



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Meeting Minutes - Action Only

City Commission

Tuesday, May 3, 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.

FOR VISUAL PRESENTATIONS: Individuals are responsible to share their presentation at the meeting on their laptop through Zoom. For City Commission meetings the City Clerk's Office will need a copy for the agenda at least 6 days before the meeting.

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

INVOCATION - Pastor Terri Hill, Key West United Methodist Church

APPROVAL OF AGENDA - The agenda was approved unanimously.

PROCLAMATIONS

1 Peace Officers Memorial Day & Key West Police Week

Sponsors: Mayor Johnston

Received and Filed

2 Emergency Medical Services Week

Sponsors: Mayor Johnston

Received and Filed

3 Haitian Heritage Month

Sponsors: Vice Mayor Kaufman and Commissioner Lopez

Received and Filed

4 "Tortuga" Jack Hackett, Key West Poet Laureate 2022

Sponsors: Commissioner Weekley and Commissioner Lopez

Received and Filed

PRESENTATIONS**5** Multimodal Report

Sponsors: City Manager McLauchlin

Received and Filed

6 Strategic Plan Update - Elisa Levy

Sponsors: City Manager McLauchlin

Received and Filed

City Attorney's Report**City Manager's Report**

- Ambassador Graduation Class 36
- Mallory Square
- Duval RFQ
- Budget

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**7** *April 5, 2022 (Regular)

Passed

8 *April 20, 2022 (Special)

Passed

RESOLUTIONS

- 9 *Rescheduling the Regular City Commission Meeting of May 17, 2022 to May 18, 2022; Stating that any matters scheduled or postponed at a prior meeting to the May 17th Agenda shall be placed on the May 18th Agenda.

Sponsors: Commissioner Weekley

Passed

Enactment No: Res 22-093

- 10 *Authorizing the Key West Business Guild, Inc. to conduct a "Pride Street Fair on Saturday, June 4, 2022 from 7:00 a.m. to 11:00 p.m. (Set up at 7:00 a.m.) on the 600, 700, 800 and 900 blocks of Duval Street and the Key West Pride Parade on Sunday, June 5, 2022 from 5:00 p.m. to 7:00 p.m. staging at the Quay Wall at Truman Waterfront; Pursuant to Terms and Conditions set forth by the City Manager; Authorizing the Sale and Consumption of Alcoholic Beverages within an enclosed area.

Sponsors: City Manager McLauchlin

Passed

Enactment No: Res 22-094

- 11 *Authorizing Key West Police Athletic League, Inc. to conduct a Mango Fest at Bayview Park on Saturday, June 25, 2022 from 7:00 a.m. to 4:00 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

Passed

Enactment No: Res 22-095

- 12 *Authorizing Sunrise Rotary Foundation of Key West, Inc. the use of the City Property at 1405 Duval Street for a Brewfest Key West Festival on Saturday, September 3, 2022 from 3:00 p.m. to 8:00 p.m; Authorizing the sale and consumption of alcoholic beverages with the barricaded area.

Sponsors: City Manager McLauchlin

Passed

Enactment No: Res 22-096

- 13 *Accepting staff ranking and accepting the proposal of Paul Findlay

D/B/A Island City Tennis in response to RFP 22-002, Tennis Professional Services, pursuant to terms in the attached proposal; Authorizing the City Manager to execute a contract in substantial conformance with the proposal package.

Sponsors: City Manager McLauchlin

Passed

Enactment No: Res 22-097

- 14** *Approving Transfer of Mobile Vendor License (MVL) #569 with Mobile Food Service BTR #2020-000495 from Carlos DeLuna to Margarita Bellido DeLuna, due to hardship.

Sponsors: City Manager McLauchlin

Passed

Enactment No: Res 22-098

- 15** *Approving a one year extension of the Contract between the City and Charley Toppino and Sons, Inc. for pavement markings, striping, and roadway signage on a task order basis, in accordance with the terms specified in ITB 20-007; Authorizing the City Manager to execute necessary documents upon advice of the City Attorney.

Sponsors: City Manager McLauchlin

Passed

Enactment No: Res 22-099

- 16** *Approving the attached task order to William P. Horn, Architect, PA under the General Architectural Services Contract, for architectural and engineering design services for interior renovations at 627 Palm Avenue and the Chlorine and Administration Buildings at the Richard A. Heyman Environmental Protection Facility (RAHEPF) in an amount not to exceed \$67,796.00; Authorizing any necessary budget transfers or adjustments; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

Sponsors: City Manager McLauchlin

Passed

Enactment No: Res 22-100

- 17** *Approving Amendment 1 to Task Order 3-21-SWR for Jacobs/CH2M Hill Engineers, Inc. in an amount not to exceed \$46,745.00 to amend the scope of services to include market and consumer analysis of compost sales and demand within the City of Key West; Authorizing any necessary budget transfers and adjustments; Authorizing the City

Manager to execute any necessary documents upon consent of the City Attorney.

Sponsors: City Manager McLauchlin

Passed

Enactment No: Res 22-101

- 18** *Approving three proposals from Raftelis Financial Consultants, Inc., in an amount not to exceed \$65,700.00 to provide Utility Rate Models for preparation of the City's FY 2022-23 sewer, stormwater and solid waste budget, pursuant to Section 2-797(4)(b) of the Code of Ordinances.

Sponsors: City Manager McLauchlin

Passed

Enactment No: Res 22-102

- 19** *Authorizing the purchase of two fiberglass storage tanks from Plas-Tanks Industries, Inc. in an Amount not to exceed \$93,012.00, on a brand name basis, and in the best interests of the City, pursuant to Code 2-844, 2-797 (1), and 2-797(4)(b) of the Code of Ordinances; Authorizing any necessary budget adjustments; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

Sponsors: City Manager McLauchlin

Passed

Enactment No: Res 22-103

- 20** *Authorizing a \$500.00 donation from the Law Enforcement Officers Trust Fund (State Forfeiture Funds) to the Key West High School Operation Graduation Program, pursuant to Florida Statutes Section 932.7055.

Sponsors: City Manager McLauchlin

Passed

Enactment No: Res 22-104

- 21** *Authorizing a one year extension of the Lease Agreement with Rockland Operations, LLC for as-needed emergency management debris staging area; Authorizing the City Manager to execute any necessary documents, upon consent of the City Attorney.

Sponsors: City Manager McLauchlin

Passed

Enactment No: Res 22-105

- 22** *Authorizing the procurement of four aluminum access gangways and railings, from Dowling Holdings of Florida in an amount not to exceed \$153,467.00 in the best interests of the City, pursuant to Section 2-797(4)(b) of the Code of Ordinances; Authorizing any necessary budget adjustments; Authorizing the City Manager to execute any necessary documents upon consent of the City Attorney.
- Sponsors:** City Manager McLauchlin
- Passed**
- Enactment No: Res 22-106
- 23** *Authorizing the procurement of Hazardous Materials (Haz-Mat) Physicals for a period of up to two years at a cost of \$638.00 per candidate; Authorizing up to a total \$25,520.00 annual cost, from Life Extension Clinics, Inc. DBA Life Scan Wellness Centers through piggybacking on the City of Clearwater's Contract #901107FD, pursuant to Section 2-797(3) of the Code of Ordinances; Authorizing the City Manager to execute an Agreement upon consent of the City Attorney.
- Sponsors:** City Manager McLauchlin
- Passed**
- Enactment No: Res 22-107

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** Adopting amended Rules of Procedure for City Commission meetings to allow extension of a meeting upon a majority vote; Providing that this resolution supersedes prior resolutions regarding Rules of Procedure for City Commission Meetings.
- Sponsors:** Commissioner Davila
- A motion was made by Commissioner Davila, seconded by Vice Mayor Kaufman, that the Resolution be Passed. 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: Res 22-108
- 25** Naming the "Ramos-Lopez Pedestrian Park and Sculpture Garden" in the 1400 Block of Duval Street in the City of Key West.
- Sponsors:** Commissioner Lopez

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

No: 1 - Commissioner Weekley

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

Enactment No: Res 22-109

26

Approving under the General Architectural Services Contract with Bender & Associates Architects, P.A., a task order for professional design services for Bayview Park in an amount not to exceed \$121,238.00; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

Sponsors: City Manager McLauchlin

A motion was made by Vice Mayor Sam Kaufman, seconded by Commissioner Clayton Lopez, that the Resolution be Passed. The motion passed by an unanimous vote.

Enactment No: Res 22-110

27

Authorizing the City Manager to enter into an Agreement with Robert Janicki, through his Representative Attorney Van Fischer, as Property Owner of 1205 11th Street, permitting a release of lien upon payment by the Owners of the amount of (\$100,000.00 requested); Providing conditions; Authorizing the City Manager to execute any necessary documents.

Sponsors: City Manager McLauchlin

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 22-111

28

Quasi Judicial Hearing:

Major Development Plan, Conditional Use & Landscape Waiver- 5537 College Road (RE# 00072080-000101) - Granting Major Development Plan, Conditional Use, and Landscape Waiver approval to construct a new 20,948 square foot overnight homeless shelter in the Public and Semipublic Services (PS) zoning district pursuant to Sections 108-91.B.2., 122-62, 122-1018, and 108-517 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 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 22-112

ORDINANCES – FIRST READING

29

An Ordinance of the City Of Key West, Florida, pursuant to Section 8.01 of the Key West Charter proposing that all provisions of the City Charter making gender specific references be amended to reflect gender neutral references; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Commission

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

30

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", Section 108-997, entitled "Period of allocation and ranking/review of applications", to clarify existing and proposed provisions pursuant to Sections 90-520 and 90-522; 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 McLauchlin

A motion was made by Commissioner Weekley, seconded by Vice Mayor Kaufman, 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 2022-005

ORDINANCES - SECOND READING (Public Hearing)

31

An Ordinance of the City of Key West, Florida, pursuant to Section 7.03

of the City Charter, to call for a Referendum for the authority to lease real property located at 5210 College Road and owned by the City of Key West ("City"), such lease for a duration of up to 99 years, thereby exceeding the Charter limit of 10 years, exclusively for use as a botanical garden and arboretum, providing public access, public recreation, and wildlife habitat, the final terms of which must be approved by the City; Authorizing the City Clerk to take all necessary action to place this measure on the ballot for August 23, 2022; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Mayor Johnston and Vice Mayor Kaufman

A motion was made by Commissioner Weekley, seconded by Commissioner Wardlow, that the Ordinance be Adopted as amended adding "Key West Botanical Gardens" to the title. 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: Ord 22-08

32

An Ordinance of the City Commission of the City of Key West, Florida, amending the Historic Architectural Review Commission Guidelines for windows and shutters as referenced in Section 90-142 of the City of Key West Land Development Regulations; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Vice Mayor Kaufman

A motion was made by Vice Mayor Kaufman, seconded by Commissioner Lopez, that the Ordinance be Adopted as amended with the changes suggested by Commissioner Lopez. 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: Ord 22-09

33

An Ordinance of the City Commission of the City of Key West, Florida, amending Chapter 102 of the Code of Ordinances entitled "Historic Preservation", Article IV entitled "Certificate of Appropriateness" by amending Division 2, entitled "Economic Hardship" by increasing the maximum household income for applicants seeking substitution of alternative building materials for historic or traditional materials; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Vice Mayor Kaufman

A motion was made by Commissioner Lopez, seconded by Commissioner Weekley, that the Ordinance be Adopted. 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: Ord 22-10

34

An Ordinance of the City of Key West, Florida, amending Chapter 18 of the Code of Ordinances, entitled "Businesses" by amending Section 18-387, to clarify Insurance Requirements for Recreational Rental Vehicles; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Vice Mayor Kaufman

A motion was made by Vice Mayor Kaufman, seconded by Commissioner Lopez, 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 22-11

35

An Ordinance of the City of Key West, Florida, amending Chapter 2 of the Code of Ordinances, titled "Administration", Section VIII titled "City Property" by adding Section 2-942 titled "Purpose and Intent"; By adding Section 2-943 titled "Definitions"; By adding Section 2-944 titled "Residential Right of Way Hardscape and Paver Easements"; By adding Section 2-945 titled "Amortization of Unpermitted Improvements"; By adding Section 2-946 titled "Penalties"; By adding Section 2-947 titled "Appeal"; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager McLaughlin

A motion was made by Vice Mayor Kaufman, seconded by Commissioner Lopez, that the Ordinance be Adopted. 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: Ord 22-12

36

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 McLauchlin

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Ordinance be Adopted. 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: Ord 22-13

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT - 7:58 PM