



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### City Commission

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Wednesday, February 17, 2021

5:00 PM

City Hall

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Revised 2-16-2021

**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 - February 17, 2021 at 5:00 P.M.**

#### ROLL CALL

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

**INVOCATION - Jim Smith, One Island Family**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**APPROVAL OF AGENDA -** The agenda was unanimously approved as amended. The proposed add-on resolution from Commissioner Kaufman was not unanimously consented to be added and was not heard.

#### PROCLAMATIONS

1 Elizabeth Bishop Day

Attachments: [Proclamation](#)

Received and Filed

2 Rocky Portier Day

Attachments: [Proclamation](#)

Received and Filed

3 COVID-19 Victims and Survivors Memorial Day

Attachments: [Proclamation](#)

Received and Filed

**PRESENTATIONS**

4 Covid-19 Update - Includes Public Comment

Discussed

5 City Staff Accomplishments 2020

Received and Filed

**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**

6 \*October 13, 2020 - (Joint meeting with Florida Keys Mosquito Control District Board)

Attachments: [Minutes](#)

Passed

7 \*January 25, 2021 (Workshop)

Attachments: [Minutes](#)

Passed

8 \*February 2, 2021 (Regular Meeting)

Attachments: [Minutes](#)

Passed

**RESOLUTIONS**

- 9                    \*Ratifying an emergency procurement for the installation of access control systems at Garrison Bight Dinghy Dock and Livaboard Bathhouse Facilities by Minuteman Security Technologies, as provided for under Section 2-797(2) of the Code of Ordinances, in a total amount of \$58,283.54; Authorizing necessary budget transfers.

Attachments:    [Resolution](#)  
                          [Executive Summary](#)  
                          [Emergency Declaration](#)  
                          [ACM Approval](#)  
                          [Approved POE](#)  
                          [Dinghy Dock Quote](#)  
                          [LAB & Dockmaster Quote](#)  
                          [PO #93349](#)

**Passed**

Enactment No: Res 21-016

10

\*Ratifying the attached "Memorandum of Understanding between the City of Key West and United Way of Collier and the Keys, Inc." (MOU); Ratifying four emergency expenditures totaling \$132,186, to the United Way of Collier and the Keys (UWCK) for Community rental assistance, food, medical and utilities/essential needs support pursuant to the MOU, the "Stop-Gap Measure COVID-19 Support Proposal", and pursuant to Section 2-797 (2) of the Code of Ordinances; Authorizing any necessary budget transfers and adjustments; Providing for an effective date.

**Attachments:**[Resolution](#)[Executive Summary](#)[Stop-Gap Measure COVID Support Proposal](#)[UWCK & CKW MOU](#)[COVID Update UWCK & KW for Mtg 2.17.21](#)[UWCK Invoice to City of KW for COVID-19 Rental Assistance](#)[UWCK Invoice to City of KW for COVID-19 Food Funding 1-2021](#)[UWCK Invoice to City of KW for COVID-19 Utilities and Basic Needs Funding 1-2021](#)[UWCK Invoice to City of KW for COVID-19 Medical 1-2021](#)**Passed**

Enactment No: Res 21-017

- 11                    \*Approving Final Change Order No. 4 for final quantities and to close the contract for Simonton Street Improvements (ITB #20-002) - Project II41021901 (2019 ADA Sidewalks) and Project II41021902 (2019 Repaving Program) in an amount not to exceed \$109,687.88, bringing the total project cost to \$1,610,592.85; Authorizing any necessary budget adjustments; Authorizing the City Manager to execute any necessary documents, upon consent of the City Attorney.

**Attachments:**    [Resolution](#)  
                              [Executive Summary](#)  
                              [Resolution 19-347](#)  
                              [Simonton CO#4](#)  
                              [Pay App #10-Final](#)

**Passed**

Enactment No: Res 21-018

- 12                    \*Approving the attached "Plans Review and Inspection Services Agreement" between the City and All Aspects Inspection Services, LLC for building permit plans review and inspection services; Approving any necessary budget transfers or adjustments.

**Attachments:**    [Resolution](#)  
                              [Executive Summary](#)  
                              [Agreement](#)  
                              [Resolution 21-010](#)

**Postponed to March 2, 2021**

- 13 \*Approving the attached "Public Transportation Grant Agreement" (PTGA) between the Florida Department of Transportation (FDOT) and the City of Key West for State Fiscal Year (SFY) 2021 Section 5311 Rural operations Funds for the fixed bus route services in the City for Key West (Contract G1T47/Financial Project #434896-2-84-01) in a reimbursement amount of up to \$493,090.00 in operating assistance (50% of total project cost of \$986,180.00).

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Public Transportation Grant Agreement](#)  
[Resolution 19-334](#)

**Passed**

Enactment No: Res 21-019

- 14 \*Approving a one-year extension of each of the following Event Agreements: Goombay Festival (Bahama Village Community Coalition, Resolution 19-045), Annual Power Boat Championship Race (Race World Offshore, LLC, Resolution 19-188), Key West Amphitheater Venue Management Services (Rams Head Promotion of Key West, LLC, Resolution 19-237); Authorizing the City Manager to execute any necessary documents upon consent of the City Attorney; Providing for an effective date.

**Attachments:** [Resolution](#)  
[Executive Summary](#)  
[Resolution 19-045 Goombay Festival](#)  
[Resolution 19-188 Annual Power Boat Championship](#)  
[Resolution 19-237 Amphitheatre Agreement](#)

**Passed**

Enactment No: Res 21-020

- 15                    \*Approving a one-year extension of the "Agreement" between the City of Key West and the Key West Tourist Development Association, Inc. (Fantasy Fest Celebration agreement approved in Resolution no. 16-128) Authorizing the City Manager to negotiate and extend the contract one year, upon advice and consent of the City Attorney; Providing for an effective date.

**Attachments:**    [Resolution](#)  
                              [Executive Summary](#)  
                              [Resolution 16-128 Fantasy Fest](#)

**Passed**

Enactment No: Res 21-021

#### **Approval of the Consent Agenda**

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

- 16                    Supporting Florida House Bill 563 and Senate Bill 674, which would authorize counties and municipalities to grant certain ad valorem tax exemptions to property owners whose property is used for the purpose of providing affordable housing; Authorizing the City Clerk to provide copies of the Resolution to members of the Florida Legislature.

**Attachments:**    [Resolution](#)  
                              [FL House Bill 563 proposed as of 2-1-21](#)  
                              [FL Senate Bill 674 563 proposed as of 2-1-21](#)

**A motion was made by Vice Mayor Kaufman, seconded by Commissioner Davila, 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 21-022

17 Designating the Truman Waterfront Police Horse Stables as the "Kenneth 'Borrosso' Rahming Equine Facility".

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

**A motion was made by Vice Mayor Kaufman, seconded by Commissioner Davila, 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 21-023

18 Urging the Florida Legislature to support Home Rule for local municipalities and counties; Authorizing the City Clerk to provide copies of this Resolution to Governor DeSantis and members of the Florida Legislature.

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

**A motion was made by Commissioner Weekley, seconded by Vice Mayor Kaufman, that the Resolution be Passed with an amendment to add the Florida League of Cities, Florida Association of Counties, Broward League of Cities, and Miami-Dade League of Cities as additional recipients to receive a copy of the passed resolution. 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 21-024



19

**Quasi-Judicial Hearing - Appeal**

Denying the Appeal of Nancy Paulic, by Affirming 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](#)  
[Appeal Letter](#)  
[Appeal Signatures](#)

**A motion was made by Vice Mayor Kaufman, seconded by Commissioner Lopez, that the Appeal be Denied and that condition #13 from the original Planning Board Resolution 2011-059 be reinstated as a condition to the permitted use to ensure a "good faith effort" on behalf of the restaurant operator to employ residents of Bahama Villiage. 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 21-025

20

Requesting that the appellants of the Conditional Use Approval as outlined in Planning Board Resolution 2020-44 meet in good faith with the owners of Ram's Head Restaurant along with the City of Key West Planning Director, Director of Code Enforcement, and Commissioner Lopez to come to amenable terms regarding noise.

**A motion was made by Vice Mayor Kaufman, seconded by Commissioner Lopez, 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 21-026

Meeting went into Recess - 8:28 P.M.

Meeting Reconvened - 8:35 P.M.

**ORDINANCES - FIRST READING**

21

An Ordinance of the City Of Key West, Florida, amending Chapter 6 of the Code Of Ordinances, Entitled "Amusements and Entertainment" by amending Section 6-116, to amend definitions; By amending Chapter 18 of the Code Of Ordinances, entitled "Businesses" by amending Section 18-354, Section 18-355, Section 18-359, Section 18-381, Section 18-382, Section 18-383, Section 18-384, Section 18-385, to amend the Chapter to conform with Florida Statutes and add additional safety regulations; By amending Chapter 70 of the Code Of Ordinances, entitled "Traffic and Vehicles" by amending Section 70-1, to amend definitions; By amending Chapter 70 of the Code Of Ordinances, entitled "Traffic And Vehicles" by amending Section 70-119, to amend parking in undesignated area; By adding Article IX, entitled "Electric Bicycle, Motorized Scooters and Micromobility Devices" Section 70-901 to 70-902; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Attachments:**     [Ordinance](#)

**A motion was made by Vice Mayor Kaufman, seconded by Commissioner Lopez, that the Ordinance be Passed with an extended time until Second Reading to March 16, 2021. 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

22

An Ordinance of the City of Key West, Florida, amending Chapter 26 of the Code of Ordinances, entitles "Environment", Article IV, entitles "Sound Control by Amending Section 26-191, "Definitions"; Adding Section 62-5 stating prohibition against blowing debris into storm drains; Providing for severability; Providing for inclusion in the Code; Providing for repeal of insistent provisions; Providing for an effective date.

**Attachments:**    [Ordinance](#)  
                              [Correspondence](#)

**A motion was made by Commissioner Weekley, seconded by Vice Mayor Kaufman, 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

**Meeting went into Recess - 10:05 P.M.**

**Meeting Reconvened - February 18, 2021 at 5:00 P.M. - Commissioner Wardlow was not present**

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

23

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 Weekley, seconded by Commissioner Lopez, that the Ordinance be Adopted.**

**During discussion, Commissioner Kaufman, seconded by Commissioner Hoover, that the Ordinance be amended to change 28 allowable market rate units to 16 allowable market rate units. The motion failed by the following vote:**

**No: 5 - Commissioner Davila, Commissioner Hoover, Commissioner Lopez, Commissioner Weekley, Mayor Johnston**

**Absent: 1 - Commissioner Wardlow**

**Yes: 1 - Vice Mayor Kaufman**

**On the main motion, the motion carried by the following vote:**

**No: 1 - Vice Mayor Kaufman**

**Absent: 1 - Commissioner Wardlow**

**Yes:** 5 - Commissioner Davila, Commissioner Hoover, Commissioner Lopez, Commissioner Weekley and Mayor Johnston

Enactment No: Ord 21-05

24

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 Weekley, that the Ordinance be Adopted. The motion carried by the following vote:**

**No:** 1 - Vice Mayor Kaufman

**Absent:** 1 - Commissioner Wardlow

**Yes:** 5 - Commissioner Davila, Commissioner Hoover, Commissioner Lopez, Commissioner Weekley and Mayor Johnston

Enactment No: Ord 21-06

- 25 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 Vice Mayor Kaufman, seconded by Commissioner Weekley, that the Ordinance and the remaining agenda items be Postponed until March 2, 2021. The motion passed by unanimous vote.

- 26 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](#)

Postponed to March 2, 2021

## DISCUSSION

- 27 Affordable Housing Update

Postponed to March 2, 2021

- 28 North Roosevelt Blvd Planning Process

**Attachments:**     [N. Roosevelt Survey - Draft](#)  
                              [N. Roosevelt Blvd Improvements Map](#)

Postponed to March 2, 2021

**CITIZEN COMMENTS**

**COMMISSION COMMENTS**

**ADJOURNMENT - February 18, 2021 at 5:29 P.M.**