



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Tuesday, October 5, 2010

6:00 PM

Old City Hall

ADA Assistance: If you are a person with a disability who needs special accommodations in order to participate in this proceeding, including requesting materials in accessible format, a sign language interpreter or other assistance (5 days advance notice required), or information on access available to individuals with disabilities, please contact the ADA Coordinator at 305-809-3951 between the hours of 8:00 a.m. and 5:00 p.m. If you are hearing or voice impaired, please call 305-809-1000.

CALL MEETING TO ORDER

6:03 p.m.

ROLL CALL

Present 7 - Commissioner Gibson, Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

INVOCATION - Chaplin LCDR Dorman Dowling - NAS Key West

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

PROCLAMATIONS

- 1 Fire Prevention Week
Sponsors: Mayor Cates
This matter was Received and Filed

- 2 National Physicians Week
Sponsors: Mayor Cates
This matter was Received and Filed

PRESENTATIONS

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.**

MINUTES

- 3 *June 15, 2010 (Regular)

 Passed

RESOLUTIONS

- 4 *Appointing Richard Tallmadge to the Art in Public Place Board.

 Sponsors: Commissioner Gibson

 Passed

 Enactment No: Res 10-282

- 5 *Extending the term of the "Strategic Planning Committee" to May 31, 2011.

 Sponsors: Commissioner Weekley

 Passed

 Enactment No: Res 10-283

- 6 *Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to the Florida Powerboat Club, Inc. for an event to take place during the hours of 8:00 P.M. to 11:00 P.M. on Friday, November 12 and Saturday, November 13, 2010 at the Conch Republic Seafood Company.

 Sponsors: City Manager Scholl

 Passed

Enactment No: Res 10-284

- 7 *Authorizing the Monroe County Commercial Fishermen Inc. to conduct their "Sixth Annual Florida Keys Seafood Festival" at Bayview Park on Saturday, January 15, 2011 from 11:00 A.M. to 9:00 P.M. pursuant to terms and conditions set forth by the City Manager; Authorizing the sale and consumption of alcoholic beverages within the enclosed area; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 11:00 A.M. to 9:00 P.M.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 10-285

- 8 *Authorizing Premier Racing the use of the Truman Waterfront for the staging, launching and hauling of racing sailboats and support boats on January 1, 2011 to February 1, 2011 from 6:00 A.M. to 8:00 P.M.; Pursuant to terms and conditions set forth by the City Manager.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 10-286

- 9 *Exercising the two-year renewal option contained in the contract for General and Utility Engineering Services with CH2M Hill, originally approved in Resolution No. 07-331.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 10-287

- 10 *Exercising the two-year renewal option contained in the contract for General and Utility Engineering Services with Chen and Associates, originally approved in Resolution No. 07-330.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 10-288

- 11 *Extending the contract for Sidewalk Enhancements Phase I - Southard Street Corridor Ramps, William Street Sidewalks and Twelfth Street Sidewalks with Charley Toppino and Sons, Inc. until January 26, 2011.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 10-289

- 12 *Authorizing submission of a grant application to the U.S. Fish and Wildlife Service for the Boating Infrastructure Grant Program.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 10-290

- 13 *Approving the proposed activities as outlined in the 2011/2012 Local Government Funding Requests to FDEP for Key West Beaches and Coastal Systems; Authorizing the City to act as a local sponsor with the State Division of Parks and Recreation; Expressing the City's intention to provide the local cost share from its General Fund.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 10-291

- 14 *Amending the Community Development Block Grant Program Disaster Recovery Housing Assistance Plan for the City of Key West, Florida by adding a category for disaster recovery funding for demolition/replacement of affordable housing.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 10-292

Approval of the Consent Agenda

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

- 15 Authorizing Fogarty's to conduct a Red Party Event at 227 Duval Street on Wednesday, October 27, 2010 from ~~12:00 Noon~~ 4:00 p.m. to 4:00 A.M. pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Caroline Street between Duval & Simonton Streets; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from ~~12:00 Noon~~ 4:00 p.m. to 4:00 A.M.; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

Sponsors: City Manager Scholl

A motion was made by Commissioner Rossi, seconded by Commissioner Lopez, that this Resolution be Adopted As Amended. The motion carried by the following vote:

Yes: 7 - Commissioner Gibson, Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Res 10-293

- 16 Exercising the two-year renewal option contained in the contract for General and Utility Engineering Services with Perez Engineering and Development, Inc., originally approved in Resolution No. 07-332.

Sponsors: City Manager Scholl

A motion was made by Commissioner Johnston, seconded by Commissioner Rossi, that this Resolution be Passed. The motion carried by the following vote:

Yes: 7 - Commissioner Gibson, Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Res 10-294

- 17 Approving the form of Charter Boat Dockage Agreement Renewal Rates, Rules and Regulations for the City Marina at Garrison Bight.

Sponsors: City Manager Scholl

A motion was made by Commissioner Rossi, seconded by Commissioner Lopez, that this Resolution be Postponed. The motion carried by the following vote:

Yes: 7 - Commissioner Gibson, Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

- 18 Rescinding Resolution 10-279, which awarded RFP #009-10 for Ambulance Services.

Sponsors: Commissioner Rossi

A motion was made by Commissioner Rossi, seconded by Commissioner Johnston, that this Resolution be Passed. The motion carried by the following vote:

Yes: 7 - Commissioner Gibson, Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Res 10-295

ORDINANCES – FIRST READING

- 19 An Ordinance granting a Franchise to Duck Tours Seafari Inc. to operate a non-exclusive city-wide amphibious sightseeing operation; Providing terms and conditions, including the following: providing that Ordinance does not prohibit City from operating a shuttle service; Defining the territory to be served; Authorizing City inspection of sightseeing vehicles; Providing for the observance of current and future rules and regulations, insurance requirements and indemnification; Limiting assignment of the Franchise; Providing consideration for grant of the Franchise and contingent relief; Directing the procedure for designation of stops and operational requirements of Franchisee; Providing for inspection of books and records; Authorizing the issuance of permits; Establishing the duration of the Franchise; Providing for the establishment of rates, fees and routes; Specifying default provisions and procedure for notice, suspension and/or termination upon default, including appeal provisions; Providing remedies upon bankruptcy of Franchisee; Indicating Franchise is not a waiver of other City requirements; Clarifying that no joint venture is created; Prohibiting discrimination; providing for construction and interpretation of provisions; Indicating time is of the essence; Providing for attorneys fees, waiver of jury trial and specifying venue in the event of litigation; Providing for notice, acknowledgement, acceptance and cumulative provisions; Specifying the Franchise constitutes the entire agreement between the parties and may only be amended by subsequent Ordinance of the City Commission; Providing for elimination of permanent injunction upon institution and compliance with the Franchise Agreement; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Rossi

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

Yes: 7 - Commissioner Gibson, Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

ORDINANCES - SECOND READING (Public Hearing)

20

An Ordinance of the City of Key West, Florida, amending Chapter 110 of the Code of Ordinances entitled "Resource Protection"; By amending Section 110-255 to provide for Palm Weaving Permit issuance pursuant to Section 6-1 through 6-9; Restricting the methodology of Coconut Palm Tree Trimming; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Weekley

A motion was made by Commissioner Weekley, seconded by Commissioner Rossi, that this Ordinance be Adopted. The motion carried by the following vote:

Yes: 7 - Commissioner Gibson, Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Ord 10-20

21

An Ordinance of the City of Key West, Florida, amending Chapter 26 of the Code of Ordinances entitled "Environment" by amending Section 26-194 to provide for the regulation of sound emanating from a public right of way; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Weekley

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

No: 3 - Commissioner Johnston, Commissioner Rossi and Mayor Cates

Yes: 4 - Commissioner Gibson, Commissioner Lopez, Commissioner Wardlow and Commissioner Weekley

Enactment No: Ord 10-21

- 22 An Ordinance of the City Of Key West, Florida, amending Chapter 6 of the Code of Ordinances entitled Amusements and Entertainment; By amending Section 6-1, to add definitions; Section 6-2 to amend permit, application and appeal processes, adding palm weaving permits and extending 2010 permits; Amending Section 6-3, regarding locations; Amending Section 6-4 by amending permit regulations and prohibitions; Amending Section 6-7 regarding revocation of permits; Amending Section 6-8, adjusting permit fees; Amending Section 6-9 regarding penalty enforcement; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Weekley

A motion was made by Commissioner Lopez, seconded by Commissioner Rossi, that this Ordinance be Postponed to October 19, 2010. The motion carried by the following vote:

Yes: 7 - Commissioner Gibson, Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

- 23 An Ordinance of the City of Key West, Florida, amending Chapter 2 of the Code of Ordinances entitled "Administration" by adding Sections 2-700 through 2-704 in order to establish the "Caroline Street Corridor Tax Increment Financing Board"; Providing for its creation, composition, terms, duties and sunset; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Weekley

This matter was Withdrawn

- 24 An Ordinance of the City Commission of the City of Key West, approving an amendment to Chapter 18, "Businesses", of the Code of Ordinances of the City of Key West by adding Article XII. Conditional Approval Permit, Division 1., Sections 18-610 through 18-615 to provide for a conditional approval permit application and enforcement process; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

A motion was made by Commissioner Johnston, seconded by Commissioner Rossi, that this Ordinance be Adopted. The motion carried by the following vote:

Yes: 7 - Commissioner Gibson, Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Ord 10-22

25

An Ordinance of the City of Key West, Florida, amending Chapter 74 of the Code of Ordinances entitled "Utilities" by amending Section 74-246 to adjust the sewer service monthly Base Charge Unit (BCU); Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

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

Yes: 7 - Commissioner Gibson, Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Ord 10-23

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

9:53 p.m.