



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

City Commission

Mayor Teri Johnston
Vice-Mayor Sam Kaufman
Commissioner Lissette Carey
Commissioner Mary Lou Hoover
Commissioner Clayton Lopez
Commissioner Billy Wardlow
Commissioner Jimmy Weekley

Charter Officials

Albert Childress, City Manager
Cheri Smith, City Clerk
Ronald Ramsingh, City Attorney

Thursday, June 8, 2023

9:00 AM

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.

FOR VISUAL PRESENTATIONS: For City Commission meetings the City Clerk's Office will need a copy of the presentation for the agenda at least 7 days before the meeting.

MORNING SESSION

CALL MEETING TO ORDER - 9:01 A.M.

ROLL CALL

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

INVOCATION - Rev. Mother Sarah Fowler

PLEDGE OF ALLEGIANCE TO THE FLAG - Captain David Smith, Monroe County Sheriff's Office

CITIZEN COMMENTS

APPROVAL OF AGENDA - The agenda was unanimously approved as amended

PROCLAMATIONS

1 Frank Toppino's 100th Birthday

Sponsors: City Commission

Attachments: [Proclamation](#)

Received and Filed

2 Key West High School Boys Baseball Team and Girls Softball Team

Sponsors: City Commission

Attachments: [Proclamation - Boys Baseball](#)

[Proclamation - Girls Softball](#)

Received and Filed

3 Dr. Jonathan Carey

Sponsors: City Commission

Attachments: [Proclamation](#)

Received and Filed

4 Cheri Smith Day

Sponsors: City Commission

Attachments: [Proclamation](#)

Received and Filed

PRESENTATIONS

5 Beach Water Quality - Carla A. Fry, PhD, MSN, RN, FL Department of Health in Monroe County

Sponsors: City Manager Childress

Attachments: [Presentation](#)

Received and Filed

6 Fire Department Update - Alan Averette, Fire Chief

Received and Filed

7 Establishing the duties of the "City Clerk Emeritus";
Establishing that the "City Clerk Emeritus" shall serve at no
cost to the taxpayers; Naming Cheri Smith "City Clerk
Emeritus".

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

Attachments: [Resolution](#)

**A motion was made by Commissioner Lopez, seconded by Commissioner
Weekley, that the Resolution be Passed. 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 23-136

CONSENT AGENDA*

***Item is considered to be routine and enacted by one motion with no separate
discussion, unless requested by a Commission Member. 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**8** *May 16, 2023

Attachments: [Minutes](#)

Passed

RESOLUTIONS

9 *Re-appointing Billy Davis to the Key West Civil Service Board.

Sponsors: Mayor Johnston

Attachments: [Resolution](#)
[Cover Memo](#)
[Billy Davis Resume](#)

Passed

Enactment No: Res 23-137

10 *Re-appointing Geoffrey Tomb to the Key West Civil Service Board.

Sponsors: Mayor Johnston

Attachments: [Resolution](#)
[Cover Memo](#)
[Geoffrey Tomb Resume](#)

Passed

Enactment No: Res 23-138

11 *Urging the Florida Legislature to rescind SB 1580 (Chapter 2023-57), which authorizes health care providers and health care payors to refuse to provide health care coverage or services on the basis of “Conscience-Based Objections”; directing the City Clerk to provide this resolution to certain members of the Florida Legislature; Urging local health care providers and payors to disregard the new “Conscience-Based” right granted in SB 1580 to refuse to provide care on subjective moral, ethical and religious grounds, and to continue to provide compassionate, high quality healthcare to all people.

Sponsors: Commissioner Lopez

Attachments: [Resolution](#)
[SB 1580 Enrolled](#)
[CH 2023-57 FL Comm Substitute for SB 1580](#)

Passed

Enactment No: Res 23-139

- 12 *Authorizing Literacy Volunteers of America-Monroe County, Inc. to conduct it's Annual Caribbean Street Fair on Saturday, July 22, 2023, from 10:00 A.M. to 10:00 P.M. (Set up 8:00 A.M.); Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of the 200, 300 & 400 blocks of Duval Streets between the hours of 10:00 A.M. to 10:00 P.M.

Sponsors: City Manager Childress

Attachments: [Resolution](#)
 [Cover Memo](#)
 [Application & Approvals](#)

Passed

Enactment No: Res 23-140

- 13 *Authorizing Key West Promotions, Inc. to conduct a Seafood Lobster Festival on Saturday, August 12, 2023 from noon to 11:00 P.M. (Street closure from 10:00 A.M. to midnight for set up and tear down); Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of the 100, 200, 300, 400 and 500 blocks of Duval Street between Front and Southard Streets including the Greene Street intersection and Telegraph Lane & Charles Street from 10:00 A.M. to midnight; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

Sponsors: City Manager Childress

Attachments: [Resolution](#)
 [Cover Memo](#)
 [Application & Approvals](#)

Passed

Enactment No: Res 23-141

- 14 *Authorizing Mote Marine Laboratory, Inc. to conduct a "Florida Keys Ocean Festival" at the Truman Waterfront grassy area by the splash pad on Sunday, December 3, 2023, from 10:00 A.M. to 3:00 P.M; Pursuant to Terms and Conditions set forth by the City Manager; Authorizing the sale and consumption of alcoholic beverages within the barricaded area.

Sponsors: City Manager Childress

Attachments: [Resolution](#)
[Cover Memo](#)
[Application & Approvals](#)

Passed

Enactment No: Res 23-142

- 15 *Authorizing Integrity Sports, Inc. to conduct the Annual Key West Triathlon from the College of the Florida Keys, using only College Road onto the Overseas Highway eastbound and back, on Saturday, December 10, 2023 from 4:00 A.M. to noon; College road will remain open and operate as normal and is the only part of the course within city limits of Key West; Pursuant to terms and conditions set forth by the City Manager.

Sponsors: City Manager Childress

Attachments: [Resolution](#)
[Cover Memo](#)
[Application & Approvals](#)

Passed

Enactment No: Res 23-143

- 16 *Authorizing a \$1,000.00 donation from the Law Enforcement Officers Trust Fund (State Forfeiture Funds), pursuant to Florida Statutes Section 932.7055, to Special Olympics Florida - Monroe County.

Sponsors: City Manager Childress

Attachments: [Resolution](#)
[Cover Memo](#)
[Special Olympics Request Letter](#)

Passed

Enactment No: Res 23-144

- 17 *Authorizing a \$2,500.00 donation from the Law Enforcement Officers Trust Fund (State Forfeiture Funds), pursuant to Florida Statutes Section 932.7055, to Cooking with Love.

Sponsors: City Manager Childress

Attachments: [Resolution](#)
[Cover Memo](#)
[MCC Request Letter](#)

Passed

Enactment No: Res 23-145

18

*Authorizing an Amendment to the Professional Management Services Agreement between the City of Key West and Rams Head Promotion of Key West, LLC for Key West Amphitheater (Coffee Butler Amphitheater) Venue Management Services, as amended, to omit language related to naming rights; Authorizing the City Manager to execute any necessary documents upon consent of the City Attorney.

Sponsors: City Manager Childress

Attachments: [Resolution](#)
[Cover Memo](#)
[Amendment to Amphitheater Services Agreement](#)
[23-105 Amphitheater Agreement Extension](#)
[19-239 Naming of The Coffee Butler Key West Amphitheater](#)

Passed

Enactment No: Res 23-146

19

*Authorizing the purchase of the Axon Virtual Reality (VR) Training System with related equipment and software, using a five-year payment plan, pursuant to Key West Code of Ordinance Sec. 2-844(a) (Brand Name), 2-797(1)(b) and 2-797(1)(c) (Sole Source) and 2-797 (4)(b) (Best Interests) from Axon Enterprise, Inc. in a total amount of \$111,322.04; Authorizing the City Manager or designee to execute necessary documents, upon consent of the City Attorney; Authorizing any necessary budget transfers or adjustments.

Sponsors: City Manager Childress

Attachments: [Resolution](#)
[Cover Memo](#)
[Sole Source Approval Memo](#)
[Axon Sole Source Justification](#)
[Master Services and Purchasing Agreement for AgencyV17 Enterprise](#)
[Axon VR Training Quote](#)

Passed

Enactment No: Res 23-147

20

*Approving a procurement to upgrade the Key West Police Department's Computer Aided Dispatch (CAD)/Records Management System (RMS) software to the Pro Suite CentralSquare software platform; Authorizing on a sole source basis in accordance with City Code Section 2-797(1), and Section 2-797(4)(b), best interests of the City, the purchase of CentralSquare public safety software in an initial amount not to exceed \$270,875.55; Authorizing any necessary budget transfers or adjustments; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

Sponsors: City Manager Childress

Attachments: [Resolution](#)
[Cover Memo](#)
[License & Service Agreement](#)
[Community Data Platform Membership](#)

Passed

Enactment No: Res 23-148

21

*Approving transfer of Mobile Vendor License (MVL) #493 from James Brown to Colby Fisher, due to hardship.

Sponsors: City Manager Childress

Attachments: [Resolution](#)
[Cover Memo](#)
[MVL License Brown](#)
[Ordinance 18-325 MVL Transferability](#)
[Hardship Letter](#)

Passed

Enactment No: Res 23-149

22

*Authorizing the purchase of one (1) Wacker Neuson GI30 Mobile Generator with related accessories in a total amount not to exceed \$99,980.00 from Kelly Tractor Co., through piggybacking on the Florida Sheriff's Association and Florida Association of Counties Bid No. FSA20-EQU18.0, Heavy Equipment contract, pursuant to Section 2-797(3) of the Code of Ordinances for use at Fire Station 3;
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 Childress

Attachments: [Resolution](#)
[Cover Memo](#)
[Quote](#)
[Florida Sheriffs Contract](#)

Passed

Enactment No: Res 23-150

23

*Authorizing pursuant to Sections 2-797(4)(b) of the Code of Ordinances the purchase of Cisco Data Center Switch Equipment and related products and service from CDW-Government (CDW-G), Pursuant to Government Contract (NASPO Value Point 4322000-NASPO-19-ACS and Participating Addendum, State of Florida Department of Management Services), Pursuant to Section 2-797(3) and 2-797(4) of the Code of Ordinances in an amount not to exceed \$118,451.64; Authorizing any necessary budget transfers or adjustments; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

Sponsors: City Manager Childress

Attachments: [Resolution](#)
[Cover Memo](#)
[CDW-G](#)
[43220000-NASPO-19-ACS Addendum Cisco Sytems](#)
[43220000-NASPO-19-ACS - Contractors by Product Category](#)

Passed

Enactment No: Res 23-151

24

*Authorizing the procurement of six solar street lights from Raybro/CED-Key West in an amount not to exceed \$77,921.61 in the best interests of the City, pursuant to Section 2-797(4)(b) of the Code of Ordinances; Authorizing any necessary budget adjustment; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

Sponsors: City Manager Childress

Attachments: [Resolution](#)
[Cover Memo](#)
[Solar Streetlights Quote 5-9-23](#)
[Streetlight Fixture](#)

Passed

Enactment No: Res 23-152

- 25 *Authorizing an FY2022-23 budget amendment pursuant to Section 2-739(b) of the Code of Ordinances, by approving a transfer of reserve funds from the General Fund Reserve Account No. 001-1900-519-98-03 in the amount of \$250,000 to the Community Development Office/Move In Assistance Program Expenditure Account No. 120-1900-519-8300 to fund the "Move-In Assistance Program" for FY 22-23; Authorizing the City Manager to execute all documents consistent therewith upon consent of the City Attorney.

Sponsors: City Manager Childress

Attachments: [Resolution](#)
 [Cover Memo](#)
 [Move In Assistance Program](#)

Postponed to July 13, 2023

- 26 *Approving the attached "Move-In Assistance Program for Key West".

Sponsors: City Manager Childress

Attachments: [Resolution](#)
 [Cover Memo](#)
 [Move In Assistance Program](#)

Postponed to July 13, 2023

27

*Approving selection committee ranking of respondents to City of Key West Request for Proposals (RFP) No. 22-007 for Community Development Block Grant (CDBG) Grant Administration Services; Directing the City Manager to negotiate and execute a contract with the first-ranked firm Langton Associates, Inc. and if an agreement can not be reached, to negotiate and execute a contract with the second-ranked firm Tidal Basin; Authorizing any necessary budget adjustments or transfers.

Sponsors: City Manager Childress

Attachments: [Resolution](#)
[Cover Memo](#)
[Exhibit A - Ranking](#)
[RFP 22-007](#)
[Bid Memo](#)
[Bermello Ajamil & Partners proposal](#)
[Calvin Giordano proposal](#)
[Langton Consulting proposal](#)
[Metric Consulting proposal](#)
[Tidal Basin proposal](#)

Passed

Enactment No: Res 23-153

28

*Approving the attached Safe-School Officer Agreement between the City of Key West and the School Board of Monroe County (MCSD) for the Safe-School Officer Program at the Key West High School (2), Gerald Adams Elementary, Horace O'Bryant School, Poinciana Elementary, Sigsbee Charter School and one rotating position for the 2023-2024 School Year, and at May Sands Montessori and Somerset Island Prep; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney

Sponsors: City Manager Childress

Attachments: [Resolution](#)
[Cover Memo](#)
[Safe School Officer Agreement 7-23](#)

Passed

Enactment No: Res 23-154

29

*Approving the attached "Memorandum of Understanding for Governmental Entity Access to Driver and Vehicle Information Database System (DAVID)" between the Key West Code Compliance Department and the Florida Department of Highway Safety and Motor Vehicles for a term of up to six (6) years; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

Sponsors: City Manager Childress

Attachments: [Resolution](#)
[Cover Memo](#)
[Exhibit A](#)
[Exhibit B](#)

Passed

Enactment No: Res 23-155

30

*Approving a Task Order under the City's Right of Way Improvements Contract (ITB 22-010) with Charley Toppio & Sons, Inc. in a total amount not to exceed \$202,199.61 for Frances Street/James Street ADA Sidewalk Connectivity Project, including ADA Compliant Sidewalks, gravel shoulders and pavement markings on Frances Street and James Street; Authorizing any necessary budget adjustments; Authorizing the City Manager or designee to execute documents upon consent of the City Attorney.

Sponsors: City Manager Childress

Attachments: [Resolution](#)
[Cover Memo](#)
[Task Order](#)
[*Large File* Frances James Connectivity Drawing](#)
[Res 22-289](#)

Passed

Enactment No: Res 23-156

31

*Approving a Task Order under the City's Right of Way Improvements Contract with Charley Toppino & Sons, Inc. in a total amount not to exceed \$91,054.00 to install gravel shoulders on Duck Avenue from 17th Street to 18th Street and on the 2600 block of Staples Avenue; Authorizing any necessary budget adjustments; Authorizing the City Manager or designee to execute documents upon consent of the City Attorney.

Sponsors: City Manager Childress

Attachments: [Resolution](#)
[Cover Memo](#)
[Task Order Proposal - Duck Ave.](#)
[Duck Drawing 17th to 18th](#)
[Task Order Proposal - Staples Ave.](#)
[Staples Drawing](#)
[Res 22-289](#)

Passed

Enactment No: Res 23-157

- 32 *Approving a Task Order from Perez Engineering and Development, Inc. in the amount of \$98,040.00 for professional services for Triangle Beautification Design (Project IS19002202); Authorizing any necessary budget transfers; Authorizing the City Manager to execute any necessary documents.

Sponsors: City Manager Childress

Attachments: [Resolution](#)
[Cover Memo](#)
[Resolution 22-208](#)
[Perez- Key West Entrance Sign](#)
[Resolution 23-029 General Engineering Services](#)
[Perez- General Engineering Services](#)

Passed

Enactment No: Res 23-158

- 33 *Approving the attached "Memorandum of Understanding between the Monroe County School District (MCSD) and the City of Key West" to enable the MCSD Fire Academy at Key West High School and the Key West Fire Department to provide the fire fighting training to students during the 2023-2024 School Year; Approving any necessary budget adjustments; Authorizing the City Manager to execute documents upon consent of the City Attorney.

Sponsors: City Manager Childress

Attachments: [Resolution](#)
[Cover Memo](#)
[Insurance](#)
[Memorandum of Understanding](#)

Passed

Enactment No: Res 23-159

34

*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 \$133,776.45 for the milling, paving and striping of the Boog Powell Court Parking Lot; Authorizing any necessary budget adjustments; Authorizing the City Manager or designee to execute documents upon consent of the City Attorney.

Sponsors: City Manager Childress

Attachments: [Resolution](#)
[Cover Memo](#)
[Task Order](#)
[Schedule of Values](#)
[Resolution 21-125 and Contract](#)

Passed

Enactment No: Res 23-160

35

*Approving the attached First Amendment to Lease Agreement between Wesley House Family Services, Inc., and the City.

Sponsors: City Manager Childress

Attachments: [Resolution](#)
[Cover Memo](#)
[First Amendment to Lease](#)
[13-240 Lease Renewal \(Current Lease\)](#)
[08-242 Lease Renewal](#)

Passed

Enactment No: Res 23-161

36

*Approving the attached "Assignment of Concession Agreement and Consent of City" from Sunset Watersports, Inc. (Assignor) to Sunset Watersports Adventures, LLC (Assignee/Guarantor) for real property at two locations on Smather's Beach, as described in the Concession Agreement approved in Resolution 18-200; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

Sponsors: City Manager Childress

Attachments: [Resolution](#)
[Cover Memo](#)
[Assignment of Concession Agreement](#)
[GUARANTY for Concession](#)
[Res 18-200 Concession renewal Sunset Watersports](#)
[Res. 08-274 SUNSET WS Concession Renewal](#)

Passed

Enactment No: Res 23-162

37

*Approving a Change Order in the amount of \$11,596.50 to balance final quantities for the Flagler Pedestrian Improvements Project (TA49032101) and authorizing a time extension of 63 days under the contract awarded to Charley Toppino and Sons, Inc. for ITB #22-006; Authorizing any necessary budget transfers and amendments; Authorizing the City Manager to execute necessary documents upon advice and consent of the City Attorney.

Sponsors: City Manager Childress

Attachments: [Resolution](#)
[Cover Memo](#)
[ITB 22-006 Contract \(Large File\)](#)
[Resolution 22-088](#)
[Change Order #1](#)
[Change Order #2](#)
[Change Order #3-Draft](#)

Passed

Enactment No: Res 23-163

38

*Awarding the roof estimate price quote from A+ Roofing Key West, Inc. in the amount of up to \$80,000.00 for roof repair services and related tasks, inclusive of unforeseen costs, at the Key West Transit Facility on College Road on a sole source basis pursuant to Section 2-797(1) of the Code of Ordinances; Authorizing any necessary budget transfers; Authorizing the City Manager to execute any necessary documents.

Sponsors: City Manager Childress

Attachments: [Resolution](#)
[Cover Memo](#)
[Roof Location](#)
[A+ Roofing Key West Inc Quote](#)
[Resolution 23-077 Transit Corridor Grant](#)

Passed

Enactment No: Res 23-164

39

*Awarding a Professional Engineering Services Contract to Jacobs Engineering Group, Inc. for the Trenchless Installation of Utilities across Fleming Channel Project in a total amount not to exceed \$1,149,313.00; Authorizing any necessary budget adjustments and amendments; Authorizing the City Manager to execute a contract, upon consent of the City Attorney.

Sponsors: City Manager Childress

Attachments: [Resolution](#)
[Cover Memo](#)
[Jacobs-Contract](#)
[*Large File* Exhibit A-Scope of Work](#)
[Resolution 23-005](#)

Passed

Enactment No: Res 23-165

40

*Awarding the bid of Reynolds Construction, LLC received in response to Invitation to Bid (ITB) #23-007 for Richard A. Heyman Environmental Protection Facility RAS and WAS Pump System Replacement Project in a total amount not to exceed \$3,600,000.00; 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 Childress

Attachments: [Resolution](#)
[Cover Memo](#)
[Bid Memo](#)
[Reynolds Construction Bid Proposal](#)
[*Large File* ITB 23-007 Bid Documents](#)
[*Large File* RAS WAS Pump Replacement Drawings](#)

Passed

Enactment No: Res 23-166

41

*Designating the signatures of certain City personnel for the withdrawal of City funds from First State Bank and other authorized depositories of City funds.

Sponsors: City Manager Childress

Attachments: [Resolution](#)
[Cover Memo](#)
[Resolution 22-030](#)

Passed

Enactment No: Res 23-167

42

***Easement - 302 Amelia Street (RE #00026280-000000)**

- Approving an easement of approximately one-hundred forty-eight (148) square feet, more or less, at a property located at 302 Amelia Street, in order to repair an existing wood fence that encroaches on the Amelia Street and Thomas Street rights-of-way in the Historic Medium Density Residential zoning district, 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 Childress

Attachments: [Resolution](#)
[Cover Memo](#)
[Easement Agreement](#)
[Planning Package](#)
[Keys Energy Comments](#)
[Utilities Comments](#)
[MTC Comments](#)
[Engineering Comments](#)

Postponed to July 13, 2023

Approval of the Consent Agenda

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

CITY MANAGER'S REPORT

43

Department Reports

Attachments:

[Utilities Department- May 2023](#)

[Housing and Community Development Department- May 2023](#)

[Code Compliance and Licensing May 2023](#)

[Assistant City Manager May 2023](#)

[Community Services May 2023](#)

[KWPD May 2023](#)

[Parking May 2023](#)

[Port & Marine Services May 2023](#)

[Public Information May 2023](#)

[Transit May 2023](#)

[Property Management May 2023](#)

CITY ATTORNEY'S REPORT

CITY CLERK'S REPORT

COMMISSION COMMENTS

MEETING RECESSED - 10:37 A.M.

EVENING SESSION

MEETING RECONVENED - 5:00 P.M.

ROLL CALL

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

INVOCATION - Rev. Mother Sarah Fowler

PLEDGE OF ALLEGIANCE

CITIZEN COMMENTS

APPROVAL OF AGENDA - The agenda was unanimously approved as presented

RESOLUTIONS

44

Selecting Keri O'Brien for the position of City Clerk;
Directing City staff to negotiate a contract for approval by the City Commission.

Sponsors: Mayor Johnston

Attachments: [Resolution](#)
[Cover Memo](#)
[Applicant - Angela Budde](#)
[Applicant - Keri O'Brien](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Wardlow, that the Resolution be Passed. 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 23-168

45

Affirming that the City of Key West continues to be a Welcoming City, committed to ensuring the rights of residents and visitors, including drag queens, gender nonconforming, transgender, cisgender and all manner of humans to walk upon, and to use, public spaces while wearing attire of their own choosing (so long as it is in compliance with the City's nudity ordinance and public health requirements - No Shirt No Shoes No Service!); Acknowledging the Drag Community for elegance and originality, for their ability to unite the community and for boundless events and contributions benefiting the charitable causes of our City.

Sponsors: Commissioner Weekley

Attachments: [Resolution](#)

A motion was made by Commissioner Weekley, seconded by Vice Mayor Kaufman, that the Resolution be Passed. 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 23-169

46

Removing Gregory Lloyd as a member of the Planning Board and thanking him for his service.

Sponsors: Commissioner Hoover

Attachments: [Resolution](#)
[Comments from Gregory Lloyd](#)
[Citizen Comment](#)
[Citizen Comment](#)
[Citizen Comment](#)
[Citizen Comment](#)

A motion was made by Commissioner Carey, seconded by Vice Mayor Kaufman, 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 23-170

47

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 Commissioner Lopez, seconded by Commissioner Weekley, that the Resolution be Passed. 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 23-171

48

Approving an Easement Agreement for encroachments totaling 1,280.41 square-feet, more or less, in order to maintain a portion of an existing two-story structure, electrical equipment, a wooden deck, two air conditioning units, and a portion of a fenced-in side yard encroaching City-owned property within the Historic Medium Density Residential (HMDR) zoning district at 700 Eisenhower Drive, Key West, Florida (RE #00023310-000000), pursuant to Section 2-938 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida; Providing fees and conditions.

Sponsors: City Manager Childress

Attachments: [Resolution](#)
[Cover Memo](#)
[Easement Agreement](#)
[Staff Presentation](#)
[Applicant Response - DRC Easement Conditions](#)
[Planning Package](#)
[Utilities Comments 4.26.23](#)
[Keys Energy Comments 4.26.23](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Wardlow, that the Resolution be Passed with and an added condition stating the side yard on city land will not be used for public gatherings. 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 23-172

ORDINANCES – FIRST READING

49

An Ordinance of the City of Key West, Florida, amending Chapter 78 of the Code of Ordinances, entitles "Vehicles for Hire" by amending Section 78-233, to amend the number of sightseeing vehicles operated pursuant to business license from seven to ten; To create a random selection process for any new licenses for electric vehicles; To create SEction 78-240 to permit transferability of new licenses with approval of the City Commission; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Weekley

Attachments: [Ordinance](#)
[Cover Memo](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Ordinance be Postponed to September 14, 2023. The motion passed by unanimous vote.

50

An Ordinance of the City of Key West, Florida, amending Chapter 18 of the Code of Ordinances, entitled "Businesses", by repealing Article XIV, entitled "Residential Tenancies" by repealing Section 18-710 and 18-711 due to the passage of House Bill 1417 preempting local regulations of landlord/tenant relationships; Providing for an effective date.

Sponsors: City Attorney Ramsingh

Attachments: [Ordinance](#)
[Cover Memo](#)
[FS 83.425](#)

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

No: 3 - Vice Mayor Kaufman, Commissioner Weekley and Mayor Johnston

Yes: 4 - Commissioner Carey, Commissioner Hoover, Commissioner Lopez and Commissioner Wardlow

ORDINANCES - SECOND READING (Public Hearing and Proposed Adoption)

51

An Ordinance of the City of Key West, Florida, amending Chapter 6 of the Code of Ordinances, entitled "Amusements and Entertainment", Article I-"Street Performers and Street Artists" by amending Section 6-2 to deny the application of an applicant that has been convicted of a felony against person or property within 10 years preceding the date of application; by amending Chapter 6 Article III entitled "Entertainment and Animal-Driven Vehicles; Entertainment Equipment" by amending Section 6-117 to adjust penalties; by amending Section-146 to adjust penalties; by amending Section 6-152 to adjust penalties; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Childress

Attachments: [Ordinance - 2nd Reading](#)
[Cover Memo](#)
[Ordinance - 1st Reading](#)

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 Carey

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

Enactment No: Ord 23-24

ADJOURNMENT - 7:17 P.M.