

**MINUTES**

**SPECIAL CITY COMMISSION MEETING**

**OLD CITY HALL, 510 GREENE STREET**

**MONDAY, APRIL 16, 2012**

A special meeting of the City Commission of the City of Key West, Florida was held in Commission Chambers, Old City Hall, on Monday, April 16, 2012.

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, Information Technology Director Patti McLaughlin, Human Resource Director Sandy Gilbert, Senior Project Manager Doug Bradshaw and Deputy City Clerk Angela Budde

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

**CHANGES TO THE AGENDA**

The agenda was approved without opposition.

**RESOLUTIONS:**

**RESOLUTION NO. 12-128**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, SUPPORTING KEYS ENERGY SERVICES' EFFORTS TO REMOVE ELECTRICAL FACILITIES FROM INACCESSIBLE LOCATIONS; WAIVING PERMIT FEES FOR CERTAIN ELECTRICAL WORK; DIRECTING THE CITY MANAGER TO FACILITATE CUSTOMER UPGRADES; SUPPORTING EFFORTS TO REMOVE ADDITIONAL**

**FACILITIES SO EXCESS POLES CAN BE REMOVED IN A  
TIMELY MANNER; PROVIDING FOR AN EFFECTIVE DATE**

The Clerk read the title of the Resolution.

The following people spoke on the matter:

Lynn Tejada, Keys Energy Service General Manager and CEO  
Dale Finigan, Keys Energy Service Director of Engineering and System Control Center  
City Manager Scholl  
Assistant City Manager Fernandez  
City Attorney Smith

Keys Energy Service's General Manager and CEO Lynne Tejada opened the presentation to the Commission with a background explanation on how the Public Service Commission (PSC) analyzed the restoration of utilities to customers all over the State of Florida after the severe Hurricane seasons of 2004 & 2005 and as a result created a number of orders (or mandates) requiring all utility organizations in the State of Florida to develop a Storm Hardening Plan to avoid timely complications with restoration of utilities. The presentation to the City Commission specifically dealt with inaccessible areas caused by Rights-of-Way (ROW) and Easement encroachments in Key West (some granted to residents through permits and some without) preventing Keys Energy from restoring electricity to some customers swiftly in the past. Ms. Tejada also explained Keys Energy has split the project into two phases; First phase would handle primary lines that affect most customers which included 122 poles affecting 163 residences in blocked alleyways and also inaccessible poles and the second phase would begin after the first phase was completed.

Ms. Tejada spoke of the concerns the City Commission had expressed at a previous meeting such as additional cost for the project be passed onto the resident, having AT&T and Comcast move their lines and having the utility lines placed underground.

Commissioner Johnston asked the City Manager if Keys Energy required the City's consent to begin their project and City Manager Scholl reported Keys Energy was there as a courtesy to the City however, Keys Energy was requesting the City to consider waiving the fees for permits associated with this project.

It was moved by Commissioner Yaniz and seconded by Commissioner Rossi for discussion, that the Resolution be amended to include new language in Section No. 7 "This approval is specifically conditioned upon a subsequent agreement between the City, Comcast and AT&T (and their successors, if applicable) to transfer services to the new poles within 24 months of Keys Energy's establishment of such new facilities" and to add new language in Section 4 "of Phase 1" of Keys Energy Services Relocation Project and to pass as amended.

The Mayor requested the Clerk to call the roll.

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

Nays: Commissioner Johnston and 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**

#### **DISCUSSION:**

##### **CITY MANAGER INTERVIEW PROCESS**

The Clerk read the title of the Resolution.

The following person spoke on the matter:

City Attorney Smith

The City Attorney introduced the discussion item and he clarified concerns brought up by the Commission regarding the short list sent out from the recruiter, Colin Baenzinger.

Commissioner Yaniz stated his concern for resumes the recruiter had received after the April 13 deadline and the recruiter's comments he would consider those resumes.

City Attorney Smith explained to the Commission the recruiter received four resumes after the April 13 deadline and the City Attorney advised the recruiter does not have that authority to make that decision nor the decision to select certain Resumes to advance and withhold certain resumes. A discussion followed with the City Attorney offering advice if they were to accept 1 resume submitted after the deadline they would have to accept all resumes submitted after the deadline.

Madam Chair Freeman of the Advisory Screening Committee for a New City Manager asked the Commission for direction on accepting resumes submitted after the established April 13 deadline.

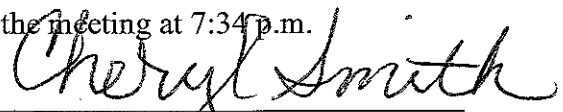
The majority of the Commission agreed to keep the April 13 deadline.

City Attorney Smith asked for a consensus from the Commission to accept Thursday, May 17 for the Advisory Screening Committee's selection of finalist and the Commission reached a consensus they would accept the Committee's selection of candidates.

Madam Chairman Freeman asked for a consensus from the Commission to invite the selected finalist to Key West between June 1 through June 5 for scheduling the interviews and to hold a Special Commission meeting June 4 to select a City Manager and the Majority of the Commission agreed on the dates.

**ADJOURNMENT:**

There being no further business the Mayor adjourned the meeting at 7:34 p.m.



Cheryl Smith, MMC, CPM  
City Clerk