



# City of Key West, FL

Old City Hall  
510 Greene Street  
Key West FL 33040

## Action Minutes - Final City Commission

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Tuesday, August 18, 2015

6:00 PM

Old City Hall

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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 305-809-3731 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** 7 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz 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:** Resolution  
Executive Summary  
Resolution 13-080  
KW Resort Utility Service 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 - Commissioner Johnston, Commissioner Weekley and Mayor Cates
- Yes:** 4 - Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow and Commissioner Yaniz

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

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

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

#### CITIZEN COMMENTS

#### COMMISSION COMMENTS

#### ADJOURNMENT

8:20 P.M.