



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Meeting Agenda Full Detail

City Commission

Tuesday, April 5, 2022

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.

You may also attend these meetings virtually via Zoom by telephoning 646-558-8656, Meeting ID: 851 9995 2643, Passcode: 711765 or online at: <https://cityofkeywest-fl-gov.zoom.us/j/85199952643> Passcode: 711795

CALL MEETING TO ORDER

ROLL CALL

INVOCATION - Reverend Donna Mote, St. Paul's Episcopal Church

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

PROCLAMATIONS

1 Peter Arnow Day

Sponsors: Mayor Johnston

Attachments: [Proclamation](#)

2 Fats Navarro Day

Sponsors: Mayor Johnston and Commissioner Lopez

Attachments: [Proclamation](#)

3 Arbor Day

Sponsors: Mayor Johnston

Attachments: [Proclamation](#)

4 Fair Housing and Community Development Month

Sponsors: Mayor Johnston

Attachments: [Proclamation](#)

PRESENTATIONS**5** 20 Years of Service - Police Chief Sean Brandenburg

Sponsors: City Manager McLaughlin

6 Mote Marine Laboratory on Coral Disease Response and Restoration - Dr. Michael Crosby, President and CEO

Sponsors: Mayor Johnston

Attachments: [Presentation](#)

7 Water Quality and Monitoring - Dr. Patrick Rice, Chief Science & Research Officer, College of the Florida Keys

Sponsors: City Manager McLaughlin

Attachments: [Presentation](#)

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.

City Attorney's Report

City Manager's Report

- 6 Month Budget Update - Christina Bernaldi, Interim Finance Director

MINUTES**8** *March 10, 2022 (Special)

Attachments: [Minutes](#)

9 *March 15, 2022 (Regular)

Attachments: [Minutes](#)

RESOLUTIONS

- 10 *Reappointing Bill Fortune to the Board of Trustees of the Police Officer's and Firefighter's Retirement Plan (Retired Police Position).
- Sponsors: Mayor Johnston
- Attachments: [Resolution](#)
- [Resume](#)
- 11 *Reappointing Kevin Cates to the Board of Trustees of the Police Officer's and Firefighter's Retirement Plan (Retired Firefighter Position).
- Sponsors: Mayor Johnston
- Attachments: [Resolution](#)
- [Resume](#)
- 12 *Approving and Authorizing the City Manager to Execute the Attached Agreement between the City of Key West, Florida, and the Conch Republic Independence Celebration, LLC, the Key West Cultural Preservation Society, Bourbon Street Pub, Inc., Petronia St. Neighborhood Association, Inc., Sister Season Fund, Inc., and Michele's Foundation for the 2022 Conch Republic Independence Celebration from April 16, 2022 through April 24, 2022.
- Sponsors: City Manager McLaughlin
- Attachments: [Resolution](#)
- [Executive Summary](#)
- [Agreement](#)
- [Conch Republic World's Longest Parade](#)
- [Conch Republic CPS Street Fair](#)
- [Conch Republic Drag Races](#)
- [Conch Republic Bed Races](#)
- [Insurances](#)
- [Approval Sheets](#)
- [COVID Plan](#)

- 13 *Authorizing Key West Songwriters LLC DBA the Key West Songwriters Festival to conduct a free concert on the 200 block of Duval Street and Greene Street between Fitzpatrick & Ann Streets on May 7, 2022 from 7:00 p.m. to 10:00 p.m. (Set up at 6:00 a.m. and breakdown midnight.); Granting a Special Event Permit pursuant to Section 6-86 of the Code of Ordinances for a Concert on the 200 block of Duval Street and adjacent Greene Street from 7:00 p.m to 10:00 p.m; Pursuant to Terms and Conditions set forth by the City Manager.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)

[Executive Summary](#)

[Application](#)

[COVID Plan](#)

- 14 *Approving Issuance of a Task Order to Black and Veatch Corporation to evaluate the feasibility of constructing a waste to energy plant in the Lower Keys in an amount not to exceed \$80,478.00; Authorizing a necessary budget transfer or adjustment; Authorizing the City Manager to execute documents upon consent of the City Attorney.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)

[Executive Summary](#)

[Black & Veatch Proposal](#)

[Resolution 20-142](#)

[Black & Veatch Engineering Services Agreement](#)

- 15 *Approving Issuance of Task Order No. 11 to Black and Veatch Corporation for preparation of a 20-year wastewater needs assessment in an amount not to exceed \$56,990.00; Authorizing any necessary budget adjustments; Authorizing the City Manager to execute documents upon consent of the City Attorney.
- Sponsors:** City Manager McLaughlin
- Attachments:** [Resolution](#)
- [Executive Summary](#)
- [Resolution 20-142](#)
- [Black & Veatch Engineering Services Agreement](#)
- [Scope of Work](#)
- [Cost Breakdown](#)
- 16 *Approving the attached "Supplemental Provision to the Interlocal Agreement between the Florida Keys Aqueduct Authority (FKAA) and the City of Key West"; Authorizing the City Manager to execute necessary documents upon consent of the City Attorney.
- Sponsors:** City Manager McLaughlin
- Attachments:** [Resolution](#)
- [Executive Summary](#)
- [Proposed Supplemental Provision to FKAA ILA](#)
- [KW Resort Utility Letter](#)
- [FKAA Resolution 22-03](#)
- [Res 22-046](#)
- 17 *Approving the attached Collective Bargaining Agreement between the City of Key West and the Florida Police Benevolent Association, Inc. (Key West Chapter) from October 1, 2020 through September 30, 2023.
- Sponsors:** City Manager McLaughlin
- Attachments:** [Resolution](#)
- [Executive Summary](#)
- [Bargaining Unit Ratified](#)
- [Agreement](#)

21

Approving the attached "Operating and Settlement Agreement" ("Agreement") between the City and Pier B Development Corp.; Authorizing the City Manager to execute the Agreement and any related documents upon advice and consent of the City Attorney.

Sponsors: City Attorney Smith

Attachments: [Resolution](#)

[Pier B Agreement](#)

[Public Comment - Vallilee](#)

[Public Comment - Diez](#)

[Public Comment - Eaves](#)

[Public Comment - Key West Key Inc.](#)

[Public Comment - Smith](#)

[Public Comment - Taylor](#)

[Public Comment - Dragonfly Boatworks](#)

[Public Comment - Ramsey](#)

[Public Comment - Newberry](#)

[Public Comment - Hynes](#)

[Public Comment - McDaniel](#)

[Public Comment - Connors](#)

[Public Comment - Desmarais](#)

[Public Comment - Speake](#)

[Public Comment - Haskell](#)

[Public Comment - Wells](#)

[Multiple Public Comment Recv'd 3.31.22](#)

[Multiple Public Comment Recv'd 4.1.22](#)

[Public Comment - Wheeler and Brookes](#)

[Pier B Response](#)

[Multiple Public Comment Recv'd 4.1.22 to 4.3.22](#)

[Multiple Public Comment Recv'd 4.4.2022](#)

[Multiple Public Comment Recv'd 4.5.22](#)

[Public Comment - Historic Tours of America](#)

[Multiple Public Comment Recv'd 4.5.22 \(afternoon\)](#)

22

Quasi-Judicial Hearing: Major Development Plan, Conditional Use, & Landscape Waiver - 111 Olivia Street (RE# 00014720-000000) - Granting Major Development Plan, Conditional Use, and Landscape Waiver approval at 111 Olivia Street (RE #00014720-000000) for construction of a new 9,587 square foot community center located in the Historic Neighborhood Commercial (HNC-3) Zoning District; Pursuant to Sections 108-91.A.2(B), 108-517, 122-62, and 122-868(2) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)

[Executive Summary](#)

[2022.01.17 Final Planning Set](#)

[HARC Approval and Signed COA's](#)

[Final Landscape Approval](#)

[PB RES 2022-001](#)

[PB RES 2022-002](#)

[Staff Report](#)

[Planning Package](#)

[Noticing Package](#)

[Utilities Comments](#)

[Keys Energy Comments](#)

[Floodplain Comments](#)

[Engineering Comments](#)

23

Withdrawn by Applicant**Easement - 1200 Whitehead Street (RE#**

00026390-000000) - Approving an Easement Agreement in order to maintain 270 square feet, more or less, of brick pavers onto the Catherine Street right-of-way located within the Historic High Density Residential (HHDR) zoning district at 1200 Whitehead Street, Key West, Florida (RE#00026390-000000); Pursuant to Section 2-938(b)(3) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida; Providing fees and conditions.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)

[Executive Summary](#)

[Planning Package - New Owner](#)

[Agreement](#)

[Planning Package - Original Application](#)

[Utilities Comments](#)

[Keys Energy Comments](#)

[Floodplain Comments](#)

[Urban Forestry Comments](#)

[Letter of Withdrawal](#)

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Withdrawn by Applicant**Easement - 911 Center Street (RE# 00017490-000000) -**

Approving an Easement Agreement in order to maintain 132.3 square feet more or less, to include an overhang, a portion of open porch and pavers on Center Street right-of-way located within the Historic Neighborhood Commercial (HNC-1) zoning district at 911 Center Street, Key West, Florida (RE#00017490-000000); Pursuant to Section 2-938(b)(3) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida; Providing fees and conditions.

Sponsors: City Manager McLaughlin

Attachments: [Resolution](#)

[Executive Summary](#)

[Easement Agreement](#)

[Landscape Plan](#)

[Planning Package](#)

[Utilities Comments](#)

[Keys Energy Comments](#)

[Engineering Comments](#)

[Letter of Withdrawal](#)

ORDINANCES – FIRST READING

- 25 An Ordinance of the City of Key West, Florida, pursuant to Section 7.03 of the City Charter, to call for a Referendum for the authority to lease real property located at 5210 College Road and owned by the City of Key West (“City”), such lease for a duration of up to 99 years, thereby exceeding the Charter limit of 10 years, exclusively for use as a botanical garden and arboretum, providing public access, public recreation, and wildlife habitat, the final terms of which must be approved by the City; Authorizing the City Clerk to take all necessary action to place this measure on the ballot for _____, 2022; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Mayor Johnston and Vice Mayor Kaufman

Attachments: [Ordinance](#)

- 26 An Ordinance of the City of Key West, Florida, amending Chapter 18 of the Code of Ordinances, entitled “Businesses” by amending Section 18-387, to clarify Insurance Requirements for Recreational Rental Vehicles; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Vice Mayor Kaufman

Attachments: [Ordinance](#)

[Executive Summary](#)

[Ord. 21-12](#)

- 27 An Ordinance of the City Commission of the City of Key West, Florida, amending the Historic Architectural Review Commission Guidelines for windows and shutters as referenced in Section 90-142 of the City of Key West Land Development Regulations; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Vice Mayor Kaufman

Attachments: [Ordinance](#)

[Executive Summary](#)

[Planning Board Resolution 2022-010](#)

[Staff Report - Planning](#)

[Chapter 163 Section 04 - Florida Statutes Energy Devices Based on Renewable](#)

[List of buildings and sites individually listed in the National Register of Historic P](#)

- 28 An Ordinance of the City Commission of the City of Key West, Florida, amending Chapter 102 of the Code of Ordinances entitled "Historic Preservation", Article IV entitled "Certificate of Appropriateness" by amending Division 2, entitled "Economic Hardship" by increasing the maximum household income for applicants seeking substitution of alternative building materials for historic or traditional materials; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Vice Mayor Kaufman

Attachments: [Ordinance](#)

[Executive Summary](#)

[Planning Board Resolution 2022-011](#)

[Staff Report Planning Board](#)

[2021 Work Force Housing Income Limits](#)

29

An Ordinance of the City of Key West, Florida, amending Chapter 2 of the Code of Ordinances, titled "Administration", Section VIII titled "City Property" by adding Section 2-942 titled "Purpose and Intent"; By adding Section 2-943 titled "Definitions"; By adding Section 2-944 titled "Residential Right of Way Hardscape and Paver Easements"; By adding Section 2-945 titled "Amortization of Unpermitted Improvements"; By adding Section 2-946 titled "Penalties"; By adding Section 2-947 titled "Appeal"; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: City Manager McLaughlin

Attachments: [Ordinance](#)

[Executive Summary](#)

[Sec 2-942 Paver & Landscape Easement Agreement](#)

ORDINANCES - SECOND READING (Public Hearing)

30

An Ordinance of the City of Key West, Florida, Adding Chapter 80 of the Code of Ordinances, entitled "Cruise Ship Regulations" by adding Section 80-1 Definitions, Section 80-2 Prohibiting pollution of water, Establishing fees related to the failure to cleanup water pollution, Section 80-3 Establishing a Coral Reef Restoration program and fund and establishing a mechanism for the funding of Restoration Fund and establishing a Water Quality testing program and a mechanism for the funding of such program; Section 80-4 Passenger healthcare services; Section 80-5 Providing for enforcement; Providing for severability; Providing for repeal of inconsistent Provisions; Providing for an effective date.

Sponsors: City Attorney Smith

Attachments: [Ordinance - First Reading](#)

[Revised Ordinance](#)

[Public Comment - Wells](#)

[Public Comment - Silverman](#)

[Public Comment - Swift](#)

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT