



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Tuesday, July 20, 2010

6:00 PM

Commission Chambers

ADA ASSISTANCE: If you are a person with a disability who needs special accommodations in order to participate in this proceeding, please contact the ADA Coordinator at 305-809-3951 between the hours of 8:00 a.m. and 5:00 p.m. To request 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.

CALL MEETING TO ORDER

6:00 P.M.

ROLL CALL

Absent 1 - Commissioner Wardlow

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

INVOCATION - Rev. Phil Smedstad, Unity of the Keys Church

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

PRESENTATIONS

1 Key West Strategic Planning Committee - Todd German

Sponsors: Commissioner Weekley

2 North Roosevelt Blvd. Project - FDOT

Sponsors: City Manager Scholl

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 *May 18, 2010 (Regular)

Passed

4 *May 22, 2010 (Workshop)

Passed

5 *June 1, 2010 (Regular)

Passed

RESOLUTIONS

6 *Authorizing Hunt Fish Guide permission for a Fishing/Spearfishing Tournament out of the Key West Bight at the foot of William Street on August 5 through 8, 2010 from 10:00 A.M. to 9:00 P.M.; Authorizing the closure of Lazy Way Lane from 10:00 A.M. to 9:00 P.M. during the event; Authorizing the consumption of alcoholic beverages within the barricaded area of the event; Granting an exemption from the Noise Control Ordinance pursuant to Section 6-86 of the Code of Ordinances on August 5 through August 8, 2010 from 10:00 A.M. to 11:00 P.M.; Pursuant to terms and conditions set forth by the City Manager.

Sponsors: City Manager Scholl

This matter was Withdrawn

7 *Granting a Special Event Permit to the Key West Business Guild for a street fair for Womenfest to take place on Saturday, September 11, 2010 during the hours of 12:00 Noon to 8:00 P.M.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of the 700 & 800 blocks of Duval Street during the hours of 10:00 A.M. to 10:00 P.M.; Granting an exemption from the Noise Ordinance pursuant to section 6-86 of the Code of Ordinances during the event; Authorizing the sale and consumption of alcoholic beverages within an enclosed area.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 10-212

- 8 *Authorizing AIDS Help Inc. to conduct the Coronation of the King & Queen of Fantasy Fest at the Southernmost Beach Cafe on Friday, October 22, 2010 from 9:00 A.M. to 12:00 Midnight; Pursuant to terms and conditions set forth by the City Manager; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 6:00 P.M. to 10:00 P.M.; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 10-213

- 9 *Approving and authorizing execution of the agreement between the City of Key West and the Sunrise Rotary Club for Poker Run on September 17 & 18, 2010; Authorizing the closure of Duval Street from Southard to Front Streets, on Friday, September 17, 2010 from 10:00 A.M. to 12:00 Midnight and on Saturday, September 18, 2010, from 10:00 A.M. to 12:00 Midnight; All cross streets shall remain open except Greene Street between Elizabeth to Whitehead Streets; Authorizing the sale and consumption of alcoholic beverages within the barricaded area of the event; Granting an exemption from the Noise Control Ordinance pursuant to Section 6-86 of the Code of Ordinances during the event.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 10-214

- 10 *Amending the composition of the "Sustainability Advisory Board" to redefine the members required to establish a quorum and establish alternate youth members.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 10-215

- 11 *Authorizing a purchasing exception pursuant to Section 2-797 of the Code of Ordinances, to allow cumulative expenditures during FY 09-10 to Expose Yourself USA, Inc. for exterior refurbishment (vinyl bus wrap) of City buses in a total amount not to exceed \$31,350.00.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 10-216

- 12 *Authorizing the City Manager to execute Task Order 01-10-GEN with Red Oak Consulting, a division of Malcolm Pirnie, Inc., in an amount not to exceed \$49,000.00 to provide a General Fund Cost Allocation study.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 10-217

- 13 *Authorizing a Local Agency Program (LAP) agreement between the City of Key West and FDOT in the amount of \$437,726.00 for safe routes to school - Poinciana Elementary School sidewalk installation (FM# 425854 - 1/EN11-1).

Sponsors: City Manager Scholl

Passed

Enactment No: Res 10-218

- 16 *Authorizing the Key West Police Department (KWPD) to apply for, and accept if awarded, the US Department of Justice Byrne Memorial Justice Assistance Grant - local solicitation, to allow for continued expansion and enhancement of KWPD information technology capabilities.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 10-219

- 18 *Authorizing a \$10,000.00 donation from the Law Enforcement Officers Trust Fund (State forfeiture funds) to the Key West Police Athletic League Summer Camp Program.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 10-220

- 19 *Recognizing the Florida Department of Transportation's (FDOT) Maintenance of Traffic Plan (MOT) to be implemented during the construction of North Roosevelt Boulevard; Requesting FDOT to proceed expeditiously.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 10-221

- 20 *Extending the contract for Sidewalk Enhancements Phase II - Fleming Street corridor ramps with Charley Toppino and Sons, Inc. until September 8, 2010.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 10-222

- 21 *Extending the contract for Sidewalk Enhancements Phase III - Caroline Street and Eaton Street corridor ramps with Charley Toppino and Sons, Inc. until August 30, 2010.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 10-223
- 22 *Exercising the three-year renewal option contained in the contract for Smathers and Rest Beach cleaning services with Evans Environmental & Geosciences (EE&G), LLC., originally approved in Resolution No. 05-248.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 10-224
- 24 *Approving a Major Modification to the Major Development Plan; Approving modification to required aisle width and parking stall size per Section 122-699 (9) and Section 108-91(A) (2) (b) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida; for the property located at 512 Greene Street (RE #00001170-000000).
- Sponsors: City Manager Scholl
- This Resolution was Postponed to September 7, 2010.**

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.

- 14 Directing staff to prepare and attempt to obtain roadway easements for the benefit of, and subsequent conveyance to, the Florida Department of Transportation (FDOT) on the south side of North Roosevelt Boulevard, for the purpose of implementing the FDOT plan to improve the road and construct sidewalks; Authorizing the execution of a quit claim deed for property along the north side of North Roosevelt Boulevard in favor of FDOT; Authorizing the execution of a warranty deed for 200 square feet of property known as Parcel 124 along North Roosevelt Boulevard in favor of the FDOT in accordance with City Charter Provision 7.03 (a).
- Sponsors: City Manager Scholl
- A motion was made by Commissioner Johnston, seconded by Commissioner Rossi, that this Resolution be Passed. The motion carried unanimously.**
- Enactment No: Res 10-225

- 15 Approving a transfer of funds in the amount of \$15,000.00 from the Tree Commission reserve fund to 001-3701-537-52 for tree planting/landscaping along Flagler Avenue from White Street to George Street and from Bertha Street to Duncombe Street.
- Sponsors:** City Manager Scholl
- A motion was made by Commissioner Johnston, seconded by Commissioner Rossi, that this Resolution be Passed. The motion carried unanimously.**
- Enactment No: Res 10-226
- 17 *Approving a Memorandum of Understanding between the Monroe County School District and Key West Police Department regarding School Resource Officers.
- Sponsors:** City Manager Scholl
- A motion was made by Commissioner Johnston, seconded by Commissioner Gibson for discussion, that this Resolution be Postponed to August 3, 2010. The motion carried by the following vote:**
- No:** 2 - Commissioner Gibson and Commissioner Rossi
- Absent:** 1 - Commissioner Wardlow
- Yes:** 4 - Commissioner Johnston, Commissioner Lopez, Commissioner Weekley and Mayor Cates
- 23 Opposing proposed amendments to the County's Comprehensive Plan and Future Land Use Map under consideration by the Monroe County Board of County Commissioners pertaining to Wisteria Island.
- Sponsors:** Mayor Cates
- A motion was made by Commissioner Rossi, seconded by Commissioner Lopez, that this Resolution be Passed. The motion carried by the following vote:**
- Absent:** 1 - Commissioner Wardlow
- Yes:** 6 - Commissioner Gibson, Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Weekley and Mayor Cates
- Enactment No: Res 10-227
- 25 ~~Allowing~~ Denying a Variance to Section 18-28 of the Code of Ordinances of Key West, Florida, regarding the sale of alcohol within 300 feet of a Church, School, Cemetery or Funeral Home for Property located at 512 Eaton Street (RE#00006500-000000).
- Sponsors:** City Manager Scholl
- Tie Vote*
- A motion was made by Commissioner Lopez, seconded by Commissioner Johnston, that this Resolution be Adopted As Amended. The motion FAILED by the following vote:**
- No:** 3 - Commissioner Gibson, Commissioner Rossi and Commissioner Weekley
- Absent:** 1 - Commissioner Wardlow
- Yes:** 3 - Commissioner Johnston, Commissioner Lopez and Mayor Cates

Enactment No: 10-229

ORDINANCES – FIRST READING

- 26** An Ordinance of the City of Key West, Florida pursuant to Section 1.08 of the City Charter, calling for a Referendum authorizing the City of Key West to purchase 4.25 acres of real property commonly known as 2800 Flagler Avenue (RE Number 00065090-000100) from the Ft. Zachary Taylor Surcharge Fund, which is set apart for the purchase of such lands, for the use as a public park including a children's playground and passive recreational space; Authorizing the City Clerk to take all necessary action to place this measure on the Ballot for November 2, 2010; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Gibson

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

No: 2 - Commissioner Johnston and Commissioner Rossi

Absent: 1 - Commissioner Wardlow

Yes: 4 - Commissioner Gibson, Commissioner Lopez, Commissioner Weekley and Mayor Cates

ORDINANCES - SECOND READING (Public Hearing)

- 27** An Ordinance of the City of Key West, Florida, creating Chapter 109 of the Code of Ordinances entitled "Dogs in Public Food Service Establishments"; 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 Lopez, that this Ordinance be Adopted. The motion carried by the following vote:

Absent: 1 - Commissioner Wardlow

Yes: 6 - Commissioner Gibson, Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Weekley and Mayor Cates

Enactment No: Ord 10-16

28

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 Rossi, seconded by Commissioner Johnston, that this Ordinance be Postponed. The motion carried by the following vote:

No: 2 - Commissioner Gibson and Commissioner Weekley

Absent: 1 - Commissioner Wardlow

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

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

10:45 P.M.