



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### City Commission

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Tuesday, September 20, 2022

5:00 PM

City Hall

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**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 - 5:02 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** Childhood Cancer Awareness Week

**Sponsors:** Mayor Johnston

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

Received and Filed

#### PRESENTATIONS

**2** Grant Updates - Langton Consultants

**Sponsors:** City Manager McLauchlin

Received and Filed

**ORDINANCES - FIRST READING**

- 3 An Ordinance of the City of Key West, Florida, amending Chapter 122 of the Code of Ordinances, titled “Zoning”, Article V titled “Supplementary District Regulations”, by adding Division 15 titled “Short Term Rentals”; by creating Sec. 122-1560 titled “Purpose and Intent”; by creating Sec. 122-1561 titled “Applications”, by creating Sec. 122-1562 titled “Rebuttable Presumptions of Violation; by creating Sec. 122-1563 titled “Regulations”; by creating Sec. 122-1564 titled “License Transfer”; by creating Sec. 122-1565 titled “Fees”; by creating Sec. 122-1566 titled “Penalties”; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Commission

**Attachments:** [Ordinance](#)  
[Executive Summary](#)  
[PB RES 2022-038 Short Term Rental Code Amendment](#)  
[Staff Report](#)  
[The Economic Costs & Benefits of Airbnb- Economic Policy Institute](#)  
[Are Short-Term Vacation Rentals Contributing to the Housing Crisis- Grannicus](#)  
[When Airbnb Listings in a City Increase, so Do Rent Prices- Harvard Business Review](#)  
[Cities Tell Airbnb to Make Room for Affordable Housing- Stateline](#)  
[A Practical Guide to Effectively Regulating Short Term Rentals on The Local Government Level- Host Compliance](#)  
[Market Shifts in the Sharing Economy The Impact of Airbnb on Housing Rentals- Hiu Li, Yijin Kim, Kannan Srinivassan](#)  
[Affordable Housing and the Impact of Shrt Term Rentals- MRSC](#)  
[KWAR Submission](#)  
[Public Comment - Dolen](#)

**A motion was made by Commissioner Davila, seconded by Commissioner Wardlow, that the Ordinance be Postponed Indefinitely. 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 2022-38

**City Attorney's Report**

**City Manager's Report**

- Mallory Square Update - Katie Halloran
- Diesel Plant Update - Gary Volenec
- CM Search Update - Meeting on 9/21 @3:30pm

**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 7, 2022

Attachments: [Minutes](#)

**RESOLUTIONS**

5 \*Authorizing A.H. of Monroe County, Inc. to conduct a Royal Coronation Ball for the King & Queen of Fantasy Fest at the Key West Truman Waterfront Coffee Butler Amphitheater on Friday, October 21, 2022 from 6:00 p.m. to 10:00 p.m; Pursuant to Terms & Conditions set forth by the City Manager; Authorizing the Sale and Consumption of Alcoholic Beverages within an enclosed area.

Sponsors: City Manager McLaughlin

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

**Passed**

Enactment No: Res 22-200

- 6 \*Authorizing We Cycle, Inc. to conduct the annual Zombie Bicycle Ride Event starting at East Martello Towers and ending at the Key West Truman Waterfront Coffee Butler Amphitheater on Sunday, October 23, 2022 from 6:00 P.M. to 8:00 P.M.; Pursuant to Terms and Conditions set forth by the City Manager; Authorizing the closure of certain street thereof for the Zombie Ride on Sunday, October 23, 2022 from 6:00 P.M. to 8:00 P.M.

**Sponsors:** City Manager McLaughlin

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

**Passed**

Enactment No: Res 22-201

- 7 \*Authorizing QuePasa KW, Inc. to conduct the Pet Masquerade at the Key West Truman Waterfront Coffee Butler Amphitheater as a fundraiser for Lower Keys Friends of Animals on Wednesday, October 26, 2022, from 5:00 P.M. to 9:00P.M; Pursuant to Terms and Conditions set forth by the City Manager; Authorizing the sale and consumption of alcoholic beverages within an enclosed area.

**Sponsors:** City Manager McLaughlin

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

**Passed**

Enactment No: Res 22-202

- 8                    \*Granting a Special Event permit pursuant to Section 6-86 of the Code of Ordinances to the Conch Republic Seafood Company for a Static Boat & Car display on November 10-12, 2022 from 11:00 A.M. to 11:00 P.M; Authorizing the Conch Republic Seafood Company to have numerous events during that time; Providing for an effective date.

**Sponsors:**            City Manager McLaughlin

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

**Passed**

Enactment No: Res 22-203

- 9                    \*Approving a one (1) year renewal of the Engagement Letter for Advisory Services with Gray Robinson, PA, to serve as the City's Florida Government Lobbyist for the period October 1, 2022 through September 30, 2023.

**Sponsors:**            City Attorney Smith

**Attachments:**        [Resolution](#)  
                                  [Executive Summmary](#)  
                                  [Gray Robinson Agreement 2019 Signed](#)  
                                  [19-321 Resolution](#)

**Passed**

Enactment No: Res 22-204

10

\*Renewing through January 31, 2023, the Consulting Agreement for The Corradino Group, Inc., extended in Resolution 21-218, pursuant to Section 2-797(4)(B) of the Code of Ordinances; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

**Sponsors:** City Manager McLauchlin

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Res 21-218](#)

**Passed**

Enactment No: Res 22-205

11

\*Approving the selection committee ranking of the responses to request for Proposals (RFP) No. 22-004 for Third Party Claims Administration Services; Authorizing the City Manager to negotiate and execute a contract with the highest-ranked proposer, Relation Services of Florida, in conformance with the RFP documents, and upon advice and consent of the City Attorney, for three policy years (10/1/2022-9/30/2025) in an amount of up to \$45,000.00 per year (\$135,000.00 over three policy years), with an option to renew the agreement on an annual basis for up to two additional policy years.

**Sponsors:** City Manager McLaughlin

**Attachments:** [Resolution](#)  
[Executive Summary Third Party Administrator](#)  
[Attachment A- Evaluation Committee Scoring and Ranking RFP# 22-004](#)  
[Attachment B- Relation Insurance Services Cost Per Claim Fees RFP# 22-004 Side-By-Side Comparison of Form Responses](#)  
[Addendum to RFP# 22-004](#)  
[RFP# 22-004- Bid Memo](#)  
[City of Key West RFP# 22-004 Proposal- Relation Insurance](#)  
[City of Key West RFP# 22-004 Proposal- Gallagher Bassett](#)  
[City of Key West RFP# 22-004 Proposal- PMA](#)

**Passed**

Enactment No: Res 22-206

12

\*Authorizing the City Manager to place pursuant to Section 2-797(4)(b) of the Code of Ordinances, Exempt Contractual Services, the City's Property and Casualty Insurance Program for 2022-2023 by Public Risk Management of Florida (PRM) as submitted by World Risk Management (WRM) in the amount of \$2,531,389.00; Authorizing acceptance of World Risk Management as the Agent/Broker for the City's Property and Casualty Insurance Program for policy years 2022-2023; Approving pursuant to Section 2-797(4)(b) of the Code of Ordinances the placement of the City's Ancillary Policies in an amount not to exceed \$108,091.96 from Brown & Brown (formerly Public Risk Insurance Agency (PRIA)) to include: Marine Operators Legal Liability Coverage (\$33,426.00), Outer Mole Excess Liability Coverage (\$8,435.00), Wharfingres Liability Coverage (\$5,000.00), Hull and Machinery Coverage (\$16,551.00), Vessel Pollution Coverage (\$6,823.00), AD&D Coverage (\$8,190.00), Storage Tank Liability (\$7,598.00), Westchester Fire Insurance for Aircraft (Drone) Coverage provided by WRM; Authorizing the acceptance of Brown & Brown (formerly PRIA) as the Agent/Broker for the City's Ancillary Policies, with the exception of Drone Coverage and Florida Fire Fighter Cancer Coverage (WRM); Authorizing the City Manager to execute all documents consistent therewith upon the advice and consent of the City Attorney.

**Sponsors:** City Manager McLaughlin

**Attachments:** [Resolution](#)  
[Executive Summary Property Casualty 2022-2023](#)  
[Key West 2022-2023 P&C Renewal Proposal- PRM](#)  
[Evaluation of Renewal- Ben Few](#)  
[Evaluation of Renewal- Interisk](#)  
[City of Key West- FL FT Fire Cancer proposal- Email](#)  
[Key West - FL FT Fire Cancer- Chubb Policy](#)  
[City of Key West 2022-2023 Drone Renewal- Email](#)  
[Key West Ancillary Proposal 22-23- Brown & Brown](#)

**Passed**



Enactment No: Res 22-207

13

\*Authorizing a submission to the Florida Department of Transportation (FDOT) of a grant application for Right-of-Way Beautification Grant for Phase Two - Landscaping Project on U.S. 1 (State Road 5) between Cow Key Bridge and College Road (The Triangle), in an amount of up to \$100,000.00 for this grant cycle (FY 22/23); Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

**Sponsors:** City Manager McLaughlin

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Site Plan](#)  
[DRAFT- Phase 1- MMOA Landscape Triangle DRAFT](#)  
[Authorization Letter to Proceed](#)  
[Resolution 21-194](#)

**Passed**

Enactment No: Res 22-208

**ORDINANCES – FIRST READING cont'd**

- 14                    \*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 October 6, 2022

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

- 15                    \*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](#)  
[Executive Summary](#)  
[Exhibit A - Site Locations](#)  
[Exhibit B- Proposed Fee Schedule](#)

Postponed to October 6, 2022

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

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

16

Approving the attached "State of Florida Department of Economic Opportunity Federally Funded Community Development Block Grant Mitigation Program Subrecipient Agreement" (CDBG-MIT) Number IR043 for the construction of Harris and 10th Streets Stormwater Improvements Project, in a total amount up to \$1,376,270.00; Authorizing the Mayor to execute the Agreement, and to approve and execute any subsequent amendments that may adjust the grant funding allocations to the City or modify the project scope, upon consent of the City Attorney; Authorizing any necessary budget adjustments or transfers to accept the funding.

**Sponsors:** City Manager McLaughlin

**Attachments:** [Resolutions](#)  
[Executive Summary](#)  
[Agreement](#)  
[Grant Application](#)  
[Resolution 20-157](#)  
[Resolution 18-205](#)

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

Enactment No: Res 22-209

17

Approving the attached "State of Florida Department of Economic Opportunity Federally Funded Community Development Block Grant Mitigation Program Subrecipient Agreement" (CDBG-MIT) Number MT051 for construction of the Tide Valves Project in a total amount up to \$3,099,159.00; Authorizing the Mayor to execute the Agreement, and to approve and execute any subsequent amendments that may adjust the grant funding allocations to the City or modify the project scope, upon consent of the City Attorney; Authorizing any necessary budget adjustments or transfers to accept the funding.

**Sponsors:** City Manager McLauchlin

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Agreement](#)  
[Grant Application](#)  
[Resolution 20-006](#)  
[Resolution 18-205](#)

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

Enactment No: Res 22-210

18

Approving the attached "State of Florida Department of Economic Opportunity Federally Funded Community Development Block Grant Mitigation Program Subrecipient Agreement" (CDBG-MIT) Number MT050 for the Fogarty and 3rd Pump Assist Injection Well Project, in a total amount up to \$6,336,165.00/\$1,206,900.00 City match (\$7,543,065 total estimated project cost); Authorizing the Mayor to execute the Agreement, and to approve and execute any subsequent amendments that may adjust the grant funding allocations to the City or modify the project scope, upon consent of the City Attorney; Authorizing any necessary budget adjustments or transfers to accept the funding.

**Sponsors:** City Manager McLaughlin

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Agreement](#)  
[Grant Application](#)  
[Resolution 18-205](#)

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

Enactment No: Res 22-211

19

**Public Hearing:**

Adjusting annual sewer rates, charges and components set forth in Section 74-746 of the Code of Ordinances in the City of Key West.

**Sponsors:** City Manager McLaughlin

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

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

Enactment No: Res 22-212

20

**Quasi-Judicial Hearing:**

**Major Development Plan and Conditional Use - 1405 Duval Street (RE# 00072082-001501), 1406 Duval Street (RE# 00036370-000000) and 508 South Street (RE# 00036280-000000)** - Granting a Major Development Plan and Conditional Use approval at 1405 Duval Street (RE#00072082-001501) and 1406 Duval Street (RE#00036370-000000) and 508 South Street (RE#0036280-000000) for construction of a floating seaweed barrier anchored to submerged land, on property located within the Historic Commercial Tourist and Conservation-Outstanding Waters (HCT & C-OW) zoning districts pursuant to Section 108-91.A, Section 122-62, and Section 122-129 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

**Sponsors:** City Manager McLauchlin

**Attachments:** [Presentation](#)  
[Resolution](#)  
[Executive Summary](#)  
[Planning Package CC 9.20.22](#)  
[Department of the Army Permit-20220830-Proffered Permit Letter \(00267913xDBB48\)](#)  
[FTO - ACOE Letter](#)  
[PB RES 2022-042 - 1405 Duval MDP & CUP](#)  
[Staff Report](#)  
[Planning Package](#)  
[Budget - Seaweed Removal](#)  
[Sec 110 and 108 report 1450 Duval Seagrass Barrier](#)  
[USACE Public Notice-SAJ-2020-01959-\(SP-GGM\)](#)  
[Noticing Package](#)  
[Fire Comments 5.18.22](#)  
[GIS Comments 5.18.22](#)  
[Keys Energy Comments](#)  
[Utilities Comments](#)  
[GIS Administrator Comments](#)  
[Public Comment - Morgan](#)  
[Lease with Southernmost House, LTD](#)  
[Lease with Sunset City, LLC](#)

**A motion was made by Vice Mayor Kaufman, seconded by Commissioner Wardlow, that the Resolution be Passed with Condition 5 being amended to read as the following:**

**5. In accordance with City of Key West Section 122-63(f), notice shall be provided to the City of Key West Manager's Office and to the Code Compliance Department of any complaints associated with nuisance accumulation of floating debris/sargassum on adjacent properties attributable to the barrier. The barrier design and placement shall be modified in accordance with the City, and may include removal of the barrier, if impacts to surrounding properties or public areas are substantiated.**

**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 22-213

## **CITIZEN COMMENTS**

**COMMISSION COMMENTS**

**ADJOURNMENT - 7:56 P.M.**