



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

Tuesday, April 4, 2023

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

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA - The agenda was unanimously approved as amended

PROCLAMATIONS

1 Key West AYSO Soccer Champions Day

Sponsors: City Commission

Attachments: [Proclamation](#)

Received and Filed

2 Sexual Assault Awareness Month

Sponsors: City Commission

Attachments: [Proclamation](#)

Received and Filed

3 Women's History Month Honoree - Carmen Turner

Sponsors: City Commission

Attachments: [Proclamation](#)

Received and Filed

4 National Public Health Week

Sponsors: City Commission

Attachments: [Proclamation](#)

Received and Filed

PRESENTATIONS

5 FIRM (Fair Insurance Rates in Monroe)

Sponsors: Mayor Johnston

Attachments: [Presentation](#)

Received and Filed

6 Workforce Housing Group - Erin Perdu, Stantec

Sponsors: City Manager McLaughlin

Attachments: [Presentation](#)

Received and Filed

7 Elisa Levy - Update on Strategic Plan

Sponsors: City Manager McLauchlin

Attachments: [April 2023 Quarterly Update on Key West Forward PDF](#)
[Master Calendar for for FY22-23](#)

Received and Filed

City Attorney's Report

City Manager McLauchlin's Report

- Charles Major-30 Years of Service
- Ambassador Class 38 Graduation
- John Jones Navigation Center Update
- Bayview Park Update
- Entrance to Key West Update (Triangle)
- Frederick Douglass Community Center Update

City Manager Childress' Report

- Proposed Changes to City Commission Agenda

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

8 *March 7, 2023

Attachments: [Minutes](#)

Approved

RESOLUTIONS

- 12 *Urging the Florida Legislature to defeat HB 543/SB 150, which would allow concealed carry of weapons and firearms without a license; Directing the City Clerk to provide certified copies of this Resolution to certain members of the Florida Legislature.

Sponsors: Commissioner Lopez, Commissioner Hoover, Commissioner Weekley and Mayor Johnston

Attachments: [Resolution](#)
 [HB 543 as of 3-24-23](#)
 [SB 150 as of 3-22-23](#)
 [District of Columbia et al. v. Heller, 554 U.S. 570 \(2008\)](#)

Passed

Enactment No: Res 23-073

- 13 *Approving and Authorizing the City Manager to execute the attached Agreement between the City of Key West, Florida and the Conch Republic Independence Celebration, LLC, the Key West Cultural Preservation Society, Bourbon Street Pub, Inc., Petronia St. Neighborhood Association, Inc., and Sister Season Fund, Inc. for the 2023 Conch Republic Independence Celebration from April 22 through April 29, 2023.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
 [Agreement](#)
 [Conch Republic World's Longest Parade](#)
 [Conch Republic Street Fair](#)
 [Conch Republic Drag Rac](#)
 [Conch Republic Bed Races](#)
 [Department Approvals and release](#)

Passed

Enactment No: Res 23-074

- 14 *Authorizing the Key West Songwriters, LLC DBA Key West Songwriters Festival to conduct a free concert on the 200 block of Duval Street and Greene Street between Fitzpatrick & Ann Streets on May 6, 2023 from 7:00 P.M. to 10:00 P.M. (Set up at 6:00 A.M. and breakdown by midnight); Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances for a concert on the 200 block of Duval Street and adjacent Greene Street from 7:00 P.M. to 10:00 P.M.; Pursuant to terms and conditions set forth by the City Manager.

Sponsors: City Manager McLaughlin

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

Passed

Enactment No: Res 23-075

- 15 *Authorizing the Navy League of the United States, Key West Council, Inc to conduct a crew concert for the USS Lenah Higbee Commissioning on May 10, 2023 from 5:00 P.M. to 10:00 P.M. at the Key West 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 enclosed area.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Application](#)
[Map](#)

Passed

Enactment No: Res 23-076

16

*Approving execution of the attached "State of Florida Department of Transportation Grant Agreement" (PTGA) between the State of Florida Department of Transportation (FDOT) and the City of Key West for Transit Corridor Development Program Assistance of up to 100 percent reimbursement for Key West Transit Facility Roof Repair (Contract G2H33/FM# 452677-1-94-01) in an amount of up to \$80,000.00 for SFY23; Authorizing necessary budget transfers and adjustments.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Public Transportation Grant Agreement](#)
[Resolution - Designation of Authority](#)

Passed

Enactment No: Res 23-077

17

*Approving the attached "Second Amendment to Lease Agreement for three (3) Pocket Parks located in the 600 Block of Louisa Street (Gato Village Pocket Park), 3541 Flagler Avenue (Alvin Frazier III Memorial Park), and 627 Grinnell Street (Grinnell Street Pocket Park), between the Utility Board of the City of Key West the City of Key West.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Second Amendment to Lease](#)
[First Amendment to Lease](#)
[Lease](#)

Passed

Enactment No: Res 23-078

- 18 *Approving Task Order #0223-01 by Artibus Design, LLC for Structural Engineering Design Services Spencer's Boat Yard (replacement of damaged seawalls, gantry crane piers and wood frame marginal docks) in an amount not to exceed \$152, 580.00; Authorizing the City Manger to execute necessary documents in substantial conformance with the Task Order, upon consent of the City Attorney; Authorizing any necessary budget transfers.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Task Order Proposal Large File](#)
[23-029 Resolution Large File](#)
[Spencers Boatyard Survey](#)
[2023 Schedule of Hourly Rates](#)

Passed

Enactment No: Res 23-079

- 19 *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 \$81,496.01 for the milling, paving and striping of the Simonton Beach 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 McLauchlin

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

Passed

Enactment No: Res 23-080

20

*Approve the ranking of responses to the Request for Qualifications (RFQ) No. 22-001 for the Key West Comprehensive Adaptation and Resilience Implementation Plan by the selection committee; Authorizing the City Manager and City Attorney to negotiate and execute a contract with the highest ranked firm or team, Tetra Tech, Inc.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Signed Scoresheet - RFQ#22-001](#)
[Tetra Tech RFQ #22-001](#)
[Jacobs RFQ #22-001](#)
[Half RFQ #22-001](#)
[WGI RFQ #22-001](#)
[Adaptation Plan RFQ 10.14.22](#)

Passed

Enactment No: Res 23-081

21

*Approving the attached Lease Agreement between the City and Old Fire House Preservation, Inc. for 1026 Grinnell Street.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Lease](#)
[Exhibit A](#)
[Current Lease](#)
[Corporate Status](#)

Passed

Enactment No: Res 23-082

22

*Approving the attached public benefit "Lease Agreement" between the City of Key West and Key West Community Sailing Center, Inc. for property located at 705 Palm Avenue; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Lease](#)
[Lease - 2017](#)
[Corporate Status P1](#)
[Corporate Status P2](#)

Passed

Enactment No: Res 23-083

23

An Ordinance of the City of Key West, Florida, modifying the membership of the Development Review Committee (DRC) and transferring the responsibility to approve lot splits from the DRC to the Planning Board, by amending Land Development Regulations Chapter 90, entitled "Administration", Article II, entitled "Boards, Committees, Commissions", Division 2, entitled "Planning Board", Section 90-55, entitled "Functions and Powers"; Chapter 108, entitled "Planning and Development", Article II, entitled "Development plan", Division 2, entitled "Development Review Committee", Section 108-61 entitled "Established and membership." and Section 108-63, entitled "Powers and duties."; and Chapter 118, entitled "Subdivisions", Article III, entitled "Plats and plans", Division 2 entitled "Lot split and minor subdivision procedures", Section 118-169, entitled "Lot splits."; Providing for severability; Providing for repeal of inconsistent provisions, Providing for an effective date.

Sponsors: City Manager McLaughlin

Attachments: [Ordinance](#)
[Cover Memo](#)
[PB RES 2023-003](#)
[Staff Report](#)
[Resolution](#)

Postponed to May 16, 2023

Approval of the Consent Agenda

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

24

Urging the Florida Legislature to defeat HB 1011/SB 668, which would prohibit the display of the Conch Republic Flag, the Pride Flag, or any flag other than the United States Flag, the Florida State Flag, and the POW-MIA Flag on public property in the City of Key West and Monroe County; Directing the City Clerk to provide this resolution to certain members of the Florida Legislature.

Sponsors: Commissioner Weekley, Mayor Johnston, Commissioner Lopez, Commissioner Wardlow and Commissioner Hoover

Attachments: [Resolution](#)
[HB 1011 -- as of 3-22-23](#)
[SB 668 3-14-23 Analysis](#)
[SB 668 -- as of 3-22-23](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Resolution be Passed. 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: Res 23-084

25

Urging the Florida Legislature to defeat HB 1421/SB 254, which among many provisions, would prohibit gender affirming treatment for anyone under the age of 18; Directing the City Clerk to provide this Resolution to certain members of the Florida Legislature.

Sponsors: Commissioner Weekley, Commissioner Lopez and Commissioner Hoover

Attachments: [Resolution](#)
[HB 1421 Gender Clinical Interventions as of 3-22-23](#)
[CS SB 254 as of 3-22-23](#)

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

No: 2 - Commissioner Carey and Commissioner Wardlow

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

Enactment No: Res 23-085

26

Authorizing the Cornish Memorial AME Zion, Inc. Church to have the 1st Annual Jazz in the Keys Music Festival at the Key West Truman Waterfront Coffee Butler Amphitheater on Saturday, June 3, 2023 from noon to 10:00 P.M; 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](#)

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 23-086

27

Establishing an Auditor Selection Committee, in accordance with Section 218.391, Florida Statutes; Providing for Committee purpose, membership, and duties.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Auditor Selection and Auditor Selection Committee Guidance](#)
[Florida Statute 218.391](#)

A motion was made by Commissioner Jimmy Weekley, seconded by Commissioner Clayton Lopez, that the Resolution be Passed with the addition of Commissioner Kaufman as the Commission's appointee. The motion passed by unanimous vote.

Enactment No: Res 23-087

28

Authorizing the City Manager to enter into an agreement with Elisabeth Odou, as former property owner of 2505 Seidenberg Avenue, permitting a release of Lien upon payment by the owners of the mitigated amount of \$42,750.00; Providing conditions; Authorizing the City Manager to execute any necessary documents.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Notice of Code Violation](#)
[Notice of Administrative Hearing](#)
[Findings and Orders](#)
[Lien](#)
[Mitigation Request](#)

A motion was made by Vice Mayor Kaufman, seconded by Commissioner Weekley, that the Resolution be Passed with the full amount of \$42,750.00 being paid in order to furnish a Release of Lien. The motion carried by the following vote:

No: 2 - Commissioner Carey and Commissioner Wardlow

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

Enactment No: Res 23-088

29

Approving a Temporary Exemption to certain provisions of the Sound Control Ordinance, pursuant to Section 26-199 of the Code of Ordinances, to Digney York Associates, LLC (for the owners of the Casa Marina Resort Renovations) for the interior and exterior improvements project of the Casa Marina Resort - 1500 Reynolds Street from May 15, 2023 to December 1, 2023; Providing conditions.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)

[Application](#)

A motion was made by Commissioner Hoover, seconded by Commissioner Lopez, that the Resolution be Passed with the following amendments:

1. Section 2 will read 'That the after hours work primarily includes interior work and non-noise producing exterior work.'

2. A new Section 3 to read 'Only on Monday - Saturday between 8 AM and 7PM or Sunday between 10 AM and 5 PM work to be conducted may include demolition and construction of pavement, irrigation and utilities and landscaping, that may include the use of impact drills, welding devices, saws and heaving equipment with back-up alarms.'

3. Another Section to be added to address that neighbors within 300 feet will be noticed, at applicant's expense, about the construction and noise waiver and a telephone number will be provided for noise complaints.

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 23-089

30

Authorizing and directing a search for the position of City Clerk; Approving the job description; Approving the job application; Establishing a search in the State of Florida; Establishing a timeline and advertising in certain publications; Authorizing the Human Resources Director to review applications to ensure they meet minimum qualifications; Establishing an Advisory Screening Committee, appointments and procedures; Authorizing any necessary budget transfers or adjustments.

Sponsors: Vice Mayor Kaufman

Attachments: [Resolution](#)
[Job Description](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Resolution be Passed with an amendment to only require a screening committee should five (5) or more qualified candidates exist after the initial vetting by the HR Director, City Manager, and City Attorney and the job description should be amended to add 'Extensive knowledge of current office practices and procedures', 'Maintain records of City Commission requests to staff and status of projects', and to waive the education requirement if a candidate has equivalent knowledge and experience. 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 23-090

ORDINANCES – FIRST READING

31

An Ordinance of the City of Key West, Florida, amending Chapter 2 of the Code of Ordinances, entitled "Administration" by amending Section 2-707, to amend the Move-In Assistance Program by adjusting eligibility and other requirements; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Childress

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

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

7:32 P.M - Meeting went into Recess

7:44 P.M. - Meeting Reconvened

32

An Ordinance of the City of Key West, Florida amending Chapter 62 of the Code of Ordinances, entitled "Streets and Sidewalks" by amending Section 62-1, to include construction debris as unlawful deposit of waste, and amend enforcement provisions by providing authority to address violations of 2-633 and 2-634 to the Special Master pursuant to Section 2-633 and 2-634; and by amending Section 62-2 to amend enforcement provisions by providing authority to address violations to the Special Master pursuant to Section 2-633 and 2-634; Providing for Severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Childress

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

A motion was made by Commissioner Hoover, seconded by Commissioner Lopez, that the Ordinance be Passed to Second Reading. 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

33

An Ordinance of the City of Key West, Florida, amending the City's Land Development Regulations, Chapter 102, entitled "Historic Preservation", by amending Section 102-217, entitled "Required public meetings and staff approval", by amending the requirements to obtain approval to demolish historic but non-contributing buildings or structures in the Historic District after conclusion of one regular Historic Architectural Review Commission Meeting; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Childress

Attachments: [Ordinance](#)
[Cover Memo](#)
[PB RES 2023-002](#)
[Staff Report](#)
[Resolution](#)

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

ORDINANCES - SECOND READING (Public Hearing and Proposed Adoption)

34

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 McLauchlin

Attachments: [Ordinance](#)
[Executive Summary](#)
[FDEO Review Letter](#)
[PB RES 2022-043 - WSP COMP](#)
[PB Staff Report 9.15.22](#)
[WSP Presentation](#)
[Water Fixture Analysis](#)
[KW WSP Work Plan - Clean](#)

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

No: 2 - Commissioner Carey and Commissioner Wardlow

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

Enactment No: Ord 23-14

35

An Ordinance of the City of Key West, Florida, amending Chapter 14 of the Code of Ordinances entitled "Buildings and Building Regulations", Article II entitled "Building Codes", by amending Section 14-35 entitled, "Amendments to Building Code", to reduce maximum flow rates and add new appliances within Florida Building Code, Section 604.4 and P2903.2; and amending Chapter 74 entitled "Utilities", Article III entitled, "Water and Water Management", Division 2 entitled, "Conservation", Subdivision II entitled "Permanent Water Conservation Measures", and Section 74-295 entitled "Title; purpose", Section 74-296 entitled, "Definitions", Section 74-297 entitled, "Restrictions", Section 74-299 entitled, "Enforcement", and Section 74-300 entitled, "Variance relief"; Providing for transmittal to the State Land Planning Agency; Providing for repeal of inconsistent provisions; and providing for an effective date.

Sponsors: City Manager McLaughlin

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

A motion was made by Commissioner Weekley, seconded by Commissioner Hoover, that the Ordinance be Adopted with an amendment to proposed language in Section 74-299 Enforcement (a) to read 'A violation of this article is subject to enforcement pursuant to the code enforcement authority of the special master in sections 2-633 and 2-634'. The motion carried by the following vote:

No: 2 - Commissioner Carey and Commissioner Wardlow

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

Enactment No: Ord 23-15

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT - 8:15 P.M.