



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

City Commission

Tuesday, February 7, 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.

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

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

INVOCATION

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA - The agenda was unanimously approved as amended

PROCLAMATIONS

1 Black History Month

Sponsors: City Commission

Attachments: [Proclamation](#)

Received and Filed

2 Elizabeth Bishop Day

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

Attachments: [Proclamation](#)

Received and Filed

City Attorney's Report

City Manager's Report
- Move in Assistance Program 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

3 *January 18, 2023

Attachments: [Minutes](#)

Passed

RESOLUTIONS

4 *Cancelling the regular City Commission meeting of February 22, 2023; Stating that any matters scheduled or postponed at a prior meeting to the February 22 agenda shall be placed on the March 7 agenda, or the February 15 Special Meeting Agenda if time-critical; Rescheduling the regular City Commission meeting of June 20, 2023 to June 21, 2023; stating that any matters scheduled or postponed at a prior meeting to the June 20 agenda shall be placed on the June 21 agenda.

Sponsors: Mayor Johnston

Attachments: [Resolution](#)

Passed

Enactment No: Res 23-026

- 5 *Appointing Alfredo Vazquez to the Board of Trustees of the Police Officer's and Firefighter's Retirement Plan (retired police position).

Sponsors: Mayor Johnston

Attachments: [Resolution](#)
[Resume](#)

Passed

Enactment No: Res 23-027

- 6 *Supporting the efforts of the Florida Keys Aqueduct Authority to situate a reverse osmosis plant in or near Marathon, Florida in the Middle Keys.

Sponsors: Commissioner Weekley

Attachments: [Resolution](#)

Passed

Enactment No: Res 23-028

- 7 *Approving Staff Ranking and Awarding Contracts on a Task Order basis to seven firms in response to Request for Qualifications No. 22-006 for General Engineering Services; Authorizing the City Manager to negotiate and execute a contract with each vendor in substantial conformance with documents in the RFQ, and upon consent of the City Attorney.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Ranking Sheet](#)
[General engineering services RFQ 2022](#)
[RFQ 22-006 Memo](#)
[*Large File* Artibus Design proposal](#)
[*Large File* BCC Engineering proposal](#)
[*Large File* Black & Veatch proposal](#)
[*Large File* CPH, LLC proposal](#)
[*Large File* Cummins Cederberg proposal](#)
[*Large File* CW3 Engineering Inc proposal](#)
[*Large File* EAC Consulting Inc. proposal](#)
[*Large File* FTC proposal](#)
[*Large File* GHD proposal](#)
[*Large File* GRAEF proposal](#)
[*Large File* Hahn Engineering Inc. proposal](#)
[*Large File* Jacobs RFQ proposal](#)
[*Large File* KCI Technologies proposal](#)
[*Large File* Perez Engineering and Development proposal](#)
[*Large File* SGM Engineering proposal](#)
[*Large File* Stantec proposal](#)
[*Large File* Tetra Tech proposal](#)
[*Large File* TLC Engineering Solutions proposal](#)
[*Large File* WSP proposal](#)
[*Large File* Calvin, Giordhao & Associates, Inc. proposal](#)

Passed

Enactment No: Res 23-029

- 8 *Approving the "Amendment (1st Amendment) to Agreement" ID # 2630 to extend the termination date to March 31, 2024 for Tourist Development Council funding of the Mallory Square Public Restrooms (Public Facilities Category) Project; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
[Executive Summary](#)
[First Amendment](#)
[Resolution 21-168](#)
[Time extension request letter](#)

Passed

Enactment No: Res 23-030

- 9 *Approving the "Amendment (2nd Amendment) to Agreement" ID # 2485 to extend the termination date to March 31, 2024 for Tourist Development Council funding of the Mallory Square Sunshades (Public Facilities Category) project; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
[Executive Summary](#)
[2nd Amendment](#)
[Resolution 21-028](#)
[Resolution 22-042](#)
[Time extension request letter](#)

Passed

Enactment No: Res 23-031

10

*Approving the attached "Second Amendment to Interlocal Agreement for Engineering Design, Permitting and Construction Services for Dennis Street Pump Station (Key West) Project" between Monroe County and the City of Key West; Authorizing and necessary budget adjustments.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Amendment 2 to ILA](#)
[Resolution 20-050](#)
[Resolution 21-080](#)
[ILA Invoice Summary](#)

Passed

Enactment No: Res 23-032

11

*Authorizing the purchase of twenty-two (22) 2023 Ford Police Interceptor SUV Vehicles and two (2) 2023 Ford F-150 Police Responder K-9 Trucks at a total amount not to exceed \$1,442,342.92 from Bartow Ford, through piggybacking on the Charlotte County Purchasing Contract No. 2021000541, pursuant to Section 2-797(3)(a)(b)(c) (Purchases Under Government Contract) and 2-797(4)(b) (Best Interests) of the Code of Ordinances for use by the Key West Police Department; Authorizing any necessary budget transfers or adjustments; Authorizing the City Manager or designee to execute necessary budget transfers or adjustments; Authorizing the City Manager or designee to execute necessary documents upon consent of the City Attorney.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Bartow Ford SUV Quote](#)
[Bartow Ford K-9 Truck Quote](#)
[Duval Ford Email](#)
[Alan Jay Automotive Email](#)
[Charlotte County BID SPECIFICATIONS 215412](#)
[Charlotte County Purchasing Contract Approval Form](#)
[Charlotte County Letter](#)

Passed

Enactment No: Res 23-033

12

*Authorizing a one year extension of the Lease Agreement between Rockland Operations, LLC and the City for as-needed emergency management debris staging area; Authorizing the City Manager to execute any necessary documents, upon consent of the City Attorney.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Signed Lease Agreement](#)
[RFP 002-19 As-Needed Emergency Management Debris Staging Area](#)
[Res. 19-055](#)
[Res. 22-105](#)
[Rockland Operations- CKW Land Lease Extension Response Ltr 2023](#)
[Debris Removal Site letter to extend](#)

Passed

Enactment No: Res 23-034

13

*Authorizing the purchase of one (1) Wacker Neuson G70 58kw Generator with related accessories in a total amount not to exceed \$63,685.00 from Kelly Tractor Co., through piggybacking on the Florida Sheriff's Association and Florida Association of Counties Bid No. FSA20-EQU18.00, Heavy Equipment Contract, pursuant to Section 2-797(3) of the Code of Ordinances for use at the fleet services building; Authorizing 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](#)
[Generator Quote](#)
[Florida Sheriffs Contract](#)

Passed

Enactment No: Res 23-035

- 14 *Authorizing pursuant to Section 2-797(3) the purchase of a New Way Viper 11 Yard Rear Loading Refuse Truck in an amount not to exceed \$170,107.00 from Southern Sewer Equipment Sales through the Sourcewell Cooperative Purchasing Contract (Sourcewell) RFP #091219, City of Key West Member Number 58115; Authorizing the City Manager to execute necessary documents.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Refuse Truck Quote](#)
[Scranton Contract 091219](#)

Passed

Enactment No: Res 23-036

- 15 *Authorizing the City Manager to execute and record the attached "Interlocal Agreement Between the Florida Keys Aqueduct Authority (FKAA) and the City of Key West (City)" to transfer ownership of approximately 4,130 feet of an existing abandoned City of Key West 30" sewer force main along a portion of Fleming Street in exchange for approximately 5,565 feet of an FKAA water line along a portion of Eaton Street, as described in attached Exhibit "A"; Authorizing the City Manager to execute necessary document upon consent of the City Attorney.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
[Executive Summary](#)
[ILA \(FKAA\) Fleming Force Main](#)
[Exhibit A- Pipe Location Map](#)
[Bills of Sale](#)

Passed

Enactment No: Res 23-037

Approval of the Consent Agenda

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

- 16 Approving the attached "Temporary Use Agreement Addendum BOT #440360555" ("Second Addendum") 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 McLaughlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Bar Pilot Second TUA Addendum](#)
[Bar Pilot TUA Addendum](#)
[Bar Pilot TUA](#)
[Bar Pilot 99 Year Lease](#)
[Public Comment](#)
[Public Comment](#)

A motion was made by Commissioner Wardlow, 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 23-038

- 17 Approving an amendment to the Planning Department Fee Schedule by reducing the Building Permit Allocation System (BPAS) fees for multi-unit applications, and by reducing the Emergency Order Extension Request processing fees; Providing for annual fee adjustment.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
[Executive Summary](#)
[BPAS Fee Schedule](#)

A motion was made by Commissioner Lopez, seconded by Commissioner Wardlow, that the Resolution be Passed. The motion passed by unanimous voice vote with the exception of Commissioner Kaufman who dissented.

Enactment No: Res 23-039

18

Approving the attached proposed Fourth Amendment to Contract with Waste Management of Florida, Inc. (WMI) for amendments to adjust residential collection rates, the haul-out rate and to modify the basis for determining the annual fuel rate adjustments; Authorizing necessary budget transfers and adjustments; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
[Executive Summary](#)
[4th Amendment](#)
[Exhibit 2](#)
[Resolution 14-134](#)
[Resolution 14-254](#)
[Resolution 16-048](#)
[Resolution 21-259](#)
[Resolution 21-267](#)
[WM Request](#)
[Lower Atlantic \(PADD 1C\) No 2 Diesel](#)
[Lower Atlantic \(PADD 1C\) No 2 Diesel-Chart](#)
[2022-06-15 BOCC Agenda](#)
[2022-07-20 BOCC Minutes](#)
[Public Comment](#)

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

Enactment No: Res 23-040

19

Easement - 1103 Watson (RE #00033480-000000) -

Approving an Easement encroachment of portions of a concrete block wall, and the overhang of a framed shed, consisting of approximately one hundred twenty-two (122) square feet, more or less, at a property located at 1103 Watson Street in the Historic Medium Density Residential District; 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 for fees and conditions.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Easement Agreement](#)
[Planning Package](#)
[Engineering Comments](#)
[MTC Comments](#)
[Utilities Comments](#)

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

Enactment No: Res 23-041

ORDINANCES – FIRST READING

20

An Ordinance of the City of Key West, Florida, amending Chapter 78 of the Code of Ordinances, entitled "Vehicles for Hire" by amending Section 78-64, to amend the number of independent passenger vehicle for hire licenses that the City may issue; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Weekley

Attachments: [Ordinance](#)
[Executive Summary](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Ordinance be Passed to Second Reading on March 7, 2023 with recommendations to clarify the following for Second Reading:

- 1. Proof of residency requirements upon renewal of annual independent PVH licenses**
- 2. Current medallion holders of other PVH category will be ineligible to apply for independent PVH licenses.**

The motion carried by the following vote:

No: 1 - Commissioner Wardlow

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

21

An Ordinance of the City of Key West, Florida, amending Chapter 78 of the Code of Ordinances, entitled "Vehicles for Hire" by amending Section 78-92 to adjust certain requirements that a passenger vehicle for hire (PVH) driver permit applicant must provide prior to issuance of a permit by the City; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Weekley

Attachments: [Ordinance](#)
[Executive Summary for PVH Sec 78-92](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Ordinance be Passed to Second Reading on March 7, 2023. The motion carried by the following vote:

No: 1 - Commissioner Wardlow

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

22

An Ordinance of the City of Key West, Florida, amending Chapter 26 of the Code of Ordinances, entitled "Environment", Article II entitled "Nuisances", by adding Section 6 titled "Outdoor Lighting" by adding Section 26-132 titled "Definitions" by adding Section 26-133 titled "Applicability", by adding Section 26-134 titled "Prohibition", by adding Section 26-135 titled "Exemptions", by adding Section 26-136 titled "Penalties"; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Hoover

Attachments: [Ordinance](#)

A motion was made by Commissioner Hoover, seconded by Vice Mayor Kaufman, that the Ordinance be Passed to Second Reading on March 7, 2023. The motion carried by the following vote:

No: 1 - Commissioner Wardlow

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

23

Text Amendment of the Comprehensive Plan - An Ordinance of the City of Key West, Florida, amending the Comprehensive Plan, City of Key West's Vision, Mission Statement and Core Value as found in Section "I. Introduction City of Key West Comprehensive Plan"; Providing for inclusion in the City of Key West Comprehensive Plan; Providing for an effective date.

Sponsors: City Manager McLauchlin

Attachments: [Ordinance](#)
[Executive Summary](#)
[PB RES 2022-061 Core Mission and Values](#)
[Staff Report](#)
[Resolution](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Ordinance be Passed to Second Reading. The motion passed by unanimous vote.

Enactment No: PB Resolution - 2022-61

ORDINANCES - SECOND READING (Public Hearing)

- 24 An Ordinance of the City of Key West, Florida, amending Chapter 18 of the Code of Ordinances, entitled "Businesses" by amending Section 18-611, entitled "Application and Permit Fee" to amend application and permit fee procedures and costs; By amending Section 18-614 entitled "Annual Inspection" to add a failed inspection fee; Providing for severability; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager McLauchlin

Attachments: [Ordinance](#)
[Executive Summary](#)

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 23-07

- 25 An Ordinance of the City of Key West, Florida amending Chapter 26 of the Code of Ordinances, entitled "Environment," Division 3 entitled "Use of Beaches," by adding Section 26-73 to prohibit smoking and vaping within the boundaries of all Key West beaches; Amending Chapter 26, Division 4 entitled "Use of Parks," by adding section 26-103 to prohibit smoking and vaping within the boundaries of all Key West parks; Providing for severability; Providing for repeal of inconsistent provision; Providing for an effective date.

Sponsors: City Manager McLauchlin

Attachments: [Ordinance](#)
[Executive Summary](#)
[Resolution PR 22-02 Prohibit Smoking at Parks](#)
[Last Stand Communication](#)

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 23-08

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT - 7:10 P.M.