

# Action Minutes - Final City Commission

Tuesday,	May 15, 2012		6:00 PM	Old City Hal
			Revised	
	of the Americans wit 305-809-1000 or the A	h Disabilitie ADA Coordi	of the City of Key West to comply with a es Act (ADA). Please call the TTY numbe inator at 305-809-3951 at least five busin preters, assistive listening devices, or m	r at ess days in
	CALL MEETING TO (	ORDER		
	6:0	)1 P.M.		
	ROLL CALL			
	Prese	Con	nmissioner Johnston, Commissioner Lopez, Co nmissioner Wardlow, Commissioner Weekley, Mayor Cates	
	INVOCATION - Key V	Vest Police	Chaplin Steve Torrence	
	PLEDGE OF ALLEGI	ANCE TO T	HE FLAG	
	APPROVAL OF AGE	NDA		
	PROCLAMATIONS			
I	Ea	rth Day		
	<u>Sp</u>	onsors:	Mayor Cates	
	Att	achments:	Proclamation	
	Re	ceived and F	Filed	

2	Kirby Congdo	on Day
	<u>Sponsors:</u>	Mayor Cates
	<u>Attachments:</u>	Proclamation
	Received and F	Filed
3	Maritime Day	
	<u>Sponsors:</u>	Mayor Cates
	<u>Attachments:</u>	Proclamation
	Received and F	Filed
4	Peace Officer Key West Pol	rs Memorial Day lice Week
	<u>Sponsors:</u>	Mayor Cates
	<u>Attachments:</u>	Proclamation
	Received and F	Filed
PRESENTATION	S	
5	Sustainability	Advisory Board's Annual Report
	<u>Sponsors:</u>	Commissioner Johnston

Attachments: Annual Report 2012

**Received and Filed** 

Building Permit Allocation System (BPAS) Annual Report -Presentation of the tracking and monitoring requirements and recommended changes to the BPAS, as required by Section 108-995 of the Land Development Regulations of the Code of Ordinances of the City of Key West.

<u>Sponsors:</u>	City Manager Scholl	
Attachments:	Executive Summary	
	Planning Board Resolution 2012-03	
	BPAS Annual Report	
	Ordinance 10-10	
	Draft BPAS Outputs Tracking Spreadsheet	
	2009 Audit	
	Draft Vacant Lot Analysis	

**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.

## RESOLUTIONS

7

\*Authorizing Sloppy Joe's Bar to conduct an event for Motorcycle Bike Week on Saturday, September 15, 2012 from 12:00 Noon to 11:00 P.M.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Greene Street between Duval and Ann Streets from 11:00 A.M. to 12:00 Midnight; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

Sponsors: City Manager Scholl

Attachments: Resolution

Application

<u>Advertisement</u>

#### Passed

Enactment No: Res 12-161

9

10

\*Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to Barbara Reaves at 1125 Fort Street for a birthday party during the hours of 9:00 p.m. to 2:30 a.m. on Friday, June 22, 2012. <u>Sponsors:</u> City Manager Scholl <u>Attachments:</u> Resolution

Application

Advertisment

## Withdrawn

\*Authorizing the Rotary Club to conduct a fundraiser at McCoy Indigenous Park July 4th, 2012 (set up July 2, 2012) from 7:00 a.m. to 8:00 p.m. and a display & cleanup from 9:00 p.m. to 12:00 midnight; Authorizing Fireworks display off the White Street Pier on July 4, 2012 from 9:00 p.m. to 10:00 p.m.; Granting an exemption from the Noise Control Ordinance pursuant to Section 6-86 of the Code of Ordinances during the July 4th Fireworks Celebration; Authorizing the sale & consumption of alcoholic beverages at McCoy Indigenous Park.

<u>Sponsors:</u>	City Manager Scholl
<u>Attachments:</u>	Resolution
	*Large File* Application
	Advertisement

#### Passed

Enactment No: Res 12-162

\*Authorizing Sloppy Joe's Bar to conduct an event for Hemingway Days on Saturday, July 21, 2012 from 12:00 noon to 11:00 p.m. pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Greene Street between Duval and Ann Streets from 11:00 a.m. to 12:00 Midnight; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

 Sponsors:
 City Manager Scholl

 Attachments:
 Resolution

 \*Large File\* Application
 Advertisement

#### Passed

Enactment No: Res 12-163

City of Key West, FL

11	1405 Duval St September 1, September 2,	Southernmost Beach Cafe the use of the City property at treet for a Brewfest Key West Festival on Saturday, 2012 from 3:00 p.m. to 8:00 p.m. (rain date of Sunday, 2012); Authorizing the sale and consumption of alcoholic hin the barricaded area.
	Sponsors:	City Manager Scholl
	<u>Attachments:</u>	Resolution
		*Large File* Application
		Advertisement
	Passed	
	Enactment No: F	Res 12-164
12	•••	nsfer of Mobile Vendor License (MVL) #19770 from to Natasha Matarazzo due to hardship.
	<u>Sponsors:</u>	City Manager Scholl
	<u>Attachments:</u>	Resolution
		Letter requesting transfer
	Passed	
	Enactment No: F	Res 12-165
13	Richard A. He Ashbrook Sim	ne purchase of two (2) belt press wedge kits for the syman Environmental Protection Facility (WWTP) from on- Hartley Operations, L.P., on a sole source basis in ith City Code Section 2-797(1), in the total amount of
	<u>Sponsors:</u>	City Manager Scholl
	<u>Attachments:</u>	Resolution
		Executive Summary
		Quote from Ashbrook Simon-Hartley Operations
		Sole Source Letter from Vendor
		Belt Press Wedge Kit Product Information
	Passed	
	Enactment No: F	Res 12-166

 \*Approving Task Order No. 4-12-SWR from CH2M Hill Engineering, Inc. in the amount not to exceed \$115,754.00 for Engineering Services for the design, permitting, and bid phase services for the Fleming Key Bridge Pipe Support and Piling Repairs.

<u>Sponsors:</u>	City Manager Scholl
Attachments:	Resolution
	Executive Summary
	CH2M Hill Task Order 4-12
	Resolution 10-287
	CH2M HILL Domestic Partner Compliance Letter

### Passed

Enactment No: Res 12-167

\*Approval Task Order No. 3-12-Ports from CH2M Hill Engineering, Inc. in an amount not to exceed \$184,984.00 for Engineering Services for design, permitting, and bid phase services for Bulkhead Repair/Replacement at Zero Duval and berthing improvements to the Mallory Square T-Pier.

Sponsors: City Manager Scholl

Attachments: Resolution Executive Summary

Task Order 3-12

Passed

Enactment No: Res 12-168

\*Approving staff ranking of two companies responding to RFQ 12-001 for the construction engineering and inspection (CEI) phase of the Safe Routes to School (SRTS) Poinciana Elementary School Sidewalk Improvement Project described in the attached executive summary; Authorizing staff to negotiate with the top ranked firm, AMEC Environment and Infrastructure, Inc. and each firm thereafter as necessary in accordance with the Consultants' Competitive Negotiation Act until an acceptable contract is agreed upon; Authorizing the City Manager to execute a contract with the selected firm in an amount not to exceed \$25,659.00.

Sponsors: City Manager Scholl

 Attachments:
 Resolution

 Executive Summary

 Draft Form Agreement

 Committee Ranking

 \*Very Large File\* AMEC Submittal

 Weiler Engineering Submittal

 Request for Qualifications 12-001

 Resolution 10-218

Passed

Enactment No: Res 12-169

\*Approving a five-year lease with the Key West Community Sailing Center, Inc. for property located at 705 Palm Avenue.

 Sponsors:
 City Manager Scholl

 Attachments:
 Resolution

 Executive Summary
 Tenant Request

 Sailing Center Draft Lease

Postponed to June 19, 2012 meeting.

at

18	*Approving the attached first amendment to lease agreement between the City and the Florida Keys Mosquito Control District for the premises located on College Road, as described in the attached lease agreement.	
	Sponsors: City Manager Scholl	
	Attachments: Resolution	
	Executive Summary	
	First Lease Amendment	
	<u>Lease</u>	
	Postponed Indefinately	
19	*Approving the attached amendment No. 1 to Task Order 01 (C & A Project No. 107.001) for the City of Key West Bus Transit Facility for Chen & Associates, Inc now known as Chen Moore & Associates (CMA) at a deductive cost of \$68,859.00.	
	Sponsors: City Manager Scholl	
	Attachments: Resolution	
	Executive Summary	
	Amendment No. 1 to Task Order	
	Resolution 06-270	
	Passed	
	Enactment No: Res 12-170	
20	*Adjusting rates for liveaboard, commercial and recreational lease the City Marina at Garrison Bight.	s
	Sponsors: City Manager Scholl	
	Attachments: Resolution	
	Executive Summary	

Capital Improvement Needs 2012

Postponed to July 17, 2012 meeting.

## 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.

•••	e sale of re mber 00072082	• • •	•		s 529 Front
<u>Sponsors:</u>	City Manager Scho	oll			
<u>Attachments:</u>	Resolution				
	Executive Summa	ary			
	Bid Review - App	raisal Co of KW			
	Bid Review - Lig	hthouse Realty			
	Bid - Pier House	Joint Venture			
	Bid - City of Key	Nest Police Fire	Pension		
	Property for Sale	Public Notice			
	Summary Apprais	sal - Appraisal Co	o of KW		
	Summary Apprais	sal - Lighthouse I	Realty		
	Part 1 of Full App	raisel from Appra	aisel Company	of Key West	
	Part II of Full App	raisel from Appra	aisel Company	of Key West	
	Part III of Full App	oraisel from Appr	aisel Company	y of Key Wes	<u>t</u>
	Lighthouse Realty	y Services Full A	ppraisel		
	Ordinance 10-15				
	ade by Commissi e Resolution be P		,		]
No: 3 - Con	missioner Lopez, (	Commissioner W	ardlow and Co	ommissioner `	Yaniz
Yes: 4 - Con	missioner Johnsto	n, Commissione	r Rossi, Comm	issioner Wee	kley

Enactment No: Res 12-171

and Mayor Cates

Granting permission to initiate a Development Agreement for the Peary Court Property (RE# 00006730-000000).

<u>Sponsors:</u>	City Manager Scholl
Attachments:	Resolution
	Executive Summary
	Peary Court Development Agreement April 18 2012 draft
	Balfour Beatty authorizing White Street Partners, LLC
	Development Agreement Initiation request

A motion was made by Commissioner Weekley, seconded by Commissioner Rossi, that the Resolution be Postponed to the May 29 special meeting. The motion carried by the following vote:

No: 1 - Commissioner Yaniz

24

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

Authorizing a Major Development Plan to redevelop the City of Key West Solid Waste Transfer Station into the proposed Key West Department of Transportation (KWDOT) Public Transit and Parking Facility located at 5701 College Road; Providing conditions.

	City Manager Scholl
Attachments	Resolution
	Executive Summary
	Planning Board Resolution 2012-18
	Planning Board Pkg
	<u>*Large Flle* Previous Approval</u>
	as made by Commissioner Rossi, seconded by Commissioner at the Resolution be Passed. The motion carried by the following
<b>Yes:</b> 7 -	Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley, Commissioner Yani:
	and Mayor Cates
Approving	and Mayor Cates No: Res 12-172 an Easement of approximately 95 square feet to address chment of an existing swimming pool and new fencing on
Approving the encroa the Virgini	No: Res 12-172 an Easement of approximately 95 square feet to address chment of an existing swimming pool and new fencing on a Street side of the property located at 1021 Watson Street Florida (RE#00033430-000000); Providing fees and
Approving the encroa the Virgini Key West, conditions	No: Res 12-172 an Easement of approximately 95 square feet to address chment of an existing swimming pool and new fencing on a Street side of the property located at 1021 Watson Street Florida (RE#00033430-000000); Providing fees and
Approving the encroa the Virgini Key West,	No: Res 12-172 an Easement of approximately 95 square feet to address chment of an existing swimming pool and new fencing on a Street side of the property located at 1021 Watson Street Florida (RE#00033430-000000); Providing fees and City Manager Scholl
Approving the encroa the Virgini Key West, conditions <u>Sponsors:</u>	No: Res 12-172 an Easement of approximately 95 square feet to address chment of an existing swimming pool and new fencing on a Street side of the property located at 1021 Watson Street Florida (RE#00033430-000000); Providing fees and City Manager Scholl
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Approving the encroa the Virgini Key West, conditions <u>Sponsors:</u>	No: Res 12-172 an Easement of approximately 95 square feet to address chment of an existing swimming pool and new fencing on a Street side of the property located at 1021 Watson Street Florida (RE#00033430-000000); Providing fees and City Manager Scholl <u>Executive Summary</u>
Approving the encroa the Virgini Key West, conditions <u>Sponsors:</u>	No: Res 12-172 an Easement of approximately 95 square feet to address chment of an existing swimming pool and new fencing on a Street side of the property located at 1021 Watson Street Florida (RE#00033430-000000); Providing fees and City Manager Scholl <u>Resolution</u> <u>Executive Summary</u> <u>Easement Agreement</u>

seconded by Commissioner Johnston, that the Resolution be Passed. The motion carried by the following vote: Yes: 7 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi,

**(es:** 7 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

Enactment No: Res 12-173

Authorizing the City of Key West to enter into a Revocable License Agreement for use of approximately 6,200 square feet of property abutting the Virgnia Street side of property located at 1015 SImonton Street.

<u>Sponsors:</u>	City Manager Scholl
<u>Attachments:</u>	Resolution
	Executive Summary
	Agreement
	Exhibit A
	Exhibit B
	Application
	<u>Survey</u>
	Site Photos
	Surrounding Property

A motion was made by Commissioner Rossi, seconded by Commissioner Lopez, 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 12-174

## **ORDINANCES – FIRST READING**

26

An Ordinance of the City of Key West, Florida, amending Chapter 62 of the Code of Ordinances entitled "Streets and Sidewalks" by amending Section 62-4 entitled "No Camping" to include make-shift shelters, cardboard and tarpaulins, Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

<u>Sponsors:</u>	Mayor Cates
<u>Attachments:</u>	Ordinance
	Executive Summary

A motion was made by Commissioner Rossi, seconded by Commissioner Lopez, that the Ordinance be Passed to Second Reading. The motion carried by the following vote:

28

An Ordinance of the City of Key West, Florida, amending Chapter 70 of the Code of Ordinances entitled "Traffic and Vehicles" by creating Section 70-130 entitled "No Lodging in Vehicles" to prohibit lodging in vehicles located on City Rights of Way; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

<u>Sponsors:</u>	Mayor Cates
<u>Attachments:</u>	Ordinance
	Executive Summary

A motion was made by Commissioner Weekley, seconded by Commissioner Rossi, 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

An Ordinance of the City of Key West, Florida, amending Chapter 38, Article V of the Code of Ordinances entitled "Domestic Partnerships", by repealing Sections 38-291 through 38-294; Adding a new Section 38-291 to provide definitions; Adding a new Section 38-292 to provide registration, amendment, termination and administration procedures; Adding a new Section 38-293, Rights and Legal Effect of Registered Domestic Partnership; Adding a new Section 38-294, limited effect; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

<u>Sponsors:</u> Commissioner Weekley

Attachments: Ordinance

A motion was made by Commissioner Weekley, seconded by Commissioner Rossi, that the Ordinance be Passed to Second Reading. The motion carried by the following vote:

An Ordinance of the City of Key West, Florida, amending Chapter 90 of the Code of Ordinances entitled "Administration" by amending Section 90-553 to lift the twice per year restriction on Comprehensive Plan amendments; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

Attachments: Ordinance

Executive Summary Planning Board Resolution 2012-20 Planning Board Package House Bill 7207

A motion was made by Commissioner Rossi, seconded by Commissioner Lopez, 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

An Ordinance of The City Of Key West, Florida, amending Chapter 102 entitled "Historic Preservation" by amending Section 102-217 "Required Public Meetings", relaxing the requirements to obtain approval to demolish non-historic and non-contributing buildings or structures in the Historic District and including contributing buildings and structures outside of the Historic District in Section 102-216; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

 Attachments:
 Ordinance

 Executive Summary

 Planning Board Resolution 2012-11

 Planning Board package

A motion was made by Commissioner Rossi, seconded by Commissioner Lopez, that the Ordinance be Passed to Second Reading. The motion carried by the following vote:

An Ordinance of the City of Key West, Florida, amending Chapter 122 of the Code of Ordinances entitled "Zoning" by amending Sections 122-1016, 122-1017, 122-1018, and 122-1020 to provide for clarification; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

<u>Sponsors:</u>	City Manager Scholl
<u>Attachments:</u>	Ordinance
	Executive Summary
	Planning Board Resolution 2012-09
	Planning Board Minutes
	Planning Board Package
	Public Comments sent to the Planning Board
	Clerk Mailing
	Planning Board noticing

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

- **No:** 1 Commissioner Rossi
- Yes: 6 Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

An Ordinance of the City of Key West, Florida, amending Chapter 108 of the Code of Ordinances entitled "Planning and Development" to include Section 108-999 to provide for the retroactive invoking of the Zoning in Progress Doctrine; Declaring that the City is considering amendments to its Land Development Regulations and Building Permit Allocation System; Directing Building and Planning Department staff to continue the policy of deferring the acceptance and processing of development applications requiring the issuance of Building Permit allocations; Continuing this policy until new Building Permit allocation regulations or amended Land Development Regulations are adopted by the City Commission; Providing for retroactive effect, directing staff to continue preparations of new Building Permit Allocation Regulations; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

 Sponsors:
 City Manager Scholl

 Attachments:
 Ordinance

 Executive Summary
 Planning Board Resolution 2012-14

 Planning Board package

A motion was made by Commissioner Rossi, seconded by Commissioner Johnston, that the Ordinance be Passed to Second Reading. The motion carried by the following vote:

An Ordinance of the City of Key West, Florida, proposing amendments to the Future Land Use Element and Future Land Use Map series of the City of Key West Comprehensive Plan for property known as the Peary Court Housing Complex (RE# 00006730-000000, Alternate Key# 1006963); Amending the Future Land Use Map legend and Density and Intensity of Development, amending Map 1-1, Map 1-4, and Map 1-6 of the Future Land Use Map series; Creating Policy 1-1.6.4; And Policy 1-2.3.11 to provide for the integration of the military site into the community; And to define a new Future Land Use Map designation of "Historic Special Medium Density Residential" (HSMDR) and applying such designation to said property; Providing for severability; Providing for the repeal of inconsistent provisions; Providing for transmittal to the State Land Planning Agency; Providing for the filing with the Secretary of State and for an effective date; And providing for the inclusion into the City of Key West Comprehensive Plan.

<u>Sponsors:</u>	City Manager Scholl
<u>Attachments:</u>	Ordinance
	Executive Summary
	Planning Board Resolution 2012-16
	Planning Board Package
	Comprehensive Plan Objectives & Policies
	*Large File* Data & Analysis
	Planning Board Noticing & Advertising
	Public Comment

A motion was made by Commissioner Rossi, seconded by Commissioner Johnston, that the Ordinance be Postponed to May 29 special meeting. The motion carried by the following vote:

No: 1 - Commissioner Yaniz

<u>.</u>....

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

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

- **34** An
  - An Ordinance of the City of Key West, Florida, amending Chapter 74 of the Code of Ordinance entitled "Utilities" by amending Sections 74-201, 74-203, 74-208, 74-209 and 74-238 to conform City Billing Policies with those of Florida Keys Aqueduct Authority to provide uniform billing procedures for customers in Key West for both water and sanitary sewer services; Amending Section 74-201 to amend security deposit requirements for new accounts, and adding bank draft (automatic deposits) provisions; Amending Section 74-203 to provide that sewer connection fees are paid directly to the City of Key West; Amending Section 74-208 to allow payment to City designee; 74-209 to Amending Section amend delinguent payment and non-payment disconnection procedures; Amending 74-238 to eliminate use of deduct meters; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

Attachments: Ordinance

**Executive Summary** 

A motion was made by Commissioner Weekley, seconded by Commissioner Rossi, 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 12-08

An Ordinance of the City of Key West, Florida, amending Chapter 70 of the Code of Ordinances entitled "Wreckers and Towing Service"; By amending Section 70-654 to clarify required wreckers and equipment for the City Tow Rotation List; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

<u>Sponsors:</u> Commissioner Johnston

Attachments: Ordinance

**Executive Summary** 

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

- No: 1 Mayor Cates
- Yes: 6 Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley and Commissioner Yaniz

Enactment No: Ord 12-09

# **CITIZEN COMMENTS**

## COMMISSION COMMENTS

## ADJOURNMENT

8:27 P.M.