



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### City Commission

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Tuesday, February 15, 2022

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

**Absent** 1 - Commissioner Wardlow

**Present** 6 - Commissioner Davila, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Lopez, Commissioner Weekley and Mayor Johnston

#### PLEDGE OF ALLEGIANCE TO THE FLAG

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

#### PROCLAMATIONS

#### 1 Black History Month

Received and Filed

#### City Attorney's Report

#### City Manager's Report

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

**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**

2                      \*January 19, 2022

Passed

3                      \*February 1, 2022

Passed

**RESOLUTIONS**

4                      \*Urging the Florida Legislature to defeat HB 1557/SB 1834 which undermines protections for LGBTQ students and creates obstacles for educators that seek to provide safe, inclusive classrooms; Directing the City Clerk to provide this Resolution to certain members of the Florida Legislature.

Passed

Enactment No: Res 22-047

5                      \*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.

Passed

Enactment No: Res 22-048

- 6                   \*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.

**Passed**

Enactment No: Res 22-049

- 7                   \*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.

**Passed**

Enactment No: Res 22-050

- 8                   \*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.

**Passed**

Enactment No: Res 22-051

- 9                    \*Requesting approval of the attached Fee Schedule "Exhibit A" to adjust the Sidewalk Cafe Program Fees in the City of Key West.

**Passed**

Enactment No: Res 22-052

- 10                  \*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.

**Passed**

Enactment No: Res 22-053

- 11                  \*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.

**Passed**

Enactment No: Res 22-054

- 12                  \*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.

**Passed**

Enactment No: Res 22-055

- 13                    **\*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.**

Postponed Indefinitely

#### 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.

#### ORDINANCES - FIRST READING

- 14                    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.

Withdrawn

#### RESOLUTIONS - Cont'd

- 15                    Urging Congress to re-introduce and enact HR 1976 "Medicare for All Act of 2021"; Authorizing the City Clerk to

provide copies of this Resolution to members of the South Florida Congressional Delegation.

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

Enactment No: Res 22-056

16

**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.

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

Enactment No: Res 22-057

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

17

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.

**A motion was made by Commissioner Lopez, seconded by Commissioner Weekley, that the Ordinance be Adopted with the staff report as evidence at the public hearing. The motion carried by the following vote:**

**Absent:** 1 - Commissioner Wardlow

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

Enactment No: Ord 22-05

18

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.

**A motion was made by Commissioner Lopez, seconded by Commissioner Weekley, that the Ordinance be Adopted with the staff report as evidence at the public hearing. The motion carried by the following vote:**

**Absent:** 1 - Commissioner Wardlow

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

Enactment No: Ord 22-06

#### **CITIZEN COMMENTS**

#### **COMMISSION COMMENTS**

#### **ADJOURNMENT - 6:52 P.M.**