



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### City Commission

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Wednesday, June 2, 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.

**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 - 5:00 P.M.**

#### ROLL CALL

**Absent** 1 - Commissioner Lopez

**Present** 6 - Commissioner Davila, Commissioner Hoover, Vice Mayor Kaufman, 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 Men's Health Month - Proclamation

**Sponsors:** Mayor Johnston

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

Received and Filed

**Recognition - Ambassador's Program - Class 34**

#### PRESENTATIONS

2                    Keefe, McCullough & Company, LLP Fiscal Year 2020  
Audit

Attachments:    [FY 2020 FINANCIAL STATEMENT](#)  
                          [FY 2020 COMPLIANCE REPORT](#)  
                          [Communications to Those Charged with Governance](#)

Received and Filed

3                    Strategic Plan - Sea Level Rise - Elisa Levy

Attachments:    [Presentation](#)  
                          [Final Adaptation and SLR Plan](#)

Received and Filed

4                    Poinciana Gardens - Peter Batty, Sr.

Received and Filed

                          City Attorney's Report  
                          - Discussion - Fence next to Marriott Beachside Hotel

                          City Manager's Report  
                          - Waste Management Update

**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                    \*May 19, 2021

Attachments:    [Minutes](#)

Passed

**RESOLUTIONS**

- 6 \*Authorizing the Rotary Club of Key West, Florida, Inc. to conduct a Fundraiser at McCoy Indigenous Park and Fireworks on the Edward B. Knight Pier on July 4, 2021 (Set Up July 2, 2021 starting at 7:00 a.m. through July 5, 2021 7:00 a.m.); Authorizing Fireworks Display off the Edward B. Knight Pier on July 4, 2021 from 9:00 p.m. to 10:00 p.m.; Authorizing the Sale and Consumption of alcoholic beverages at McCoy Indigenous Park.

**Sponsors:** City Manager McLaughlin

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Application](#)  
[Safety Plan](#)  
[Social Distancing](#)

Enactment No: Res 21-109

- 7 \*Authorizing Sloppy Joe's Enterprises, Inc. to conduct an annual Hemingway Look-A-Like and Running of the Bulls Contest on Saturday, July 24, 2021, from 12:00 Noon to 10:00 P.M. (Set up 9:00 A.M. to 11:00 P.M.) pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Green Street between Duval and Ann Streets from 9:00 A.M. to 10:00 P.M.; Authorizing the sale and consumption of alcoholic beverages within the enclosed area.

**Sponsors:** City Manager McLaughlin

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Application](#)  
[Safety Plan](#)

**Passed**

Enactment No: Res 21-110

- 8 \*Approving the attached "Amendment of Solicitation/Modification of Contract" (Amendment/Modification Number 7) to contract number N69450-12-RP-00166, between the United States of America, acting by and through the Department of the Navy, Naval Facilities Engineering Command Southeast, and the City of Key West, for the Outer Mole Pier; Approving any necessary budget amendments/adjustments; Authorizing the Interim City Manager to execute any necessary documents upon consent of the City Attorney.

**Sponsors:** City Manager McLaughlin

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Letter to Navy Dec 2020](#)  
[MOD 7 Mole Pier Public Benefit Lease](#)  
[Outer Mole Lease May 2014](#)

**Passed**

Enactment No: Res 21-111

- 9 \*Authorizing the purchase of three (3) Inovair Single-Stage Turbo Blowers, with related equipment from Accessible Technologies, Inc. on a sole source, and in the best interests of the City, pursuant to Section 2-797(1) and 2-797(4)(b) of the Code of Ordinances, in a total amount not to exceed \$546,000.00; Authorizing necessary budget transfers or adjustments; Authorizing the Interim City Manager to execute necessary documents upon consent of the City Attorney.

**Sponsors:** City Manager McLaughlin

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Blower alternatives evaluation report](#)  
[Inovair quote](#)

**Passed**

Enactment No: Res 21-112

10

\*Awarding the bid of Charlie Toppino & Sons, Inc. received in response to Invitation to Bid (ITB) #21-009 for Whitehead and Front Street Improvements (Project Nos. I41022001 (ADA Sidewalks) and I41022002 (Paving) in a total amount not to exceed \$2,107,476.50; Authorizing any necessary budget adjustments and amendments, including reimbursement of certain costs by Florida Keys Aqueduct Authority in an amount anticipated to be \$884,034.78, pursuant to an Interlocal Agreement approved in Resolution 21-058; Authorizing the City Manager to execute a contract in substantial conformance with bid proposal, upon consent of the City Attorney.

**Sponsors:** City Manager McLaughlin

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[ITB 21-009](#)  
[ITB 21-009 Addendum #1](#)  
[ITB 21-009 Bid Tab](#)  
[ITB 21-009 CTS \(Large File\)](#)  
[ITB 21-009 Zahlene \(Large File\)](#)  
[ILA - FKA](#)

**Passed**

Enactment No: Res 21-113

11

\*Amending Resolution 20-212 to reflect a change in Lessor with regard to a Lease to Own financing of capital equipment, previously approved in Resolution 20-212, from BB&T Bank to Community First National Bank for the lease/purchase of 55 Scott Air-Pak X3 Pro Self Contained Breathing Apparatus (SCBA) units, four Rit-pak, one hundred four (104) Cylinders and related equipment from Municipal Emergency Services, Inc. at an interest rate of 2.68% (total amount financed \$308,365.00 through 11/1/2022); Providing that other terms contained in Resolution 2-212 are not changed; Authorizing the (Interim) City Manager to execute necessary documents upon consent of the City Attorney.

**Sponsors:** City Manager McLaughlin

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Master Equipment Lease Purchase Agreement](#)  
[Res. 20-212](#)  
[BB & T Rate Increase](#)  
[Community Leasing Partners Rate "Hold"](#)

**Passed**

Enactment No: Res 21-114

- 12                   \*Approving the attached "State of Florida Department of Environmental Protection Standard Grant Agreement" Clean Vessel Act Grant CVA21-004, City of Key West, Agreement Number MV409, got pumpout operations, maintenance, repairs and signage in an amount not to exceed \$46,108.99 with a 25% City Match of \$15,369.62 (total project cost \$61,478.50); Authorizing any necessary budget adjustments; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

**Sponsors:**           City Manager McLaughlin

**Attachments:**       [Resolution](#)  
                              [Executive Summary](#)  
                              [MV409 Agreement](#)  
                              [Application](#)

**Passed**

Enactment No: Res 21-115

- 13                   \*Approving Work Order #3 under the City's Pavement Markings, Striping & Roadway Signage Contract with Charley Toppino & Sons, Inc. (CTS) in a total amount not to exceed \$59,957.64 for pavement marking inclusive of all row and permitting fees for streets referenced in the attached work order; Authorizing budget adjustments if necessary; Authorizing the (Interim) City Manager to execute necessary documents upon consent of the City Attorney.

**Sponsors:**           City Manager McLaughlin

**Attachments:**       [Resolution](#)  
                              [Executive Summary](#)  
                              [WO#3 & Area Map](#)  
                              [Layout Plans](#)  
                              [Res 18-294 Resident Parking Program](#)  
                              [Res 20-095 Award CTS Pavement Marking](#)

**Passed**

Enactment No: Res 21-116

14

\*Authorizing the purchase from Stryker Medical three (3) Lifepak 15 Cardiac Systems plus accessories as a brand name product, on a sole source basis pursuant to Section 2-797(1) for brand name items, pursuant to City Code Section 2-844(a) and (b) for the Key West Fire Department in an amount not to exceed \$55,095.00; Authorizing any necessary budget amendments or adjustments.

**Sponsors:** City Manager McLauchlin

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Key West LP15 PROMO w CO 5.6.21](#)  
[LIFEPAK 15 Brochure \(Prehospital\)](#)  
[Treatment Sole-Source Letter 2020 \(1\)](#)  
[V1V2V4 Comparison](#)

**Passed**

Enactment No: Res 21-117

15

\*Approving the attached "Amendment No. 2 to Interlocal Agreement Between the City of Key West Florida and Monroe County Florida" (ILA) to extend mobile marine vessel pump out through September 30, 2021; Authorizing any necessary budget adjustments; Authorizing the City Manager to execute the ILA upon consent of the City Attorney.

**Sponsors:** City Manager McLauchlin

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Amendment 2 with Key West thru Sept 30](#)  
[Interlocal Agreement pumpout 7.14.20 - final with exhibit](#)  
[Res 20-137](#)  
[21-6798 ILA with Monroe County for Pumpout services six months extension](#)  
[Resolution 21-038](#)

**Passed**

Enactment No: Res 21-118



**Approval of the Consent Agenda**

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

16

**Approving/Denying** the issuance of three vehicle for hire licenses to Geraldo (Jerry) Hernandez/Key West Trolley Company in excess of the limits specified in Key West Code of Ordinances Section 78-233.

**Sponsors:** Vice Mayor Kaufman

**Attachments:** [Resolution](#)  
[Request from Geraldo Hernandez](#)  
[Code Article IV Sightseeing Vehicles Operated Pursuant to Busienss License](#)  
[Key West Trolley Annual Report 2021](#)

**Withdrawn**

- 17 Approving [Reinstating] the attached "Public Transportation Amendment to the Public Transportation Agreement" (PTGA) FM 444447-1-94-01 between the Florida Department of Transportation (FDOT) and the City of Key West for the Mallory T-Pier Extension/Improvements Project to add Fiscal Year 2021 funding of \$521,835.00 with a \$173,945.00 City match (\$695,780.00 total); Approving necessary budget adjustments; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

**Sponsors:** City Manager McLaughlin

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[G1767 \(DRAFT 05-25-2021\) Amendment TWO - Adding FY 2021 Funds](#)  
[Resolution 19-129](#)  
[Resolution 19-363](#)  
[Public Comment - Haskell](#)  
[Public Comment - Martini](#)  
[Public Comment - Marquardt](#)  
[Public Comment - HaskellA](#)  
[Public Comment - HaskellA2](#)  
[Public Comment - Tenney](#)  
[Public Comment - EHaskell](#)  
[Pier Replacement and Improvements- per E Haskell](#)

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

**Absent:** 1 - Commissioner Lopez

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

Enactment No: Res 21-119

## ORDINANCES – FIRST READING

18

An Ordinance of the City of Key West amending Chapter 108 of the Land Development Regulations, entitled "Planning and Development", Article X entitled "Building Permit Allocation System", Division 2 entitled "Building Permit Allocation System", to create Section 108-1001. - Density Limited to Building Permit Allocation System; Pursuant to Chapter 90, Article VI, Division 2; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager McLauchlin

**Attachments:** [Ordinance](#)  
[Executive Summary](#)  
[PB Resolution](#)  
[Staff Report](#)

**A motion was made by Vice Mayor Kaufman, seconded by Commissioner Wardlow, that the Ordinance be Passed to Second Reading. The motion carried by the following vote:**

**Absent:** 1 - Commissioner Lopez

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

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

19

An Ordinance of the City Of Key West, Florida, amending Chapter 6 of the Code Of Ordinances, Entitled “Amusements and Entertainment” by amending Section 6-116, to amend definitions; By amending Chapter 18 of the Code Of Ordinances, entitled “Businesses” by amending Section 18-354, Section 18-355, Section 18-359, Section 18-381, Section 18-382, Section 18-383, Section 18-384, Section 18-385, to amend the Chapter to conform with Florida Statutes and add additional safety regulations; By amending Chapter 70 of the Code Of Ordinances, entitled “Traffic and Vehicles” by amending Section 70-1, to amend definitions; By amending Chapter 70 of the Code Of Ordinances, entitled “Traffic And Vehicles” by amending Section 70-119, to amend parking in undesignated area; By adding Article IX, entitled “Electric Bicycle, Motorized Scooters and Micromobility Devices” Section 70-901 to 70-902; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** Vice Mayor Kaufman

**Attachments:** [Ordinance](#)  
[Executive Summary](#)  
[SUGGESTIONS FOR ADDING E-BIKES SAFELY TO OUR STREETS](#)

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**A motion was made by Commissioner Weekley, seconded by Vice Mayor Kaufman, that all applications received after First Reading date of 2/17/2021 should not be processed or considered due to Pending Ordinance/Red Flag Doctrine. The motion carried by the following vote:**

**Absent - Commissioner Lopez**

**No - Commissioner Hoover**

**Yes - Commissioner Davila, Commissioner Kaufman, Commissioner Weekley, Commissioner Wardlow, Mayor Johnston**

**A motion was made by Vice Mayor Kaufman, seconded by Commissioner Weekley, that the Ordinance be Postponed to July 20, 2021. The motion carried by the following vote:**

**Absent:** 1 - Commissioner Lopez

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

**CITIZEN COMMENTS**

**COMMISSION COMMENTS**

**ADJOURNMENT - 7:22 P.M.**