



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Meeting Agenda Full Detail City Commission

Tuesday, May 15, 2012

6:00 PM

Old City Hall

Revised

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 - Key West Police Chaplin Steve Torrence

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

PROCLAMATIONS

- 1 Earth Day

 Sponsors: Mayor Cates
 Attachments: [Proclamation](#)

- 2 Kirby Congdon Day

 Sponsors: Mayor Cates
 Attachments: [Proclamation](#)

- 3 Maritime Day

 Sponsors: Mayor Cates
 Attachments: [Proclamation](#)

- 4 Peace Officers Memorial Day
Key West Police Week

Sponsors: Mayor Cates

Attachments: [Proclamation](#)

PRESENTATIONS

- 5 Sustainability Advisory Board's Annual Report

Sponsors: Commissioner Johnston

Attachments: [Annual Report 2012](#)

Legislative History

4/12/12	Sustainability Advisory Board	Passed
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- 6 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.

Sponsors: 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](#)

Legislative History

1/19/12	Planning Board	Passed
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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](#)
[Advertisement](#)
- 8 *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.
- Sponsors:** City Manager Scholl
- Attachments:** [Resolution](#)
[Application](#)
[Advertisement](#)
- 9 *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.
- Sponsors:** City Manager Scholl
- Attachments:** [Resolution](#)
[*Large File* Application](#)
[Advertisement](#)
- 10 *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](#)

- 11 *Authorizing Southernmost Beach Cafe the use of the City property at 1405 Duval Street for a Brewfest Key West Festival on Saturday, September 1, 2012 from 3:00 p.m. to 8:00 p.m. (rain date of Sunday, September 2, 2012); Authorizing the sale and consumption of alcoholic beverages within the barricaded area.
- Sponsors:** City Manager Scholl
- Attachments:** [Resolution](#)
 [*Large File* Application](#)
 [Advertisement](#)
- 12 *Approving transfer of Mobile Vendor License (MVL) #19770 from Maria Garrido to Natasha Matarazzo due to hardship.
- Sponsors:** City Manager Scholl
- Attachments:** [Resolution](#)
 [Letter requesting transfer](#)
- 13 *Authorizing the purchase of two (2) belt press wedge kits for the Richard A. Heyman Environmental Protection Facility (WWTP) from Ashbrook Simon- Hartley Operations, L.P., on a sole source basis in accordance with City Code Section 2-797(1), in the total amount of \$31,000.00.
- Sponsors:** City Manager Scholl
- Attachments:** [Resolution](#)
 [Executive Summary](#)
 [Quote from Ashbrook Simon-Hartley Operations](#)
 [Sole Source Letter from Vendor](#)
 [Belt Press Wedge Kit Product Information](#)
- 14 *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.
- Sponsors:** City Manager Scholl
- Attachments:** [Resolution](#)
 [Executive Summary](#)
 [CH2M Hill Task Order 4-12](#)
 [Resolution 10-287](#)
 [CH2M HILL Domestic Partner Compliance Letter](#)

- 15 *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](#)
- 16 *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](#)
- 17 *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](#)
- Legislative History**
- | | | |
|--------|-----------------|-----------|
| 5/1/12 | City Commission | Postponed |
|--------|-----------------|-----------|

- 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](#)
[Lease](#)
- 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](#)
- 20** Adjusting rates for liveaboard, commercial and recreational leases at the City Marina at Garrison Bight.
- Sponsors:** City Manager Scholl
- Attachments:** [Resolution](#)
[Executive Summary](#)
[Capital Improvement Needs 2012](#)
- Legislative History**
- | | | |
|--------|-----------------|-----------|
| 3/6/12 | City Commission | Postponed |
| 4/3/12 | City Commission | Postponed |

21 Approving the sale of real property commonly known as 529 Front Street (RE Number 00072082-000600); Providing conditions.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)

[Executive Summary](#)

[Bid Review - Appraisal Co of KW](#)

[Bid Review - Lighthouse Realty](#)

[Bid - Pier House Joint Venture](#)

[Bid - City of Key West Police Fire Pension](#)

[Property for Sale Public Notice](#)

[Summary Appraisal - Appraisal Co of KW](#)

[Summary Appraisal - Lighthouse Realty](#)

[Part 1 of Full Appraisal from Appraisal Company of Key West](#)

[Part II of Full Appraisal from Appraisal Company of Key West](#)

[Part III of Full Appraisal from Appraisal Company of Key West](#)

[Lighthouse Realty Services Full Appraisal](#)

[Ordinance 10-15](#)

Legislative History

9/6/11 City Commission Received and Filed

1/24/12 City Commission Postponed

2/7/12 City Commission Postponed

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

Sponsors: 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](#)

- 23** 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.
- Sponsors:** City Manager Scholl
- Attachments:** [Resolution](#)
[Executive Summary](#)
[Planning Board Resolution 2012-18](#)
[Planning Board Pkg](#)
[*Large File* Previous Approval](#)
- Legislative History**
- | | | |
|---------|----------------|--------|
| 4/23/12 | Planning Board | Passed |
|---------|----------------|--------|
- 24** Approving an Easement of approximately 95 square feet to address the encroachment of an existing swimming pool and new fencing on the Virginia Street side of the property located at 1021 Watson Street, Key West, Florida (RE#00033430-000000); Providing fees and conditions.
- Sponsors:** City Manager Scholl
- Attachments:** [Resolution](#)
[Executive Summary](#)
[Easement Agreement](#)
[Settlement Agreement](#)
[Application](#)
[Survey](#)
- 25** 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 Virginia Street side of property located at 1015 SImonton Street.
- Sponsors:** City Manager Scholl
- Attachments:** [Resolution](#)
[Executive Summary](#)
[Agreement](#)
[Exhibit A](#)
[Exhibit B](#)
[Application](#)
[Survey](#)
[Site Photos](#)
[Surrounding Property](#)

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.

Sponsors: Mayor Cates

Attachments: [Ordinance](#)
[Executive Summary](#)

- 27 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.

Sponsors: Mayor Cates

Attachments: [Ordinance](#)
[Executive Summary](#)

- 28 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.

Sponsors: Commissioner Weekley

Attachments: [Ordinance](#)

- 29 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](#)

Legislative History

4/23/12 Planning Board Passed

30

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](#)

Legislative History

3/27/12 Planning Board Passed

31

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.

Sponsors: City Manager Scholl

Attachments: [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](#)

Legislative History

10/20/11 Planning Board Postponed

11/17/11 Planning Board Postponed

1/19/12 Planning Board Postponed

3/15/12 Planning Board Passed

32

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](#)

Legislative History

1/19/12	Planning Board	Passed
3/27/12	Planning Board	Postponed
4/19/12	Planning Board	Passed

33

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.

Sponsors: City Manager Scholl

Attachments: [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](#)

Legislative History

1/26/12	Development Review Committee	Received and Filed
2/23/12	Development Review Committee	Received and Filed
4/19/12	Planning Board	Passed

ORDINANCES - SECOND READING (Public Hearing)

- 34** 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; Amending Section 74-209 to amend delinquent 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](#)

Legislative History

5/1/12 City Commission Passed to Second Reading

- 35** 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.

Sponsors: Commissioner Johnston

Attachments: [Ordinance](#)
[Executive Summary](#)

Legislative History

5/1/12 City Commission Passed to Second Reading

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT