



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Tuesday, August 7, 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

6:05 P.M.

ROLL CALL

Absent 1 - Commissioner Wardlow

Present 6 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

INVOCATION - Rev. Tom Sterner, First Congregational Church

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

PRESENTATIONS

- 1 Key West Art Festival
Sponsors: Commissioner Weekley
Not Received

- 2 FIRM Update - Monroe County Commissioner Heather Carruthers
Sponsors: City Manager Vitas
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

- 3 *July 24, 2012 (Workshop)

 Passed

RESOLUTIONS

- 4 *Appointing Brian Dunlap to the Key West Civil Service Board.

 Sponsors: Mayor Cates

 Passed

 Enactment No: Res 12-231

- 5 *Designating the signatures of certain City personnel for the withdrawal of City funds from First State Bank and other authorized depositories of City funds.

 Sponsors: Mayor Cates

 Passed

 Enactment No: Res 12-232

- 6 *Authorizing AH of Monroe County to conduct a Gay to Bay 1K Run on Duval Street starting at the Southermost Point to Duval Street, down Duval Street and ending at Mallory Square from 1:30 P.M. to 5:30 P.M. Saturday, September 29, 2012.

 Sponsors: City Manager Vitas

 Passed

 Enactment No: Res 12-233

- 7 *Authorizing Paradise Charitable Foundation to conduct Parrot Heads in Paradise Street Party on Friday, November 2, 2012 from 8:00 A.M. to 6:00 P.M. pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of the 500 block of Duval Street between Fleming and Southard Streets; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 8:00 A.M. to 6:00 P.M.; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

Sponsors: City Manager Vitas

Passed

Enactment No: Res 12-234

- 8 *Authorizing TRIKW, LLC to conduct their annual Triathlon on Saturday, December 1, 2012 at Higgs Beach; Authorizing certain street closures thereof during the event and closing Atlantic Boulevard except residents during the event: Granting an exemption from the Noise Control Ordinance pursuant to Section 6-86 of the Code of Ordinances from 5:00 A.M. to 12:00 Noon; Pursuant to terms and conditions set forth by the City Manager.

Sponsors: City Manager Vitas

Passed

Enactment No: Res 12-235

- 9 *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

Postponed to October 16, 2012.

- 10 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

Postponed Indefinitely.

Approval of the Consent Agenda

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

- 11 Rejecting the bid received in response to Invitation to Bid (ITB) #12-020, Cruise Ship Passenger Shuttle Service, pursuant to Section 2-834 of the Code of Ordinances.

Sponsors: City Manager Vitas

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

Absent: 1 - Commissioner Wardlow

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

Enactment No: Res 12-236

- 12 **Quasi Judicial Hearing:**
Granting a Major Development Plan for redevelopment of the property formerly known as Jabour's Campground and Trailer Court for use as a Hotel Complex for property located at 223 Elizabeth Street (RE# 00000710-000101, 00000710-000102, 00000720-000000, 00000730-000000, 00000740-000000, 00000750-000000, 00000760-000000, 00000810-000000, 00000840-000000) in the HRCC-1 Zoning District, Key West, Florida; Providing conditions.

Sponsors: City Manager Vitas

A motion was made by Commissioner Johnston, seconded by Commissioner Rossi, that the Resolution be Passed with additional conditions. The motion carried by the following vote:

No: 1 - Commissioner Weekley

Absent: 1 - Commissioner Wardlow

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

Enactment No: Res 12-237

ORDINANCES – FIRST READING

- 13** An Ordinance of the City of Key West amending Chapter 108 of the Code of Ordinance entitled "Planning and Development" by amending Section 108-680 and Section 108-681 to provide an exception for properties in the SF and MDR Zoning Districts; Amending Section 108-682 to clarify exceptions; Amending 108-683 to clarify exceptions; Adding Section 108-684 to provide for enforcement; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date

Sponsors: Commissioner Rossi

A motion was made by Commissioner Rossi, seconded by Commissioner Johnston, that the Ordinance be Passed as amended to Second Reading on August 21, 2012. The motion carried by the following vote:

Absent: 1 - Commissioner Wardlow

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

- 14** An Ordinance of the City of Key West amending the Land Development Regulations, and the Official Zoning Map for property known as the Peary Court Housing Complex (RE# 00006730-000000, Alternate Key# 1006963) Amending the Official Zoning Map Legend; Amending Chapter 122, Article IV, to create a new Historic Special Medium Density Residential district (HSMDR), providing for permitted uses, conditional uses, prohibited uses and dimensional requirements; Amending Chapter 122, Article V, providing amendments to the tables of uses and dimensional requirements for Historic Special Medium Density Residential district (HSMDR); Providing for concurrent and conditional adoption upon adoption of Comprehensive Plan amendments; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Vitas

Withdrawn

ORDINANCES - SECOND READING (Public Hearing)

- 15 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 Rossi, seconded by Commissioner Lopez, that the Ordinance be Adopted. The motion carried by the following vote:

Absent: 1 - Commissioner Wardlow

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

Enactment No: Ord 12-20

- 16 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 Rossi, seconded by Commissioner Lopez, that the Ordinance be Adopted. The motion passed by a unanimous vote.

Enactment No: Ord 12-21

- 17 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 Lopez, seconded by Commissioner Johnston, that the Ordinance be Postponed to September 5, 2012. The motion passed by a unanimous vote.

18

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 Lopez, seconded by Commissioner Yaniz, that the Ordinance be Adopted. The motion carried by the following vote:

No: 2 - Commissioner Johnston and Commissioner Rossi

Absent: 1 - Commissioner Wardlow

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

Enactment No: Ord 12-22

19

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 Weekley, seconded by Commissioner Lopez, that the Ordinance be Adopted. The motion carried by the following vote:

No: 1 - Commissioner Rossi

Absent: 1 - Commissioner Wardlow

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

Enactment No: Ord 12-23

- 20 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 Yaniz, seconded by Commissioner Weekley, that the Ordinance be Adopted. The motion carried by the following vote:

Absent: 1 - Commissioner Wardlow

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

Enactment No: Ord 12-24

- 21 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

Failed on Second Reading

- 22 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 Adopted. The motion carried by the following vote:

No: 1 - Commissioner Lopez

Absent: 1 - Commissioner Wardlow

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

Enactment No: Ord 12-25

023

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 Adopted. The motion passed by a unanimous vote.

Enactment No: Ord 12-26

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

11:14 P.M.