

**MINUTES**

**CITY COMMISSION MEETING**

**OLD CITY HALL, 510 GREENE STREET**

**TUESDAY, NOVEMBER 15, 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, November 15, 2011.

Mayor Craig Cates called the meeting to order at 6:01 p.m.

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

Also present were City Manager Jim Scholl, Assistant City Manager David Fernandez, Assistant City Manager Mark Finigan, City Attorney Shawn Smith, Assistant City Attorney Ron Ramsingh, City Planner Don Craig, Police Chief Donie Lee, Frank Sauer, Fire Chief David Fraga, Finance Director Mark Finigan, Information Technology Director Patti McLaughlin, Parking Manager John Wilkins, Port and Transit Director Jim Fitton, Senior Project Manager Doug Bradshaw, HARC Planner Enid Torregrosa, Diane Nicklaus, Utilities Manager Jay Gewin, Deputy City Clerk Angela Budde and City Clerk Cheri Smith.

Father Hooper, St. Paul's Episcopal Church, 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:**

Commissioner Weekley requested Resolution Item #10 to be removed from the Consent Agenda and to withdraw Resolution Item #19.

City Manager Scholl requested Resolution Item #22 be postponed to December 6<sup>th</sup> meeting and he advised of a Proposed Add-on Proclamation for World AIDS Day.

City Clerk Smith advised there was a speaker on Resolution Item #14 and requested the item be removed from the Consent Agenda.

Commissioner Johnston requested Resolution Item #15 to be removed from the Consent Agenda for discussion.

Without opposition, the agenda was accepted as changed.

**PROCLAMATIONS:**

1) Take Stock in Children's Week Twelve Year Anniversary

**Add-On** 2) World AIDS Day

**PRESENTATIONS:**

3) Recreational Vehicle (RV's) and Trailered Vessels parking in the City right-of-way.

City Attorney's Report

The City Attorney had no report for the Commission. City Attorney Smith reported on the passing of Michelle Halpern last week and offered his condolences to the Halpern family.

City Manager's Report

The City Manager gave an update on the recent meetings that have occurred concerning the implementation of the Strategic Plan process. Volunteers and City staff have been assigned tasks to accomplish the goals set by the Strategic Plan adopted by the Commission this year.

The Assisted Care Facility at the Truman Waterfront is close to having an agreement in place with Family Pride and the Assistant City Manager Finigan contemplates the agreement would be ready for the Commissions' approval in January.

Mr. Scholl reported the sale of the Pier House property is expected to be ready for the Commission to hear in January and he offered a suggestion to the Commission to have a special meeting in January just for the Assisted Care Facility and the sale of the Pier House property.

Commissioner Rossi asked the City Manager to clean up the grounds surrounding the former site of City Hall. The Commissioner also asked to post "For Lease" signs on the building that formally was the Waterfront Market at the Key West Bight.

Mayor Cates asked that any potential lease for the Waterfront market building is brought before the Commission prior to execution of the agreement.

**CONSENT AGENDA:**

The Clerk read the titles of the Resolutions.

It was moved by Commissioner Rossi and seconded by Commissioner Weekley 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 1, 2011 (Regular)

**RESOLUTIONS:**

**RESOLUTION NO. 11-310**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE NAMING OF AN ALLEYWAY BEHIND KINO PLAZA AS "KINO ALLEY"; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 11-311**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPOINTING COMMISSIONER TONY YANIZ AS CITY COMMISSION LIAISON TO KEYS ENERGY SERVICES; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 11-312**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING A SPECIAL EVENT PERMIT**

**PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES TO THE TURTLE KRAALS RESTAURANT AT 231 MARGARET STREET FOR A HOWARD LIVINGSTON BAND CONCERT & AUCTION DURING THE HOURS OF 5:00 P.M. TO 9:00 P.M. ON SATURDAY, NOVEMBER 26, 2011; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 11-313**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, SPONSORING A HOLIDAY SEASON PARADE ON SATURDAY, DECEMBER 3, 2011 BETWEEN 7:00 P.M. AND 10:00 P.M.; AUTHORIZING THE CLOSURE OF CERTAIN STREETS FOR THE PARADE; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 11-314**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING DEJ MANAGEMENT & PROMOTIONS, INC. TO CONDUCT A BOXING EVENT AT MALLORY SQUARE ON FRIDAY, JANUARY 6, 2012, FROM 6:30 P.M. TO 12:00 A.M. (SET UP DATE, JANUARY 5, 2012 STARTING AT 9:00 A.M.); GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES STARTING ON THURSDAY, JANUARY 5, 2012 AT 9:00 A.M. TO 8:00 P.M. AND ON FRIDAY, JANUARY 6, 2012 FROM 6:30 P.M. TO 12:00 A.M.; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 11-315**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING TRANSFER OF MOBILE VENDOR LICENSE #12787 FROM CECILIA PRYJOMSKI TO DAVID EINHORN DUE TO HARDSHIP; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 11-316**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING TRANSFER OF MOBILE VENDOR LICENSE #12789 FROM LOUIS CONDOS TO STEPHEN BRYAN DUE TO HARDSHIP; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 11-317**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING PURSUANT TO SECTION 2-771 (3) OF THE CODE OF ORDINANCES THE DISPOSAL OF ONE 2001 GILLIG PHANTON LOW FLOOR BUS #806; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 11-318**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING PURSUANT TO SECTION 2-797 (3) AND 2-844 (A) AND (B) OF THE CODE OF ORDINANCES THE PURCHASE OF DELL COMPUTERS AND ACCESSORIES FROM DELL MARKETING L.P. IN THE AMOUNT OF \$44,723.19; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 11-319**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE CITY MANAGER TO ACCEPT A 2012 HIGHWAY SAFETY GRANT FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) IN THE AMOUNT OF \$95,000.00 FOR THE KEY WEST PEDESTRIAN AND BICYCLE SAFETY INITIATIVE PROJECT NUMBER PS 12-08-09; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 11-320**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE KEY WEST POLICE DEPARTMENT TO ACCEPT GRANT AWARD NO. 2011UMWX0042 IN AN AMOUNT OF \$885,796.00 THROUGH THE COMMUNITY ORIENTED POLICING SERVICE HIRING PROGRAM (COPS); PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. Postponed to December 6**

**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

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. Withdrawn**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE DUVAL STREET IMPROVEMENT ASSOCIATION TO ESTABLISH THE DUVAL STREET CAFÉ ZONE ON FRIDAY AND SATURDAY EVENINGS FROM NOVEMBER 12, 2011 THROUGH APRIL 14, 2012 FROM 6:00 P.M. TO 12:00 A.M. PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE CLOSURE OF DUVAL STREET BETWEEN ANGELA STREET AND FLEMING STREET; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE DESIGNATED AREA; PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

**RESOLUTION NO. 11-321**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE KEY WEST ROTARY CLUB FOUNDATION, INC. TO CONDUCT THE 2<sup>ND</sup> ANNUAL "KEY WEST CONCHFEST" AT BAYVIEW PARK ON SATURDAY, MARCH 3, 2012 FROM 7:00 A.M. TO 10:00 P.M.; PURSUANT TO TERMS & CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE SALE & CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN ENCLOSED AREA; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 7:00 A.M. TO 10:00 P.M.; PROVIDING FOR AN EFFECTIVE DATE

The Clerk read the title of the item

The following people spoke on the matter:

Joan Langley, 821 Georgia Street  
City Manager Scholl  
Ronald Leonard, Key West Rotary  
Mindy McKenzie, Key West Rotary

Commissioner Weekley introduced three amendments to the Resolution to include 1) to have the amplified music stop at 8:00 P.M. and 2) to have signage posted at the Gazebo indicating a phone number to call for noise complaints and 3) have the applicant find another location to hold their event other than Bayview Park.

It was moved by Commissioner Rossi and seconded by Commissioner Johnston to amend the Resolution with 1) all amplified music to cease at 8:00 P.M. and 2) post signage at the Gazebo with a phone number to call for noise complaints and to passed and adopt the Resolution as amended.

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

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. 11-322**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED 'SOVEREIGNTY SUBMERGED LAND LEASE RENEWAL' BETWEEN THE CITY AND THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA FOR THE KEY WEST BIGHT AREA, EFFECTIVE MAY 21, 2011; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Ron Demes, Executive Director of the Naval Air Station Key West  
City Manager Scholl

It was moved by Commissioner Weekley and seconded by Commissioner Johnston, for discussion, 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: Commissioner Johnston, Lopez, Rossi, Wardlow, Weekley, 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**

**RESOLUTION NO. 11-323**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVAL OF TASK ORDER #1-12-PORTS FROM CH2M HILL ENGINEERING, INC. IN THE AMOUNT OF \$111,310.00 FOR GEOTECHNICAL EXPLORATION STUDIES AT FIVE LOCATIONS WITHIN THE CITY OF KEY WEST; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following people spoke on the matter:

City Manager Scholl  
Doug Bradshaw, Senior Project Manager  
Andrew Smyth, CH2M Hill Engineering, Inc.  
ACM Fernandez

It was moved by Commissioner Rossi and seconded by Commissioner Johnston 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: Commissioner Johnston, Lopez, Rossi, Wardlow, Weekley, 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**

**RESOLUTION NO. Postponed to Nov. 22 Special Meeting**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, DISCONTINUING ALL WORK ON THE VIRGINIA STREET SIDEWALK PROJECT (PROJECT FM 426517-1) AND TERMINATING ALL OUTSTANDING AGREEMENTS WITHOUT FURTHER EXPENSE TO THE CITY; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The Clerk read the following letters into the record:

Corrie Tuttle, 903 Virginia Street

Pauline Sherman, 1101 Fleming Street

Terrance and Gwen Keenan, 5008 Brill Point Road, Tallahassee, Florida

Names of 85 residents who signed a Petition against installation of sidewalks on Virginia Street

The following people spoke on the matter:

Doug Bradshaw, Senior Project Manager

David Jackson, 909 Virginia Street

Gerson Batista, 900 Catherine Street-El Siboney Restaurant

Kevin Beede, 1024A Margaret Street

Sherry Waltz, 1021 Watson Street

Gary W. Ek, 1021 Watson Street

Kit Roberts, 907 Virginia Street

R. Kevin Cane, 1103 Virginia Street

Christopher Rehn, 330 Julia Street

Robert Kelly, 1801 N. Roosevelt Blvd.

Mark Songer, 1310 Newton Street

Lyris Leinbach, 1022 Fleming Street

Joan Langley, 821 Georgia Street

Christine Gorham, 1105 Thomas Street

ACM Fernandez

City Attorney Smith

City staff presented a PowerPoint presentation to the Commission. After a discussion, the

Commission agreed to hold a special meeting on this topic to take place on November 22 at 6:00 p.m. at

Old City Hall.

It was moved by Commissioner Rossi and seconded by Commissioner Johnston that the Resolution be postponed to the Special Meeting scheduled for November 22.

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

Yeas: Commissioner Johnston, Lopez, Rossi, Weekley, Yaniz and Mayor Cates

Nays: Commissioner Wardlow

The said Resolution was thereupon declared by the Mayor to have been postponed to a Special City Commission meeting.

**SO ORDERED**

The Mayor called for a recess at 9:00 P.M.

The Mayor reconvened the meeting at 9:20 P.M.

ACM Fernandez announced the City would hold a neighborhood meeting at the City's Fire Station at 5:30 P.M. on Wednesday, November 16.

**RESOLUTION NO. 11-324**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, DIRECTING THE CITY MANAGER TO TAKE ALL NECESSARY STEPS TO CONSTRUCT A NEW FIRE STATION ON THE FORMER MADELINE BEAN BUILDING SITE AND CONTINUE TO UTILIZE THE STATION AT 525 ANGELA STREET UNTIL COMPLETION OF THE NEW FIRE STATION.**

The Clerk read the title of the Resolution.

The Clerk read the following letter into the record:

Key West Firefighter's Local 1424 President Jason Bogoeff

The following people spoke on the matter:

Margaret Romero, 1615 Washington Street  
Mike Mongo, 1218 Pearl Street  
City Attorney Smith  
City Manager Scholl

It was moved by Commissioner Rossi and seconded by Commissioner Lopez, for discussion, 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: Commissioner Johnston, Lopez, Rossi, Wardlow, Weekley and Yaniz

Nays: Mayor Cates

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. 11-325**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, INVOKING THE ZONING IN PROGRESS DOCTRINE; DECLARING THAT THE CITY IS CONSIDERING AMENDMENTS TO THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN AND REVISION TO LAND DEVELOPMENT REGULATIONS IN RESPONSE TO THE PROPOSED SALE OF MILITARY PROPERTY TO A NON-GOVERNMENTAL ENTITY; ASSIGNING AN INTERIM ZONING DESIGNATION TO THE PROPERTY; CONTINUING THIS POLICY UNTIL AMENDED LAND DEVELOPMENT REGULATIONS ARE ADOPTED BY THE CITY COMMISSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following people spoke on the matter:

City Planner Don Craig  
David Paul Horan, 608 Whitehead Street

It was moved by Commissioner Rossi and seconded by Commissioner Weekley 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: Commissioner Johnston, Lopez, Rossi, Wardlow, Weekley, 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**

**RESOLUTION NO. 11-326**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, ALIGNING THE APPOINTMENTS TO THE CITY OF KEY WEST HISTORIC ARCHITECTURAL REVIEW COMMISSION; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following person spoke on the matter:

City Planner Don Craig

The Clerk read the following letter into the record:

HARC Chairman Rudy Molinet

The City Clerk instructed the Commission as to how the lottery drawing would take place.

The lots drawn were as follows:

Commissioner Johnston	-	Layman 1
Commissioner Lopez	-	Professional Green
Commissioner Rossi	-	Layman 2
Commissioner Wardlow	-	Professional Metzler
Commissioner Weekley	-	Layman Molinet
Commissioner Yaniz	-	Professional 1
Mayor Cates	-	No draw

The City Planner explained Commissioners Johnston, Rossi and Yaniz were able to make appointments to HARC.

It was moved by Commissioner Rossi and seconded by Commissioner Weekley 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.

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 - FIRST READING:**

**ORDINANCE NO. Passed to Second Reading**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, CREATING CHAPTER OR 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.

The Clerk read the following letters into the record:

Towing Association of Key West, Inc., 819 Peacock Plaza  
Sue Miller, Key West

The following people spoke on the matter:

Margaret Romero, 1615 Washington Street  
City Attorney Smith

City Attorney Smith suggested the recommended changes to the proposed Ordinance as follows:

in Section 2 and Section 3 "is hereby" was duplicated and would be stricken from the proposed Ordinance; Page 6 under Section 6 in Section 70-706 (a) adding sub section (2) "If the non-consensual tow applicant holds a valid towing license issued pursuant to section 70-650, the non-consensual tow permit shall be issued upon request and payment as described in 70-706(1)"; Page 8 under Section 6 in

Section 70-706 (d) (1) the word “ license” would be stricken and replaced with the word permit and the word “director” would be stricken and replaced with the work official; Page 8 under Section 6 in Section 70-706 (d) (3) the word “administrator” would be stricken and replaced with the word official; Page 10 under Section 6 in Section 70-706 (f) Except for the initial permit, Each non-consensual tow permit issued pursuant to this section shall be valid and effective for a maximum of one (1) year; Each non-consensual tow permit shall terminateing on June ~~December~~ 30 of each year.; Page 12 under Section 7 in Section 70-707 (a) The maximum rate for a nonconsensual tow shall be as follows:

- (1) \$100.00 for mopeds, motorcycles, cars and vehicles weighing 10,000 pounds or less.
- (2) \$150.00 for vehicles weighing between 10,001 and 20,000 pounds.
- (3) \$360.00 for vehicles weighing in excess of 20,000 pounds.

And remove ~~one hundred dollars (\$100.00). The Commission may by resolution alter this maximum rate for non consent towing services from time to time.~~; Page 14 under Section 7 in Section 70-707 (d) inserting after the first period The maximum amount of such after hours gate fee shall be thirty dollars (\$30.00).; Page 15 under Section 7 in Section 70-707 adding a new subsection (f) Persons who provide non-consensual tow services pursuant to this division shall provide a City of Key West, Florida Maximum Non-Consent Towing Rates sheet to the vehicle or vessel owner at the time of payment. The non-consensual towing company shall obtain a signed acknowledgement that the vehicle/vessel owner has received such Rate sheet.; Page 16 under Section 8 in Section 70-708 in subsection (c) (2) removing the language ~~that is in the name of the vehicle/vessel owner or authorized driver/agent~~; Page 23 under Section 9 in Section 70-709 (d) adding the sentence after Florida Statues, 715.07 (4), which statute shall be included as an exhibit to the contract.; Page 29 under Section 16 removing the language ~~The application and permitting requirements of Sections 70-705 and 70-706 of †~~This Ordinance shall go into effect January 1, 2012 and all remaining provisions shall go into effect immediately upon its passage

and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

It was moved by Commissioner Rossi and seconded by Commissioner Lopez to accept the amendments as read by the City Attorney.

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

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

Nays: None

It was moved by Commissioner Rossi and seconded by Commissioner Lopez that the Ordinance is passed on first reading as read.

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

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

Nays: None

The said Ordinance was thereupon declared by the Mayor to have been duly passed on first reading.

### **SO ORDERED**

#### **ORDINANCE NO. Passed to second reading**

~~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 PARTY 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  
UPON CONSENT OF A MAJORITY OF BONDHOLDERS; PROVIDING  
CERTAIN OTHER MATTERS IN CONNECTION THEREWITH;  
PROVIDING FOR AN EFFECTIVE DATE.~~

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA,  
SUPPLEMENTING ORDINANCE NO. 03-15; AUTHORIZING THE  
ISSUANCE OF A SERIES OF SEWER SYSTEM REVENUE BONDS FOR  
THE PURPOSE OF FINANCING SEWER PROJECTS ORIGINALLY  
FUNDED THROUGH THE STATE OF FLORIDA DEPARTMENT OF  
EMERGENCY MANAGEMENT AND PAYING COSTS OF ISSUANCE  
RELATED THERETO; PROVIDING FOR THE PAYMENT OF SUCH  
SEWER SYSTEM REVENUE BONDS FROM NET REVENUES OF THE  
SEWER SYSTEM OF THE CITY; AUTHORIZING AN AMENDMENT  
TO THE RESERVE ACCOUNT REQUIREMENT UPON CONSENT OF A  
MAJORITY OF BONDHOLDERS; AND PROVIDING AN EFFECTIVE  
DATE

The Clerk read the title of the Ordinance.

The following people spoke on the matter:

Margaret Romero, 1615 Washington Street  
City Manager Scholl  
ACM Fernandez  
Utilities Manager Jay Gewin

It was moved by Commissioner Weekley and seconded by Commissioner Rossi, for discussion  
that the Ordinance is passed on first reading as read.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Wardlow, Weekley and Yaniz

Nays: Mayor Cates

The said Ordinance was thereupon declared by the Mayor to have been duly passed on first  
reading.

**SO ORDERED**



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

**ORDINANCE NO. 11-21**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING ASSIGNMENT OF ALL STOCK IN DUCK TOURS SEAFARI, INC. FROM DUCK TOURS SEAFARI, LLC TO MICHAEL THOMAS, JR., PURSUANT TO SECTION 6 OF THE FRANCHISE GRANTED IN KEY WEST ORDINANCE NO. 11-02; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Ordinance.

It was moved by Commissioner Rossi and seconded by Commissioner Lopez for discussion that the Ordinance is passed on second reading as read.

The Mayor requested the Clerk call the roll.

Yeas: Commissioners Johnston, Lopez, Rossi, Wardlow, Weekley, Yaniz 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**

**CITIZEN COMMENTS:**

Ron Demes, 22 Venetian Way


**COMMISSION COMMENTS:**

Commissioner Yaniz thanked Keys Energy and all involved in the installation of lights on the Poinciana Soccer field. The Commissioner also offered his condolences to the City Clerk on the bereavement in her family.

Commissioner Rossi wished everyone a Happy Thanksgiving.

**ADJOURNMENT:**

There being no further business the Mayor adjourned the meeting at 10:47 p.m.

  
Cheryl Smith, MMC, CPM  
City Clerk