

MINUTES
KEY COLONY BEACH CITY COMMISSION
SPECIAL MEETING

Wednesday, December 20, 2023 – 10:37 am
Key Colony Inn Banquet Room, 700 W. Ocean Drive, Key Colony Beach
& Virtually via Zoom Conferencing

1. ***Call to Order, Pledge of Allegiance, Prayer, Roll Call:*** *The Special Meeting by the Key Colony Beach City Commission was called to order by Mayor Raspe at 10:37 am followed by the Pledge of Allegiance, Prayer, and Rollcall. **Present:** Mayor Raspe, Vice-Mayor Foster, Commissioner Harding, Commissioner DiFransico (via Zoom). **Absent:** Commissioner Ramsay-Vickrey. **Also present:** Assistant City Attorney Scott Black, Administrative Assistant Tammie Anderson, City Clerk Silvia Gransee.*

Public Attendance: 4

2. ***Agenda changes, additions, or deletions:*** *Assistant City Attorney Scott Black advised on having provided a revised memorandum of understanding for review, approval, and discussion.*

Commissioner Harding asked about the procedure for allowing Commissioner DiFransico to participate via Zoom. Assistant City Attorney Black suggested for the City Commission to have a motion and a vote on the remote participation with a finding of good cause.

MOTION: *Motion made by Mayor Raspe to allow Commissioner DiFransico to participate remotely and to allow him to vote. City Clerk Gransee asked for a second. Vice-Mayor Foster seconded the motion.*

DISCUSSION: *None.*

ON THE MOTION: *Rollcall vote. Unanimous approval.*

3. ***Citizen correspondence & public comment:*** *City Clerk Gransee informed of having received no correspondence. There was no comment in the audience or online.*
4. ***Discussion/Approval of a proposed settlement agreement between the City of Key Colony Beach and Laurie Swanson pertaining to the litigation ‘Laurie Swanson vs. Key Colony Beach’ Case No. 23-CA-000205-M***

Mayor Raspe introduced the agenda item and asked Assistant City Attorney Black to continue. Assistant City Attorney Black informed on the proposed memorandum of understanding provided by Mrs. Swanson to resolve the litigation regarding the HOB award. Assistant City Attorney Black informed of having reviewed the proposed memorandum with Mrs. Swanson’s Attorney Mr. Hutchinson which resulted in the revised agreement provided to the Commission. Assistant City Attorney Black recommended approval of the current revised memorandum of understanding, along with an action item to repeal the prior vote to award the City Hall Project to HOB, upon the execution of the agreement.

Assistant City Attorney Black informed of Attorney Hutchinson understanding of Mrs. Swanson’s intent to execute the agreement but having no affirmative confirmation due to Mrs. Swanson’s travels. Assistant City Attorney Black confirmed that the revisions made were to Mrs. Swanson’s proposed memorandum of understanding.

Commissioner Harding asked about the difference in verbiage in ‘City Hall Vote’ vs. ‘City Hall Award’. Assistant City Attorney Black explained the change of wording from ‘measure’ to ‘vote’, added provisions on fees and costs, a correction of typos, and utilizing wording from the July 2023 meeting and vote.

Assistant City Attorney Black stated to be in agreement with terms of the agreement and recommended approval of the revised memorandum of understanding.

Commissioner Harding asked if a motion should be made prior to discussion.

MOTION: *Motion made by Vice-Mayor Foster to approve the memorandum of understanding as written in front of them and provided to Mrs. Swanson. Commissioner Harding seconded the motion.*

DISCUSSION: *Assistant City Attorney Black recommended the wording of the motion to approve to include 'upon recommendation by Mrs. Swanson that the City will be effectively repealing the prior award to HOB on July 20, 2023'. Assistant City Attorney Black explained the purpose to be that upon execution the vote would be rescinded at the same time.*

Mayor Raspe asked for the correct wording.

Assistant City Attorney Black stated "a motion to approve the revised memorandum of understanding with Mrs. Swanson, upon her execution of the agreement, and the execution of the agreement by the Mayor, the prior vote to approve and accept the HOB bid for the new City Hall project will be repealed.

AMENDED MOTION: *Vice-Mayor Foster amended his motion. Commissioner Harding seconded the amendment.*

FURTHER DISCUSSION: *Mayor Raspe asked for Commissioner questions or comments.*

Commissioner DiFransico stated concern of a delay of the vote and asked Mayor Raspe on his belief that Mrs. Swanson will be satisfied with the agreement. Mayor Raspe stated understanding that Mrs. Swanson will be satisfied, however, for Mrs. Swanson having the final say in giving her signature. Mayor Raspe agreed on resolving the issue expeditiously and executing the agreement for the City's benefit and all parties involved.

Vice-Mayor Foster agreed with Commissioner DiFransico and suggested a separate motion to repeal the July 20th vote to conclude the matter.

Assistant City Attorney Black suggested to handle the current motion on the floor which is supported by a first and second.

Vice-Mayor Foster expressed concerns of Mrs. Swanson's not agreeing with the memorandum.

Assistant City Attorney Black gave his understanding on Mrs. Swanson's agreement and recommended to approve the revised memorandum of understanding.

The Commission discussed the possibility of Mrs. Swanson not signing the memorandum.

City Clerk Gransee reminded that additional motions can be made after the current motion has been voted on.

Vice-Mayor Foster stated agreement with going forward with the vote.

Mayor Raspe asked for additional discussion or questions.

Commissioner DiFransico stated disagreement with deferring the matter to January.

Mayor Raspe informed to go forward with the vote and asked for rollcall.

ON THE MOTION: *Rollcall vote. Unanimous approval.*

Commissioner Harding asked Assistant City Attorney Black how to proceed. Assistant City Attorney Black confirmed to contact Attorney Hutchinson immediately after the conclusion of the meeting to obtain a signature today if possible. Assistant City Attorney Black stated that upon the execution of the agreement a stipulation of dismissal will be filed.

There was nothing further.

5. Adjournment: *The meeting adjourned at 10:59 am.*

*Respectfully submitted,
Silvia Gransee
City Clerk*

ADOPTED January 18, 2024
Silvia Gransee
City Clerk