



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Tuesday, September 18, 2012

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 2 - Commissioner Rossi and Commissioner Weekley

Present 5 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Yaniz and Mayor Cates

INVOCATION - Pastor Ozzie Vater, Fifth Street Baptist Church

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

ORDINANCES - SECOND READING (Public Hearing)

1

An Ordinance of the City of Key West, Florida, Adopting an Ad Valorem Tax General Municipal Millage Rate for FY 2012-2013; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Vitas

A motion was made by Commissioner Wardlow, seconded by Commissioner Yaniz, that the Ordinance be amended to have the final adopted ad valorem tax general municipal millage rate for FY 2012-2013 set at 2.9185 mills and that the Ordinance be Adopted. The motion carried by the following vote:

No: 1 - Commissioner Johnston

Absent: 2 - Commissioner Rossi and Commissioner Weekley

Yes: 4 - Commissioner Lopez, Commissioner Wardlow, Commissioner Yaniz and Mayor Cates

Enactment No: Ord 12-29

RESOLUTIONS

- 2 Adopting the Final Budget for FY 2012-2013 and providing appropriations in accordance therewith.

Sponsors: City Manager Vitas

A motion was made by Commissioner Wardlow, seconded by Commissioner Lopez, that the Resolution be Amended to approve and adopt by fund and by major category the final budget for FY 2012-2013 at \$157,358,223.00 and for the Resolution to be Passed as read. The motion carried by the following vote:

No: 1 - Commissioner Johnston

Absent: 2 - Commissioner Rossi and Commissioner Weekley

Yes: 4 - Commissioner Lopez, Commissioner Wardlow, Commissioner Yaniz and Mayor Cates

Enactment No: Res 12-263

PROCLAMATIONS

- 3 National Recovery Month

Sponsors: Commissioner Weekley and Mayor Cates

Received and Filed

PRESENTATIONS

- 4 Cruise Ship Information and Education by Ms. Jennifer Hulse, Co-Chairperson of the Cruise Ship Committee for the Key West Chamber of Commerce.

Sponsors: City Manager Vitas

The Presentation was postponed to a date to be determined.

- 5 30 Year Service Award and Retirement Recognition for Frank Sauer - Key West Police Captain

Sponsors: City Manager Vitas

Received and Filed

City Attorney's Report

City Manager's Report

10 *Approving the attached "Contract for Sale and Purchase" of real property commonly known as 529 Front Street (RE Number 00072082-000600); Providing conditions.

Sponsors: City Manager Vitas

Resolution Item was Postponed to October 16, 2012.

11 **Quasi-Judicial Hearing**
*Approving an Easement of approximately 74.1 Square Feet to address the encroachment of a roof overhang for a commercial structure located at 812 Caroline Street, Key West, Florida (RE # 00003150-000000); Providing fees and conditions.

Sponsors: City Manager Vitas

Resolution item was Postponed to October 16, 2012.

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.

12 Authorizing the submission of a competitive grant application in the housing category to the Florida Department of Economic Opportunity Small Cities Community Development Block Grant Program; Authorizing acceptance of the grant, if awarded; Authorizing the Mayor and/or City Manager to execute the application, award agreement, program documents, reports, and close out documentation.

Sponsors: City Manager Vitas

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

No: 1 - Commissioner Johnston

Absent: 2 - Commissioner Rossi and Commissioner Weekley

Yes: 4 - Commissioner Lopez, Commissioner Wardlow, Commissioner Yaniz and Mayor Cates

Enactment No: Res 12-267

- 13 Authorizing the expenditure of Disaster Recovery Grant Funds on Community Development Block Grant (CDBG) eligible activities as leverage for the 2012 Florida Small Cities CDBG Housing Rehabilitation application.
- Sponsors:** City Manager Vitas
- A motion was made by Commissioner Lopez, seconded by Commissioner Wardlow, that the Resolution be Passed. The motion carried by the following vote:**
- Absent:** 2 - Commissioner Rossi and Commissioner Weekley
- Yes:** 5 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Yaniz and Mayor Cates
- Enactment No: Res 12-268
- 14 Approving the attached amended Small Cities Community Development Block Grant Program Housing Assistance Plan for the City of Key West as required by the Department of Economic Opportunity and the Small Cities Community Development Block Grant Program-Housing Category.
- Sponsors:** City Manager Vitas
- A motion was made by Commissioner Lopez, seconded by Commissioner Wardlow, that the Resolution be Passed. The motion carried by the following vote:**
- Absent:** 2 - Commissioner Rossi and Commissioner Weekley
- Yes:** 5 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Yaniz and Mayor Cates
- Enactment No: Res 12-269
- 15 **Proposed Add-On Item**
Urging the Florida Housing Finance Corporation to review and reverse a proposed change to the 2013 application and program requirements for the MMRB Programs, as specified in Rule Chapter 67-21, Florida Administrative Code (F.A.C.), in order to provide an allowance for a Florida Keys Priority Set Aside.
- Sponsors:** Mayor Cates
- A motion was made by Commissioner Yaniz, seconded by Commissioner Wardlow, that the Resolution be Passed. The motion carried by the following vote:**
- No:** 2 - Commissioner Johnston and Commissioner Lopez

Absent: 2 - Commissioner Rossi and Commissioner Weekley

Yes: 3 - Commissioner Wardlow, Commissioner Yaniz and Mayor Cates

Enactment No: Res 12-270

16

Quasi-Judicial Hearing

Approving an Easement of 168 Square Feet to address the encroachment of a fence, overhang, and concrete slabs that runs along Robert’s Alley for a commercial structure located at 812 Caroline Street, Key West, Florida (RE# 00003150-000000); Providing fees and conditions.

Sponsors: City Manager Vitas

Withdrawn

ORDINANCES - SECOND READING (Public Hearing)

17

An Ordinance of the City of Key West, Florida, amending Chapter 26 of the Code of Ordinances entitled “Environment” by amending Section 26-193 entitled “Exceptions” to clarify and update exemptions to the Sound Control Ordinance; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Yaniz

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

Absent: 2 - Commissioner Rossi and Commissioner Weekley

Yes: 5 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Yaniz and Mayor Cates

Enactment No: Ord 12-30

- 18 An Ordinance of the City of Key West, Addressing the compatibility of lands adjacent to or closely proximate to military installations in the future land use element in the City of Key West Comprehensive Plan; Revising Policy 1-3.9.1, and creating Policy 1-3.9.2, Policy 1-3.9.3, Policy 1-3.9.4, Policy 1-3.9.5, Policy 1-3.9.6, and Policy 1-3.9.7; 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; Providing for the inclusion in the City of Key West Comprehensive Plan.

Sponsors: City Manager Vitas

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

Absent: 2 - Commissioner Rossi and Commissioner Weekley

Yes: 5 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Yaniz and Mayor Cates

Enactment No: Ord 12-31

- 19 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; Providing for a Residential Density of 8.6 units per acre, 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 in the City of Key West Comprehensive Plan.

Sponsors: City Manager Vitas

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

Absent: 2 - Commissioner Rossi and Commissioner Weekley

Yes: 5 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Yaniz and Mayor Cates

Enactment No: Ord 12-32

- 20 An Ordinance of the City of Key West amending the Land Development Regulations, and the Official Zoning Map for property known as the Peary Court Housing Complex (RE# 00006730-000000, Alternate Key# 1006963) Amending the Official Zoning Map Legend; Amending Chapter 122, Article IV, to create a new Historic Special Medium Density Residential District (HSMDR), providing for permitted uses, conditional uses, prohibited uses and dimensional requirements; Providing for a residential density of ~~9~~ 8.6 units per acre; Amending Chapter 122, Article V, providing amendments to the tables of uses and dimensional requirements for Historic Special Medium Density Residential District (HSMDR); Providing for concurrent and conditional adoption upon adoption of Comprehensive Plan amendments; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Vitas

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

Absent: 2 - Commissioner Rossi and Commissioner Weekley

Yes: 5 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Yaniz and Mayor Cates

Enactment No: Ord 12-33

- 21 An Ordinance of the City of Key West, Florida, amending Chapter 58 of the Code of Ordinances entitled "Solid Waste" by amending Section 58-64 to adjust Navy Generated Solid Waste Rates; Amending Section 58-65 to adjust Residential Rates; Amending Section 58-66 to adjust Commercial Solid Waste Rates; 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 Adopted. The motion carried by the following vote:

Absent: 2 - Commissioner Rossi and Commissioner Weekley

Yes: 5 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Yaniz and Mayor Cates

Enactment No: Ord 12-34

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

8:23 P.M.