



City of Key West, FL

City Hall
1300 White Street
Key West FL 33040

Action Minutes - Final

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.

CALL MEETING TO ORDER - 5:03 P.M.

ROLL CALL

Present 7 - Commissioner Davila, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Johnston

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

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA - The agenda was unanimously approved as amended.

PROCLAMATIONS

1 Peter Arnow Day

Sponsors: Mayor Johnston

Attachments: [Proclamation](#)

Received and Filed

2 Fats Navarro Day

Sponsors: Mayor Johnston and Commissioner Lopez

Attachments: [Proclamation](#)

Received and Filed

3 Arbor Day

Sponsors: Mayor Johnston

Attachments: [Proclamation](#)

Received and Filed

4 Fair Housing and Community Development Month

Sponsors: Mayor Johnston

Attachments: [Proclamation](#)

Received and Filed

Add-on Proclamation: Key West Lodge 64 Day**PRESENTATIONS****5 20 Years of Service - Police Chief Sean Brandenburg**

Sponsors: City Manager McLauchlin

Received and Filed

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

Sponsors: Mayor Johnston

Attachments: [Presentation](#)

Received and Filed

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

Sponsors: City Manager McLauchlin

Attachments: [Presentation](#)

Received and Filed

Add-on Presentation: Conch Republic Celebration Update - Jim Gilleran and Dennis Wardlow

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

8 *March 10, 2022 (Special)

Attachments: [Minutes](#)

Passed

9 *March 15, 2022 (Regular)

Attachments: [Minutes](#)

Passed

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](#)

Passed

Enactment No: Res 22-081

- 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](#)

Passed

Enactment No: Res 22-082

- 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 McLauchlin

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](#)

Passed

Enactment No: Res 22-083

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 McLauchlin

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

Passed

Enactment No: Res 22-084

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 McLauchlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Black & Veatch Proposal](#)
[Resolution 20-142](#)
[Black & Veatch Engineering Services Agreement](#)

Postponed to May 17, 2022

- 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 McLauchlin

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Resolution 20-142](#)
 [Black & Veatch Engineering Services Agreement](#)
 [Scope of Work](#)
 [Cost Breakdown](#)

Passed

Enactment No: Res 22-085

- 16 *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 McLauchlin

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Bargaining Unit Ratified](#)
 [Agreement](#)

Passed

Enactment No: Res 22-086

- 17 *Approving transfer of Mobile Vendor License (MVL) 2020-692 from Richard Hill to Yafa Shem Tov due to hardship.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
 [Request for MVL transfer Hill to Yafa Shem Tov](#)
 [Code Sec 18-325](#)
 [Hardship Letter](#)

Passed

Enactment No: Res 22-087

- 18 *Awarding the Bid of Charley Toppino & Sons, Inc. received in response to Invitation to Bid (ITB) #22-006 for Flagler Pedestrian Improvements (Project NOs. TA49032101, II41022001 and II41022002) in total amount not to exceed \$527,490.68; Authorizing any necessary budget adjustments and amendments; authorizing the City Manager to execute a contract in substantial conformance with the bid documents, upon consent of the City Attorney.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
 [Executive Summary](#)
 [Bid Tabulation](#)
 [ITB 22-006 Contract \(Large File\)](#)
 [ITB 22-006 Plans](#)
 [ITB 22-006 Charley Toppino Bid](#)
 [ITB 22-006 Horsepower Bid](#)

Passed

Enactment No: Res 22-088

Approval of the Consent Agenda

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

19

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 \(afternoon\)](#)

A motion was made by Vice Mayor Kaufman, seconded by Commissioner Hoover, that the Resolution be Denied. The motion carried by the following vote:

No: 2 - Commissioner Lopez and Commissioner Wardlow

Yes: 5 - Commissioner Davila, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Weekley and Mayor Johnston

8:59 P.M. - MEETING WENT INTO RECESS

9:10 P.M. - MEETING RECONVENED

ORDINANCES - SECOND READING (Public Hearing)

20

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](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Wardlow, that the Ordinance be Adopted as amended from the First Reading with an additional amendment to coordinate with the local Water Quality Protection Program. 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 22-07

RESOLUTIONS - Cont.

21

*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 McLauchlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Proposed Supplemental Provision to FKAA ILA](#)
[KW Resort Utility Letter](#)
[FKAA Resolution 22-03](#)
[Res 22-046](#)

A motion was made by Commissioner Weekley, seconded by Commissioner Lopez, that the Resolution be Approved. 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 22-089

22

*Directing the City Manager to negotiate a one-year contract with Key West Tourist Development Association, Inc. for certain Fantasy Fest events and activities in the City of Key West; Providing that the negotiations shall address all of the intentions brought forward during the December 9, 2021 Leadership Retreat to transform the event into a positive clean festival enjoyed by residents and visitors.

Sponsors: City Manager McLauchlin

Attachments: [Resolution](#)
[Notes from the December 9th 2021 Key West City Leadership Retreat](#)

A motion was made by Vice Mayor Kaufman, seconded by Commissioner Davila, that the Resolution be Passed giving discretion to the City Manager to negotiate an agreement without limitation on the number of years. 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 22-090

23

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 McLauchlin

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](#)

A motion was made by Commissioner Lopez, seconded by Vice Mayor Kaufman, that the Resolution be Passed. 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 22-091

24

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 McLauchlin

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](#)

Withdrawn

25

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 McLauchlin

Attachments: [Resolution](#)
[Executive Summary](#)
[Easement Agreement](#)
[Landscape Plan](#)
[Planning Package](#)
[Utilities Comments](#)
[Keys Energy Comments](#)
[Engineering Comments](#)
[Letter of Withdrawal](#)

Withdrawn

ORDINANCES – FIRST READING

26

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 August 23, 2022; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Mayor Johnston and Vice Mayor Kaufman

Attachments: [Ordinance](#)

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

27

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](#)

A motion was made by Vice Mayor Kaufman, seconded by Commissioner Davila, that the Ordinance be Passed to Second Reading. The motion carried by the following vote:

No: 1 - Commissioner Wardlow

Yes: 6 - Commissioner Davila, Commissioner Hoover, Vice Mayor Kaufman, Commissioner Lopez, Commissioner Weekley and Mayor Johnston

10:02 P.M. - MEETING WENT INTO RECESS

5:00 P.M, April 6, 2022 - MEETING RECONVENED WITH ALL COMMISSIONERS PRESENT.

28

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

A motion was made by Commissioner Lopez, seconded by Commissioner Weekley, 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

29

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](#)

A motion was made by Commissioner Lopez, seconded by Commissioner Weekley, 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

30

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 McLauchlin

Attachments: [Ordinance](#)
[Executive Summary](#)
[Sec 2-942 Paver & Landscape Easement Agreement](#)

A motion was made by Commissioner Lopez, seconded by Commissioner Weekley, 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

CITIZEN COMMENTS

COMMISSION COMMENTS

ADJOURNMENT - 5:39 P.M, April 6, 2022