



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

City Commission

Thursday, October 6, 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.

ALL VISUAL PRESENTATIONS (POWER POINT ONLY) FOR AGENDA ITEMS MUST BE RECEIVED IN THE CITY CLERK'S OFFICE (24) TWENTY-FOUR HOURS PRIOR TO THE MEETING.

CALL MEETING TO ORDER - 5:01 P.M.

ROLL CALL

Absent 1 - Commissioner Wardlow

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

INVOCATION - Terri Hill, Retired United Methodist Pastor

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA - The agenda was unanimously approved as amended

PROCLAMATIONS

1 Be Like Mike Day

Sponsors: City Commission

Attachments: [Proclamation](#)

Received and Filed

- 2 Fire Prevention Month

 Sponsors: City Commission

 Attachments: [Proclamation](#)

 Received and Filed

PRESENTATIONS

- 3 Adaptation Resources for Residents: Wind, Flood and Energy

 Sponsors: City Manager McLaughlin

 Attachments: [Presentation](#)

 Received and Filed

 City Attorney's Report

 City Manager's Report
 - Ambassador Class #37 Graduation
 - Hurricane Ian Update

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

- 4 *September 8, 2022 (Special)

 Attachments: [Minutes](#)

 Passed

- 5 *September 20, 2022 (Regular)

 Attachments: [Minutes](#)

 Passed

6 *September 22, 2022 (Special)

Attachments: [Minutes](#)

Passed

RESOLUTIONS

7 *Authorizing the Coast Guard Sector Key West to hold the Annual Veterans Day Parade on Duval Street from 4:00 P.M. to 7:00 P.M. Friday, November 11, 2022; Authorizing the closure of certain streets or portions thereof for said parade from 4:00 P.M. to 7:00 P.M. (Set up 2:00 P.M.); Waiving all fees for required city services.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Application](#)

Passed

Enactment No: Res 22-215

8 *Authorizing Wesley House Family Services, Inc. to conduct a Family Friendly Holiday Village "Pre-Party" and the annual Belighted Bike Ride on Friday, December 2, 2022, starting at the Key West Coffee Butler Amphitheater at 4:00 P.M. to 10:00 P.M; The Belighted Bike Ride will start traveling towards Whitehead Street to Front Street, taking a right on Duval Street, riding the length of Duval Street, returning back to the Amphitheater; Pursuant to terms and conditions set forth by the City Manager.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Application](#)

Passed

Enactment No: Res 22-216

- 9 *Authorizing "Integrity Multisport, Inc. & Florida Keys Healthy Start Coalition" to conduct a "Key West Triathlon" starting at 7:00 A.M. and ending at 9:30 A.M, December 11, 2022 (Set up, December 10, 2022 from 2:00 P.M. to 8:00 P.M.) at Higgs Beach; Authorizing certain street closures thereof during the event; Pursuant to terms and conditions set forth by the City Manager.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Application](#)

Passed

Enactment No: Res 22-217

- 10 *Sponsoring a Martin Luther King Birthday Celebration & March on Monday, January 16, 2023 between the hours of Noon and 4:00 P.M. at the Nelson English Park. Authorizing the closure of certain streets for the March.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Application](#)

Passed

Enactment No: Res 22-218

- 11 *Approving the purchase and installation of AstroTurf Artificial Turf at Clayton Sterling Complex by Burke Construction, in an amount not to exceed \$2,300,000.00, pursuant to Section 2-797(4)(b) of the Code of Ordinances, Best Interests of the City; Authorizing any necessary budget adjustments; Authorizing the City Manager to execute necessary documents upon advice and consent of the City Attorney.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Clayton Sterling Complex Rendering](#)
 [Burke Proposal](#)
 [Turf of America Proposal](#)
 [Jon Swift Construction Proposal](#)

Passed

Enactment No: Res 22-219

- 12 *Approving the attached Amendment to the Collective Bargaining Agreement between the City of Key West and Teamsters Local 769, Office and Blue Collar Workers, effective October 1, 2022 through September 30, 2024.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
 [Collective Bargaining Agreement](#)

Passed

Enactment No: Res 22-220

- 13 *Approving the adjusted fees set forth in the attached "Cruise Ship Rate Sheet," to become effective on October 1, 2022, based on accumulative CPI adjustments for August 1, 2019, 2021 and 2022; Approving future annual rate adjustments based on the Consumer Price Index for U.S. City Average, all urban consumers as reported by the Bureau of Labor statistics for the 12 months prior to August 1 of each year.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Fee Letter](#)
 [Fee Table](#)
 [CPI Table August 2022](#)
 [Res 18-291](#)

Postponed to October 19, 2022

- 14 ***QUASI-JUDICIAL HEARING:**
Approving an Easement over the parcel of accreted land adjacent to the Key West Marriott Beachside Hotel; Pursuant to Section 2-938(b)(3) of the Land Development Regulation of the Code of Ordinances of the City of Key West, Florida; Providing fees and conditions.

Attachments: [Resolution](#)
 [Easement Agreement](#)

Postponed to November 1, 2022

ORDINANCES - FIRST READING

15

*An Ordinance of the City of Key West, Florida, amending Chapter 46, Section 246 of the Code of Ordinances to increase the post retirement of supplement paid to retirees of the Police Officers' and Firefighters' Retirement Plan; Creating Chapter 46, Section 328 of Code of Ordinances to provide for ad-hoc thirteenth check to be paid funded by net investment returns of the plan over nine percent: Providing for severability; Providing for repeal of inconsistent provision; Providing for an effective date.

Sponsors: Vice Mayor Kaufman

Attachments: [ORDINANCE PROPOSED TO BE SUBSTITUTED](#)
[Ordinance](#)
[Executive Summary](#)
[Pension Memo](#)
[Actuarial Report](#)

Postponed to November 1, 2022

16

*An Ordinance of the City of Key West, Florida, amending the boundaries of the Official Zoning Map category from Historic Medium Density Residential (HMDR) to Historic Neighborhood Commercial (HNC-3) Zoning District for the parcel identified by RE# 00014010-000000, including addresses of 318 and 320 Petronia Street, and 802, 804 and 806 Whitehead Street, pursuant to Chapter 90, Article VI, Division 2 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida; Providing for severability; Providing for the repeal of inconsistent provisions; 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: Commissioner Lopez

Attachments: [Ordinance - 10.6.22](#)
[Executive Summary - 10.6.22](#)
[Ordinance - 9.16.20 Draft](#)
[Executive Summary - 9.16.20](#)
[Presentation](#)
[Planning Board Resolution 2020-02](#)
[*Large File* Planning Packet](#)
[*Large File* 909 page submittal from Neighbors](#)
[Request to Postpone](#)
[Letters of Objection from surrounding neighbors](#)
[Neighbors' Objection to Commission Proceedings](#)
[Letter from Todd Santoro](#)
[Letter from Robert Walsh](#)
[Letter from Marci Rose](#)

Postponed to November 1, 2022

17

*An Ordinance of the City of Key West, Florida, amending the boundaries of the Comprehensive Plan Future Land Use Map (FLUM) Category from Historic Residential (HR) to Historic Commercial (HC) for the parcel identified by RE# 00014010-000000, including addresses of 318 and 320 Petronia Street, and 802, 804 and 806 Whitehead Street, pursuant to Chapter 90, Article VI, Division 3 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida; Providing for severability; Providing for the repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Lopez

Attachments: [Ordinance -10.6.22](#)
[Executive Summary - 10.6.22](#)
[Ordinance - 9.16.20 Draft](#)
[Executive Summary - 9.16.20](#)
[Presentation](#)
[Planning Board Resolution 2020-01](#)
[*Large File* Planning Packet](#)
[*Large File* 909 page submittal from Neighbors](#)
[Request to Postpone](#)
[Letters of Objection from surrounding neighbors](#)
[Neighbors' Objection to Commission Proceeding](#)
[Presentation on Flum Amendment.pdf](#)
[Letter from Todd Santoro](#)
[Letter from Robert Walsh](#)
[Letter from Marci Rose](#)

Postponed to November 1, 2022

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.

- 18 Approving the attached "Temporary Use Agreement Addendum - BOT #440360555" between the City of Key West ("City") and the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida ("Board") for the Key West Bar Pilot Vessel Mooring Area waterward of 700 Front Street.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
[Executive Summary](#)
[TUA Addendum \(BOT No. 440360555\)](#)
[Temporary Use Agreement \(BOT No. 440360555\)](#)
[Bar Pilot 99 Year Lease](#)
[Safer Cleaner Ships - Letter](#)

A motion was made by Commissioner Lopez, seconded by Commissioner Hoover, that the Resolution be Passed. 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: Res 22-221

- 19 **QUASI-JUDICIAL HEARING:**
Authorizing the City of Key West to enter into the attached "Revocable License Agreement for Nonpermanent Use of City Property" with Jill Snodgrass (DBA Daily Plan-It), to allow the operation of an Artisan Market at Indigenous Park (1801 White Street) on dates set forth in the Agreement, upon additional terms and conditions contained in the Agreement (October 23, 2022 - April 24, 2023).

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
[Executive Summary](#)
[License Agreement Artisans Market 2022 -2023](#)
[2021 Artisan Market agreement fully executed](#)

A motion was made by Commissioner Hoover, seconded by Commissioner Weekley, that the Resolution be Passed. 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: Res 22-222

ORDINANCES - FIRST READING cont'd

Absent: 1 - Commissioner Wardlow

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

ORDINANCES - SECOND READING (Public Hearing)

21

An Ordinance of the City of Key West, Florida, amending Chapter 26 of the Code of Ordinances, entitled "Environment" by adding Sections 26-71 through 26-72 to provide regulations and permits for wedding ceremonies on the beach; Providing for Severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager McLaughlin

Attachments: [Ordinance-Amended for Second Reading](#)
[Exec Summary Update for 2nd Reading](#)
[Ordinance - First Reading](#)
[Executive Summary - First Reading](#)
[Exhibit A - Site Locations](#)
[Exhibit B- Proposed Fee Schedule](#)

A motion was made by Commissioner Clayton Lopez, seconded by Commissioner Jimmy Weekley, that the Ordinance be Adopted as amended for Second Reading which waives the permit fee for local residents of the City of Key West. The motion passed by an unanimous vote.

Enactment No: Ord 22-27

RESOLUTIONS - cont'd

22

Approving the attached "Temporary Use Agreement Addendum BOT #440769265" between the City of Key West ("City") and the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida ("Board") for Mallory submerged lands adjacent to Mallory T-Pier.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)

[Executive Summary](#)

[Proposed TUA Addendum](#)

[Current Temporary Use Agreement Addendum](#)

[Safer Cleaner Ships - Letter](#)

A motion was made by Commissioner Lopez, seconded by Commissioner Hoover, that the Resolution be Passed. The motion carried by the following vote:

No: 1 - Mayor Johnston

Absent: 1 - Commissioner Wardlow

Yes: 5 - Commissioner Davila, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Lopez and Commissioner Weekley

Enactment No: Res 22-223

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT - 7:32 P.M.