

**MINUTES**  
**CITY COMMISSION MEETING**  
**OLD CITY HALL, 510 GREENE STREET**  
**TUESDAY, MAY 20, 2014**

A regular meeting of the City Commission of the City of Key West, Florida was held in Commission Chambers, Old City Hall, on Tuesday, May 20, 2014.

Mayor Craig Cates called the meeting to order at 6:02 p.m.

Answering roll call were Commissioners Teri Johnston, Clayton Lopez, Mark Rossi, Billy Wardlow, Tony Yaniz and Mayor Craig Cates.

Commissioner Jimmy Weekley was absent.

Also present were City Manager Bob Vitas, Assistant City Manager David Fernandez, Assistant City Manager Sarah Spurlock, City Attorney Shawn Smith, Police Chief Donie Lee, Information Technology Director Patti McLaughlin, Engineering Director James Bouquet, Port and Marina Services Director Doug Bradshaw, Director of Community Services Greg Veliz, Deputy City Clerk Angela Budde and City Clerk Cheri Smith.

Chaplain Steven Torrence, Key West Police Department, gave the invocation.

The pledge of allegiance to the flag of the United States of America was given by all present.

**CHANGES TO THE AGENDA:**

City Clerk Smith requested Administrative Appeal # 11 be postponed with no time certain.

It was moved by Commissioner Rossi and seconded by Commissioner Wardlow to approve the agenda as changed. The Mayor asked for objections and seeing none the agenda was approved.

**COMMENDATIONS:**

Recognizing Mr. David Lybrand for serving on the Sustainability Advisory Board.

## **PROCLAMATIONS:**

Key West High School 2014 Baseball Team

Maritime Day

Youth Leadership Month

## **PRESENTATIONS:**

City Attorney's Report

The City Attorney had no report.

City Manager's Report

City Hall Project Update by: Bert Bender and Associates.

City Manager Vitas introduced Assistant City Manager Sarah Spurlock to the Commission and the audience.

## **CONSENT AGENDA:**

The Clerk read the titles of the Resolutions.

It was moved by Commissioner Rossi and seconded by Commissioner Lopez to approve the consent agenda items.

The Mayor acknowledged the motion and second and requested verbal approval. The response was unanimous to pass the Resolutions as read.

## **RESOLUTIONS:**

### **RESOLUTION NO. 14-141**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, DIRECTING THE CITY MANAGER TO COORDINATE INTERNAL CITY DEPARTMENT COOPERATION TO INSURE THE SWIFT AND COMPLETE REPLACEMENT OF TREES DAMAGED BY VEHICLES; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 14-142**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING SLOPPY JOE'S BAR TO CONDUCT AN EVENT FOR HEMINGWAY DAYS ON SATURDAY, JULY 19, 2014, FROM 12:00 NOON TO 11:00 P.M. PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE CLOSURE OF GREENE STREET BETWEEN DUVAL AND ANN STREETS FROM 11:00 A.M. TO 12:00 MIDNIGHT; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITH THE ENCLOSED AREA; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 14-143**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING SLOPPY JOE'S BAR TO CONDUCT AN EVENT FOR MOTORCYCLE BIKE WEEK ON SATURDAY, SEPTEMBER 20, 2014 FROM 12:00 NOON TO 11:00 P.M.; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE CLOSURE OF GREENE STREET BETWEEN DUVAL AND ANN STREETS FROM 11:00 A.M. TO 12:00 MIDNIGHT; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITH THE ENCLOSED AREA; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 14-144**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE MIGRATION OF THE CITY'S FINANCIAL SYSTEM SOFTWARE TO THE SUNGARD ONESOLUTION PLATFORM; AUTHORIZING ON A SOLE SOURCE BASIS IN ACCORDANCE WITH THE CITY CODE SECTION 2-797 (1), AND SECTION 2-797 (4) (B), BEST INTERESTS OF THE CITY , THE PURCHASE OF SUNGUARD ONESOLUTION FINANCIAL SYSTEM SOFTWARE WITH ADDITIONAL COMMUNITY DEVELOPMENT SOFTWARE MODULES IN AN INITIAL AMOUNT NOT TO EXCEED \$780,252.00; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. POSTPONED (no date certain)**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, (GRANTING/DENYING) THE APPEAL BY APPELLANTS LINDA WHEELER, ROBERT KRUSE, TIMOTHY SULLIVAN, ANNE SULLIVAN AND CANDIDA ANDRIOLE-COBB, BY (UPHOLDING/DENYING/AMENDING) THE PLANNING BOARD'S**

**GRANT OF CONDITIONAL USES FOR THE PROPERTY LOCATED AT  
1200 – 1212 WHITE STREET, FILED BY ATTORNEY ROBERT  
GOLDMAN FOR APPELLANTS LINDA WHEELER; PROVIDING FOR  
AN EFFECTIVE DATE**

The said Resolutions were thereupon declared by the Mayor to have been duly passed and adopted and were authenticated by the signatures of the Mayor and the Clerk of the Commission.

**SO ORDERED**

**RESOLUTION NO. 14-145**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING RICK'S AND DURTY HARRY'S ENTERTAINMENT COMPLEX TO CONDUCT A SEAFOOD LOBSTER FESTIVAL ON SATURDAY, AUGUST 9, 2014 FROM 10:00 A.M. TO 12:00 MIDNIGHT; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE CLOSURE OF THE 100, 200, 300, 400 AND 500 BLOCKS OF DUVAL STREET BETWEEN FRONT AND SOUTHARD STREETS INCLUDING THE GREENE STREET INTERSECTION AND TELEGRAPH LANE FROM 10:00 A.M. TO 12:00 MIDNIGHT; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 12:00 NOON TO 12:00 MIDNIGHT; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITH THE ENCLOSED AREA; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

Commissioner Rossi recused himself from the Dais.

It was moved by Commissioner Johnston and seconded by Commissioner Yaniz that the Resolution be passed and adopted as read.

The Mayor acknowledged the motion and second and requested verbal approval. The response was unanimous to pass the Resolution as read.

The said Resolution was thereupon declared by the Mayor to have been duly passed and adopted and was authenticated by the signatures of the Mayor and the Clerk of the Commission.

**SO ORDERED**

**ADMINISTRATIVE APPEALS:**

**RESOLUTION NO. 14-146**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA,—GRANTING / DENYING THE APPEAL BY APPELLANTS ADA TWENTY-FOUR HOURS PLUS, LLC. OF THE LICENSING OFFICIAL’S FINAL DECISION RETURNING THE APPLICATION FOR NINE ADA VEHICLES FOR HIRE PURSUANT TO ORDINANCE 78-65; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following people spoke on the matter:

City Attorney Smith  
Ralf Brookes, Attorney for the Applicant/Appellant  
Chief Assistant City Attorney Larry Erskine

It was moved by Commissioner Yaniz and seconded by Commissioner Lopez to affirm the Chief Licensing Official’s decision that the Resolution be passed and adopted as read.

The Mayor acknowledged the motion and second and requested the Clerk to call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Wardlow, Yaniz and Mayor Cates

Nays: None

The said Resolution was thereupon declared by the Mayor to have been duly passed and adopted and was authenticated by the signatures of the Mayor and the Clerk of the Commission.

**SO ORDERED**

**CITIZEN COMMENTS:**

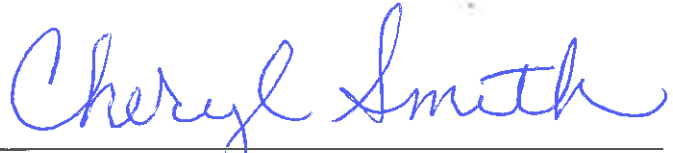
Margaret Romero, 1615 Washington Street  
Sloan Bashinsky, 1711 Seminary Street  
Judy Martinez, 1020 Emma 3a

**COMMISSION COMMENTS:**

Commissioner Yaniz thanked the Police Athletic League for their accomplishments.

**ADJOURNMENT:**

There being no further business the Mayor adjourned the meeting at 7:04 p.m.

A handwritten signature in blue ink that reads "Cheryl Smith". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Cheryl Smith, MMC, CPM  
City Clerk

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Rossi - Mark		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE City Commission of the City of Key West	
MAILING ADDRESS P.O. Box 1409		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Key West	COUNTY Monroe	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED May 20, 2014		NAME OF POLITICAL SUBDIVISION: City of Key West	
		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

**PRIOR TO THE VOTE BEING TAKEN** by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

**WITHIN 15 DAYS AFTER THE VOTE OCCURS** by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

### APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

### DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Commissioner MARK ROSSI, hereby disclose that on MAY 20, 20 14:

(a) A measure came or will come before my agency which (check one)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, \_\_\_\_\_;
- ☐ inured to the special gain or loss of my relative, \_\_\_\_\_;
- ☐ inured to the special gain or loss of \_\_\_\_\_, by  
whom I am retained; or
- ☐ inured to the special gain or loss of \_\_\_\_\_, which  
is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

5.20.14  
Date Filed

[Signature]  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.