



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

City Commission

Tuesday, November 16, 2021

5:00 PM

City Hall

ADA Assistance: It is the policy of the City of Key West to comply with all requirements of the Americans with Disabilities Act (ADA). Please call the TTY number 1-800-955-8771 or for voice 1-800-955-8770 or the ADA Coordinator at 305-809-3811 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

ALL VISUAL PRESENTATIONS (POWER POINT ONLY) FOR AGENDA ITEMS MUST BE RECEIVED IN THE CITY CLERK'S OFFICE (24) TWENTY-FOUR HOURS PRIOR TO THE MEETING.

CALL MEETING TO ORDER - 5:02 P.M.

ROLL CALL

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

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA - The agenda was unanimously approved as amended.

PROCLAMATIONS

1

Hunger and Homelessness Awareness Week

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

Attachments: [Proclamation](#)

Received and Filed

2 World AIDS Day

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

Attachments: [Proclamation](#)

Received and Filed

City Attorney's Report

City Manager's Report

- Update on Whitehead & Front
- Sidewalk on Venetian Dr.
- Front St. - Sidewalk
- Sidewalk Cafe' Program
- KOTS
- Hawks Missile Site
- 3.2 Referendum on January 18, 2022
- MLK Pool and Lifeguard Update
- Bus Routes in Bahama Village

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

3 *November 3, 2021

Attachments: [Minutes](#)

RESOLUTIONS

4 *Authorizing the Monroe County Commercial Fisherman, Inc. to conduct their 16th Annual Florida Keys Seafood Festival at Bayview Park on Saturday, January 15th, 2022 from 11:00 A.M. to 8:00 P.M. and Sunday, January 16th, 2022 from 11:00 A.M. to 5:00 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 McLaughlin

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

Passed

Enactment No: Res 21-246

5 *Sponsoring a Martin Luther King Celebration on Monday, January 17, 2022, between the hours of Noon and 4:00 P.M. authorizing the closure of certain streets for the March.

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

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

Passed

Enactment No: Res 21-247

- 6 *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) 2022 Section 5311 Formula Grants for rural areas for the fixed bus route services in the City of Key West (Contract G2118/Financial Project #434896-3-84-01) in a reimbursement amount of up to \$498,754.00 in operating assistance (50% of total project cost of \$997,508.00).

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Public Transportation Grant Agreement G2118](#)
[Resolution 21-156](#)

Passed

Enactment No: Res 21-248

- 7 *Approving the attached Public Transportation Grant Agreement (PTGA) for SFY 2022 between the Florida Department of Transportation (FDOT) Commuter Assistance Grant Program and the City of Key West for state commuter operating assistance funding (Contract G2121/Financial Project Number 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](#)
[Public Transportation Grant Agreement - Contract G2121](#)
[Resolution 21-156](#)
[Resolution 19-332](#)

Passed

Enactment No: Res 21-249

- 8 *Approving the attached Assignment of Lease and Consent of Lessor from A-1 Boat Services, LLC d/b/a Spencer's Boatyard (Assignor) to SBY Key West, LLC (Assignee/Guarantor) for the (Upland) property located at 701 Palm Avenue, as described in the lease approved in Resolution 16-343; Authorizing the City Manager or designee to execute any necessary documents upon consent of the City Attorney.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Upland Rent History](#)
 [Current Lease](#)
 [Request for Assignment](#)
 [Partially Executed Assignment](#)
 [Assignee Corporate Documents](#)
 [Personal Guaranty](#)

Passed

Enactment No: Res 21-250

- 9 *Approving the attached Assignment of Lease and Consent of Lessor from A-1 Boat Services, LLC d/b/a Spencer's Boat Yard (Assignor) to SBY Key West, LLC (Assignee/Guarantor) for submerged lands at 701 Palm Avenue, as described in the lease approved in Resolution 19-311.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Submerged Land Lease Rent History](#)
[Request for Assignment](#)
[Partially Executed Assignment](#)
[2019 Lease Renewal](#)
[2014 Submerged Lands Lease](#)
[Assignee Corporate Documents](#)
[Personal Guaranty SLL](#)

Passed

Enactment No: Res 21-251

- 10 *Approving the purchase of equipment and accessories for the bus Odyssey fare boxes, as described in the attached price quote from Genfare/GFI, in an amount not to exceed \$59,688.00 on a sole source basis, pursuant to Section 2-797(1) for brand name items in accordance with Section 2-844 of the Code of Ordinances; Authorizing the City Manager or designee to execute any necessary documents.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Farebox Quote](#)
[Exhibit A - FDOT Approved Equipment Purchase](#)
[Contract ARN97 #3](#)
[100% Reimbursement ARN97 \(Email FDOT\)](#)
[Brand Name Certification](#)
[Genfare Sole Source Letter](#)

Passed

Enactment No: Res 21-252

- 11 *Authorizing cumulative expenditures during FY 21-22 to entities listed in Attachment "A" in excess of \$50,000.00.

Sponsors: City Manager McLaughlin

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

Passed

Enactment No: Res 21-253

- 12 *Approving pursuant to Section 50.91 of the Code of Ordinances the attached amendment to Section III.H.1. of the Key West Civil Service Board rules and regulations.

Sponsors: City Attorney Smith

Attachments: [Resolution](#)
[Executive Summary](#)
[Proposed Amendment](#)
[CSB Rules 2018](#)

Passed

Enactment No: Res 21-254

- 13 *Approving a temporary exemption to certain provisions of the Sound Control Ordinance, pursuant to Section 26-199 of the Code of Ordinances, for One Source Restoration & Building Services, Inc. for the Conch Republic Seafood Company roof and wall cladding replacement project located at 631 Greene Street for up to 180 calendar days; Providing conditions.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Email dated 10.29.21](#)
[Legal Ad](#)

Passed

Enactment No: Res 21-255

14

***Quasi-Judicial Hearing: Easement - 1200 Whitehead Street (RE# 00026390-000000)** - Approving an Easement Agreement in order to maintain 270 square feet, more or less, of brick pavers onto the Catherine Street right-of-way located within the Historic High Density Residential (HHDR) Zoning District at 1200 Whitehead Street, Key West, Florida (RE#00026390-000000); 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 McLaughlin

Attachments: [Resolution](#)
[Executive Summary](#)
[1200 Whitehead Street Agreement](#)
[Planning Package](#)
[Utilities Comments](#)
[Keys Energy Comments](#)
[Floodplain Comments](#)
[Urban Forestry Comments](#)

Postponed to December 7, 2021

15

***QUASI-JUDICIAL HEARING: Minor Development Plan and Landscape Waiver - 1020 Margaret Street (RE# 00030490-000000) - Granting a Minor Development Plan approval at 1020 Margaret Street (RE 00030490-000000) to renovate and redevelop an existing historic single-family structure and ~~construct three~~ two (2) new single-family structures and a duplex, as well as install an inground pool and a paved parking lot in the Historic Medium Density Residential (HMDR) Zoning District and a request ~~for approval to pay a Fee in Lieu to comply~~ to deed restrict Unit 5 in accordance with the City of Key West's Workforce Housing Ordinance pursuant to Sections 108-91 and Section 122-1467(1)(A) of the Code of Ordinances of the City of Key West, Florida.**

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Presentation](#)
[* Large File* Final Signed & Sealed Plans rcvd 11.12.21](#)
[Staff Report](#)
[Planning Package](#)
[Unsigned Site Plans](#)
[PB RES 2021-30 1020 Margaret Street MIDP](#)
[*Large File* Noticing Package](#)
[2.18.21 Noticing Package](#)
[6.17.21 Noticing Package](#)
[HARC Planner Memorandum](#)

Postponed to December 7, 2021

Enactment No: PB Resolution 2021-30

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

Approve the ranking of responses to the request for proposals (RFP) No. 008-21 for the Bahama Village "3.2" Affordable Workforce Housing Project by the selection committee; Authorizing the City Manager and City Attorney to draft regulatory documents to contract with the highest ranking firm or team.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
[Executive Summary](#)
[BV3.2 City Commission Presentation](#)
[Lofts at Bahama Village Presentation](#)
[RFP 008-21 Bahama Village 3.2 Affordable Workforce Housing Project](#)
[RFP 008-021 3.2 Acre Proposal Ranking](#)
[Bahama Village at Fort Street 3.2 Proposal](#)
[Gorman & Company Proposal](#)
[Oikos Development Proposal](#)
[Turnstone Proposal](#)
[Vestcor Proposal](#)

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

No: 2 - Commissioner Lopez and Mayor Johnston

Yes: 5 - Commissioner Davila, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Wardlow and Commissioner Weekley

Enactment No: Res 21-256

7:01 P.M. - Meeting went into Recess

7:11 P.M. - Meeting Reconvened

17

Urging phased compliance with Florida SB 1086, which requires the implementation of 300 additional moorings prior to enforcement of the new regulations;
Recommending that the 90-day anchoring restriction not be enforced for vessels without an option to tie to an available mooring; Authorizing the City Clerk to provide certified copies of this Resolution to Monroe County Board of County Commissioners, and Florida Legislative Delegation Members.

Sponsors: Vice Mayor Kaufman

Attachments: [Resolution](#)
[Resolution 21-241](#)
[Resolution 21-065](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, to Amend the Resolution to support the County's goal of implementing the ninety (90) day time limit for non-livaboard vessels and supporting the reduction of number of moorings to one hundred (100). The motion carried by the following vote:

No: 1 - Commissioner Kaufman

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

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

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

Enactment No: Res 21-257

18

Directing the City Manager to negotiate an Agreement with Rams Head Group for redevelopment and long-term lease of the Diesel Plant and connected buildings; Providing conditions; Directing the City Manager to present an agreement containing mutually satisfactory negotiated terms to the City Commission for final approval.

Sponsors: Commissioner Lopez

Attachments: [Resolution](#)
[Rams Head Presentation from 8-17-21](#)

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

No: 5 - Commissioner Davila, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Wardlow and Mayor Johnston

Yes: 2 - Commissioner Lopez and Commissioner Weekley

Enactment No:

19

Directing the City Manager to develop a Request for Proposals (RFP) for potential applicant interested in entering into a lease to occupy the premises and undertake remediation and repair of the Diesel Plant buildings. The responsive submissions would outline intended use and proposed funding arrangements; Providing that a decontamination survey is a critical element for the RFP, and directing the City Manager to research and determine the best course of action to obtain a decontamination survey and estimate of work needed, as appropriate.

Sponsors: Vice Mayor Kaufman

Attachments: [Resolution](#)
[2016 Apr26--COM_303264_KeysEnergyServices_SRCO-C](#)
[Recorded Copy of DRC - Keys Energy Services \(Key West Diesel\) \(00014925xC4D3E\) 040616](#)
[Keys Diesel Plant - AMEC Env Report \(8-9-16\)](#)
[Wood Environmental Structural Survey Diesel Plant.July.2018](#)
[Key West Diesel Plant Structural Visual Assessment Update Final Report_05.11.21](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Resolution be Passed with an amendment to change the number of days to prepare the RFP from 60 days to 120 days. The motion carried by the following vote:

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

Enactment No: Res 21-258

20

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

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
[Executive Summary](#)
[City Final Offer to WMIF](#)
[WMIF Lisa McNeight Amendment Request Sept 21](#)
[SAB Waste Contract Letter](#)
[Waste Management Commercial Disposal Amended Request](#)
[WMI Request](#)
[Resolution 14-134 - Contract](#)
[Resolution 14-254 - Amendment 1](#)
[Resolution 16-048 - Amendment 2](#)

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

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

Enactment No: Res 21-259

21

Authorizing the City Attorney to negotiate a Letter of Representation with Ed Pozzuoli of the Tripp Scott Law Firm for services related to Cruiseship Ports Referendum, Ordinances or Issues; Authorizing the City Manager to execute the Letter of Representation upon consent of the City Attorney.

Attachments: [Resolution](#)
<http://www.trippscott.com/attorneys/edward-pozzuoli>
[Letter from Evan Haskell](#)

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

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

Enactment No: Res 21-260

ORDINANCES – FIRST READING

22

An Ordinance of the City of Key West, Florida, amending Chapter 110 of the Code of Ordinances, entitled "Resource Protection" by amending Section 110-323 entitled "Application" to provide for an application fee for applications to the Tree Commission and Urban Forestry Manager; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager McLauchlin

Attachments: [Ordinance](#)
[Exhibit A](#)
[Executive Summary](#)
[Ordinance Considered by Planning Board](#)
[Letter to CC re Tree Fees Sec. 110-323](#)
[CC-TC Resolution 2021-0001 fees](#)
[PB RES 2021-45 TREE FEES](#)
[Staff Report](#)

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

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

Enactment No: PB Resolution 2021-45

23

An Ordinance amending Chapter 2 of the Code of Ordinances entitled "Administration" by adopting a new district boundary map for the City Commission's electoral districts; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

Sponsors: City Manager McLauchlin

Attachments: [Ordinance](#)
[Executive Summary](#)
[2021 Single Member District Map](#)

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

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

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT - 10:05 P.M.