

## City of Key West, FL

Old City Hall 510 Greene Street Key West FL 33040

# Meeting Agenda Full Detail City Commission

Wednesday, October 2, 2013 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 305-809-3951 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

**CALL MEETING TO ORDER** 

**ROLL CALL** 

INVOCATION - Pastor Charles Elliott, Eagle's Rest Christian Center

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

#### **PROCLAMATIONS**

1 Special Olympics Day

<u>Sponsors:</u> Mayor Cates <u>Attachments:</u> <u>Proclamation</u>

2 Bob George Day

**Sponsors:** Mayor Cates, Commissioner Rossi, Commissioner Wardlow,

Commissioner Weekley and Commissioner Yaniz

Attachments: Proclamation

3 Fire Prevention Week

<u>Sponsors:</u> Mayor Cates
<u>Attachments:</u> <u>Proclamation</u>

#### **PRESENTATIONS**

**City Attorney's Report** 

City Manager's Report

- FDOT Report - Dean Walters

#### **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**

**4** \*August 20, 2013 (Regular)

<u>Attachments:</u> <u>Minutes</u>

5 \*September 4, 2013 (Regular)

Attachments: Minutes

\*September 5, 2013 (Special)

Attachments: Minutes

7 \*September 17, 2013 (Regular)

Attachments: Minutes

#### **RESOLUTIONS**

8

9

\*Authorizing the disposal of surplus city property known as one decommissioned street sweeper as a donation to Harbour Island, Bahamas pursuant to Section 2-771(3)(c) of the Code of Ordinances;

Providing conditions.

<u>Sponsors:</u> Mayor Cates <u>Attachments:</u> <u>Resolution</u>

\*Opposing and urging amendment or repeal of the Biggert Waters Flood Insurance Reform Act of 2012; Urging Congress to direct an independent examination to review NFIP proposed actuarial rates and solvency; Urging Congress to develop more reasonable and rational methods to NFIP solvency that will not damage the economy or its fragile recovery; Authorizing the City Clerk to provide certified copies of this resolution to Senators Bill Nelson, Marco Rubio and Congressman Joe Garcia.

de Garcia.

**Sponsors:** Commissioner Weekley

<u>Attachments:</u> Resolution

12

13

\*Authorizing a \$10,000.00 donation from the Law Enforcement Officers
Trust Fund (State Forfeiture Funds) to the Key West Police Athletic
League Program.

**Sponsors:** City Manager Vitas

<u>Attachments:</u> Resolution

**Executive Summary** 

\*Authorizing a \$5,000.00 donation from the Law Enforcement Officers Trust Fund (State Forfeiture Funds) to the Monroe County Coalition, Inc.

**Sponsors:** City Manager Vitas

Attachments: Resolution

Executive Summary

Monroe County Coalition Letter of request

\*Approving the attached list of roadways to be paved under the Asphalt Paving Contract GN-1202 for FY 2013-14 on a work order basis; Authorizing staff to issue a Purchase Order for the budgeted amount of \$1,308,946.00 and issue work orders under this list for paving of City roadways.

**Sponsors:** City Manager Vitas

Attachments: Resolution

Executive Summary
2014 List of Roads
Resolution 13-057

\*Approving the attached "Amendment No. 1 to DEP Agreement No. MV 078" between the City and the State of Florida Department of Environmental Protection to increase funding to \$96,393.75 and to approve a time extension to September 14, 2014 for the purchase and installation of two marine sanitation systems for Wahoo and Kingfish Piers at the City Marina at Garrison Bight; Authorizing the City Manager to execute the Grant Agreement; Authorizing necessary budget amendments or transfers.

**Sponsors:** City Manager Vitas

Attachments: Resolution

Executive Summary

Amendment 1

\*Large File\* Resolution 12-189 grant approval

\*Large File\* Resolution 13-192 bid award to Gary's Plumbing

16

17

\*Approving Task Order No. 02-2013 to Perez Engineering and Development, Inc. in an amount not to exceed \$66,370.00 for Design Services for Caroline Street Stormwater Outfall Improvements.

**Sponsors:** City Manager Vitas

Attachments: Resolution

**Executive Summary** 

Perez Engineering Task Order 02-2013 Stormwater Master Plan Addendum # 2

**Contract with Perez Engineering** 

\*Authorizing a Purchase Exception pursuant to Section 2-797 of the Code of Ordinances, to allow cumulative expenditures during FY 12-13 to Certified Records Management (CRM) for records storage in a total amount not to exceed \$35,000.00.

Sponsors: City Manager Vitas

<u>Attachments:</u> Resolution

Executive Summary
Resolution No. 13-113

\*Approving the attached "Use Agreement" between the City and the Department of Homeland Security, a Law Enforcement Agency of the United Stated of America ("HSI") for use of an office by the Key West Police Department.

Sponsors: City Attorney Smith

<u>Attachments:</u> Resolution

**Use Agreement** 

Directing the City Manager to collaborate with the Monroe County Homeless Services Continuum-of-care for the purpose of convening a Homeless Summit between State and County Agencies, Nonprofit Agencies and other Stakeholders to be held in early 2014 after the January Point-in-Time County-Wide Homeless Count.

**Sponsors:** Commissioner Weekley

Attachments: Resolution

towards

expenditures

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Approving the attached Settlement Agreement in the matter of Sunset Marina Residences of Key West Condominium Association, Inc. v. City of Key West and Monroe County Florida, Case No. 2011-CA-911-K; Authorizing the City Manager to execute settlement documents.

City Attorney Smith Sponsors:

Attachments: Resolution

> **Settlement Agreement** Letter From John Jones

Letter from KW Golf Club Homeowners Assoc

**Letter From Steve Black** 

19 Directing City Staff to suspend work and development of the Easter Seals Property, until such time as the best

use of the property is determined.

Sponsors: Commissioner Wardlow

Resolution Attachments:

Letter from Edwin Stieve

Encouraging the Key West Housing Authority to develop a Request for 20

Proposals (RFP) for development of an assisted and independent living

facility at Poinciana Plaza or another suitable site.

Commissioner Weekley Sponsors:

Attachments: Resolution

Letter from Allen Tidball

**Quasi-Judicial Hearing: Administrative Appeal** 21

> Granting/Denying the Appeal by C & D Properties of Key West, 1, LLC, Upholding/Denying/Amending the **Planning** Department's

Non-conforming Use Determination for 405 Fleming Street.

Sponsors: City Manager Vitas

Attachments: Resolution

Postponement Request

Appeal 405 Fleming St

Legislative History

8/6/13 City Commission Postponed 8/20/13 City Commission Postponed

**ORDINANCES - FIRST READING** 

An Ordinance of the City of Key West, Florida, amending Chapter 86, Section 86-9 entitled "Definition of Terms"; Amending Chapter 108 of the Land Development Regulations of the Code of Ordinances, entitled Planning and Development specifically Article X entitled "Building Permit Allocation System" by amending Section 108-986 "Definitions"; Adding Definitions to Section 86-9 entitled "Definition of Terms"; Amending Intent": Amending Section 108-987 entitled "Purpose and "Authority"; Amending Section 108-991 "Development 108-989 entitled Article": Amending Section Not Affected 108-994 bν Amending "Established": Section 108-995 entitled "Reporting Requirements and Adjustments in Residential Allocation Schedule": Repealing Section 108-996 entitled "Period of Allocation"; Adding a new Section 108-996 entitled "Intent": Repealing Section 108-997 entitled "Tracking and Monitoring System"; Adding a new Section 108-997 entitled "Period of Allocation and Ranking/Review of Applications", Adding a new Section 108-998 entitled "Compact Infill Development and Mixed Development Incentives"; Amending and Renumbering Section 108-998 to 108-199 entitled "Procedures for Ensuring Beneficial Use of Private Property"; Repealing Section 108-999 entitled "Zoning in Progress"; Adding Section 108-1000 entitled "Allocation of Residential Permits in the Truman Waterfront Redevelopment Area": and Amending Chapter 122 entitled "Zoning", by amending Section 122-1470 entitled "Accessory Unit Infill"; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Vitas

Attachments: Ordinance

**Executive Summary** 

Planning Board Staff Report

LEED

**FGBC** 

**ARCSA Standards** 

15% Energy and Water Reduction Resources

**FEMA Standards** 

Building Permit Allocation System (BPAS) Public Comments

### Legislative History

5/23/13	Planning Board	Postponed
6/20/13	Planning Board	Postponed
7/18/13	Planning Board	Passed
8/15/13	Planning Board	Passed

An Ordinance of the City of Key West, Florida, amending Chapter 90 of the Code of Ordinances entitled "Administration" by amending Section 90-392 and by adding Section 90-398 to authorize the City Planner to issue Administrative Variances, establish Procedures for an Application for Administrative Variances, establish a Procedure for Providing Notice to Adjoining Property Owners of the City Planner's Intent to Issue an Administrative Variance, to establish Criteria for the Issuance of Administrative Variances and establish a Procedure for Public Hearings on Applications for Administrative Variances; Amending Chapter 122 entitled "Zoning" by amending Section 122-28 and adding Section 122-32 (g) to establishing Procedures for Nonconformities; Providing for Severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

<u>Sponsors:</u> City Manager Vitas

Attachments: Ordinance

**Executive Summary** 

Planning Board Resolution 2013-32

**Exhibit 1 Timeline** 

Planning Board Package

**Background Information Variance Review** 

\*Large File\* Backup Info-Variances 2011 & 2012

City of Key West Code on Variances 90-391

Monroe County Code on Administrative Variances

Monroe County Property Notification Letter

#### Legislative History

1/17/13	Planning Board	Postponed
2/21/13	Planning Board	Passed
5/16/13	Planning Board	Postponed
6/20/13	Planning Board	Passed

An Ordinance of the City of Key West, amending Chapter 122, of the Land Development Regulations of the Code of Ordinances entitled "Zoning" by amending the HRCC-4 Zoning District Section 122-756 entitled "Intent"; Amending Section 122-757 entitled "Uses Permitted"; Amendina Section 122-758 entitled "Conditional Uses": Amendina Amending Section 122-759 entitled "Prohibited Uses"; and Section 122-760 entitled "Dimensional Requirements"; and Amending the HPS-1 122-966 entitled "Intent"; Amending Zoning District Section 122-967 entitled "Uses Permitted"; Amending Section 122-968 entitled Uses": Amending Section 122-970 "Conditional and entitled "Dimensional Requirements" for amendments Zoning District to Regulations for the lands within the designated Truman Waterfront Park area; and Amending Supplementary District Regulations by amending Section 122-1111 entitled "Table of Land Uses by District"; and Amending Section 122-1151 entitled "Table of Size and Dimension Regulations"; Providing for severability; Providing for the repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Vitas

Attachments: Ordinance

**Executive Summary** 

Planning Board Resolution 2013-49 and Support Docs

#### Legislative History

7/24/13 Planning Board Postponed 8/22/13 Planning Board Passed

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

25

Ordinance amending the Key West Comprehensive Plan amending the Policy 1-1.1.8: Allowed Uses in the Historic Residential Commercial Core-4 of the Land Use Element as provided for in Chapter Article VI. Amendments. Division 3. Comprehensive Amendments, based upon the revocation of the Mole Pier and the Truman Harbor previously deeded by the Navy and the adopted Truman Waterfront Park Master Plan; Providing for transmittal to the State Land Planning Agency; Providing for the filing with Secretary of State; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

#### RECOMMENDING POSTPONEMENT

<u>Sponsors:</u> City Manager Vitas

Attachments: Ordinance

**Executive Summary** 

Planning Board Resolution 2013-48

**Supporting Documents** 

Legislative History

8/22/13 Planning Board Passed

9/17/13 City Commission Passed to Second Reading

**CITIZEN COMMENTS** 

**COMMISSION COMMENTS** 

**ADJOURNMENT**