



AGENDA
CITY COMMISSION/BOA/LRA MEETINGS
OLD CITY HALL, 510 GREENE STREET
THURSDAY, DECEMBER 3, 2009 - 6:00 P.M.

- 1. CALL MEETING TO ORDER – 6:00 P.M.**
- 2. ROLL CALL**
- 3. INVOCATION – Rev. Dr. Randy Becker, Unitarian Universalist Fellowship**
- 4. PLEDGE OF ALLEGIANCE TO THE FLAG**
- 5. APPROVAL OF THE AGENDA**
- 6. PROCLAMATIONS: (Mayor Cates)**

- (a) National Homeless Persons Memorial Day
- (b) SMART Ride Day

7. PRESENTATIONS:

- Withdrawn**
- (a) Recycling Education (Commissioner Johnston)
 - (b) City Hall Update – Michael Ingram, mbi/k2m (City Manager)
 - (c) City Attorney’s Report
 - (d) City Manager’s Report

10. ORDINANCES – SECOND READING: (Public Hearing)

09-22 – Vote 7/0

- (a) An Ordinance of the City of Key West, Florida amending Chapter 2 of the Code of Ordinances entitled “Administration” by amending Section 2-798 pertaining to Local Business Enterprise Preference; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date. (City Attorney)

09-23 – Vote 7/0

- (b) An Ordinance of the City of Key West, Florida, amending Chapter 78 of the Code of Ordinances by amending Section 78-1 to add definitions of “Sightseeing Motor Vehicles Operated Pursuant to Franchise” and “Sightseeing Motor Vehicles Operated Pursuant to Business License”; Amending the definition of “Vehicle For Hire” to delineate the types and classes of vehicles regulated by Chapter 78; Renumbering Section 78-5 “Business License or Franchise Required For All Vehicles For Hire”; Deleting Section 78-61; Deleting Section 78-231; Adding Article V “Sightseeing Vehicles Pursuant to Franchise” to include a formalized process for applying for,

granting and renewing sightseeing vehicles franchises; Providing for severability; Providing for inconsistent provisions; Providing for an effective date. (City Manager)

11. ORDINANCES – FIRST READING:

Second Reading December 15, 2009

Vote: 4/3; Vote: Commissioners Lopez, Rossi and Wardlow - No

- (a) An Ordinance granting a Franchise to Cityview Trolley Tours of Key West Inc. to operate city-wide sightseeing/shuttle operation; Providing terms and conditions, including the following: Providing that Ordinance does not prohibit City from operating a shuttle service; Defining the territory to be served; Authorizing City inspection of sightseeing/shuttle vehicles; Providing for the observance of current and future rules and regulations, insurance requirements and indemnification; Limiting assignment of the Franchise; Providing consideration for grant of the Franchise and contingent relief; Directing the procedure for designation of stops and operational requirements of Franchisee; Providing for inspection of books and records; Authorizing the issuance of permits; Establishing the duration of the Franchise; Providing for the establishment of rates, fees and routes; Specifying default provisions and procedure for notice, suspension and/or termination upon default, including appeal provisions; Providing remedies upon bankruptcy of Franchisee; Indicating Franchise is not a waiver of other City requirements; Clarifying that no joint venture is created; Prohibiting discrimination; Providing for construction and interpretation of provisions; Indicating time is of the essence; Providing for attorneys fees, waiver of jury trial and specifying venue in the event of litigation; Providing for notice, acknowledgement, acceptance and cumulative provisions; Specifying the Franchise constitutes the entire agreement between the parties and may only be amended by subsequent Ordinance of the City Commission; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date. (Commissioner Johnston)

Second Reading December 15, 2009 – Vote: 6/0; Commissioner Gibson Out of Room

- (b) An Ordinance of the City of Key West, Florida, amending Chapter 46, Section 46-277 of the Code of Ordinances entitled “Composition” of the Board of Trustees of the Police Officers’ and Firefighters’ Retirement Plan to provide for the preferred service of retired Key West Police and Fire Department Personnel; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date. (Commissioner Wardlow)

Second Reading December 15, 2009 – Vote: 7/0

- (c) An Ordinance of the City of Key West, Florida, authorizing the issuance of a series of refunding bonds for the principal purpose of currently refunding and defeasing the City’s outstanding tax-exempt Capital Improvement/Marina Revenue Bonds, Series 1997; Providing certain other matters in connection therewith; Providing severability; Providing an effective date. (City Manager)

*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.

Postponed to December 15, 2009 – Unanimous Vote

- (d) An Ordinance of the City Commission of the City of Key West, approving an amendment to the Historic Architectural Review Commission Guidelines as referenced in Section 90-142 of the Code of Ordinances of the City of Key West, Florida; Providing for an effective date. (City Manager)

Postponed to December 15, 2009 – Unanimous Vote

- (e) An Ordinance of the City Commission of the City of Key West, approving an amendment to Part B, Land Development Regulations, Section 86-9 Definition of Terms, Section 102-1 Definitions, Section 122-600 Dimensional Requirements, Section 122-630 Dimensional Requirements, Section 122-660 Dimensional Requirements, Section 122-690 Dimensional Requirements, Section 122-720 Dimensional Requirements, Section 122-750 Dimensional Requirements, Section 122-810 Dimensional Requirements, Section 122-840 Dimensional Requirements, Section 122-870 Dimensional Requirements, Section 122-900 Dimensional Requirements, Section 122-930 Dimensional Requirements, Section 122-960 Dimensional Requirements, Section 122-970 Dimensional Requirements, Section 122-980 Dimensional Requirements, Section 122-990 Dimensional Requirements, Section 122-1005 Dimensional Requirements, and Section 122-1151, size and dimension; Providing for an effective date. (City Manager)

Postponed to December 15, 2009 – Unanimous Vote

- (f) An Ordinance of the City Commission of the City of Key West, Approving an amendment to Part B, Land Development Regulations, Sections 122-968, 122-970 and 122-111, of the Code of Ordinances to permit Nursing Homes, Rest Homes and Convalescent Homes as a Conditional Use in the Historic Public and Semipublic Services District-1 (HPS-1); Providing for an effective date. (City Manager)

8. CONSENT AGENDA* - Vote 7/0

9. RESOLUTIONS:

09-316 – Vote: 7/0

- ⊙(a) Directing the City Manager to present a plan for the closure of Front Street from Whitehead Street to Greene Street for City Commission consideration. (Commissioner Rossi)

09-317 – Vote: 6/1; Commissioner Rossi - No

- ⊙(b) Approving the 2010 Meeting Schedule for the Key West City Commission. (City Manager)

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09-318 – Unanimous Vote

⊙(c) Authorizing Rotary Club of Key West to conduct a fundraiser at Bayview Park, Wickers Field and Pepe Hernandez Field for the First Annual Marques Butler Memorial Softball Tournament on Saturday, January 9 and Sunday, January 10, 2010 from 8:00 A.M. to 11:00 P.M. pursuant to terms and conditions set forth by the Office of the City Manager; Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances from 8:00 A.M. to 11:00 P.M. on Saturday, January 9 and Sunday, January 10, 2010; Authorizing the sale and consumption of alcoholic beverages on the date and during the hours stated above. (City Manager)

09-306

*(d) Awarding IB#09-013 – Decorative Fence Construction: Navy TCTS Facility – to Douglas N. Higgins, Inc. in the amount of \$147,900.00; Authorizing an administrative fee to the City in the amount of \$4,437.00 (3%); Authorizing the use of the Outer Mole Lease Fund for payment; approving any necessary budget transfers. (City Manager)

09-307

*(e) Approving a time extension with Charlie Toppino and Sons, Inc. for completion of Flagler Avenue Improvements Phase I and Flagler Avenue Phase II to January 21, 2010. (City Manager)

09-308

*(f) Approving the award of Request for Proposals 09-009 in the amount of \$128,634.00 (Southard Street); \$48,278.00 (William Street); \$29,812.00 (12th Street) to Charley Toppino and Sons, Inc. for the Design-Build of Sidewalk Enhancements Phase I. (City Manager)

09-309

*(g) Approving the award of Request for Proposals 09-010 in the amount of \$139,848.00 to Charley Toppino and Sons, Inc. for the Design-Build of Sidewalk Enhancements Phase II – Fleming Street. (City Manager)

09-310

*(h) Approving the award of Request for Proposals 09-011 in the amounts of \$156,000.00 (Caroline Street) and \$109,500.00 (Eaton Street) from Charley Toppino and Sons, Inc. for the Design-Build of Sidewalk Enhancements Phase III. (City Manager)

09-311

*(i) Approving the award of Request for Proposals 09-012 in the amount of \$165,550.00 (Virginia Street) and \$31,530.00 (Appelrouth Lane) from Charley Toppino and Sons, Inc. for the Design-Build of Sidewalk Enhancements Phase IV. (City Manager)

09-312

*(j) Approving the award of Request for Proposals 09-014 in the amount of \$445,800.00 to Charley Toppino and Sons, Inc. for the Design-Build of Sidewalk Enhancements Phase VI – Duck Avenue. (City Manager)

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09-313

- * (k) Approving the award of Request for Proposals 09-015 in the amount of \$235,100.00 to Charley Toppino and Sons, Inc. for the Design-Build of Sidewalk Enhancements Phase VII – Leon Street. (City Manager)

09-319 – Vote: 7/0

- o (l) Authorizing the award of the Bid for White Street Pier Rip Rap Installation (Project PR 0613) from Charley Toppino & Sons in the amount of \$141,054.73. (City Manager)

09-314

- * (m) Authorizing the purchase of a Service Agreement for the Key West Police Department Public Safety Communications System in the amount of \$38,750.40 from Motorola, Inc. pursuant to Code of Ordinances provisions Article IV, Section 2-797(1)(a), Sole Source Procurement, and utilizing brand name specification in accordance with Article IV Section 2-844. (City Manager)

09-320 – Vote 7/0

- o (n) Approving the submission of the City of Key West Department of Transportation 10-year Transit Development Plan (TDP 2010-2019) for review and approval by the Florida Department of Transportation, District 6 – Public Transit Office. (City Manager)

09-315

- * (o) Approving the Settlement Agreement with Daniel Crespi. (City Attorney)

09-321 – Vote: 7/0

- o (p) Authorizing execution of an Interlocal Agreement with the Monroe County School Board to provide for payment assistance for the HOB Concession Stand and ensuring the School Board’s prompt reconstruction of promised sports fields at Poinciana School. (City Manager)

Motion Died For Lack of a Second

- (q) Authorizing the removal of all single/dual head parking meters at Smathers Beach. (City Manager)

09-322 – Vote: 7/0

- (r) Exercising the option provided for in Section 7 of the Agreement between the City and Waste Management to extend the Contract for a 5 year period for the express purpose of continued negotiations; Waiving the time periods called for in Section 7 regarding renewal. (City Manager)

Withdrawn

- (s) Authorizing a variance request for alcohol sales to be conducted within 300 feet of church and funeral home establishments in the HNC-1 Zoning District per Section 18-28 of the Code of Ordinances of the City of Key West, Florida. (City Manager)

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12. **CITIZEN COMMENTS**
13. **COMMISSION COMMENTS**
14. **ADJOURNMENT – 12:45 A.M.**
15. **CONVENE AS BOARD OF ADJUSTMENT – 12:45 A.M.**

ROLL CALL – Commissioner Rossi Absent

16. **APPROVAL OF MINUTES: Unanimous Vote**

(a) October 21, 2008

17. **RESOLUTIONS:**

Postponed to December 15, 2009 – Vote: 4/2; Commissioners Gibson and Wardlow - No

(a) Allowing the construction of a 145 foot tall telecommunications monopole by granting a variance to building height regulations for property in the CG, General Commercial Zoning District, under the Code of Ordinances of the City of Key West, Florida for property located at 2832 North Roosevelt Boulevard (RE# 00065380-000000).

Applicant: Trepanier and Associates Authorized Representative for Carl M. Herman Revocable Living Trust Property Owner

18. **ADJOURNMENT – 12:50 A.M.**
19. **CONVENE AS NAVAL PROPERTIES LOCAL REDEVELOPMENT AUTHORITY (“LRA”) – 12:50 A.M.**
20. **ROLL CALL – Commissioner Rossi Absent**
21. **RESOLUTION:**

09-323 – Vote: 6/0
(a) Authorizing a sub-lease between the Housing Authority of the City of Key West, Florida and Samuel’s House at Poinciana Housing. (Commissioner Weekley)
22. **ADJOURNMENT – 1:21 A.M.**

⊙Removed from Consent Agenda

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