



**AGENDA**  
**CITY COMMISSION MEETING**  
**OLD CITY HALL, 510 GREENE STREET**  
**TUESDAY, NOVEMBER 17, 2009 - 6:00 P.M.**

- 1. CALL MEETING TO ORDER – 6:00 P.M.**
- 2. ROLL CALL**
- 3. INVOCATION – Father John Baker, St. Mary’s Star of the Sea Catholic Church**
- 4. PLEDGE OF ALLEGIANCE TO THE FLAG**
- 5. APPROVAL OF THE AGENDA**
- 6. COMMENDATIONS: (Mayor Cates)**
  - (a) Barry Barroso, Jr.
- 7. PROCLAMATIONS: (Mayor Cates)**
  - (a) Latin American Motorcycle Association Day
  - (b) Take Stock in Children Week – Ten Year Anniversary
- 8. PRESENTATIONS:**
  - (a) Recycling Education (Commissioner Johnston)
  - (b) Dengue Fever (City Manager)
  - (c) FWC Anchoring Regulation Pilot Program (City Manager)
  - (d) City Attorney’s Report
  - (e) City Manager’s Report
- 9. CONSENT AGENDA \* - Unanimous Vote**
- 10. APPROVAL OF MINUTES:**
  - \*(a) September 15, 2009 (Regular)
  - \*(b) October 20, 2009 (Regular)

## 11. RESOLUTIONS:

### **09-290 – Vote: 7/0**

- ⊙ (a) Nominating property located at 2700 Flagler Avenue for acquisition by the Monroe County Land Authority; Providing requirements. (Commissioner Gibson)

### **Motion Failed – Vote: 2/4; Commissioners Johnston, Rossi, Wardlow and Weekley - No**

- ⊙ (b) Appointing Frank Zamora to the Board of Trustees of the Key West Firefighters and Police Officers Retirement Plan. (Mayor Cates)

### **09-284**

- \* (c) Appointing Richard (Dick) Moody to the Art in Public Places Board. (Mayor Cates)

### **09-285**

- \* (d) Re-appointing Christine Russell to the Art in Public Places Board. (Commissioner Lopez)

### **09-286**

- \* (e) Re-appointing Frank Garner to the Art in Public Places Board. (Commissioner Wardlow)

### **09-287**

- \* (f) Appointing Helen Harrison to the Art in Public Places Board. (Commissioner Weekley)

### **09-291 – Vote: 7/0**

- ⊙ (g) Rescheduling the December 1, 2009 City Commission Meeting for ~~December 2,~~ December 3, 2009 in recognition of World AIDS Day. (Commissioner Weekley)

### **09-292 – Vote: 7/0**

- ⊙ (h) Urging President Barack Obama and the United States Congress to adopt the Military Readiness Enhancement Act of 2009 (H.R. 1283), which eliminates the “Don’t Ask, Don’t Tell” Policy and, among other things, adopts a policy of non-discrimination on the basis of sexual orientation within the United States Armed Forces; Directing City Clerk to transmit a certified copy of this Resolution to President Barack Obama, Speaker of the House Nancy Pelosi, Senate Majority Leader Harry Reid, Senators Bill Nelson and George Lemieux, and Congresswoman Ileana Ros-Lehtinen. (Commissioner Weekley)

### **09-293 – Vote: 7/0**

- ⊙ (i) Urging Congress and the President of the United States to repeal the Defense of Marriage Act (DOMA). (Commissioner Weekley)

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**09-294 – Vote: 7/0**

- ⊙ (j) Supporting Mayor Craig Cates as the Key West Commission Member to the Monroe County Tourist Development Council (TDC). (City Attorney)

**09-288**

- \* (k) Encouraging property owners along North Roosevelt Boulevard to convey small portions of property to FDOT for the construction of ADA approved sidewalk ramps; Granting relief from the City's Land Development Regulations where such conveyances impair future development. (City Manager)

**09-295 – Vote: 7/0**

- ⊙ (l) Authorizing the mechanical integrity testing of the City's two deep injection wells by All Webb's Enterprises Inc. in the amount of \$62,000.00 pursuant to Code of Ordinances Section 2-797(3). (City Manager)

**09-296 – Vote: 7/0**

- ⊙ (m) Awarding the bid of Charley Toppino & Sons, Inc. for the White Street Stormwater Pump Station Project in an amount not to exceed \$1,645,000.00. (City Manager)

**09-297 – Unanimous Vote**

- ⊙ (n) Authorizing Task Order 10-04 from Perez Engineering and Development in an amount not to exceed \$30,000.00 for Construction Administration Services for the White Street Stormwater Pump Station Project. (City Manager)

**09-299 – Unanimous Vote – Commissioner Wardlow out of the room**

- ⊙ (o) Approving Task Order 03-10-STM from CH2M Hill for Engineering Services for the construction of the White Street Pump Assisted Stormwater Drainage Wells in an amount not to exceed \$104,124.00. (City Manager)

**09-298 – Unanimous Vote**

- ⊙ (p) Authorizing Task Order 10-01 from Perez Engineering and Development in an amount not to exceed \$30,000.00 for Construction Administration Services for the Diffused Aeration System Project at the Richard A. Heyman Environmental Protection Facility. (City Manager)

**09-300 – Vote: 7/0**

- (q) Ranking six (6) Transportation Design, Engineering and Construction Engineering Services Consultants responding to RFQ 09-007 for the College Road Enhancements described in Project No. GN 0711; Authorizing Staff to negotiate with the top ranked firm and each firm thereafter as necessary in accordance with the Consultants' Competitive Negotiation Act until an acceptable contract is brought before the Commission. (City Manager)

**09-301 – Unanimous Vote**

- (r) Ranking six (6) Transportation Design, Engineering and Construction Engineering Services Consultants responding to RFQ 09-009 for the Atlantic Boulevard Enhancements described in Project No. GN 0710; Authorizing Staff to negotiate with the top ranked firm and each firm thereafter as necessary in accordance with the Consultants' Competitive Negotiation Act until an acceptable contract is brought before the Commission. (City Manager)

**09-302 – Unanimous Vote**

- (s) Ranking six (6) Transportation Design, Engineering and Construction Engineering Services Consultants responding to RFQ 09-008 for the Duval Street/Truman Annex Improvements described in Project No. GN 0901; Authorizing Staff to negotiate with the top ranked firm and each firm thereafter as necessary in accordance with the Consultants' Competitive Negotiation Act until an acceptable contract is brought before the Commission. (City Manager)

**09-303 – Vote: 6/1 – Commissioner Rossi - No**

- (t) **DEVELOPMENT AGREEMENT EXTENSION: 2319-2401 N. ROOSEVELT**  
Authorizing a six (6) month extension of Resolution 08-229 granting preliminary City Commission authorization to enter into a Development Agreement per Section 90-679 of the Land Development Regulations for property located at 2319-2401 North Roosevelt Boulevard. (City Manager)

**09-304 – Vote: 7/0**

- (u) **MAJOR DEVELOPMENT PLAN: 512-514 DUVAL STREET**  
Approving a Major Development Plan for property located at 512-514 Duval Street (RE#00009840-000000) Key West, Florida. (City Manager)

**09-305 – Vote: 7/0**

- (v) **VARIANCE: 5901 COLLEGE ROAD**  
Authorizing a Variance request for alcohol sales to be conducted within 300 feet of a school in the PS Zoning District per Section 18-28 of the Code of Ordinances of the City of Key West for the real property known as the Tennessee Williams Theater located at 5901 College Road. (City Manager)

**ADD-ON**

**09-289**

- \*(w) Approving amendment number one to agreement between the City of Key West and the Department of Army for planning, design and construction of Florida Keys water quality improvement program Stormwater improvement project; Providing that Resolution 09-228 is superseded.(City Manager)**

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**12. ORDINANCES – SECOND READING: (Public Hearing)**

**Postponed to December 3, 2009**

- (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)

**Meeting adjourned at 1:06 a.m. November 18, 2009**

**Meeting reconvened at 4:30 p.m. November 18, 2009**

**Continued to December 3, 2009**

- (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)

**13. ORDINANCE – FIRST READING:**

**Continued to December 3, 2009**

- (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

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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)

**Continued to December 3, 2009**

**ADD-ON (b) 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 Improvements/Marina Revenue Bonds, Series 1997; Providing certain other matters in connection therewith; Providing For severability; Providing for an effective date**

**Continued to December 3, 2009**

**14. CITIZEN COMMENTS**

**Continued to December 3, 2009**

**15. COMMISSION COMMENTS**

**16. ADJOURNMENT – 5:00 P.M./November 18, 2009**

⊙Removed from Consent Agenda

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