



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Meeting Agenda Full Detail

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
Keri O'Brien, City Clerk
Ronald Ramsingh, City Attorney

Thursday, December 14, 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 - 9:00 A.M.

CALL MEETING TO ORDER

ROLL CALL

INVOCATION - The Very Reverend Dr. Donna S. Mote, Rector, St. Paul's Episcopal Church

PLEDGE OF ALLEGIANCE TO THE FLAG - Led by John Wilkins, Parking Director

CITIZEN COMMENTS

APPROVAL OF AGENDA

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

1 *November 9, 2023

Attachments: [Minutes](#)

RESOLUTIONS

2 *Directing the City Manager to prepare and recommend a plan to establish a regular cleaning schedule for streets in the Historic District; Directing the City Manager to present such a street cleaning schedule to the City Commission within 60 days.

Sponsors: Commissioner Weekley

Attachments: [Resolution](#)

3 *Supporting in concept an International Fossil Fuel Non-Proliferation Treaty; Calling on the United States and the United Nations to create a Global Commission on Fossil Fuels to gather information and to inform a global, equitable phase out of fossil fuels toward a healthy, sustainable and inclusive planet and prosperity for all.

Sponsors: Commissioner Lopez

Attachments: [Resolution](#)

[Brief Fossil Fuel Non-Proliferation Treaty](#)

[Email supporting Res from Alison Kerr](#)

4 *Authorizing A.H. of Monroe County, Inc. to conduct the Annual Taste of Key West at the Truman Waterfront Quay Wall on Monday, March 25, 2024, from 6:00 P.M. to 9:00 P.M.; (Set up starting at 7:00 A.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 Childress

Attachments: [Resolution](#)

[Cover Memo](#)

[Application & Approvals](#)

- 5 *Approving the dissolution of attached 'Save a Grave Project' between the City of Key West and the Historic Florida Keys Foundation; Authorizing any necessary budget transfers or adjustments.

Sponsors: City Manager Childress

Attachments: [Resolution](#)

[Cover Memo](#)

[Resolution 92-79 Historic Florida Keys Foundation](#)

[Save a Grave Project](#)

- 6 *Rescinding Resolutions 18-255 and 22-291 regarding a Lease with Southernmost House, LTD for the Duval Pocket Park located at 1400 Duval Street and returning control and maintenance to the City of Key West; Authorizing the City Manager to execute all documents upon the advice and consent of the City Attorney

Sponsors: City Manager Childress

Attachments: [Resolution](#)

[Cover Memo](#)

[Res 22-291 1400 Duval Park First Amendment to Lease](#)

[Res 18-255 1400 Duval Park Lease Southernmost House](#)

- 7 *Approving the purchase of rubber surface material from perEpave, LLC in an amount not to exceed \$64,484.00 for improvement and repairs to certain areas within the Coffee Butler Amphitheater pursuant to Section 2-797(4)(b) of the Code of Ordinances, Best Interests of the City; Authorizing any necessary budget transfers and adjustments; Authorizing the City Manager to execute necessary documents upon advice and consent of the City Attorney

Sponsors: City Manager Childress

Attachments: [Resolution](#)

[Cover Memo](#)

[perEpave Quote](#)

[Flexi-Pave Quote](#)

- 8 *Approving Change Order 1 to Artibus Design, LLC in a total amount not to exceed \$32,000.00 for the Structural Engineering Design Services for seawall repairs for the City property located at 701 Palm Avenue; 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](#)

[Change Order Proposal](#)

[Resolution 23-079](#)

- 9 *Approving a Change Order from Charley Toppino and Sons, Inc. in the amount of \$62,817.67 for the Frances Street/James Street Sidewalk Connectivity Task Order; Authorizing any necessary budget transfers and amendments; Authorizing the City Manager to execute any necessary documents upon advice and consent of the City Attorney.

Sponsors: City Manager Childress

Attachments: [Resolution](#)

[Cover Memo](#)

[CO#1 Proposal](#)

[City Change Order Form](#)

[Res 22-289](#)

[Res 23-156](#)

- 10 *Approving a Change Order from Charley Toppino & Sons, Inc. in the amount of \$27,822.75 for the Pearl Street Paving Project Task Order; Authorizing any necessary budget transfers and amendments; Authorizing the City Manager to execute any necessary documents upon advice and consent of the City Attorney

Sponsors: City Manager Childress

Attachments: [Resolution](#)

[Cover Memo](#)

[Change Order](#)

[City Change Order Form](#)

[Res 22-289](#)

[Res 23-189](#)

- 11 *Approving Change Order 3 to Coral Construction Company in a total amount not to exceed \$227,817.88 for the Final Mile Mode Shift Bike Facilities 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 Childress

Attachments: [Resolution](#)

[Cover Memo](#)

[Change Order 3 Package](#)

[Resolution 21-188 - LAP Agreement](#)

[Resolution 22-245 - Supplemental No. 1](#)

[Resolution 22-246 - CEI Services](#)

[Resolution 22-247 - ITB 22-007](#)

- 12 *Approving Task Order #01 from BCC Engineering, LLC in the amount of \$291,135.94 for Professional Engineering Services for the Southernmost Point Plaza Design (Project IS19002401); Authorizing any necessary budget transfers; Authorizing the City Manager to execute any necessary documents.

Sponsors: City Manager Childress

Attachments: [Resolution](#)

[Cover Memo](#)

[Task Order #01](#)

[Conceptual Renderings](#)

[Resolution 23-029](#)

[Resolution 22-249](#)

- 13 *Approving an allocation of funding to the Key West Housing Authority in the amount of \$150,333.10 for Fiscal Year 2022-2023 and all years prior for the operational support for the Community Development Office from Account Number 120-5401-554-3100; Authorizing any budget amendments or adjustments.

Sponsors: City Manager Childress

Attachments: [Resolution](#)

[Cover Memo](#)

[Resolution 20-092](#)

[Administrative Agreement](#)

[CDO Management Plan](#)

[KWA Resolution 22-2604](#)

[Resolution 23-023](#)

- 14 *Authorizing the purchase from Team Equipment Inc. of one (1) Paratech USAR Rescue Strut System plus accessories on a sole source basis pursuant to Section 2-797(1) for the Key West Fire Department in an amount of \$87,000.03; Authorizing any necessary budget amendments or adjustments.

Sponsors: City Manager Childress

Attachments: [Resolution](#)

[Cover Memo](#)

[Proposal - Team Equipment Inc.](#)

[Sole Source Letter, Paratech](#)

- 15 *Approving a Change Order in the amount of \$37,248.38 to the procurement of one 2023 Pierce Aerial Apparatus and one 2023 Pierce Pumper Apparatus with additional equipment approved in Resolution 21-269; Authorizing any necessary budget transfers; Authorizing City Manager or designee to execute any necessary documents upon consent of the City Attorney.

Sponsors: City Manager Childress

Attachments: [Resolution](#)

[Cover Memo](#)

[Ten- 8 Original Invoice, 12/7/2021](#)

[Aerial Change Order Invoice # 23087](#)

[Pumper Change Order Invoice # 23088](#)

[Aerial Change Order Detail](#)

[Pumper Change Order Detail](#)

[Resolution 21-269](#)

- 16 *Approving the attached "Amendment No. 1 to Agreement No. LPA0246" between the Florida Department of Environmental Protection (FDEP) and the City of Key West to change the date of expiration to April 30, 2025 and task end date to October 31, 2024; Authorizing the City Manager to execute the necessary documents; Authorizing any necessary budget amendments and transfers.

Sponsors: City Manager Childress

Attachments: [Resolution](#)

[Cover Memo](#)

[Amendment No. 1](#)

[Resolution 22-007](#)

- 17 *Accepting the negotiated and executed Contract between the City of Key West and Stantec Consulting Services for the Duval Street Economic Corridor Resiliency and Revitalization Plan in the amount of \$830,918.00; Approving any necessary budget amendment and transfers.

Sponsors: City Manager Childress

Attachments: [Resolution](#)

[Cover Memo](#)

[Executed Stantec Agreement](#)

[Executed Grant Agreement](#)

[Resolution 22-144](#)

[Resolution 22-256](#)

- 18 *Approving a Task Order for Mallory Square Seawall Inspection Services to Tetra Tech, Inc. in the amount of \$89,861.00, under the City's General Engineering Services Contract; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

Sponsors: City Manager Childress

Attachments: [Resolution](#)

[Cover Memo](#)

[Task Order-Mallory Seawall](#)

[Tetra Tech Contract](#)

[Resolution 23-029](#)

- 19 *Approving the ranking of responses to the Request for Qualifications (RFQ) No. 24-001 by the selection committee for the Key West Watershed Management Plan; Authorizing the City Manager and City Attorney to negotiate and execute a contract not to exceed \$184,818.75 with the highest ranked team, Erin Deady, P.A.; Approving any necessary budget amendments and transfers; Providing for an effective date.

Sponsors: City Manager Childress

Attachments: [Resolution](#)

[Cover Memo](#)

[Ranking Sheet](#)

[Erin L. Deady P.A. RFQ #24-001](#)

[FINAL_KW Watershed Plan RFQ 24-001](#)

[Resolution 23-188](#)

- 20 *Accepting the negotiated and executed Contract between the City and Tetra Tech, Inc. for the Key West Comprehensive Adaptation and Resilience Implementation Plan, not to exceed \$1,405,000.00; Approving any necessary budget amendments and transfers.

Sponsors: City Manager Childress

Attachments: [Resolution](#)

[Cover Memo](#)

[Adaptation Plan Contract](#)

[Reso 23-081 - RFQ Top Ranked Tetra Tech](#)

[Tetra Tech RFQ Submittal](#)

[Resolution 22-177 - FDEO](#)

[Resolution 22-264 - FDEP](#)

- 21 *Approving the attached First Amendment to Lease Agreement between Casa Cayo Hueso, LLC, DBA El Meson de Pepe and the City allowing increased permitted seating.

Sponsors: City Manager Childress

Attachments: [Resolution](#)

[Cover Memo](#)

[First Amendment to Lease](#)

[*Large File* Lease](#)

[Occupancy Load - KWFD](#)

- 22 *Ratifying the Attached "Temporary Use Agreement Addendum -- BOT #440769265" between the City of Key West ("City") and the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida ("Board") for Submerged Lands Adjacent to Mallory T-Pier
- Sponsors:** City Manager Childress
- Attachments:** [Resolution](#)
- [Cover Memo](#)
- [Mallory TUA Addendum \(Exp 2.7.2024\)](#)
- [Nov 16 FDEP Ltr Recommending TUA](#)
- [Previous TUA Addendum](#)
- [Previous Res \(22-223\) Approving TUA Addendum](#)
- 23 *Adopting and approving the attached 2023 revised "City of Key West Transit Department Substance Abuse Management Statement (SAMS) Policy Plan"; Authorizing the City Manager or designee to execute the SAMS and submit to the State of Florida Department of Transportation (FDOT).
- Sponsors:** City Manager Childress
- Attachments:** [Resolution](#)
- [Cover Memo](#)
- [2023 Substance Abuse Management Statement Policy](#)
- 24 *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) 2024 FTA Section 5311 Rural Operating Grant to provide fixed bus route services and on-demand service in the City of Key West and Stock Island, PTGA G2P96/Financial Project #434896-3-84-02 in an amount not to exceed \$1,690,355.00; Authorizing the City Manager to execute necessary documents and necessary budget amendments.
- Sponsors:** City Manager Childress
- Attachments:** [Resolution](#)
- [Cover Memo](#)
- [Agreement](#)
- [Resolution 23-113](#)

- 25 *Authorizing the City Manager to adopt the Federal Transit Administration (FTA) required Civil Right Act 1964 Title VI Program Plan and Language Assistance Plan.
- Sponsors:** City Manager Childress
- Attachments:** [Resolution](#)
- [Cover Memo](#)
- [Title VI Plan](#)
- [Language Assistance Plan](#)
-
- 26 *Approving the attached "Public Transportation Grant Agreement" (PTGA) between the Florida Department of Transportation (FDOT) and the City of Key West for SFY 2024 FTA Section 5311 Grant Program Funding Assistance for Capital funding to purchase replacement buses and equipment in an amount not to exceed \$2,551,089.00; Authorizing the City Manager to execute necessary documents and necessary budget amendments.
- Sponsors:** City Manager Childress
- Attachments:** [Resolution](#)
- [Cover Memo](#)
- [Agreement](#)
- [Resolution 23-113](#)
-
- 27 *Approving the ranking of responses to the Request for Qualifications (RFQ) No. 23-007 by the selection committee for the Fogarty and 3rd Pump Assisted Injection Well; Authorizing the City Manager to negotiate a contract with the highest ranked firm, Jacobs Engineering Group, Inc., upon advice and consent of the City Attorney; Authorizing any necessary budget adjustments or transfers.
- Sponsors:** City Manager Childress
- Attachments:** [Resolution](#)
- [Cover Memo](#)
- [Reviewer Score Sheets](#)
- [RFQ 23-007 Ranking Summary](#)
- [Jacobs Proposal](#)
- [BCC Proposal](#)

- 28 *Awarding the bid of Charley Toppino & Sons, Inc. received in response to Invitation to Bid ITB #24-001 Pump Station "G" Rehabilitation Project #SE35032203 in an amount not to exceed \$2,639,000.00; Authorizing any necessary budget adjustments; Authorizing the City Manager to execute a contract in substantial conformance with the bid proposal, upon consent of the City Attorney.

Sponsors: City Manager Childress

Attachments: [Resolution](#)

[Cover Memo](#)

[Reynolds Bid](#)

[Toppino Bid](#)

[Toppino Bid - REVISED](#)

[ITB # 24-001 - Local Vendor Ordinance](#)

[Key West, FL Code of Ordinances 2-798](#)

[Reynolds' email doc request & reply](#)

[Reynolds' emails continued](#)

COMMENDATIONS

- 29 Community Services Team - Marcus Davila, Director

Sponsors: City Manager Childress and City Commission

Attachments: [Commendation](#)

[Cover Memo](#)

PROCLAMATIONS

- 30 National Homeless Persons' Memorial Day

Sponsors: Vice Mayor Kaufman and City Commission

Attachments: [Proclamation](#)

- 31 Irreverent Warriors Silkie Hike Week

Sponsors: City Commission

Attachments: [Proclamation](#)

- 32 Jimmy Buffett - Favorite Son of the Conch Republic Day

Sponsors: City Commission

Attachments: [Proclamation](#)

PRESENTATIONS

- 33 City of Key West Employee Service Awards - Bridget Flores,
Human Resources
Sponsors: City Manager Childress
Attachments: [Cover Memo](#)
- 34 2023 Florida Heat Stress Response Activities
Sarah Fangman, NOAA Sanctuary Superintendent
Attachments: [Presentation](#)
[Cover Memo](#)
- 35 Keep Key West Beautiful Monthly Award
Sponsors: City Manager Childress
Attachments: [Cover Memo](#)
- 36 Parking Division Overview
Attachments: [Presentation](#)
[Cover Memo](#)
[Presentation - PDF](#)

DISCUSSION

- 37 Hurricane Evacuations
Attachments: [Draft Agenda Item for Evacuation](#)
- 38 Park-and-Ride - Christina Bervaldi, Finance Director
Attachments: [Presentation](#)

RESOLUTIONS - CONT'D

39

Accepting and approving the ranking by the Auditor Selection Committee of respondents to Request for Proposal (RFP) No. 23-003 for Independent Auditing Services, authorizing the City Manager to execute all documents consistent therewith upon the advice and consent of the City Attorney.

Sponsors: City Manager Childress

Attachments: [Resolution](#)

[Cover Memo](#)

[CKW RFP 23-003 - Independent Auditing Services](#)

[Addendum #1 - Updated Deadline for Submittals and Opening of Proposals](#)

[Addendum #2 - Updated Deadline for Submittals and Opening of Proposals](#)

[Addendum #3 - Questions & Answers](#)

[RFP 23-003 Citizen Ad](#)

[RFP 23-003 Auditor Selection Committee Meeting Ad](#)

[Bid Memo RFP 23-003](#)

[Audit Selection Committee Agenda](#)

[Final Ranking & Score Sheets](#)

[CliftonLarsonAllen LLP Proposal](#)

[Keefe McCollugh Proposal](#)

[Marcum LLP Proposal](#)

[Mauldin & Jenkins Proposal](#)

[Resolution 23-087](#)

[Resolution 23-305](#)

CITY MANAGER'S REPORT

40

Department Monthly Reports

- Attachments:** [Building November 2023](#)
[Code November 2023](#)
[Community Services November 2023](#)
[Engineering November 2023](#)
[Finance November 2023](#)
[Fire November 2023](#)
[Housing November 2023](#)
[HR November 2023](#)
[IT November 2023](#)
[KWPD November 2023](#)
[Parking November 2023](#)
[Planning November 2023](#)
[Port November 2023](#)
[Property Management November 2023](#)
[Public Information November 2023](#)
[Transit November 2023](#)
[Utilities November 2023](#)

CITY ATTORNEY'S REPORT

CITY CLERK'S REPORT

COMMISSION COMMENTS

RECESS

EVENING SESSION - 5:00 P.M.

RECONVENE - CALL TO ORDER

ROLL CALL

INVOCATION - The Very Reverend Dr. Donna S. Mote, Rector, St. Paul's Episcopal Church

PLEDGE OF ALLEGIANCE - Led by John Wilkins, Parking Director

CITIZEN COMMENTS

APPROVAL OF AGENDA

COMMENDATIONS

41 Key West Conchs Bowling Team

Sponsors: Commissioner Lopez and City Commission

Attachments: [Commendation](#)

42 Key West Conchs Flag Football Team

Sponsors: Commissioner Lopez and City Commission

Attachments: [Commendation](#)

RESOLUTIONS

43 Designating the parking area at Nelson English Park as "The Irving 'Sonny' Rivas Memorial Parking Area."

Sponsors: Commissioner Lopez

Attachments: [Resolution](#)

[Cover Memo](#)

[Irving Bruce Rivas](#)

[Sonny Rivas Obituary Page 1](#)

[Sonny Rivas Obituary Page 2](#)

[Irving Rivas Parking Lot 2023](#)

[Irving Bruce Rivas Memorial Sign](#)

44

Request for Postponement to January 11, 2024:

Denying/Granting the appeal by Barton W. Smith, Esq. on behalf of the property owner, Passero Development LLC, of the Floodplain Administrator's Substantial Improvement Determination rendered on October 26, 2023, for the single-family home located at 2320 Patterson Avenue, Key West, Florida, RE #00050210-000000.

Sponsors: City Manager Childress

Attachments: [Resolution](#)

[Cover Memo](#)

[*Large File* Appeal](#)

[*Large File* Exhibit A](#)

[Exhibit B](#)

[Exhibit C](#)

[Request for Postponement](#)

ORDINANCES – FIRST READING

45

Proposed to be Postponed to January 11, 2024: An Ordinance of the City of Key West, Florida, amending Chapter 26 of the Code of Ordinances, entitled "Environment", by adding Division 6 entitled "Shopping Carts", Sections 26-137 through 26-140 to require retail sales establishments to provide identification on shopping carts, establishing procedures for removal of shopping carts found on public property and providing for enforcement, fees and penalties; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Childress

Attachments: [Ordinance](#)

[Cover Memo](#)

[Business Impact Estimate](#)

[Public Comment](#)

- 46 An Ordinance of the City of Key West, Florida, amending Chapter 66 of the Code of Ordinances, titled "Taxation", by amending Sec. 66-109 titled "Schedule of Taxes" by adjusting the schedule of Business Tax Receipts; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Childress

Attachments: [Ordinance](#)

[Cover Memo](#)

[Business Impact Estimate](#)

[BTR Fee Increase](#)

- 47 **Text Amendment of the Comprehensive Plan - An Ordinance of the City of Key West, Florida, amending Comprehensive Plan Chapter 1, Future Land Use, Policy 1-1.16.1, entitled, "Maintain A Building Permit Allocation Ordinance", and by amending Chapter 3, Housing, Policy 3-1.1.4, entitled "Building Allocation System", to provide for building permit allocation system units for the property located at 301 White Street (RE# 00001780-000000); Providing for the repeal of inconsistent provisions; Providing for transmittal to the State Land Planning Agency; Providing for the filing with the Secretary of State; Providing for severability; Providing for the inclusion in the City of Key West Comprehensive Plan; Providing for an effective date.**

Sponsors: Commissioner Weekley

Attachments: [Ordinance](#)

[Cover Memo](#)

[PB RES 2023-025 301 White St FLUM](#)

[Staff Report](#)

[Noticing Package](#)

Legislative History

10/19/23	Planning Board	Postponed
11/16/23	Planning Board	Approved

48

Text Amendment of the Land Development Regulations

- An Ordinance of the City of Key West, Florida, amending Chapter 108 of the Land Development Regulations, entitled "Planning and Development", Article X entitled "Building Permit Allocation System", Division 2 entitled "Building Permit Allocation System", Section 108-995 - Reporting requirements and residential allocation schedule; to provide for building permit allocation system units for the property at 301 White Street (RE# 00001780-000000); 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: City Manager Childress

Attachments: [Ordinance](#)

[Cover Memo](#)

[PB RES 2023-026 301 White St LDR](#)

[Staff Report](#)

[Noticing Package](#)

Legislative History

10/19/23	Planning Board	Postponed
11/16/23	Planning Board	Approved

ORDINANCES - SECOND READING (Public Hearing and Proposed Adoption)

49

An Ordinance of the City of Key West, Florida, amending Chapter 70 entitled "Traffic and Vehicles", Article IV of the Code of Ordinances, entitled "Parking, Stopping, and Standing" Division 3 entitled "Parking Rates" by amending Sections 70-187 and 70-188 to authorize the City Manager to set Special Event Hourly Rates to market value during special events; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Childress

Attachments: [Ordinance](#)

[Cover Memo](#)

[Business Impact Estimate](#)

Legislative History

11/9/23	City Commission	Passed to Second Reading
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ADJOURNMENT