

**Passed**

Enactment No: Res 15-203

- 5** \*Approving Task Order 02-2015-STM for Arcadis U.S., Inc. in an amount not to exceed \$20,000.00 to provide a rate study for preparation of the City's 2016 Stormwater Billing.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Task Order 02-2015-STM](#)  
[Contract](#)  
[Resolution 15-162](#)

**Passed**

Enactment No: Res 15-204

- 6 \*Approving Task Order 03-2015-SWR for Arcadis U.S., Inc. in an amount not to exceed \$20,000.00 to provide a rate study for preparation of the City's 2016 Sewer Billing.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Task Order 03-015-SWR](#)  
[Contract](#)  
[Resolution 15-162](#)

**Passed**

Enactment No: Res 15-205

- 7 \*Approving Task Order 01-2015-SW for Arcadis U.S., Inc. in an amount not to exceed \$20,000.00 to provide a Solid Waste Rate Study for preparation of the City's 2016 Solid Waste Billing.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Task Order 01-2015-SW](#)  
[Contract](#)  
[Resolution 15-162](#)

**Passed**

Enactment No: Res 15-206

- 8 \*Renewing for two years the General Architectural Services Contracts with two (2) Firms, originally awarded in Resolution 12-220.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Hayes Cumming Architects Extension](#)  
[Saltz Michelson Architects Extension](#)  
[\\*Large File\\* Resolution 12-220](#)

**Passed**

Enactment No: Res 15-207

9

\*Renewing for two years the General Engineering Services Contracts with eight (8) Firms, originally awarded in Resolution 12-280; Consenting to assign the contract for General Engineering Services with AMEC Environment & Infrastructure, Inc. to AMEC Forster Wheeler Environment & Infrastructure, Inc.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[AMEC Forster Wheeler extension request](#)  
[Black & Veatch Corporation extension request](#)  
[Calvin, Giordano & Associates, Inc. extension request](#)  
[CDM Smith extension request](#)  
[CH2M Hill extension request](#)  
[Chen Moore & Associates extension request](#)  
[Perez Engineering & Development, Inc extension request](#)  
[Stantec extension request](#)  
[\\*Large File\\* Resolution 12-280](#)  
[Resolution 13-111](#)

**Passed**

Enactment No: Res 15-208

10

\*Renewing for two years a General Landscape Architectural Services Contract with four (4) Firms, originally awarded in Resolution 12-221.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[\\*Large File\\* Resolution 12-221](#)  
[Bermello Ajamil & Partners, Inc. extension request](#)  
[EDSA extension request](#)  
[Savino Miller Design Studio extension request](#)  
[Elizabeth Newland extension request](#)

**Passed**

Enactment No: Res 15-209

- 11 \*Accepting pursuant to Section 2-797 (4) of the Code of Ordinances the proposal of Owens Oil Company to provide Diesel Fuel in an amount not to exceed \$150,000.00 for City vehicles on an as-necessary basis during relocation of fuel tanks to the new Transit Facility; Additionally accepting the proposal of Dions Exxon/Mobil to provide Diesel Fuel in an amount not to exceed \$150,000.00 during the relocation of Fuel Tanks to the new Transit Facility.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Fuel Usage & Transit Cost](#)  
[Owens Oil Company procedures](#)  
[Owens Oil Company proposal](#)  
[Dions proposal](#)

**Passed**

Enactment No: Res 15-210

- 12 \*Approving and authorizing the Bahama Village Goombay Festival, Inc. to conduct a Goombay Festival on October 23 & 24, 2015 from 12:00 Noon to 12:00 Midnight; Authorizing the closure of Petronia Street between Duval Street and Fort Street including the Truman Waterfront recreational fields; Authorizing the consumption of alcoholic beverages within the barricaded area of the Festival; Granting an exemption from the Noise Control Ordinances pursuant to Section 6-86 of the Code of Ordinances during the Festival.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[\\*Large File\\* Application](#)  
[Advertising](#)  
[Maps](#)

**This Item was Postponed to July 7, 2015 meeting.**

13

\*Approving and authorizing the Key West Goombay Festival, Inc. to conduct a Goombay Festival on Friday, October 23 & 24, 2015 from 10:00 A.M. to 1:00 A.M.; Authorizing the closure of Petronia Street between Duval Street to Fort Street including the Truman Waterfront Recreational Fields; Authorizing the consumption of alcoholic beverages within the barricaded area of the Festival; Granting an exemption from the Noise Control Ordinance pursuant to Section 6-86 of the Code of Ordinances during the Festival.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[\\* Large File \\* Application](#)  
[Advertisement](#)  
[Letter from Ken Sullivan](#)

**This Item was Postponed to July 7, 2015 meeting.**

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

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

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

14

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

**Attachments:** [Ordinance](#)  
[Actuarial Impact Statement for Plan Amendment](#)  
[Letter from Key West Police and Fire Pension Board Trustees](#)  
[Letter from City's Labor Attorney Paul T. Ryder, Jr. legal opinion](#)  
[Letter from The Bogdhan Group](#)  
[Letter from the International Association of Firefighters Local 1424](#)  
[Letter from the Dade County Police Benevolent Association](#)  
[Letter from Cheri Smith, Chair General Employee Pension Fund](#)  
[Letter from Sandy Gilbert, Retiree](#)  
[Letter from Bill Fortune, Retiree and Trustee of Police & Firefighters Pension Fund](#)  
[Letter from Stephen Hatch](#)  
[Letter from Buzz Wagner](#)

**A motion was made by Commissioner Yaniz, seconded by Commissioner Lopez to amend the Ordinance by removing the retroactivity language from Section 46-246 (a) and that the Ordinance be Passed on Second Reading. The motion failed by the following vote:**

**No:** 3 - Commissioner Johnston, Commissioner Rossi and Commissioner Weekley

**Recuse:** 2 - Commissioner Wardlow and Mayor Cates

**Yes:** 2 - Commissioner Lopez and Commissioner Yaniz

**RESOLUTIONS - CONTINUED**



- 15 Urging all members of the Monroe County Legislative Delegation to oppose legislation which could allow fracking in the State of Florida; Urging Florida Legislation to ban fracking in the State of Florida; Directing the City Clerk to provide certified copies of this Resolution to certain members of the Florida Legislature and to Governor Scott.

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

**Attachments:** [Resolution](#)

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

Enactment No: Res 15-211

- 16 Authorizing and Directing the City Manager and the City Attorney to negotiate for access across Admiral's Cut.

**Sponsors:** Commissioner Weekley

**Attachments:** [Resolution](#)

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

Enactment No: Res 15-212

- 17 Authorizing and Directing the City Manager and the City Attorney to negotiate for potential acquisition of Peary Court property for use as Affordable Housing.

**Sponsors:** Commissioner Weekley

**Attachments:** [Resolution](#)

**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 15-213

- 18 Granting a Special Event Permit pursuant to Section 6-86 of the Code or Ordinances to Just Save the Date, LLC for a rehearsal dinner at the Southernmost House during the hours of 7:00 P.M. to 11:00 P.M. on Friday, October 9, 2015.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Application](#)  
[Advertisement](#)

**A motion was made by Commissioner Johnston, seconded by Commissioner Lopez, that the Resolution be Postponed to July 7, 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

- 19 Approving a temporary exemption to certain provisions of the Sound Control Ordinance, pursuant to Section 26-199 of the Code of Ordinances, for RS&H, on behalf of the Florida Department of Transportation (FDOT), for the repaving of Truman Avenue between Eisenhower Drive and Whitehead Street; Providing conditions.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[FDOT Night Work Request](#)  
[\\*Large File\\* Truman Avenue Plans](#)  
[City of Key West's Code Section 26-192](#)  
[City of Key West's Code Section 26-199](#)

**A motion was made by Commissioner Rossi, seconded by Commissioner Lopez, to amend Section 1 to Monday through Thursday and that the Resolution be Passed as amended. 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 15-214

20 Appointing two members to the Citizens Review Board (CRB).

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Deborah Dingler Application](#)  
[Joseph Pais Application](#)  
[Elvin Quinones Application](#)  
[Chuck VanSoye Application](#)  
[\\*Large File\\* Richard Wagner Application](#)

*The Deputy Clerk passed out Ranking forms for the Commission to complete.*

*A motion was made by Commissioner Johnston, seconded by Commissioner Lopez, that the selection of Joseph Pais to fill the 4 year term vacancy on the Board be accepted and the Resolution be Passed. The motion passed by an unanimous vote.*

**A motion was made by Commissioner Rossi, seconded by Commissioner Wardlow to accept the ranking and selection of Deborah Dingler to fill the remaining term of 3 years on the Board.**

**The motion passed by an unanimous vote.**

Enactment No: Res 15-215

21 Ranking the responses to Request for Proposals (RFP) No. 06-015; Code Compliance Special Magistrate; Authorizing the City Manager to negotiate a contract for approval by the City Commission.

**Sponsors:** City Manager Scholl

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[City's Request for Proposal #06-015](#)  
[Staff ranking spreadsheet](#)  
[Albert L. Kelley proposal](#)  
[David Van Loon proposal](#)  
[J. Jefferson Overby proposal](#)  
[Donald E. Yates proposal](#)

*The Deputy Clerk passed out Ranking forms for the Commission to complete.*

**A motion was made by Commissioner Mark Rossi, seconded by Commissioner Billy Wardlow, to select Donald Yates as the Special Magistrate and J. Jefferson Overby as the Alternate and that the Resolution be Passed. The motion passed by an unanimous vote.**

Enactment No: Res 15-216

**CITIZEN COMMENTS**

**COMMISSION COMMENTS**

**ADJOURNMENT**

**9:14 P.M.**