



City of Key West, FL

Old City Hall
510 Greene Street
Key West FL 33040

Action Minutes - Final City Commission

Tuesday, August 18, 2015

6:00 PM

Old 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 305-809-3731 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

CALL MEETING TO ORDER

6:02 P.M.

ROLL CALL

Present 4 - Commissioner Lopez, Commissioner Wardlow, Commissioner Weekley and Mayor Cates

INVOCATION - Pastor Jonathan Carey, Glad Tidings Tabernacle

PLEDGE OF ALLEGIANCE TO THE FLAG

APPROVAL OF AGENDA

The Agenda was approved as changed without objection.

COMMENDATIONS

1 Mr. Gerald "Moe" Mosher

Sponsors: Mayor Cates

Attachments: [Commendation](#)

Received and Filed

2 Sunset Key Cottages

Sponsors: Mayor Cates

Attachments: [Commendation](#)

This item was Postponed to September 1 meeting

3 Michael Larson

Sponsors: Commissioner Johnston

Attachments: [Commendation](#)

Received and Filed

PROCLAMATIONS

4 Girls Softball League State Championship Day

Sponsors: Mayor Cates, Commissioner Johnston and City Attorney Smith

Attachments: [8-U Softball Proclamation](#)
[U-10 Softball Proclamation](#)
[U-14 Softball Proclamation](#)

Received and Filed

PRESENTATIONS

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

5 *August 4, 2015 (Regular)

Attachments: [Minutes](#)

Approved

RESOLUTIONS

- 6 *Recognizing the life and accomplishments of Gerald "Moe" Mosher; Designating the alley between 609 Duval Street and 611 Duval Street "Moe's Way".

Sponsors: Mayor Cates

Attachments: [Resolution](#)

Passed

Enactment No: Res 15-255

- 7 *Re-appointing James Robert Dean to the Housing Authority of the City of Key West, Florida Board of Commissioners.

Sponsors: Mayor Cates

Attachments: [Resolution](#)

[Letter from Executive Director Mr. Castillo](#)

[Resume](#)

[Certificate of Appointment](#)

Passed

Enactment No: Res 15-256

- 8 *Appointing Billy Davis to the Key West Civil Service Board.

Sponsors: Mayor Cates

Attachments: [Resolution](#)

[Resume](#)

Passed

Enactment No: Res 15-257

- 9 *Authorizing pursuant to Section 2-771(c) of the Code of Ordinances the disposal of one (1) surplus and obsolete City Bus; Authorizing the City Manager to execute any necessary documents.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)

[Executive Summary](#)

[Letter from Florida Dept. of Transportation with Bus Title](#)

[Bus 804 Information](#)

Passed

Enactment No: Res 15-258

- 10 *Approving the attached "Utility Agreement" between the City and Key West Resort Utilities Corp. (KWRU) and authorizing the City Manager to execute the agreement to connect the new Transportation Facility to the KWRU Sewer System; Authorizing the payment of associated fees in the amount of \$100,570.98.

Sponsors: City Manager Scholl

Attachments: [Executive Summary](#)
[Resolution 13-080](#)
[Key West Resort Utilities agreement](#)

The Item was Withdrawn.

- 11 *Approving the attached First Amendment to Lease, granting an Abatement of Rent in a total of \$19,944.28 for Simonton Beach Enterprises, LLC.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[First Amendment to Lease](#)
[Lease](#)
[Tenant Letter](#)

Passed

Enactment No: Res 15-259

- 12 *Approving the attached Assignment of Lease and Consent of Lessor from Simonton Beach Enterprises, LLC. (Assignor) to Southernmost Deli, Inc. (Assignee/Guarantor) for the building located on Simonton Street, currently operated as Lagerhead's Beach Bar and Watersports.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Assignee Corporate Documents](#)
[Simonton Beach Assignment and Consent of Lessor](#)
[Lease](#)
[Assignee Personal Guarantee](#)

Passed

Enactment No: Res 15-260

Approval of the Consent Agenda

A motion was made to Approve the Consent Agenda. The motion was carried unanimously.

13 QUASI-JUDICIAL HEARING: Major Development Plan for 119-159 Simonton Street

Approving a change to a condition of City Commission Resolution No. 08-131, which approved a Major Development Plan, to allow transient use of the 20 residential dwelling units on property located at 119-159 Simonton Street (RE #00000240-000000; AK #1000230) within the Historic Residential Commercial Core - Duval Street Gulfside (HRCC-1) Zoning District pursuant to Section 108-91.C.4, of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida; Providing conditions.

Sponsors: City Manager Scholl

Attachments: [Resolution](#)
[Executive Summary](#)
[Application Package](#)
[Prior City Approvals](#)

A motion was made by Commissioner Johnston seconded by Commissioner Weekley that the Resolution be Denied. After Discussion, Commissioner Yaniz made a motion to Postpone the Item until September 1 meeting.

A motion was made by Commissioner Yaniz, seconded by Commissioner Lopez, that the Resolution be Postponed to September 1 meeting. The motion carried by the following vote:

No: 3 - Johnston, Commissioner Weekley and Mayor Cates

Yes: 4 - Commissioner Lopez, Rossi, Commissioner Wardlow and Yaniz

The Mayor recessed the meeting at 8:07 pm
The Mayor reconvened the meeting at 8:15 pm

ORDINANCES – FIRST READING

- 14** An Ordinance of the City of Key West, Florida, Amending Chapter 42 of the Code of Ordinances, entitled "Miscellaneous Offenses" by amending Section 42-1, to provide for Civil Penalties for the possession of cannabis (Marijuana) for amounts under 20 grams and possession of drug paraphernalia; Setting forth penalties and enforcement responsibilities for a violation; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Sponsors: Commissioner Rossi

Attachments: [Ordinance](#)
[Letter in opposition received August 17, 2015](#)

A motion was made by Commissioner Rossi, seconded by Commissioner Yaniz, that the Ordinance be Passed to Second Reading. The motion carried by the following vote:

Yes: 7 - Johnston, Commissioner Lopez, Rossi, Commissioner Wardlow, Commissioner Weekley, Yaniz and Mayor Cates

Enactment No: Ord 15-12

CITIZEN COMMENTS**COMMISSION COMMENTS****ADJOURNMENT**

8:20 P.M.