



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

City Commission

Tuesday, November 1, 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

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

INVOCATION - Chaplain Bettis, U.S. Coast Guard Sector

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA - The agenda was unanimously approved as amended

PROCLAMATIONS

1 Veteran's Day

Sponsors: City Commission

Attachments: [Proclamation](#)

Received and Filed

2 Lung Cancer Awareness Month Proclamation - Lions Club

Sponsors: City Commission

Attachments: [Proclamation](#)

Received and Filed

PRESENTATIONS

- 3 Commissioning of the USS Lenah HIGBEE (DDG123) -
Martin Jenkins, Navy League President

Sponsors: City Manager McLaughlin

Received and Filed

City Attorney's Report

City Manager's Report

CONSENT AGENDA*

*Item is considered to be routine and enacted by one motion with no separate discussion, unless requested by a Commission Member or citizen, in which event the item will be removed from the order and considered in its normal sequence on the agenda. The City of Key West may take action on any matter during this meeting, including items that are not set forth within this agenda.

MINUTES

- 4 *October 19, 2022

Attachments: [Minutes](#)

Passed

RESOLUTIONS

- 5 *Authorizing the Monroe County Commercial Fishermen, Inc. to conduct the annual Florida Keys Seafood Festival at Bayview Park on Saturday, January 14, 2023 from 11:00 A.M. to Sunday, January 15, 2023 from 11:00 A.M. to 5:00 P.M. (Set up Friday, January 13th, 2023 and tear down on Sunday, January 15 & Monday, January 16, 2023); Pursuant to terms and conditions set forth by the City Manager; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

Sponsors: City Manager McLauchlin

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

Passed

Enactment No: Res 22-241

- 6 *Approving the City Attorney Performance Evaluation (2022).

Sponsors: City Attorney Smith

Attachments: [Resolution](#)
[City Attorney Performance Evaluation Form 2022](#)
[Mayor Johnston](#)
[Commissioner Davila](#)
[Commissioner Hoover](#)
[Commissioner Kaufman](#)
[Commissioner Lopez](#)
[Commissioner Wardlow](#)
[Commissioner Weekley](#)
[Combined Scores](#)

Passed

Enactment No: Res 22-242

7 *Approving the attached Collective Bargaining Agreement between City of Key West and the International Association of Firefighters Local 1424 (IAFF) for the period of October 1, 2022 through September 30, 2024.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Contract Ratification](#)
[IAFF Collective Bargaining Agreement](#)

Passed

Enactment No: Res 22-243

8 *Authorizing cumulative expenditures during FY 22-23 to entities listed in Executive Summary in excess of \$50,000.00.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Blanket PO Acknowledgement](#)

Passed

Enactment No: Res 22-244

- 9 *Authorizing the attached "State of Florida Department of Transportation Local Area Program" Supplemental Agreement (Supplement No. 1) to Local Agency Program (LAP) Agreement (FPN #446126-1-58-01 and 446126-1-68-01, Contract No. G2722, FAIN D620-045-B) between the City of Key West and Florida Department of Transportation (FDOT) in the amount of \$437,268.00 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](#)
[446126-1-58-01 LA Request for Amendment to Increase Department Participation](#)
[446126-1-58-01 Supplemental 1](#)
[Res 21-188 and LAP Agreement](#)

Passed

Enactment No: Res 22-245

- 10 *Approving a Task Order between the City RS & H, Inc. in the amount of \$198,142.39 for construction engineering and inspection (CEI) services for the "Final Mile" Mode Shift Bike Facilities Project; Authorizing necessary budget amendments or adjustments; Authorizing the City Manager to execute any necessary documents.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Res 20-057 CEI General Services](#)
[RSH Executed Contract 4.29.2020](#)
[CEI Scope-Budget FIN 446126-1-58-01 ITB 22-007](#)

Passed

Enactment No: Res 22-246

11

*Awarding the bid of Coral Construction Company received in response to the Invitation to Bid (ITB) #22-007 for Final Mile Mode Shift Bike Facilities (Project #FM 446126-1-58-01 / TA49032102) in a total amount not to exceed \$992,268.00; 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 McLaughlin

- Attachments:**
- [Resolution](#)
 - [Executive Summary](#)
 - [ITB 22-007 Final Mile Bike Parking Facilities Bid Memo](#)
 - [ITB 22-007 Coral Construction Bid](#)
 - [LA Request for Concurrence](#)
 - [FDOT Concurrence to Award](#)
 - [LA Notice of Intent to Award](#)
 - [ITB 22-007](#)
 - [ITB 22-007 Plans](#)
 - [ITB 22-007 Attachments S&S](#)
 - [Res 21-188 and LAP Agreement](#)

Passed

Enactment No: Res 22-247

- 12 *Approving Task Order 4-22 Eng from CH2M Hill Engineers, Inc. in an amount not to exceed \$83,934.00 for professional services to develop a pilot project to establish a Pavement Rehabilitation Program focused on early life cycle techniques to extend pavement life; Authorizing any necessary budget transfers or adjustments; Authorizing the City Manager to execute any necessary documents.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Task Order](#)
 [Res 17-207 Approve Gen Eng Svcs small](#)
 [Res 20-142 Renew Gen Eng Svcs](#)
 [Resolution 22-171](#)

Passed

Enactment No: Res 22-248

- 13 *Approving Task Order 9-22 Eng from CH2M Hill Engineers, Inc. in an amount not to exceed \$144,451.00 for professional design services for the South Street Roadway Improvements Project; Authorizing any necessary budget transfers or adjustments; Authorizing the City Manager to execute any necessary documents.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Task Order](#)
 [Res 17-207 Approve Gen Eng Svcs small](#)
 [Resolution 22-171](#)
 [Resolution 22-171](#)
 [South Street Project Limits Map](#)

Passed

Enactment No: Res 22-249

14

*Authorizing the purchase of an Axon Bundle, including 103 Taser 7s, 103 Body Worn Cameras, 20 In-Car Camera Systems, 2 Interview Room Camera Systems and related equipment and software, pursuant to Key West Code of Ordinances Sec. 2-844(a) (Brand Name), 2-797(1) (b) and 2-797 (1) (c) (Sole Source) and 2-797(b) (Best Interests) from Axon Enterprise, Inc. in a total amount of \$1,534,709.60; Authorizing the City Manager or designee to execute the necessary documents, upon consent of the City Attorney; Authorizing any necessary budget transfers or adjustments.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Agreement](#)
[Axon Quote - TasersBWCFleet](#)
[Axon Quote - 2 Interview Rooms](#)
[AXON Sole Source](#)

Passed

Enactment No: Res 22-250

15

*Approving Change Order #4 in the amount of \$776,488.97 for added scope of work, including work on Eaton Street from Simonton Street to Whitehead Street, and authorizing a 70-day time extension under the contract awarded to Charley Toppino and Sons, Inc. for ITB #21-009, Whitehead and Front Improvements Project; 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 McLauchlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Cost Breakdown](#)
[Change Order](#)
[City of Key West Estimate](#)
[Monroe County Estimate](#)
[ILA -County](#)
[ILA-FKAA](#)
[Quantity Sheet](#)
[Resolution 19-366](#)
[Resolution 21-058](#)
[Resolution 21-113](#)
[Resolution 22-078](#)
[Resolution 22-120](#)
[Resolution 20-029](#)
[County Letter of Intent](#)

Passed

Enactment No: Res 22-251

- 16 *Approving a Change Order in the amount of \$125,392.61 for additional breakers for the Aeration System Upgrades and Electrical Switchgear Project (SE35042002) at the Richard A. Heyman Environmental Protection Facility, and authorizing a time extension of 120 days under the contract awarded to Charley Toppino and Sons, Inc. for ITB #21-006; 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 McLaughlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Change Order](#)
[Resolution 21-158 - Construction contract](#)
[Aeration System and Electrical Switchgear Plans](#)
[Response to RFI 016](#)

Passed

Enactment No: Res 22-252

- 17 *Authorizing FY 2021-22 budget amendments in the total amount of \$568,000.00: Specifically to transfer surplus funds from Solid Waste-Dumping Revenue in the amount of \$90,000.00 to transfer Station Operations in the amount of \$90,000.00 and to transfer funds from Solid Waste-Commercial Revenue in the amount of \$478,000.00 to Solid Waste Hauling & Disposal in the amount of \$478,000.00; Authorizing the City Manager to execute all documents consistent therewith.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Budget Transfer _ Finance](#)
[WM Contract / Resolution 14-134](#)
[Resolution 21-259](#)

Passed

Enactment No: Res 22-253

18

*Amending Resolution Number 22-189 for the On Pointe Restaurant Group, LLC DBA La Trattoria Venezia to allow a change of dates from Thursday, November 10, 2022 from 5:00 P.M. to 10:00 P.M. to Friday, November 18, 2022 from 5:00 P.M. to 10:00 P.M. on Applerouth Lane between Duval Street & Whitehead Street on Friday, November 18, 2022 from 5:00 P.M. to 10:00 P.M.; Pursuant to terms and conditions set forth by the City Manager; Granting a Special Event Permit pursuant Section 6-86 of the Code of Ordinances for the event; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

Sponsors: City Manager McLauchlin

Attachments: [Resolution with Amended Date](#)
[Letter requesting the change](#)
[Resolution 22-189 - Original](#)
[Executive Summary](#)
[Application](#)

Passed

Enactment No: Res 22-254

- 19 Approving and accepting the attached "Solar Evaluation Form" prepared by the Key West Engineering Department for the Keys Overnight Temporary Shelter Project (KOTS); Directing that an add/alternate line item for design and construction of a roof mounted solar power system to provide electric services for the KOTS facility be included in the contract bid documents for the KOTS facility ~~determining that a solar energy system at KOTS would not be cost effective at this time.~~

Sponsors: City Manager McLauchlin

Attachments: [Resolution 11.15.2022](#)
[Resolution 11.1.2022](#)
[Executive Summary 11.15.2022](#)
[Executive Summary 11.1.2022](#)
[WOOD Solar Evaluation Form](#)
[WOOD Task Order Solar Design](#)

Postponed to November 15, 2022

Enactment No: Res 22-274

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

Sponsors: City Manager McLauchlin

Attachments: [Executive Summary](#)
[Memo to MCLA to Request Funds](#)
[Resolution](#)
[Developer Letter on Land Authority Funds](#)
[Resolution and 99 Ground Year Lease For Sale Parcel](#)
[Deed Restriction-Sales Parcel](#)

Postponed to November 15, 2022

Enactment No: Res 22-290

Approval of the Consent Agenda

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

21

Approving and adopting the attached "The City of Key West Job Description - City Manager".

Sponsors: City Commission

Attachments: [Resolution](#)
[Executive Summary](#)
[City Manager Job Description](#)

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 22-255

22

Approving the ranking of responses to the Request for Qualifications (RFQ) No. 22-004 for the Duval Street Economic Corridor Resiliency and Revitalization Plan by the selection committee; Authorizing the City Manager and City Attorney to draft a contract with the highest firm or team.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Duval Revitalization RFQ FINAL](#)
[Scoring and Ranking Sheet](#)
[RFQ Scoring and Ranking Signed](#)
[Jacobs RFQ Proposal](#)
[Stantec RFQ Proposal](#)
[WGI Proposal](#)
[WSP Proposal](#)
[RK & K Proposal](#)
[Jacobs Commission Presentation](#)
[Stantec Commission Presentation](#)
[WGI Commission Presentation](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, to award the project to the company (Stantec) who received the highest number of votes by the Commission. The motion passed by unanimous vote.

Enactment No: Res 22-256

23

Quasi-Judicial Hearing: Easement - Marriott Beachside

Approving an Easement over the parcel of accreted land adjacent to the Key West Marriott Beachside Hotel; Pursuant to Section 2-938(b)(3) of the Land Development Regulation of the Code of Ordinances of the City of Key West, Florida; Providing fees and conditions.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
[Easement Agreement](#)

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

No: 2 - Vice Mayor Kaufman and Mayor Johnston

Yes: 5 - Davila, Commissioner Hoover, Commissioner Lopez, Commissioner Wardlow and Commissioner Weekley

Enactment No: Res 22-257

24

Quasi-Judicial Hearing: After-the-Fact Easement - 3838 Flagler Avenue

Approving an After-the-Fact Easement Agreement for encroachments totaling 266.0 square fee, more or less, to construct one (1) boatlift and one (1) wood dock onto City owned Sunrise Canal abutting property located within the Single-Family (SF) 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 McLauchlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Easement Agreement](#)
[Planning Package](#)

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

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

Enactment No: Res 22-258

7:15 P.M. - Meeting went into Recess

7:21 P.M. - Meeting Reconvened

ORDINANCES – FIRST READING

25

An Ordinance of the City of Key West, Florida, amending Chapter 46, Section 246 of the Code of Ordinances to increase the post retirement of supplement paid to retirees of the Police Officers' and Firefighters' Retirement Plan; Creating Chapter 46, Section 328 of Code of Ordinances to provide for ad-hoc thirteenth check to be paid funded by net investment returns of the plan over nine percent: Providing for severability; Providing for repeal of inconsistent provision; Providing for an effective date.

Sponsors: Vice Mayor Kaufman

Attachments: [Ordinance- Proposed to be substituted](#)
[Ordinance](#)
[Executive Summary](#)
[Actuarial Report](#)

Withdrawn

26

An Ordinance of the City of Key West, Florida, amending the boundaries of the Comprehensive Plan Future Land Use Map (FLUM) Category from Historic Residential (HR) to Historic Commercial (HC) 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

Attachments: [Ordinance -10.6.22](#)
[Executive Summary - 10.6.22](#)
[Ordinance - 9.16.20 Draft](#)
[Executive Summary - 9.16.20](#)
[Presentation 9.16.20](#)
[Planning Board Resolution 2020-01](#)
[*Large File* Planning Packet](#)
[*Large File* 909 page submittal from Neighbors](#)
[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 Lopez, seconded by Commissioner Wardlow, that the Ordinance be Passed to Second Reading. The motion carried by the following vote:

No: 2 - Vice Mayor Kaufman and Mayor Johnston

Yes: 5 - Davila, Commissioner Hoover, Commissioner Lopez, Commissioner Wardlow and Commissioner Weekley

27

An Ordinance of the City of Key West, Florida, amending the boundaries of the Official Zoning Map category from Historic Medium Density Residential (HMDR) to Historic Neighborhood Commercial (HNC-3) Zoning District 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 the repeal of inconsistent provisions; 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: Commissioner Lopez

Attachments: [Ordinance - 10.6.22](#)
[Executive Summary - 10.6.22](#)
[Ordinance - 9.16.20 Draft](#)
[Executive Summary - 9.16.20](#)
[Presentation 9.16.20](#)
[Planning Board Resolution 2020-02](#)
[*Large File* Planning Packet](#)
[*Large File* 909 page submittal from Neighbors](#)
[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 Hoover, seconded by Commissioner Wardlow, to adopt the prior item's comments and presentations and that the Ordinance be Passed to Second Reading. The motion carried by the following vote:

No: 2 - Vice Mayor Kaufman and Mayor Johnston

Yes: 5 - Davila, Commissioner Hoover, Commissioner Lopez, Commissioner Wardlow and Commissioner Weekley

28

An Ordinance of the City of Key West, Florida, amending the Comprehensive Plan to replace Appendix C: City of Key West Water Supply Facilities Work Plan, as well as amending Comprehensive Plan Chapter 1: Future Land Use Element Objectives 1-1.7, and Policies 1-1.12.6., 1-1.12.7 and 1-1.12.8; Chapter 4: Public Facilities Element, Objectives 4-1.2, and Policies 4-1.2.1 and 4-1.2.2; Chapter 5: Coastal Management Element, Policy 5-1.2.2; Chapter 6: Conservation Element, Policies 6-1.2.2.5, 6-1.2.8, 6-1.2.9, 6-1.2.12, 6-1.2.14 and 6-1.2.19, Chapter 8: Intergovernmental Coordination Element, Policy 8-1.3.5; and Chapter 9: Capital Improvements Element, Policies 9-1.6.1, and 9-4.1.3; Providing for transmittal to the State Land Planning Agency; 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](#)
[PB RES 2022-043 - WSP COMP](#)
[PB Staff Report 9.15.22](#)
[Water Supply Plan Work Plan - Strike Through Underlined Version](#)
[Water Fixture Analysis](#)
[WSP Presentation](#)

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

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

29

An Ordinance of the City of Key West, Florida, amending Chapter 14 of the Code of Ordinances entitled "Buildings and Building Regulations" by amending Section 14.35 entitled "Amendments to the Building Code" to reduce maximum flow rates and add new appliances within Section 604.4 and P2903.2; and amending Chapter 74 Utilities, Article III Water and Water Management, Division 2 Conservation, Subdivision II: Permanent Water Conservation Measures, Sections 74-295, 74-296, 74-297, 74-299, and 74-300; Providing for transmittal to the State Land Planning Agency; Providing for repeal of inconsistent provisions; and providing for an effective date.

Sponsors: City Manager McLauchlin

Attachments: [Ordinance](#)
[Executive Summary](#)
[Water Fixture Analysis](#)

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

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

ORDINANCES - SECOND READING (Public Hearing)

30

An Ordinance of the City of Key West, Florida, amending Chapter 18 of the Code of Ordinances, entitled "Businesses" by amending Section 18-359, to add additional safety regulations and decal identification for golf carts and similar vehicles; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Weekley

Attachments: [Ordinance](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Hoover, to adopt the testimony from first reading and that the Ordinance be Adopted. The motion passed by unanimous vote.

Enactment No: Ord 22-28

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT - 8:55 P.M.