

**CITY COMMISSION WORK SESSION  
November 1, 2010**

The work session was called to order by Mayor Kenneth Bradley at 5:00 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

Members present:

Mayor Kenneth Bradley  
Commissioner Phil Anderson  
Commissioner Beth Dillaha  
Commissioner Carolyn Cooper  
Commissioner Tom McMacken

Also present:

City Manager Randy Knight  
Deputy City Clerk Michelle Bernstein

City Manager Evaluation

This meeting was a work session with no public input. Each commissioner was given time to comment and provide their own personal recommendations. Commissioner Anderson stated that Mr. Knight has done a great job in keeping the core activities of the City both effectively and smoothly and within budget and that he based his evaluation on those areas. He said that over time, as the City becomes more stable they should focus on moving toward excellence in some service areas.

Commissioner Dillaha said that she appreciates Mr. Knight's service, the history and knowledge he has with the City, his availability to meet with citizens and Commissioners when called upon and in taking great direction from the Commission. However, she would prefer to see him provide more initiative in taking responsibility to trim the budget and build reserves and to bring those issues to the Commission. She feels he should enforce and uphold all laws and ordinances and follow the City Charter rules. She mentioned that she would like him to keep the Commission fully advised on financial matters and the future needs of the City, provide better direction and supervision of the administration of departments and provide more detailed information on the debt and budget policies. She would also like more due diligence, a better plan for capital improvement spending and to improve the collection of fees and revenues from City organizations.

Commissioner Cooper noted that she would like to see a clear cost analysis and the impact it will have on their 10 year performa for decisions that are to be made concerning all policies and procedures. She also mentioned that they need to define and provide very clear goals and recommendations for next year in order for Mr. Knight to achieve a measure of success and that she appreciates dealing with him.

Commissioner McMacken said Mr. Knight has done an incredible job in running the City so it is in the black, and from a fiscal standpoint both he and staff are doing a great job. He mentioned the "where are we going" issue and said he is not sure how to figure that one out since the City Manager is given direction from 5 different Commissioners. He also said the direction will change again next year when a new Commission comes on board. He stated that he would like to have a more open and clearer communication, in a positive manner, between the Commissioners and the City Manager.

Mayor Bradley reminded everyone that this Commission rules under the Sunshine Laws. He also noted that right now during the most unprecedented economic times, Mr. Knight has done

an exemplary job in leadership, in keeping the staff on board and focused and that he has become more proactive with the daily issues and goals. He said he thinks the City is a much better place than it was 2 years ago especially during these incredible difficult financial times. He mentioned that we have 3 accredited agencies in the City; Fire, Police and Parks.

A short summary discussion followed regarding the major goals and recommendations that the City Manager should focus on. It was agreed that the Human Resources Department should compile the results of the evaluations and produce a summary list. It was noted that this summary would be most helpful to Mr. Knight so that he can then come back to the Commission with the five most important items that need to be addressed.

#### Advisory Board Reviews

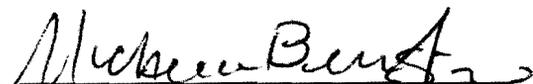
An overall discussion ensued regarding which boards should be combined, eliminated or left in place; establishing a set number of members for all boards; establishing a good board member evaluation process; enforcing board member roles and responsibilities and standardizing board memberships. They also talked about how some boards are governed by ordinances and other boards are governed by resolutions and the possibility of standardizing them.

Mayor Bradley stated that based upon their discussion, he recommends that a board member evaluation process be established and asked that the City Manager do this with staff. He mentioned that he is not sure if it needs to come back to the Commission, but would be okay if it does. He said the City Attorney suggested that 60 ordinances to cover 22 boards are too many and suggested that all existing enabling language be standardized for standing advisory boards. There were concerns regarding the cost implications. Mayor Bradley said that he does not know what it would be. It was mentioned to possibly have the City Attorney research this item. Mayor Bradley stated that he will ask the City Attorney in a public session forum on why he thinks they need to look at these items.

A consensus was reached to consolidate the Police and Fire Pension Boards. Mayor Bradley noted that this item would be addressed under a New Business Agenda item and they would calendar it at a later date so that an action can be taken.

City Manager Knight requested to schedule a shade meeting on the Fire Pension to update the Commission on the recent activity. There was a consensus to have this meeting next Monday, November 8, 2010 from 3:00-3:30 p.m. and the currently scheduled CRA Meeting will be held from 2:00-3:00 p.m. instead of 2:00-3:30 p.m.

The meeting was adjourned at 7:15 p.m.

  
Deputy City Clerk Michelle Bernstein

1. Meaningful pension plan reform.
2. Reforecast a level funding solution to Police and Fire pensions.
3. Policies reflecting best practices for defined benefit pension funding, assumptions, & audits.
4. Meaningful cost savings from operational efficiency adjustments.
5. Creative revenue enhancements.
6. Mapping of Comprehensive Plan Goals, Objectives and Policies (all elements) to implementing codes or procedures .
7. Procedures for configuration control of Comprehensive Plan.
8. National Register Historic Designation for Downtown Winter Park.
9. Improved process to require department directors to make meaningful recommendations for Strategic Initiatives.
10. Prepare a plan of action (POA) to implement strategic initiatives outlining department head who is responsible, deliverables, costs, timeline for carrying out deliverables.
11. General policy guidance for all non-profit Friends organizations.
12. Use the Fairbanks Design process as a way to implement the extensively debated Comp Plan, not as a substitute.
13. Evaluate clinic options for lower medical benefits.
14. Evaluate Mead Garden multi-year funding requirement and goals.
15. Re-evaluate competitive position of employee benefits within the area and the commission's vision of its competitive position.
16. Present draft update of City Manager job description.
17. Present quarterly updates from lobbyists regarding his / her activities on city's behalf.
18. Present a Plan of Finance that addresses, at a minimum, the amount of debt projected to be issued during the next five fiscal years.
19. Establish performance measurements and accountability for staff.
20. Direct the work of citizen boards, through staff liaisons, to ensure boards are focused on implementation of strategic plan initiatives.

21. Agenda packets to include better facts for Commission consideration when making decisions (including cost benefit analysis, cost basis for fees, implementation options, prior meetings and applicable codes/policies.)

22. Agendas limited to projects with completed staff work, clear actions and staff recommendations.

23. Press releases to avoid unnecessary focus on issues that divide our community.

- Implement all laws, policies & procedures.
- Personnel policy. - annual  
Debt Policy

**TO:** City Commissioners  
City Manager, Randy Knight

**FR:** Commissioner Beth Dillaha

**Date:** November 1, 2010

**RE:** CITY MANAGER EVALUATION

I appreciate Mr. Knight's service to the City of Winter Park. There are numerous good things about Mr. Knight, including his history with the city and his availability to commissioners and citizens. I have been a city commissioner during his first three years as city manager and this will be my third evaluation of Mr. Knight's performance as city manager. Due to a lack of improvement from the first two evaluations, and after much deliberation, I feel I must give my honest assessment of Mr. Knight's performance and my recommendations for the future.

**1) There is a failure to meet the standards of the City Charter:  
Sec. 4.05 Duties and Powers of the City Manager.**

- (a) See that all laws and ordinances are enforced. (*ordinances, policies, procedures are porous*)
- (e) Direct and supervise the administration of all departments, offices and agencies of the city.
- (g) Formulate and review annually a personnel policy for recommendation to the city commission dealing with removal policy, discipline policy and grievance procedures.
- (k) Prepare and submit to the city commission an annual report for the financial and administrative activity of the city for the preceding fiscal year.
- (i) Prepare and submit to the city commission current reports on all matters affecting policy and such other reports as the commission may require...(*debt policy, budget policy, pension policy, etc*) (*ex. Asking for approval on a \$9M AMR financing without bonding policy, bond ratings, back-up for decision*)
- (m) Keep the commission fully advised as to the financial condition and future needs of the city and make such recommendations to the commission concerning the affairs of the city, as he deems desirable.
- (n) Keep the public informed, through reports to the commission, regarding the operations of the city government.

**2) Employment Contract Between City Manager and City:** Section 2 Duties and Authority: Employer agrees to employ Employee as City Manager to perform the functions and duties established by the City Charter and the Code of Ordinances of the Employer and to perform other legally permissible and proper duties and functions for the benefit of the City.

- 3) Lack of improvement in performance since last review.** After having reviewing last year's evaluations, I do not see marked improvement in the areas of fiscal management, organizational management (include creating standards for accountability) and leadership skills.

**4) Management Skills, Management Style and Experience Are Not Commensurate with Needs of City.** The challenges and issues facing the city are increasingly more complex. I have concerns with the following:

A. Inability to Stay Ahead of Issues (examples include pensions, Friends Groups policies, budget constraints / declining revenues). Issues often times escalate into crisis creating community divisiveness and doubt (Tennis Center, FPP)

B. Inability or unwillingness to set and demand high standards for our city including code enforcement and management of important city assets: parks, tree canopy, and tennis facility. Lack of active management of these assets resulted in outside organizations attempting to fill the void.

C. Inability or unwillingness to use objectives, goals and policies of the Comprehensive Plan as benchmarks for decision-making (for Boards, parks, conservation areas, historic preservation).

D. Passive Management Style: Reactive vs. Proactive (Impact Fee Ordinance, loose purchasing policies, not fixing ordinances and policies.) I expect more initiative, leadership and proactive work product from the city manager.

E. Inability to separate loyalty to staff from recommendations that are in the best interest of the city.

F. Ineffective communication from commission to employees: Mr. Knight did not communicate to staff the reasons or needs to reduce or change employee benefits resulting in misunderstanding and speaking against commissioners. Lack of professional discernment: my initial "request for information regarding employee benefits" was unnecessarily e-mailed throughout city departments creating animosity.

G. Lack of initiative in communicating strategic initiatives to city boards to provide for productive boards and good utilization of staff time. Commission directed Mr. Knight, in 2008, to develop orientation programs, to provide more thorough descriptions of board requirements and to keep the commission informed with periodic reports.

H. Continued inability or unwillingness to provide the commission with adequate information for decision-making: including failure to provide ordinances, policies and procedures as a basis for decision-making. There has been a continued failure to achieve high standards by not confronting substandard due diligence and staff recommendations resulting in an ongoing culture where inattention to detail and incomplete due diligence have become the norm.

Mr. Knight has accepted such performance in each year of his tenure. As a commission, we have been accused of micromanaging our city government. However, that micromanagement has been vitally necessary as dictated by the laissez-faire management style. In addition, it has resulted in commissioners filling the management void with less time to focus on policy and "big picture" work.

Time is wasted and decisions are delayed when we are forced to send staff back to the drawing board because they have not even considered questions that are obvious to the commissioners.

**Fiscal Management:** During last three years of creating the annual budget, the City Manager did not demonstrate initiative in recommending reductions in budget to deal with declining revenues and increasing debt. A plan was not presented for achieving the level of reserves articulated in the city's debt policy: 30% of expenditures. Every year for three years, commissioners had to do the work to find areas to decelerate spending and instruct the city manager to rework the budget in order to build reserves as needed for the city. Commissioners had to insist on the presentation of information, such as a ten-year trend of revenues and expenditures, disclosure of employee benefit plans and associated costs and current and future pension obligations.

Mr. Knight hired the Assistant City Manager for her experience in "performance based" budgeting yet the budget process remains the same as has been for years.

(See pg 4 minutes:

[http://www.cityofwinterpark.org/2005/govt/minutes/12\\_10\\_07rs.pdf](http://www.cityofwinterpark.org/2005/govt/minutes/12_10_07rs.pdf))

Lack of initiative and leadership in managing the Capital Improvement Budget: no formula, method or policy for allocating funds to ensure capital improvements are funded.

Mr. Knight did not conduct a thorough benefits study or present a thorough analysis as directed by the city commission in 2009 in order to make comprehensive adjustments to benefit plans.

Mr. Knight failed to inform the commission as to upcoming financial obligations that we would need to deal with, most particularly the city's annual contributions to police and fire pensions.

Failed to provide quarterly lobbyist reports (of lobbying activity) for the city commission as requested last year.

City policy has included a "pay as you go" method of funding projects. There was no plan in place for paying for pension obligations as we go forward. Without commission involvement, the "plan" would have resulted in bonding / borrowing to meet the financial obligations.

Failure to apply and collect fees fairly resulting in lost revenue to the city and non-adherence to city's fee and rate schedules. Two examples include 1) failure to charge a soccer organization approximately \$80,000 in fees in 2009 and 2) waiver of impact fees owed by a new Park Avenue restaurant.

Details of the Commuter Rail Agreement between OC and WP were overlooked; particularly the open-ended nature of the 99-year contract and the resultant impact on the budget and bond ratings. The opinion of the city manager was to let future commissioners deal with it.

Lack of long-term (3 to 5 years) planning outside of the one-year budget cycle.

## RECOMMENDATION

We want the best possible person guiding the city. Mr. Knight is a fine person. My recommendations have nothing to do with personality but everything to do with experience and managerial skills and the future of our city. Mr. Knight moved into this position upon termination of the previous city manager and, at the same time, walked into – arguably - the most challenging time of our city in terms of budget constraints and complexity of issues. At that time, then-commissioners expressed the need to update the qualifications and experience for the city manager position and conduct a nation-wide search. *(A nationwide search, as well as drafting new city manager job description and qualifications, was initially recommended by the 2007 commission upon terminating previous city manager:*

*[http://www.cityofwinterpark.org/2005/govt/minutes/10\\_08\\_07.pdf](http://www.cityofwinterpark.org/2005/govt/minutes/10_08_07.pdf), pgs 4 - 7)*

As commissioners we are responsible for the hiring of two key city positions: the city attorney and city manager. These positions are critical for efficient and effective city operations. In the business world, when things are not working in a positive manner, changes and reform are mandatory. City business should be handled no differently.

It is also the city commission's responsibility to ensure the standards of the charter are adhered to and I am striving to get back to meeting those standards.

I care about our city. The city needs and deserve a city manager with strong leadership skills and initiative. This was my recommendation last year and I make the same recommendation this year as well.

I recommend the following actions:

- 1) Rewrite the duties, powers and responsibilities of the city manager
- 2) Outline the experience and accomplishments required for a city manager of Winter Park
- 3) Conduct a nationwide search for a city manager