

MINUTES

CITY COMMISSION MEETING

OLD CITY HALL, 510 GREENE STREET

TUESDAY, DECEMBER 6, 2011

A regular meeting of the City Commission of the City of Key West, Florida was held in Commission Chambers, Old City Hall, on Tuesday, December 6, 2011.

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

Answering roll call were Commissioners Teri Johnston, Clayton Lopez, Billy Wardlow, Jimmy Weekley and Mayor Craig Cates.

Commissioners Rossi and Yaniz were absent.

Also present were City Manager Jim Scholl, Assistant City Manager David Fernandez, City Attorney Shawn Smith, City Planner Don Craig, Police Chief Donie Lee, Fire Department Division Chief of Operations Mike Davila, Community Services Director Greg Veliz, Information Technology Director Patti McLaughlin, Parking Manager John Wilkins, Port and Transit Director Jim Fitton, Senior Project Manager Doug Bradshaw, Utilities Manager Jay Gewin, Senior Property Manager Marilyn Wilbarger, Senior Deputy City Clerk Sue Harrison and City Clerk Cheri Smith.

Reverend Deacon Peter Batty, St. Mary's Start of the Sea Catholic Church, gave the invocation.

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

CHANGES TO THE AGENDA:

Commissioner Weekley requested Item #11 be removed from the Consent Agenda and to add Item #26 to the Consent Agenda.

The City Manager announced there would need to be a correction in Item #5 to the street numbers. The correction will be "the 1000 blocks and 1100 blocks of Margaret Street".

The City Manager said the applicant had requested Item #10 be postponed to January 3, 2012.

The City Manager said Item #13 needed additional language to authorize free parking in Old Town from December 21st through 25th, 2011. This could be read into the record and remain on the Consent Agenda.

The City Manager said a correction would be necessary for Item #15. The City Attorney stated the statutory reference should be "4(b)".

The City Manager said Commissioner Yaniz had requested Ordinance #29 be postponed. The companion Resolution Item #27 would also need to be postponed to January 3, 2012. The Resolution was added to the Consent Agenda.

Commissioner Johnston requested Items #15 and #16 be removed from the Consent Agenda.

Commissioner Wardlow requested Item #5 be removed from the Consent Agenda.

The City Manager requested Item #18 be postponed to January 3, 2012 as Reef Relief representatives were unable to attend this meeting.

The City Clerk announced a speaker for Item #20 and the item would need to be removed from the Consent Agenda.

Without opposition, the agenda was accepted as changed.

PROCLAMATIONS:

National Homeless Persons Memorial Day

Real Men Wear Pink Sneakers Week

PRESENTATIONS:

The .5 Mill Referendum – Monroe County Schools, Chairman John Dick

City Attorney's Report -

The City Attorney had no report but complimented the IT Staff for the improvement of the sound system.

City Manager's Report

The City Manager thanked the Community Services Staff that had decorated Old City Hall Commission Chambers. Mr. Scholl commented on the Triathlon that had been held the previous Saturday. He had been informed that the Men's Triathlon Relay team had finished first in the cycling category.

Commissioner Johnston commented on a letter received regarding the White Fly infestation. The City Manager had not yet seen the letter but would follow up.

Commissioner Wardlow asked if any progress had been made regarding the fire station (on Simonton Street). Mr. Scholl stated a task order for Mr. Ingram had been approved to go into a redesign for the most efficient use of space. He hoped to bring something back to the Commission in January.

CONSENT AGENDA:

The Clerk read the titles of the Resolutions.

It was moved by Commissioner Weekley 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 approve the Minutes and pass the Resolutions as read.

APPROVAL OF MINUTES:

November 22, 2011 (Special)

RESOLUTIONS:

RESOLUTION NO. 11-328

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING HELPLINE INC. TO CONDUCT THEIR ANNUAL FAIR TO TAKE PLACE AT THE TRUMAN WATERFRONT DURING THE HOURS OF 10:00 A.M. TO 10:00 P.M. STARTING ON FRIDAY, DECEMBER 16, 2011 THROUGH SUNDAY, JANUARY 1, 2012 (SET UP THURSDAY, DECEMBER 15, 2011); PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-329

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING ROTARY CLUB OF KEY WEST, INC. TO CONDUCT A FUNDRAISER AT DEWITT ROBERTS FIELD (WICKERS SPORTS COMPLEX) AND PEDRO AGUILAR FIELD (CLAYTON STERLING COMPLEX) FOR THE THIRD ANNUAL MARQUES BUTLER MEMORIAL SOFTBALL TOURNAMENT ON SATURDAY, JANUARY 28 AND SUNDAY, JANUARY 29, 2012 FROM 8:00 A.M. TO 11:00 P.M. PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE OFFICE OF THE CITY MANAGER; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 8:00 A.M. TO 11:00 P.M. ON SATURDAY, JANUARY 28 AND SUNDAY, JANUARY 29, 2012; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES ON THE DATE AND DURING THE HOURS STATED ABOVE; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-330

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE KEY WEST ART CENTER TO CONDUCT A CRAFT FESTIVAL SHOW ON SATURDAY, JANUARY 28, 2012 AND SUNDAY, JANUARY 29, 2012 DURING THE HOURS OF 10:00 A.M. TO 5:00 P.M.; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE CLOSURE OF WHITEHEAD STREET BETWEEN GREENE STREET AND EATON STREET INCLUDING CAROLINE ON JANUARY 28, 2012 AND JANUARY 29, 2012 FROM 10:00 A.M. TO 5:00 P.M.; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-331

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE KEY WEST ART CENTER TO CONDUCT AN ART SHOW ON SATURDAY, FEBRUARY 25, 2012 AND SUNDAY, FEBRUARY 26, 2012 (STREET CLOSED FROM FEBRUARY 25, 2012 6:00 A.M. THROUGH FEBRUARY 26, 2012 8:00 P.M.) DURING THE HOURS OF 10:00 A.M. TO 5:00 P.M.; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE CLOSURE OF WHITEHEAD STREET BETWEEN GREENE STREET AND EATON STREET INCLUDING CAROLINE ON FEBRUARY 25, 2012 AND FEBRUARY 26, 2012 FROM 10:00 A.M. TO 5:00 P.M.; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. (POSTPONED TO JANUARY 3, 2012)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING EXECUTIVE ADVENTURES, LLC TO CONDUCT A WORLD SAILFISH CHAMPIONSHIP AND TOURNAMENT FESTIVITIES AT MALLORY SQUARE PLAZA STARTING ON TUESDAY, APRIL 17 THROUGH SATURDAY, APRIL 21, 2012 FROM 12:00 NOON TO 12:00 MIDNIGHT (SET UP APRIL 13 - 17, 2012 AND BREAKDOWN APRIL 21 - 23, 2012); PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 11:00 A.M. TO 12:00 MIDNIGHT; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN AN ENCLOSED AREA; APPROVING A FIVE YEAR CONTRACT STARTING ON 2012 THROUGH 2016 WITH EXECUTIVE ADVENTURES; PROVIDING PAYMENTS TO THE CITY; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-332

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE CITY TO PROVIDE UP TO THREE FREE SHUTTLE BUS TRIPS PER CALENDAR YEAR FOR RESIDENTS OF THE KEY WEST HOUSING AUTHORITY SENIOR CITIZEN CENTER; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-333

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING FREE PUBLIC TRANSPORTATION BUS SERVICES IN KEY WEST AND THE LOWER KEYS FROM WEDNESDAY, DECEMBER 21ST THROUGH AND INCLUDING DECEMBER 24TH, 2011 AND FREE PARKING ON OLD TOWN FROM WEDNESDAY, DECEMBER 21 THROUGH AND INCLUDING DECEMBER 25, 2011; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-334

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING PURSUANT TO SECTIONS 2-797(3) AND 2-844(A) AND (B) OF THE CODE OF ORDINANCES THE PURCHASE OF MICROSOFT SOFTWARE FROM SOFTWARE HOUSE INTERNATIONAL CORP. (SHI) IN THE AMOUNT OF \$53,065.43; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-335

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AN INTER-LOCAL AGREEMENT BETWEEN THE CITY AND THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS FOR REIMBURSEMENT OF CERTAIN PUBLIC ACCESS WATER-RELATED EXPENSES; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. POSTPONED TO JANUARY 3, 2012

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED AGREEMENT REGARDING MANAGEMENT AND MAINTENANCE FOR THE KEY WEST MARINE PARK BY REEF RELIEF; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-336

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE AWARD OF TASK ORDER NO. 04 TO ATKINS NORTH AMERICA, INC. FOR ENVIRONMENTAL PERMITTING SERVICES AT SMATHERS BEACH AS REQUIRED BY FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) AND UNITED STATES ARMY CORPS OF ENGINEERS (USACE) IN AN AMOUNT NOT TO EXCEED \$39,640.00; APPROVING NECESSARY BUDGET TRANSFERS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-337

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, EXERCISING THE SECOND OF TWO ONE-YEAR RENEWAL OPTIONS STIPULATED IN THE CONTRACT FOR GRANT WRITING SERVICES WITH SHEILA GRIFFIN INC., ORIGINALLY APPROVED IN RESOLUTION NO. 09-185; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-338

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT (SJPA) BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AND THE CITY OF KEY WEST FOR ADDITIONAL FUNDING FOR THE LOWER KEYS SHUTTLE IN THE AMOUNT OF \$441,120.00; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-339

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, EXTENDING THE CONTRACT FOR CONSTRUCTION OF HEADWORKS MODIFICATIONS AT THE RICHARD A. HEYMAN ENVIRONMENTAL PROTECTION FACILITY WITH ENCORE CONSTRUCTION COMPANY, LLC UNTIL JANUARY 27, 2012 FOR SUBSTANTIAL COMPLETION, AND TO FEBRUARY 27, 2012 FOR FINAL COMPLETION ON A NO-COST BASIS; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-340

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, EXTENDING BY AN ADDITIONAL 180 DAYS THE MORATORIUM DECLARED IN ORDINANCE NO. 10-07, AND EXTENDED IN RESOLUTION NOS. 10-235, 11-023 AND 11-204, ON THE ISSUANCE OF ANY PERMIT, LICENSE, BUSINESS TAX RECEIPT, FRANCHISE OR SIMILAR AUTHORIZATIONS RELATED TO MOTORIZED AND NON-MOTORIZED COMMERCIAL VEHICLES THAT MAKE PRIMARY USE OF CITY STREETS IN THE OPERATION OF THEIR BUSINESSES; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-341

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH US REAL ESTATE SERVICES, PROPERTY OWNER(S) IN CODE COMPLIANCE CASE NUMBER CES-10-347 (3317 EAGLE AVENUE) PERMITTING A RELEASE OF LIEN UPON PAYMENT BY THE OWNERS OF A MITIGATED AMOUNT OF \$2,500.00; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. 11-342

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING A \$34,000.00 EXPENDITURE TO A POSITIVE STEP OF MONROE COUNTY, INC. FOR THE SUMMER JOB TRAINING PROGRAM; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION NO. POSTPONED TO JANUARY 3, 2012

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, SUPPLEMENTING ORDINANCE NO. 03-15, AS AMENDED AND SUPPLEMENTED BY AN ORDINANCE ENACTED THIS DATE, WHICH AUTHORIZED THE ISSUANCE OF NOT EXCEEDING \$6,400,000.00 SEWER SYSTEM REVENUE BONDS, SERIES 2011, OF THE CITY TO FINANCE SEWER PROJECTS ORIGINALLY FUNDED THROUGH THE STATE OF FLORIDA DEPARTMENT OF EMERGENCY MANAGEMENT AND PAYING COSTS OF ISSUANCE RELATED THERETO; PLEDGING A PARITY LIEN ON THE NET REVENUES OF THE SEWER SYSTEM FOR THE PAYMENT OF SUCH BONDS; PROVIDING FOR THE RIGHTS OF THE REGISTERED OWNERS OF SUCH BONDS; APPOINTING A BOND REGISTRAR AND PAYING AGENT; AUTHORIZING THE PRIVATE NEGOTIATED SALE OF SUCH BONDS PURSUANT TO THE TERMS AND CONDITIONS DESCRIBED HEREIN AND IN THE COMMITMENT; DESIGNATING SUCH BONDS AS QUALIFIED TAX-EXEMPT OBLIGATIONS WITHIN THE MEANING OF THE INTERNAL REVENUE CODE; ESTABLISHING THE RESERVE REQUIREMENT FOR SUCH BONDS; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; 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. 11-343

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE INCLUSION OF THE 800 THROUGH 1500 BLOCKS OF VIRGINIA STREET AS WELL AS THE 1000 1100 AND 1100 1200 BLOCKS OF MARGARET STREET, PACKER STREET, GRINNELL STREET AND WATSON STREET IN THE RESIDENTIAL PARKING PROGRAM; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

John Wilkins, Parking Manager
Gary, Ek, 1021 Watson Street
Cindy Gay, 1113 Watson Street
Doug Bradshaw, Senior Project Manager
Jim Scholl, City Manager

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

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Weekley and Mayor Cates

Nays: Commissioner Wardlow

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

RESOLUTION NO. 11-344

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED 2012 MEETING SCHEDULE FOR THE KEY WEST CITY COMMISSION; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following person spoke on the matter:

Jim Scholl, City Manager

It was moved by Commissioner Weekley and seconded by Commissioner Lopez that the Resolution be passed and adopted amending the proposed dates as follows: January 18, 2012, February 22, 2012, eliminating the first meeting on July 3, 2012 and adding a second meeting on August 21, 2012.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Wardlow, Weekley 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

RESOLUTION NO. 11-345

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, ACCEPTING PURSUANT TO SECTION 2-797 (4) (3) (B) AND 7-798 OF THE CODE OF ORDINANCES THE ATTACHED PROPOSAL OF NILES SALES & SERVICE, INC. IN THE TOTAL AMOUNT OF \$33,948.70 FOR ONE CHEVY TAHOE FOR USE BY THE KEY WEST FIRE DEPARTMENT; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following person spoke on the matter:

Shawn Smith, City Attorney

It was moved by Commissioner Wardlow and seconded by Commissioner Lopez that the Resolution be passed and adopted as amended.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Wardlow, Weekley 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

RESOLUTION NO. 11-346

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED MUTUAL AID AGREEMENT BETWEEN THE CITY OF KEY WEST AND THE MONROE COUNTY SCHOOL DISTRICT REGARDING A SCHOOL RESOURCE OFFICER AT KEY WEST HIGH SCHOOL; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Jim Scholl, City Manager
Donie Lee, Police Chief

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

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Lopez, Wardlow, Weekley and Mayor Cates

Nays: Commissioner Johnston

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

RESOLUTION NO. 11-347

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AWARDED THE BID OF LANZO CONSTRUCTION, INC., FOR THE CONSTRUCTION OF THE PATRICIA/ASHBY STREET STORMWATER EMERGENCY OUTFALL PROJECT IN AN AMOUNT NOT TO EXCEED \$1,485,580.00 (CITY 25% MATCH); PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Resolution.

The following people spoke on the matter:

David Paul Horan, for John Boll 1701 Patricia Street
Jim Scholl, City Manager
Jay Gewin, Utilities Manager

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

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Wardlow, Weekley 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

ORDINANCES SECOND READING: (Public Hearing)

ORDINANCE NO. 11-22

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 70 OF THE CODE OF ORDINANCES ENTITLED "TRAFFIC AND VEHICLES", ARTICLE XI "WRECKERS AND TOWING SERVICE" BY ADDING DIVISION 3 "NON-CONSENSUAL PRIVATE TOWING SERVICES", SECTIONS 70-701, 70-702, 70-703, 70-704, 70-705, 70-706, 70-707, 70-708, 70-709 AND 70-710 TO PROVIDE FOR AUTHORITY, PURPOSE AND DEFINITIONS IN ENACTING REGULATIONS GOVERNING NONCONSENSUAL TOWS; PROVIDING FOR THE ISSUANCE OF OPERATING PERMITS; PROVIDING FOR THE SETTING OF RATES AND REQUIREMENTS FOR NON-CONSENSUAL TOWS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the Ordinance.

Shawn Smith, City Attorney, suggested four changes to the Ordinance as follows: page 7, Section 6 (a) and (1) were repeated and the duplication would be stricken from the final Ordinance; page 13 under Section 70-707 (a) should read "The maximum rate for nonconsensual private towing services shall be as follows:"; also on page 13 (1), (2) and (3) should have the word "vessels" added after the word "vehicles"; page 16 to add subsection "(g) Upon payment of fees specified herein, persons who provide non-consensual tow services in areas where the speed limit exceeds 35 mph shall make

reasonable arrangements to return any non-commercially owned moped, electric car and similar reduced speed vehicle to the Key West city limit without charge to the vehicle owner.” Finally, on page 24 to state the Florida Statute Section 715.07 and strike the reference to subsection (4).

The City Clerk read a letter into the record from Jim Parris, Site 591, Trumbo Point.

It was moved by Commissioner Lopez and seconded by Commissioner Johnston for the Ordinance to be passed on second reading as amended.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Wardlow, Weekley and Mayor Cates

Nays: None

The said Ordinance was thereupon declared by the Mayor to have been duly passed on first and second reading and was adopted and authenticated with the signatures of the Mayor and the Clerk of the Commission.

SO ORDERED

ORDINANCE NO. POSTPONED TO JANUARY 3, 2012

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA SUPPLEMENTING ORDINANCE NO. 03-15; AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$6,400,000.00 SEWER SYSTEM REVENUE BONDS, SERIES 2011, OF THE CITY TO FINANCE SEWER PROJECTS ORIGINALLY FUNDED THROUGH THE STATE OF FLORIDA DEPARTMENT OF EMERGENCY MANAGEMENT AND PAYING COSTS OF ISSUANCE RELATED THERETO; PLEDGING A PARITY LIEN ON THE NET REVENUE OF THE SEWER SYSTEM FOR THE PAYMENT OF SUCH BONDS; PROVIDING FOR THE RIGHTS OF THE REGISTERED OWNERS OF SUCH BONDS; APPOINTING A BOND REGISTRAR AND PAYING AGENT; AUTHORIZING THE PRIVATE NEGOTIATED SALE OF SUCH BONDS TO A NATIONAL BANKING ORGANIZATION WITH A DESIGNATED OFFICE IN THE STATE OF FLORIDA SELECTED BY THE CITY COMMISSION PURSUANT TO A REQUEST FOR PROPOSALS CONDUCTED IN COMPLIANCE WITH STATE LAW AND THE CODE OF ORDINANCES OF THE CITY OF KEY WEST PURSUANT TO THE TERMS AND CONDITIONS DESCRIBED HEREIN AND IN THE COMMITMENT; DESIGNATING SUCH BONDS AS QUALIFIED TAX-EXEMPT OBLIGATIONS WITHIN THE MEANING OF THE INTERNAL

REVENUE CODE; ESTABLISHING THE RESERVE REQUIREMENT FOR SUCH BONDS; AUTHORIZING AN AMENDMENT TO THE RESERVE ACCOUNT REQUIREMENT UPON CONSENT OF A MAJORITY OF BONDHOLDERS; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

The Clerk read the title of the Ordinance.

It was moved by Commissioner Weekley and seconded by Commissioner Lopez for the Ordinance to be postponed to January 3, 2012.

The Mayor acknowledged the motion and second and requested verbal approval. The response was unanimous to postpone the Ordinance.

The said Ordinance was thereupon declared by the Mayor to have been postponed to January 3, 2012.

SO ORDERED

CITIZEN COMMENTS:

The City Clerk read a letter into the record from Judy Martinez

COMMISSION COMMENTS:

Commissioner Weekley asked about a resolution that had been approved in the Meadows area for a project with LED Lights. Assistant City Manager Fernandez had requested a new rate for LED lights from Keys Energy. The City would like to buy the hardware and they were waiting for a response. A rate study is being done. Commissioner Weekley wished everyone a happy holiday.

Commissioner Johnston thanked the staff for an outstanding holiday parade on Saturday and said the City's float look great. The City Manager said they received an honorable mention for the float. Commissioner Johnston wished everyone a happy and safe holiday.

Commissioner Lopez thanked the Community Services Department for their assistance with the Annual AIDS Day Commemoration and with their attention to detail on the holiday float. He wished everyone a happy holiday.

Commissioner Wardlow thanked everyone for the great job with the holiday parade, not just city staff but also Joe Mather who has been a volunteer for a long time. Mr. Wardlow also thanked city staff and the engineering department and sidewalk crews for the great job on Duck Avenue. He has had a lot of compliments on the project. He wished everyone happy holidays and happy new year.

Mayor Cates thanked all the city staff and volunteers for their work with the holiday parade. He said it was the best parade we have all year long. Mayor Cates wished everyone a merry Christmas and a happy new year.

ADJOURNMENT:

There being no further business the Mayor adjourned the meeting at 7:51 p.m.

A handwritten signature in cursive script that reads "Cheryl Smith". The signature is written in black ink and is positioned above a horizontal line.

Cheryl Smith, MMC, CPM
City Clerk