



# City of Key West, FL

Old City Hall  
510 Greene Street  
Key West FL 33040

## Action Minutes - Final

### City Commission

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Wednesday, December 16, 2015

6:00 PM

Old City Hall

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#### 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

6:07 P.M.

#### ROLL CALL

**Present** 7 - Commissioner Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Romero, Commissioner Wardlow, Commissioner Weekley 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 70 of the Code of Ordinances entitled "Traffic and Vehicles", Article XI "Wreckers and Towing Service", Division 3 "Non-consensual Private Towing Services", Sections 70-707, 70-708, providing for the setting of rates and requirements for non-consensual tows; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** Commissioner Weekley

**Attachments:** [Ordinance](#)

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

**Yes:** 7 - Commissioner Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Romero, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Ord 15-18

- 2** 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:** [Pending Ordinance](#)

[City Attorney Memo](#)

[Item 1](#)

[Item 2](#)

[Item 3](#)

[Commissioner Weekley's District 1 Comments](#)

[Conch Tour Train Franchise](#)

[Old Town Trolley Franchise](#)

[CityView Trolley Franchise](#)

[Duck Tours Seafari Franchise](#)

[Chapter 78 Article IV](#)

[Chapter 78 Article V](#)

[Letter From Matthew Powell](#)

*It was moved by Commissioner Kaufman and seconded by Commissioner Payne to amend the ordinance as follows: in paragraph 3 on page 3 to include "Except for sightseeing vehicles currently operating pursuant to Florida Statute Section 316.515(6) or otherwise exempted by the Florida Legislature, the maximum length of vehicles operated under a franchise shall be thirty-nine (39) feet, the maximum width shall be eight feet six inches (8'6"), the maximum height shall be twelve feet (12'), the maximum gross vehicle weight shall be twenty-six thousand (26,000 lb.) pounds and the driver's seat shall be eighty (80") inches above ground.*

*The Mayor requested the Clerk call the roll.*

*Yeas: Commissioners Kaufman, Lopez, Payne, Romero, Wardlow, Weekley, and Mayor Cates*

*Nays: None*

*It was moved by Commissioner Kaufman and seconded by Commissioner Payne to amend the ordinance on page 7 (2), to remove "vehicle advertising and" and to add "if a franchisee elects to sell advertising on its sightseeing vehicles"*

*The Mayor requested the Clerk call the roll.*

*Yeas: Commissioners Kaufman, Lopez, Payne, Wardlow and Mayor Cates*

Nays: Commissioners Romero and Weekley

It was moved by Commissioner Kaufman and seconded by Commissioner Weekley to amend the ordinance with the following language on page 7 (2) "In consideration of the allowance to provide advertising, franchisee agrees not to enter into any agreement that requires it to operate any sightseeing vehicle on a minimum basis."

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Kaufman, Lopez, Payne, Romero, Wardlow, Weekley, and Mayor Cates

Nays: None

It was moved by Commissioner Kaufman and seconded by Commissioner Lopez to amend the ordinance on page 7 with the following: "The guaranteed minimum payment per vehicle is payable based upon the number of vehicles authorized in the franchise agreement and not the number actually operated pursuant to the franchise."

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Kaufman, Lopez, Payne, Wardlow, Weekley, and Mayor Cates

Nays: Commissioner Romero

It was moved by Commissioner Romero and seconded by Commissioner Payne to amend the ordinance on page 14 (13) from 160 days to three hundred sixty (360) days in the first two sentences.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Lopez, Payne, Romero, Wardlow, Weekley, and Mayor Cates

Nays: Commissioner Kaufman

It was moved by Commissioner Payne and seconded by Commissioner Lopez to amend the ordinance on page 14 (13) to include the following: "Placed into service shall mean the sightseeing vehicle is located within the area governed by the franchise agreement and available for operation in the Franchisee's regular course of business."

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Kaufman, Lopez, Payne, Romero, Wardlow, Weekley, and Mayor Cates

Nays: None

It was moved by Commissioner Romero to include language regarding the length of the contract and that this be for a period not to exceed two years with a one year renewal.

The Mayor asked for a second to the motion; seeing none the motion failed.

It was moved by Commissioner Romero to put the GPS Tracking back into the documentation.

The Mayor asked for a second; seeing none the motion failed.

It was moved by Commissioner Kaufman and seconded by Commissioner Payne to amend the ordinance on page 14 (14) to add the word "type" after the words "on each vehicle" in the first sentence.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Kaufman, Lopez, Payne, Romero, Wardlow, Weekley, and Mayor Cates

Nays: None

It was moved by Commissioner Weekley and seconded by Commissioner Kaufman to amend the ordinance on page 11 to remove the words "or schedule".

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Kaufman, Lopez, Payne, Romero, Wardlow, Weekley, and Mayor Cates

Nays: None

It was moved by Commissioner Romero to amend the agreement with regard to the amount of insurance required; \$10 million for a vehicle with 40 passengers or less, for a vehicle with 70 passengers or less to have \$12 to \$13 million and for an

*amphibious vehicle to have \$15 million.*

*The Mayor asked for a second; seeing none the motion failed.*

**A motion was made by Commissioner Lopez, seconded by Commissioner Payne, that the Ordinance be Adopted as amended. The motion carried by the following vote:**

**Yes:** 7 - Commissioner Kaufman, Commissioner Lopez, Commissioner Payne, Commissioner Romero, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

Enactment No: Ord 15-19

**ADJOURNMENT**

**7:49 P.M.**