

## MINUTES

### CITY COMMISSION MEETING

OLD CITY HALL, 510 GREENE STREET

WEDNESDAY, JANUARY 18, 2012

A regular meeting of the City Commission of the City of Key West, Florida was held in Commission Chambers, Old City Hall, on Wednesday, January 18, 2012.

Mayor Craig Cates called the meeting to order at 6:00 p.m.

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

Mayor Craig Cates was absent.

Also present were City Manager Jim Scholl, Assistant City Manager David Fernandez, Assistant City Manager Mark Finigan, City Attorney Shawn Smith, Police Chief Donie Lee, Human Resources Director Sandy Gilbert, Fire Deputy Chief Craig Marston, Fire Deputy Chief Michael Davila, Community Services Director Greg Veliz, Information Technology Director Patti McLaughlin, City Planner Don Craig, Planner Nicole Malo, Port and Transit Director Jim Fitton, Senior Project Manager Doug Bradshaw, Utilities Manager Jay Gewin, Senior Property Manager Marilyn Wilbarger, Deputy City Clerk Angela Budde and City Clerk Cheri Smith.

Dr. Reverend Randolph Becker, Unitarian Universalist Fellowship, 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:**

Without opposition the agenda was accepted without changes.

#### **PRESENTATIONS:**

Angela Street Fire Station

## City Attorney's Report

The City Attorney requested an Executive Session to be scheduled for February 7, 2012 at 5:00 p.m. on the Sunset Marina Residents v The City of Key West, Case No. 2011-CA-911-K.

City Attorney Smith reported on the Florida Key Deer, FEMA and Fish and Wildlife lawsuit against the City of Key West. A settlement agreement between FEMA, Fish and Wildlife occurred requiring the City of Key West to adopt by Ordinance the species focus area maps by Fish and Wildlife. The maps were developed based on the settlement that would regulate a land owners piece of property and the City Attorney explained those maps bear no logical areas in Key West for endangered species habitat and he went on to identify a couple of specific areas on the map such as Ernest Hemingway home and the swale in front of the Key West High School. Mr. Smith disclosed the individual responsible for drawing the maps had admitted they never set foot in the City and agreed the maps were flawed despite the fact Fish and Wildlife initially asked the City to adopt the maps and then come back at a later date to correct the errors. The City Attorney also stated to protect the City Commission and individual land owners in the adoption of any Ordinance his intentions were to have the individual who developed the maps travel to Key West and re-draw the maps as FEMA has granted the City a 90 day extension to have the maps re-drawn so the City can take the good data back to FEMA. The City Attorney explained having the maps re-drawn and adopting them in an Ordinance would eliminate the possibility of being in suspension or placed on probation from the National Flood Insurance Program.

## City Manager's Report

City Manager Scholl thanked the City staff who supported the Soldier Ride and the Police Department for providing the escorts.

He also mentioned the Special City Commission meeting on Tuesday, January 24 at 6:00 p.m.

## **CONSENT AGENDA:**

The Clerk read the titles of the Resolutions.

It was moved by Commissioner Johnston and seconded by Commissioner Weekley to approve the consent agenda items.

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

**RESOLUTIONS:**

**RESOLUTION NO. 12-029**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RE-APPOINTING MARK ALBURY TO THE CIVIL SERVICE BOARD; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-030**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RE-APPOINTING RICHARD TALLMADGE TO THE ART IN PUBLIC PLACES ADVISORY BOARD; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-031**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING WESLEY HOUSE FAMILY SERVICES INC. TO CONDUCT ITS ANNUAL "VALENTINE'S DAY FUNDRAISER" AT THE CURRY MANSION LOCATED AT 511 CAROLINE STREET ON TUESDAY, FEBRUARY 14, 2012 FROM 9:00 A.M. TO 11:00 P.M.; PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE CLOSURE OF CAROLINE STREET FROM DUVAL TO SIMONTON STREETS AND ANN STREET FROM GREENE TO CAROLINE STREETS FROM 9:00 A.M. TO 11:00 P.M.; GRANTING A SPECIAL EVENT PERMIT PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 9:00 A.M. TO 11:00 P.M.; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE BARRICADED AREA; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-032**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING AIDS HELPS TO CONDUCT THEIR ANNUAL TASTE OF KEY WEST AT THE TRUMAN WATERFRONT**

**ALONG THE EASY QUAY WALL ON MONDAY, APRIL 23, 2012 FROM 6:00 P.M. TO 9:00 P.M. (SET UP STARTING AT 8:00 A.M.); PURSUANT TO TERMS AND CONDITIONS SET FORTH BY THE CITY MANAGER; AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN AN ENCLOSED AREA; GRANTING AN EXEMPTION FROM THE NOISE CONTROL ORDINANCE PURSUANT TO SECTION 6-86 OF THE CODE OF ORDINANCES FROM 5:00 P.M. TO 11:00 P.M.; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-033**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING A PURCHASE FROM MUNICIPAL EMERGENCY SERVICES, INC. (MES) FOR FIVE (5) SCOTT AP75 2.2 SCBA (SELF-CONTAINED BREATHING APPARATUS) PLUS ACCESSORIES, AND THIRTEEN (13) CARBON-FIBER CYLINDERS, PURSUANT TO FIRE RESCUE GPO CONTRACT 10-0012, AND AS A BRAND NAME PRODUCT, PURSUANT TO CITY CODE SECTION 2-797(4)(B), FOR THE KEY WEST FIRE DEPARTMENT, IN AN AMOUNT NOT TO EXCEED \$29,936.24; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-034**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AWARDED THE BID OF FLOWERS CHEMICAL LABORATORIES IN RESPONSE TO ITB#12-006 FOR WATER TESTING AT THE CITY MARINA AT GARRISON BIGHT IN THE TOTAL AMOUNT OF \$9,692.00; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-035**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, REJECTING ALL BIDS RECEIVED IN RESPONSE TO INVITATION TO BID (ITB) #004-11, FOR AS NEEDED EMERGENCY MANAGEMENT CONSULTING SERVICES; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-036**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING TASK ORDER NO. 12-02 TO PEREZ ENGINEERING AND DEVELOPMENT, INC. IN AN AMOUNT NOT TO EXCEED \$191,000.00 FOR ENGINEERING SERVICES FOR THE DESIGN OF STORMWATER GRAVITY WELLS FOR THE EAST**

**FRONT STREET DRAINAGE PROJECT; PROVIDING FOR AN EFFECTIVE DATE.**

**RESOLUTION NO. 12-037**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, EXTENDING THE CONTRACT FOR SIDEWALK ENHANCEMENTS PHASE IV – VIRGINIA STREET SIDEWALKS AND APPLEROUTH LANE SIDEWALKS WITH CHARLEY TOPPINO AND SONS, INC. UNTIL JANUARY 31, 2012; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-038**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED “MEMORANDUM OF AGREEMENT FOR PARTICIPATING FORT LAUDERDALE UASI (URBAN AREA SECURITY INITIATIVE) AGENCIES” PURSUANT TO A FEDERALLY FUNDED SUBGRANT AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF EMERGENCY MANAGEMENT AND THE FORT LAUDERDALE URBAN AREA (CITY OF MIRAMAR, AS ADMINISTRATOR) FOR THE DEPARTMENT OF HOMELAND SECURITY FY 2010 UASI GRANT PROGRAM, IN THE AMOUNT OF \$21,250.00, TO FUND PLANNING, RECRUITING, TRAINING, EXERCISING, SUPPLIES AND EQUIPMENT FOR THE CITY OF KEY WEST COMMUNITY EMERGENCY RESPONSE TEAM AND CITIZENS CORPS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-039**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF KEY WEST AND TEAMSTERS LOCAL 769, OFFICE AND BLUE COLLAR WORKERS, EFFECTIVE OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2012; PROVIDING FOR AN EFFECTIVE DATE**

**RESOLUTION NO. 12-040**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, WAIVING CONFLICT OF INTEREST TO PERMIT CITY ATTORNEY SHAWN SMITH AND THE OFFICE OF THE KEY WEST CITY ATTORNEY TO JOINTLY REPRESENT MONROE COUNTY IN CASE NUMBER 2011-CA-911-K; WAIVING CONFLICT OF**

**INTEREST TO PERMIT CHIEF ASSISTANT COUNTY ATTORNEY  
ROBERT B. SHILLINGER AND THE OFFICE OF THE MONROE  
COUNTY ATTORNEY TO JOINTLY REPRESENT THE CITY OF KEY  
WEST IN CASE NUMBER 2011-CA-911-K; PROVIDING FOR AN  
EFFECTIVE DATE**

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

**SO ORDERED**

**RESOLUTION NO. 12-041**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY  
WEST, FLORIDA, DIRECTING PRIORITIZATION OF  
INSTALLATION OF THE LED LIGHTING AS A PILOT PROJECT ON  
PINE AND OLIVIA STREETS KEY WEST ORIGINALLY APPROVED  
BY RESOLUTION 10-254; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Joan Langley, 821 Georgia Street  
Mark Songer, 1310 Newton Street

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

The Vice 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 Vice Mayor to have been duly passed and adopted and was authenticated by the signatures of the Vice Mayor and the Clerk of the Commission.

**SO ORDERED**

**RESOLUTION NO. 12-042**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY  
WEST, FLORIDA, URGING ADOPTION OF LEGISLATION  
PROHIBITING TEXTING WHILE DRIVING; DIRECTING THE CITY**

**ATTORNEY TO EXPLORE AVENUES FOR LOCAL ORDINANCE  
IRRESPECTIVE OF FLORIDA STATUTE 316.0075; PROVIDING FOR  
AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following person spoke on the matter:

City Attorney Smith

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

The Vice 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 Vice Mayor to have been duly passed and  
adopted and was authenticated by the signatures of the Vice 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,  
AMENDING CHAPTER 122 OF THE CODE OF ORDINANCES  
ENTITLED "ZONING" BY AMENDING SECTION 122-926 TO  
CLARIFY INTENT; AMENDING SECTION 122-928 TO CLARIFY  
CULTURAL AND CIVIC ACTIVITIES WITH  
ACCESSORY/ASSOCIATED COMMERCIAL SALES;  
PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL  
OF INCONSISTENT PROVISIONS; PROVIDING FOR AN  
EFFECTIVE DATE.**

The Clerk read the title of the Ordinance.

The following people spoke on the matter:

City Manager Scholl  
City Planner Craig

It was moved by Commissioner Wardlow and seconded by Commissioner Weekley that the Ordinance be passed on first reading as read.

The Vice Mayor acknowledged the motion and second and requested verbal approval. The response was unanimous to pass the Ordinance as read on first reading.

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

**DISCUSSION:**

**CITY MANAGER SCREENING AND SELECTION PROCESS**

The Clerk read the title of the item

The following person spoke on the matter:

City Attorney Smith

Commissioner Johnston stated the search for a City Manager would be the most important task the Commission is faced with this year. The Commissioner conveyed she would like to have the search go beyond the State of Florida and would like the position advertised in coastal resort areas and communities that have traits the City of Key West desires based on the direction of the Strategic Plan and she named the cities Nantucket, Savannah and Richmond as examples. She also said the importance of this position dictates creating a scope to attract the most qualified candidates who already have experience in similar situations Key West is currently experiencing.

Commissioner Lopez expressed it is essential the candidates have some knowledge of the City of Key West and he preferred to keep the search in the State of Florida. He felt it was too important to select someone based on having a business or administrative background only and stressed the candidates should possess knowledge of Key West's cultural needs and the history of the island. The Commissioner articulated his concerns on not selecting the wrong candidate for the job.



Commissioner Wardlow agreed with Commissioner Lopez's comments and wants the search to remain in Monroe County and Statewide. The Commissioner is not interested in paying travel cost to prospective candidates for interviewing and for relocating the selected candidate to the Keys. He also would like to have the salary open for negotiating.

Commissioner Weekley wants the best qualified person regardless of where they live and he wants to search nationally and offered his opinion to not exclude the professionals who may have once lived in the State of Florida. The Commissioner suggested the scope include five years minimum experience in Municipal Government with the candidate having a Master's Degree in Public Administration. He also conveyed the candidate be a person who is friendly, agreeable and has well-developed interpersonal skills or otherwise known as a "people's person". The Commissioner added the candidates have experience in handling the pressure associated with working with the public and stressed having superior qualifications will garner superior candidates.

Commissioner Yaniz likens the idea of having a candidate chosen from the area and he would like the selection process to include candidates with knowledge on how the City operates. The Commissioner suggested having the Selection Committee include representation from the working people of Key West with total transparency. He does not want the City paying for the travel cost of potential candidates to interview and he thanked Mr. Scholl for his service as City Manager.

Vice Mayor Rossi suggested having a budget for advertising starting at a \$5,000.00 balance. He would like to see City Manager Scholl stay on a few months after his contract expires June 30 to assist with the transition of a new City Manager. The anticipated start date for the selected candidate is expected for June 1, 2012. The Vice Mayor advised he would like each member of the Commission to appoint a person to the Selection Committee and he also would like for the search to be advertised locally and nationally. He suggested to City Manager Scholl to select a City employee to sit on the Committee and he would like to see the next City Manager candidate be a resident of Key West.

The City Manager offered to select two employees to serve as non-voting liaison members on the Committee; one employee from Management and one employee from non-executive and non-managerial background or "Rank and File". City Manager Scholl also reported his office would be responsible for the cost of advertising the position.

Commissioner Weekley suggested to the City Attorney to have a Resolution on the January 24 Special City Commission meeting Agenda with the Commissioners' and Mayor's appointments to the Committee.

Commissioner Wardlow asked if resumes should be submitted at the time they give the names of their appointments and the City Attorney replied to the Commission resumes should be submitted at the time they send the name of their appointment to the City Clerk and the Commission all agreed the appointments are to be residents of Key West.

The City Attorney suggested eliminating the word "Selection" and replace with the word "Screening" in the title of the Committee and he also advised a Resolution setting the qualifications for the position of City Manager would be on the February 7th City Commission Agenda. City Attorney Smith reiterated half of the Commission wanted to confine the search for inside Florida and half were in support for a nationwide search with a preference on a Florida experience. A draft ad will be developed after the February 7<sup>th</sup> Commission meeting.

**CITIZEN COMMENTS:**

None

**COMMISSION COMMENTS:**

Commissioner Lopez thanked the City Manager for a job well done. He also thanked everyone for their support during his family's grief. The Commissioner thanked Police Chief Donie Lee for walking in the Martin Luther King Jr. Parade.

**ADJOURNMENT:**

There being no further business the Vice Mayor adjourned the meeting at 7:52 p.m.



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Cheryl Smith, MMC, CPM  
City Clerk