



# 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 1, 2020

5:00 PM

VIRTUAL MEETING

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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.

**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.**

#### ADMINISTER OATH OF OFFICE:

Commissioner Jimmy Weekley (District 1)  
Commissioner Billy Wardlow (District 3)  
Mayor Teri Johnston

#### PRESENTATIONS

- 1                    20 Year Service Award and Retirement  
                      Bonnita Badgett Retiring 08/31/2020.  
  
                      Received and Filed
  
- 2                    23 Year Anniversary and Retirement  
                      Officer Brenda Sellers Retiring 09/02/2020.  
  
                      Received and Filed

3 The Arts and Culture Master Plan for Truman Waterfront Park

Attachments: [Truman Waterfront Park Master Arts Plan](#)

Postponed

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**

4 \*August 19, 2020

Attachments: [Minutes](#)

**RESOLUTIONS**

5 \*Approving the proposed Settlement Agreement in Geraldine Bergman-Falcon vs. The City of Key West Monroe County Circuit Court Case No.: 2016-CA-289-K in the amount of \$90,000.00; Authorizing the City Manager to execute all Settlement documents upon the advice and consent of the City Attorney.

Attachments: [Resolution](#)  
[Bergman Summary of Case](#)  
[Bergman Release and Settlement](#)  
[Bergman Settlement Agreement](#)

Passed

Enactment No: Res 20-168

- 6 \*Approving the attached "Federally-Funded Subaward and Grant Agreement" for FEMA Hazard Mitigation Grant Program (HMGP) funds for Project Number 4337-441-R / Agreement Number H0505 Fire Station #1 Wind Retrofit Project in the amount of \$66,411.75 Federal / \$22,137.25 City Match (FAIN: FEMA-DR-4337-FL). Authorizing the City Manager to approve and execute the Subaward and Grant Agreement and related documents, upon consent of the City Attorney; Authorizing the City Manager to approve and execute subsequent amendments to this grant agreement which may adjust to increase grant funding allocations to the City or modify the project scope; Authorizing any necessary budget amendments.

Attachments:     [Resolution](#)  
                          [Executive Summary](#)  
                          [4337-441-R - Contract for Execution](#)  
                          [Resolution 18-205](#)

**Passed**

Enactment No: Res 20-169

- 7 \*Authorizing the purchase 30 Axon Fleet 2 Unlimited In-Car Camera Systems and related equipment, pursuant to Key West Code of Ordinances Section 2-844 (a) (brand name), 2-797 (1)(b) (sole source) and 2-797 (4) (b) (best interests) from Axon Enterprise, Inc. in a total amount of \$249,900.00 to be paid in equal installments of \$49,980.00 per year, for a period of five years; Authorizing budget transfers and adjustments; Authorizing the City Manager or designee to execute necessary documents upon consent of the City Attorney.

Attachments:     [Resolution](#)  
                          [Executive Summary](#)  
                          [Key West Fleet 2 Quote](#)

**Passed**

Enactment No: Res 20-170

**Approval of the Consent Agenda**

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

**8**

**Public Hearing** - Authorizing a \$111.03 Annual Stormwater Utility ESU User Fee Charge for the City's Stormwater Annual Rate Resolution for FY2021.

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

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

Enactment No: Res 20-171

- 9 Rescinding Resolution 20-080, and replacing it with the commercial rent adjustments contained herein; Authorizing a rent abatement for commercial tenants, including General Fund and Garrison Bight, for the month of April 2020; Authorizing a rent deferment for up to two months, with an up to 24-month repayment period for commercial tenants affected by the COVID-19 Emergency for the months of May and June 2020, upon individual request by tenants in good standing which meet specific criteria set forth in the Memorandum by Doug Bradshaw, Director Port and Marine Services, dated August 24, 2020; Providing for adjusted deferral payment terms for expiring and/or renewing leases; Providing for late payment penalties; Authorizing the payment of 75% (25% abated) of Base Rent for commercial (General Fund and Garrison Bight) tenants for the months of August and September 2020; Directing city staff to analyze and provide recommendations to the City Manager or designee with regard to rent adjustments, if any, for the months of October through December 2020 at a later date; Authorizing the City Manager or designee to approve and execute lease addendums or account adjustment to effectuate the rent abatement, deferments and adjustments.

**Attachments:** [Resolution](#)  
[Rent Relief Coronavirus General Fund](#)  
[Rent Relief Revenue Impact Table](#)  
[Rent Relief Tenant Details](#)  
[Resolution 20-080](#)  
[Public Comment - Boatman Assoc](#)  
[Public Comment - Captain Art Duplessis](#)  
[Public Comment -Captain Chris Garcia](#)  
[Public Comment - Captain Gil Scott](#)  
[Public Comment -Captain Damon Santelli](#)  
[Public Comment-Captain Mike Weinhofer](#)  
[Public Comment-Captain Walter Kirchner](#)  
[Public Comment-Captain William O Wickers III](#)  
[Public Comment-Hooked Up](#)  
[Public Comment-The Ultra Grand Slam](#)  
[Public Comment-Charter Boat Assoc](#)  
[Public Comment-CowboyCharters](#)  
[Public Comment-Gulf Stream IV](#)  
[Public Comment-JollyRogerII](#)  
[Public Comment-KW Sailing Adventure](#)

**A motion was made by Vice Chair Kaufman, seconded by Commissioner Lopez, to amend the Resolution and adopt the recommendations made by the Key West Bight Management Board from their meeting on August 19, 2020. The motion failed by the following vote:**

**No: 4 - Commissioner Hoover, Commissioner Wardlow, Commissioner Weekley, and Mayor Johnston**

**Yes: 3 - Commissioner Davila, Vice Chair Kaufman, Commissioner Lopez**

**A motion was then made by Commissioner Weekley, seconded by Commissioner Hoover, that the Resolution be Passed as written. The motion carried by the following vote:**

**No: 1 - Vice Mayor Kaufman**

**Yes: 6 - Commissioner Davila, Commissioner Hoover, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston**

Enactment No: Res 20-172

10

**Major Development Plan - Mallory Square (RE # 00072082-001100, 00072082-001400, 0072082-003700, and 00000170-000000)** - A request for approval of a major development plan for redevelopment consisting of; a partial demolition of a historic structure, the redevelopment of nonconforming restaurant use, the conversion of a historic structure into a museum, and the creation of a park at a property located in the HPS zoning district pursuant to Sections 108-91 and 122-28 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

**Attachments:**     [Resolution](#)  
                              [Executive Summary](#)  
                              [Request to Postpone - Mallory Square](#)  
                              [\\*Large File\\* Application](#)  
                              [Plans](#)  
                              [PB-RES 2019-80 Mallory Square](#)  
                              [2019 Tropical Soup PB Staff Report](#)  
                              [\\*Large File\\* Planning Board Approval \(Resolution 2016-51\)](#)  
                              [Final Landscape Plan Approval](#)  
                              [Letter of Support](#)  
                              [\\*Large File\\* Opposition to Approval](#)  
                              [Response from Applicant Joe Walsh](#)  
                              [Comments from Smith/Hawks](#)  
                              [Mallory Square Administrative Determination](#)

**A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Resolution be Postponed to October 6, 2020. 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

11

**Request for Postponement by Staff:**

**Development Agreement** - Granting preliminary authorization to enter into the Development Agreement process and pursue negotiations with the property owner for the property located at 1900 North Roosevelt Blvd. (RE# 00051820-000000) and 1910 North Roosevelt Blvd. (RE# 00051840-000000) pursuant to Section 90-679 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

**Attachments:**     [Resolution](#)  
[Executive Summary](#)  
[Public Comment - Covan](#)  
[Public Comment - Dawkins](#)

**Withdrawn**

**ORDINANCES - FIRST READING**

12

An Uncodified Ordinance of the City of Key West, Florida, to mandate that certain business establishments who wish to allow seating at bar counters for their patrons adhere to social distancing requirements; Declaring this Ordinance to be an emergency measure; Providing for penalties; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective and sunset date.

**Attachments:**     [Ordinance](#)

**A motion was made by Vice Mayor Kaufman, seconded by Commissioner Wardlow, that the Ordinance be Adopted with an amendment to change groups of four (4) persons to groups of six (6) persons allowable. 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 20-12



- 13 An Ordinance of the City of Key West, Florida, amending Chapter 62 of the Code of Ordinances entitled "Streets and Sidewalks" by amending Article V, entitled "Newsracks" amending the amount of permitted newsracks on sidewalks adjacent to Duval Street; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Attachments:** [Ordinance](#)  
[Exec Summary](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Ordinance be Postponed to September 16, 2020. The motion passed by unanimous vote.

- 14 An Ordinance of the City of Key West Florida, amending Chapter 42 of the Code of Ordinances, titled "Miscellaneous Offenses" by adding Section 42-19 titled "Face Coverings" to mandate that individuals wear a face covering in public; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Attachments:** [Ordinance](#)  
[Public Comment - Holz](#)

Withdrawn

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

15

An Ordinance of the City of Key West, Florida, amending Chapter 106 of the Code of Ordinances, entitled "Performance Standards", Article II, Division 2 entitled "Outdoor Displays", by amending Sections 106-51, 106-52, 106-53, adding a new Section 106-55 to provide for appeals, and renumbering former Sections 106-55 and 106-56; Amending Chapter 90 of the Land Development Regulations entitled "Administration", Section 90-428 entitled "Final Decisions of Historic Architectural Review Commission"; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Attachments:**     [Ordinance](#)  
                                  [Executive Summary](#)  
                                  [Master Table of Active Outdoor Display Exceptions](#)  
                                  [Planning Board Resolution 2020-26](#)  
                                  [Staff Report for Planning Board](#)  
                                  [Draft Planning Board Resolution](#)  
                                  [Ordinance 08-04](#)

**A motion was made by Commissioner Hoover, seconded by Vice Mayor Kaufman, 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 20-13

#### **CITIZEN COMMENTS**

#### **COMMISSION COMMENTS**

#### **ADJOURNMENT - 7:46 P.M.**