



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Meeting Agenda Full Detail

### City Commission

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Tuesday, February 15, 2022

5:00 PM

City Hall

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REVISED 2/14/2022

**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.

You may also attend these meetings virtually via Zoom by telephoning 312-626-6799, Meeting ID: 825 4984 9408, Pass Code: 909159 or online at: <https://cityofkeywest-fl-gov.zoom.us/j/82549849408> Passcode: 909159

**CALL MEETING TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**APPROVAL OF AGENDA**

**PROCLAMATIONS**

**1 Black History Month**

**Sponsors:** Mayor Johnston and Commissioner Lopez

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

**City Attorney's Report**

**City Manager's Report**

- Duval Street RFP
- Diesel Plant Workshop
- Mallory Square Ranking
- One Way Study - Steve McAlearney



- 6 \*Amending Resolution 21-246 to allow the Monroe County Commercial Fishermen, Inc. 16th Annual Florida Keys Seafood Festival at Bayview Park a change of dates from Saturday, January 15th, 2022 from 11:00 A.M. to 8:00 P.M. and Sunday, January 16th, 2022 from 11:00 A.M. to 5:00 P.M. to April 2, 2022 from 11:00 A.M. to 8:00 P.M. and Sunday, April 3, 2022 from 11:00 A.M. to 5:00 P.M. (set up Thursday and Friday, March 31 and April 1, 2022); 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 McLaughlin

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

[Res 21-246](#)

[Reschedule of Event](#)

- 7 \*Approving the attached "State of Florida Department of Transportation Public Transportation Grant Agreement" (PTGA) between the Florida Department of Transportation (FDOT) and the City of Key West for Federal Transit Administration (FTA) Section 5311 operation assistance of up to 100 percent through the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (CRRSAA) and American Rescue Plan Act (ARPA) (Contract G2545/Financial Project Number 447463-2-84-01) in an amount of up to \$485,692.00; Authorizing necessary budget transfers and adjustments.

**Sponsors:** City Manager McLaughlin

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

[Executive Summary](#)

[Public Transportation Grant Agreement G2545](#)

[Resolution 21-156 \(Designation of Authority\)](#)

- 8 \*Approving Change Order #5 in the amount of \$67,144.56 for additional unforeseen conditions, under the contract awarded to Charley Toppino and Sons, Inc. for Truman Waterfront Park Phase 1B; 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 McLaughlin

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

[Executive Summary](#)

[Truman Waterfront PH IB CO5](#)

[Res 19-296 Approve CTS bid TWP IB](#)

[Res 20-070 Approve CO3](#)

[Res 21-102 Approve CO4](#)

[CTS TWP 1B Contract Executed](#)

- 9 \*Authorizing on a sole source basis pursuant to Section 2-797(1) for brand name items in accordance with 2-844 of the Code of Ordinances and Section 2-797(4)(B) of the Code of Ordinances the attached proposal of Alligator Alley Harley Davidson in the total amount of \$116,703.52 (\$29,175.88 per unit) for the purchase of four 2022 Harley Davidson Police Road King Motorcycles for use by the Key West Police Department Traffic Unit; Authorizing trade-in of up to four used 2017 Harley Davidson Road King Motorcycles pursuant to Section 2-771(c) of the Code of Ordinances, upon negotiation, receipt and acceptance of a fair and equitable trade-in determination on the day of trade, by City/KWPD staff.

**Sponsors:** City Manager McLaughlin

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

[Executive Summary](#)

[Alligator Alley Harely Quote](#)

[Orlando HD South Quote](#)

[Bruce Rossmeyer Quote](#)

[Brand Name Specific](#)

- 10                    \*Requesting approval of the attached Fee Schedule "Exhibit A" to adjust the Sidewalk Cafe Program Fees in the City of Key West.
- Sponsors:*** City Manager McLaughlin
- Attachments:*** [Resolution](#)
- [Executive Summary](#)
- [Fee Schedule Sidewalk Cafe Exhibit A](#)
- 11                    \*Ratifying an emergency procurement dated February 2, 2022 approved by the City Manager as provided for under Section 2-797(2) of the Code of Ordinances, authorizing a procurement from Evoqua Water Technologies, LLC in an amount not to exceed \$148,452.00 to rebuild/replace the clarifier at the wastewater treatment plant; Authorizing any necessary budget transfers.
- Sponsors:*** City Manager McLaughlin
- Attachments:*** [Resolution](#)
- [Executive Summary](#)
- [Emergency Declaration](#)
- [Key West Naval Air Station Quote 2022-506083](#)
- [Evoqua Sole Source letter Key West](#)
- 12                    \*Ratifying and approving budget transfers and adjustments in FY 2021-22 totaling \$210,000.00 from General Fund General Reserves Account to City Attorney Professional Services (outside counsel) Account to provide for current and future legal representation services by Tripp Scott, PA related to the Cruise Ship Ports Referendum pursuant to Section 2-739(b) of the Code of Ordinances.
- Attachments:*** [Resolution](#)
- [Executive Summary](#)
- [Resolution 21-260](#)
- [Tripp Scott Representation Agreement](#)
- [Purchase Order 095437](#)
- [Tripp Scott Invoice #1](#)
- [Budget Amendment](#)
- [Tripp Scott Invoice #2](#)

- 13                    \*Ratifying an emergency procurement for additional soil testing at the Bahama Village 3.2 acre property between Tetra Tech, Inc. and the City of Key West, in a total amount not to exceed \$70,442.00, pursuant to Section 2-797(2) and 2-797(4)(b) of the Code of Ordinances; Approving necessary budget transfers and adjustments; Authorizing the City Manager to execute any necessary documents upon consent of the City Attorney.

**Sponsors:** City Manager McLaughlin

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

[Executive Summary](#)

[Emergency Procurement Memo](#)

[Tetra Tech Proposal](#)

[Tetra Findings & Alternatives Letter 12.03.2021](#)

[Res 20-039 Approve Env Eng Svcs](#)

[Tetra Tech Env Eng Gen Svcs Contract 2020](#)

- 14                    **Quasi-Judicial Hearing:** Approving the attached "Revocable License Agreement for use of City Property" between the City of Key West and the University of South Florida/College of Marine Science (USF) for the installation and maintenance of a CODAR Ocean Current Monitoring Station (OCMS) at the eastern end of Smathers Beach.

**Sponsors:** City Manager McLaughlin

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

[Executive Summary](#)

[License Agreement - USF Smathers Beach](#)

[Exhibit A](#)

15

**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 McLaughlin

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

[Executive Summary](#)

[Agreement](#)

[Planning Package](#)

[Utilities Comments](#)

[Keys Energy Comments](#)

[Engineering Comments](#)

**Legislative History**

10/28/21	Development Review Committee	Received and Filed
12/7/21	City Commission	Postponed
1/4/22	City Commission	Postponed

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

16

An Ordinance of the City of Key West, Florida, amending Comprehensive Plan Chapter 1, Future Land Use, Policy 1-1.16.1, entitled, "Maintain A Building Permit Allocation Ordinance," and by amending Chapter 3, Housing, Policy 3-1.1.4, entitled "Building Allocation System", to provide for building permit allocation system units for the property known as the 3.2 (RE# 00001630-000801); Providing for transmittal to the state land planning agency; Providing for the filing with secretary of state; Providing for severability; Providing for repeal of inconsistent provisions; Providing for the inclusion in the City of Key West Comprehensive Plan; and Providing for an effective date.

**Sponsors:** City Manager McLaughlin

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

[Executive Summary](#)

[PB RES 2021-36 Comp Plan Text Amendment BPAS](#)

[Staff Report](#)

[Noticing Package](#)

**Legislative History**

7/15/21	Planning Board	Postponed
8/19/21	Planning Board	Approved
9/14/21	City Commission	Passed to Second Reading

17

An Ordinance of the City of Key West, Florida, amending Chapter 108 of the Land Development Regulations, Article X " Building Permit Allocation System", Section 108-995, to provide for Building Permit Allocation System units for the property known as the 3.2 (RE# 00001630-000801); 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 McLaughlin

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

[Executive Summary](#)

[PB RES 2021-37 LDR Text Amendment BPAS](#)

[Staff Report](#)

[Noticing Package](#)

**Legislative History**



7/15/21	Planning Board	Postponed
8/19/21	Planning Board	Approved
9/14/21	City Commission	Passed to Second Reading

**ORDINANCES - FIRST READING**

- 18 An Ordinance of the City of Key West, Florida, adding Chapter 80 of the Code of Ordinances, entitled "Cruise Ship Regulations" by adding Section 80-1 definitions, Section 80-2 Prohibiting Pollution of Air and Water, establishing fees related to the failure to cleanup water pollution, Section 80-3 Requiring Environmental Certification, Section 80-4 establishing a Coral Reef Restoration Fund and establishing a Mechanism for the Funding of Restoration Fund; Section 80-5 Passenger Healthcare Services; Providing for Severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Attorney Smith

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

[Tripp Scott Memo 2-8-22](#)

[Public Comment - Walsh](#)

[Public Comment - Wells](#)

**RESOLUTIONS - Cont'd**

- 19 **PROPOSED ADD-ON:**  
Prohibit the docking of, and disembarkation of passengers from, any cruise ship, as defined in 33 CFR 101.105, at any and all City property that is owned by the City of Key West or leased by the City of Key West, except for emergency circumstances.

**Sponsors:** Mayor Johnston and Commissioner Davila

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

[Public Comment - Maguire](#)

**CITIZEN COMMENTS****COMMISSION COMMENTS****ADJOURNMENT**

