



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### City Commission

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Tuesday, March 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

**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.**

#### COMMENDATIONS

1 Barry Gibson

**Sponsors:** Mayor Johnston

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

Received and Filed

#### PROCLAMATIONS

2 Women's History Month

Sponsors: Mayor Johnston

Attachments: [Proclamation](#)

Received and Filed

3 Helen Thomas Day - Centenarian

Sponsors: Mayor Johnston

Attachments: [Proclamation](#)

Received and Filed

4 Transit Worker Appreciation Week

Sponsors: Mayor Johnston

Attachments: [Proclamation](#)

Received and Filed

5 Harry Bethel 50 Years of Public Service

Sponsors: Commissioner Weekley, Vice Mayor Kaufman, Commissioner Davila, Commissioner Hoover, Commissioner Lopez and Commissioner Wardlow

Attachments: [Proclamation](#)

Received and Filed

**PRESENTATIONS**

6 Special Taxing Districts - Terry Lewis, Esq - Lewis, Longman, Walker Law Firm

Sponsors: City Manager McLauchlin

Attachments: [Presentation](#)

Received and Filed

7 GIS Street Map for Key West - Matt Willman & Ryan Stachurski

Sponsors: Mayor Johnston

Attachments: [Key West Street Map 2022](#)

Received and Filed

**City Attorney's Report**

**City Manager's Report**

- Diesel Plant Update
- Duval Street RFP
- Directors' Presentations
- Update Strategic Plan

**Staff Updates - John Paul Castro, Utilities Director**

- Harris & 10th St. Stormwater System
- Fogarty and 3rd St.

**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**

8 \*March 1, 2022

Attachments: [Minutes](#)

**RESOLUTIONS**

- 9                   \*Authorizing Sloppy Joe's Enterprises, Inc. to conduct the Annual Hemingway Look-a-Like and Running of the Bulls Contest on Saturday, July 23, 2022, 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 Greene 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](#)  
                              [COVID Plan](#)

**Passed**

Enactment No: Res 22-074

- 10                   \*Approving the attached "Amended Concession Agreement" for the Wildlife Center at 1801 White Street (Indigenous Park) between the City of Key West and Key West Wildlife Center, Inc.; Authorizing any necessary budget transfers or adjustments; Authorizing the City Manager to execute the Agreement upon consent of the City Attorney.

**Sponsors:**           City Manager McLaughlin

**Attachments:**       [Resolution](#)  
                              [Executive Summary](#)  
                              [Concession Agreement](#)  
                              [Exhibit A](#)  
                              [Prior Concession Agreement](#)  
                              [Corporate Documents](#)

**Passed**

Enactment No: Res 22-075

11

\*Approving Task Order 2-20-Ports Amendment 2 for CH2M Hill, Inc. in an amount not to exceed \$33,079.00 for Mallory Square Mooring Improvements additional services - Coral Mitigation Planning; Authorizing necessary budget adjustments; Authorizing the City Manager to execute any necessary documents upon consent of the City Attorney.

**Sponsors:** City Manager McLaughlin

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[TO 2-20A Amendment 2 PORTS Mallory Pier Improvements Additional Services](#)  
[Mallory Pier 2020 - Benthic Coral Assessment 5.24.2020](#)  
[TO 2-20A Amendment 1 PORTS Mallory Pier Improvements Additional Services](#)  
[Res. 19-350 Mallory Sq. Mooring](#)  
[Resolution 17-207](#)  
[CH2M Hill Contract](#)  
[Letter from John Wells](#)

**Passed**

Enactment No: Res 22-076

12

\*Authorizing the City Manager to execute the attached Local Area Program (LAP) Supplemental Agreement #7 between the City of Key West and FDOT to adjust/remove funding in the amount of \$180,000.00 for SR A1A/South Roosevelt from Bertha to Smathers Beach Project (250548-4) Phase 68-02 Construction Engineering and Inspection (CEI); Authorizing any necessary budget transfers or adjustments; Authorizing the City Manager or designee to execute necessary documents upon consent of the City Attorney.

**Sponsors:** City Manager McLauchlin

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Supplemental Agreement #7](#)  
[Resolution 08-122](#)  
[Resolution 13-293](#)  
[Resolution 15-294](#)  
[Resolution 18-070](#)  
[Resolution 19-124](#)  
[Resolution 20-227](#)

**Passed**

Enactment No: Res 22-077

13

\*Approving Change Order #2 in the amount of \$160,029.11 for unforeseen conditions, and authorizing a time extension under the contract awarded to Charley Toppino and Sons, Inc. for ITB #21-009; Whitehead and Front improvements project; Authorizing and 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](#)  
[CO#2-draft](#)  
[Res 21-113 Award to CTS](#)  
[Res 21-058 Approve FKAAL ILA](#)  
[ILA-FKAA](#)  
[Whitehead Contract-CTS](#)

**Passed**

Enactment No: Res 22-078

14

**\*Major Development Plan, Conditional Use, & Landscape Waiver - 111 Olivia Street (RE# 00014720-000000) - Granting a Major Development Plan, Conditional Use, and Landscape Waiver approval at 111 Olivia Street (RE #00014720-000000) for construction of a new 9,587 square foot community center located in the Historic Neighborhood Commercial (HNC-3) Zoning District; Pursuant to Sections 108-91.A.2(B), 108-517, 122-62, and 122-868(2) of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

**Sponsors:** City Manager McLaughlin

**Attachments:** [Executive Summary](#)  
[Resolution](#)  
[2022.01.17 Final Planning Set](#)  
[HARC Approval and Signed COA's](#)  
[Final Landscape Approval](#)  
[PB RES 2022-001](#)  
[PB RES 2022-002](#)  
[Staff Report](#)  
[Planning Package](#)  
[Noticing Package](#)  
[Utilities Comments](#)  
[Keys Energy Comments](#)  
[Floodplain Comments](#)  
[Engineering Comments](#)

**Postponed to April 5, 2022**

### **Approval of the Consent Agenda**

**A motion was made to Approve the Consent Agenda. The motion was carried unanimously.**



15

Authorizing the City Manager to enter into an Agreement with Michael Coppola, through his representative attorney Robert Cintron, as former property owner of 1109 Fleming Street, permitting a Release of Lien upon payment by the owners of the mitigate amount of \$35,000; Providing conditions.

**Sponsors:** City Manager McLaughlin

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Lien Mitigation Request](#)  
[Notice of Code Violations](#)  
[Notice of Administrative Hearing 1](#)  
[Notice of Administrative Hearing 2](#)  
[Notice of Administrative Hearing 3](#)  
[Findings and Orders 1](#)  
[Findings and Orders 2](#)  
[Findings and Orders 3](#)  
[Liens](#)  
[Res. 15-012 Settlement Agreement](#)

**A motion was made by Commissioner Lopez, seconded by Commissioner Wardlow, that the Resolution be Passed with the new agreed upon mitigation amount of \$50,000 which is to be paid within 30 days. 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 22-079

16

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](#)

Withdrawn

#### ORDINANCES – FIRST READING

17

**Text Amendment to the Historic Architectural Review Commission's Guidelines** - An Ordinance of the City Commission of the City of Key West, Florida, amending the Historic Architectural Review Commission Guidelines for windows and shutters as referenced in Section 90-142 of the City of Key West Land Development Regulation; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** Vice Mayor Kaufman

**Attachments:** [Ordinance](#)  
[Executive Summary](#)  
[Planning Board Resolution 2022-010](#)  
[Staff Report - Planning](#)  
[Chapter 163 Section 04 - Florida Statutes Energy Devices Based on Renewable Resources](#)  
[List of buildings and sites individually listed in the National Register of Historic Places](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Ordinance be Postponed to April 5, 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

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**Text Amendment to the Land Development**

**Regulations** - An Ordinance of the City Commission of the City of Key West, Florida, amending Chapter 102 of the Code of Ordinances entitled "Historic Preservation", Article IV entitled "Certificate of Appropriateness" by amending Division 2, entitled "Economic Hardship" by increasing the maximum household income for applicants seeking substitution of alternative building materials for historic or traditional materials; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** Vice Mayor Kaufman

**Attachments:** [Ordinance](#)  
[Executive Summary](#)  
[Planning Board Resolution 2022-011](#)  
[Staff Report Planning Board](#)  
[2021 Work Force Housing Income Limits](#)

**A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Ordinance be Postponed to April 5 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

**CITIZEN COMMENTS****COMMISSION COMMENTS****ADJOURNMENT - 7:07 P.M.**