



# 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, June 2, 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 at 305-809-1000 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

6:00 P.M.

### ROLL CALL

**Present** 7 - Commissioner Johnston, Commissioner Lopez, Commissioner Rossi, Commissioner Wardlow, Commissioner Weekley, Commissioner Yaniz and Mayor Cates

### INVOCATION - Pastor Gary Faith, Grace Lutheran Church

### PLEDGE OF ALLEGIANCE TO THE FLAG

### APPROVAL OF AGENDA

*It was moved by Commissioner Rossi and seconded by Commissioner Wardlow to approve the agenda as changed.*

### COMMENDATIONS

- 1 Joan Higgs
- Sponsors: Commissioner Lopez
- Received and Filed

### PROCLAMATIONS

- 2 Key West Pride
- Sponsors: Mayor Cates
- Received and Filed

- 3 Liza Catana Day  
Sponsors: Commissioner Yaniz  
Received and Filed

- 4 Code Compliance Officers' Appreciation Week  
Sponsors: Mayor Cates  
Received and Filed

#### PRESENTATIONS

- 5 Key West Police Department Captain J. R. Torres - 20 Year Service Award  
Sponsors: City Manager Scholl  
Received and Filed

- 6 Keefe, McCullough & Company, LLP - Fiscal Year 2014 Audit  
Sponsors: City Manager Scholl  
Received and Filed

- 7 Second Hand Smoke - Citizens Advisory Board Dottie Harden and Loretta DiTocco  
Sponsors: City Manager Scholl  
Received and Filed

City Attorney's Report

City Manager's Report  
- Update of the Truman Waterfront Park Phase I Design  
POSTPONED TO JUNE 16, 2015

#### 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 \*May 19, 2015 (Regular)

Approved

#### RESOLUTIONS

9 \*Authorizing Literacy Volunteers of America-Monroe County, Inc. to conduct its Annual Caribbean Street Fair on Saturday, July 25, 2015 from 10:00 A.M. to 10:00 P.M.; Pursuant to terms and conditions set forth by the City Manager; Authorizing the closure of Duval Street between Front and Angela Streets between the hours of 10:00 A.M. to 10:00 P.M.; Authorizing the sale and consumption of alcoholic beverages within an enclosed area.

Sponsors: City Manager Scholl

Passed

Enactment No: Res 15-193

#### Approval of the Consent Agenda

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

10 Authorizing a \$2,000.00 donation from the Law Enforcement Officers Trust Fund (State Forfeiture Funds) to A Positive Step of Monroe County, Inc. for the Summer Job Training Program.

Sponsors: City Manager Scholl

A motion was made by Commissioner Yaniz, seconded by Commissioner Johnston, that the Resolution be Passed. The motion carried by the following vote:

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

Enactment No: Res 15-194

11 Appointing one member to the Key West Bight Management District Board (Maritime Discipline) to complete a term through 1/3/2016.

Sponsors: Mayor Cates

A motion was made by Commissioner Mark Rossi, seconded by Commissioner Tony Yaniz, that the Resolution be Passed appointing Herbert Daniel Hughes. The motion passed by a unanimous vote.

Enactment No: Res 15-195

**ORDINANCES – FIRST READING**

- 12 An Ordinance of the City of Key West, Florida, amending Chapter 46, Section 246 of the Code of Ordinances to increase the post retirement supplement paid to retirees of the Police Officers' and Firefighters' Retirement Plan; Creating Chapter 46, Section 328 of Code of Ordinances to provide for an Ad-Hoc Thirteenth Check to be paid funded by net investment returns of the plan over nine percent; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** Commissioner Yaniz

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

- No:** 2 - Commissioner Johnston and Commissioner Weekley
- Recuse:** 2 - Commissioner Wardlow and Mayor Cates
- Yes:** 3 - Commissioner Lopez, Commissioner Rossi and Commissioner Yaniz

**Meeting went into Recess at 8:14 P.M. Meeting Reconvened 8:24 P.M.**

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

- 13 An Ordinance of the City of Key West, Florida, amending Chapter 66, Article IV of the Code of Ordinances entitled "Business Tax" by amending Section 66-109 to provide for an increase in fees pursuant to Florida Statutes; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

**Sponsors:** City Manager Scholl

**A motion was made by Commissioner Jimmy Weekley, seconded by Commissioner Teri Johnston, that the Ordinance be Adopted. The motion passed by a unanimous vote.**

Enactment No: Ord 15-10

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

8:37 P.M.

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

LAST NAME—FIRST NAME—MIDDLE NAME WARDLOW BILLY	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE CITY COMMISSION
MAILING ADDRESS P O BOX 1409	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY KEY WEST MONROE	NAME OF POLITICAL SUBDIVISION: CITY OF KEY WEST
DATE ON WHICH VOTE OCCURRED JUNE 2, 2015	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 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 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 would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a 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 (CRAs) 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 are not prohibited by Section 112.3143 from otherwise participating 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 page 2)

**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, William Wardlow, hereby disclose that on JUNE 2, 20 15 :

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

- 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 subsidiary, or sibling 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:

Ordinance First Reading:

An Ordinance of the City of Key West, Florida, Amending Chapter 46, Section 246 of the Code of Ordinances to increase the post retirement supplement paid to retirees of the Police Officers' and Firefighters' retirement plan; Creating Chapter 46, Section 328 of the Code of Ordinances to provide for ad-hoc thirteenth check to be paid funded by net investment returns of the plan over nine percent.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

June 2, 2015  
Date Filed

William Wardlow  
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.

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

LAST NAME—FIRST NAME—MIDDLE NAME <b>CATES CRAIG</b>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <b>CITY COMMISSION</b>	
MAILING ADDRESS <b>P O BOX 1409</b>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
CITY <b>KEY WEST</b>	COUNTY <b>MONROE</b>	NAME OF POLITICAL SUBDIVISION: <b>CITY OF KEY WEST</b>	
DATE ON WHICH VOTE OCCURRED <b>JUNE 2, 2015</b>		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTEE	

## WHO MUST FILE FORM 8B

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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.

\* \* \* \* \*

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### DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, CRAIG CATES, hereby disclose that on JUNE 2, 20 15 :

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

- 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 KEVIN CATES, which is the parent subsidiary, or sibling 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:

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Date Filed

[Signature]  
Signature

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