



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### City Commission

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Tuesday, December 7, 2021

5:00 PM

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:** 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 P.M.**

#### ROLL CALL

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

#### PLEDGE OF ALLEGIANCE TO THE FLAG

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

#### PROCLAMATIONS

- 1                      National Homeless Persons' Memorial Day  
**Sponsors:**            Vice Mayor Kaufman and Commissioner Hoover  
**Attachments:**        [Proclamation](#)  
  
Received and Filed
  
- 2                      Casa Marina Day  
**Sponsors:**            Mayor Johnston and Commissioner Hoover  
**Attachments:**        [Proclamation](#)  
  
Received and Filed

Community Health of South Florida, Inc. Day

Received and Filed

**PRESENTATIONS**

3 Key West 200 Year Celebration - Paul Menta

Attachments: [Presentation](#)

Received and Filed

4 Palm Vista Nursing and Rehabilitation Center Presentation

Attachments: [Presentation](#)

Received and Filed

**City Attorney's Report**

**City Manager's Report**

- Mallory Square RFQ

- Duval Street RFQ

- Community Health (CHI) Grand Opening December 9th 5:30PM

**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**

5 \*November 16, 2021

Attachments: [Minutes](#)

Passed

**RESOLUTIONS**

- 6                    \*Supporting the Florida Fish and Wildlife Conservation Commission (FWC), and urging an increase to FWC law enforcement resources in Monroe County.
- Sponsors:**            Mayor Johnston, Vice Mayor Kaufman, Commissioner Davila, Commissioner Hoover, Commissioner Lopez, Commissioner Wardlow and Commissioner Weekley
- Attachments:**        [Resolution](#)
- Passed**
- Enactment No: Res 21-261
- 7                    \*Naming the "John Menendez Batting Cages" at the Clayton Sterling Basement Complex in Key West.
- Sponsors:**            Commissioner Wardlow, Commissioner Davila, Commissioner Lopez, Commissioner Weekley, Mayor Johnston and Commissioner Hoover
- Attachments:**        [Resolution](#)
- Passed**
- Enactment No: Res 21-262
- 8                    \*Authorizing installation of a commemorative marker at the Truman Waterfront Park recognizing the members of the Truman Waterfront Advisory Board ("TWAB") for their service to the community.
- Sponsors:**            Commissioner Davila
- Attachments:**        [Resolution](#)  
[EPA Award Press Release 10-14-21](#)
- Passed**
- Enactment No: Res 21-263
- 9                    \*Appointing Commissioner Jimmy Weekley and Senior Deputy Clerk Keri O'Brien as well as City Clerk Cheryl Smith, to serve on the Canvassing Board for the Special Municipal Election (Referendum) of January 18, 2022.
- Sponsors:**            City Manager McLauchlin
- Attachments:**        [Resolution](#)
- Passed**
- Enactment No: Res 21-264

10 \*Approving City Attorney Performance Evaluation.

**Sponsors:** City Commission

- Attachments:** [Resolution](#)  
[2021 Shawn Smith Evaluation Calculation](#)  
[City Attorney Evaluation - Commissioner Davila](#)  
[City Attorney Evaluation - Hoover](#)  
[City Attorney Evaluation - Kaufman](#)  
[City Attorney Evalutaion - Lopez](#)  
[City Attorney Evaluation - Wardlow](#)  
[City Attorney Evaluation - Weekley](#)  
[City Attorney Evaluation - Mayor Johnston](#)

**Passed**

Enactment No: Res 21-265

11 \*Approving the attached "Florida Department of Transportation Bicycle Facilities Features Maintenance Memorandum of Agreement with the City of Key West" for maintenance of "Final Mile" project bike parking facilities on FDOT right-of-way (along bus routes) within Key West City limits (FDOT LAP Project 446126-1-58-01); Authorizing necessary budget transfers or adjustments; Authorizing the City Manager to execute necessary documents upon advice and consent of the City Attorney.

**Sponsors:** City Manager McLaughlin

- Attachments:** [Resolution](#)  
[Executive Summary](#)  
[FDOT/CKW Bicycle Facilities MMOA](#)  
[Key West Final Mile Mode Shift 90%](#)

**Passed**

Enactment No: Res 21-266

- 12 \*Approving a four-year extension to the "Contract to Provide Solid Waste Collection and Processing Services and Operation of the Transfer Station" between the City of Key West and Waste Management of Florida, Inc. (WMI); Authorizing the City Manager to execute necessary documents upon advice and consent of the City Attorney.

**Sponsors:** City Manager McLauchlin

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Contract Res. 14-134](#)  
[Res. 14-254 Amendment 1](#)  
[Res. 16-048 Amendment 2](#)  
[Res. 21-259 Amendment 3](#)

**Passed**

Enactment No: Res 21-267

- 13 \*Approving a Task Order to Tetra Tech, Inc. for waterfront facilities inspection and design of repairs to Mole Pier bulkhead at Navy Port Ops in a total amount not to exceed \$140,770.00; Approving necessary budget transfers or adjustments; Authorizing the City Manager to execute any necessary documents upon consent of the City Attorney.

**Sponsors:** City Manager McLauchlin

**Attachments:** [Resolution](#)  
[Executive summary](#)  
[Task order](#)  
[Scope of services](#)  
[Resolution 20-039](#)  
[In-kind approval letter](#)  
[NAVFAC approval](#)

**Passed**

Enactment No: Res 21-268

14

\*Approving a purchase from Ten-8 Fire & Safety, LLC in an amount not to exceed \$1,837,447.65 (with optional pre-payment discount) including the purchase of one 2023 Pierce Impel 107' Aerial Apparatus with associated options and equipment (\$1,082,739.00), one 2023 Pierce Impel Pumper Apparatus with associated options and equipment (\$672,408.00) and additional necessary firefighting/emergency equipment (\$82,300.65), pursuant to Government Contract, Section 2-797(3) of the Code of Ordinances; Authorizing necessary budget transfers or adjustments; Authorizing the City Manager or designee to execute necessary documents upon advice and consent of the City Attorney.

**Sponsors:** City Commission

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Ten-8 Proposal](#)  
[KeyWest Pumper Custom Build List](#)  
[KeyWest Aerial Custom Build List](#)  
[FSA Pumper Group 9 Specification](#)  
[FSA Aerial Group 7 Specification](#)  
[FSA Terms and Conditions](#)  
[FSA20-VEF14.02 Award Letter](#)  
[KeyWest Hose Quote](#)  
[KeyWest Equipment Quote](#)  
[Lake County 17-0606L Contract Extension](#)  
[Lake County 17-0606 Terms and Conditions](#)  
[Performance Bond Sample](#)  
[FSA Terms and Conditions \(2\)-2021](#)  
[KeyWest-833-835-ProposalMediaOptions\\_11\\_22\\_2021](#)  
[KeyWest-833LadderFSA\\$.PDF](#)  
[KeyWest-833PPR](#)  
[KeyWest-835-FSA\\$.PPR-PDF](#)  
[KeyWest-835PPR](#)  
[KeyWest-pumper-Ladder-Equipment ProposalPierce Proposal-PDF](#)

**Passed**

Enactment No: Res 21-269

15

\*Awarding the bid of Flowers Chemical Laboratories in response to Invitation to Bid ("ITB") #21-019 for water testing at the City Marina at Garrison Bight in the total amount of \$14,100.00 per year (three year contract with option to extend additional two year terms); Authorizing necessary budget transfers and adjustments; Authorizing the City Manager to execute a contract in substantial conformance with the bid documents.

**Sponsors:** City Manager McLauchlin

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[ITB 21-019 Water Testing](#)  
[Addendum #1 ITB 21-019 Water Testing](#)  
[Bid Memo](#)  
[Flowers Chemical Labs](#)  
[PSI Full Bid Package](#)

**Passed**

Enactment No: Res 21-270

16

\*Accepting and authorizing execution of the Notice of Grant Agreement (NOGA) for FFY 2021 Florida Department of Transportation (FDOT) Section 5339 (FM#439255-6-94-18) for program funding in the amount of up to \$117,899.00 for the purchase of eight automatic passenger counter and automatic voice annunciation system upgrades; Authorizing the purchase of eight (8) automatic passenger counter and automatic voice annunciation system upgrades, in an amount of up to \$117,899.00 on a sole source basis in the best interests of the City, pursuant to Sections 2-797(1) and 2-797(4)(b) of the Code of Ordinances; Authorizing any necessary budget transfers or adjustments; Authorizing the City Manager or designee to execute documents upon consent of the City Attorney.

**Sponsors:** City Manager McLaughlin

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[KWT FFY21 Section 5339 NOGA](#)  
[GMV Syncromatics Quote](#)  
[Resolution 21-156 \(Designation of Authority\)](#)

**Passed**

Enactment No: Res 21-271



- 17                   \*Authorizing pursuant to Sections 2-797(4)(b) - best interests of the City, and 2-844(a)(b) - Brand Name Specifications, of the Code of Ordinances the purchase of twenty-five (25) GETAC B360 Extreme Rugged Notebook Computers, 28 GETAC B360 in-car docking stations and related equipment from PCN Strategies in the amount of \$103,249.75.

**Sponsors:**           City Manager McLauchlin

**Attachments:**       [Resolution](#)  
                          [Executive Summary](#)  
                          [PCN Strategies Quote](#)  
                          [Connection Quote](#)  
                          [CDW-G Quote](#)  
                          [Brand Name Form](#)

**Passed**

Enactment No: Res 21-272

- 18                   \*Approving Amendment 1 to Task Work Order No. 4 (Titled "Task Work Order No. 4S2") with Choice Engineering Consultants, Inc. in the amount of \$13,400.00 for supplemental field investigation in conjunction with Flagler Avenue Pedestrian Improvements (Project TA49032101), Pursuant to Section 2-845 of the Code of Ordinances; Authorizing any necessary budget transfers or adjustments; Authorizing the City Manager to execute any necessary documents.

**Sponsors:**           City Manager McLauchlin

**Attachments:**       [Resolution](#)  
                          [Executive Summary](#)  
                          [Choice-Amendment #1](#)  
                          [Choice-Task Work Order #4](#)  
                          [Choice-Original Contract](#)  
                          [Res 21-063 Renew Gen Traffic Eng Svcs](#)  
                          [Certificate of Insurance](#)  
                          [Contract Extension](#)

**Passed**

Enactment No: Res 21-273

19

\*Awarding the bid of Charley Toppino & Sons, Inc. received in response to Invitation to Bid (ITB) #22-002 for C.B. Harvey Rest Beach Shelters (Project Number IS19001902) in a total amount not to exceed \$91,197.50; Authorizing any necessary budget transfers and 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 McLaughlin

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[ITB 22-002 Rest Beach Shelters](#)  
[Bid memo](#)  
[Barracuda Builders bid](#)  
[Pedro Falcon bid](#)  
[Charley Toppino & Sons, Inc. bid](#)  
[Bliss Products bid](#)  
[CTS COI w City as Addl Insured](#)

**Passed**

Enactment No: Res 21-274

20

**\*Quasi-Judicial Hearing: Easement - 1200 Whitehead Street (RE# 00026390-000000)** - Approving an Easement Agreement in order to maintain 270 square feet, more or less, of brick pavers onto the Catherine Street right-of-way located within the Historic High Density Residential (HHDR) Zoning District at 1200 Whitehead Street, Key West, Florida (RE#00026390-000000); Pursuant to Section 2-938(b)(3) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida; Providing fees and conditions.

**Sponsors:** City Manager McLaughlin

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

**Postponed to January 4, 2022**

- 21                    **\*Quasi-Judicial Hearing: Easement - 927 Catherine Street (RE# 00031710-000000) - Approving an Easement Agreement in order to maintain 258 square feet, more or less, principle structure, covered porch, and concrete pad onto the Catherine Street right-of-way located within the Historic Medium Density Residential (HMDR) Zoning District at 927 Catherine Street, Key West, Florida (RE# 00037170-0000000); 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 McLauchlin

**Attachments:**        [Resolution](#)  
                                  [Executive Summary](#)  
                                  [Agreement](#)  
                                  [Planning Package](#)  
                                  [Utilities Comments](#)  
                                  [Keys Energy Comments](#)  
                                  [Engineering Comments](#)

**Postponed to January 4, 2022**

- 22                    **\*Quasi-Judicial Hearing: 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

**Attachments:**        [Notice of Appeal Exhibits A-C](#)  
                                  [BRIEF IN SUPPORT OF APPEAL with exhibits](#)  
                                  [Request for Continuance](#)

**Postponed**

**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.

23

Authorizing the City Manger to execute a Satisfaction of Lien in the case of Marsh Enterprises of SW Florida, Inc., Roy William Howard, President, as property owner of 412 Frances Street, Key West Florida, through his authorized representative Tracy Jane Jannsen (POA); Providing a condition; Authorizing the City Manager to execute any necessary documents.

**Sponsors:** City Manager McLaughlin

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Notice of Code Violation](#)  
[Notice of Hearing](#)  
[Finding and Order Lien](#)  
[Lien Mitigation Request](#)  
[Power of Attorney](#)

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

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

Enactment No: Res 21-275

24

**Proposed to be Postponed for 90 Days**

Authorizing the City Attorney to commence legal action to convey by Deed the parcel of accreted land adjacent to North Roosevelt Boulevard and the Marriott Beachside Hotel ("Dinghy Beach") to the City of Key West.

**Sponsors:** Vice Mayor Kaufman

**Attachments:** [Resolution](#)  
[Dinghy Beach Photo 1](#)  
[Dinghy Beach Photo 2](#)  
[Dinghy Beach Photo 3](#)  
[Dinghy Beach Photo 4](#)  
[Correspondence from Robert Spottswood](#)  
[FDOT](#)  
[Code Settlement Agreement](#)  
[Letter to Key West 1-26-2021](#)

**A motion was made by Vice Mayor Kaufman, seconded by Commissioner Hoover, that the Resolution be Postponed to March 15 2022. 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

25

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

**Sponsors:** City Manager McLauchlin

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

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

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

Enactment No: Res 21-276

**ORDINANCES - SECOND READING (Public Hearing)**

- 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

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

**A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Ordinance be Adopted. The motion passed by unanimous vote.**

Enactment No: Ord 21-19

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

**Sponsors:** City Manager McLaughlin

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

**A motion was made by Commissioner Davila, seconded by Commissioner Wardlow, that the Ordinance be Adopted. The motion passed by unanimous vote.**

Enactment No: Ord 21-20

## CITIZEN COMMENTS



**COMMISSION COMMENTS**

**ADJOURNMENT - 6:19 P.M.**