



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### City Commission

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Wednesday, March 31, 2021

5:00 PM

City Hall

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#### Special Meeting

**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 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.**

#### PROCLAMATIONS

1 Fair Housing and Community Development Month

Attachments: [Proclamation](#)

Received and Filed

2 Transit Worker Appreciation Week

Attachments: [Proclamation](#)

Received and Filed

3 Tennessee Williams Day

**Attachments:** [Tennessee Williams Day - Proclamation](#)

Received and Filed

**PRESENTATIONS**

4 Flood Maps Appeal Period - Scott Fraser

Withdrawn

5 Strategic Planning - Elisa Levy  
Affordable Housing  
City Cleanliness - Postponed to April 13, 2021

**Attachments:** [Key West Forward - Affordable Housing Goals and Actions](#)  
[Key West Forward - Cleanliness Goals and Actions](#)

Received and Filed

**City Attorney's Report**

**City Manager's Report**

**ORDINANCES – FIRST READING**

- 6 Amending Chapter 2 of the Code of Ordinances, entitled "Administration" by amending Section 2-351, to amend the composition of the Key West Housing Authority Board to seven members; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Attachments:** [Ordinance](#)  
[Ch 57-1470 Laws of FL](#)  
[FS Ch 421.05](#)  
[Key West Ord Sec. 2-351](#)  
[Public Comment - Bethel](#)  
[Public Comment - Langowski](#)  
[Public Comment - Schwermer](#)  
[Public Comment - Eden](#)  
[Public Comment - Swift](#)  
[Public Comment - McGuire](#)  
[Public Comment - Lloyd](#)  
[Public Comment - Pagan](#)  
[Public Comment - Duke](#)  
[Public Comment - Holloway](#)  
[Public Comment - McMahan](#)

**A motion was made by Commissioner Weekley, seconded by Commissioner Wardlow, that the Ordinance be Denied. 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

#### **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**

7 \*March 2, 2021

Attachments: [Minutes](#)

## RESOLUTIONS

8 \*Accepting the proposal of A.H. of Monroe County, Inc. and authorizing the City Manager or designee and the City Attorney to negotiate the City's Development and Lease of Affordable and Workforce Multifamily Housing at the 3.2 acre parcel at Truman Waterfront, pursuant to Section 2-797(4)(b), Best Interests of the City; and Authorizing the City Manager to initiate the referendum process in the event an agreement is executed; Authorizing the City Manager to execute all necessary documents consistent therewith upon the consent and advice of the City Attorney.

Attachments: [Resolution](#)  
[Executive Summary](#)  
[AH Monroe County Inc. Proposal to the City of Key West - The 3.2 \(002\)](#)  
[Wendover Housing Partners Proposal for Bahama Village Truman Waterfront Affordable Housing Community](#)

Withdrawn

9 **Proposed to be Postponed to April**

\*Authorizing a \$35,000.00 expenditure to A Positive Step of Monroe County, Inc. for the "Idle Hands Summer Youth Employment Program"; Authorizing necessary budget transfers and adjustments from General Funds Reserves.

Attachments: [Resolution](#)  
[Supporting Info](#)

Postponed to April 13, 2021

- 10                    \*Approving the attached "Chapter 164 Intergovernmental Dispute Mediation Agreement" and general release in the amount of \$850,000.00 as full and final settlement of all claims against Florida Keys Mosquito Control District ("District") with regard to environmental remediation at the College Road property (now known as Garden View); Authorizing the City Manager to execute all mediation and settlement documents upon the advice and consent of the City Attorney.

**Attachments:**    [Resolution](#)  
                              [Executive Summary](#)  
                              [Mediation Agreement - Garden View](#)  
                              [Copy of CR Garden View Apts - Remediation Cost - g \(003\)](#)

**Passed**

Enactment No: Res 21-037

- 11                    \*Approval of a six (6) month extension to an Interlocal Agreement with Monroe County for sewage pump out services to vessels at anchorages in/near Wisteria Island, Fleming Key, Cow Key Channel, and Boca Chica Basin

**Attachments:**    [Resolution](#)  
                              [Executive Summary](#)  
                              [Interlocal Agreement pumpout 7.14.20 - final with exhibit](#)  
                              [Res 20-137](#)  
                              [21-6798 ILA with Monroe County for Pumpout services six months extension](#)

**Passed**

Enactment No: Res 21-038

- 12 \*Authorizing the Cultural Preservation Society, AKA CPS Sunset Celebration to conduct a street fair during the Conch Republic Independence Celebration on Saturday, April 24, 2021 from 10:00 a.m. to 6:00 p.m; Authorizing the Closure of the 200 and 300 blocks of Duval Street and cross streets at Front and Eaton Streets from 8:00 a.m. to 7:00 p.m; Providing for an effective date.

**Attachments:** [Resolution](#)  
[Application](#)  
[Safety Plan](#)

**Passed**

Enactment No: Res 21-039

- 13 \*Approving the attached "Public Transportation Amendment to the Public Transportation Agreement" (PTGA) FM 444447-1-94-01 between the Florida Department of Transportation (FDOT) and the City of Key West for the Mallory T-Pier Extension/Improvements Project to add Fiscal Year 2021 funding of \$521,835.00 with a \$173,945.00 City match (\$695,780.00 total); Approving necessary budget adjustments; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Amendment 2](#)  
[Resolution 19-129](#)  
[Resolution 19-363](#)  
[Public Comment - HaskellE](#)  
[Public Comment - Martini](#)  
[Public Comment - Marquardt](#)  
[Public Comment - HaskellA](#)

**Postponed to May 4, 2021.**

- 14 \*Ratifying an emergency procurement pursuant to 2-797(2) of the Code of Ordinances from Johnson Controls, Inc. as set forth in response to ITB #21-005 for Key West Police Department HVAC; Authorizing the City Manager to execute a contract in substantial conformance with the contract documents contained in ITB #21-005, upon advice and consent of the City Attorney.

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Declaration of Emergency for HVAC for KWPD](#)  
[ITB 21-005 KWPD HVAC](#)  
[Addendum 1](#)  
[Bid Tabulation](#)  
[Mandatory Pre-Bid Sign in Sheet](#)  
[Johnson Controls Bid](#)  
[Master Mechanical Services Bid](#)  
[Air Mechanical and Service Corp Bid](#)

**Passed**

Enactment No: Res 21-040

- 15 \*Approving the attached form of "Charterboat Dockage Agreement - City Marina at Garrison Bight" (Five Year Term); Approving an annual rent adjustment of CPI.

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Charterboat Agreement 2021 Final](#)  
[Charterboat Association Email](#)  
[16-062 Charterboat Dockage Agreement at Garrison Bight](#)

**Passed**

Enactment No: Res 21-041

- 16 \*Approving a Change Order to Charley Toppino and Sons, Inc. for additional tasks for the Bertha Street Stormwater System related to the Dennis Street Pump Station Project, 100%allocable to Monroe County in an amount not to exceed \$65,748.00; Authorizing necessary budget adjustments; Authorizing the City Manager or designee to execute any necessary documents upon consent of the City Attorney.

**Attachments:**    [Resolution](#)  
                              [Executive Summary](#)  
                              [Change Order Proposal](#)  
                              [20-041 Resolution](#)  
                              [20-050 Interlocal Agreement](#)

**Passed**

Enactment No: Res 21-042

- 17 \*Authorizing the City Manager to enter into an agreement with Michael Ngov, as current property owner of 3713 Donald Avenue; Permitting a Release of Lien upon payment by the owners in the amount of \$5,000.00.

**Attachments:**    [Resolution](#)  
                              [Executive Summary](#)  
                              [Notice of Code Violation](#)  
                              [Notice of Hearing](#)  
                              [Special Magistrate Findings and Orders](#)  
                              [Filed Lien](#)  
                              [Mitigation Request Form](#)

**Passed**

Enactment No: Res 21-043

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

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

**Meeting went into Recess - 7:37 P.M.**



**Meeting Reconvened - 7:47 P.M.**

- 18 Appointing Patti McLauchlin as Interim City Manager, upon the departure of Gregory Veliz, until such time as a new City Manager is appointed.

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

**A motion was made by Commissioner Wardlow, seconded by Commissioner Lopez, that the Resolution be Passed with an amendment to increase Patti McLauchlin's pay to \$185,000 upon becoming interim city manager. 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 21-044

- 19 Re-scheduling the regular City Commission Meeting of March 16, 2021 to a special meeting on March 31, 2021; Rescheduling the regular City Commission Meeting of April 6, 2021 to April 13, 2021; Rescheduling the regular City Commission Meeting of June 1, 2021 to June 2, 2021; Stating that any matters scheduled or postponed at a prior meeting to the March 16 agenda shall be placed on the March 31 special agenda, any matters scheduled or postponed at a prior meeting to the April 6 agenda shall be placed on the April 13 agenda, and any matters scheduled or postponed at a prior meeting to the June 1 agenda shall be placed on the June 2 agenda.

**Attachments:** [Resolution](#)  
[2021 Meeting Dates](#)

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

Enactment No: Res 21-045

20

Approving the pay out of accrued sick leave in excess of the 720 hour cap and accrued annual leave in excess of the 240 hour cap to City Manager Gregory Veliz upon separation from the City of Key West.

**Attachments:**     [Resolution](#)  
[City Policies and Procedures - Employee Leave at Termination](#)  
[Res 19-166 and 19-251 City Manager Selection and Contract](#)

**A motion was made by Commissioner Hoover, seconded by Commissioner Wardlow, that the Resolution be Passed with an amendment to pay only half of the proposed amount of hours and to accept April 16, 2021 as the city manager's departure date from the city. 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: Res 21-046

21

\*Approving a partial Release of Lien for the property located at 1019 Packer Street, Key West, FL to facilitate resolution of a boundary dispute with 1021 Packer Street.

**Attachments:**     [Resolution](#)  
[Executive Summary](#)  
[12 1771 Notice of Code Violation](#)  
[12 1771 Notice of Hearing](#)  
[12 1771 Findings and Orders](#)  
[Lien](#)  
[Notice of Code Violation](#)  
[Notice of Hearing](#)  
[Lien](#)  
[Partial Release of Lien Form](#)

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

Enactment No: Res 21-047

- 22 Authorizing a search for the position of City Manager pursuant to Section 2-143 of the Code of Ordinances; Approving the job description and minimum qualifications for the position; approving an application form; directing a professional process for the search; authorizing necessary budget transfers.

**Attachments:**     [Resolution](#)  
                                 [City Manager Job Description](#)  
                                 [Job Application Form](#)  
                                 [Code of Ordinances Sec 2-143](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Resolution be Postponed to April 13, 2021. The motion passed by unanimous vote.

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

- 23 An Ordinance of the City Of Key West, Florida, amending Chapter 6 of the Code Of Ordinances, Entitled “Amusements and Entertainment” by amending Section 6-116, to amend definitions; By amending Chapter 18 of the Code Of Ordinances, entitled “Businesses” by amending Section 18-354, Section 18-355, Section 18-359, Section 18-381, Section 18-382, Section 18-383, Section 18-384, Section 18-385, to amend the Chapter to conform with Florida Statutes and add additional safety regulations; By amending Chapter 70 of the Code Of Ordinances, entitled “Traffic and Vehicles” by amending Section 70-1, to amend definitions; By amending Chapter 70 of the Code Of Ordinances, entitled “Traffic And Vehicles” by amending Section 70-119, to amend parking in undesignated area; By adding Article IX, entitled “Electric Bicycle, Motorized Scooters and Micromobility Devices” Section 70-901 to 70-902; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Attachments:**     [Ordinance](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Ordinance be Postponed to May 19, 2021. The motion passed by unanimous vote.

**CITIZEN COMMENTS**

**COMMISSION COMMENTS**

**ADJOURNMENT - 9:20 P.M.**