



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### City Commission

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Wednesday, January 18, 2023

5:00 PM

City Hall

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**ADA Assistance:** It is the policy of the City of Key West to comply with all requirements of the Americans with Disabilities Act (ADA). Please call the TTY number 1-800-955-8771 or for voice 1-800-955-8770 or the ADA Coordinator at 305-809-3811 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

**FOR VISUAL PRESENTATIONS:** Individuals are responsible to share their presentation at the meeting on their laptop through Zoom. For City Commission meetings the City Clerk's Office will need a copy for the agenda at least 6 days before the meeting.

**CALL MEETING TO ORDER - 5:04 P.M.**

#### ROLL CALL

**Absent** 1 - Commissioner Lopez

**Present** 6 - Commissioner Carey, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

#### PLEDGE OF ALLEGIANCE TO THE FLAG

**APPROVAL OF AGENDA** - The agenda was unanimously approved as amended

#### PROCLAMATIONS

1

#### Keys to be the Change Mentoring Month

**Sponsors:** Mayor Johnston, Vice Mayor Kaufman, Commissioner Hoover, Commissioner Wardlow, Commissioner Carey and Commissioner Lopez

**Attachments:** [Proclamation](#)

Received and Filed

#### PRESENTATIONS

- 2 Christmas Parade Winners
- Mayor's Cup - Island Groove Dance Studio
  - Vice Mayor's Cup - Harpoon Harry's Restaurant
  - Commissioner's Cup
    - Key West High School Conchettes
    - Garcia/Jones Construction, Casa Construction, Key West Body Scrubs, and Garcia Law Firm
  - Honorable Mention Cup
    - Florida Key's Aqueduct Authority
    - City of Key West Building, Code and Licensing
    - HOB Bucs Remix
    - Basilica School of St. Mary's

**Sponsors:** City Manager McLauchlin

**Received and Filed**

- 3 "Plastics Free Key West" - Millard McCleary, Reef Relief

**Sponsors:** Vice Mayor Kaufman

**Attachments:** [Presentation](#)

**Received and Filed**

- 4 Solar United Neighbors: Residential Solar Bundling Program
- Ms. Laura Tellez, South FL Program Director, SUN

**Sponsors:** City Manager McLauchlin

**Attachments:** [Presentation](#)

**Received and Filed**

- 5 FDOT - Upcoming Projects - George Hoffman, P.E.,  
Department of Transportation

**Attachments:** [Presentation](#)

**Received and Filed**

**City Attorney's Report****City Manager's Report**

- Employee of the Quarter - Christopher A. Coleman
- Short Term Rental Ordinance and Work Group status
- Diesel Plant update
- Next steps for Mallory Square
- Duval Street progress
- Temporary Shelter and Resource Facility at 5537 College

**Road**

- progress
- Higgs Beach update
- City Manager Candidate Update

**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.

**MINUTES****6****\*January 4, 2023****Attachments:**    [Minutes](#)**Passed****RESOLUTIONS**

- 7                   \*Directing the City Manager, or designee, to create the "Plastic Free Key West" Program, for businesses within the City of Key West to be launched during earth month (April 2023); Directing the City Manager or designee to work with local nonprofit organizations, businesses and government agencies in the development and implementation of the voluntary certification program; Urging the Florida Legislature to adopt legislation that would allow local governments to regulate the use of auxiliary containers, wrappings and disposable plastic bags used by consumers to carry products from retail establishments in the City of Key West; Authorizing the City Clerk to provide certified copies of this resolution to designated officials.

**Sponsors:**           Vice Mayor Kaufman and Commissioner Weekley

**Attachments:**       [Resolution](#)  
                              [Last Stand Communication](#)

**Passed**

Enactment No: Res 23-015

- 8                   \*Authorizing the Annual Kelly McGillis Classic International Women's Flag Football Championship and World Challenge Games to Hold a Parade on Thursday, January 26, 2023 from 6:00 P.M. to 7:00 00 P.M. The Teams will march from Lands End Marina - 231 Margaret Street to Caroline Street, to Greene Street, to Front Street, down Duval Street and ending at United and Duval Streets; Authorizing the closure of said streets for the parade; Authorizing the Key West Women's Flag Football League the use of the Dewitt's Roberts Fields and Poinciana Fields for their tournament.

**Sponsors:**           City Manager McLaughlin

**Attachments:**       [Resolution](#)  
                              [Executive Summary](#)  
                              [Application](#)  
                              [Map](#)

**Passed**

Enactment No: Res 23-016

- 9                   \*Confirming Nicholas Ross Trovato as an Assistant City Attorney, pursuant to the Key West City Charter.
- Sponsors:**       City Attorney Ramsingh
- Attachments:**   [Resolution](#)
- Passed**
- Enactment No: Res 23-017
- 
- 10                   \*Authorizing the City Manager or designee to pursue the construction of pedestrian facilities at the western terminus of South Roosevelt Boulevard/southern terminus of Bertha Street; Authorize the City Manager or designee to coordinate with the Florida Department of Transportation (FDOT) and the owner(s) of utility obstructions within the right of way, including, but not limited to AT&T; Authorizing necessary budget transfers or adjustments, authorizing the City Manager to execute any necessary documents consistent herewith upon the consent and advice of City Attorney.
- Sponsors:**       City Manager McLauchlin
- Attachments:**   [Resolution](#)
- [Executive Summary](#)
- [Non-Motorized Counts: 90N004\\_BPC](#)
- [Proposed Authorization to Prepare Quote](#)
- [Last Stand Communication](#)
- Passed**
- Enactment No: Res 23-018

11

\*Approving the attached "Out-Of Scope Letter Agreement" for additional services, pursuant to Section 3.2.5 of the amended "Agreement for Operations, Maintenance and Management Services of the City of Key West, Florida, Wastewater Facilities" ("Agreement") between the City and Operations Management International, Inc. (OMI) to replace and install the ferric sulfate tanks and aeration basin walkways and railings at the Richard A. Heyman Environmental Pollution Control Facility (RAHEPF) in the amount of \$120,517.02; Authorizing necessary budget transfers and adjustments; Authorizing the City Manager to execute necessary paperwork upon consent of the City Attorney.

**Sponsors:** City Manager McLauchlin

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[OMI Key West Contract \(Large File\)](#)  
[OMI Proposal \(Large File\)](#)  
[Resolution 13-304](#)  
[Resolution 18-366](#)  
[Resolution 22-066](#)  
[Resolution 22-103](#)  
[Resolution 22-106](#)

**Passed**

Enactment No: Res 23-019

12

\*Authorizing the purchase of three (3) 2023 Ford F-250 Pickup Trucks with liftgates (\$64,685.00) each in a total amount not to exceed \$194,055.00 from Duval Ford, LLC through piggybacking on the Florida Sheriff's Association and Florida Association of Counties Bid No. FSA22-VEL30.0 Contract, pursuant to Section 2-797 (3) of the Code of Ordinances for use by the Key West Community Services Department; Authorizing necessary Budget Transfers or adjustments; Authorizing the City Manager or designee to execute necessary documents, upon consent of the City Attorney.

**Sponsors:** City Manager McLauchlin

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Florida Sheriffs Contract](#)  
[F250 Quote](#)

**Passed**

Enactment No: Res 23-020

- 13                   \*Authorizing the purchase of one (1) Caterpillar TH255c Telescopic Tool Carrier with related accessories (\$105,595.00) and one (1) JLG 660SJ Telescopic Boom Lift with related accessories (\$144,567.00) a total amount not to exceed \$250,162.00 from Kelly Tractor Co., through piggybacking on the Florida Sheriff's Association and Florida Association of Counties Bid No. FSA20-EQU18.00, Heavy Equipment Contract, pursuant to Section 2-797(3) of the Code of Ordinances for use by the Key West Community Services Department; Authorizing necessary budget transfers or adjustments; Authorizing the City Manager or designee to execute necessary documents, upon consent of the City Attorney.

**Sponsors:**           City Manager McLaughlin

**Attachments:**       [Resolution](#)  
                              [Executive Summary](#)  
                              [Florida Sheriffs Contract](#)  
                              [Telescopic Boom Lift Quote \(Aerial Lift\)](#)  
                              [Telescopic Tool Carrier Quote \(Fork Lift\)](#)

**Passed**

Enactment No: Res 23-021

- 14                   \*An Ordinance of the City of Key West, Florida, amending Chapter 78 of the Code of Ordinances, entitled "Vehicles for Hire" by amending Section 78-64, to amend the number of independent passenger vehicle for hire licenses that the City may issue; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:**           Commissioner Weekley

**Attachments:**       [Ordinance](#)

**Postponed to February 7, 2023**



- 15                    \*An Ordinance of the City of Key West, Florida, amending Chapter 78 of the Code of Ordinances, entitled "Vehicles for Hire" by amending Section 78-92 to adjust certain requirements that a passenger vehicle for hire (PVH) driver permit applicant must provide prior to issuance of a permit by the City; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:**            Commissioner Weekley

**Attachments:**        [Ordinance](#)

Postponed to February 7, 2023

#### **Approval of the Consent Agenda**

A motion was made by Commissioner Weekley, seconded by Commissioner Wardlow to Approve the Consent Agenda. The motion was carried unanimously.

- 16                    Naming the new Temporary Shelter and Resource Facility at 5537 College Road (currently known as "KOTS") the "John Jones Navigation Center".

**Sponsors:**            Mayor Johnston, Commissioner Carey, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Lopez, Commissioner Wardlow and Commissioner Weekley

**Attachments:**        [Resolution](#)  
                              [Res 22-129](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Wardlow, that the Resolution be Passed. The motion passed by unanimous vote.

Enactment No: Res 23-022

- 17 Directing the City Manager to negotiate a Transition Agreement for the City to assume responsibilities of the Community Development Office from the Housing Authority of the City of Key West; Authorizing the City Manager to execute documents upon consent of City Attorney; Authorizing City Clerk to transmit a certified copy of this resolution to the Key West Housing Authority.

**Sponsors:** City Manager McLauchlin

**Attachments:** [Resolution](#)  
[KWAH Res #22-2604 CDO Plan of Termination](#)

A motion was made by Vice Mayor Kaufman, seconded by Commissioner Hoover, that the Resolution be Passed. The motion passed by unanimous vote with Commissioner Carey Recused.

Enactment No: Res 23-023

- 18 **Parking Agreement - 918 Fort Street (RE# 00001630-000801)** - A request for approval of a parking agreement for sixteen (16) vehicular parking spaces with the City of Key West for the construction of 126 affordable housing residential units on property located within the Historic Neighborhood Commercial 4 - Bahama Village Truman Waterfront (HNC-4) zoning district pursuant to Section 108-244 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

**Sponsors:** City Manager McLauchlin

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Parking Agreement](#)  
[Exhibit A](#)  
[Exhibit B](#)  
[PB RES 2022-059 918 Fort St VAR](#)  
[Comments from Yolanda Mingo](#)

A motion was made by Commissioner Wardlow, seconded by Commissioner Weekley, that the Resolution be Passed. The motion carried by the following vote:

**Absent:** 1 - Commissioner Lopez

**Yes:** 6 - Commissioner Carey, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

Enactment No: Res 23-024

19

**Major Development Plan and Landscape Waiver - 918 Fort Street (RE# 00001630-000801)** - A request for approval of a major development plan and landscape waiver for the construction of 126 affordable housing residential units on property located within the Historic Neighborhood Commercial 4 - Bahama Village Truman Waterfront (HNC-4) zoning district pursuant to Chapter 108, Article III through IX 122-1467 and 122-872(2) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

**Sponsors:** City Manager McLauchlin

**Attachments:** [Executive Summary](#)  
[CC Resolution](#)  
[PB RES 2022-060 918 Fort St MDP](#)  
[918 Fort Final Landscape approval 1-17-23](#)  
[Signed HARC COA and Decision Letter](#)  
[Parks & Recreation Advisory Board 12.21.22 Minutes](#)  
[918 Fort Landscape plan approval 11-8-22](#)  
[918 Fort Landscape Concept approval ltr 10-4-22](#)  
[Civil Site Plans 1.4.23](#)  
[Landscape Plan - 1.4.23](#)  
[Irrigation Plan 1.4.23](#)

**A motion was made by Commissioner Weekley, seconded by Commissioner Wardlow, that the Resolution be Passed. The motion carried by the following vote:**

**Absent:** 1 - Commissioner Lopez

**Yes:** 6 - Commissioner Carey, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

Enactment No: Res 23-025

## **ORDINANCES – FIRST READING**

20

An Ordinance of the City of Key West, Florida, amending Chapter 18 of the Code of Ordinances, entitled "Businesses" by amending Section 18-611, entitled "Application and Permit Fee" to amend application and permit fee procedures and costs; By amending Section 18-614 entitled "Annual Inspection" to add a failed inspection fee; Providing for severability; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager McLauchlin

**Attachments:** [Ordinance](#)  
[Executive Summary](#)

**A motion was made by Vice Mayor Kaufman, seconded by Commissioner Weekley, that the Ordinance be Passed to Second Reading. The motion passed by unanimous vote.**

21

An Ordinance of the City of Key West, Florida amending Chapter 26 of the Code of Ordinances, entitled "Environment," Division 3 entitled "Use of Beaches," by adding Section 26-73 to prohibit smoking and vaping within the boundaries of all Key West beaches; Amending Chapter 26, Division 4 entitled "Use of Parks," by adding section 26-103 to prohibit smoking and vaping within the boundaries of all Key West parks; Providing for severability; Providing for repeal of inconsistent provision; Providing for an effective date.

**Sponsors:** City Manager McLauchlin

**Attachments:** [Ordinance](#)  
[Executive Summary](#)  
[Resolution PR 22-02 Prohibit Smoking at Parks](#)  
[Last Stand Communication](#)

**A motion was made by Commissioner Carey, seconded by Commissioner Weekley, that the Ordinance be Passed to Second Reading. The motion carried by the following vote:**

**Absent:** 1 - Commissioner Lopez

**Yes:** 6 - Commissioner Carey, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

**ORDINANCES - SECOND READING (Public Hearing)**

22

**Text Amendment of the Land Development Regulations** - An Ordinance of the City of Key West, Florida amending Chapter 86 of the Land Development Regulations, entitled "General Provisions", Section 86-9, entitled "Definition of Terms", and Chapter 108, entitled "Planning and Development", Article X entitled "Building Permit Allocation System", Section 108-995 entitled "Reporting requirements and residential allocation schedule" to extend the BPAS allocation period past July, 2023; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager McLauchlin

**Attachments:** [Ordinance](#)  
[Executive Summary](#)  
[PB RES 2022-047 - BPAS LDR](#)  
[Staff Report](#)

**A motion was made by Commissioner Weekley, seconded by Commissioner Wardlow, that the Ordinance be Adopted. The motion carried by the following vote:**

**No:** 1 - Vice Mayor Kaufman

**Absent:** 1 - Commissioner Lopez

**Yes:** 5 - Commissioner Carey, Commissioner Hoover, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

Enactment No: Ord 23-03

23

**Text Amendment of the Comprehensive Plan** - An Ordinance of the City of Key West, Florida amending Comprehensive Plan Introduction, entitled “Introduction City of Key West Comprehensive Plan”; Chapter 1, entitled “Future Land Use Element”, Section 1, entitled “Future Land Use Goals, Objectives, and Policies”, Policy 1-1.16.1 entitled “Maintain a Building Permit Allocation Ordinance” and Policy 1-1.16.2, entitled “Building Permit Allocation Ordinance and Affordable Housing”; Chapter 2, entitled “Transportation Element”, Section 1, entitled “Transportation Goals, Objectives, and Implementing Policies”, Policy 2-1.6.4 entitled “Transportation Concurrency Exception Area”; and Chapter 3, entitled “Housing Element”, Section 1, entitled “Housing Goals, Objectives, and Implementing Policies”, Policy 3-1.1.4, entitled “Building Permit Allocation System” to provide for an extension of the Building Permit Allocation System award period to allow for the distribution of unallocated units after June 30, 2023; providing for transmittal to the State Land Planning Agency; providing for the filing with Secretary of State; providing for severability; providing for repeal of inconsistent provisions; providing for the inclusion in the City of Key West Comprehensive Plan; and providing for an effective date.

**Sponsors:** City Manager McLauchlin

**Attachments:** [Ordinance](#)  
[Executive Summary](#)  
[Planning Board Resolution 2022-048](#)  
[Staff Report](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Wardlow, to adopt staff's presentation from Item #22 for the purposes of this item and that the Ordinance be Adopted. The motion carried by the following vote:

**No:** 1 - Vice Mayor Kaufman

**Absent:** 1 - Commissioner Lopez

**Yes:** 5 - Commissioner Carey, Commissioner Hoover, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

Enactment No: Ord 23-04

24

**Future Land Use Map (FLUM) Amendment - 301 White Street (RE # 00001780-000000; AK # 1001864)** An Ordinance of the City of Key West, Florida, Amending the City's Comprehensive Plan, Chapter 1, entitled "Future Land Use Element", the Public Service (PS) and the High Density Residential (HDR) pursuant to Chapter 90, Article VI, Division 3 of the Land Development Regulations; Providing for severability; Providing for repeal of inconsistent provisions; Providing for inclusion into the City of Key West Comprehensive Plan; Providing for an effective date.

**Sponsors:** City Manager McLauchlin

**Attachments:** [Ordinance](#)  
[Executive Summary](#)  
[PB RES 2022-046 - 301 White St FLUM](#)  
[Staff Report](#)  
[Noticing Package](#)  
[Request from the Housing Authority](#)

**A motion was made by Commissioner Weekley, seconded by Commissioner Hoover, that the Ordinance be Adopted. The motion carried by the following vote:**

**Recuse:** 1 - Commissioner Carey

**Absent:** 1 - Commissioner Lopez

**Yes:** 5 - Commissioner Hoover, Vice Mayor Kaufman, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

Enactment No: Ord 23-05

25

**Official Zoning Map Amendment - 301 White Street (RE # 00001780-000000; AK # 1001864) - An Ordinance of the City of Key West, Florida, amending the Boundaries of the Official Zoning Map Categories of the Public Service (PS) and the High Density Residential (HDR) pursuant to Chapter 90, Article VI, Division 2 of the Land Development Regulations; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.**

**Sponsors:** City Manager McLauchlin

**Attachments:** [Ordinance](#)  
[Executive Summary](#)  
[PB RES 2022-045 - 301 White St ZONE](#)  
[Staff Report](#)  
[Noticing Package](#)  
[Request from the Housing Authority](#)

**A motion was made by Commissioner Weekley, seconded by Commissioner Wardlow, to adopt staff's presentation from Item #24 for the purposes of this item and that the Ordinance be Adopted. The motion passed by unanimous vote with Commissioner Carey Recused.**

Enactment No: Ord 23-06

#### **CITIZEN COMMENTS**

#### **COMMISSION COMMENTS**

#### **ADJOURNMENT - 8:00 P.M.**