



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Wednesday, October 5, 2011

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

6:04 P.M.

ROLL CALL

Absent 1 - Commissioner Rossi

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

INVOCATION - Pastor G. D. Magby, Trinity Presbyterian Church

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

PROCLAMATIONS

1 Fire Prevention Week

Sponsors: Mayor Cates

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

2 *September 6, 2011 (Special)

Passed

3 *September 6, 2011 (Regular)

Passed

4 *September 8, 2011 (Special)

Passed

RESOLUTIONS

5 *Appointing Historic Markers, Incorporated (HMI) as a Key West liaison to the "Florida State Viva Florida Organization".

Sponsors: Commissioner Johnston, Commissioner Lopez, Commissioner Rossi and Commissioner Weekley

Passed

Enactment No: Res 11-276

- 6 *Authorizing Conch Republic Offshore Powerboat Racing Association to conduct the Key West World Championship Races on November 6 -13, 2011; A Boat Parade on Sunday, November 6, 2011 starting at 4:00 P.M., a Block Party on Friday, November 11, 2011 from 7:00 P.M. to 11:00 P.M.; The Parade will be starting at Truman Annex Southard Street Gate to Whitehead Street - right going south to United Street - left to Duval Street - left go north to Front Street - to Whitehead Street - left go south to Southard Street and right back to Truman Annex; The Street Party on Friday November 11, 2011 from 7:00 P.M. to 11:00 P.M., pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Duval Street between Fleming and Front Streets including Greene from Ann to Fitzpatrick Streets and Duval Street and a Welcome Party for the US and International Teams at the Mole Pier on Monday, November 7, 2011 from 6:00 P.M. to 10:00 P.M.; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 11-277

- 7 *Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to Blue Heaven, 729 Thomas Street, for an event to take place during the hours of 2:00 P.M. to 6:00 P.M. on Sunday, November 6, 2011.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 11-278

- 8 *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 7:00 P.M. to 11:00 P.M. on Thursday, November 10 through Saturday, November 12, 2011 at the Conch Republic Seafood Company and 135 Simonton Street lot.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 11-279

- 9 *Approving transfer of Mobile Vendor License (MVL) #12786 from Mary Jo Rothstein to Lawrence Chiango due to hardship.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 11-280

- 10 *Approving the City Attorney Performance Evaluation.

Sponsors: City Attorney Smith

Passed

Enactment No: Res 11-281

Approval of the Consent Agenda

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

- 11 *Authorizing Executive Adventures, LLC to conduct a World Sailfish Championship and Tournament Festivities at Mallory Square Plaza starting on Tuesday, April 17 through Saturday, April 21, 2012 from 12:00 Noon to 12:00 Midnight (set up April 13 - 17, 2011 and breakdown April 21 - 23, 2011); 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 11:00 A.M. to 12:00 Midnight; Authorizing the sale and consumption of alcoholic beverages within an enclosed area; Approving a five year contract starting on 2012 through 2016 with Executive Adventures; Providing payments to the City.

Sponsors: City Manager Scholl

Withdrawn

- 12 Approving the attached "DEP Agreement No. CM222, State of Florida Coastal Zone Management Program Grant Agreement Pursuant to the National Oceanic and Atmospheric Administration Cooperative Award" between the State of Florida Department of Environmental Protection and Reef Relief, Inc. in partnership with the City of Key West, for Federal Funding for the "Florida Keys Coastal Stewardship Program"; Authorizing the City Manager to execute the necessary documents.

Sponsors: Mayor Cates

A motion was made by Commissioner Weekley, seconded by Commissioner Wardlow, that the Resolution be Passed. The motion passed by a unanimous vote.

Enactment No: Res 11-282

ORDINANCES – FIRST READING

- 13 An Ordinance of the City of Key West, Florida, amending Chapter 2 of the Code of Ordinances entitled "Administration" by amending Section 2-603 to provide additional duties for the Bahama Village Redevelopment Advisory Committee; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Lopez

A motion was made by Commissioner Lopez, seconded by Commissioner Johnston, that the Ordinance be Passed to Second Reading on October 18, 2011. The motion carried by the following vote:

Absent: 1 - Commissioner Rossi

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

- 14 An Ordinance of the City of Key West, Florida, amending Chapter 6 of the Code of Ordinances entitles "Amusements and Entertainment" by amending Section 6-1 "Definitions" to amend the definition of a "Weapon" to exclude firearms which are governed by Florida Statutes Chapter 790; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Attorney Smith

A motion was made by Commissioner Lopez, seconded by Commissioner Johnston, that the Ordinance be Passed to Second Reading on October 18, 2011. The motion carried by the following vote:

Absent: 1 - Commissioner Rossi

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

- 15 An Ordinance of the City of Key West, Florida, amending Chapter 10 of the Code of Ordinances entitled "Animals" by amending Section 10-14 "Bird Sanctuary" to amend regulations pertaining to the destruction of birds consistent with Chapter 790 of the Florida Statutes; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Attorney Smith

A motion was made by Commissioner Lopez, seconded by Commissioner Wardlow, that the Ordinance be Passed to Second Reading on October 18, 2011. The motion passed by a unanimous vote.

- 16 An Ordinance of the City of Key West, Florida, amending Chapter 18 of the Code of Ordinances entitled "Businesses" by amending Section 18-477 "Designation of Officer or Agent of Corporation" to amend Section (b) to incorporate a reference to firearms as governed by Florida Statute Chapter 790; By amending Section 18-480 - "Failure to Make Report" to incorporate a reference to Florida Statute Chapter 790; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Attorney Smith

A motion was made by Commissioner Lopez, seconded by Commissioner Wardlow, that the Ordinance be Passed to Second Reading on October 18, 2011. The motion passed by a unanimous vote.

- 17 An Ordinance of the City of Key West, Florida, amending Chapter 22 of the Code of Ordinances entitled "Cemeteries" by repealing Section 22-11 - "Firearms"; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Attorney Smith

A motion was made by Commissioner Lopez, seconded by Commissioner Wardlow, that the Ordinance be Passed to Second Reading on October 18, 2011. The motion carried by the following vote:

No: 1 - Commissioner Weekley

Absent: 1 - Commissioner Rossi

Yes: 5 - Commissioner Lopez, Commissioner Wardlow, Commissioner Johnston, Commissioner Gibson and Mayor Cates

ORDINANCES - SECOND READING (Public Hearing)

18 An Ordinance of the City of Key West, Florida, amending Chapter 18, entitled "Businesses", Division 3 entitled "Open Containers" by amending Section 18-86, to amend definitions; Amending Section 18-87 to clarify prohibitions; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Mayor Cates

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

Absent: 1 - Commissioner Rossi

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

Enactment No: Ord 11-14

19 An Ordinance of the City of Key West, Florida, Amending Chapter 26, entitled "Environment", Division 3, entitled "Use of Beaches on City Property" by amending Section 26-62, to amend definitions; Amending Division 4, entitled "Use of Parks Located on City Property", by amending Section 26-96, to amend definitions, by amending Section 26-97 to clarify prohibitions; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Mayor Cates

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

Absent: 1 - Commissioner Rossi

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

Enactment No: Ord 11-15

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

7:12 P.M.