



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

City Commission

Tuesday, February 2, 2021

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 - 5:00 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.

PROCLAMATION - National Black HIV/AIDS Awareness Day

City Attorney's Report

City Manager's Report

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

1 *January 20, 2021

Attachments: [Minutes](#)

Passed

RESOLUTIONS

2 *Approving Task Order No. 1 under the Environmental Engineering contract between the City and Atkins North America, Inc. (Atkins) for Smathers Beach Post Construction Annual Monitoring Services for permit compliance (two annual monitoring and reporting services) in accordance with the Biological Monitoring Plan approved by Florida Keys National Marine Sanctuary staff following Smathers Beach Sand Renourishment in May 2019, in an amount not to exceed \$142,076.00; Authorizing any necessary budget adjustments; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.

Attachments: [Resolution](#)
[Executive Summary](#)
[Atkins Proposal](#)
[Res 20-039 Approve Env Eng Svcs](#)

Passed

Enactment No: Res 21-011

- 3 *Awarding the bid of Seamar Divers, LLC. in response to ITB #21-004 a three year contract in the initial (FY 20/21) amount of \$29,502.00 per year for mooring field inspections (three inspections at \$9,834.00 per year), with annual CPI adjustments, and an option for one 2-year extension); Authorizing the City Manager to execute a contract in substantial conformance with the contract documents contained in ITB #21-004, upon advice of the City Attorney.

Attachments:

[Resolution](#)

[Executive Summary for Bid Award 2021](#)

[Memo - ITB 21-004 Mooring Field Inspections](#)

[Cscope KW mooring bid short](#)

[Live Flyer Inc](#)

[UESI](#)

[USU Bid Submission](#)

[Seamar Divers](#)

[ITB 21-004 Mooring Field Inspections-Replacements Short Form Final](#)

[Addendum #1 ITB #21-004](#)

[Addendum #2 ITB #21-004](#)

[Addendum #3 ITB #21-004](#)

Passed

Enactment No: Res 21-012

- 4 *Approving a Task Order from Perez Engineering and Development, Inc. in the amount of \$445,410.00 for professional engineering design and technical services for drainage improvements at Harris Avenue and 10th Street (Project ST38022102); Authorizing any necessary budget transfers; Authorizing the City Manager to execute any necessary documents.

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Resolution 17-207](#)
 [Res 20-142](#)
 [Perez Engineering Services Agreement](#)
 [Task Order](#)

Passed

Enactment No: Res 21-013

- 5 *Approving the purchase of marine fenders from Trelleborg Marine Systems (Trelleborg) in an amount not to exceed \$252,250.00 of in-kind funds on a sole source basis pursuant to Section 2-797(1) and (2) for brand name items in accordance with 2-844 of the Code of Ordinances for the Navy Mole Pier; Authorizing necessary budget amendments/transfers.

Attachments: [Resolution](#)
 [Executive summary](#)
 [Sole source memo](#)
 [Navy authorization letter](#)
 [Repair matrix](#)
 [Manufacturer proposal](#)

Passed

Enactment No: Res 21-014

Approval of the Consent Agenda

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

- 6 Adopting amended rules of procedure for City Commission meetings by adding a rule prohibiting the use of cell phones by Commissioners; Providing that this resolution supercedes prior resolutions regarding rules of procedure for City Commission meetings.

Attachments: [Resolution](#)

Withdrawn

- 7 **Proposed to be Postponed by Staff:**
Quasi-Judicial Hearing - Appeal
Granting/Denying the Appeal of Nancy Paulic, by Affirming/Reversing the determination of the Planning Board rendered in Resolution 2020-44, approving Modification of a Conditional Use Approval at 809-811 Terry Lane.

Attachments: [Resolution](#)
[Appeal Petronia, Whitehead and Terry Lane](#)
[Amended - Planning Board Resolution 2020-44 - Passed December 17, 2020](#)
[Application For Modification of Conditional Use Approval PB Resolution 2011-059](#)
[Planning Board Minutes December 17, 2020](#)
[Staff Report - Planning Board](#)
[Trash Area Photos](#)

A motion was made by Vice Mayor Kaufman, seconded by Commissioner Lopez, that the Resolution be Postponed to February 17, 2021. The motion passed by unanimous vote.

ORDINANCES – FIRST READING

- 8 An Ordinance of the City of Key West, Florida, amending Chapter 86 of the Code of Ordinances entitles "General Provisions" by amending Section 86-9 to amend the definition of affordable housing (very low income); Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Attachments: [Ordinance](#)
 [Executive Summary](#)
 [Staff Report](#)
 [Resolution](#)

A motion was made by Commissioner Lopez, seconded by Commissioner Wardlow, that the Ordinance be Passed to Second Reading. 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

- 9 An Ordinance of the City of Key West, Florida, amending Chapter 122 of the Code of Ordinances entitles "Zoning" by amending Section 122-1466 by adding the definition of affordable housing (very low income); Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Attachments: [Ordinance](#)
 [Staff Report](#)
 [Executive Summary](#)
 [Resolution](#)

A motion was made by Commissioner Lopez, seconded by Commissioner Wardlow, that the Ordinance be Passed to Second Reading. 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

ORDINANCES - SECOND READING (Public Hearing)

10

An Ordinance of the City of Key West amending Comprehensive Plan Policy 1-1.1.4, entitled “Affordable Housing and Compact Development Incentives,” to add a revised FLUM, amending Comprehensive Plan Table 1-1.1.5, to add an additional subdistrict under Historic and Commercial Future Land Use District, and amending Comprehensive Plan Policy 1-1.1.9, entitled “Allowed Uses in Historic Neighborhood Commercial,” to add a fifth corridor and a fourth HNC subdistrict to allow for up to 40 dwelling units per acre; Pursuant to Chapter 90, Article VI, Division 3; Providing for repeal of inconsistent provisions; Providing for an effective date; and Providing for the inclusion in the City of Key West Comprehensive Plan.

Attachments: [Ordinance](#)
[Proposed Amended Language](#)
[Staff Report](#)
[Presentation](#)
[Executive Summary](#)
[Planning Board Resolution 2019-87](#)
[Planning Board Resolution 2020-30](#)
[BVRAC Meeting Notes](#)
[HNC-4 Amendment Presentation](#)

A motion was made by Commissioner Lopez, seconded by Commissioner Wardlow, that the Ordinance be Postponed to February 17, 2021. The motion passed with one nay vote by Commissioner Weekley.

11

An Ordinance of the City of Key West amending Chapter 122 of the Land Development Regulations, entitled “Zoning,” Article IV, entitled “Districts,” Division 8 entitled “Historic Neighborhood Commercial Districts,” to create a new zoning district entitled the “Historic Neighborhood Commercial District Bahama Village Truman Waterfront” (HNC-4), providing amendments to Section 122-92, entitled “Future Land Use Map Designations and Zoning Districts,” Section 122-1111, entitled “Table of Land Use by Districts,” Section 122-1112, entitled “Table of Permitted and Conditional Commercial Retail Uses by Districts,” and Section 122-1151, entitled “Size and Dimension,” Providing for intent, permitted uses, conditional uses, prohibited uses, and dimensional requirements; Providing for residential density of up to 40 units per acre; Pursuant to Chapter 90, Article VI, Division 2; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Attachments: [Ordinance](#)
 [Proposed Amended Language](#)
 [Staff Report](#)
 [Presentation](#)
 [Executive Summary](#)
 [Planning Board Resolution 2020-31](#)
 [*Large File* Planning Board Resolution 2019-88](#)
 [BVRAC Meeting Notes](#)
 [HNC-4 Amendment Presentation](#)

A motion was made by Commissioner Lopez, seconded by Commissioner Wardlow, that the Ordinance be Postponed to February 17, 2021. The motion passed with one nay vote by Commissioner Weekley.

- 12 An Ordinance of the City of Key West amending Chapter 10 of the Code of Ordinances, entitled "Animals" by amending Section 10-2, by amending Section 10-11, to provide that it is unlawful to feed or provide sustenance to poultry; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Attachments: [Ordinance - Revised Draft](#)
[Ordinance - Original Draft](#)
[Letter - SPCA](#)
[SPCA Approval](#)

A motion was made by Vice Mayor Kaufman, seconded by Commissioner Wardlow, that the Ordinance be Adopted. 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: Ord 21-03

- 13 An Ordinance of the City of Key West, Florida, amending Chapter 46, Article IV, Police Officer's and Firefighter's Retirement Plan, Division II, Board of Trustees, Section 278, Terms of Office; Vacancies; Division III, Benefits and Contributions, Section 326, Compliance with Internal Revenue Code, to comply with changes made to the Internal Revenue Code; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

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 21-04

DISCUSSION

14 Affordable Housing Workshop Summary

- Attachments:** [AHWorkshop 1.25.2021 Meeting Summary](#)
[ADU Small Group Discussion Guide 1.25.2021](#)
[Affordable Housing Flyer](#)
[Affordable Housing Survey](#)
[3.2 Acre Fact Sheet](#)
[3.2 Acre BV Restriction Map](#)
[Anne Ray Shimberg Center Presentation](#)
[Randy Sterling AH Workshop Presentation](#)
[Scott Pridgen KW Presentation](#)
[Agenda Aff Workshop 1.25.2021 Final](#)
[BPAS update 1.25.2021](#)
[Shopping Center Discussion Handout](#)

Discussed

15 Covid-19 Update - Includes Public Comment

Discussed

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT - 6:53 P.M.