



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

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Thursday, July 13, 2023

9:00 AM

City Hall

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**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**

**CALL MEETING TO ORDER - 9:01 A.M.**

#### **ROLL CALL**

**Absent** 1 - Commissioner Weekley

**Present** 6 - Commissioner Carey, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Lopez, Commissioner Wardlow and Mayor Johnston

**INVOCATION - Father John Baker, The Basilica of St. Mary Star of the Sea**

**PLEDGE OF ALLEGIANCE TO THE FLAG - Captain Beth Regoli, Commanding Officer  
NAS Key West**

**CITIZEN COMMENTS**

**APPROVAL OF AGENDA - The Morning Session agenda was unanimously approved as amended**

**PROCLAMATIONS**

**1** Florida Small Business Development Center at FIU

**Sponsors:** City Commission

**Attachments:** [Proclamation](#)

**Received and Filed**

**2** Key West Legal Rum Day

**Sponsors:** City Commission

**Attachments:** [Proclamation](#)

**Received and Filed**

**3** Miami Marlins Day

**Sponsors:** City Commission

**Attachments:** [Proclamation](#)

**Received and Filed**

**4** Parks and Recreation Month

**Sponsors:** City Commission

**Attachments:** [Proclamation](#)

**Received and Filed**

5 Patti McLauchlin Day

Sponsors: City Commission

Attachments: [Proclamation](#)

Received and Filed

PRESENTATIONS

6 Florida Keys Main Water Pipeline Update -  
Greg Veliz, Executive Director of the Florida Keys Aqueduct  
Authority

Sponsors: City Manager Childress

Attachments: [Presentation](#)  
[Cover Memo](#)

Received and Filed

7 Derelict Vessels in Keys Waters -  
Captain David Dipre of Florida Fish and Wildlife  
Conservation Commission

Sponsors: City Manager Childress

Attachments: [Cover Memo](#)

Received and Filed

8 Saint Leo University's Key West Education Center -  
Jeffrey Hite, Center Director

Sponsors: Mayor Johnston

Attachments: [Presentation](#)  
[Cover Memo](#)

Received and Filed

- 9 Taking on Hurricane Ian: Wave Attenuation at Eastern Dry Rocks - Sarah Fangman, Sanctuary Superintendent NOAA

**Sponsors:** Mayor Johnston

**Attachments:** [Presentation](#)  
[Cover Memo](#)

Received and Filed

- 10 City of Key West Employee Service Awards - July and August 2023

**Attachments:** [Cover Memo](#)

Received and Filed

- 11 Keefe, McCullough & Company, LLP Fiscal Year 2022 Audit

**Sponsors:** City Manager Childress

**Attachments:** [Cover Memo](#)  
[FY 2022 Financial Statement](#)  
[FY 2022 Compliance Report](#)  
[Communications to Those Charged with Governance](#)

Received and Filed

- 12 Key West Welcome Sign - Gary Volenec, Interim Director of Engineering

**Sponsors:** City Manager Childress

**Attachments:** [Presentation](#)  
[Cover Memo](#)

Received and Filed

- 13 Monroe County Wisteria Mooring Field Project Status - Steve McAlearney, Port & Marine Services Director

**Sponsors:** City Manager Childress

**Attachments:** [Presentation](#)  
[Cover Memo](#)

Received and Filed

- 14 Key West Water Quality Improvement Plan -  
Alison Higgins, Sustainability Coordinator

Sponsors: City Manager Childress

Attachments: [Presentation](#)  
[Cover Memo](#)

Postponed to September 14, 2023

- 15 Emergency Management -  
Gregory Barroso, Emergency Manager on Hurricane  
Preparedness

Sponsors: City Manager Childress

Attachments: [Presentation](#)  
[Cover Memo](#)

Received and Filed

- 16 Code Compliance Department Update -  
Jim Young, Code Compliance Director

Sponsors: City Manager Childress

Attachments: [Presentation](#)  
[Cover Memo](#)

Received and Filed

**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**

- 17 \*June 8, 2023

Attachments: [Minutes](#)

Passed

**RESOLUTIONS**

**18** \*Re-appointing Mark Albury to the Civil Service Board.

**Sponsors:** Mayor Johnston

**Attachments:** [Resolution](#)  
[Cover Memo](#)  
[Resume](#)

**Passed**

Enactment No: Res 23-175

**19** \*Approving the attached "City Clerk Employment Agreement" between the City of Key West and Keri O'Brien.

**Sponsors:** Mayor Johnston

**Attachments:** [Resolution](#)  
[Contract](#)

**Passed**

Enactment No: Res 23-176

**20** \*Granting a Special Event Permit to Florida Keys VIP, Inc. for a wedding at the Southernmost House 1400 Duval Street; Pursuant to Section 6-86 of the Code of Ordinances from 7:00 P.M. to 11:00 P.M. on Saturday, September 9, 2023.

**Sponsors:** City Manager Childress

**Attachments:** [Resolution](#)  
[Cover Memo](#)  
[Application](#)  
[Advertisement & Cards](#)  
[Keys Citizen Advertisement](#)

**Passed**

Enactment No: Res 23-177

21

\*Authorizing Chef Distilled, LLC. to conduct the Southernmost Buoy 40th Celebration on Sunday, September 10, 2023 from ~~11:00 A.M. to 4:00 P.M.~~ 4 P.M to 9 P.M. (set up starting at 10:00 A.M.)at the Truman Waterfront Green Fields by the Splash Pad; 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 and approvals](#)

**Passed**

Enactment No: Res 23-178

22

\*Authorizing MZF Mile Zero Fights, LLC to conduct an amateur fighting event that consist of boxing, kickboxing, and MMA on Saturday, September 16, 2023 from 6:00 P.M. to 10:00 P.M. at the Truman Waterfront Quay Wall; 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](#)

**Passed**

Enactment No: Res 23-179

- 23                   \*Authorizing the Florida Keys Society for the Prevention of Cruelty to Animals, Inc. to conduct the Annual Royal Coronation Ball for the King & Queen of Fantasy Fest at the Key West Truman Waterfront Coffee Butler Amphitheater on Friday, October 20, 2023, from 6:00 P.M. to 9:30 P.M.; 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 Childress

**Attachments:**       [Resolution](#)  
                              [Cover Memo](#)  
                              [Application & Department Approvals](#)

**Passed**

Enactment No: Res 23-180

- 24                   \*Authorizing We Cycle, Inc. and the Key West Art and Historical Society, Inc. to conduct the Annual Zombie Bicycle Ride Event starting at the East Martello Towers and ending at the Truman Waterfront Coffee Butler Amphitheater on Sunday, October 22, 2023 from 6:00 P.M. to 8:00 P.M.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of certain streets thereof for the Zombie Ride on Sunday, October 22, 2023 from 6:00 P.M. to 8:00 P.M.

**Sponsors:**           City Manager Childress

**Attachments:**       [Resolution](#)  
                              [Cover Memo](#)  
                              [Application](#)

**Passed**

Enactment No: Res 23-181



- 25                    \*Authorizing Daily Plan-It to conduct a Fantasy Market at the Truman Waterfront Green Fields next to the Splash Pad on Friday, October 27, 2023 from 10:00 A.M. to 8:00 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 Childress

**Attachments:**        [Resolution](#)  
                                  [Cover Memo](#)  
                                  [Application & Department Approvals](#)

**Passed**

Enactment No: Res 23-182

- 26                    \*Authorizing pursuant to Section 2-797(3) the procurement of resurfacing of three tennis courts at Bayview Park in an amount not to exceed \$62,500.00, from Premier Surface Solutions, Inc. through the Sourcewell Cooperative Purchasing Contract #060518-AST, City of Key West Member Number Number 58115; Authorizing the City Manager to execute necessary documents.

**Sponsors:**            City Manager Childress

**Attachments:**        [Resolution](#)  
                                  [Cover Memo](#)  
                                  [Quote](#)  
                                  [Authorized Reseller Letter](#)  
                                  [Contract Award and Acceptance](#)  
                                  [Contract Extension](#)  
                                  [Sourcewell Pricing](#)

**Passed**

Enactment No: Res 23-183

- 27 \*Authorizing the purchase of one (1) 2023 Kubota Excavator with related accessories in a total amount not to exceed \$60,550.00 from Ridge Equipment Co. through piggybacking on the Florida Association of Counties Bid No. FSA20-EQU18.0, Heavy Equipment Contract, pursuant to Section 2-797(3) of the Code of Ordinances for use at the Richard A. Heyman Environmental Protection Facility (RAHEPF); Authorizing necessary budget transfers or adjustments; Authorizing the City Manager or designee to execute necessary documents, upon consent of the City Attorney.

**Sponsors:** City Manager Childress

**Attachments:** [Resolution](#)  
[Cover Memo](#)  
[Award Letter](#)  
[Florida Sheriffs Contract](#)  
[Price Adjustment Letter](#)  
[Kubota 2023 Price Increase](#)  
[Kubota Quote KX040](#)  
[KX Loaders Options](#)

**Passed**

Enactment No: Res 23-184

- 28 \*Authorizing pursuant to Section 2-771(3)(c) of the Code of Ordinances the disposal of surplus and obsolete City-owned vehicles equipment and improvements, set forth in the attached "Exhibit A - Vehicle List" through a bulk sale bid request process to the highest bidder.

**Sponsors:** City Manager Childress

**Attachments:** [Resolution](#)  
[Cover Memo](#)  
[Exhibit A-List of Vehicles for Disposal](#)

**Passed**

Enactment No: Res 23-185

- 29 \*Authorizing FY 22/23 budget amendments in the total amount of \$625,000.00: Amend Solid Waste-Commercial Revenue in the amount of \$625,000.00 to Solid Waste Hauling & Disposal; Authorizing the City Manager to execute the budget amendment.

**Sponsors:** City Manager Childress

**Attachments:** [Resolution](#)  
[Cover Memo](#)  
[Resolution 23-040](#)

**Passed**

Enactment No: Res 23-186

- 30 \*Authorizing a sole source purchasing exception pursuant to Section 2-797(1) of the Code of Ordinances, for the procurement of a "Small Enterprise Agreement County and Municipality Government" with Environmental Systems Research Institute (ESRI) for ArcGIS Mapping Software licenses and support for the City of Key West Information Technology Department in a total amount not to exceed \$30,047.00 per year for a three year term.

**Sponsors:** City Manager Childress

**Attachments:** [Resolution](#)  
[Cover Memo](#)  
[ELA Renewal Agreement](#)  
[Sole Source Letter](#)

**Passed**

Enactment No: Res 23-187

31

\*Approving the attached "Federally-Funded Subaward and Grant Agreement" with the Florida Division of Emergency Management for Project Number 4337-4-Po/Agreement Number H0866 - City of Key West Watershed Management Plan in the amount of \$184,818.75 Federal / \$61,606.25 City Match (FAIN : FEMA-DR-4337-FL) pass-through administered by the State of Florida Division of Emergency Management (FDEM); Authorizing the City Manager to execute the Subaward and Grant Agreement and related documents, upon advice and consent of the City Attorney; Authorizing the City Manager to approve and execute subsequent amendments to this Grant Agreement which may adjust to increase funding allocations to the City or modify the project scope, upon advice and consent of the City Attorney; Authorizing and necessary budget amendments.

**Sponsors:** City Manager Childress

**Attachments:** [Resolution](#)  
[Cover Memo](#)  
[Subrecipient Grant Agreement](#)  
[Resolution 22-177 FDEO grant](#)  
[Resolution 22-264 FDEP grant](#)

**Passed**

Enactment No: Res 23-188

32

\*Approving a Task Order under the City's Right of Way Improvement Contract with Charley Toppino & Sons, Inc. in a total amount not to exceed \$248,207.30 for the Pearl Street HOB Paving 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](#)  
[Pearl Street HOB Paving Map](#)  
[Task Order Proposal](#)  
[Res 22-289](#)

**Passed**

Enactment No: Res 23-189

33

\*Approving Lessee's option to renew between the City and Comcast of California/Colorado/Florida/Oregon, Inc.

**Sponsors:** City Manager Childress

**Attachments:** [Resolution](#)  
[Cover Memo](#)  
[Comcast Tower Notice to Exercise Option](#)  
[14-088 Third Amendment to Lease Comcast](#)  
[\\*Large File\\* 03-310 - Second Amendment](#)  
[95-186 Tower Lease](#)

**Passed**

Enactment No: Res 23-190

34

\*Approving and accepting the attached "Conditional Consent to Proposed Submerged Land Lease Between the City of Key West and Florida Department of Environmental Protection" from Seaboard Associates Limited Partnership d/b/a Ocean Key Resort and Spa for use of overhang of riparian rights at Parcel B; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

**Sponsors:** City Manager Childress

**Attachments:** [Resolution](#)  
[Cover Memo](#)  
[Ocean Key Conditional Consent Agreement](#)  
[Mallory TUA Addendum II \(Exp 10.7.2023\)](#)  
[Consent to Lease Riparian Rights \(5.5.1989\)](#)  
[Res 89-103 Ocean Key Pkng for Submerged Land](#)  
[Public Comment - Haskell](#)

**Postponed to September 14, 2023**

35

\*Approving a change order to Task Order No. 9 from Black & Veatch Corporation in the amount of \$55,423.00 for professional engineering services for replacement of activated sludge pumps, to include return activated sludge and waste activated sludge plumbing at the Richard A. Heyman Environmental Protection Facility; Authorizing any necessary budget transfers; Authorizing the City Manager to execute any necessary documents upon consent of the City Attorney.

**Sponsors:** City Manager Childress

**Attachments:** [Resolution](#)  
[Cover Memo](#)  
[Change Order No. 2](#)  
[Task Order No. 9](#)  
[17-207 General Engineering Services](#)  
[20-142 Extension](#)  
[21-078 Task Order Approval](#)  
[22-028 Change Order 1 Approval](#)  
[22-171 Extension](#)  
[23-166 Bid Award](#)

**Passed**

Enactment No: Res 23-191

36

\*Approving an allocation of funding in the amount of \$91,753 for fiscal year 2022-2023 for the operational support for the Community Development Office; Authorizing a budget transfer in the amount of \$91,753 from Affordable Housing Account 104-5401-554-9100 to Community Development Office Account 120-0000-381-1040.

**Sponsors:** City Manager Childress

**Attachments:** [Resolution](#)  
[Cover Memo](#)  
[Resolution 20-092](#)  
[Administrative Agreement](#)  
[CDO Management Plan](#)  
[KWA Resolution 22-2604](#)  
[Resolution 23-023](#)

**Postponed to September 14, 2023**

37

\*Awarding the bid of Gulf-Atlantic Construction Group, Inc. in response to Invitation to Bid ("ITB") #23-019 for Key West Police Department Flooring in the total amount of \$89,780.00; Authorizing any necessary budget transfers or adjustments; Authorizing the City Manager to execute a contract in substantial conformance with the bid documents.

**Sponsors:** City Manager Childress

**Attachments:** [Resolution](#)  
[Cover Memo](#)  
[ITB 23-019](#)  
[Addendum 1](#)  
[ITB 23-019 Bid Memo](#)  
[Bid Gulf-Atlantic](#)  
[Addendum 1 Gulf-Atlantic](#)  
[Bid Sea Tech Inc](#)

**Passed**

Enactment No: Res 23-192



38

\*Awarding the Bid of Keystar, Inc. (Keystar) received in response to Invitation to Bid (ITB) #23-005 for Frederick Douglass Community Center (Project BV55021701) in the total amount not to exceed \$7,985,927.86; Authorizing any necessary budget transfers or adjustments; Authorizing the City Manager to execute documents upon consent of the City Attorney.

**Sponsors:** City Manager Childress

**Attachments:** [Resolution](#)  
[Cover Memo](#)  
[Bid Memo](#)  
[Keystar Proposal](#)  
[Pedro Falcon Proposal](#)  
[Marino Construction Proposal](#)  
[DL Porter Proposal](#)  
[Res 18-038 Adopting Zyscovich Plan](#)  
[Res 19-150 Approve Arch. Ranking](#)  
[Res 19-224 K2M Design Contract](#)  
[Res 19-328 Solar panels for City buildings](#)  
[Res 20-028 Amendment 1 K2M](#)  
[Res 20-160 Amendment 2 K2M](#)  
[Res 21-091 Direct CM to work with Black Educators Memorial](#)  
[Res 22-091 Major Dev Plan 111 Olivia Street](#)  
[Res 22-092 Solar Evaluation](#)  
[Res 22-123 Amendment 3 K2M](#)  
[Res 22-197 Black Educators Museum Location](#)

**Passed**

Enactment No: Res 23-193

39

\*Awarding the bid of Blue Native Landscape and Irrigation received in response to Invitation to Bid (ITB) #23-016 for Key West Entry Beautification (Project IS19002202) in the total amount not to exceed \$191,935.91; Authorizing any necessary budget transfers or adjustments; Authorizing the City Manager to execute documents upon consent of the City Attorney.

**Sponsors:** City Manager Childress

**Attachments:** [Resolution](#)  
[Cover Memo](#)  
[Bid Memo](#)  
[ITB No. 23-016 Bid Documents](#)  
[FDOT Executed Agreement](#)  
[MMOA Executed Agreement](#)  
[Perez- Task Order Key West Entrance 3-1-22](#)  
[Resolution 21-194](#)

**Passed**

Enactment No: Res 23-194

40

\*Awarding the bid of American Empire Builders, Inc. (AEB) received in response to Invitation to Bid (ITB) #23-015 for Staples Avenue Bridge (Project IS19002201) in a total amount not to exceed \$640,000.00; Authorizing any necessary budget adjustments and amendments; Authorizing the City Manager to execute a contract in substantial conformance with the bid documents, upon consent of the City Attorney.

**Sponsors:** City Manager Childress

**Attachments:** [Resolution](#)  
[Cover Memo](#)  
[Bid Memo](#)  
[AEB BID](#)  
[ITB23-015 Staples Avenue Bridge](#)  
[Perez TO 22-03 Staples Pedestrian Bridge Executed](#)  
[Res 17-207](#)  
[Res 20-142](#)

**Passed**

Enactment No: Res 23-195

41

\*Designating the signatures of certain City personnel for the withdrawal of City funds from First State Bank and other authorized depositories of City funds.

**Sponsors:** City Manager Childress

**Attachments:** [Resolution](#)  
[Cover Memo](#)  
[Res 23-167](#)

**Passed**

Enactment No: Res 23-196

42

\*Partially rescinding Resolution 19-047 with regard to the nomination and request for allocation of funds for the purpose of constructing workforce housing at the property located at 5220, 5224, 5228, 5230 College Road to the Monroe County Land Authority for funding in the amount of \$6,107,916 with an additional amount of approximately \$2,000,000 when it became available on September 30, 2019.

**Sponsors:** City Manager Childress

**Attachments:** [Resolution](#)  
[Cover Memo](#)  
[Resolution 19-047](#)  
[Resolution 19-065](#)  
[Resolution 19-318](#)

**Postponed to September 14, 2023**

43

\*Ratifying and approving the attached "Amendment for Extension of Public Transportation Grant Agreement" (PTGA) (Time Extension #2) FM 444447-1-94-01 and 444447-1-94-02 between the Florida Department of Transportation (FDOT) and the City of Key West for the Mallory T-Pier Extensions/Improvements Project, to extend the end date of the agreement to June 30, 2024; Approving any necessary budget adjustments; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

**Sponsors:** City Manager Childress

**Attachments:** [Resolution](#)  
[Cover Memo](#)  
[Time Extension #2](#)  
[Resolution 19-129](#)  
[Resolution 19-363](#)  
[Resolution 21-119](#)  
[Resolution 22-032](#)  
[Key West, FL Code of Ordinances](#)  
[Public Comment - Haskell](#)

**Passed**

Enactment No: Res 23-197

44

\*Ratifying an emergency procurement dated June 9, 2023 approved by the City Manager as provided for under Section 2-797(2) of the Code of Ordinances, authorizing a Task Order in an amount not to exceed \$361,040.78 for Charley Toppino & Sons, Inc. to replace a stormwater plug valve at Simonton Beach; Authorizing any necessary budget transfers.

**Sponsors:** City Manager Childress

**Attachments:** [Resolution](#)  
[Cover Memo](#)  
[CM Authorization](#)  
[CTS - Task Order Proposal](#)  
[CTS - GU Contract Executed \\*Large File\\*](#)  
[Resolution 21-125](#)

**Passed**

Enactment No: Res 23-198

45

\*Ratifying the purchase and installation of sod at Poinciana Field by Burke Construction, Inc. for a total of \$239,900.00, pursuant to Section 2-797 (2) and Sec. 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 Childress

**Attachments:** [Resolution](#)  
[Cover Memo](#)  
[Burke Quote](#)  
[Turf of America Quote](#)  
[Blue Native Quote](#)  
[Email about MCSD Reimbursement](#)

**Passed**

Enactment No: Res 23-199

- 46                    \*Relating to the collection and disposal of solid waste in Key West, Florida; Describing the method of assessing solid waste costs against assessed property located within City of Key West; Determining the solid waste cost and the solid waste service assessments; Directing the preparation of an assessment roll; Authorizing a public hearing and directing the provisions of notice thereof.

**Sponsors:**            City Manager Childress

**Attachments:**        [Resolution](#)  
                                  [Cover Memo](#)

**Passed**

Enactment No: Res 23-200

- 47                    \*Authorizing an FY2022-23 budget amendment pursuant to Section 2-739(b) of the Code of Ordinances, by approving a transfer of reserve funds from the General Fund Reserve Account No. 001-1900-519-98-03 in the amount of \$250,000 to the Community Development Office/Move In Assistance Program Expenditure Account No. 120-1900-519-8300 to fund the "Move-In Assistance Program" for FY 22-23; Authorizing the City Manager to execute all documents consistent therewith upon consent of the City Attorney.

**Sponsors:**            City Manager Childress

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

**Postponed to November 9, 2023**

- 48 \*Approving the attached "Move-In Assistance Program for Key West".

**Sponsors:** City Manager Childress

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

Postponed to November 9, 2023

### Approval of the Consent Agenda

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

- 49 Authorizing a modification to the City's Contract Agreement with Sasaki for Professional Services for the Sunset Celebration/ Mallory Square Master Plan for a Revenue Generation Study in the amount of \$49,950; Authorizing necessary budget adjustments; Authorizing the City Manager or designee to execute documents upon consent of the City Attorney.

**Sponsors:** City Manager Childress

**Attachments:** [Resolution](#)  
[Cover Memo](#)  
[Mallory Square Revenue Generation Study Proposal](#)  
[Resolution 22-070](#)  
[Executed Agreement](#)  
[Public Comment - Haskell](#)

A motion was made by Commissioner Wardlow, seconded by Commissioner Lopez, that the Resolution be Passed. The motion passed by unanimous vote.

Enactment No: Res 23-201

### CITY MANAGER'S REPORT



50 Department Reports

- Attachments:**    [Housing & CDO June 2023](#)  
[KWFD June 2023](#)  
[Property Management June 2023](#)  
[Transit June 2023](#)  
[Utilities June 2023](#)  
[Building June 2023](#)  
[HR June 2023](#)  
[IT June 2023](#)  
[Planning June 2023](#)  
[Port & Marine Services June 2023](#)  
[Code Compliance June 2023](#)  
[Engineering June 2023](#)  
[KWPD June 2023](#)  
[Public Information June 2023](#)  
[Parking June 2023](#)

Received and Filed

CITY ATTORNEY'S REPORT

CITY CLERK'S REPORT

51 January through June 2023

- Attachments:**    [Report](#)

Received and Filed

COMMISSION COMMENTS

RECESSED - 12:52 P.M.

**EVENING SESSION**

**RECONVENED - CALL TO ORDER - 5:01 p.m.**

**ROLL CALL**

**Absent** 1 - Commissioner Weekley

**Present** 6 - Commissioner Carey, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Lopez, Commissioner Wardlow and Mayor Johnston

**INVOCATION - Father John Baker, The Basilica of St. Mary Star of the Sea**

**PLEDGE OF ALLEGIANCE - Lt. Col. Michael Norton, Battalion Commander**

**CITIZEN COMMENTS**

**APPROVAL OF AGENDA - The Evening Session agenda was unanimously approved as presented**

**PROCLAMATIONS**

**52** 12U Key West All Stars

**Sponsors:** City Commission

**Attachments:** [Proclamation](#)

**Received and Filed**

**PRESENTATIONS**

**53** 2023 Legislative Session - Joseph Salzverg, GrayRobinson, PA

**Received and Filed**

**DISCUSSION**

**54** 3.2 The Lofts at Bahama Village

**Attachments:** [Presentation](#)

**Discussed**

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**RESOLUTIONS**

55

**Quasi-Judicial Hearing:****Easement - 302 Amelia Street (RE #00026280-000000) -**

Approving an easement of approximately one-hundred forty-eight (148) square feet, more or less, at a property located at 302 Amelia Street, in order to repair an existing wood fence that encroaches on the Amelia Street and Thomas Street rights-of-way in the Historic Medium Density Residential zoning district, 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 Childress

**Attachments:** [Resolution](#)  
[Cover Memo](#)  
[Easement Agreement](#)  
[Staff Presentation](#)  
[Planning Package](#)  
[Keys Energy Comments](#)  
[Utilities Comments](#)  
[MTC Comments](#)  
[Engineering Comments](#)

**A motion was made by Vice Mayor Kaufman, seconded by Commissioner Lopez, that the Easement be granted with the condition that ordinary repair and maintenance of the subject fence shall be permitted and the subject fence may be reconstructed in its current location only. The motion carried by the following vote:**

**Absent:** 1 - Commissioner Weekley

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

Enactment No: Res 23-202

56

**Quasi-Judicial Hearing:****Easement- 900 Frances Street (RE #00020740-000000)**

- Approving an Easement Agreement for an encroachments totaling 156.51 square-feet, more or less, in order to maintain a portion of an existing historic structure and a wooden overhang encroaching City-owned property within the Historic High Density Residential (HHDR) Zoning District at 900 Frances Street, Key West, Florida (RE #00020740-000000); Pursuant to Section 2-938 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida; Providing fees and conditions.

**Sponsors:** City Manager Childress

**Attachments:** [Resolution](#)  
[Cover Memo](#)  
[Easement Agreement](#)  
[Staff Presentation](#)  
[Planning Package](#)  
[Multimodal Transportation Comments](#)  
[Engineering Comments](#)  
[Utilities Comments](#)  
[Keys Energy Comments](#)  
[Urban Forestry Comments](#)

**A motion was made by Commissioner Lopez, seconded by Commissioner Hoover, that the Easement be granted subject to the conditions as outlined in the staff report. The motion carried by the following vote:**

**Absent:** 1 - Commissioner Weekley

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

Enactment No: Res 23-203

**ORDINANCES – FIRST READING**

57

An Ordinance of the City of Key West, Florida, amending Chapter 2 of the Code of Ordinances, entitled "Administration" by creating Section 2-116, titled "Definitions"; Creating Sec. 2-117, titled "Lobbying Regulated"; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Childress

**Attachments:** [Ordinance](#)  
[Cover Memo - City Attorney](#)  
[Cover Memo - City Manager](#)  
[CMO Cover Memo 23-4538](#)

A motion was made by Commissioner Carey, seconded by Commissioner Lopez, that the Ordinance be postponed. The motion failed with Commissioners Hoover, Kaufman, Wardlow and Mayor Johnston voting no and Commissioners Carey and Lopez voting yes.

A motion was made by Vice Mayor Kaufman, seconded by Commissioner Lopez, that the Ordinance be Passed to Second Reading with an amendment to exclude all board members and all current and former employees. The motion carried by the following vote:

**No:** 2 - Commissioner Carey and Commissioner Wardlow

**Absent:** 1 - Commissioner Weekley

**Yes:** 4 - Commissioner Hoover, Vice Mayor Kaufman, Commissioner Lopez and Mayor Johnston

58

An Ordinance of the City of Key West, Florida, amending Chapter 14 of the Code of Ordinances, entitled "Buildings and Building Regulations" by amending Sections 14-35 and 14-38, to update and amend certain floodplain regulations; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Childress

**Attachments:** [Ordinance](#)  
[Cover Memo](#)

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

- 59 An Ordinance of the City of Key West, Florida, amending Chapter 34 of the Code of Ordinances, entitled "Floods," Article II - Floodplain Management, by amending 34-122 through 34-139 to update and amend certain floodplain regulations; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Childress

**Attachments:** [Ordinance](#)  
[Cover Memo](#)  
[Non-Conversion Agreement Fillable Form 2023](#)

**A motion was made by Commissioner Lopez, seconded by Commissioner Hoover, that the Ordinance be Passed to Second Reading. The motion passed by unanimous vote.**

- 60 An Ordinance of the City of Key West, Florida, amending Chapter 62 entitled "Streets and Sidewalks", Article V of the Code of Ordinances, entitled "News Racks" by amending Section 62-152 to adjust criteria; Amending Section 62-178 to adjust indemnification and liability insurance requirements; Amending Section 62-183 to prioritize new rack registration applications based on the frequency of publication; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Childress

**Attachments:** [Ordinance](#)  
[Cover Memo](#)  
[Comment](#)

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

**No:** 1 - Commissioner Wardlow

**Absent:** 1 - Commissioner Weekley

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

- 61 An Ordinance of the City of Key West, Florida, amending Chapter 62 of the Code of Ordinances, entitled "Streets and Sidewalks" by amending Section 62-31, to allow Code Compliance to issue a notice of code violation, to amend authorization for plantings from the Tree Commission to the Urban Forestry Manager, pursuant to City Code Section 2-944, to provide that plantings shall not obstruct parking of motor vehicles on the City Right of Way, and to amend penalty provisions; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Childress

**Attachments:** [Ordinance](#)  
[Cover Memo](#)

A motion was made by Commissioner Hoover, seconded by Commissioner Carey, that the Ordinance be Passed to Second Reading. The motion passed by unanimous vote.

**ORDINANCES - SECOND READING (Public Hearing and Proposed Adoption)**

- 62 An Ordinance of the City of Key West, Florida, amending Chapter 18 of the Code of Ordinances, entitled "Businesses", by repealing Article XIV, entitled "Residential Tenancies" by repealing Section 18-710 and 18-711 due to the passage of House Bill 1417 preempting local regulations of landlord/tenant relationships; Providing for an effective date.

**Sponsors:** City Attorney Ramsingh

**Attachments:** [Ordinance](#)  
[Cover Memo](#)  
[FS 83.425](#)

A motion was made by Commissioner Lopez, seconded by Commissioner Wardlow, that the Ordinance be Adopted. The motion passed by a voice vote with Vice Mayor Kaufman dissenting.

Enactment No: Ord 23-25

**ADJOURNMENT - 7:48 P.M.**