



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

City Commission

Tuesday, September 14, 2021

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.

ROLL CALL

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

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA - The agenda was approved as amended.

PROCLAMATIONS

Suicide Prevention Month

Sponsors: Commissioner Hoover and Mayor Johnston

Attachments: [Proclamation](#)

PRESENTATIONS

1 Christina's Courage - Christine Depre, SART
Coordinator/Advocate Monroe County

Sponsors: Mayor Johnston

Attachments: [Presentation](#)

Received and Filed

2 Safer Cleaner Ships - Joe Jacquot

Sponsors: Mayor Johnston

Attachments: [Resume](#)

Withdrawn

3 KOTS Update

Sponsors: Vice Mayor Kaufman

Attachments: [Photos 9.8.21](#)

Received and Filed

City Attorney's Report

City Manager's Report

- Bahama Village - 3.2 Acres
- RFP Duval Street
- RFP Mallory Square
- Waste Management Contract Amendment
- Douglass Gym Expansion
- Garden View Workforce Housing
- Sidewalk Cafe' Program
- Medical Clinic - Frederick Douglass Band Room

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

4 *September 1, 2021

Attachments: [Minutes](#)

Passed

RESOLUTIONS

5 *Approving an amendment to the City of Key West Planning Department Fee Schedule by adding additional fees, amending current fees, and modifying the description of certain fees; Providing for an annual adjustment.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Resolution CC 14-014](#)
[Resolution CC 19-339](#)
[Resolution CC 20-188](#)

Passed

Enactment No: Res 21-182

6 *Authorizing a \$2,500.00 donation from the Law Enforcement Officers Trust Fund (State Forfeiture Funds), pursuant to Florida Statutes Section 932.7055, to Autism Society of the Keys.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Autism Society of Keys Letter](#)

Passed

Enactment No: Res 21-183

- 7 *Authorizing a \$2,500.00 donation from the Law Enforcement Officers Trust Fund (State Forfeiture Funds), pursuant to Florida Statutes Section 932.7055, to Christina's Courage, Inc.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Christina's Courage](#)

Passed

Enactment No: Res 21-184

- 8 *Authorizing a \$1,500.00 donation from the Law Enforcement Officers Trust Fund (State Forfeiture Funds), pursuant to Florida Statute 932.7055, to Wesley House Family Services.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
[Executive Summary](#)
[KWPD Crime Prevention Fund request](#)

Passed

Enactment No: Res 21-185

- 9 *Authorizing one-year extension of the Agreement for EMS billing services between the City and Advance Data Processing, Inc., a subsidiary of Intermedix Corporation (ADP Intermedix), to be effective October 1, 2021; Authorizing the City Manager to execute any necessary documents.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Confirmation Email](#)
[RESO 18-092](#)

Passed

Enactment No: Res 21-186

10

*Authorizing the purchase of four (4) elliptical control valves and related equipment from Binder Engineering GmbH on a sole source basis, and in the best interests of the City, pursuant to Section 2-797(1) and 2-797(4)(b) of the Code of Ordinances, in a total amount not to exceed \$79,980.00; Authorizing necessary budget transfers or adjustments; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
[Executive summary](#)
[Flow meters proposal](#)
[Control valves proposal](#)
[Sole source letter](#)
[Recommendation letter](#)
[Blower alternative report](#)
[Energy master plan](#)
[Pressure reduction - jet control valve](#)
[Pressure reduction - elliptical control valve](#)

Passed

Enactment No: Res 21-187

- 11 *Authorizing a Local Agency Program (LAP) Agreement (FM#446126-1-58-01) between the City of Key West and the Florida Department of Transportation (FDOT) in the amount of \$510,000.00 for the "Final Mile" project for purchase and installation of bicycle, pedestrian and bus rider amenities at high use bus stops and public areas along the Lower Keys Shuttle Bus route; Authorizing the City Manager to execute necessary documents; Authorizing any necessary budget amendments.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Final Mile LAP Agreement FM 446126](#)
 [Application](#)

Passed

Enactment No: Res 21-188

- 12 *Approving pursuant to Section 2-797(4)(b) of the Code of Ordinances the attached "Consulting Agreement" with Southeastern Medical Academy to provide paramedic certification training for up to fourteen (14) Key West Fire Department Personnel in an amount not to exceed \$109,200.00; 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](#)
 [Braxton College quote](#)
 [Emergency Education Institute LLC quote](#)
 [Southeastern Medical Academy quote](#)
 [Southeastern Medical Academy agreement 2021](#)
 [KWFD Paramedic Student Agreement 2021](#)

Passed

Enactment No: Res 21-189

13

*Authorizing the City Manager to negotiate and place pursuant to Section 2-797(4)(b) of the Code of Ordinances, Exempt Contractual Services, the City's Property and Casualty Insurance Program for 2021-2022 by Public Risk Management of Florida (PRM) as submitted by World Risk Management (WRM) in the amount of \$2,125,675.00; Authorizing acceptance of World Risk Management as the Agent/Broker for the City's Casualty Insurance Program for policy year 2021-2022; Approving pursuant to Section 2-797(4)(b) of the Code of Ordinances the placement of the City's Ancillary Policies in the amount not to exceed \$107,351.00 from Public Risk Insurance Agency (PRIA) to include: (Estimated Not to Exceed (NTE) premiums based on historical pricing) Westchester Fire Insurance for Aircraft (DRONE) Coverage provided by WRM (\$3,351.00), Marine Operators Legal Liability Coverage (NTE \$17,000.00), Outer Mole Excess Liability Coverage (NTE \$12,000.00), Wharfingers Liability Coverage (NTE \$17,000.00), Hull and Machinery Coverage (NTE \$17,000.00); Vessel Pollution Coverage (NTE \$7,000.00); AD&D Coverage (NTE \$9,000.00); Storage Tank Liability (NTE \$8,000.00); Pollution Liability (NTE \$17,000.00); Authorizing the acceptance of Public Risk Insurance Agency (PRIA) as the Agent/Broker for the City's Ancillary Policies, with the exception of Drone Coverage (WRM); Upon completion of negotiations, Authorizing the City Manager to execute all documents consistent therewith upon the advice and consent of the City Attorney.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
[Executive Summary](#)
[PRM Insurance Renewal Proposal](#)
[Consultant Review - Interisk](#)
[Consultant Review - Ben Few](#)
[Required Ancillary Coverage's - Previous Fiscal Year](#)
[2021 - 2022 Drone Policy provided by WRM](#)

Passed

Enactment No: Res 21-190

14

*Approving the attached "American Rescue Plan Act Coronavirus Local Fiscal Recovery Fund Agreement" with the Florida Division of Emergency Management in the amount of \$12,079,588.00 (FDEM Agreement No. Y5151); Authorizing necessary budget adjustments and transfers; Authorizing the City Manager to execute necessary documents and any subsequent amendments that may increase funding upon consent of the City Attorney.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
[Executive Summary](#)
[ARPA CLFRF Agreement](#)
[NEU allocation list](#)
[Quick Reference Guide](#)

Passed

Enactment No: Res 21-191

15

*Authorizing Key West Port Operations, with the Key West Police Department, to accept grant award No. EMW-2021-PU-00389-S01 in the amount of \$165,000.00 from the Department of Homeland Security Port Security Grant Program (PSGP) (City match \$55,000.00) for acquisition of two boat lifts for police and fire located across from the Police and Fire Stations on North Roosevelt Boulevard, and refurbishment of KWPD's 21-year old 27-foot Safeboat.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Award Package-EMW-2021-PU-00389-S01](#)
[Application](#)

Passed

Enactment No: Res 21-192

16

*Authorizing the City Manager to enter into an agreement with Andrea Shaye Morgan, through her representative Attorney Robert Cintron, as property owner of 621 Eaton Street, permitting a release of lien upon payment by the owners of the amount of \$20,000.00.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Lien Mitigation Request](#)
[NOCV](#)
[Findings and Orders](#)
[Lien Hearing](#)
[Lien](#)
[CC Resolution 19-202 Release of Lien](#)

Passed

Enactment No: Res 21-193

17

*Accepting/Denying the attached Contract Amendment Request from Waste Management of Florida, Inc. (WMI) for amendments to Solid Waste and Recycling Collection Service Rates for Residential and Commercial Units.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
[Executive Summary](#)
[SAB Waste Contract Letter](#)
[Waste Management Commercial Disposal Amended Request](#)
[WMI Request](#)
[Resolution 14-134 - Contract](#)
[Resolution 14-254 - Amendment 1](#)
[Resolution 16-048 - Amendment 2](#)

Postponed to October 5, 2021

18

QUASI-JUDICIAL HEARING:

*Granting/Denying the Appeal by attorney Van D. Fischer on behalf of property owner Steel City Motors, LLC of Planning Board Resolution No. 2021-31, which was fully rendered on August 9, 2021, pursuant to Sections 90-426 and 90-431 which denied variances for maximum building coverage and maximum impervious surface ratio at 1617 White Street, Key West, Florida.

Sponsors: City Manager McLaughlin

Attachments: [Notice of Appeal Exhibits A-C](#)
[BRIEF IN SUPPORT OF APPEAL with exhibits](#)
[Request for Continuance](#)

Postponed to October 19, 2021

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.

19

Authorizing a submission to the Florida Department of Transportation (FDOT) of a grant application for right-of-way beautification grant for the U.S. 1 entrance to Key West (The Triangle), in the amount of up to \$100,000.00 for this grant cycle; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

Attachments: [Resolution](#)
[Executive Summary](#)
[Beautification Grant Agreement Draft](#)
[Triangle Landscape Aerial](#)
[US1 Triangle Landscape Plan 6-15-18](#)
[Letter of Authorization 2022 - City KW](#)

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

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

Enactment No: Res 21-194

20

Approving and accepting the attached "Key West Forward - The Strategic Plan for the City of Key West 2021-2024" submitted by Elisa Levy Consulting.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
[Key West Forward 2021-2024](#)

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

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

Enactment No: Res 21-195

21

Authorizing the City Attorney to negotiate with Joe Jaquot, Esq. for services related to cruiseship ports referendum, ordinances or issues and to bring back a Retainer Agreement to the Commission for final approval; Authorizing the City Manager to execute the Letter of Representation upon consent of the City Attorney.

Sponsors: City Attorney Smith

Attachments: [Resolution](#)
[Sam Goren - Resume](#)
[Public Comment - Fontana](#)
[Public Comment - Bogen](#)
[Public Comment - Cline](#)
[Public Comment - Werner](#)
[Public Comment - Desmarais](#)
[Public Comment - Scholz](#)
[Public Comment - Myers](#)
[Public Comment - Churchill](#)
[Public Comment - Pederson](#)
[Public Comment - Riley](#)
[Public Comment - Haskell](#)
[Public Comment - Matter](#)
[Public Comment - Miano](#)
[Public Comment - Harrison](#)
[Public Comment - Brown](#)

A motion was made by Vice Mayor Kaufman, seconded by Commissioner Davila, that the Resolution be amended to authorize the City Attorney to negotiate with Joe Jacquot, Esq. and bring back a Retainer Agreement to the Commission for final approval. The motion carried by the following vote:

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

Enactment No: Res 21-196

22

Appointing _____ to the Citizens Review Board (CRB).

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Aydent Application](#)
[Cohen Application](#)
[Johnson Application](#)
[Spialter Application](#)
[Troutman Application](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Resolution be Postponed to October 5, 2021. The motion carried by the following vote:

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

23

QUASI-JUDICIAL HEARING**Major Development Plan and Landscape Waiver -
210-216 Duval Street (RE# 00001420-000000)**

Granting a Major Development Plan and Landscape Waiver approval at 210-216 Duval Street (RE 00001420-000000) to renovate an existing historic mixed-use structure and enclose a portion of space between buildings of the property located in the Historic Residential Commercial Core (HRCC-1) Zoning District and a request for approval to pay a fee-in-lieu to comply with the City of Key West's Workforce Housing Ordinance pursuant to Sections 108-91, 108-517, and Section 122-1467(1)(A) of the Code of Ordinances of the City of Key West, Florida.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Planning Package *LARGE FILE*](#)
[Staff Report](#)
[Urban Forester's Landscape review](#)
[Utilities Comments](#)
[Keys Energy Comments](#)
[Engineering Comments](#)
[Noticing Package](#)
[Planning Board Resolution 2021-29 for 210-216 Duval St MDP](#)
[Plans](#)

A motion was made by Commissioner Davila, seconded by Vice Mayor Kaufman, that the Resolution be Postponed to October 5, 2021. The motion carried by the following vote:

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

Enactment No: PB Resolution 2021-29

24

QUASI JUDICIAL HEARING:**Major Development Plan and Landscape Waiver - 1319 William Street & 1316 Royal Street Units #1-6 (RE# 00036920-000000)**

Granting approvals for a Major Development Plan, a landscape waiver, and an affordable workforce housing requirement linkage provision for property at 1319 William Street and 1316 Royal Street Units #1-6 (RE#0003920-000000) to construct and redevelop eight (8) residential dwelling units located within the Historic Medium Density (HMDR) Zoning District pursuant to Sections 108-91 A.2(A), Section 108-517, and Section 122-1467(1) (B) 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](#)
[Applicant Presentaion](#)
[1319 William-1316 Royal plan update memo CC 7-22-21](#)
[1319 William 1316 Royal Final Landscape approval ltr 6-7-21](#)
[HARC 1316 Royal Street-1319 William Street MDP - Design](#)
[1316 Royal-1319 William Concept landscape approval ltr 1-11-21](#)
[1703 Von Phister Revised Plans](#)
[PB RES 2021-12 1319 William St & 1316 Royal St MDP](#)
[Staff Report](#)
[Package](#)
[Noticing Package](#)
[Public Comment](#)
[McFarland - Support Letter](#)
[Kurkjian - Support Letter](#)
[Howard - Public Comment](#)

A motion was made by Commissioner Lopez, seconded by Commissioner Weekley, that the Resolution be Postponed to October 5, 2021. The motion carried unanimously.

Afterward, a motion was made by Commissioner Lopez, seconded by Commissioner Kaufman, that the Resolution be Reconsidered. The motion carried unanimously.

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Resolution be Passed with the understanding that the portion allotted to affordable housing at the linked property at 1703 VonPhister will use median income basis. The motion carried by the following vote:

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

Enactment No: Res 21-197

Meeting went into Recess - 7:11 P.M.

Meeting Reconvened - 7:21 P.M.

ORDINANCES – FIRST READING

25

An Ordinance of the City of Key West, Florida, pursuant to Section 7.03 of the City Charter, to call for a referendum for the authority to lease real property of approximately 3.2 acres located at the Truman Waterfront and owned by the Naval Properties Local Redevelopment Authority of the City of Key West ("LRA"), such lease for a duration of the up to 99 years, thereby exceeding the Charter limit of 20 years, exclusively for affordable workforce housing, the final terms of which must be approved by the LRA; Authorizing the City Clerk to take all necessary action to place this measure on the ballot for January 18, 2022; Providing for severability; providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Attorney Smith

Attachments: [Ordinance](#)

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:

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

26

An Ordinance of the City of Key West, Florida, amending Comprehensive Plan Chapter 1, Future Land Use, Policy 1-1.16.1, entitled, "Maintain a Building Permit Allocation Ordinance", and by amending Chapter 3, Housing, Policy 3-1.1.4, entitled " Building Allocation System", to provide for Building Permit Allocation System units for the property known as the 3.2 (RE# 00001630-000801); 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](#)
[PB RES 2021-36 Comp Plan Text Amendment BPAS](#)
[Staff Report](#)
[Noticing Package](#)

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

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

Enactment No: PB Resolution 2021-36

27

An Ordinance of the City of Key West, Florida, amending Chapter 108 of the Land Development Regulations, Article X " Building Permit Allocation System", Section 108-995, to provide for Building Permit Allocation System units for the property known as the 3.2 (RE# 00001630-000801); 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.

Sponsors: City Manager McLauchlin

Attachments: [Ordinance](#)
[Executive Summary](#)
[PB RES 2021-37 LDR Text Amendment BPAS](#)
[Staff Report](#)
[Noticing Package](#)

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

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

28

An Ordinance of the City of Key West, Florida, to create a new Comprehensive Plan Element entitled, "Chapter 10, Property Rights Element", and Goal 10-1, Objective 10-1.1, and Policies 10-1.1.1 - 10.1.1.4 to comply with State of Florida Statutes Section 163.3177(6)(i)1.; Providing for transmittal to the State Land Planning Agency; Providing for filing with the Secretary of State; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date; and providing for inclusion into the City of Key West Comprehensive Plan.

Sponsors: City Manager McLaughlin

Attachments: [Ordinance](#)
[Executive Summary](#)
[Staff Report](#)
[PB RES 2021-40 Comp Plan Text Amend Property Rights Element](#)

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:

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

Enactment No: PB Resolution 2021-40

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT - 7:41 P.M.