



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Wednesday, September 30, 2015

6:00 PM

Old City Hall

SPECIAL

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 1-800-955-8771 or for voice 1-800-955-8770 or the ADA Coordinator at 305-809-3731 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

CALL MEETING TO ORDER

6:13 P.M.

ROLL CALL

Absent 1 - Commissioner Wardlow

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

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

ORDINANCES - SECOND READING (Public Hearing)

- 1 An Ordinance of the City of Key West, Florida, Amending Chapter 78 of the Code of Ordinances by Amending Article V, entitled "Sightseeing Vehicles Pursuant to Franchise" to include additions to Section 78-251 entitled "Franchise Application Process"; and Amending Section 78-252 entitled "City Commission Consideration of Duly-Submitted Application" governing the process and requirements for applying for, granting and renewing Sightseeing Vehicle Franchises; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

Attachments: [City Attorney Memo](#)

[Item 1](#)

[Item 2](#)

[Item 3](#)

A motion was made by Commissioner Weekley and seconded by Commissioner Johnston to accept staff's recommended change on page 2, Section 78-251 (a) to include "Applications shall only be accepted within forty-five (45) days of the effective date of this ordinance and thereafter only between November 1 and November 30th of each odd numbered year."

Absent: Commissioner Wardlow

Yes: Commissioners Johnston, Lopez, Rossi, Weekley, Yaniz and Mayor Cates

No: None

A motion was made by Commissioner Johnston and seconded by Commissioner Weekley to accept staff's recommended change on page 4, item (c) striking fourteen (14) and adding thirty (30) days.

The motion passed by a unanimous vote.

A motion was made by Commissioner Weekley and seconded by Commissioner Lopez to accept staff's recommended change on page 8, (3) to include "and each and every location deemed a "stand" where vehicles will stage operations."

The motion passed by a unanimous vote.

A motion was made by Commissioner Johnston and seconded by Commissioner Weekley to add language to staff's recommended change on page 11 to include "negatively impacts quality of life for the residents . . .". After discussion Mr. Weekley withdrew his second. The motion failed for lack of a second.

A motion was made by Commissioner Rossi and seconded by Commissioner Yaniz to accept staff's recommended changes on pages 10 and 11; to strike the portion of paragraph (5) on page 10 and continuing on page 11 and the paragraph on page 11 and to accept the new paragraph on page 11 including the additional language "An effective party may appeal the City Manager's decision to the City Commission."

Absent: Commissioner Wardlow

Yes: Commissioners Lopez, Rossi, Weekley, Yaniz and Mayor Cates

No: Commissioner Johnston

A motion was made by Commissioner Rossi and seconded by Commissioner Yaniz to accept staff's recommended change to page 13, paragraph (11) to add "sightseeing" to the first sentence.

The motion passed by a unanimous vote.

A motion was made by Commissioner Yaniz and seconded by Commissioner Johnston to change page 14, paragraph (14), seconded sentence to read "The records shall be provided to the City upon request within thirty (30) days to determine the percentage of occupancy and ridership."

Absent: Commissioner Wardlow

Yes: Commissioners Johnston, Lopez, Rossi, Weekley, Yaniz and Mayor Cates

No: None

It was moved by Commissioner Rossi and seconded by Commissioner Weekley to accept staff's recommendation to delete paragraphs (15), (16) and (17) on pages 14 and 15.

The motion passed by a unanimous vote.

It was moved by Commissioner Lopez and seconded by Commissioner Yaniz to accept staff's recommended addition on page 15, paragraph (18) ". . . on a quarterly basis."

Absent: Commissioner Wardlow

Yes: Commissioners Lopez, Weekley, Yaniz and Mayor Cates

No: Commissioners Johnston and Rossi

It was moved by Commissioner Weekley and seconded by Commissioner Lopez to accept staff's recommended change on page 15, paragraph (19) to read "A provision that details the Franchisee's plan to contain sound from the tour's narration within the public right of way. Franchisee shall acknowledge the requirement to comply with the City's sound control ordinance as may be amended from time to time."

Absent: Commissioner Wardlow

Yes: Commissioners Johnston, Lopez, Rossi, Weekley, Yaniz and Mayor Cates

No: None

It was moved by Commissioner Johnston and seconded by Commissioner Lopez to accept staff's recommended deletion on page 16 of paragraph (21).

The motion passed by a unanimous vote.

It was moved by Commissioner Lopez and seconded by Commissioner Rossi to accept staff's recommended change on page 17 to item (10) to read "A demonstrated public benefit for the services to be provided; and"

Absent: Commissioner Wardlow

Yes: Commissioners Johnston, Lopez, Rossi, Weekley and Mayor Cates

No: Commissioner Yaniz

A motion was made by Commissioner Rossi, seconded by Commissioner Lopez, that the Ordinance be Postponed to October 20, 2015. The motion carried by the following vote:

No: 2 - Commissioner Johnston and Commissioner Weekley

Absent: 1 - Commissioner Wardlow

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

ADJOURNMENT

7:58 P.M.