



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

City Commission

Tuesday, December 6, 2022

5:00 PM

City Hall

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.

ALL VISUAL PRESENTATIONS (POWER POINT ONLY) FOR AGENDA ITEMS MUST BE RECEIVED IN THE CITY CLERK'S OFFICE (24) TWENTY-FOUR HOURS PRIOR TO THE MEETING.

CALL MEETING TO ORDER - 5:00 P.M.

Administer Oath of Office:

Commissioner Lissette Carey District IV

ROLL CALL

Present 7 - Commissioner Carey, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

INVOCATION - Father John Baker, The Basilica of St. Mary's Star of the Sea

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA - The agenda was unanimously approved as amended

PROCLAMATIONS

1 William Weech American Legion Post 168

Received and Filed

2 Bicycle Action Committee Day

Received and Filed

- 3 National Homeless Persons' Memorial Day
Received and Filed

PRESENTATIONS

- 4 Update on Strategic Plan - Elisa Levy
Received and Filed

City Attorney's Report

City Manager's Report

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

- 5 *November 15, 2022
Passed

RESOLUTIONS

- 6 *Approving the attached Fourth Amendment to Employment Agreement between the City of Key West and Shawn D. Smith for the position of City Attorney.
Passed
Enactment No: Res 22-275
- 7 *Directing the City Attorney and the City Manager to explore steps necessary to obtain unused housing units (BPAS) for the purpose of constructing affordable housing in the City of Key West, and to report findings to the City Commission at the regular meeting of January 18, 2023.
Passed
Enactment No: Res 22-276

- 8 **Withdrawn**
*Granting a Special Event permit pursuant to Section 6-86 of the Code of Ordinances for a Special Event at Clarence Higgs Memorial Beach located at 1000 Atlantic Boulevard from 5:P.M. to 11:00 P.M. on Saturday, January 14, 2023.

Withdrawn

- 9 *Approve the ranking of responses to the Request for Qualifications (RFQ) No. 22-009 for City Planning Services by the selection committee; Authorizing the City Manager and City Attorney to ~~draft a contract with each of the respondents.~~ negotiate and execute a contract with the highest-ranked respondents.

Passed

Enactment No: Res 22-277

- 10 *Approving a Change Order in the amount of \$40,446.34 for additional work necessary for installation of the VFD for Effluent Pump No. 1, under the contract awarded to D.N. Higgins, Inc. in Resolution 20-048; Authorizing any necessary budget transfers and amendments; Authorizing the City Manager to execute necessary documents upon advice and consent of the City Attorney.

Passed

Enactment No: Res 22-278

- 11 *Approving the attached "Medical Director Agreement" with Dr. Antonio Gandia and Dr. Aldo Manresa for a three-year term commencing on January 1, 2023 with up to two one-year renewals, pursuant to Section 2-797(4)(b) of the Code of Ordinances, best interests of the City.

Passed

Enactment No: Res 22-279

- 12 *Authorizing the sole-source procurement of a service package for LeadsOnline PowerPlus Investigation System Service Package Software, pursuant to City Ordinances Sec. 2-797(1)(A) and Sec. 2-844 (A) & (B) from Weatherby Parent, LLC. dba LeasOnline, LLC in an initial amount not to exceed \$8,275.00 for first 12 months of an agreement for up to three-years; Authorizing budget transfers and approving the use of Law Enforcement Trust Funds State Forfeiture Account funds for the purchase; Authorizing the City Manager or designee to execute necessary documents upon consent of the City Attorney.

Passed

Enactment No: Res 22-280

- 13 *Authorizing execution of the attached "Second Amendment Agreement to Furnish Emergency Management Consulting Services", to amend Section 11 of the Agreement regarding term and termination to extend the Agreement through March 20, 2025; Authorizing the City Manager to negotiate and execute necessary documents, upon advice and consent of the City Attorney.

Passed

Enactment No: Res 22-281

- 14 *Authorizing pursuant to Section 2-797(3) and (4)(b) of the Code of Ordinances, the purchase of 40 HP Elite Mini 800 Desktop Computers (\$43,200.00), 26 HP EliteBook Laptop Computers (\$44,082.48) plus 26 HP USB-C Dock G5 Essential Docs (\$4,357.60) from MRA International in an amount not to exceed \$91,640.08 through FL Department of Management Services Miscellaneous IT Equipment (FL-NASPO ValuePoint 43211500-WSCA-15-ACS) Agreement; Authorizing the City Manager to execute any necessary documents upon consent of the City Attorney; Authorizing any necessary budget transfers or adjustments.

Passed

Enactment No: Res 22-282

- 15 *Authorizing the Key West Police Department to apply for and accept the attached "State of Florida Department of Transportation (FDOT) Subgrant for Highway Traffic Safety Funds" (Project MC-2023-00054/FDOT Contract G2D45) in the amount of \$75,000.00; Authorizing necessary budget amendments and transfers; Authorizing the City Manger to execute necessary documents upon consent of the City Attorney.

Passed

Enactment No: Res 22-283

- 16 *Authorizing the purchase and installation of 8 CWT Parking Pay Stations, from Cale America, Inc. in an amount not to exceed \$57,690.35, on an brand name, sole source, an din the best interests of the City, pursuant to Section 2-844, 2-797(1) and 2-797(4)(b) of the Code of Ordinances; Authorizing any necessary budget transfers and adjustments; Authorizing the City Manager to exetue necessary documents upon consent of the City Attorney.

Passed

Enactment No: Res 22-284

- 17 *Ratifying the Emergency Change Order to Task Order approved by the City Manger on November 17, 2022 in the amount of \$55,000.00 (Bringing Task Order Cost to \$100,000.00), as provided for under Section 2-845 and 2-797(2) of the Code of Ordinances, to Tidal Basin Government Consulting, LLC (Tidal Basin) for additional Emergency Management Consulting Services related to Hurricane Ian; Authorizing the City Manager to negotiate and execute necessary documents, upon advice and consent of the City Attorney.

Passed

Enactment No: Res 22-285

Approval of the Consent Agenda

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

- 18 Appointing Ronald J. Ramsingh as interim City Attorney, upon the departure of Shawn D. Smith, until such time as a new City Attorney is appointed.

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

No: 2 - Vice Mayor Kaufman and Commissioner Weekley

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

Enactment No: Res 22-286

- 19 Authorizing and directing a search for the position of City Attorney; Approving the job description; approving the job application; Establishing a search in the State of Florida, requiring active membership in the Florida Bar; Establishing a timeline and advertising in certain publications; Authorizing the Human Resources Director to review applications to ensure they meet minimum qualification; Establishing an Advisory Screening Committee, appointments and procedures; Authorizing any necessary budget transfers or adjustments.

A motion was made by Vice Mayor Kaufman, seconded by Commissioner Lopez, that the Resolution be Passed with an amount of \$20,000 to be added as the budget amount for the search and "through their department heads" to be added at the end of bullet point #10 under Duties/Tasks/Jobs of the Job Description. The motion carried by the following vote:

Yes: 7 - Commissioner Carey, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

Enactment No: Res 22-287

- 20 Authorizing execution of the attached "Quit Claim Deed" (Parcel No. 5 and 6) to transfer necessary property to the Board of County Commissioners of Monroe County to facilitate Airport Improvements (Mitigation Areas), pursuant to Section 7.03(a) of the City Charter; Authorizing the City Manager to execute all necessary documents.

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

No: 1 - Vice Mayor Kaufman

Yes: 6 - Commissioner Carey, Commissioner Hoover, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

Enactment No: Res 22-288

21

Awarding the bid of Charley Toppino and Sons, Inc. for Right of Way Improvements 2022, in accordance with the terms specified in ITB 22-010, including unit pricing (a total amount not to exceed multi-year budgeted funds); Authorizing the City Manager to enter into a contract in substantial conformance with the contract documents contained in the bid package on a task order basis and upon advice and consent of the City Attorney; Authorizing any necessary budget transfers and adjustments.

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

Enactment No: Res 22-289

22

Requesting the Monroe County Land Authority for funding in the amount of ~~\$4,089,750.00~~ \$4,028,250.00, for the construction of for sale workforce housing at the proposed Lofts at Bahama Village Development located at 918 Fort Street (otherwise known as the 3.2 acre site) pursuant to Section 380.0666 (3)(a), Florida Statutes, and in accordance with City of Key West Comprehensive Plan Policy 3-1.1.7.

A motion was made by Commissioner Wardlow, seconded by Commissioner Lopez, that the Resolution be Passed with the updated amount of \$4,028,250.00. The motion carried by the following vote:

Yes: 7 - Commissioner Carey, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

Enactment No: Res 22-290

23

Approving the attached First Amendment to Lease Agreement between the City of Key West and Southernmost House, Ltd. for property located in the 1400 block of Duval Street

A motion was made by Vice Mayor Kaufman, seconded by Commissioner Lopez, that the Resolution be Passed. The motion carried by the following vote:

No: 2 - Commissioner Weekley and Mayor Johnston

Yes: 5 - Commissioner Carey, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Lopez and Commissioner Wardlow

Enactment No: Res 22-291

7:52 P.M. - Meeting went into Recess

8:05 P.M. - Meeting Reconvened

24

Quasi-Judicial Hearing: Authorizing the City of Key West to enter into the attached "Revocable License Agreement for Use of City Property" with Key West Film Society, dba Tropic Cinema, Inc., a 501(c)3 Corporation, to allow the operation of a free outdoor "Movies Under the Stars" Program on Eaton Street between Duval and Whitehead, immediately adjacent to 416 Eaton Street on specific dates and times set forth in the Agreement, upon additional terms and conditions contained in the Agreement (December 17, 2022 - May 14, 2023).

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

Enactment No: Res 22-292

25

Quasi-Judicial Hearing: Major Development Plan - 5501 College Road (RE#00072080-000101) - Granting approval for Major Development Plan and Landscape Waiver at 5501 College Road (RE#00072080-000101) for construction of an approximately 5,161 SF, two-story non-habitable structure to accommodate the property's generator, mechanical rooms, and storage, on property located with in the Public and Semipublic Services (PS) Zoning District; Pursuant to Section 108-91.B.2 and Section 108-517, of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

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

Enactment No: Res 22-293

26

Quasi-Judicial Hearing: Modification of a Major Development Plan - 1319 William Street & 1316 Royal Street, Units #1-6 (RE #00036920-000000) - Granting approval for minor modification to a Major Development Plan, Landscape Waiver, and Affordable Housing Linkage Provisions, for property located at 1319 William Street & 1316 Royal Street Units #1-6 (RE #00036920-000000), to phase the construction of six (6) non-transient housing units located in the Historic Medium Density Residential (HMDR) Zoning District, pursuant to Section 108-91 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

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

No: 1 - Mayor Johnston

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

Enactment No: Res 22-294

ORDINANCES – FIRST READING

27

An Ordinance of the City of Key West, Florida, amending Chapter 46 of the Code of Ordinances entitled "Pensions and Retirement Plans," by amending Section 46-108 of the Code of Ordinances to members of the City of Key West Employees' Retirement fund to purchase up to 5 years of prior military service; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

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

28 An Ordinance of the City of Key West, Florida, amending Chapter 70 of the Code of Ordinances, entitled "Traffic and Vehicles" by amending Section 70-707, to adjust maximum rates for non-consensual towing services; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

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

No: 1 - Vice Mayor Kaufman

Yes: 6 - Commissioner Carey, Commissioner Hoover, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

29 **Quasi-Judicial Hearing:** An Ordinance of the City of Key West, Florida, amending Comprehensive Plan Chapter 1, Future Land Use Element, Objective 1-1.17: - Workforce-Affordable Housing Initiative, and Policy 1-1.17.1: - Distribution of Workforce-Affordable Housing Allocations, to provide for Building Permit Allocation System Units for the property located at 907 Caroline Street (RE #00072082-004505); 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.

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

- 30** **Quasi-Judicial Hearing:** An Ordinance of the City of Key West, Florida, to amend Chapter 108 of the Land Development Regulations, entitled “Planning and Development”, Article XII entitled “Workforce-Affordable Housing Initiative”, Section 108-1153 entitled, “Period of allocation and distribution”, to provide for building permit allocation system units for the property located at 907 Caroline Street (RE #00072082-004505); Providing for concurrent and conditional adoption upon adoption of Comprehensive Plan amendments; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

A motion was made by Commissioner Lopez, seconded by Commissioner Wardlow, that the Ordinance be Passed to Second Reading with incorporating the discussion from the previous item. The motion passed by unanimous vote.

DISCUSSION

- 31** Designating Bayview Park with a new name of Unity Park
 Withdrawn

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT - 8:57 P.M.