



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Tuesday, September 7, 2010

6:00 PM

Old City Hall

ADA Assistance: If you are a person with a disability who needs special accommodations in order to participate in this proceeding, including requesting 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, please contact the ADA Coordinator at 305-809-3951 between the hours of 8:00 a.m. and 5:00 p.m. If you are hearing or voice impaired, please call 305-809-1000.

CALL MEETING TO ORDER

ROLL CALL

Absent 1 - Commissioner Rossi

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

INVOCATION - Reverend Sinclair Forbes, Bethel AME Church

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

PROCLAMATIONS

1 The City of Key West Firefighter Appreciation Month

Sponsors: Mayor Cates

This matter was Received and Filed

2 Childhood Injury Prevention Month

Sponsors: Mayor Cates

This matter was 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

- 3 *April 24, 2010 (Workshop)

 Passed
- 4 *July 26, 2010 (Workshop)

 Passed
- 5 *July 27, 2010 (Workshop)

 Passed
- 6 *July 27, 2010 (Workshop)

 Passed

RESOLUTIONS

- 7 *Appointing Bryan Green to the Historical Architectural Review Commission (HARC).

 Sponsors: Mayor Cates

 Passed

 Enactment No: Res 10-248
- 8 *Re-Appointing Danilo Crespo to the Key West Tree Commission.

 Sponsors: Mayor Cates

 Passed

 Enactment No: Res 10-249

- 9 *Re-Appointing Gregory A. Curry, Sr. to the Key West Tree Commission.
- Sponsors:** Mayor Cates
- Passed**
- Enactment No: Res 10-250
- 10 *Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to Mark Rossi and the Hemingway House for an event to take place at the Hemingway House at 907 Whitehead Street during the hours of 6:00 P.M. to 11:30 P.M. on Saturday, October 9, 2010.
- Sponsors:** City Manager Scholl
- Passed**
- Enactment No: Res 10-251
- 11 *Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances to the Pier House Resort & Caribbean Spa for an event to take place during the hours of 8:00 P.M. to 11:30 P.M. on Thursday, October 28, 2010.
- Sponsors:** City Manager Scholl
- Passed**
- Enactment No: Res 10-252
- 12 *Authorizing Conch Republic Offshore Powerboat Racing Association to conduct the Key West World Championship Races on November 7 - 12, 2010; A Boat Parade on Sunday, November 7, 2010 starting at 4:00 P.M., a Block Party on Friday November 12, 2010 from 7:00 P.M. to 10:00 P.M.; and Awards Ceremony at the Truman Waterfront on Saturday, November 13, 2010 from 6:00 P.M. to 10:00 P.M.; 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; a Street Party on Friday, November 12, 2010, from 7:00 P.M. to 10:00 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; 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 10-253

- 13 *Accepting the recommendation of the Sustainability Advisory Board, to ask FDOT to consider the use of LED lighting in the North and South Roosevelt Boulevard reconstruction projects; Directing Staff to consider the use of LED lighting in a pilot project on Pine and Olivia Streets in Key West.
- Sponsors:** City Manager Scholl
- Passed**
- Enactment No: Res 10-254
- 14 *Approving a \$500.00 grant from Law Enforcement Trust Fund to the Keys Center Academy for use in support of the counseling component of the program.
- Sponsors:** City Manager Scholl
- Passed**
- Enactment No: Res 10-255
- 15 *Accepting Amendment #1 to 2009 Emergency Shelter Grant Agreement #KFZ33 from the State of Florida Department of Children and Families.
- Sponsors:** City Manager Scholl
- Passed**
- Enactment No: Res 10-256
- 16 *Authorizing the Sole Source purchase pursuant to City Code 2-797(1)(b), of City Bus Fare Box Software Upgrades from GFI Genfare in an amount not to exceed \$22,500.00 in accordance with City Code Section 2-844 for the Key West Department of Transportation.
- Sponsors:** City Manager Scholl
- Passed**
- Enactment No: Res 10-257
- 17 *Awarding pursuant to Section 2-797(3) of the Code of Ordinances the bid of Garber Automall in the total amount of \$24,469.00 for one E-85 Flex Fuel compliant vehicle for use by the Key West Police Department; Approving budget transfers.
- Sponsors:** City Manager Scholl
- Passed**
- Enactment No: Res 258
- 18 *Awarding the bid of Seamar Divers, Inc. in the amount of \$4,935.00 per Mooring Field Inspection.
- Sponsors:** City Manager Scholl
- Passed**
- Enactment No: Res 10-259

- 19 *Authorizing an adjustment in the amount of \$7.50 for the User Fee of each Equivalent Stormwater Unit (ESU).

Sponsors: City Manager Scholl

Passed

Enactment No: Res 10-260

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.

- 20 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); Providing conditions.

Sponsors: City Manager Scholl

A motion was made by Commissioner Johnston, seconded by Commissioner Weekley, that this Resolution be Postponed to December 7, 2010. The motion carried unanimously.

- 21 Supporting the survey proposed by Professor Karen A. Larson regarding homeless service providers.

Sponsors: Commissioner Lopez

A motion was made by Commissioner Gibson, seconded by Commissioner Lopez, that this Resolution be Adopted As Amended. The motion carried by the following vote:

Absent: 1 - Commissioner Rossi

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

Enactment No: Res 10-261

- 22 Directing the City Manager to take all necessary steps to prepare the site at 525 Angela Street for demolition and construction of a new fire station.

Sponsors: Commissioner Wardlow

A motion was made by Commissioner Weekley, seconded by Commissioner Johnston, that this Resolution be Postponed to 11/3/2010. The motion carried by the following vote:

Absent: 1 - Commissioner Rossi

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

ORDINANCES – FIRST READING

- 23** An Ordinance of the City of Key West, Florida, amending Chapter 2 of the Code of Ordinances entitled "Administration" by adding Sections 2-700 through 2-704 in order to establish the "Caroline Street Corridor Tax Increment Financing Board"; Providing for its creation, composition, terms, duties and sunset; 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 Johnston, that this Ordinance be Passed to Second Reading. The motion carried by the following vote:

No: 2 - Commissioner Johnston and Commissioner Wardlow

Absent: 1 - Commissioner Rossi

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

- 24** An Ordinance of the City of Key West, Florida, amending Chapter 26 of the Code of Ordinances entitled "Environment" by amending Section 26-194 to provide for the regulation of sound emanating from a public right of way; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Weekley

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

No: 2 - Commissioner Johnston and Mayor Cates

Absent: 1 - Commissioner Rossi

Yes: 4 - Commissioner Gibson, Commissioner Lopez, Commissioner Wardlow and Commissioner Weekley

- 25** An Ordinance of the City of Key West, Florida, amending Chapter 110 of the Code of Ordinances entitled "Resource Protection"; By amending Section 110-255 to provide for Palm Weaving Permit issuance pursuant to Section 6-1 through 6-9; Restricting the methodology of Coconut Palm Tree Trimming; 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 Gibson, that this Ordinance be Passed to Second Reading. The motion carried by the following vote:

Absent: 1 - Commissioner Rossi

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

Recess-Commissioner Lopez absent after the meeting was reconvened.

- 26 An Ordinance of the City of Key West, Florida, amending Chapter 58 of the Code of Ordinances entitled "Solid Waste" by amending Section 58-64 to adjust Navy generated solid waste rates; Amending Section 58-65 to adjust residential rates; Amending Section 58-66 to adjust commercial solid waste rates; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

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

No: 1 - Mayor Cates

Absent: 2 - Commissioner Lopez and Commissioner Rossi

Yes: 4 - Commissioner Gibson, Commissioner Johnston, Commissioner Wardlow and Commissioner Weekley

- 27 An Ordinance of the City of Key West, Florida, amending Chapter 74 of the Code of Ordinances entitled "Utilities" by amending Section 74-246 to adjust the sewer service monthly Base Charge Unit (BCU); Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Scholl

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

Absent: 2 - Commissioner Lopez and Commissioner Rossi

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

ADMINISTRATIVE APPEALS

- 28 An Appeal of the Planning Board approval of a conditional use as contained in Resolution 2010-028 for a wireless telecommunications facility as a private utility to be located at 1010 Kennedy Drive by Rick Richter, President Keys WI-FI, Inc.

A motion was made by Commissioner Weekley, seconded by Commissioner Gibson, that this Administrative Appeal be Denied. The motion carried by the following vote:

No: 1 - Commissioner Johnston

Absent: 2 - Commissioner Lopez and Commissioner Rossi

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

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

9:23 p.m.