



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Tuesday, April 7, 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 - Mayor Cates

Present 6 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley and Commissioner Yaniz

INVOCATION - Fr. John Baker, Basilica St. Mary's Star of the Sea

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

It was moved by Commissioner Johnston and seconded by Commissioner Lopez to approve the Agenda as amended.

PROCLAMATIONS

1 Earth Day and Arbor Day

Sponsors: Mayor Cates, Commissioner Rossi, Commissioner Johnston, Commissioner Yaniz, Commissioner Wardlow, Commissioner Lopez and Commissioner Weekley

Received and Filed

2 Relay For Life Days

Sponsors: Mayor Cates

Received and Filed

3 Youth Success Day 2015

Sponsors: Mayor Cates

Received and Filed

4 Fair Housing and Community Development Month

Sponsors: Mayor Cates

Received and Filed

5 Paralyzed Veterans of America Awareness Month

Sponsors: Mayor Cates

Received and Filed

6 Rosalind Brackenbury 2015 Poet Laureate

Sponsors: Commissioner Weekley and Mayor Cates

Received and Filed

7 Community Health Improvement Plan for Monroe County Month

Sponsors: Commissioner Lopez and Mayor Cates

Received and Filed

PRESENTATIONS

8 Historic District Signage Task Force - Jim Gilleran

Sponsors: Commissioner Johnston

Received and Filed

9 CHIP - Alison Morales Kerr, MPH - Florida Department of Health in Monroe County

Sponsors: Commissioner Lopez

Not Received

City Attorney's Report

City Manager's Report

- Affordable Housing Options in Key West - An Update

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

10 *March 17, 2015 (Regular)

Approved

RESOLUTIONS

11 *Appointing Mayor Craig Cates, Commissioner Clayton Lopez and City Clerk Cheryl Smith to serve on the Canvassing Board for the Municipal Election of October 6, 2015 and the Run-off Election, if any, November 3, 2015.

Sponsors: Mayor Cates and Commissioner Lopez

Passed

Enactment No: Res 15-118

12 *Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to Michelle's Foundation, Inc. as a fundraiser for the Cancer Foundation of the Florida Keys at the Southernmost House, 1400 Duval Street, during the hours of 6:00 P.M. to 11:00 P.M. on Saturday, April 11, 2015.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 15-119

- 13 *Authorizing Hospice of Florida Keys, Inc. to conduct the Queen Mother Pageant on Monday, May 11, 2015 at La Te Da 1125 Duval Street from 12:00 Noon to 11:00 P.M.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of the 1100 block of Duval Street from 12:00 Noon to 11:00 P.M.; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 8:00 P.M. to 10:45 P.M. (Sound Check 4:00 P.M. to 5:00 P.M.); Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 15-120

- 14 *Authorizing Key West Cultural Preservation Society, Inc. to conduct a five-day Maritime History-themed Festival featuring two Class A Historic Sailing Tall Ships at Mallory Square Dock & Plaza on May 28 22 through ~~June 4~~ May 25, 2015 from 10:00 A.M. to 10:00 P.M., and ~~the use of the East Quay Wall for dockage space for the Historic Ships~~; Pursuant to terms and conditions set forth by the City Manager; Authorizing the sale and consumption of alcoholic beverages within an enclosed area.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 15-121

- 15 *Authorizing the Rotary Club of Key West, Florida, Inc. to conduct a fundraiser at McCoy Indigenous Park and Fireworks on the White Street Pier July 4, 2015 (Set up July 2, 2015 starting at 7:00 A.M. through July 5, 7:00 A.M.); Authorizing fireworks display off the White Street Pier on July 4, 2015 from 9:00 P.M. to 10:00 P.M.; Granting an exemption from the Noise Control Ordinances pursuant to Section 6-86 of the Code of Ordinances during the July 4th Fireworks Celebration; Authorizing the sale and consumption of alcoholic beverages at McCoy Indigenous Park.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 15-122

- 16 *Authorizing Mel Fisher Days, Inc. to conduct a 2015 Celebration of the Finding of the Atocha on Saturday, July 11, 2015 during the hours of 12:00 Noon to 10:00 P.M.; Authorizing the closure of the 200 & 300 blocks of Duval Street from Greene to Eaton Street and Caroline from Telegraph to Ann from 9:00 A.M. to 11:50 P.M.; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 10:00 A.M. to 10:30 P.M.; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 15-123
- 17 *Naming the Truman Waterfront Recreational Field as the "Matthew L. Gilleran Recreation Field".
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 15-124
- 18 *Authorizing discounted (20 cents) bus fares on Key West Public Transportation on April 23, 2015; Encouraging residents and visitors to use public transportation throughout the year.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 15-125
- 19 *Approving the attached "Municipality Election Services Agreement" with the Monroe County Supervisor of Elections; Authorizing the City Manager and the City Clerk to execute the Agreement.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 15-126
- 20 *Authorizing the expenditure of up to \$7,000.00 from the Law Enforcement Officers Trust Fund (State Forfeiture Funds) for the Key West Police Explorers Program.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 15-127

- 21 *Awarding the bid of Life Extension Clinics, Inc. dba Life Scan Wellness Centers of Tampa Florida in response to ITB #15-011: Hazardous Materials (HAZ-MAT) Physicals for a period of up to three years at a cost of \$500.00 per candidate; Authorizing the City Manager to execute an Agreement upon consent of the City Attorney.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 15-128

- 22 *Authorizing the purchase of a Rockwell Variable Frequency Drive (VFD) from Rexel, Inc., on a Sole Source Basis in accordance with City Code Section 2-797(1), in the total amount of \$53,706.00.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 15-129

- 23 *Authorizing a Purchasing Exception pursuant to Section 2-797 of the Code of Ordinances, to allow an increase of \$18,200.00 in cumulative expenditures during FY 14-15 to Banner Tire from \$25,000.00 to a total of \$43,200.00.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 15-130

- 24 *Authorizing the 60-month Lease of a Duncan Solutions Mobile Computers (Parking Citation Handhelds) plus accessories in an amount not to exceed \$28,512.00 per year (\$2,376.00/month for a 60 month term, plus supplies) pursuant to Section 2-797(4)(b) of the Code of Ordinance; Authorizing the City Manager to execute a Lease in conformance with the terms contained in the price quote, upon the consent of the City Attorney.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 15-131

- 25 *Approving a Task Order under the City's General Services Contract with D. N. Higgins, Inc. in a total amount not to exceed \$38,183.80 to replace 23 sanitary manhole rings and covers along Truman Avenue.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 15-132
- 26 *Approving the attached Third Amendment to Lease Agreement between the City and Island Tranquility, Inc. for property in the 700 block of Eisenhower Drive.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 15-133
- 27 *Approving the attached Amendment to Easement Agreement between the City of Key West and Harborside, LLC (for portions of property located at 200 William Street).
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 15-134
- 28 *Approving the attached Settlement Agreement in Craig Allen vs. The City of Key West, Worker's Compensation Case Number 14-5923RDM in the amount of \$130,000.00; Authorizing the City Manager to execute all Settlement Documents consistent therewith, with the advice and consent of the City Attorney.
- Sponsors: City Attorney Smith
- Passed**
- Enactment No: Res 15-135

Approval of the Consent Agenda

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

- 29 Restricting City funded travel to the State of Indiana and any other state which passes such discriminatory measures under the guise of "Religious Freedom"; Providing direction to City Manager.

Sponsors: Commissioner Weekley and Commissioner Yaniz

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

Absent: 1 - Mayor Cates

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

Enactment No: Res 15-136

- 30 Approving and implementing certain billing and collections policies for Ambulance Response and Transportation by the Key West Fire Department (KWFD).

Sponsors: City Manager Scholl

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

Absent: 1 - Mayor Cates

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

Enactment No: Res 15-137

- 31 Approving Task Order No. 2-15 from CH2M Hill Engineering, Inc. in an amount not to exceed \$29,430.00 for engineering services for design and bid phase services for Bulkhead Repair/Replacement at Zero Duval and Berthing Improvements to the Mallory Square T-Pier.

Sponsors: City Manager Scholl

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

Enactment No: Res 15-138

- 32 Approving Concrete Analysis and Testing Laboratories, Inc. (CATL) to provide testing services to be billed through Bender & Associates, P.A. in an amount not to exceed \$15,000.00; Approving the attached Task Order proposal for testing and monitoring to Bender & Associates, P.A. (Bender) for the New City Hall at Glynn Archer School Project; Authorizing a budget transfer.

Sponsors: City Manager Scholl

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

Absent: 1 - Mayor Cates

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

Enactment No: Res 15-139

- 33 **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

Withdrawn

- 34 **QUASI-JUDICIAL HEARING: EASEMENT - 1011 Whitehead Street**
Approving an Easement of 243.12 square feet along the Whitehead Street and Julia Street Rights-of-Way, to address the encroachment of portions of principal structures, entrance steps, overhang, eaves, two tiered rear balcony and rear gate and wooden fence associated with a multi-story mixed use historic structure on the property located at 1011 Whitehead Street (RE #00027330-000200; AK #8682425), Key West, Florida, Providing fees and conditions.

Sponsors: City Manager Scholl

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

Absent: 1 - Mayor Cates

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

Enactment No: Res 15-140

ORDINANCES – FIRST READING**35**

An Ordinance of the City of Key West, Florida, amending Chapter 2, of the Code of Ordinances entitled "Administration," by amending Division 10, Section 2-554 to assign day-to-day financial responsibilities to the City Manager, to adjust the threshold for expenditures and budget transfers which require City Commission approval to \$20,000.00 and to add a provision that purchasing and procurement requirements in the Key West Bight District shall be governed by Section 2-766 through 2-845 of the Code of Ordinances; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

A motion was made by Commissioner Johnston, seconded by Commissioner Yaniz, that the Ordinance be Passed to Second Reading on May 5, 2015. The motion carried by the following vote:

Absent: 1 - Mayor Cates

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

ORDINANCES - SECOND READING (Public Hearing)

36

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 Johnston, seconded by Commissioner Yaniz, that the Ordinance be Adopted. The motion carried by the following vote:

Absent: 1 - Mayor Cates

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

Enactment No: Ord 15-06

37

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 Johnston, seconded by Commissioner Lopez, that the Ordinance be Adopted. The motion carried by the following vote:

Absent: 1 - Mayor Cates

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

Enactment No: Ord 15-07

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

8:40 P.M.