



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

City Commission

Mayor Teri Johnston
Vice-Mayor Sam Kaufman
Commissioner Lissette Carey
Commissioner Mary Lou Hoover
Commissioner Clayton Lopez
Commissioner Billy Wardlow
Commissioner Jimmy Weekley

Charter Officials

Albert Childress, City Manager
Cheri Smith, City Clerk
Ronald Ramsingh, City Attorney

Tuesday, April 18, 2023

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 - 5:00 P.M.

ROLL CALL

Present 7 - Commissioner Carey, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

PLEDGE OF ALLEGIANCE TO THE FLAG - Alan Averette, Fire Chief

CITIZEN COMMENTS

APPROVAL OF AGENDA - The agenda was unanimously approved as amended

PROCLAMATIONS

1 Arbor Day

Sponsors: Mayor Johnston, Commissioner Hoover, Commissioner Lopez, Commissioner Weekley, Vice Mayor Kaufman and Commissioner Carey

Attachments: [Proclamation](#)

Received and Filed

2 Leadership Monroe County

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

Attachments: [Proclamation](#)

Received and Filed

3 National Public Safety Telecommunicators Week

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

Attachments: [Proclamation](#)

Received and Filed

4 Schooner Wolf Day

Sponsors: Mayor Johnston, Commissioner Wardlow, Commissioner Hoover, Commissioner Weekley, Vice Mayor Kaufman and Commissioner Carey

Attachments: [Proclamation](#)

Received and Filed

5 Rescind Sister City Proclamation with Anapa Russia

Sponsors: Mayor Johnston, Commissioner Lopez, Commissioner Wardlow, Commissioner Hoover, Commissioner Weekley and Commissioner Carey

Attachments: [Proclamation](#)
[Original Proclamation October 1991](#)

Received and Filed

RETIREMENT PRESENTATION FOR SAMANTHA FARIST, HR DIRECTOR

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

6 *April 4, 2023

Attachments: [Minutes](#)

Passed

RESOLUTIONS

7 *Urging the Florida Legislature to appoint a resident of Key West/Monroe County to the Board of Governors of Citizens Property Insurance Corporation of Florida.

Sponsors: Commissioner Weekley

Attachments: [Resolution](#)
 [Cover Memo](#)
 [Citizens Insurance Board of Governors website printout 4-10-23](#)

Passed

Enactment No: Res 23-094

8 *Authorizing the Rotary Club of Key West, Florida, Inc. to conduct their annual Kickball Tournament Fundraiser at the Clayton Sterling Complex on May 7, 2023 from 8:00 A.M. to 8:00 P.M; Authorizing the Sale and Consumption of alcoholic beverages at the Clayton Sterling Complex on May 7, 2023 from 8:00 A.M. to 8:00 P.M.

Sponsors: City Manager Childress

Attachments: [Resolution](#)
 [Cover Memo](#)
 [Application & Approvals](#)

Passed

Enactment No: Res 23-095

- 9 *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, 2023; Authorizing Fireworks Display off the Edward B. Knight Pier on July 4, 2023 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, 2023 from 5:00 P.M. to 10:00 P.M.

Sponsors: City Manager Childress

Attachments: [Resolution](#)
 [Cover Memo](#)
 [Application](#)

Passed

Enactment No: Res 23-096

- 10 *Authorizing Sloppy Joe's Enterprises, Inc. to conduct the Annual Hemingway Look-A-Like & Running of the Bulls Contest on Saturday, July 22, 2023, from 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 Childress

Attachments: [Resolution](#)
 [Cover Memo](#)
 [Application](#)

Passed

Enactment No: Res 23-097

11

*Awarding the bid of Sunshine Gasoline Distributors, Inc. for bulk purchase of diesel and gasoline in response to Invitation to Bid (ITB) #23-004 for City Fuel Supply; Authorizing any necessary budget adjustments and amendments; Authorizing the City Manager to execute a contract in substantial conformance with the bid documents, upon consent of the City Attorney.

Sponsors: City Manager Childress

Attachments: [Resolution](#)
[Cover Memo](#)
[Bid Memo ITB 23-004](#)
[ITB 23-004 City Fuel Supply](#)
[Addendum 1](#)
[Bid-Sunshine Gasoline Distributors, Inc.](#)
[Bid-Dion Fuels, LLC](#)

Passed

Enactment No: Res 23-098

12

*Approving three proposals from Raftelis Financial Consultants, Inc., in an amount not to exceed \$68,250.00 to provide Utility Rate Models for preparation of the City's FY 2023-24 Sewer, Stormwater and Solid Waste Budget, pursuant to Section 2-797(4)(b) of the Code of Ordinances.

Sponsors: City Manager Childress

Attachments: [Resolution](#)
[Cover Memo](#)
[KW Sewer Rate Model Update Proposal](#)
[KW Solid Waste Rate Model Update Proposal](#)
[KW Storm Rate Model Update Proposal](#)

Passed

Enactment No: Res 23-099

13

*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 \$62,696.20 (\$31,348.10 per unit) for the purchase of two 2023 Harley Davidson Police Road King motorcycles for use by the Key West Police Department Traffic Unit; Authorizing trade-in of up to two used 2019 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 Childress

Attachments: [Resolution](#)
[Cover Memo](#)
[Alligator Alley HD quote](#)
[Bert's Black Widow HD quote](#)
[Barracuda HD quote](#)
[Purchasing Code memo](#)

Passed

Enactment No: Res 23-100

- 14 *Approving the attached "FDOT Non-Motorized Traffic Monitoring Program Continuous Counting Hardware (or Permanent Count) Memorandum of Agreement" between the Florida Department of Transportation and the City of Key West; Authorizing any necessary budget transfers or adjustments; Authorizing the City Manager to execute necessary documents upon advice and consent of the City Attorney.

Sponsors: City Manager Childress

Attachments: [Resolution](#)
 [Cover Memo](#)
 [MOA Non-Motorized Traffic Monitoring Program Continuous Counting Hardware](#)

Passed

Enactment No: Res 23-101

- 15 *Renewing for two years the Construction Engineering and Inspection (CEI) Services Contracts with three (3) vendors, originally awarded in Resolution 20-057 in response to Request for Qualifications No. 20-003; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

Sponsors: City Manager Childress

Attachments: [Resolution](#)
 [Cover Memo](#)
 [Res 20-057 CEI General Services](#)
 [EXTERNAL RE CEI contract extension HDR](#)
 [HDR Executed Contract 5.1.2020](#)
 [EXTERNAL Re CEI Contract Extension](#)
 [Cardno Executed Contract 4.27.2020](#)
 [Transaction Summary Memo -US](#)
 [EXTERNAL Re Extension of CEI contract](#)
 [RSH Executed Contract 4.29.2020](#)

Passed

Enactment No: Res 23-102

16

*Amending the City's contract for Construction Engineering and Inspection Service with Cardno, Inc. by amending the contract to reflect a corporate name change to Stantec, Inc; Authorizing the City Manager to execute any necessary documents upon consent of the City Attorney.

Sponsors: City Manager Childress

Attachments: [Resolution](#)
[Cover Memo](#)
[EXTERNAL Re CEI Contract Extension](#)
[transaction summary memo -US](#)
[transaction summary memo -US Attachments.](#)
[transaction summary memoB](#)
[Stantec W9](#)
[2023 Stantec COI](#)
[Cardno Executed Contract 4.27.2020](#)

Passed

Enactment No: Res 23-103

17

*Approving the attached First Amendment to Lease Agreement between the City of Key West (Lessor) and Garrison Bight SMI, LLC, a Delaware Limited Liability Company, (Tenant) for an upland parcel - Angelfish Pier bulkhead and a portion of sidewalk, as described in the Lease approved in Resolution 20-061 and assigned in Resolution 22-037/

Sponsors: City Manager Childress

Attachments: [Resolution](#)
[Cover Memo](#)
[First Amendment to Lease](#)
[Exhibit A](#)
[Angelfish Pier Upland Lease](#)
[22-037 Angelfish Pier Upland Assignment Fully Executed](#)
[Marina Upland Lease](#)

Postponed Indefinitely

18

*Approving the attached First Amendment to Lease Agreement between the City of Key West (Lessor) and Garrison Bight SMI, LLC, a Delaware Limited Liability Company, (Tenant) for a submerged land parcel abutting the Angelfish Pier leased area (Amended Parcel "I") located at 711-717 Eisenhower Drive, as described in the Lease approved in Resolution 20-060 and assigned in Resolution 22-039.

Sponsors: City Manager Childress

Attachments: [Resolution](#)
[Cover Memo](#)
[First Amendment to Lease](#)
[Exhibit A](#)
[Parcel I Lease](#)
[SLL Parcel I Assignment](#)
[Upland Lease](#)

Postponed Indefinitely

19

*Approving the attached Second Amendment to Lease Agreement between the City of Key West (Lessor) and Garrison Bight SMI, LLC, a Delaware Limited Liability Company, (Tenant) for a submerged land parcel abutting the Angelfish Pier leased area (Parcel "H") located at 711-717 Eisenhower Drive, as described in the Lease approved in Resolution 19-310 and assigned in Resolution 22-038.

Sponsors: City Manager Childress

Attachments: [Resolution](#)
[Cover Memo](#)
[Second Amendment to Lease](#)
[Exhibit A](#)
[SLL Parcel H & I Assignment](#)
[Submerged Land Lease Parcel H](#)

Passed

Enactment No: Res 23-104

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.

20

Authorizing the first of up to two three-year extensions of the Professional Management Services Agreement between City of Key West and Rams Head Promotions of Key West, LLC for Key West Amphitheater (Coffee Butler Amphitheater) venue management service, as amended, pursuant to Section 3 of the Agreement; Authorizing the City Manager to execute any necessary documents, upon consent of the City Attorney.

Sponsors: Commissioner Weekley

Attachments: [Resolution](#)
[Cover Memo](#)
[Amphitheater Services Agreement](#)
[*Large File* Extension Agreement](#)
[*Large File* Rams Head Resolution 19-237](#)
[Capital Improvements - AMP](#)
[Rams Head Review - Coffee Butler Amphitheatre](#)
[Finance Revenue Report](#)
[KW Amp 2022 Annual Report](#)
[KW Amp PL 2022 Q1](#)
[KW Amp PL 2022 Q2](#)
[KW Amp PL 2022 Q3](#)
[KW Amp PL 2022 Q4](#)
[Letter of Support - Ed Swift](#)
[Letter of Support - Martin Liz](#)
[Letter of Support - Mayor Cates](#)
[Letter of Support - Four Star Rental](#)
[Letter of Support - Roberts](#)
[Letter of Support - Blackburn](#)
[Letter of Support Jamison](#)
[Letter of Support - KW Literary Seminar's Board of Directors](#)
[Letter of Support - Orr](#)
[Public Comment - McVeigh](#)
[Letter of Support - Myers](#)

A motion was made by Commissioner Kaufman to Postpone the Item. The motion failed for lack of a second.

A motion was then made by Commissioner Weekley, seconded by Commissioner Carey, that the Resolution be Passed. The motion carried by the

following vote:

No: 2 - Vice Mayor Kaufman and Mayor Johnston

Yes: 5 - Commissioner Carey, Commissioner Hoover, Commissioner Lopez, Commissioner Wardlow and Commissioner Weekley

Enactment No: Res 23-105

21

Approving the attached "Water Quality Partnership Interlocal Agreement" (ILA) between the City of Key West ("City") and the College of the Florida Keys ("CFK") for creation of a Water Quality Partnership Program; Providing funds for water quality equipment and services; Providing deliverables; Providing insurance requirements.

Sponsors: City Manager Childress

Attachments: [Resolution](#)
[Cover Memo](#)
[ILA with CFK and City of Key West - Signed 3-9-23](#)
[CFK Presentation 4 5 2022](#)
[EPA Grant #2 - Application Narrative](#)
[Certificate - Qualified Self Insurer](#)
[Certificate - Student Professional Liability](#)
[Certificate - Workers Comp Excess \\$750K](#)

A motion was made by Vice Mayor Kaufman, seconded by Commissioner Weekley, that the Resolution be Passed. The motion carried by the following vote:

Yes: 7 - Commissioner Carey, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

Enactment No: Res 23-106

22

Approving the attached 'Contract Employment Agreement' between the City of Key West and Samantha Farist to provide temporary Human Resources Director Services; Authorizing any necessary budget transfers or adjustments.

Sponsors: City Manager Childress

Attachments: [Resolution](#)
[Cover Memo](#)
[HR Director Contract](#)

A motion was made by Vice Mayor Kaufman, seconded by Commissioner Wardlow, that the Resolution be Passed. The motion carried by the following vote:

Yes: 7 - Commissioner Carey, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

Enactment No: Res 23-107

23

Quasi-Judicial Hearing: Easement - 1500 Vernon Avenue - A request for an Easement Agreement for three encroachments consisting of approximately 237.81 square-feet, more or less, in order to maintain one (1) concrete wall, one (1) concrete slab, and one (1) awning on City-owned property located within the Historic Commercial Tourist (HCT) zoning district at 1500 Vernon Avenue, Key West, Florida (RE#00037410-000200), 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 Childress

Attachments: [Planning Package](#)
[Utilities Comments](#)
[Urban Forestry Comments](#)

A motion was made by Commissioner Weekley, seconded by Vice Mayor Sam Kaufman, that the Resolution be Postponed Indefinitely. The motion passed by unanimous vote.

ORDINANCES – FIRST READING

24

Amending Chapter 26 of the Code of Ordinances, entitled "Environment", Division VIII, entitled "Single Use Plastics" by amending Section 26-312, to add a definition of marine biodegradable, and amend the definition of single-use plastic beverage straw or stirrer; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Weekley

Attachments: [Ordinance](#)
[Cover Memo](#)
[Presentation](#)

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 Carey, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

ORDINANCES - SECOND READING (Public Hearing and Proposed Adoption)

25

An Ordinance of the City of Key West, Florida, amending Chapter 2 of the Code of Ordinances, entitled "Administration" by amending Section 2-707, to amend the Move-In Assistance Program by adjusting eligibility and other requirements; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Childress

Attachments: [Ordinance](#)
[Cover Memo](#)
[Move In Assistance Program](#)

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 Carey

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

Enactment No: Ord 23-16

7:31 P.M. - Meeting went into Recess

7:36 P.M. - Meeting Reconvened

26

An Ordinance of the City of Key West, Florida amending Chapter 62 of the Code of Ordinances, entitled "Streets and Sidewalks" by amending Section 62-1, to include construction debris as unlawful deposit of waste, and amend enforcement provisions by providing authority to address violations of 2-633 and 2-634 to the Special Master pursuant to Section 2-633 and 2-634; and by amending Section 62-2 to amend enforcement provisions by providing authority to address violations to the Special Master pursuant to Section 2-633 and 2-634; Providing for Severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Childress

Attachments: [Ordinance](#)
[Cover Memo - 2nd Reading](#)
[Cover Memo](#)

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

Enactment No: Ord 23-17

27

An Ordinance of the City of Key West, Florida, amending the City's Land Development Regulations, Chapter 102, entitled "Historic Preservation", by amending Section 102-217, entitled "Required public meetings and staff approval", by amending the requirements to obtain approval to demolish historic but non-contributing buildings or structures in the Historic District after conclusion of one regular Historic Architectural Review Commission Meeting; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager Childress

Attachments: [Ordinance](#)
[Cover Memo](#)
[PB RES 2023-002](#)
[Staff Report](#)
[Resolution](#)

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 23-18

CITY ATTORNEY'S REPORT

CITY MANAGER'S REPORT

CITY CLERK'S REPORT

COMMISSION COMMENTS

ADJOURNMENT - 7:59 P.M.