



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Tuesday, July 6, 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

6:02 p.m.

ROLL CALL

Commissioner Gibson, Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

INVOCATION - Pastor Sandra Key, Church of God of Prophecy

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

PRESENTATIONS

1 Good Neighbor Award Brenda Kee Johnson

Sponsors: Mayor Cates and Commissioner Lopez

This matter was Received and Filed

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

2 *April 20, 2010 (Workshop)

Passed

3 *May 4, 2010 (Regular)

Passed

RESOLUTIONS

4 *Re-appointing Nils Muench to the Historic Architectural Review Commission (HARC).

Sponsors: Mayor Cates

Passed

Enactment No: Res 10-194

5 *Appointing Daniel A. Metzler to the Historic Architectural Review Commission (HARC) as an alternate member.

Sponsors: Mayor Cates

Passed

Enactment No: Res 10-195

6 *Appointing Mary Sanchez to the Housing Authority.

Sponsors: Mayor Cates

Passed

Enactment No: Res 10-196

- 8 *Authorizing Mel Fisher Maritime Heritage Society, Inc to conduct the 25th Anniversary Celebration of the finding of the Atocha on Friday, July 16, 2010 during the hours of 6:00 p.m. to 9:00 p.m. on the 200 block of Duval Street.
- Sponsors:** City Manager Scholl
- Passed**
- Enactment No: Res 10-197
- 9 *Authorizing cumulative expenditures during FY 09-10 to Pitney Bowes for postage in a total amount not to exceed \$32,000.00.
- Sponsors:** City Manager Scholl
- Passed**
- Enactment No: Res 10-198
- 11 *Exercising the second of two one-year options for Federal Government consultant services with Alcalde & Fay originally approved in response to Request for Proposals No. 005-06.
- Sponsors:** City Manager Scholl
- Passed**
- Enactment No: Res 10-199
- 13 *Approving a change in scope pursuant to Key West Code of Ordinances Section 2-797 (4) (B) to contract for bid # ST 0902 to Charley Toppino and Sons for construction of Stormwater Gravity Wells Phase V, incorporating the construction of eight inlets and piping within the United Street Mill and Pave Project in the total amount of \$100,671.03; Authorizing the use of project contingency funds.
- Sponsors:** City Manager Scholl
- Passed**
- Enactment No: Res 10-200

Approval of the Consent Agenda

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

- 7 Limiting infill development in the Poinciana special needs area in the Poinciana Housing Complex.
- Sponsors:** Commissioner Wardlow
- A motion was made by Commissioner Rossi, seconded by Commissioner Lopez, 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 10-201

10

Ratifying the reversal of traffic flow on Angela Street to a westbound direction (between Frances Street and Margaret Street).

Sponsors: City Manager Scholl

A motion was made by Commissioner Rossi, seconded by Commissioner Lopez, 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 10-202

12

Supporting the Florida Keys Environmental Coalition and its efforts in connection with the Deepwater Horizon Oil Spill.

Sponsors: Commissioner Weekley

A motion was made by Commissioner Weekley, 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 10-203

14

Approving a Release of Liens against Eloy Lopez & Stacy O'Keefe recorded in OR Book 2154 page 2449 and OR Book 2154 page 2453 related to Code Compliance Cases 04-2061 and 04-2062.

Sponsors: City Attorney Smith

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

Recuse: 1 - Commissioner Lopez

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

Enactment No: Res 10-204

- 15 Approving the first amendment to employment agreement between the City of Key West and Shawn D. Smith for the position of City Attorney.
- Sponsors:** City Attorney Smith
- A motion was made by Commissioner Rossi, seconded by Commissioner Lopez, 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 10-205
- 16 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
- A motion was made by Commissioner Lopez, seconded by Commissioner Wardlow, that this Resolution be Postponed. The motion carried by the following vote:**
- No:** 1 - Commissioner Rossi
- Yes:** 6 - Commissioner Gibson, Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Cates
- 17 Allowing 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
- A motion was made by Commissioner Lopez, seconded by Commissioner Wardlow, that this Resolution be Postponed. The motion carried by the following vote:**
- No:** 1 - Commissioner Weekley
- Yes:** 6 - Commissioner Gibson, Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow and Mayor Cates

Add on - Discussion

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

ORDINANCES – FIRST READING

18 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 Rossi, 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

19 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

Amendments

A motion was made by Commissioner Weekley, seconded by Commissioner Rossi, 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

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

11:52 p.m.