



**AGENDA**  
**CITY COMMISSION MEETING**  
**OLD CITY HALL, 510 GREENE STREET**  
**TUESDAY, MAY 20, 2008 - 6:00 P.M.**

- 1. CALL MEETING TO ORDER – 6:04 P.M.**
- 2. ROLL CALL**
- 3. INVOCATION – Chaplin Steve Torrence, Key West Police Department**
- 4. PLEDGE OF ALLEGIANCE TO THE FLAG**
- 5. APPROVAL OF THE AGENDA**
- 6. PRESENTATIONS:**
  - (a) O.M.I. Awards (City Manager)  
Earl B. Phelps Award for Water Quality
  - (b) Truman Waterfront Access Options – Roland Flowers, City Engineer (City Manager)
  - (c) Second Quarter Budget Review – Roger Wittenberg, Finance Director (City Manager)
  - (d) City Attorney’s Report
  - (e) City Manager’s Report
- 7. CONSENT AGENDA\* - Unanimous Vote**
- 8. RESOLUTIONS:**
  - 08-142**
    - \*(a) Approving the amendment to inter-local agreement between Monroe County and the City of Key West for the sinking of the U.S.S. Hoyt Vandenberg.  
(Commissioner Verge)
  - 08-143**
    - \*(b) Approving the amendment to inter-local agreement between Monroe County and the City of Key West for the use of Tourist Development Funds related to the sinking of the U.S.S. Hoyt Vandenberg. (Commissioner Verge)
  - 08-144**
    - \*(c) Authorizing Key West Gay & Lesbian Community Center to conduct a Pridefest Celebration on June 13 & 14, 2008; Authorizing the Gay & Lesbian Community Center to conduct numerous events starting with a Street Fair on Friday, June 13, 2008 and on Saturday, June 14, 2008 on Duval Street between Angela & Truman Avenue from 7:00 A.M. to 10:00 P.M.; A Pridefest Parade on Saturday, June 14, 2008 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 the 700 & 800 & 900 blocks of Duval

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Street; Granting an exemption from the Noise Control Ordinance pursuant to Section 6-86 of the Code of Ordinances during the event; Authorizing the sale & consumption of alcoholic beverages. (City Manager)

**08-145**

\*(d) Authorizing Sloppy Joe's to conduct an event for Hemingway Days on Saturday, July 19, 2008 from 12:00 Noon to 11:00 P.M. pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Greene Street between Duval and Ann Streets from 11:00 A.M. to 12:00 Midnight; Authorizing the sale and consumption of alcoholic beverages within the enclosed area. (City Manager)

**08-146**

\*(e) Accepting the ranking of proposals received in response to RFP #08-012 and authorizing the negotiation of a contract with Scott Fraser for services as a FEMA Coordinator Consultant. (City Manager)

**08-152 – Vote: 6/1; Commissioner Johnston - No**

⊙(f) Awarding the bid of D. N. Higgins in the amount of \$1,773,660.00 for the Gravity Injection Wells, Phase Three Project, consisting of construction of five stormwater gravity injection wells and five triple chamber outfall structures. (City Manager)

**08-153 – Unanimous Vote**

⊙(g) Authorizing Work Order #4 in a total amount not to exceed \$175,000.00 for construction of an ingress/egress road to the Truman Waterfront Property by Charley Toppino & Sons under the General Services Contract. (City Manager)

**Withdrawn**

\*(h) Authorizing an expenditure in a total amount not to exceed \$33,101.99 for roadway extension and sidewalk along Eaton Street from the Truman Annex Property Line to Truman Harbor at the Truman Waterfront by Charley Toppino & Sons (to be paid from the Navy Mole Lease Fund). (City Manager)

**08-147**

\*(i) Awarding the bid of Morse Builders, Inc. in a total amount not to exceed \$231,600.00 for decorative fence construction and removal of a former vehicle scale from Ft. Zachary Taylor along the Navy/State property line to the area known as the Truman Beach (to be paid from the Navy Mole Lease Fund). (City Manager)

**08-148**

\*(j) Approving Change Order #1 of Nearshore Electric, Inc. for additional parts and labor and use of G-type Cable for the Sailfish Pier Utility Upgrades in the amount of \$8,469.00. (City Manager)

**08-149**

\*(k) Approving Perez Engineering and Development Task Order No. 2-STM-08 to furnish General Stormwater Technical Services in an amount not to exceed \$30,000.00. (City Manager)

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**08-154 – Unanimous Vote; Commissioner Lopez Out of Room**

- Ⓞ(l) Approving a Balanced Budget Amendment to the FY 2007-08 Key West Bight 405 Budget, and authorizing the purchase and sale of an additional \$150,000.00 of diesel fuel through the end of the fiscal year; Authorizing the City Manager to effect the necessary budget transfer. (City Manager)

**08-155 – Vote: 5/1; Commissioner Johnston – No; Commissioner Lopez Out of Room**

- Ⓞ(m) Approving Perez Engineering and Development Task Order No. 02-CONST-08 to furnish Construction Management Services for the Stormwater Gravity Injection Well Phase III Project in an amount not to exceed \$55,000.00. (City Manager)

**08-150**

- \* (n) Approving the License Agreement between the City and the Key West Housing Authority for the use of a portion of Fort Street and Amelia Street. (City Manager)

**08-151**

- \* (o) Approving the Collective Bargaining Agreement between the City of Key West and the Florida Police Benevolent Association, Inc. (City Manager)

**08-156 – Unanimous Vote; Commissioner Kolhage Out of Room**

- (p) **DEVELOPMENT AGREEMENT: 3400 BLOCK OF DUCK AVENUE**  
Granting permission to initiate a Development Agreement for a project by AIDS Help, Inc. to include construction of a fifty unit low income, rest home like supported living facility on a portion of the special needs area of Poinciana Housing in the 3400 Block of Duck Avenue. (City Manager)

**08-157 – Unanimous Vote**

- (q) **DEVELOPMENT AGREEMENT: 13 HILTON HAVEN DRIVE**  
Granting permission to initiate a Development Agreement for a project to construct a pile-supported single family home in part within the conservation – outstanding waters of the State Zoning District (a portion is also located in the MDR District), on a site addressed as 13 Hilton Haven Drive. (City Manager)

**9. ORDINANCES – FIRST READING**

**Second Reading June 17, 2008 – Vote: 7/0**

- (a) An Ordinance of the City of Key West, Florida, pursuant to Section 1.08 of the City Charter, to call for a referendum permitting the acquisition of the real property known as Higgs Beach from Monroe County; Authorizing the City Clerk to take all necessary action to place this measure on the ballot for ~~August 26, 2008~~ **November 4, 2008**; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date. (Mayor McPherson)

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**Postponed – Unanimous Vote**

- (b) An Ordinance of the City of Key West, Florida, amending Chapter 6 of the Code of Ordinances entitled “Amusements and Entertainment” by amending Section 6-26 “Payment for City Services” to provide a deposit and cost schedule for special events; Amending 6-56 to remove references to cost waiver; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.  
(City Manager)

**Second Reading June 3, 2008 – Unanimous Vote**

- (c) An Ordinance of the City of Key West, Florida, amending Chapter 14 of the Code of Ordinances entitled “Buildings and Building Regulations” by adding Section 14-2 “Applicable Fees”, Amending Sections 14-35 “Amendments to Building Code”, 14-259 “Permit Fees” and 14-358 “Amendments to Florida Plumbing Code”, to Provide for the establishment and revision of fees to recover costs; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.  
(City Manager)

**10. ORDINANCES – SECOND READING (Public Hearing)**

**Failed – Vote: 2/5; Commissioners Gibson, Johnston, Kolhage, Verge and Rossi - No**

- (a) An Ordinance of the City of Key West, Florida, Amending Chapter 26 of the Code of Ordinances entitled “Environment” by amending section 26-191 “Definitions” to include HNC-3 within commercial zoning district and adding definition of location of compliant; By amending Section 26-194 “Citation Procedure” to further define disturbing noise; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date. (Commissioner Lopez)

**08-04 – Unanimous Vote**

- (b) An Ordinance Of The City Of Key West, Florida, Amending Chapter 90 “Administration”, Section 90-52, Sections 90-55, 90-97, 90-182, 90-391, 90-392, 90-393, 90-394, 90-395, 90-397, 90-426, 90-427, 90-487 And 90-641; Amending Chapter 102 “Historic Preservation”, Section 102-3; Amending Chapter 106 “Performance Standards”, Sections 106-51 And 106-52; Amending Chapter 108 “Planning And Development”, Sections 108-574, 108-987, And 108-1061; Amending Chapter 110 “Resource Protection”, Sections 110-260 And 110-337; Amending Chapter 114 “Signs”, Section 114-140; Amending Chapter 122, Sections 122-28, 122-30, 122-32, 122-234, 122-1440, 122-1469, And 122-1470; Providing For The Review And Determination Of Certain Variance Requests To Be Administered By The Planning Board; Providing For Severability; Providing For Repeal Of Inconsistent Provisions; Providing For An Effective Date (City Manager)

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**08-05 – Unanimous Vote**

- (c) An Ordinance Of The City Of Key West, Florida, Amending Chapter 6 “Amusements And Entertainment”; Amending Chapter 18 “Businesses”, Sections 18-28 And 18-60; Amending Chapter 30 “Fire Prevention And Protection”, Section 30-9; Amending Chapter 54 “Planning And Development”, Sections 54-82, 54-124, And 54-160; Providing For The Review And Determination Of Certain Appeals And Variance Requests To Be Administered by the City Commission; Providing For Severability; Providing For Repeal Of Inconsistent Provisions; Providing For An Effective Date. (City Manager)

**11. CITIZENS COMMENTS**

**12. COMMENTS BY THE COMMISSION**

**13. ADJOURNMENT – 10:05 P.M.**

⊙Removed from Consent Agenda

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