



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Tuesday, July 17, 2012

6:00 PM

Old City Hall

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 at 305-809-1000 or the ADA Coordinator at 305-809-3951 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

CALL MEETING TO ORDER

6:11 P.M.

ROLL CALL

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

INVOCATION - Pastor Ruben Velasco, Key West United Methodist Church

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

COMMENDATIONS

1 The Monroe Association for ReMARCable Citizens

Sponsors: Mayor Cates

Received and Filed

PROCLAMATIONS

2 Robert Walker Day

Sponsors: Mayor Cates

Received and Filed

- 3 Americans with Disabilities Act Awareness Day
- Sponsors: Mayor Cates and Commissioner Lopez
- 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

- 4 *May 29, 2012 (Special)
- Passed
- 5 *June 5, 2012 (Regular)
- Passed

RESOLUTIONS

- 6 *Appointing Steve Hensen to the Key West Bight Management District Board.
- Sponsors: Mayor Cates
- Passed
- Enactment No: Res 12-214

- 7 *Designating pursuant to the Code of Ordinances Section 70-61, a speed limit of 25 mph on Simonton Street, White Street, Fifth Street, Kennedy Drive and Northside Drive.
- Sponsors: Mayor Cates
- Postponed Indefinitely**
- 8 *Urging and requesting Monroe County and the State of Florida to lower the speed limit on two-lane County and State-controlled Roads within the City of Key West to 20 mph.
- Sponsors: Commissioner Weekley
- Postponed Indefinitely**
- 9 *Authorizing the City Manager to negotiate and execute an agreement, accepting and approving the placement of a statue of Ponce De Leon in the Mallory Square area, to Commemorate the 500th Anniversary of his landing in the State of Florida.
- Sponsors: Commissioner Weekley
- Withdrawn**
- 10 *Authorizing AIDS Help to conduct the Coronation of the King & Queen of Fantasy Fest at the Southernmost Beach Cafe on Friday, October 19, 2012, 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 12:00 Midnight; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 12-215
- 11 *Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to Sarah Maya for a wedding to take place at the Hemingway House 907 Whitehead Street during the hours of 6:30 P.M. to 12:00 Midnight on Saturday, December 1, 2012.
- Sponsors: City Manager Scholl
- Passed**
- Enactment No: Res 12-216

- 12 *Authorizing Questor Multisport, LLC to conduct a Bone Island Iron Distance Triathlon on Saturday, January 12, 2013; Authorizing certain street closures thereof during the event and closing the 400 & 500 blocks of Duval Street for the finish chute from 7:00 A.M. to 12:00 Midnight; Granting an exemption from the Noise Control Ordinance pursuant to Section 6-86 of the Code of Ordinances during the Festival; Pursuant to terms and conditions set forth by the City Manager.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 12-217

- 13 *Approving and authorizing the Key West Performing Arts, Inc. to conduct a Goombay Festival on October 18th & 19th, 2013 from 12:00 Noon to 12:00 Midnight; Authorizing the closure of Petronia Street between Duval Street to Fort Street including the Truman Waterfront Recreational Fields; Authorizing the consumption of alcoholic beverages within the barricaded area of the festival; Granting an exemption from the Noise Control Ordinance pursuant to Section 6-86 of the Code of Ordinances during the festival.

Sponsors: City Manager Scholl

Postponed Indefinitely

- 14 *Authorizing pursuant to Section 2-771(c) of the Code of Ordinances the disposal of one city-owned Chevy Impala vehicle.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 12-218

- 15 *Ratifying and adopting the attached City of Key West Department of Transportation 2011 Calendar Year Minor Transit Development Plan Update for the Florida Department of Transportation, as required of all State and Federal Public Transit Grant Recipients on an annual basis.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 12-219

- 16 *Approving the staff ranking and awarding contracts on a Task Order basis for General Architectural Services in response to RFQ No. 12-003.
- Passed**
- Enactment No: Res 12-220
- 17 *Approving the staff ranking and awarding contracts on a Task Order basis for General Landscape Architectural Services in response to RFQ No. 12-002.
- Sponsors:** City Manager Scholl
- Passed**
- Enactment No: Res 12-221
- 18 *Authorizing the execution of the attached Modification Number Three to "Federally Funded Subgrant Agreement" Contract Number 11HM-2V-11-54-02-004 (State FEMA Project No: HMGP 1539-47-R; State Project No: 1539-116) with the State of Florida Division of Emergency Management (FDEM) to reinstate and extend the period of performance to January 15, 2013 for the East Front Street Flood Mitigation Project.
- Sponsors:** City Manager Scholl
- Passed**
- Enactment No: Res 12-222
- 19 *Awarding the Bid of Florida Keys Electric, Inc. in response to RFP 006-12 in a total amount not to exceed \$377,755.00, for CCTV and Security Lighting for the Navy Mole Pier; Approving necessary budget amendments.
- Sponsors:** City Manager Scholl
- Passed**
- Enactment No: Res 12-223
- 20 *Authorizing a Purchasing Exception pursuant to Section 2-797 of the Code of Ordinances, to allow cumulative expenditures during FY 11-12 to Certified Records Management (CRM) for records storage in a total amount of \$27,500.00; Authorizing necessary budget transfers.
- Sponsors:** City Manager Scholl
- Passed**

Enactment No: Res 12-224

- 21 *Authorizing Executive Director of the Housing Authority of the City of Key West to execute City of Key West Local Housing Assistance Plan Mortgage Subordination Documents for the purpose of allowing the refinance of existing primary mortgage loans at improved terms.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 12-225

- 22 *Adjusting rates for liveaboard, commercial and recreational leases at the City Marina at Garrison Bight.

Sponsors: City Manager Scholl

Postponed Indefinitely

- 23 *An Ordinance of the City of Key West amending Chapters 14, 34 and 108 of the Code of Ordinances and amendments to local Sections 104, 107, 117, 202, 1612 of the 2010 Florida Building Codes for the purpose of updating the City's Flood Damage Protection Ordinances and related building codes; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

Postponed Indefinitely

Approval of the Consent Agenda

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

- 24 *Extending by an additional 180 days the moratorium declared in Ordinance No. 10-07, and extended in Resolution Nos. 10-235, 11-023, 11-204, and 11-340, on the issuance of any permit, license, business tax receipt, franchise or similar authorizations related to motorized and non-motorized commercial vehicles that make primary use of city streets in the operation of their businesses.

Sponsors: City Manager Scholl

A motion was made by Commissioner Mark Rossi, seconded by Commissioner Billy Wardlow, that the Resolution be amended to include scheduling a workshop in the future and Passed as amended. The motion passed by an unanimous vote.

Enactment No: Res 12-226

25

Quasi-Judicial Hearing

Approving the attached Development Agreement pursuant to Section 380.23 (3), Florida Statutes for 223 Elizabeth Street (RE #'s 00000710-000101, 00000710-000102, 00000720-000000, 00000730-000000, 00000740-000000, 00000750-000000).

Sponsors: City Manager Scholl

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

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

Enactment No: Res 12-227

26

Quasi-Judicial Hearing

Granting a Major Development Plan for redevelopment of the Waterfront Market Building for use as a restaurant and microbrewery with warehousing and distribution ability for property located at 201 William Street (RE#00072082-004200) in the HRCC-2 Zoning District, Key West Florida; Providing conditions.

Sponsors: City Manager Scholl

A motion was made by Commissioner Wardlow, seconded by Commissioner Lopez, that the Resolution be amended and Passed. The motion carried by the following vote:

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

Enactment No: Res 12-228

ORDINANCES – FIRST READING

- 27 An Ordinance of the City of Key West, Florida, amending Chapter 42 of the Code of Ordinances entitled "Miscellaneous Offenses" by adding Section 42-16, to prohibit the sale, offer for sale, purchase with intent to sell or public display for sale of synthetic Cannabinoid Herbal Incense; Providing definitions; Providing for seizure and injunctive relief; Providing penalties; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.
- Sponsors:** Mayor Cates, Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley and Commissioner Yaniz
- A motion was made by Commissioner Mark Rossi, seconded by Commissioner Tony Yaniz, that the Ordinance be Passed to Second Reading. The motion passed by an unanimous vote.**
- 28 An Ordinance of the City of Key West, Florida, amending Chapter 42 of the Code of Ordinances entitled "Miscellaneous Offenses" by adding Section 42-17, to prohibit the sale, offer for sale, purchase with intent to sell or public display for sale of synthetic bath salts, synthetic cathinones, synthetic amphetamines and other synthetic stimulants that mimic illegal drugs; Providing definitions; Providing for seizure and injunctive relief; Providing penalties; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.
- Sponsors:** Mayor Cates, Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley and Commissioner Yaniz
- A motion was made by Commissioner Mark Rossi, seconded by Commissioner Jimmy Weekley, that the Ordinance be Passed to Second Reading. The motion passed by an unanimous vote.**
- 29 An Ordinance of the City of Key West, Florida, amending Chapter 6 of the Code of Ordinances entitled "Street Performers and Street Artists" by amending Section 6-4 "Permit Regulations; Prohibitions" to provide for a prohibition of art vendors to establish their wares on City sidewalks within seventy-five feet of storefronts selling like goods; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.
- Sponsors:** Mayor Cates
- A motion was made by Commissioner Jimmy Weekley, seconded by Commissioner Mark Rossi, that the Ordinance be amended and Passed to Second Reading. The motion passed by an unanimous vote.**

- 30** An Ordinance of the City of Key West, Florida, amending Chapter 6 of the Code of Ordinances entitled "Street Performers and Street Artists" by amending Section 6-1 definitions to provide for an amendment to the definition of the Duval Street Corridor Cultural District; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Lopez

A motion was made by Commissioner Mark Rossi, seconded by Commissioner Clayton Lopez, that the Ordinance be Passed to Second Reading. The motion passed by an unanimous vote.

- 31** An Ordinance of the City of Key West, Florida, amending Chapter 70 of the Code of Ordinances entitled "Traffic and Vehicles" by amending Section 70-116 entitled "Parking, Stopping and Standing" by creating a permit system for parking a vessel or recreational vehicle on the City Right of Way in the Single Family Zoning District; Amending Section 70-462 entitled "Prohibition" by including trailered vessels; Amending Section 70-464 entitled "Exceptions to the Prohibition contained in Section 70-462" by including recreational vehicles and trailered vessels with a valid resident owner permit; Amending Section 70-467 entitled "Resident Owner Permits" including a permit fee and conditions for trailered vessels and recreational vehicles parked on the City's Rights-of-Way; Amending Section 70-468 entitled "Citation of Violator; Removal of Vehicle" including provisions for suspension or revocation of permits; Providing for Severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Yaniz

A motion was made by Commissioner Yaniz, seconded by Commissioner Lopez, that the Ordinance be passed on First Reading. The motion failed by the following vote:

No: 4 - Commissioner Johnston, Commissioner Rossi, Commissioner Weekley and Mayor Cates

Yes: 3 - Commissioner Lopez, Commissioner Wardlow and Commissioner Yaniz

- 32** An Ordinance of the City of Key West, Florida, pursuant to Section 8.01 of the Key West Charter, calling for a Referendum to amend City Charter Section 1.08 to repeal the current requirement for elector approval of annexation or acquisition of real property and replace it with a requirement for the affirmative vote of a minimum of five city commissioners for acquisition of real property; Authorizing the City Clerk to take all necessary action to place this measure on the ballot for November 6, 2012; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Vitas

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

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

- 33** An Ordinance of the City of Key West, Florida, pursuant to Section 8.01 of the Key West Charter calling for a Referendum to add City Charter Section 2.02 to the City Charter to require that amendment(s) to expand or contract the boundaries of the City of Key West shall become effective upon approval of a minimum of five members of the City Commission; Setting the General Election of November 6, 2012, as the date of Referendum; 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 Lopez, that the Ordinance be passed on First Reading. The motion failed by the following vote:

No: 5 - Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Yaniz and Mayor Cates

Yes: 2 - Commissioner Johnston and Commissioner Weekley

- 34** An Ordinance of the City of Key West, Florida, pursuant to Section 8.01 of the Key West Charter, proposing that Section 3.01 of the Key West Charter be amended to abolish term limits for the Mayoral and City Commission positions; Setting the General Election of November 6, 2012, as the date of Referendum; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

A motion was made by Commissioner Rossi, seconded by Commissioner Lopez, that the Ordinance be Denied on First Reading. The motion carried by the following vote:

No: 2 - Commissioner Wardlow and Commissioner Weekley

Yes: 5 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Yaniz and Mayor Cates

- 35** An Ordinance of the City of Key West, Florida, pursuant to Section 8.01 of the Key West Charter, calling for a Referendum to amend City Charter Section 3.08 to include provisions for a super-majority or unanimous affirmative vote of the City Commission when required; Authorizing the City Clerk to take all necessary action to place this measure on the Ballot for November 6, 2012; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Vitas

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

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

- 36** An Ordinance of the City of Key West, Florida, pursuant to Section 8.01 of the Key West Charter, calling for a Referendum to amend City Charter Section 3.09 to amend Duties of the Mayor; Authorizing the City Clerk to take all necessary action to place this measure on the Ballot for November 6, 2012; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Vitas

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

No: 1 - Commissioner Yaniz

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

37

An Ordinance of the City of Key West, Florida, pursuant to Section 8.01 of the Key West Charter, calling for a Referendum to add City Charter Section 3.11 to the City Charter to specify that amendments to the City of Key West Comprehensive Plan shall only become effective upon approval of a minimum of five members of the City Commission, except as otherwise required by law; Setting the general election of November 6, 2012, as the date of Referendum; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Vitas

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

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

Yes: 4 - Commissioner Johnston, Commissioner Lopez, Commissioner Wardlow and Commissioner Yaniz

38

An Ordinance of the City of Key West, Florida, pursuant to Section 8.01 of the Key West Charter, calling for a Referendum to amend City Charter Section 6.01 to schedule the election cycle to be held in even-numbered years, in conjunction with State elections; Authorizing the City Clerk to take all necessary action to place this measure on the Ballot for November 6, 2012; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Vitas

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

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

- 39 An Ordinance of the City of Key West, Florida, pursuant to Section 8.01 of the Key West Charter, calling for a Referendum to add Section 8.04 to the City Charter to require the appointment of a Charter Review Committee at least once during a 10-year period, to take place concurrently with the Census District Boundary Review; Setting the General Election of November 6, 2012, as the date of Referendum; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Vitas

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

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

- 40 An Ordinance of the City of Key West, Florida, amending Chapter 2 of the Code of Ordinances entitled "Administration" by adopting a new District Boundary Map for the City Commission's Electoral Districts; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Vitas

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

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

ORDINANCES - SECOND READING (Public Hearing)

- 41 An Ordinance of the City of Key West amending Chapter 122 of the Code of Ordinances entitled "Zoning", Article II, entitled "Nonconformities" by amending Section 122-26 to add definitions; Adding Section 122-33 to provide for an exception for property affected by eminent domain or voluntary conveyance for public transportation or other public purpose; Adding Section 122-34 regarding status of parcels during or after acquisition by eminent domain or voluntary conveyance for public transportation or other public purpose; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

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

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

Enactment No: Ord 12-18

42

An Ordinance of the City of Key West amending Section 110 of the Code of Ordinance entitled "Floodplain Protection" by adding Section 110-467 providing the basis for enhanced protection of specifically identified endangered species habitat and the species focus area maps and real estate list; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

A motion was made by Commissioner Clayton Lopez, seconded by Commissioner Mark Rossi, that the Ordinance be Adopted. The motion passed by an unanimous vote.

Enactment No: Ord 12-19

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

10:49 P.M.