



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

City Commission

Tuesday, August 17, 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.

CALL MEETING TO ORDER - 5:01 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.

PROCLAMATION

1 Women's Equality Day

Sponsors: Mayor Johnston

Attachments: [Proclamation](#)

Received and Filed

PRESENTATIONS

- 2 Unsolicited Proposal for the Diesel Plant
Rams Head Key West. - Bill Muehlhauser

Sponsors: Commissioner Lopez

Attachments: [Letter from Bill Muehlhauser](#)
[Diesel Plant Proposal](#)

Received and Filed

- 3 Hawk Missile Site Proposal - Richard Strickland

Sponsors: City Manager McLaughlin

Attachments: [Presentation](#)

Received and Filed

City Attorney's Report

City Manager's Report

- 20-Year Recognition Tara Stansbury

Administrative Coordinator, Public Works Department

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 *July 21, 2021 (Budget Workshop)

Attachments: [Minutes](#)

Passed

- 5 *August 3, 2021 (Regular)

Attachments: [Minutes](#)

Passed

RESOLUTIONS

6 *Appointing Geoffrey Tomb to the Key West Civil Service Board.

Sponsors: Mayor Johnston

Attachments: [Resolution](#)
[Resume](#)

Passed

Enactment No: Res 21-163

7 *Authorizing the Joint Interagency Task Force-South to hold the Annual Veterans Day Parade on Duval Street from 4:00 P.M. to 8:00 P.M. Thursday, November 11, 2021; Authorizing the closure of certain streets or portions thereof for said Parade from 4:00 P.M. to 8:00 P.M.; Waiving all fees for required City Services.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Application](#)
[Special Event Department Approvals](#)

Passed

Enactment No: Res 21-164

8 *Granting A Special Event Permit pursuant to Section 6-86 of the Code of Ordinances for the Tripp/Montgomery Wedding and Reception at the Key West Tropical Forest and Botanical Gardens located at 5210 College Road from 6:00 P.M. to Midnight on Saturday, February 19, 2022.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
[Application](#)
[Advertisement](#)

Passed

Enactment No: Res 21-165

9

*Awarding the bid of American Empire Builders, Inc. in response to ITB #21-013 in a total amount not to exceed \$249,000.00 for Tarpon Finger Pier Extensions Installation - City Marina at Garrison Bight; Approving any necessary budget adjustments of transfers; Authorizing the City Manager to execute necessary documents upon advice and consent of the City Attorney.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Bid Memo](#)
[Bid Tabulation Spreadsheet](#)
[Contract](#)
[AEB Proposal](#)
[CHC Proposal](#)
[Live Flyer Proposal](#)
[Kearns Proposal](#)
[Mandatory Pre-Bid Sign-In Sheet](#)
[ITB #21-013](#)
[Addendum #1](#)
[Resolution 21-060](#)

Passed

Enactment No: Res 21-166

10

*Approving and accepting the attached “State of Florida Department of Environmental Protection Standard Grant Agreement” Beach Management Funding Assistance Grant 22M02, City of Key West, for Smathers Beach Nourishment May 2019, and ongoing monitoring in an amount not to exceed \$838,491.50 (\$838,491.50 City Match); Authorizing any necessary budget adjustments; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Standard Grant Agreement 22MO2](#)
[Resolution 20-206](#)

Passed

Enactment No: Res 21-167

11

*Approving and accepting the attached Grant Award Agreement with the Monroe County Tourist Development Council (TDC) to accept funding in the amount of up to \$713,387.00 for Mallory Square Public Restrooms Project (Public Facilities Category) and to assist with a Tourism Impact Study; Authorizing any necessary budget amendments or transfers to accept the funding; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Grant Award Agreement](#)
[Application](#)
[Public Facilities Funding Flow Chart](#)

Passed

Enactment No: Res 21-168

Approval of the Consent Agenda

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

12

Approving the attached "Third Amendment to Lease Agreement" to grant an extension to August 28, 2022 (two years) for the completion of improvements/expenditures required as a condition of the lease between the City of Key West and Tropical Shell and Gifts, Inc. for the Key West Aquarium property.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
[Third Amend to Lease Tropical Shell and Gift 2021](#)
[Tropical Shell Request](#)
[Resolution 78-87](#)
[Resolution 81-92](#)
[Resolution 95-419](#)
[Resolution 18-247](#)

A motion was made by Vice Mayor Kaufman, seconded by Mayor Johnston after passing the gavel to Commissioner Weekley, to postpone to September 1, 2021. The motion failed by the following vote:

No: 5 - Commissioner Davila, Commissioner Hoover, Commissioner Lopez
Commissioner Wardlow, Commissioner Weekley

Yes: 2 - Vice Mayor Kaufman, Mayor Johnston

After passing the gavel back to Mayor Johnston, a motion was made by Commissioner Wardlow, seconded by Commissioner Davila, that the Resolution be Passed. 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: Res 21-169

7:34 P.M. - Meeting went into Recess

7:46 P.M. - Meeting Reconvened

13

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

Attachments: [Resolution](#)
[Executive Summary](#)
[SAB Waste Contract Letter](#)
[Waste Management Commercial Disposal Amended Request](#)
[WMI Request](#)
[Resolution 14-134 - Contract](#)
[Resolution 14-254 - Amendment 1](#)
[Resolution 16-048 - Amendment 2](#)

A motion was made by Commissioner Lopez, seconded by Commissioner Hoover, that the Resolution be Postponed to September 14, 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

14

Public Hearing:

Relating to the provision of Stormwater Services; Imposing Stormwater Service Assessments against certain real property within the City of Key West; Approving the Stormwater Assessment Roll for the Stormwater Service Assessments for Fiscal Year 2021-2022.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
[Executive Summary](#)

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 21-170

15

Public Hearing:

Relating to the Collection and Disposal of Solid Waste in the City of Key West, Florida; Imposing Solid Waste Service Assessments against certain real residential property located within the City of Key West, Florida; Approving the Solid Waste Assessment Roll for the Solid Waste Service Assessments; Confirming the Preliminary Assessment Resolution for Fiscal Year 2021-2022.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
[Executive Summary](#)

A motion was made by Commissioner Lopez, seconded by Commissioner Wardlow, that the Resolution be Passed (with the amended Executive Summary recommendation of a 2% increase to Residential User Fee and a 2% increase to Tipping Fee). The motion carried by the following vote:

No: 1 - Vice Mayor Kaufman

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

Enactment No: Res 21-171

16

**QUASI JUDICIAL HEARING: Major Development Plan -
220 Margaret Street**

Granting a Major Development Plan approval pursuant to Section 108-91 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida to renovate an existing historic structure, enclose a portion of the structure and add commercial floor area to open space on property located at 220 Margaret Street (RE# 00072082-004400) in the Historic Residential Commercial Core (HRCC-2) Zoning District; Providing conditions. - Katie Halloran

Attachments:[Resolution](#)[Executive Summary](#)[Staff Report](#)[Planning Board Resolution 2021-33](#)[Final Landscape Memo](#)[Planning Package](#)[Assignment Boat House](#)[Floodplain Comments](#)[Utilities Comments](#)[Keys Energy Comments](#)[Engineering Comments](#)[Urban Forester's Staff Report](#)[2016 Lease Renewal](#)[Key West Bight Masterplan](#)[Key West Bight Community Impact Assessment Statement Section 1](#)[Key West Bight Community Impact Assessment Statement Section 2](#)[Key West Bight Community Impact Assessment Statement Section 3](#)[Key West Bight Community Impact Assessment Statement Section 4](#)[Key West Bight Community Impact Assessment Statement Section 5](#)[Noticing Package](#)

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

Recuse: 1 - Commissioner Weekley

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

Enactment No: Res 21-172

17

Authorizing the City Manager to enter into an Agreement with Federal National Mortgage Association (FNMA), through its representative Attorney Aamir Saeed, as property owner of 2811 Staples Avenue, permitting a Release of Lien upon payment by the owners of the amount of \$20,000.00.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
[CC Amended Executive Summary](#)
[Executive Summary](#)
[Notarized Letter - Authority](#)
[Bennett NOCV](#)
[Bennett NOAH](#)
[Bennett Findings and Orders/ Lien](#)
[Title](#)
[Bank NOAH](#)
[Bank Findings and Orders / Lien](#)
[Lien Mitigation Form](#)
[Power of Attorney](#)
[Compliance email](#)
[Notarized Attorney letter](#)
[First Mitigation Request](#)

A motion was made by Vice Mayor Kaufman, seconded by Commissioner Lopez, that the Resolution be Passed with amending the Release of Lien amount to \$20,000. 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 21-173

- 18 Approving the attached "Poinciana Gardens Funding Interlocal Agreement" between Monroe County (COUNTY), the City of Key West (CITY) and the Housing Authority of the City of Key West (KWH) for FY 2022-2024; Authorizing any necessary budget transfers or adjustments.

Sponsors: City Manager McLaughlin

Attachments: [Resolution Agreement - Social Services - Poinciana Gardens Funding - City-Monroe County-KWHA ILA August 2021](#)

A motion was made by Commissioner Lopez, seconded by Commissioner Davila, 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 21-174

- 19 Approving the proposed Settlement Agreement with Judy McElwee in the amount of \$175,000.00; Authorizing the City Manager to execute all Settlement documents upon the advice and consent of the City Attorney.

Sponsors: City Attorney Smith

Attachments: [Resolution](#)
[Executive Summary](#)
[Settlement Agreement McElwee](#)
[Release and Settlement McElwee](#)

A motion was made by Vice Mayor Kaufman, seconded by Commissioner Weekley, 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 21-175

CITIZEN COMMENTS

- Attachments:**
- [Public Comment - SCS](#)
 - [Public Comment - Fontana](#)
 - [Public Comment - Simmons](#)
 - [Public Comment - Sise](#)
 - [Public Comment - Martini](#)
 - [Public Comment - Churchill Plummer](#)
 - [Public Comment - Crawford](#)
 - [Public Comment - Maher](#)
 - [Public Comment - Moore](#)
 - [Public Comment - Olwell](#)
 - [Public Comment - Schmida](#)
 - [Public Comment - Hamilton](#)
 - [Public Comment - Kostmayer](#)
 - [Public Comment - Leslie](#)
 - [Public Comment - Brown](#)
 - [Public Comment - Braunm](#)
 - [Public Comment - Wheeler](#)
 - [Public Comment - Last Stand](#)
 - [Public Comment - Ley](#)
 - [Public Comment - DCrawford](#)
 - [Public Comment - Bogen](#)
 - [Public Comment - Smith](#)
 - [Public Comment - Berlin](#)
 - [Public Comment - Anderson](#)
 - [Public Comment - Korn](#)
 - [Public Comment - Berlin](#)
 - [Public Comment - LKGA](#)
 - [Public Comment - Bogen](#)

COMMISSION COMMENTS

ADJOURNMENT - 9:32 P.M.