



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

City Commission

Tuesday, October 19, 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.

You may also attend these meetings virtually via Zoom by telephoning 312-626-6799, Meeting ID: 842 5168 8010, Passcode: 761859 or online at: <https://cityofkeywest-fl-gov.zoom.us/j/84251688010> Passcode: 761859

CALL MEETING TO ORDER - 5:00 PM

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 approved as amended.

1 Lights on After School
Sponsors: Mayor Johnston
Received and Filed

2 Hispanic and Latino Heritage Month
Sponsors: Mayor Johnston
Received and Filed

3 Breast Cancer Awareness Month

Sponsors: Mayor Johnston

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 5, 2021

Approved

RESOLUTIONS

5 *Approving the proposed settlement agreement with Elizabeth Pressman in Case No. 18-CA-987-K in the amount of \$100,000.00; Authorizing the City Manager to execute all settlement documents with the advice and consent of the City Attorney.

Sponsors: City Attorney Smith

Enactment No: Res 21-214

- 6 *Authorizing "Integrity Multisport, Inc." & "Reef Relief, Inc." to conduct a "Key West Triathlon/Tri Conch Republic" event starting at 7:00 A.M. and ending at 11:00 A.M., December 4, 2021 (Set-up, Friday, December 3, 2021 from 11:00 A.M. to 3:00 P.M.) at Smathers Beach and parking lot across Smathers Beach; Authorizing certain street closures thereof during the event; Pursuant to terms and conditions set forth by the City Manager.

Sponsors: City Manager McLauchlin

Enactment No: Res 21-215

- 7 *Approving the attached 2022 Meeting Schedule for the Key West City Commission.

Sponsors: City Manager McLauchlin

Enactment No: Res 21-216

- 8 *Ratifying an emergency change order approved by the City Manager on September 28, 2021 in the amount of \$9,266.93, as provided for under Section 2-845 and 2-797(2) of the Code of Ordinances, to Charley Toppino & Sons, Inc. for additional tasks related to the 19th Street Sidewalks Project; Authorizing necessary budget adjustments and transfers; Authorizing the City Manager to execute any necessary documents upon consent of the City Attorney.

Sponsors: City Manager McLauchlin

Enactment No: Res 21-217

- 9 *Approving a one-year extension of the "Consulting Agreement" between the City of Key West and Corradino Group, Inc., for professional planning services for the period of October 1, 2021 through September 30, 2022; Authorizing necessary budget transfer and adjustments; Authorizing the City Manager to execute necessary documents to extend the Consulting Agreement, upon advice and consent of the City Attorney.

Sponsors: City Manager McLauchlin

Enactment No: Res 21-218

- 10 *Approving the attached "Lease Agreement" between the City and Boys and Girls Club of the Keys Area, Inc. for property located at Bayview Park (The "C.B.S. Recreation Building") pursuant to Section 2-941(c) of the Code of Ordinances.

Sponsors: City Manager McLauchlin

Enactment No: Res 21-219

- 11 *Approving the purchase and installation of AstroTurf Artificial Turf at George Mira Field by Burke Construction, in an amount not to exceed \$674,000.00, pursuant to Section 2-797(4)(b) of the Code of Ordinances, Best Interests of the City; Authorizing any necessary budget adjustments; Authorizing the City Manager to execute necessary documents upon advice and consent of the City Attorney.

Sponsors: City Manager McLauchlin

Enactment No: Res 21-220

- 12 *Approving the attached "Amendment No. 3 to Interlocal Agreement Between the City of Key West Florida and Monroe County Florida" (ILA) to extend mobile marine vessel pump out through December 31, 2021; Authorizing any necessary budget adjustments; Authorizing the City Manager to execute the ILA upon consent of the City Attorney.
- Sponsors:** City Manager McLauchlin
- Enactment No: Res 21-221
- 13 *Authorizing the purchase of 30 Axon Fleet 2 Unlimited In-Car Camera systems and related equipment, 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(4)(b) (best interests) from Axon Enterprise Inc. in a total amount of \$249,990.84; Authorizing the City Manager or designee to execute necessary documents, upon consent of the City Attorney.
- Sponsors:** City Manager McLauchlin
- Enactment No: Res 21-222
- 14 *Approving the attached "Municipality Election Services Agreement" (2022) with the Monroe County Supervisor of Elections; Authorizing any necessary budget transfers; Authorizing the City Manager and the City Clerk to execute the Agreement.
- Sponsors:** City Manager McLauchlin
- Enactment No: Res 21-223

- 15 *Approving a two-year extension of the Contract for Services between Keefe, McCullough & Co., LLP and the City of Key West for Independent Auditing Services for fiscal years ending September 30, 2021 and September 20, 2022; Authorizing the City Manager to execute any necessary documents upon advice and consent of the City Attorney.

Sponsors: City Manager McLauchlin

Enactment No: Res 21-224

- 16 *Authorizing the City of Key West to apply for Community Development Block Grant - Coronavirus (CDBG-CV) funding for the reconstruction of the Keys Overnight Temporary Shelter (KOTS), in a total amount up to \$4,300,000.00; Authorizing the City Manager to execute documents for the grant application upon the advice and consent of the City Attorney; Authorizing any necessary budget adjustments or transfers.

Sponsors: City Manager McLauchlin

Enactment No: Res 21-225

- 17 **Postponed to November 16, 2021**

*Accepting/Denying 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

Postponed

18 **QUASI-JUDICIAL HEARING: Postponed to December 7, 2021**
*Granting/Denying the Appeal by attorney Van D. Fischer on behalf of property owner Steel City Motors, LLC of Planning Board Resolution No. 2021-31, which was fully rendered on August 9, 2021, pursuant to Sections 90-426 and 90-431 which denied variances for maximum building coverage and maximum impervious surface ratio at 1617 White Street, Key West, Florida.

Sponsors: City Manager McLauchlin

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

Enactment No:

19 Authorizing the City Attorney to negotiate a Letter of Representation with _____ 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.

Sponsors: City Attorney Smith

Withdrawn

20 Requesting the Key West Parks and Recreation Advisory Board to provide the City Commission with advice and recommendations for the use of the Hawk Missile Site.

Sponsors: City Manager McLauchlin

A motion was made by Commissioner Jimmy Weekley, seconded by Commissioner Gregory Davila, that the Resolution be Approved. The motion passed by an unanimous vote.

Enactment No: 21-226

- 21 *Rejecting the bids received in response to Invitation to Bid (ITB) #21-015 for Southard Street Milling and Resurfacing, FM #435497-2-58, pursuant to Section 2-834(4) of the Code of Ordinances; Directing staff to re-advertise the project for public bid.

Sponsors: City Manager McLaughlin

A motion was made by Commissioner Jimmy Weekley, seconded by Commissioner Clayton Lopez, that the Resolution be Approved. The motion passed by an unanimous vote.

Enactment No: 21-227

- 22 **QUASI-JUDICIAL HEARING:
Major Development Plan and Landscape Waiver -
210-216 Duval Street (RE# 00001420-000000)**
Granting a Major Development Plan and Landscape Waiver approval at 210-216 Duval Street (RE 00001420-000000) to renovate an existing historic mixed-use structure and enclose a portion of space between buildings of the property located in the Historic Residential Commercial Core (HRCC-1) Zoning District and a request for approval to pay a fee-in-lieu to comply with the City of Key West's Workforce Housing Ordinance pursuant to Sections 108-91, 108-517, and Section 122-1467(1)(A) of the Code of Ordinances of the City of Key West, Florida.

Sponsors: City Manager McLaughlin

A motion was made by Vice Mayor Kaufman, seconded by Commissioner Lopez, that the Resolution be Postponed to November 3, 2021. The motion carried by the following vote:

No: 1 - Mayor Johnston

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

Enactment No: PB Resolution 2021-29

23

QUASI-JUDICIAL HEARING:**Minor Development Plan and Landscape Waiver - 1020**

Margaret Street (RE# 00030490-000000) - A request for approval of a minor development plan to renovate an existing historic single-family structure and construct three new single-family structures, 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 with the City of Key West's Workforce Housing ordinance pursuant to Sections 108-91, 108-517, 122-596, 122-597, and Section 122-1467(1)(a) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Sponsors: City Manager McLauchlin

A motion was made by Vice Mayor Kaufman, seconded by Commissioner Lopez, that the Resolution be Postponed to November 3, 2021. 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 2021-30

ORDINANCES - FIRST READING

24

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 McLauchlin

A motion was made by Commissioner Jimmy Weekley, seconded by Commissioner Clayton Lopez, that the Ordinance be Passed to Second Reading. The motion passed by an unanimous vote.

Enactment No:

- 25 An Ordinance of the City of Key West, Florida, creating or amending Comprehensive Plan sections - II. Glossary of Terms; Chapter 1. Future Land Use Element Policies 1-1.1.1, 1-1.1.16, 1-1.10.4 and 1-1.10.5; Chapter 1A Historic Preservation Element, Policies 1A-1.3.1, and 1A-1.5.3; Chapter 3. Housing Element, Policy 3-1.2.1, and Policy 3-1.2.2; Chapter 4. Public Facilities Element, Policies 4-3.1.5, and 4-3.1.6; Chapter 5. Coastal Management Element, Objective 5-1.7 and Policies 5-1.1.3, 5-1.3.2, 5-1.5.2, 5-1.5.3, 5-1.7.1, 5-1.7.2, and 5-1.7.4; Chapter 6. Conservation Element Policies 6-1.2.1, 6-1.2.19, and 6-1.3.1; Chapter 8. Intergovernmental Coordination Element Objective 8-1.6, and Policies 8-1.6.1, and 8-1.6.2; Pursuant to Chapter 90, Article VI, Division 3; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager McLaughlin

A motion was made by Commissioner Clayton Lopez, seconded by Commissioner Jimmy Weekley, that the Ordinance be Passed to Second Reading. The motion passed by an unanimous vote.

Enactment No: PB Resolution 21-46

- 26 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 McLaughlin

A motion was made by Commissioner Jimmy Weekley, seconded by Commissioner Clayton Lopez, that the Ordinance be Postponed to November 16, 2021. The motion passed by an unanimous vote.

Enactment No: PB Resolution 2021-45

ORDINANCES - SECOND READING (Public Hearing)

- 27 An Ordinance of the City of Key West, Florida, amending Chapter 70 of the Code of Ordinances entitles "Traffic and Vehicles, Article IV. Parking, Stopping and Standing, Division 3. Parking Lot Rates" by amending Sections 70-186 through 70-190 to adjust parking rates throughout the City; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager McLauchlin

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

No: 1 - Commissioner Wardlow

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

Enactment No: Ord 21-16

- 28 An Ordinance of the City of Key West, Florida, amending Chapter 70 of the Code of Ordinances entitled "Traffic and Vehicles" by amending Article IV - "Parking Stopping and Standing", Division 5, Section 70-249, to adjust fees; Amending Sections 70-254 and 70-256 to clarify employee parking lot permit regulations; Amending Section 70-265 to clarify Truman Waterfront parking permit regulations; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager McLauchlin

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

No: 2 - Commissioner Davila and Commissioner Wardlow

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

Enactment No: Ord 21-17

CITIZEN COMMENTS

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COMMISSION COMMENTS

ADJOURNMENT - 7:30 PM