

**CITY OF WINTER PARK
CITY COMMISSION WORK SESSION MINUTES
October 15, 2007**

The meeting of the Winter Park City Commission was called to order by Mayor David Strong at 1:00 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

Members present:

Mayor David Strong
Commissioner Douglas Metcalf
Commissioner John Eckbert
Commissioner Margie Bridges
Commissioner Karen Diebel (arrived at 2:40 p.m.)

Also present:

City Attorney Trippe Cheek
Acting City Manager Randy Knight
Deputy City Clerk Nancy McLean

1. Selection Committee Report

Building Director George Wiggins explained that the selection committee met last week and Randy Robertson and Jack Rogers voiced concerns about not receiving adequate results/input from other professional consultants. He stated that he called some of the companies and verified that at least three did not receive the RFQ even though they followed the proper procedure; they sent the RFQ to 30 specific firms. This caused concern among the committee members so they asked that the presentations be delayed and either the Commission reject all proposals and reissue a slightly modified RFQ and in the interim contact firms to make certain they received the RFQ; or proceed with hearing the four consultants at a future date.

Chairman David Lamm explained that this is a very important aspect for the future and they would like to take direction from the Commission for approval to move forward or reassess, step back and see what they need for the best interest of the City. He reiterated the concerns of the task force with not receiving proposals from a broader base of firms with national experience; and they voted to postpone the presentations today and come before the Commission for further direction. Mr. Lamm and Mr. Wiggins answered questions posed by the Commission.

Rebecca Furman, member of the Architectural Standards Task Force, addressed the importance of the same firm going through the visioning and workshops to put together this code and for them to be around for the year to help them implement and follow through the recommendations. She also voiced concerns about throwing out this RFQ because of no guarantee that the four firms who applied the first time will reapply.

Steve Feller, at the beginning of the selection process thought they should not accept the four proposals and had concerns with what was in the proposals versus what they were asking for. He believed the committee needed to go back and redefine some terms because it was hard to understand the difference between guidelines and form based code. He explained that red flags were raised with only four proposals and they had to question why they did not receive proposals from firms other than local ones.

Patty Heidrich, member of the Architectural Standards Task Force, expressed her disappointment with not having more applications to choose from. She stated they ranked the ones they had and voted on September 14 to go ahead and finish this RFQ with these applicants. She was not unhappy about their choices and believed that was fair and she did not have the same concerns regarding their choices.

Rick Swisher, liaison to the Planning and Zoning Commission, voted to go forward with the four applicants because they knew Winter Park and the Central Florida area. He also thought it was important that whoever was selected became a part of the committee for the next year. He expressed a concern that if a national search is done now that the firms that already submitted may no longer want to re-apply.

Mr. Lamm concluded with the pros and cons of the firms that submitted proposals, but did not share the same concerns about these firms and felt they could achieve the goals and objectives.

Mayor Strong commented that they could not vote on anything but they could give them a sense of what they think individually of this process. Mr. Wiggins stated that they would like to receive definitive direction from the Commission on whether to go forward, reject all proposals and reissue the RFQ or proceed with hearing the four proposals at a later date.

Commissioner Bridges expressed her preference not to rush this and believed that the four firms would understand if they started anew. She thought they would have been competing against others in the first place if they received the RFQ's and had sent in their proposals.

Commissioner Eckbert, Commission representative on the task force, spoke about his recollection of the meeting. He explained that almost 80-100 firms downloaded the RFQ but that many did not respond to it for whatever reason. He stated there were four firms that took the time and effort to reply to the RFQ, these firms are well qualified by their credentials, and that they should hear from them. He stated if there is deficiencies in either their ability to deliver or execute under the contract, they should begin the process over and figure out how to get the right people involved.

Mayor Strong commented he did not disagree with Commissioner Eckbert but that he understood that some firms were expecting information from the City that never received it. He expressed having mixed feelings about this and that he had no hesitation about the four firms being professional and qualified but wanted to hear from someone out of the area as a different perspective and comparison. Mayor Strong addressed his willingness to hear from the current applicants and to make a decision from there if that was what everyone was comfortable with.

Commissioner Metcalf expressed concerns with rejecting these firms because of how they may perceive it. He stated he was not sure why they did not receive more responses to the RFQ but he would hate to reject firms that they are using right now. He commented that he was personally inclined to hear from the four firms and if they decide that they did not hear what they wanted, they need to word the RFQ differently so all the

firms are clear on what they are asking for. He stated they have a good process for selecting people in projects and they need to continue with their process.

Commissioner Bridges agreed with Commissioner Metcalf but had a concern that this particular process is critical to what our City will look like in 50 years and that she still did not have a full understanding as to why certain firms did not receive the information which bothered her. Mr. Swisher explained that these firms do this as a living and they have staff that specifically takes care of RFQ's.

Mr. Feller believed they did not ask for the form based code in this RFQ and that was why they did not receive many responses. He believed if there was a flaw it was in their committee because they did not discuss exactly what they were asking for and it was hard for people to understand there is a difference between form based codes, design guide lines and design principals.

Commissioner Eckbert commented it was in the RFQ "latest planning methods such as the form based code and the smart code" and was not completely void of reference to it. Mr. Lamm commented that the RFQ was clear and believed there was a consensus among the task force members that they wanted to move forward and to hear the presentations but if the Commission did not like what they had they could start over.

Mayor Strong commented that they should hear them and see what they think and they have every right to reject them if they do not like what they hear. There was consensus to reschedule the presentations for a later date.

Commissioner Metcalf stated he would be out of town until November 6. The presentations were scheduled tentatively for November 7 for 2:00 p.m. until they confirmed with Commissioner Diebel and the applicants as well.

Acting City Manager Randy Knight also spoke about the RFQ "Plan the Possibilities" study that has been received and ranked by staff. He stated four of the top firms were local and asked if the Commission would like to view all the proposals. Mayor Strong stated he would like to hear from one out of the area firm. Commissioner Eckbert thought they could go back and review the weighting of the qualifications and experience of these firms.

Mr. Knight stated the other alternative was to give them the top two local or national firms, receive their proposals in writing, and then rank them. Mayor Strong and Commissioner Eckbert agreed. Mayor Strong stated he would like to see the proposals before he hears any presentations on both these RFQ's to be better informed. Mr. Knight ensured the Commission would be given this information and said by next Monday they would be able to schedule this process.

Non Agenda Item

Commissioner Metcalf asked that before they begin their discussion on the qualifications for a City Manager he would like to address the article in the Observer with Mayor Strong making some serious accusations against him and other Commissioners in the same way. Mayor Strong did not believe that he made any accusations of any

Commissioner doing something improper but if he disagreed, he wanted to know where. Further discussion ensued regarding this matter. Mayor Strong stated this interview was over 2 weeks ago and apologized if he offended him; but did not apologize for criticizing the decision that was made (about the termination of Mr. Williams) he thought was a bad decision. Mayor Strong concluded that if there is something they feel he should be doing better, he was receptive to doing his best.

Mayor Strong commented that Attorney Cheek also needs to be an active member if he feels that he is not responding properly to things that happen in the chamber. Attorney Cheek commented that they might want to review the ordinance they passed on the conduct of meetings and one of the fundamentals is not to address the other person personally but rather address the issues. He stated if they have to make reference to someone on the Commission, this should be done in a fairly formal way.

Commissioner Eckbert had a prior commitment that he had to attend but said he would return at 3:20 p.m.

2. Discuss the City Manager's job description

Director of Human Resources Anna Currie explained that she had used the old job description as a starting point and made some suggested language changes and presented the Commission with what the City Charter said. She stated she found that most cities do not have a job description for their City Manager other than their Charters. She suggested that whether they come up with a job description or not, it would be helpful if everyone came to a consensus on what they were looking for. She commented that they use the Charter as the job description and they did not need a separate one.

Mayor Strong stated the Charter adequately lays out the responsibility of a City Manager and believed that some people were expecting more from our City Manager than what was said in the Charter.

Commissioner Metcalf outlined the tasks that he felt a City Manager should do: strategic planning, focus on long range planning/goals, and strong in community planning and growth management. Mayor Strong believed that the City Manager's job is to make sure the City operates in an efficient manner and was offended by Mr. Williams' dismissal because he believed he did this. He disagreed that these tasks were the City Manager's responsibility but if they wanted to make it his responsibility, they should let Mr. Knight know and make things clear.

Mr. Knight explained he believed it was the City Manager's responsibility to focus on the big picture for the future and should be deeply involved with the strategic planning session and they are owed the City Manager's and staff's professional opinion on the impacts of doing those policies. However, he believed that the strategic plan document is a policy that the Commission owns and changes from time to time as the will of the people speak through who is elected. Commissioner Metcalf again reiterated that the strategic planning should be the City Manager's responsibility and should be an aggressive effort by him to keep the Commission on track and focus them on what is really important. Attorney Cheek announced that he had to leave for a few minutes but would return later.

Commissioner Bridges stated she did not disagree fundamentally with what Commissioner Metcalf said but believed it was the Commission's job to set the strategic plan and then the actions they take should be measured as to how they move that strategic plan forward. In that sense, she believed they have been weak collectively.

Commissioner Diebel stated they need to agree on the strategic objectives and the City Manager needs to produce a strategic plan based on the objectives. She believed they need to decide on a cycle to review them, certainly fiscally, and should be a 5 year term to start. She believed the strategic objections should be a minimum of 5 and no more than 10 that comprise their strategic plan. She advocated that some of the strategic objectives be: a City wide pro forma of their development; a decelerated budget of services; a pro forma of annexation and the goals for acquisition; a pro forma of the process that supports the decision making; cost allocation of labor management; and a capital plan that extends out year after year in the next five years that incorporates City assets that they either need to acquire, dispose of or modify and look at how the operating budget would support ongoing maintenance of those when they are realized.

She suggested starting with those and to set strategic objectives and add to those as the Commission agrees. She also addressed tasking the City Manager with a primary job responsibility to produce a strategic plan based on what has a calendar, a corresponding budget, has time dates and is reviewed on quarterly basis with the Commission. She stated this should be the only responsibility of the City Manager to the extent that he has other responsibilities, present those in priority order, delegate, and hire the right Assistant City Manager to assume the day to day responsibilities. She summarized that when she reflects on the major contention and intersection points it has all been based on financial growth and restrictions and the support of services. She addressed adding a seventh objective to have a pro forma of the traffic, parking and transportation plan of the City that is reviewed on that systematic basis. Commissioner Diebel also addressed having service level reviews on a yearly basis and would modify that process that every budget is tied to the strategic objectives, that they look at what part of the budget supports these objectives, what is discretionary, and what needs to be validated further.

Commissioner Eckbert returned around 3:20 and gave his comments on the role of the City Manager. He explained that issues were brought to the Commission in the past uninformed and without structure so the deliberative process appeared unorganized and unprofessional. He believed they were involved in levels of detail that are inappropriate given the form of government that they are. He commented that the Commission level and the City Manager position are the only places in the City where they are synthesizing the different interests of the things that happen in our City. He stated the City Manager's responsibility would be synthesizing different perspectives, identifying alternatives, evaluating the strength and weaknesses of those alternatives, presenting a solid foundation of facts for the Commission to make a decision based upon, and taking direction of the policy.

Commissioner Diebel reiterated her six objectives and asked if the other Commissioners had feedback whether they were good objectives or if there should be any deletions or additions. Mayor Strong commented he thought the first objective was a good one (the pro forma of growth/revenue for the future), it could be done and agreed they should find out what their revenues were going to be. However, he was not sure if the decelerated

budget was a goal in and of itself and commented that he was for reducing the budget but they had to take that in context with the service level. He also stated that annexation was to annex if it was for the City's benefit. Commissioner Diebel explained what she meant by her comments regarding annexation.

Commissioner Eckbert thought Commissioner Diebel laid out an important frame work for strategic planning but returned to the discussion of the City Manager's job description. He commented that he agreed with Ms. Currie that having a job description different than the Charter would be redundant and unnecessary. He stated that the Charter is very clear that they are a City Manager form of government and he was comfortable with the Charter's description in terms of advertising for a City Manager.

Commissioner Metcalf agreed that he was comfortable with the Charter about the City Manager's job description but felt as a group they need to agree on additional things that may be necessary. Commissioner Eckbert again reiterated that a City Manager's job is to deliver the Commission the professional expertise and tools to make fact based decisions that are policy responsibilities for the Commission to make. Mayor Strong did not disagree and felt they both wanted the same thing which is the analysis of the issue, pros and cons and a recommended alternative. However, he believed the strategic thinking that Commissioner Diebel raised were not things that he wanted the City Manager to tell him but are things he would like to express an opinion on as well as every candidate so the electors decide what the right thing to do is. Commissioner Eckbert addressed Commissioner Diebel's comment about what she believed to be the priorities for the Commission to give the City Manager direction on and what the City Manager should focus on. Commissioner Diebel clarified her earlier comments and discussed more on the decelerated budget. Mayor Strong believed that the Commission should set the policy for the City.

Commissioner Eckbert commented that they were talking about strategic planning and it has not been noticed and did not think they were allowed to talk about that because it was not on the agenda. Mayor Strong stated they could talk about anything they wanted. He suggested returning to the discussion of having a City Manager form of government and if there was anything other than that job description that they needed, they should provide more of a clarification. Attorney Cheek returned.

Commissioner Diebel commented that responsibilities are different than objectives and she was in agreement that they did not need to change the City Charter but they needed to agree on the objectives for the City Manager to execute. She stated that the strategic plan should reside with the City Manager. Mayor Strong stated that if they want a City Manager to be responsible for strategic planning then they need to say that and does not necessarily have to be in the Charter. Commissioner Metcalf stated the things they want the City Manager to do are in the Charter and did not believe they had been done. He stated that strategic planning is an aggressive effort by the City Manager to make sure the Commission knows where they are headed and that they address issues that are facing them. There was further discussion on the City Manager's position and the Charter. Commissioner Eckbert stated he would not change anything in the Charter. Commissioner Diebel reiterated that the City Manager produce a strategic plan concurrent with the strategic objectives that are set by the Commission, review it on a quarterly basis that is tied with fiscal budgets, and that it be a primary responsibility.

Commissioner Bridges agreed with what Commissioner Diebel stated with one exception; she still believed that it was the responsibility of the Commission to develop the strategic plan and then as Commissioner Diebel indicated, the City Manager implements it, brings it for review and measures all the actionable items they deal with, and leads the Commission, gives them the facts and alternative actions. She believed the citizens expect them as the elected officials to carry their vision forward and that is where the course of actions shifts and changes. She thought that the Charter covered the language and they should take the items that they feel have been deficient and craft the language they want.

Human Resources Director Anna Currie summarized what the Commission wanted to consider: that the City Manager needs to put City policy and goals into context both financial and long term consequences; they need more analysis of issues and stated alternatives; they need increased productivity choices with cost analysis attached with that; and they need to keep the policies and goals expressed by the Commission in front of them so it is not forgotten. She stated that none of these things were in the Charter. Commissioner Eckbert agreed.

Commissioner Diebel commented that they have identified the need for a planning skill and implementation ability because so many of their issues are around growth policy. Commissioner Bridges commented that the planning expertise may not necessarily be what is needed for the City Manager's position and she heard an acute understanding of the financial implications and ability to personally plan and strategize and to keep things moving forward. However, she stated that she agreed that there are planning issues that keep coming forward but did not believe that the City Manager's background needed to be in that area but he needed to be able to manage someone in that position.

Mayor Strong suggested they try to create some language emphasizing the things they think are important in a City Manager. He asked if they should proceed with the search. Commissioner Eckbert and Mayor Strong agreed. Commissioner Bridges disagreed in theory and felt that the current Interim City Manager seemed to fully understand what they were looking for and she believed in promoting from within.

Mayor Strong asked about the proposals. Ms. Currie commented that she has sent out requests for proposals to five firms, one has responded that they are no longer in the municipal business but they are expecting replies by four firms by October 17. Interim City Manager Randy Knight commented that he would like the opportunity to prove that he could do the job before they spend the money on a search firm. Mayor Strong commented that he had no problem either way with the search firm or with having Mr. Knight on a one year or at will contract for a period of time and review it later on.

Commissioner Metcalf believed that Mr. Knight had significant leadership skills and a personality that will drive the Commission to perform better and preferred to move forward. He stated he would be willing to extend Mr. Knight a contract for a period of time at the next meeting. Commissioner Eckbert commented they could either consider for a vote on Monday to extend Mr. Knight's contract but not on an interim basis, but to hire him as City Manager and instruct City Labor Attorney Robin Fawsett to negotiate a contract with him and move forward or hire a search firm. This will be placed on the next

agenda on October 22; Commissioner Metcalf will call in to vote on this item since he will not be attending the meeting.

Ms. Currie explained that she would have the proposals in their Commission packets for Monday's meeting. Commissioner Eckbert stated that he would prefer not to rehash this conversation on Monday. Mayor Strong agreed. Commissioner Eckbert commented that this should be under the Mayor's Report and would not be helpful to have public input on this. Attorney Cheek commented that they were not required to do so. Mayor Strong stated it would be an item on hiring Mr. Knight or hiring a search firm.

Ms. Currie reminded the Commission it was requested at the last meeting that the reinstatement of Mr. Williams would also be an item on the next agenda. Commissioner Metcalf made a suggestion that the City Manager's review should occur in September and not in May. There was a consensus on this matter and it could be done either through the City Manager's contract or by resolution. Mayor Strong asked Attorney Cheek to draft a resolution by the next meeting if possible. Attorney Cheek agreed to do so.

The meeting adjourned at 5:24 p.m.



Cynthia S. Bonham, City Clerk