

Action Minutes - Final

City Commission

Tuesday, March 7, 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.

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 - 5:01 P.M.

ROLL CALL

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

INVOCATION - Reverend Mildred Roscoe

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA - The agenda was unanimously approved as amended

PROCLAMATIONS

1

Transit Worker Appreciation Week

<u>Sponsors:</u> Mayor Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley, Commissioner Carey, Vice Mayor Kaufman and Commissioner Hoover

Attachments: Transit Worker Appreciation 2023

Received and Filed

2	Mohawk Day	
	<u>Sponsors:</u>	City Commission
	<u>Attachments:</u>	Mohawk Day
	Received and F	iled
3	Women's History Month	
	<u>Sponsors:</u>	Mayor Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley, Commissioner Carey, Vice Mayor Kaufman and Commissioner Hoover
	<u>Attachments:</u>	Women's History Month
	Received and F	iled
4	70th Annive	rsary of the Glass Bottom Boat
	<u>Sponsors:</u>	Mayor Johnston, Commissioner Weekley, Commissioner Wardlow, Vice Mayor Kaufman, Commissioner Hoover and Commissioner Lopez
	<u>Attachments:</u>	Pride of Key West Day
City Attorney's Report		
City Manager's Report - 20 Year Anniversary - Lieutenant Bradley Lariz - Retirement - Alfred Phillips, 12 years		
CONSENT AGENDA	\ *	
*Item is considered	to be routine a	nd 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

*February 7, 2023 (Regular)

Attachments: Minutes

Passed

6		*February 1	5, 2023 (Special)
		<u>Attachments:</u>	<u>Minutes</u>
		Passed	
	RESOLUTIONS		
7		-	g City staff to apply to establish Boqueron, as a Sister City to the City of Key West.
		<u>Sponsors:</u>	Commissioner Lopez, Commissioner Wardlow and Commissioner Weekley
		<u>Attachments:</u>	Resolution
			Cabo Rojo Sister City Request 3.1.23
		Passed	
		Enactment No:	Res 23-047
8		Samantha F Duval Stree	Special Event Permit to Scott Gerke and Plencher's wedding at the Oldest House 322 It; Pursuant to Section 6-86 of the Code of from 6:30 P.M. to Midnight on Saturday, April 7,
		<u>Sponsors:</u>	City Manager McLauchlin
		<u>Attachments:</u>	Resolution Application
		Passed	
		Enactment No:	Res 23-048

*Authorizing the Key West Art & Historical Society, Inc. to conduct the Papio Kinetic Parade at the Customs House 281 Front Street on Saturday, April 22, 2023 from 12:00 P.M. to 1:00 P.M; Pursuant to terms and conditions set forth by the City Manager.

Sponsors: City Manager McLauchlin

<u>Attachments:</u> <u>Resolution</u> <u>Executive Summary</u> <u>Application</u>

Passed

Enactment No: Res 23-049

*Authorizing Key West Police Athletic League, Inc. to conduct a Mango Fest at Bayview Park on Saturday, June 24, 2023 from 7:00 A.M. to 4:00 P.M; Pursuant to terms and conditions set forth by the City Manager; Authorizing the sale and consumption of alcohol beverages within the enclosed area.

 Sponsors:
 City Manager McLauchlin

 Attachments:
 Resolution

 Executive Summary
 Application

Passed

*Amending the contract for Environmental Engineering Services with E Sciences, Incorporated by amending the contract to reflect a name change to Resource Environmental Solutions, LLC (RES)

 Sponsors:
 City Manager McLauchlin

 Attachments:
 Resolution

 Executive Summary
 Letter from E Sciences RES

 Fictitious Name Info from Sunbiz
 Contract Extension

 E Sciences EES Contract 2020

Passed

Enactment No: Res 23-051

*Approving the purchase of 10 new handheld Motorola radios and related accessories from Motorola Solutions, Inc. in an amount not to exceed \$62,631.40, as described in the attached price quote, as a sole source provider, pursuant to City Code 2-797(1)(b) in accordance with City Code Section 2-844 for brand name purchases for the Key West Emergency Operations Center; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

 Sponsors:
 City Manager McLauchlin

 Attachments:
 Resolution

 Executive Summary
 Key West Sole Source 01FEB23

 KWFD 10 6000XE 01FEB23 QUOTE-2034008-1

Passed

*Approving the attached "Consulting Agreement" between the City and Mote Marine Laboratory, Inc., A 501(c)3 Non-Profit Organization, for the purpose of restoring and maintaining coral reefs adjacent to Key West; Authorizing any necessary budget transfers and adjustments.

Sponsors: City Manager McLauchlin

<u>Attachments:</u> Resolution <u>Executive Summary</u> <u>Coral Reef Restoration Ordinance</u> Mote Marine CKW FINAL

Passed

Enactment No: Res 23-053

*Approving the proposed Settlement Agreement between the City of Key West and Valerie I. Dugan in Circuit Court Case Number 2021-CA-534-K in the amount of \$71,822.00; Authorizing the City Manager to execute all settlement documents upon the advice and consent of the City Attorney.

 Sponsors:
 Mr. Ramsingh

 Attachments:
 Resolution

 Executive Summary
 Einal Order of Dismissal

 Stip for Final Order of Dismissal
 Stip for Final Order of Dismissal

 Release-DUGAN not yet executed 2-25-22

Passed

Enactment No: Res 23-054

14

*Approving the attached "Third Amendment to Task Order No. 2022-03-TBGC-PA" in the amount of up to \$75,000.00 (bringing Task Order cost to \$175,000.00), 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.

<u>Sponsors:</u>	City Manager McLauchlin
<u>Attachments:</u>	Resolution
	Executive Summary
	Resolution 22-285
	Third Amendment to Task Order - CKW Hurricane Ian
	Resolution 20-068
	Resolution 22-029 and Tidal Basin Contract Amendment
	<u>Tidal Basin Task Order - CKW Hurricane Ian</u>
	First Amendment to Task Order - CKW Hurricane Ian
	2nd Amendment to Task Order - CKW Hurricane lan

Passed

Enactment No: Res 23-055

*Approving a Change Order in the amount of \$35,011.84 to the procurement of repairs for Customs and Border Protection (CPB) to refurbish the Key West Police Department's 27-foot SAFE boat approved in Resolution 22-145; Authorizing any necessary budget transfers.

<u>Sponsors:</u>	City Manager McLauchlin
<u>Attachments:</u>	Resolution
	Executive Summary
	Safe Boat Repair Invoice after QA Inspection
	Key West PD Refurbish Estimate 10-11-2022
	Res 21-192 Grant Award
	Res 22-145 Original Procurement

Passed

*Awarding the bid of Charley Toppino & Sons, Inc.(CTS) received in response to Invitation to Bid (ITB) #23-003 for United Street Improvements (Project II41022302 -Paving/II41022301 - ADA Sidewalks) in a total amount not to exceed \$4,860,063.92; Authorizing any necessary budget adjustments and amendments; Authorizing the City Manager to execute a contract in substantial conformance with the bid documents, upon consent of the City Attorney.

Sponsors: City Manager McLauchlin

<u>Attachments:</u>	Resolution
	Executive Summary
	Bid Memo ITB 23-003
	CTS BID UNITED ST IMPROVEMENTS
	The Stout Group - ITB 23-003 United Street Improvements Bid
	ITB 23-003 United St. Improvements Final JMM 1.25.23(003)
	22-043 Task Order 1-22 with CH2M United St Improvements
	CH2M United Contract - Signed
	Res 21-006 Recognize CH2M-Jacobs Merger

Passed

*Renewing for two years the Environmental Engineering Services Contracts with four (4) vendors, originally awarded in Resolution 20-039 in response to RFQ 20-002 for City of Key West Environmental Engineering Services; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

<u>Sponsors:</u>	City Manager McLauchlin
<u>Attachments:</u>	Resolution
	Executive Summary
	Environmental Engineering Contract Extension Tetra
	Environmental Engineering Contract Extension (2)GHD
	EES contract extension RES
	Environmental Engineering Contract Extension (1)Atkins
	Res 20-039 Approve Env Eng Svcs
	Atkins EES Contract 2020
	GHD Services EES Contract 2020
	Tetra Tech EES Contract 2020
	City of Key West Name Change Notification Letter 1-30-2023
	E Sciences EES Contract 2020

Passed

Enactment No: Res 23-058

*Rejecting all bids received in response to Invitation to Bid (ITB) #23-001, for CCTV Equipment Purchase - City Marina at Garrison Bight, pursuant to Section 2-834(4) of the Code of Ordinances.

 Sponsors:
 City Manager McLauchlin

 Attachments:
 Resolution

 Executive Summary
 ITB #23-001

 Bid Memo
 Tadeos Response

 Hy-Tech Response

Passed

21

*Approving a Task Order under the City's General Utilities and Infrastructure Contract with Charley Toppino & Sons, Inc. in a total amount not to exceed \$160,598.80 for the milling, paving and curbing of the Indigenous Park Parking Lot; Authorizing any necessary budget adjustments; Authorizing City Manager or designee to execute documents upon consent of the City Attorney.

<u>Sponsors:</u>	City Manager McLauchlin
<u>Attachments:</u>	Resolution
	Executive Summary
	<u>Task Order</u>
	Schedule of Values
	Resolution and Contract

Passed

Enactment No: Res 23-060

*Approving a Work Order (5) under the City's Pavement Markings, Striping & Roadway Signage Contract with Charley Toppino & Sons, Inc. (CTS) in a total amount not to exceed \$118,178.15 for pavement marking inclusive of all ROW and permitting fees for streets referenced in the attached Work Order (Eaton Street between White and Simonton); Authorizing budget adjustments if necessary; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

Sponsors: City Manager McLauchlin

Attachments: Resolution

Executive Summary Work Order Executed Pavement Marking Contract Resolution 18-294 Resolution 20-095 Purchase Request

Passed

23

*Quasi-Judicial Hearing: Easement - 1500 Vernon

Avenue - A request for an Easement Agreement for three encroachments consisting of approximately 237.81 square-feet, more or less, in order to maintain one (1) concrete wall, one (1) concrete slab, and one (1) awning on City-owned property located within the Historic Commercial Tourist (HCT) zoning district at 1500 Vernon Avenue, Key West, Florida (RE#00037410-000200), pursuant to Section 2-938(b)(3) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida; providing fees and conditions.

 Sponsors:
 City Manager McLauchlin

 Attachments:
 Planning Package

 Utilities Comments
 Urban Forestry Comments

Postponed to April 18, 2023

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.

Selecting Ronald Ramsingh for the position of City Attorney; Directing staff to negotiate a contract for approval by the City Commission.

Sponsors: Mayor Johnston

Attachments: Resolution

Ronald Ramsingh Resume

Advisory Screening Committee for City Attorney Resolution

A motion was made by Commissioner Wardlow, seconded by Commissioner Lopez, that the Resolution be Passed with an amendment to add Gregory Oropeza, Esquire as the attorney who will negotiate the employment contract on behalf of the City. The motion passed by unanimous vote.

25

Approving the attached Employment Agreement between the City of Key West and Albert P. Childress for the position of City Manager

<u>Sponsors:</u>	Mayor Johnston
Attachments:	Resolution
	Childress Employment Agreement Proposed

A motion was made by Commissioner Wardlow, seconded by Commissioner Weekley, that the Resolution be Passed with an amendment to the employment contract to add City Commission to #11C and #13 as parties to be informed in conjunction with the Mayor when the City Manager participates in outside activities or takes personal leave. 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 23-063

Urging the Florida Department of Education to reverse its rejection of an Advanced Placement course covering African American Studies in state high schools; Opposing the Department of Education's position that the Advanced Placement course covering African American Studies will indoctrinate students to a political agenda, and supporting the need for Advanced Placement courses on African American Studies; Authorizing the City Clerk to transmit a certified copy of the Resolution to the Florida Department of Education and Governor Ron DeSantis.

Sponsors: Commissioner Weekley and Commissioner Lopez

Attachments: Resolution

A motion was made by Commissioner Lopez, seconded by Commissioner Weekley, that the Resolution be Passed with an amendment to our state representative and state senator on the distribution list to receive a copy of the Resolution. 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

Directing the City Attorney to commence legal action related to enforcement of the Parking Agreement benefiting the Marker Resort.

Sponsors: Commissioner Weekley

Attachments: Resolution

A motion was made by Vice Mayor Kaufman, seconded by Commissioner Wardlow, that the Resolution be Postponed to May 2, 2023. 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

Urging the Florida Legislature to defeat HB807, which would provide reciprocity to allow any person with a license or permit to operate a vehicle for hire from any county or municipality to operate a vehicle for hire in any other county or municipality without being subject to additional licensing or permitting requirements; Directing the City Clerk to provide this resolution to certain members of the Florida Legislature.

<u>Sponsors:</u> Commissioner Weekley

Resolution

Attachments:

Proposed Florida HB 807

A motion was made by Commissioner Weekley, seconded by Vice Mayor Kaufman, that the Resolution be Passed and amended to add SB1700 to be defeated and to transmit a copy of the Resolution to our entire state legislature. 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

Authorizing an Amendment to Task Order (CGA Proposal No. 19-3329) between the City and Calvin Giordano & Associates (CGA) for Key West Wickers Sports Complex Transportation Improvements and Design Services in the amount of \$221,4425.00 (bringing Task Order to \$371,635.00); Authorizing any necessary budget amendments and adjustments; Authorizing the City Manager to execute any necessary documents upon consent of the City Attorney.

Sponsors: City Manager McLauchlin

Attachments: Resolution

Executive Summary19-3329 Key West Wicker Sports Complex 6.04.21 (executed).pdfRes 18-143 Approve Traffic Eng Svcs.pdfRes 21-063 Extend Traffic Eng Svcs.pdf19-3329.1 Key West Sport Complex Design Services ASA Final
01.09.23 (signed DS).pdf

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Resolution be Passed with the understanding that the project outlined will go before DRC, Tree Commission, and Parks and Recreation Advisory Board for their approval and/or input. The motion passed by unanimous vote.

Approving the attached "HAWK Missile Site/Higgs Beach Interlocal Agreement" with regard to the use and ownership of open space known as the HAWK Missile Site

 Sponsors:
 City Manager McLauchlin

 Attachments:
 Resolution

 Interlocal Agreement - Parks and Rec

 Monroe BOCC Agenda Item HAWK 2-15-23

A motion was made by Vice Mayor Kaufman, seconded by Commissioner Weekley, that the Resolution be Passed with the following changes to be made in the ILA:

1. Reconcile Item #5 of the ILA with #9 of Exhibit B so both reflect a 12 month time frame in order to provide conceptual designs for recreational improvements.

2. Change Item #2 of Exhibit B from within 3 years of transfer to within 3 years of conceptual design submission.

3. Change Item #11 of Exhibit B from within 2 years of effective date of Agreement to within 4 years of effective date with semi-annual progress reports in order to accommodate time for various government approvals.

4. In addition to an appropriate memorial as outlined in Item #13 Exhibit B, the site will be re-named The Richard Recupero/HAWKS Missile Site.

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 23-067

ORDINANCES - SECOND READING (Public Hearing and Proposed Adoption)

29

An Ordinance of the City of Key West, Florida, amending the City's Comprehensive Plan, Chapter 1, entitled "Future Land Use Element", to amend the Future Land Use Map boundaries of the Historic Residential (HR) and Historic Commercial (HC) Zoning Districts for the parcel identified by RE# 00014010-000000, including addresses of 318 and 320 Petronia Street. and 802. 804 and 806 Whitehead Street, pursuant to Chapter 90, Article VI, Division 3 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida; Providing for severability; Providing for the repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Lopez

<u>Attachments:</u>	Ordinance 3.7.23
	Executive Summary 3.7.23
	Ordinance - 9.16.20 Draft
	Executive Summary - 9.16.20
	Presentation 9.16.20
	Planning Board Resolution 2020-01
	<u>*Large File* Planning Packet</u>
	<u>*Large File* 909 page submittal from Neighbors</u>
	Request to Postpone
	Letters of Objection from surrounding neighbors
	Neighbors' Objection to Commission Proceeding
	Presentation on Flum Amendment.pdf
	Letter from Todd Santoro
	Letter from Robert Walsh
	Letter from Marci Rose
	Written Presentation Notes - Owen Trepanier

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

- **No:** 2 Vice Mayor Kaufman and Mayor Johnston
- Yes: 5 Commissioner Carey, Commissioner Hoover, Commissioner Lopez, Commissioner Wardlow and Commissioner Weekley

Enactment No: Ord 23-09

An Ordinance of the City of Key West, Florida, amending the boundaries of the Official Zoning Map, amending boundaries of the Historic Medium Density Residential (HMDR) and Historic Neighborhood Commercial (HNC-3) Zoning Districts for the parcel identified by RE# 00014010-000000, including addresses of 318 and 320 Petronia Street, and 802, 804 and 806 Whitehead Street, pursuant to Chapter 90, Article VI, Division 2 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida; Providing for severability; Providing for repeal of inconsistent provisions; Providing for concurrent and conditional adoption upon adoption of Comprehensive Plan amendments; Providing for an effective date.

<u>Sponsors:</u>	Commissioner Lopez
<u>Attachments:</u>	Ordinance for 3.7.23
	Executive Summary - 3.7.23
	Ordinance - 9.16.20 Draft
	Executive Summary - 9.16.20
	Presentation 9.16.20
	Planning Board Resolution 2020-02
	<u>*Large File* Planning Packet</u>
	<u>*Large File* 909 page submittal from Neighbors</u>
	Request to Postpone
	Letters of Objection from surrounding neighbors
	Neighbors' Objection to Commission Proceedings
	Letter from Todd Santoro
	Letter from Robert Walsh
	Letter from Marci Rose

A motion was made by Commissioner Carey, seconded by Commissioner Lopez, that the Ordinance be Adopted. The motion carried by the following vote:

- No: 2 Vice Mayor Kaufman and Mayor Johnston
- Yes: 5 Commissioner Carey, Commissioner Hoover, Commissioner Lopez, Commissioner Wardlow and Commissioner Weekley

Enactment No: Ord 23-10

33

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 2nd reading

 Executive Summary 2nd reading

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

- No: 1 Commissioner Wardlow
- Yes: 6 Commissioner Carey, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Lopez, Commissioner Weekley and Mayor Johnston

Enactment No: Ord 23-11

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.

<u>Sponsors:</u> Commissioner Weekley

Attachments: Ordinance

Executive Summary

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

No: 1 - Commissioner Wardlow

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

Enactment No: Ord 23-12

An Ordinance of the City of Key West, Florida, amending Chapter 26 of the Code of Ordinances, entitled "Environment", Article II entitled "Nuisances", by adding Section 6 titled "Outdoor Lighting" by adding Section 26-132 titled "Definitions" by adding Section 26-133 titled "Applicability", by adding Section 26-134 titled "Prohibition", by adding Section 26-135 titled "Exemptions", by adding Section 26-136 titled "Penalties"; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Hoover

Attachments: Ordinance

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

- No: 3 Commissioner Carey, Commissioner Wardlow and Mayor Johnston
- Yes: 4 Commissioner Hoover, Vice Mayor Kaufman, Commissioner Lopez and Commissioner Weekley

Enactment No: Ord 23-13

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT- 9:01 P.M.