



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Tuesday, May 18, 2010

6:00 PM

Commssion Chambers

CALL MEETING TO ORDER

6:01 p.m.

ROLL CALL

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

INVOCATION-Chaplin Dorman Dowling, Naval Air Station

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

COMMENDATIONS (Mayor Cates)

1 Ed Gartenmayer

Sponsors: Mayor Cates

PROCLAMATIONS (Mayor Cates)

2 Irma Quigley Goodwill Ambassador

3 Haitian Flag Day

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.**

- 4** Authorizing Sister Season Fund Inc. the use of the Southernmost Beach at 1405 Duval Street for the 33rd Annual Survivors Party on Monday, May 31, 2010 from 4:00 P.M. to Sunset; Authorizing the sale and consumption of alcoholic beverages within the barricaded area. (City Manager)
- Passed**
- Enactment No: RES 10-160
- 5** Granting a Special Event Permit pursuant to section 6-86 of the Code of Ordinances to Bourbon Street Pub for an event to take place during the hours of 7:00 p.m. to 12:00 midnight at 724 Duval Street on Thursday, June 10, 2010 and Friday, June 11, 2010. (City Manager)
- Passed**
- Enactment No: RES 10-161
- 6** Authorizing Key West Business Guild to conduct a Pridefest Celebration on June 12 & 13, 2010; Authorizing the Key West Business Guild to conduct numerous events starting with a street fair on Saturday, June 12, 2010 on the 700 & 800 blocks of Duval Street from 10:00 A.M. to 12 midnight; A Pridefest Parade on Sunday, June 13, 2010 from 2:00 P.M. to 4:00 P.M. starting at Truman Annex going left on Whitehead Street, right on Duval and ending at the end of the 1100 block of Duval Street; Pursuant to terms and conditions set forth by the City Manager; Authorizing the sale and consumption of alcoholic beverages within an enclosed area; Authorizing the closure of the 700 & 800 blocks of Duval Street; Granting an exemption from the Noise Control Ordinance pursuant to section 6-86 of the Code of Ordinances during the event. (City Manager)
- Passed**
- Enactment No: RES 10-162
- 8** Approving amendment #1 to the Florida Department of Environmental Protection (FDEP) Grant Agreement #08MO2 for Rest Beach Re-nourishment. (City Manager)
- Passed**
- Enactment No: RES 10-163

- 9 Approving amendment #2 to the Florida Department of Environmental Protection (FDEP) Grant Agreement #06MO1 for Smathers Beach re-nourishment. (City Manager)

Passed

Enactment No: RES 10-164

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.

- 12 Approving the City Attorney Performance Evaluation.

Sponsors: City Attorney Smith

A motion was made by Commissioner Mark Rossi, seconded by Commissioner Jimmy Weekley. The motion carried unanimously.

RESOLUTIONS

- 7 Approving the first amendment to the inter-local agreement with the Board of County Commissioner for Monroe County (BOCC) on behalf of the Tourist Development Council (TDC) to exercise an option to extend the agreement for a five (5) year period for funding in an amount up to \$380,000.00 per year for cleaning and maintenance of Smathers Beach and Rest Beach. (City Manager)

A motion was made by Commissioner Mark Rossi, seconded by Commissioner Clayton Lopez, that this Resolution be Passed. The motion carried unanimously.

Enactment No: RES 10-165

- 10 Approving amendment #2 to Task Order 1-08-SWR for CDM, Inc. in an amount not to exceed \$49,991.00 for additional services related to the design, permitting and construction management of a diffused aeration system at the Richard A. Heyman Environmental Protection Facility. (City Manager)

A motion was made by Commissioner Mark Rossi, seconded by Commissioner Clayton 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 10-166

- 11 Accepting the Proposal of Tropical Soup Corporation for Parcels 1, 2, 3 and 4 at Mallory Square (Cable Hut, Hospitality House and Mallory Square); Authorizing the City Manager to enter into negotiations for the lease of those parcels. (City Manager)

A motion was made by Commissioner Mark Rossi, seconded by Commissioner Clayton 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 10-167

13

MAJOR DEVELOPMENT: 3200 BLOCK OF DUCK AVENUE
Authorizing a Major Development Plan and Conditional Use to construct a 16-bed managed-care facility in the Poinciana Housing special needs area; Providing conditions. (City Manager)

A motion was made by Commissioner Billy Wardlow, seconded by Commissioner Clayton 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 10-168

ORDINANCE – FIRST READING

14

An Ordinance of the City of Key West, pursuant to Section 8.01 of the Key West Charter, proposing that Section 6.01 of the Key West Charter be amended to provide that runoff elections if necessary, shall be held on the first Tuesday following the first Monday in November between the two candidates receiving the greatest number of votes; Setting the General Election of November 2, 2010, as the date of Referendum; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Mayor Cates

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

15

An Ordinance of the City of Key West, Florida, amending Chapter 42 of the Code of Ordinance entitled "Miscellaneous Offenses" by amending Section 42-9 to provide for an exemption from the nudity prohibition in areas specifically designated for that purpose by Resolution of the City Commission; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Johnston

Amended

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

No: 2 - Commissioner Gibson and Commissioner Wardlow

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

- 16 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

- 17 An Ordinance of the City of Key West, Florida, amending Section 58-34 of the Code of Ordinances entitled "Collection and Disposal, Unlawful Disposal" by Adding subsection (f) to prohibit the storing or disposing of certain materials in vehicles or trailers; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Weekley

Amended

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

- 18 An Ordinance of the City of Key West, Florida, amending Chapter 70 of the Code of Ordinances entitled "Parking, Stopping and Standing" by amending Section 70-116 to prohibit the storing or disposing of certain materials in vehicles or trailers, and by amending Section 70-121 to provide for revised and added penalties for violations of provisions of Chapter 70; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date. (Commissioner Weekley)

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.

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

ORDINANCE - SECOND READING

19

An Ordinance of the City Commission of the City of Key West, amending Chapter 108 of the Code of Ordinances entitled "Planning and Development" by amending Article X Part B, Land Development Regulations, Building Permit Allocation and Vested Right, Division 1; Amending Section 108-995 pertaining to renewal of allocations; Amending Section 108-996 pertaining to beneficial use; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date. (City Manager)

Amended

A motion was made by Commissioner Mark Rossi, seconded by Commissioner Clayton Lopez, that this Ordinance be Adopted. 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: Ord 10-10

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT

8:25 p.m.