



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

City Commission

Wednesday, October 19, 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.

ROLL CALL

Absent 1 - Commissioner Hoover

Present 6 - Commissioner Davila, Vice Mayor Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA - The agenda was unanimously approved as amended

PRESENTATIONS

1 Mental Health Day and Capital Project Update - Maureen Dunleavy

Sponsors: Mayor Johnston

Attachments: [Presentation](#)

Received and Filed

City Attorney's Report

City Manager's Report

4

*Requesting the State of Florida/Florida Department of Transportation (FDOT) prioritize the construction of a reliable and affordable electric vehicle (EV) charging network in Key West and the Florida Keys with funding allocated through the National Electric Vehicle Infrastructure (NEVI) Formula Program; Authorizing the City Manager to work with County, State and Federal Agencies as necessary to facilitate design, permitting and construction to expedite this EV Infrastructure Project.

Sponsors: Vice Mayor Kaufman

Attachments: [Resolution](#)
[fl_approval_letter FROM FHWA WEBSITE FOR FL EV CHARGERS - NEVI PLAN](#)
[fl_nevi_plan FROM FHWA WEBSITE](#)

Passed

Enactment No: Res 22-226

- 5 *Authorizing Race World Offshore, LLC to conduct a concert on Thursday, November 10, 2022 from 7:00 p.m. to 10:00 p.m. at the Truman Waterfront Coffee Butler Amphitheater, a Street Closure on Thursday, November 10, 2022 from 7:00 p.m. to 10:00 p.m. on Greene Street from Duval Street to Ann Street, a street closure on Duval Street from Front Street to Fleming Street including Greene Street from Fitzpatrick to Elizabeth Street on Friday, November 11, 2022 from 7:00 p.m. to 10:00 p.m., a Concert at the Truman Waterfront Coffee Butler Amphitheater on Saturday, November 12, 2022 from 7:00 p.m. to 10:00 p.m. and an Awards Ceremony on Sunday, November 13, 2022 from 7:00 p.m. to 10:00 p.m. at the Truman Waterfront Coffee Butler Amphitheater; Pursuant to terms and conditions set forth by the City Manager; Authorizing the Sale and Consumption of Alcoholic Beverages within the barricades areas during each event.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
 [Executive](#)
 [Application & Approvals](#)

Passed

Enactment No: Res 22-227

- 6 *Authorizing the Key West Art Center to conduct it's 37th Annual Craft Show on Saturday, January 28, 2023 and Sunday, January 29, 2023 during the hours of 10:00 a.m. to 5:00 p.m.: (Set up 6:00 a.m.); Authorizing the closure of Whitehead Street between Greene Street and Eaton Streets including Caroline Street from Telegraph Lane to Whitehead Street and Caroline Street and Truman Annex on January 28, 2023 and January 29, 2023 from 6:00 a.m. to 8:00 p.m. (Tear Down).

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Application & Approvals](#)

Passed

Enactment No: Res 22-228

- 7 *Authorizing the Wesley House Family Services, Inc. to conduct it's annual "Valentines Day Fundraiser" at the Customs House Museum located at 281 Front Street on Tuesday, February 14, 2023 from 6:30 p.m. to 9:30 p.m.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the Closure of the area in front of the Customs House from 9:00 a.m. to 11:00 p.m. for set up and break down; Granting a Special Event Permit pursuant to section 6-86 of the Code of Ordinances from 8:00 a.m. to 11:00 p.m. Authorizing the Sale and Consumption of Alcoholic Beverages within the barricaded area.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Application & Approvals](#)

Passed

Enactment No: Res 22-229

- 8 *Authorizing the Key West Art Center to conduct the 58th Annual Old Island Days Art Show on Saturday, February 25, 2023 and Sunday, February 26, 2023 during the hours of 10:00 a.m. to 5:00 p.m. (Set up 6:00 a.m.); Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Whitehead Street between Greene Street and Eaton Street including Caroline Street between Telegraph Lane and Whitehead and Caroline Street and Truman Annex on February 25 & 26, 2023 from 6:00 a.m. to 8:00 p.m. (Break Down).

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Application & Approvals](#)

Passed

Enactment No: Res 22-230

- 10 *Approving the adjusted fees set forth in the attached "Cruise Ship Rate Sheet," to become effective on November 1, 2022, based on accumulative CPI adjustments for August 1, 2019, 2020, 2021 and 2022; Approving future annual rate adjustments based on the Consumer Price Index for U.S. City Average, all urban consumers as reported by the Bureau of Labor statistics for the 12 months prior to August 1 of each year.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Fee Letter](#)
[Fee Table](#)
[CPI Table August 2022](#)
[Res 18-291](#)
[Letter from Caribe Nautical](#)

Passed

Enactment No: Res 22-231

- 11 *Approving the attached "Public Transportation Grant Agreement" (PTGA) between the Florida Department of Transportation (FDOT) and the City of Key West for State Fiscal Year (SFY) 2023 State Transit Block Grant for the fixed bus route services in the City of Key West (Contract G2C03/FM #436702-4-84-01) in a reimbursement amount of up to \$334,181.00 in operating assistance (50% of total project cost of \$668,362.00).

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
 [Executive Summary](#)
 [State Block Public Transportation Grant Agreement](#)
 [Resolution 21 156 Designation of Authority](#)

Passed

Enactment No: Res 22-233

- 12 *Approving the attached Public Transportation Grant Agreement (PTGA) for SFY 2023 between the Florida Department of Transportation (FDOT) Commuter Assistance Grant Program and the City of Key West for State Commuter Operation Assistance Funding (Contract G2C07/FM# 415173-7-84-01) for the Lower Keys Shuttle in a reimbursement amount of up to \$616,340.00 (Total Project Cost \$1,232,680.00).

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Commuter Assistance Public Transportation Grant Agreement](#)
 [Resolution 21 156 Designation of Authority](#)

Passed

Enactment No: Res 22-234

13

*Approving execution of the attached "State of Florida Department of Transportation Public Transportation Grant Agreement" (PTGA) between the Florida Department of Transportation (FDOT) and the City of Key West for Federal Transit Administration (FTA) Section 5311 operation assistance of up to 100 percent Federal reimbursement through the Coronavirus Response and Relief Supplemental Act of 2021 (CRRSAA) (Contract G2C12/FM# 449978-1-84-01) in an amount of up to \$568,845.00 for FFY 22/SFY23; Authorizing necessary budget transfers and adjustments.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Section 5311 Public Transportation Grant Agreement](#)
[Resolution 21 156 Designation of Authority](#)

Passed

Enactment No: Res 22-235

- 14 *Approving the staff ranking for General Architectural Services in response to RFQ No. 22-010; Authorizing the City Manager to negotiate and enter into contracts on a task order basis with the six selected architectural firms upon consent of the City Attorney.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
[Executive Summary](#)
[RFQ 22-010 Ranking Evaluation Results](#)
[RFQ 22-010 Gen Arch Service Bid Info](#)
[*Large File* Bender & Associates Arch., RFQ 22-010](#)
[*Large File* William P. Horn Arch. RFQ #22-010](#)
[*Large File* CPH LLC, RFQ 22-010](#)
[*Large File* K2M Design, RFQ 22-010](#)
[*Large File* PFB ARchitects, RFQ 22-010](#)
[*Large File* West Architecture, RFQ 22-010](#)
[*Large File* BEA Arch., RFQ 22-010](#)
[*Large File* EXP U.S. Services, RFQ 22-010](#)

Passed

Enactment No: Res 22-236

- 15 *Requesting the Monroe County Land Authority for funding in the amount of \$4,089,750.00, for the construction of for sale workforce housing at the proposed Lofts at Bahama Village Development located at 318 Fort Street (otherwise known as the 3.2 acre site) pursuant to Section 380.0666 (3) (A), Florida Statutes, an in accordance with City of Key West Comprehensive Plan Policy 3-1.1.7.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Res. 22-158 3.2 Ground Lease - Housing Sales](#)

Postponed to November 1, 2022

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.

16

Approving the attached 2023 meeting schedule for the Key West City Commission.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
[2023 Meeting Dates](#)

A motion was made by Commissioner Lopez, seconded by Commissioner Weekley, that the Resolution be Passed with an amendment to move the second meeting in November to November 28, 2023 and December's meeting to December 12, 2023. The motion passed by unanimous vote.

Enactment No: Res 22-237

17

Approving and accepting the attached "Solar Evaluation Form" prepared by the Key West Engineering Department for the Keys Overnight Temporary Shelter Project (KOTS); Determining that a solar energy system at KOTS would not be cost efficient at this time.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
[Executive Summary](#)
[WOOD Solar Evaluation Form](#)
[WOOD Task Order Solar Design](#)

A motion was made by Vice Mayor Kaufman, seconded by Commissioner Weekley, that the Resolution be Postponed to November 1, 2022. The motion carried by the following vote:

No: 1 - Commissioner Wardlow

Absent: 1 - Commissioner Hoover

Yes: 5 - Commissioner Davila, Vice Mayor Kaufman, Commissioner Lopez, Commissioner Weekley and Mayor Johnston

- 18 Authorizing and directing the allocation of funding for expert legal services to explore the feasibility of pursuing eminent domain to allow public access between the Truman Waterfront Park and Mallory Square through Admiral's Cut; Directing the City Attorney to commence eminent domain proceedings if the concept is deemed feasible; Authorizing necessary budget transfers and adjustments.

Sponsors: Vice Mayor Kaufman

Attachments: [Resolution](#)
[Parks/Rec Resolution 22-01](#)
[15-212 Directing CM and CA to negotiate for Admiral's Cut](#)

Withdrawn

19 **Quasi-Judicial Hearing**

Approving the attached "Revocable License Agreement for Use of City Property" with Key West Woman's Club, Inc. (Licensee) for use of property adjacent to 319 Duval Street for the purpose of facilitating the Licensee's sale of alcoholic beverages from the Licensee's adjacent real property during Thursday-Saturday of Fantasy Fest (2022-2026); Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
[Executive Summary](#)
[License Agreement](#)
[Lease Renewal Request](#)
[Res. 17-233](#)
[Res. 12-178](#)
[Res. 06-147](#)

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 22-238

20

Quasi-Judicial Hearing

Extension of Major Development Plan, Conditional Use & Landscape Waivers - 1319 William Street & 1316 Royal Street (RE #00036920-000000) - A request for a 12-month extension to an approved Major Development Plan, Conditional Use & Landscape Waivers, allowing the construction and redevelopment of eight non-transient units for property located within the HMDR zoning district per Section 108-203(b) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Extension Request](#)
[Resolution 21-197](#)
[PB Resolution 2021-12](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Resolution be Passed with adding the language, "subject to any States of Emergency signed by the Governor of Florida". The motion carried by the following vote:

Absent: 1 - Commissioner Hoover

Yes: 6 - Commissioner Davila, Vice Mayor Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

Enactment No: Res 22-239

ORDINANCES – FIRST READING

21

Quasi-Judicial Hearing

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 McLaughlin

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

Absent: 1 - Commissioner Hoover

Yes: 6 - Commissioner Davila, Vice Mayor Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

22

Quasi-Judicial Hearing

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 McLaughlin

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 Lopez, that the presentation by the Assistant City Attorney for the previous item be incorporated into this item as well and that the Ordinance be Passed to Second Reading. The motion passed by unanimous vote.

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 McLaughlin

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

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

24 **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 McLaughlin

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

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.

Public Hearing

25 Request for additional independent taxi cab licenses.

Sponsors: Commissioner Weekley

Public Hearing was conducted and direction was given to City Manager and staff to collect additional data and bring forward an Ordinance addressing taxi cab license caps.

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT - 7:20 P.M.