

MINUTES

CITY COMMISSION MEETING

OLD CITY HALL, 510 GREENE STREET

TUESDAY, SEPTEMBER 18, 2012

A regular meeting of the City Commission of the City of Key West, Florida was held in Commission Chambers, Old City Hall, on Tuesday, September 18, 2012.

Mayor Craig Cates called the meeting to order at 6:00 p.m.

Answering roll call were Commissioners Teri Johnston, Clayton Lopez, Billy Wardlow, Tony Yaniz and Mayor Craig Cates.

Commissioners Mark Rossi and Jimmy Weekley were absent.

Also present were City Manager Bob Vitas, Assistant City Manager (ACM) David Fernandez, ACM Mark Finigan, City Attorney Shawn Smith, City Planner Don Craig, Police Chief Donnie Lee, Fire Chief David Fraga, Division Chief Craig Marston, Finance Director Roger Wittenberg, Human Resources Director Sandy Gilbert, Community Services Director Greg Veliz, Deputy Community Services Director Rodrigo Delostrinos, Code Compliance Manager Jim Young, Parking Manager John Wilkins, Key West Bight Operations Manager John Paul Castro, Jr., Utilities Manager Jay Gewin, City/Navy Coordinator Terry Justice, Senior Property Manager Marilyn Wilbarger, Senior Deputy City Clerk Sue Harrison and Deputy City Clerk Angela Budde

Pastor Ozzie Vater from the Fifth Street Baptist church gave the invocation.

The pledge of allegiance to the flag of the United States of America was given by all present.

CHANGES TO THE AGENDA:

City Manager Vitas requested Presentation Item #4 be postponed to a future date undetermined at this point, postpone Resolution Items #13 and #14 to October 16 and withdraw Resolution item #15. The City Manager also advised of a Proposed Add-on Resolution Item #16 to be added to the Agenda with the affirmation from the Commission.

Commissioner Johnston requested Resolution Items #8 and #9 be removed from the Consent Agenda for discussion.

The Deputy Clerk announced there were speakers for Resolution Item #7 and requested the item be removed from the Consent Agenda.

Without opposition, the agenda was accepted as changed.

ORDINANCES:

ORDINANCE NO. 12-29

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

The Deputy Clerk read the title of the Ordinance.

Senior Deputy City Clerk Harrison read the following letter into the record:

Former District IV City Commissioner Barry Gibson

The following people spoke on the matter:

ACM Finigan
Judy Martinez, 1020 Emma Street 3a
Margaret Romero, 161 Washington Street

The Commission members discussed options of using reserve days and keeping the millage rate below the presented millage rate.

It was moved by Commissioner Johnston and seconded by Commissioner Wardlow to approve the Millage rate at 2.9471 mills and for the Ordinance to be passed as presented on second reading as read.

The Mayor acknowledged the motion and second and requested the Deputy Clerk to call the roll.

Yeas: Commissioners Johnston and Yaniz.

Nays: Commissioners Lopez and Wardlow and Mayor Cates

Motion failed.

It was moved by Commissioner Wardlow and seconded by Commissioner Yaniz to approve the Millage rate at 2.9185 mills and for the Ordinance to be passed on second reading as read.

The Mayor acknowledged the motion and second and requested the Deputy Clerk to call the roll.

Yeas: Commissioners Lopez, Wardlow, Yaniz and Mayor Cates

Nays: Commissioner Johnston

The said Ordinance was thereupon declared by the Mayor to have been duly passed on first and second reading and was adopted and authenticated with the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

RESOLUTIONS:

RESOLUTION NO. 12-263

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, ADOPTING THE FINAL BUDGET FOR FY 2012-2013 AND PROVIDING APPROPRIATIONS IN ACCORDANCE THEREWITH; PROVIDING FOR AN EFFECTIVE DATE

The Deputy Clerk read the title of the Resolution.

The following person spoke on the matter:

ACM Finigan

It was moved by Commissioner Wardlow and seconded by Commissioner Lopez that the Resolution be passed with the final budget for FY 2012-2013 is hereby approved and adopted by fund and by major category at \$157, 358,233.00 for the City for such period and adopted as read.

The Mayor acknowledged the motion and second and requested the Deputy Clerk to call the roll.

Yeas: Commissioners Lopez, Wardlow, Yaniz and Mayor Cates

Nays: Commissioner Johnston

The said Resolution was thereupon declared by the Mayor to have been duly passed and adopted and was authenticated by the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

PROCLAMATIONS:

National Recovery Month

PRESENTATIONS:

Postponed

Cruise Ship Information and Education by Ms. Jennifer Hulse Co-Chairperson of the Cruise Ship Committee for the Key West Chamber of Commerce.
(City Manager Vitas)

30 Year Service Award and Retirement Recognition for Frank Sauer –
Key West Police Captain (City Manager Vitas)

City Attorney's Report

The City Attorney opened a discussion on construction trailers parked continuously without moving on the City's Rights-of-way and the Commission agreed to give individuals 60 days to come into compliance before issuing violations.

City Manager's Report

The City Manager reported he met with Waste Management's Greg Sullivan and their Government Relations Manager from Miami to open discussions on the concerns the City has currently with the company. The City Manager presented an outline of issues requiring discussion and resolution.

CONSENT AGENDA:

The Deputy Clerk read the titles of the Resolutions.

It was moved by Commissioner Johnston and seconded by Commissioner Lopez to approve the consent agenda items.

The Mayor acknowledged the motion and second and requested verbal approval. The response was unanimous to approve the Minutes and to pass the Resolutions as read.

MINUTES:

***July 31, 2012 (Workshop)**

RESOLUTIONS:

RESOLUTION NO. 12-264

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING \$3,000.00 DONATION FROM THE LAW ENFORCEMENT OFFICER TRUST FUND (STATE FORFEITURE FUNDS TO THE KEY WEST POLICE ATHLETIC LEAGUE SUMMER AND HOLIDAY CAMP PROGRAM; PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION NO. 12-265

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED MUTUAL AID AGREEMENT BETWEEN THE CITY OF KEY WEST AND THE MONROE COUNTY SCHOOL DISTRICT REGARDING A SCHOOL RESOURCE OFFICER AT KEY WEST HIGH SCHOOL FOR THE 2012-2013 SCHOOL YEAR; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 12-266

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVAL OF TASK ORDER 7-12 PORTS FROM CH2M HILL ENGINEERING SERVICES FOR THE DESIGN AND PREPARATION OF BID DOCUMENTS FOR MOLE PIER FLOATING DOCK AND FUELING STATION IN A TOTAL AMOUNT NOT TO EXCEED \$49,350.00; APPROVING NECESSARY BUDGET AMENDMENTS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. POSTPONED TO OCTOBER 16

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED "CONTRACT FOR SALE AND PURCHASE" OF REAL PROPERTY COMMONLY KNOWN AS 529 FRONT STREET (RE NUMBER 00072082-000600); PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. POSTPONED TO OCTOBER 16

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, 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.; PROVIDING FOR AN EFFECTIVE DATE

The said Resolutions were thereupon declared by the Mayor to have been duly passed and adopted and were authenticated by the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

RESOLUTION NO. 12-267

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, 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; PROVIDING FOR AN EFFECTIVE DATE

The Deputy Clerk read the title of the Resolution.

The following people spoke on the matter:

Margaret Romero, 1615 Washington Street
LeAnn Broadbent, Director of the Community Development Office at the Housing Authority

It was moved by Commissioner Lopez and seconded by Commissioner Yaniz that the Resolution be passed and adopted as read.

The Mayor acknowledged the motion and second and requested the Deputy Clerk to call the roll.

Yeas: Commissioners Lopez, Wardlow, Yaniz and Mayor Cates

Nays: Commissioner Johnston

The said Resolution was thereupon declared by the Mayor to have been duly passed and adopted and was authenticated by the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

RESOLUTION NO. 12-268

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, 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; PROVIDING FOR AN EFFECTIVE DATE

The Deputy Clerk read the title of the Resolution.

The following person spoke on the matter:

LeAnn Broadbent, Director of the Community Development Office at the Housing Authority

It was moved by Commissioner Lopez and seconded by Commissioner Wardlow that the Resolution be passed and adopted as read.

The Mayor acknowledged the motion and second and requested the Deputy Clerk to call the roll.

Yeas: Commissioners Johnston, Lopez, Wardlow, Yaniz and Mayor Cates

Nays: None

The said Resolution was thereupon declared by the Mayor to have been duly passed and adopted and was authenticated by the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

RESOLUTION NO. 12-269

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, 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 BLOCK GRANT PROGRAM – HOUSING CATEGORY; PROVIDING FOR AN EFFECTIVE DATE

The Deputy Clerk read the title of the Resolution.

The following person spoke on the matter:

LeAnn Broadbent, Director of the Community Development Office at the Housing Authority

It was moved by Commissioner Lopez and seconded by Commissioner Wardlow that the Resolution be passed and adopted as read.

The Mayor acknowledged the motion and second and requested the Deputy Clerk to call the roll.

Yeas: Commissioners Johnston, Lopez, Wardlow, Yaniz and Mayor Cates

Nays: None

The said Resolution was thereupon declared by the Mayor to have been duly passed and adopted and was authenticated by the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

ADD-ON

RESOLUTION NO. 12-270

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, 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 ADMINISTRATION CODE (F.A.C.), IN ORDER TO PROVIDE AN ALLOWANCE FOR A FLORIDA KEYS PRIORITY SET ASIDE; PROVIDING FOR AN EFFECTIVE DATE

The Deputy Clerk read the title of the Resolution.

The following person spoke on the matter:

Margaret Romero, 1615 Washington Street

It was moved by Commissioner Yaniz and seconded by Commissioner Wardlow that the Resolution be passed and adopted as read.

The Mayor acknowledged the motion and second and requested the Deputy Clerk to call the roll.

Yeas: Commissioners Wardlow, Yaniz and Mayor Cates

Nays: Commissioners Johnston and Lopez

The said Resolution was thereupon declared by the Mayor to have been duly passed and adopted and was authenticated by the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

RESOLUTION NO. WITHDRAWN

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, 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; PROVIDING FOR AN EFFECTIVE DATE

ORDINANCES - SECOND READING: (Public Hearing)

ORDINANCE NO. 12-30

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, CREATING CHAPTER OR 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

The Deputy Clerk read the title of the Ordinance.

It was moved by Commissioner Lopez and seconded by Commissioner Yaniz that the Ordinance to be passed on second reading as read.

The Mayor acknowledged the motion and second and requested the Deputy Clerk to call the roll.

Yeas: Commissioners Johnston, Lopez, Wardlow, Yaniz and Mayor Cates

Nays: None

The said Ordinance was thereupon declared by the Mayor to have been duly passed on first and second reading and was adopted and authenticated with the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

ORDINANCE NO. 12-31

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.

The Deputy Clerk read the title of the Ordinance.

The following person spoke on the matter:

City Planner Don Craig

It was moved by Commissioner Lopez and seconded by Commissioner Wardlow that the Ordinance be passed on second reading as read.

The Mayor acknowledged the motion and second and requested the Deputy Clerk to call the roll.

Yeas: Commissioners Johnston, Lopez, Wardlow, Yaniz and Mayor Cates

Nays: None

The said Ordinance was thereupon declared by the Mayor to have been duly passed on first and second reading and was adopted and authenticated with the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

ORDINANCE NO. 12-32

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 # 100696#); AMENDING THE FUTURE LAND USE MAP LEGEND AND DENSITY AND INTENSITY OF DEVELOPMENT, AMENDING MAP 1-1, MAP 1-4 AND MAP 1-5 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 REPEAL OF INCONSISTENT PROVISIONS; 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.

The Deputy Clerk read the title of the Ordinance.

The following people spoke on the matter:

Naja Girard, 1214 Newton Street
Donna Bosold, Key West
James Landers, White St. Partners
Captain Davidson
City Planner Don Craig

It was moved by Commissioner Wardlow and seconded by Commissioner Lopez that the Ordinance be passed on second reading as read.

The Mayor acknowledged the motion and second and requested the Deputy Clerk to call the roll.

Yeas: Commissioners Johnston, Lopez, Wardlow, Yaniz and Mayor Cates

Nays: None

The said Ordinance was thereupon declared by the Mayor to have been duly passed on first and second reading and was adopted and authenticated with the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

ORDINANCE NO. 12-33

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 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.

The Deputy Clerk read the title of the Ordinance.

The following people spoke on the matter:

City Attorney Smith
City Planner Don Craig
Naja Girard, 1214 Newton Street
Donna Bosold, Key West
James Landers, White St. Partners

It was moved by Commissioner Wardlow and seconded by Commissioner Lopez that the Ordinance be passed on second reading as read.

The Mayor acknowledged the motion and second and requested the Deputy Clerk to call the roll.

Yeas: Commissioners Johnston, Lopez, Wardlow, Yaniz and Mayor Cates

Nays: None

The said Ordinance was thereupon declared by the Mayor to have been duly passed on first and second reading and was adopted and authenticated with the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

ORDINANCE NO. 12-34

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.

The Deputy Clerk read the title of the Ordinance.

The following people spoke on the matter:

City Attorney Smith

It was moved by Commissioner Johnston and seconded by Commissioner Lopez that the Ordinance be passed on second reading as read.

The Mayor acknowledged the motion and second and requested the Deputy Clerk to call the roll.

Yeas: Commissioners Johnston, Lopez, Wardlow, Yaniz and Mayor Cates

Nays: None

The said Ordinance was thereupon declared by the Mayor to have been duly passed on first and second reading and was adopted and authenticated with the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

CITIZEN COMMENTS:

Judy Martinez, 1020 Emma Street

COMMISSION COMMENTS:

Commissioner Yaniz thanked Staff for their hard work.

Mayor Cates also thanked Staff acknowledging their hard work with the budget and saving the taxpayers from having their taxes increase.

ADJOURNMENT:

There being no further business the Mayor adjourned the meeting at 8:23 p.m.



Cheryl Smith, MMC, CPM
City Clerk