



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### City Commission

---

Wednesday, May 18, 2022

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.

**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 - 5:01 PM**

#### 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 approved unanimously as amended.

#### PROCLAMATIONS

1 Pride Week - 2022

Received and Filed

Maritime Day

Received and Filed

#### PRESENTATIONS

- 2 Winner of the High School Division of the 2022 International Film Festival - Kara Norman

Received and Filed

- 3 Key West Land Transformation Presentation

Received and Filed

- 4 6 Month Budget Update - Christina Bervaldi, Finance Director

Received and Filed

**City Attorney's Report**

**City Manager's Report**

- 27 Years of Service and Retirement-  
KWPD Captain J.R. Torres
- Monroe County Land Swap Discussions
- Diesel Plant
- Hawks Missile Site
- Higgs Beach
- Housing Authority Updates
- Budget Review Update
- Additional Assistant City Manager Position

**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 3, 2022

**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, 2022 (set up July 2, 2022, starting at 7:00 A.M. through July 5th breakdown); Authorizing fireworks display off the Edward B. Knight Pier on July 2, 2022 from 9:00 P.M. to 10:00 P.M.; Authorizing the sale and consumption of alcoholic beverages at McCoy Indigenous Park on July 4, 2022 from 5:00 P.M. to 10:00 P.M.

Enactment No: Res 22-113

- 7                   \*Authorizing Literacy Volunteers of America - Monroe County, Inc. to conduct its Annual Caribbean Street Fair on Saturday, July 23, 2022 from 10:00 A.M. to 10:00 P.M. (set up 8:00 A.M); Pursuant to terms and conditions set forth by the City Manger; Authorizing the closure of the 100-300 blocks of Duval Street between the hours of 10:00 A.M. to 10:00 P.M.

**Passed**

Enactment No: Res 22-114

- 8                   \*Authorizing the Key West Business Guild, Inc. to conduct the Annual Headress Ball at the Truman Waterfront Coffee Butler Amphitheater on Thursday, October 27, 2022 from 6:30 P.M. to 11:30 P.M; Pursuant to terms and conditions set forth by the City Manager; Authorizing the sale and consumption of alcoholic beverages within an enclosed area.

**Passed**

Enactment No: Res 22-115

- 9                   \*Authorizing a one-year extension of the Agreement for EMS billing services between the City and Advance Data Processing, Inc., a subsidiary of Intermedix Corporation (ADP Intermedix), to be effective October 1, 2022; Authorizing the City Manager to execute any necessary documents.
- Passed**
- Enactment No: Res 22-116
- 10                  \*Approving Issuance of a Task Order to Black and Veatch Corporation to evaluate the feasibility of constructing a waste to energy plant in the Lower Keys in an amount not to exceed \$80,478.00; Authorizing a necessary budget transfer or adjustment; Authorizing the City Manager to execute documents upon consent of the City Attorney.
- Postponed**
- 11                  \*Approving the attached "Assignment of Water Testing Services Agreement" to assign a contract for water testing between the City and Flowers Chemical Laboratories to Eurofins Environment Testing Southeast, LLC on the same terms and conditions; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.
- Passed**
- Enactment No: Res 22-117
- 12                  \*Approving a Task Order from Perez Engineering and Development, Inc. in the amount of \$57,020.00 for professional services for Triangle Beautification Design (Project IS19002202); Authorizing any necessary budget transfers; Authorizing the City Manager to execute any necessary documents.
- Passed**
- Enactment No: Res 22-118

- 13                   \*Approve the ranking of responses to the Request for Qualifications (RFQ) No. 21-001 for Construction Engineering and Inspection (CEI) Services for the Southard Street Improvement Project (LAP Project FM#435497-2-68-01) by the selection committee; Authorizing the City Manager to execute a contract with the highest ranking firm HDR Construction Control Corporation (HDR) in an amount not to exceed \$138,299.57 and in substantial conformance with the RFQ upon consent of the City Attorney; Authorizing any necessary budget transfers or adjustments.

**Passed**

Enactment No: Res 22-119

- 14                   \*Ratifying an Emergency Change Order approved by the City Manager on April 29, 2022 in the amount of \$239,093.24, as provided for under Section 2-845 and 2-797(2) of the Code of Ordinances, to Charley Toppino & Sons, Inc. for additional tasks related to the Whitehead and Front Street Improvement Project, (ITB #21-009); Authorizing necessary budget adjustments and transfers; Authorizing the City Manager to execute any necessary documents upon consent of the City Attorney.

**Passed**

Enactment No: Res 22-120

- 15                   \*Approving the attached Task Order to William P. Horn, Architect, PA under the General Architectural Services Contract, for "Architectural and Engineering Design Services for HMGP 4337-451-R Public Service Facilities Building Hardening Projects" at 627 Palm Avenue (Fleet), the Richard A. Heyman Environmental Protection Facility (RAHEPF) and the Rockland Key Transfer Station (Rockland) in an amount not to exceed \$134,854.00; Authorizing any necessary budget transfers or adjustments; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

**Passed**

Enactment No: Res 22-121

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

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

- 16                   Amending the City of Key West Personnel Policies and Procedures Employee Manual by adding observance of the Juneteenth National Independence Day, a Federal Holiday; Authorizing the City Manager to negotiate this holiday for City Employee Collective Bargaining Units.

**A motion was made by Commissioner Lopez, 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 22-122

#### **ORDINANCES – FIRST READING**

17

An Ordinance of the City of Key West, Florida, amending Comprehensive Plan Chapter 1, Future Land Use Element, Objective 1-1.17: - Workforce-Affordable Housing Initiative, and Policy 1-1.17.1: - Distribution of Workforce-Affordable Housing Allocations, to provide for Building Permit Allocation System units for the properties at 241 Trumbo Road (RE# 00001720-000100) and 240 Trumbo Road (RE# 00001720-000300); 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 Weekley, seconded by Commissioner Lopez, that the Ordinance be Passed to Second Reading. 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: PB Resolution 2022-16

18

An Ordinance of the City of Key West, Florida, amending Chapter 108 of the Land Development Regulations, entitled "Planning and Development", Article XII entitled "Workforce-Affordable Housing Initiative", Section 108-1153 entitled, "Period of allocation and distribution", to provide for Building Permit Allocation System units for the properties at 241 Trumbo Road (RE# 00001720-000100) and 240 Trumbo Road (RE# 00001720-000300); 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 Clayton Lopez, seconded by Commissioner Jimmy Weekley, that the Ordinance be Passed to Second Reading. The motion passed by an unanimous vote.**

Enactment No: PB Resolution 2022-17

- 19                   An Ordinance of the City of Key West, Florida, pursuant to Section 8.01 of the Key West Charter proposing that Section 5.01 of the Key West Charter be amended to eliminate the Civil Service Board; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**A motion was made by Commissioner Davila, seconded by Commissioner Wardlow, that the Ordinance be Denied. The motion carried by the following vote:**

**No:** 1 - Commissioner Weekley

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

- 20                   An Ordinance of the City of Key West, Florida, amending Chapter 122 of the Land Development Regulations, Article IV "Districts", Subdivision III. - Single Family Residential District, Section 122-233. - Special Criteria Applicable to Accessory Units, and Section 122-232. - Accessory Units, to further incentivize construction of accessory units and to correct an error in Section 122-232; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**A motion was made by Commissioner Mary Lou Hoover, seconded by Commissioner Jimmy Weekley, that the Ordinance be Passed to Second Reading. The motion carried by the following vote:**

**No:** 2 - Vice Mayor Kaufman and Mayor Johnston

**Yes:** 5 - Commissioner Davila, Commissioner Hoover, Commissioner Lopez, Commissioner Wardlow and Commissioner Weekley

Enactment No: PB Resolution 2022-15

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

21

An Ordinance of the City of Key West, Florida, pursuant to Section 8.01 of the Key West Charter proposing that Section 1.08 of the Key West Charter be amended to permit ~~annexation~~ or acquisition of any real property by any means via super majority vote for a specific public purpose of the City Commission; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Ordinance be Adopted. The motion carried by the following vote:**

**No:** 1 - Commissioner Wardlow

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

Enactment No: Ord 22-14

22

An Ordinance of the City of Key West, Florida, pursuant to Section 8.01 of the Key West Charter proposing that Section 1.04 of the Key West Charter be amended to add: "Gender Identity/Expression, Irreligion, and Immigration Status" to the "Equality of Rights" Section of the City Charter; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

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

Enactment No: Ord 22-15

23

An Ordinance of the City of Key West, Florida, pursuant to Section 8.01 of the Key West Charter proposing that Section 3.02 of the Key West Charter be amended to add a one year residency requirement to qualify as a candidate for Mayor or City Commissioner; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**A motion was made by Vice Mayor Kaufman, seconded by Commissioner Lopez, that the Ordinance be Adopted. 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: Ord 22-16

**24**

An Ordinance of the City of Key West, Florida, pursuant to Section 8.01 of the Key West Charter proposing that Section 3.10 of the Key West Charter be amended to eliminate the requirement for the City Clerk to issue blank petitions after a voter-initiated referendum or ordinance is filed; To eliminate references to specific genders; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Ordinance be Adopted. 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: Ord 22-17

**25**

An Ordinance of the City Of Key West, Florida, pursuant to Section 8.01 of the Key West Charter proposing that all provisions of the City Charter making gender specific references be amended to reflect gender neutral references; 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. The motion passed by unanimous vote.**

Enactment No: Ord 22-18

26

An Ordinance of the City of Key West, Florida, amending Chapter 108 of the Land Development Regulations, entitled "Planning and Development", Article X entitled, "Building Permit Allocation System", Section 108-997, entitled "Period of allocation and ranking/review of applications", to clarify existing and proposed provisions pursuant to Sections 90-520 and 90-522; 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 Vice Mayor Kaufman, that the Ordinance be Adopted. The motion passed by unanimous vote.**

Enactment No: Ord 22-19

#### **CITIZEN COMMENTS**

#### **COMMISSION COMMENTS**

#### **ADJOURNMENT - 8:15 PM**