



**AGENDA**  
**CITY COMMISSION/BOA MEETINGS**  
**OLD CITY HALL, 510 GREENE STREET**  
**TUESDAY, OCTOBER 21, 2008 - 6:00 P.M.**

- 1. CALL MEETING TO ORDER – 6:00 P.M.**
- 2. ROLL CALL**
- 3. INVOCATION – Reverend Mary Wright, Peace Covenant Presbyterian Church**
- 4. PLEDGE OF ALLEGIANCE TO THE FLAG**
- 5. APPROVAL OF THE AGENDA**
- 6. COMMENDATIONS:** (Mayor McPherson)

- (a) Key West High School Academic Achievement Award  
Olivia Kent and Blake Oropeza
- (b) Key West High School for Excellence in the Visual, Performing and Vocational Arts  
Daphne Barnett and Rachel Rivet
- (c) Key West High School Outstanding Achievement/Unsung Hero Award  
Lianette Cordova and Aracely Gonzalez

**ADD ON:** (d) **Commendation to David Lybrand (City Manager)**

- 7. PRESENTATIONS:**
  - (a) City Attorney's Report
  - (b) City Manager's Report
- 8. CONSENT AGENDA\* - Unanimous Vote**
- 9. RESOLUTIONS:**

**Postponed**

- \*(a) Urging the Florida State Legislature to assist the City of Key West in the implementation of funding sources dedicated to the creation and retention of affordable workforce housing. (Mayor McPherson)

**08-286 – Unanimous vote**

- ⊙(b) Naming the Bike Pedestrian Paths on Palm Avenue and North Roosevelt Boulevard “Jim Malcolm Way”. (Commissioner Rossi)

**08-280**

- \*(c) Authorizing Paradise Charitable Foundation to conduct Parrot Heads in Paradise Street Party on Friday, October 31, 2008 from 8:00 A.M. to 5:00 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 5:00 P.M.; Authorizing the sale and consumption of alcoholic beverages within the enclosed area. (City Manager)

**08-281**

- \*(d) Authorizing Key West Business Guild to conduct a mixer kick off Toys for Tots drive event on Wednesday, November 12, 2008 from 5:00 P.M. to 8:30 P.M. pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Fleming Street between Margaret and Grinnell Streets; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 5:00 P.M. TO 8:30 P.M.; Authorizing the sale and consumption of alcoholic beverages within the enclosed area. (City Manager)

**08-282**

- \*(e) Authorizing David Johnson to conduct a professional boxing event at Mallory Square on Friday, January 16, 2009 from 8:00 P.M. to Midnight and authorizing a set up date of Thursday, January 15, 2009, starting at 9:00 A.M.; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 8:00 P.M. to Midnight; Authorizing the sale and consumption of alcoholic beverages within an enclosed area; Pursuant to terms and conditions set forth by the City Manager. (City Manager)

**08-283**

- \*(f) Approving Change Order No. 1 to Project 08-0051 for Douglas N. Higgins, Inc. to permit a fifteen (15) working day extension of the contract term for December 27, 2008 until January 22, 2009. (City Manager)

**08-287 – Unanimous Vote**

- ⊙(g) Awarding the bid of Charley Toppino & Sons, Inc. for the Kitsos Nature Preserve Boardwalk repair and related landscaping in an amount not to exceed \$169,044.48. (City Manager)

**08-288 – Unanimous Vote**

- ⊙(h) Awarding the bid of Charley Toppino & Sons, Inc. for the Berg Nature Preserve Boardwalk repair and related landscaping in an amount not to exceed \$100,013.50. (City Manager)

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**08-284**

- \* (i) Awarding the bid of Ebsary Foundation Company, Inc. in a total amount not to exceed \$661,200.00, for the design/build of a pedestrian bridge. (City Manager)

**08-285**

- \* (j) Approving the Electrical Line Extension Agreement with the Utility Board of the City of Key West, Florida. (City Manager)

**08-289 - Vote: 6/1; Commissioner Kolhage - No**

- ⊙ (k) Approving the settlement agreement between the City of Key West and Richard Gober. (City Attorney)

**Withdrawn**

- (l) Authorizing Duval Street Committee to conduct a Sidewalk Café Event on Saturday, November 8, 15, 22 and 29, 2008 and Saturday, December 13 and 20, 2008, from 6:00 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 Truman Avenue and United Street; Authorizing the sale and consumption of alcoholic beverages within the enclosed area. (Commissioner Gibson)

**Postponed**

- (m) Approving Special Event Fees pursuant to City of Key West Code of Ordinances Section 6-26. (City Manager)

**10. ORDINANCES – FIRST READING**

**Second Reading November 5, 2008 – Unanimous Vote**

- (a) An Ordinance of the City of Key West, Florida, amending Chapter 2 of the Code of Ordinances entitled “Administration” by adding Sections 2-600 and 2-603 in order to establish “the Key West Redevelopment Trust Fund Advisory Committee”; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date. (Commissioner Lopez)

**Postponed**

- \* (b) An Ordinance of the City of Key West, Florida, amending Chapter 6 of the Code of Ordinances entitled “Special Events” by amending Sections 6-26 to provide for full recovery of City’s cost; Provide for a recycling program; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date. (City Manager)

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**Second Reading November 5, 2008 – Unanimous Vote (Commissioner Rossi Out of Room)**

- (c) An Ordinance of the City of Key West, Florida, creating the City of Key West Police Officer's and Firefighter's Retirement Fund, Section 46-327 providing for creation of a share plan to be funded by Florida Statue Chapter 175 and 185 monies received each year; Providing for the Board of Trustees to distribute non-dedicated funds payable solely from State of Florida Chapter 175 and 185 monies; Providing for codification; Providing for severability; Providing for an effective date. (City Manager)

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

**08-15 – Unanimous Vote**

- (a) An Ordinance of the City of Key West, Florida, amending Chapter 2 of the Code of Ordinances entitled "Administration" by amending Sections 2-546 and 2-549 to alter the composition of membership of the Key West Bight Management District Board; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date. (Mayor McPherson)

**08-16 – Unanimous Vote**

- (b) An Ordinance of the City of Key West adopting a Local Communication Services Tax Rate by amending Chapter 66 entitled "Taxation" by amending Section 66-1 to adjust the Communications Services Tax Rate; Providing for notice to the Department of Revenue; Providing for severability and providing for an effective date. (City Manager)

**08-17 – Unanimous Vote**

- (c) An Ordinance of the City of Key West, Florida, amending Chapter 70 of the Code of Ordinances entitled "Traffic and Vehicles" by amending Section 70-646 through 70-660 and creating Sections 70-661 and 70-662; Providing for definitions, minimum safety requirements, increased permit fees, prohibited acts, and penalties; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date. (City Manager)

**12. CITIZENS COMMENTS**

**13. COMMENTS BY THE COMMISSION**

**14. ADJOURNMENT – 8:00 P.M.**

**15. CONVENE AS BOARD OF ADJUSTMENT ("BOA") – 8:00 P.M.**

**16. ROLL CALL**

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**17. APPROVAL OF MINUTES:**

- (a) August 6, 2008 (Regular)

**18. RESOLUTIONS:**

**08-290**

**Allowing the construction of a new four-plex building (the existing building is proposed for demolition) by granting a variance to building height regulations for property in the SF; Providing conditions; for the property located at 1006 Von Phister Street. (RE# 00038890-000000)**

- (a) Denying the application for variance for the property located at **1006 Von Phister Street. (RE# 00038890-000000)**  
Applicant: Adele V. Stones Authorized Representative for Tyclay, LP, A Florida Limited Partnership Property Owner

**08-291 – Vote: 6/1; Commissioner Kolhage - No**

- (b) Granting the Appeal of Richard Gober in accordance with the Settlement Agreement entered into on October 21, 2008 concerning property located at 1901 South Roosevelt Boulevard, Unit 301S; Providing for an effective date.

**19. ADJOURNMENT – 8:30 P.M.**

⊙Removed from Consent Agenda

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