



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final 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

6:00 P.M.

ROLL CALL

Absent 1 - Commissioner Rossi

Present 6 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

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

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

PROCLAMATIONS

1 Special Olympics Day

Sponsors: Mayor Cates

Received and Filed

2 Bob George Day

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

Received and Filed

- 3 Fire Prevention Week
Sponsors: Mayor Cates
Received and Filed

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)
Approved
- 5 *September 4, 2013 (Regular)
Approved
- 6 *September 5, 2013 (Special)
Approved
- 7 *September 17, 2013 (Regular)
Approved

RESOLUTIONS

- 8 *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.

Sponsors: Commissioner Weekley

Passed

Enactment No: Res 13-245

- 9 *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

Passed

Enactment No: Res 13-246

- 10 *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

Passed

Enactment No: Res 13-247

- 11 *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

Passed

Enactment No: Res 13-248

- 12 *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
- Passed**
- Enactment No: Res 13-249
- 13 *Approving the attached "Use Agreement" between the City and the Department of Homeland Security, a Law Enforcement Agency of the United States of America ("HSI") for use of an office by the Key West Police Department.
- Sponsors: City Attorney Smith
- Passed**
- Enactment No: Res 13-250
- 14 *Directing City Staff to suspend work and expenditures towards development of the Easter Seals Property, until such time as the best use of the property is determined.
- Sponsors: Commissioner Wardlow
- Postponed to October 16, 2013**
- 15 **Quasi-Judicial Hearing: Administrative Appeal**
- *Granting/Denying the Appeal by C & D Properties of Key West, 1, LLC, and Upholding/Denying/Amending the Planning Department's Non-conforming Use Determination for 405 Fleming Street.
- Sponsors: City Manager Vitas
- Postponed to November 6, 2013**

Approval of the Consent Agenda

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

- 16 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.
- Sponsors: Mayor Cates
- A motion was made by Commissioner Lopez, seconded by Commissioner Wardlow, that the Resolution be Passed. The motion carried by the following vote:**

Absent: 1 - Commissioner Rossi

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

Enactment No: Res 13-251

- 17 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

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

Enactment No: Res 13-252

- 18 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

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

Enactment No: Res 13-253

- 19 Directing the City Manager to ~~collaborate with the Monroe County Homeless Services Continuum of care for the purpose of convening~~ **convene** 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

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

Absent: 1 - Commissioner Rossi

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

Enactment No: Res 13-254

20

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.

Sponsors: City Attorney Smith

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

No: 2 - Commissioner Wardlow and Commissioner Yaniz

Absent: 1 - Commissioner Rossi

Yes: 4 - Commissioner Johnston, Commissioner Lopez, Commissioner Weekley and Mayor Cates

Enactment No: Res 13-255

21

Encouraging the Key West Housing Authority to develop a Request for Proposals (RFP) for development of an assisted and independent living facility at Poinciana Plaza or another suitable site.

Sponsors: Commissioner Weekley

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 - Commissioner Rossi

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

Enactment No: Res 13-256

ORDINANCES – FIRST READING

22

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 Section 108-987 entitled "Purpose and Intent"; Amending Section 108-989 entitled "Authority"; Amending Section 108-991 "Development Not Affected by Article"; Amending Section 108-994 entitled "Established"; Amending 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 Use 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

A motion was made by Commissioner Johnston, seconded by Commissioner Lopez, that the Ordinance be Passed to Second Reading on October 16, 2013. The motion carried by the following vote:

Absent: 1 - Commissioner Rossi

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

23

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.

Sponsors: City Manager Vitas

A motion was made by Commissioner Johnston, seconded by Commissioner Weekley, that the Ordinance be Passed as amended to Second Reading on October 16, 2013. The motion carried by the following vote:

Absent: 1 - Commissioner Rossi

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

24

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"; Amending Section 122-758 entitled "Conditional Uses"; Amending Section 122-759 entitled "Prohibited Uses"; and Amending Section 122-760 entitled "Dimensional Requirements"; and Amending the HPS-1 Zoning District Section 122-966 entitled "Intent"; Amending Section 122-967 entitled "Uses Permitted"; Amending Section 122-968 entitled "Conditional Uses"; and Amending Section 122-970 entitled "Dimensional Requirements" for amendments to Zoning District 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

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

Absent: 1 - Commissioner Rossi

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

ORDINANCES - SECOND READING (Public Hearing)

25 An Ordinance amending the Key West Comprehensive Plan by 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 90, Article VI, Amendments, Division 3, Comprehensive Plan 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.

Sponsors: City Manager Vitas

A motion was made by Commissioner Lopez, seconded by Commissioner Weekley, that the Ordinance be Postponed Indefinitely. The motion passed by a unanimous vote.

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

9:17 P.M.