



**City Commission Retreat**

**Alexander Hotel  
5225 Collins Avenue  
Parlor Room  
Saturday, May 18, 2012**

Mayor Matti Herrera Bower  
Vice-Mayor Jerry Libbin  
Commissioner Jorge R. Exposito  
Commissioner Michael Góngora  
Commissioner Edward L. Commissioner Tobin  
Commissioner Deede Weithorn  
Commissioner Jonah Wolfson

City Manager Jorge M. Gonzalez                      Came in at 3:30 and left at 4:30 p.m.  
City Attorney Jose Smith  
City Clerk Rafael E. Granado

See sign-in sheet.

**2012 CITY COMMISSION RETREAT – DAY I**

***Note:** Commission Retreat, Parts I, II and III were audio recorded. Part II and III were videotaped, but not aired on the same day, due to location. Video is available online at the following link: <http://www.miamibeachfl.gov/cityclerk/scroll.aspx?id=66724>*

**RECOMMENDATIONS:**

**SELECTION OF TOP FOUR OR FIVE EXECUTIVE SEARCH FIRMS** and place item on the June 6, 2012 Commission Agenda. **Commissioner Weithorn and City Attorney Smith to handle.**

**SELECTION OF INTERIM CITY MANAGER** – Job Posting and Resumes Acceptance Process from May 21, 2012 to the end of business day on May 30, 2012.. **Rafael E. Granado, Commissioner Weithorn, and City Attorney Jose Smith to handle.**

**CITY MANAGER RESTRICTIONS**

- Must provide 24-hour prior notice of any personnel actions including, but not limited to, hiring, termination, demotion, promotion, reclassification or change of salary/compensation/benefits. (any personnel move), of any City employee generated by the Manager, the Human Resources Director or any other hiring authority. Any contracts entered must first be reviewed and approved by City Attorney, Jose Smith, or designee. **City Manager Jorge Gonzalez, Ramiro Inguanzo and City Attorney Jose Smith to handle.**

**DROP LIST**

- Provide list of employees eligible to retire in the next sixty (60) days. **Ramiro Inguanzo to handle.**

**RECOMMENDATIONS (Continued):****CITY MANAGER'S SEPARATION PAY**

- Legal Department to provide Commissioners with an assessment of what the City Manager is entitled to as separation pay pursuant to the his contract. **City Attorney Jose Smith and Chief Deputy City Attorney Donald Papy to handle.**

**CITY CHARGER AMENDMENTS**

- CITY CLERK REPORTING TO CITY COMMISSION
- City Charter amendment process to change the City Clerk to report to the City Commission and place item for discussion in the June Commission Agenda and the Charter Question in the July Commission Agenda. **Rafael E. Granado, City Clerk, to research and work with Commissioner Weithorn. City Attorney Jose Smith to draft Charter Question for the November 6, 2012 General Election.**

**AMENDING LANGUAGE - APPOINTMENT POST ELECTED OFFICIAL RESIGNATION**

- Charter Change to clarify ambiguity in appointment language relating to appointment post notification of resignation but prior to Commissioner vacating seat. **City Attorney Jose Smith to place on Commission Agenda.**

**TOWING FEES**

- Item to be placed in July before the Commission or a Commission Committee. **Saul Frances to handle.**

**SURVEYS**

- Include any modifications of 10% percent in any direction.
- Provide Benchmarks to Commissioners. **Kathy G. Brooks to handle.**

**INSPECTOR GENERAL**

- Invite Inspector General or designee to attend the June 6, 2012 Commission meeting to discuss proposal. **Ramiro Inguanzo to handle.**

**MISCELLANEOUS REQUESTS:**

- No proclamations to be placed in the June 6, 2012 Commission Agenda.
- Include LTC number at the end of the title in the subject line when distributed by email. **Rafael E. Granado to handle.**

End

Meeting started at approximately 10:25:19 a.m.

**REVIEW MEETING MANAGEMENT/RULES OF ENGAGEMENT:**

Dr. Rick Jensen, Ph. D., founder of the Performance Center, facilitated the meeting. He explained the process and added that the public present will be observers, and that there will be no public input solicited. He stated that he spoke to Jorge Gonzalez, City Manager, and asked him not to be present due to the nature of the discussion, but he is available if needed.

Commissioner Wolfson made a motion to move the meeting to the Commission Chambers. No second offered.

Commissioner Tobin believes that depending on what is being discussed, parts of the meeting could be televised, and added that he does not want to have substantive discussion unless the

meeting is televised; however, if someone makes a great argument as to why this should not be on TV, then he will consider.

Commissioner Exposito also expressed his concerns; this is an opportunity to honestly speak to one another, and understand where each person is coming from and allow this body to make decisions. He finds Retreats build rapport for the betterment of the community. It is not open for public comment. He emphasized that they bring critical planning, and he is concerned that a decision was taken without properly discussing out the consequences, and that is where they are here for, to discuss the consequences, how to move forward, set up succession plan, look at employees, understand and have process for retention of key employees, figure out expectations as a body and come back to Commission based on these discussions, then get public input.

Commissioner Góngora added that this is not a usual retreat; they're dealing with important issues with the City Manager's issue, and he sees both sides of the argument, as it is a big topic; but they need to have a frank discussion, and at this time, changing the venue would only delay the work ahead.

Commissioner Weithorn explained that she reviewed the Agenda carefully and the plans for succession guidelines, the criteria and outlining the process, these are things they need to interact with and the Commission Chambers is difficult to do. The high priority decision making items should be heard in the Commission Chambers at a public meeting.

Discussion continued regarding consensus on venue and days to be televised or not.

Vice-Mayor Libbin explained that they merely need to plan; this is a planning retreat; these are significant planning issues, other than the recruitment of a manager or interim, for example, how is the government moving forward in the short-term; budget process, key employees leaving, so they need to discuss and plan; there is a lot of process, and once they get there, the discussion and decision making can be viewed by the public in the Commission Chambers.

Commissioner Wolfson stated that the concept is that the process should be public, not necessarily the concept of the TV, and this concept of playing to the public he does not get; as Commissioners, they work for the public. He will participate, whatever the decision.

Discussion continued.

Dr. Rick Jensen, Ph. D., explained that during the retreat, if they reach a place where they believe public exposure is needed, to notify him. Discussion continued.

Commissioner Wolfson suggested bringing the mobile AV Department to videotape the Retreat.

Videotape will begin after lunch. It was agreed that the City Manager will be notified that he is welcome to come any time after lunch.

Dr. Jensen continued saying that he will ask for input and will summarize at the end. He reiterated the importance of having balance during the retreat. He is looking for consensus, vision where they want to move the City, input, choices to be made, points of view and compromises.

#### **PLAN FOR CITY MANAGER SUCCESSION:**

##### **1) SELECTION PROCESS**

Commissioner Tobin explained that it is critical that the Commission has control as to what the

City Manager can do within the next sixty days and suggested discussing the critical and transitional issues, such as the Interim City Manager selection.

Commissioner Wolfson expressed his concern that there should not be any game playing in the next 40 to 60 days; the City Manager should be the caretaker and that should be impressed upon him as a group.

Dr. Jensen explained that in the afternoon the Interim Manager selection will be addressed, and stated that the Selection process must be designed with specific criteria. He suggested reviewing the process conducted by the City in the past.

Commissioner Weithorn suggested bringing a copy of the ICMA Best Practices publication that tells exactly what to do to hire a City Manager. **Alex Fernandez to handle.**

Dr. Jensen summarized the rules and the eight-month process used in the 2000, which consisted of:

- Commission Appoints Selection Committee/Blue Ribbon Panel
- Selection of Executive Search Firm
- Commission to Identify the Criteria of City Manager
- Selection Firm Conducts Job Announcement
- Search Firm Receives and Reviews Resumes
- Search Firms Conducts Interviews
- Search Firm Selects Finalists
- Search Firms Conducts Background Search
- Panelists Interview for half an hour with a ten-minute presentation

Commissioner Wolfson stated that the Commission abdicated an important role by selecting a few people who selected the City Manager.

Vice-Mayor Libbin suggested having a three-member panel subcommittee of the Commission to go through and work with the Search Firm and look at the finalists.

Commissioner Weithorn stated that she spoke to the recruiters and she believes that everyone should review the information but the City Commission should get the right recruiter.

Commissioner Tobin stated that his wife is a recruiter; and she explained to him that one does not hire one recruiter; rather, the best practice is to have the firms compete and they will provide the best selection.

Commissioner Weithorn added that this is not the best way to recruit in the public sector and meetings will have to be advertised. Discussion continued.

Commissioner Wolfson asked if an RFP can be placed on the Agenda at the next Commission Meeting; then waive competitive bidding.

Commissioner Exposito stated that everyone that is a City Manager belongs to ICMA; and he has spoken to national recruitment firms and at a minimum it takes four to five months once the ground rules are in place before names are provided to the City Commission. He added that they need to identify the criteria they want, bring them forth and provide that information at the Commission Meeting and conduct the firm search.

Discussion held regarding process and criteria.

Commissioner Wolfson stated that this has to be done by experts, and they also should be involved; this Commission concurs that the Commission play the secondary role, and begin the process to get the search firm on the way; his request is to allow the names ICMA has and a decision be made at the next Commission Meeting.

Discussion continued.

Commissioner Weithorn suggested:

- Obtain names of multiple firms used from ICMA
- Contact multiple firms recommended based on the criteria – **City Attorney to handle**
- Commissioner Weithorn and City Attorney's Office to work and prepare package

### **COMMISSION'S ROLE AS PANEL MEMBERS**

Dr. Jensen clarified that the consensus is for a seven member panel from the Commission to select the Search Firm, determine the finalists and conduct interviews.

Commissioner Wolfson notified that he must leave at noon.

Commissioner Góngora disclosed that he must leave at 4:25 p.m.

### **City Commission - List Of Top Five Selection Criteria For The Position Of City Manager**

Vice-Mayor Libbin:

- 1) Experience and number of years in a comparable municipal position
- 2) Tourism-based experience
- 3) Experience in management of personnel and criteria, interpersonal management experience
- 4) Experience in dealing with redevelopment areas
- 5) Personal experience in putting together a municipal budget

Mayor Bower:

- 1) Experience working in a municipality diverse as Miami Beach, not just ethnic diversity but also socio-economic diversity
- 2) Knowledge of tourism
- 3) Experience in obtaining citizen input
- 4) Knowledge in tourism fluctuation
- 5) Experience of Convention Business
- 6) Professional, open and fairness

Commissioner Góngora:

- 1) Experience in education, working with similar type organizations
- 2) Budgetary knowledge and financial experience
- 3) Construction knowledge and experience in handling Capital Projects
- 4) Sensitive to the needs of a diverse community
- 5) Moral and ethical integrity

Commissioner Exposito:

- 1) Strong financial background and budgetary experience
- 2) Educational experience, background in urban planning
- 3) Understanding and experience in handling large scale CIP projects
- 4) Large City experience in a diverse and well class community

- 5) Strong managerial experience, ability to identify and deal with process management (Sig Sigma)

Commissioner Weithorn:

- 1) Prior experience with a community of varied economic base
- 2) Transparent and accountable to the elected body and residents as a whole
- 3) Hard working and going to lead by example
- 4) Experience in diverse and competing community needs
- 5) Strong negotiation skills

Commissioner Tobin:

- 1) Integrity
- 2) Brilliant; quick study
- 3) Leadership passion and diplomacy
- 4) Core values

Commissioner Wolfson:

- 1) Understand his/her role and serve the Commission (responsive to the Commission)
- 2) Apolitical; someone who does not play politics
- 3) Fresh and endured, not a bureaucrat
- 4) Consistent and hard working
- 5) Smart

Discussion continued regarding criteria selected in common, such as comparable experience, tourism, diversity, core values, etc.; and regarding cities that use best practice and competing search firms.

Meeting was recessed at 12:15 p.m. for lunch.

Meeting reconvened at 1:53 p.m.

Mayor Bower and Commissioners present; Commissioner Wolfson Absent.

**DEFINING CITY MANAGER CRITERIA AND PRIORITIES**

Dr. Jensen distributed a list of City Manager Criteria priorities and instructed the City Commission to prioritize; 25 items and place up to five points (for value); five being the highest; in order to get a sense of what the priority items.

Below is a summary of the rated criteria.

Integrity	6
Brilliant	1
Passion	1
Leadership	2
Diplomat	1
Prior Experience with Community with Varied Economic Base	12
Transparent and Accountable to Elected Body & To Residents	8
Hardworking / Lead by Example	7
Experience with Diverse & Competing Community Needs	4
Strong Negotiation Skills	12
Subordinate / Serves Commission & Electorate in Turn	7

Apolitical	0
Fresh / Doer / Not Bureaucrat	3
Consistent & Hardworking	5
Smart	5
Experience / Education with Similar Organization	8
Budgetary Knowledge & Financial Experience	13
Construction Knowledge / Experience Handling Capital Projects	3
Sensitive to Needs of a Diverse Community	1
Moral & Ethical Integrity	6
Strong Financial & Budgetary Experience	12
Urban Planning Education & Experience	1
Experience Handling Large Scale CIP Projects	8
Experience with Large City with Diverse Community	9
Strong Managerial Experience (Process Mngt., Six Sigma)	12
Experience in Comparable Position	3
Tourism-Based Experience	2
Management of Personnel & Unions Experience	2
Experience of Re-Development	4
Experience / Talent with Municipal Budget	0
Worked in City of Diversity (Ethnic, Socio-economic)	5
Knowledge of Tourism / Fluctuation	0
Works with Citizen Input	1
Knowledge of Convention Business	4
Professional, Open, Fair	1

In summary:

**STRONG FINANCIAL AND BUDGETARY EXPERIENCE** 29

What: Demonstrates a working knowledge of, understanding of and appreciation for government budgets (not necessarily having to have worked in government),  
 How: Someone who has managed a budget within a complex organization (or a large division of a complex organization)

**COMPARABLE EXPERIENCE** 20

What: Large scale organization with multiple departments with varying responsibilities and structures; not limited to public sector management  
 How: big city municipality (not bedroom community), large scale private sector organizations,

**DIVERSITY** 19

What: Experience with and sensitivity to wide range of diverse populations (socioeconomic, ethnicity, sexual orientation, tourist, residents, businesses) who compete for finite resources  
 For example: Live or work in large metropolitan, diverse area, work among a diverse population

**RESPONSIVE TO A BOARD / TRANSPARENCY / ACCOUNTABILITY** 15

What: Has demonstrated that they have successfully shared information with others, are responsive to others,

and are accountable to others within the organization  
 (e.g., board, business partners, shareholders, citizens, commission)  
 How: Managers with more responsive, inclusive style of  
 management; not autocratic, dictatorial, outcomes at any cost

**NEGOTIATING SKILLS** 12

What: Proven record of successful negotiations  
 Examples: Union negotiations, contract negotiations,  
 real estate development contract negotiations, joint ventures,  
 mergers and acquisitions

**STRONG MANAGERIAL EXPERIENCE – PROCESS MANAGEMENT** 12

What: Minimum 7 years of executive management experience,  
 demonstrate mastery of business analytics, benchmarking,  
 measurement, strategic planning, business planning integration,  
 deployment

**CAPITAL IMPROVEMENTS/CAPITAL PROGRAMS/INFRASTRUCTURE** 11

What: Has experience with oversight of projects of  
 substantial size (over \$100 million)

**2:54:31 p.m.**

Commissioner Wolfson came in at 2:55 p.m.

Jorge Gonzalez, City Manager came in at 3:00 p.m.

**3:35 p.m.**

Recess

Discussion was held regarding agenda items for Part II of the Retreat.

Meeting adjourned at 4:22:40 p.m.



# MIAMI BEACH

## City Commission Retreat

Alexander Hotel  
5225 Collins Avenue  
Parlor Room  
Sunday, May 19, 2012

Mayor Matti Herrera Bower  
Vice-Mayor Jerry Vice-Mayor Libbin  
Commissioner Jorge R. Exposito  
Commissioner Michael Góngora  
Commissioner Edward L. Commissioner Tobin  
Commissioner Deede Commissioner Weithorn  
Commissioner Jonah Commissioner Wolfson

City Manager Jorge M. Gonzalez                      Absent  
City Attorney Jose Smith  
City Clerk Rafael E. Granado

See sign-in sheet.

## 2012 CITY COMMISSION RETREAT – DAY II

Meeting started at approximately 10:01 a.m.

Dr. Rick Jensen, Ph. D., founder of the Performance Center, facilitated the meeting and distributed brochures and pamphlets along with the criteria information accomplished on Day 1 of the Commission Retreat.

Discussion was held regarding Executive Search Firm selection process.

Commissioner Tobin stated that the search is to find the best City Manager possible and there are experts in the subject and he wants an expert to decide.

Discussion held and there was consensus that the City needs an expert firm.

Dr. Rick Jensen suggested for Commissioner Weithorn and Jose Smith, City Attorney, speak to the executive search firms and include Commissioner Tobin’s wife, who is knowledgeable in the subject.

Jose Smith, City Attorney, stated that the 2000 search was not complicated, it was delayed because the Blue Ribbon Panel took a long time to decide they wanted to interview prior City Managers, but it only cost the City \$15,000; there was a \$20,000 contract payable over time, and \$6,000 for expenses, and they came back with names in less than 90 days; the Blue Ribbon Panel may not be something that the Commission wants to be done this time around, as the Commission wants the City Manager responsive to the entire City Commission.

Mayor Bower stated that it’s important that the selected individual has integrity, bring people together, is passionate about the City; she is willing to work with everyone and is listening to all, but she wants a clean and fair process, so this Commission can be cohesive again for the

betterment of the City and the community.

Commissioner Wolfson sincerely wants to be part of this Commission and rebuild the City.

Discussion continued on search firms.

Dr. Jensen stated that the alternative will be to look at multiple firms, but when firms become "agents" they do not look at the best interest of the City, and suggested moving forward with the agenda.

Commissioner Exposito asked if they want to spend time with the Interim Manager selection or rather go on a month-to-month with Jorge Gonzalez as City Manager.

Commissioner Wolfson does not think is positive to extend the contract on a month-to-month basis, and he suggested Bob Parcher for the Interim position, but he declined.

Commissioner Weithorn asked that they move to pass this, and stated that a compromise would have to be reached.

Commissioner Góngora is not in agreement to keep the City Manager on a month-to-month, and wants to move forward.

Vice-Mayor Libbin stated that the first thing they should do is to find the scope, what are the priorities identified, where are they, they have the budget and processes that must move forward, they need a team in place and certain ACMs are not going to be here; and key issues have to be continued and dealt with.

Commissioner Tobin explained that during his tenure for a decade, there has been corruption in the Code and Building Departments; there are police problems and flooding issues, and he will be voting no to continue on a month-to-month.

Dr. Jensen clarified that since there is consensus not to continue the City Manager's contract on a month-to-month basis, they should address the process of an Interim City Manager.

Discussion continued.

Mayor Bower believes that the best thing is to keep the current City Manager, but the distrust is so big among some Commissioners, that it is unhealthy to keep him and is best to select someone that will help the City in moving forward.

Discussion held.

Dr. Jensen stated to keep each other in check and he wants them to stay cohesive; there are differences and they are to be discussed in a proper way. Mayor Bower said it well; the differences exist around the current manager and is divisive among this group; there is a need to move on.

Commissioner Wolfson understands the concept that Commissioner Tobin brings on, and added that he cannot conceptualize keeping the current City Manager on board for more than sixty days.

Commissioner Weithorn suggested moving forward and to focus on the Interim City Manager and

Commissioner Góngora agreed.

Mayor Bower excused herself and stated she will return in about half an hour but wants the meeting to continue. She does not have any names to submit for Interim City Managers, and wants to know who is nominating candidates, who they are being sponsored by; how much are they going to spend, etc.

**INTERIM CITY MANAGER SELECTION PROCESS:**

Dr. Jensen explained that for this to be done by June 6, the criteria should be:

- What projects are being done and move forward
- Compensation
- What is the process for soliciting candidates
- Procedure for bringing candidates in
- What are the deadline
- What method will be used for screening
- Completion date for all screens
- Once everyone is screened, is it going to Commission
- Post approval – Transition from current City Manager to Interim City Manager process

There was consensus that the Interim City Manager will not apply for a permanent position.

Discussion continued.

Vice-Mayor Libbin would like to discuss the authority of the Interim and stated that the goal is to select an Interim that will keep the City moving forward.

Commissioner Wolfson explained that this has to be a unanimous vote, and the Interim City Manager's goal is to steward the City for the next few months.

Discussion continued.

There was consensus for the Interim City Manager to steer the ship and move along the processes, such as the Convention Center, RFP or RFQ's but not a policy-maker. Steer the ship, not set the course.

There was discussion held regarding compensation and benefits and compensation package. There was also discussion as geographical limitation of the candidates, and term end. The agreement was a compensation of \$150,000 to \$200,000 as reasonable salary.

Commissioner Weithorn suggested \$20,000 a month.

Commissioner Góngora would prefer a local candidate.

Commissioner Exposito stated that he would prefer local candidate, but does not want to rule out candidates from out of state willing to relocate.

Discussion held.

Commissioner Weithorn recommended submitting resumes to the City Clerk.

Discussion was held regarding the process to follow.

Commissioner Góngora suggested holding a public meeting televised but not live.

Commissioner Weithorn asked the City Attorney's Office to give the City Commission guidelines as to questions to ask candidates. **City Attorney's Office to handle.**

**INTERIM CITY MANAGER PROCESS RECOMMENDATION:**

- Resumes to be submitted to the City Clerk by noon May 30, 2012.
- Guidelines for questions to candidates are to be prepared by the City Attorney and submitted to the City Commission
- Post process on City's website
- Mayor and Commission to rank from one (1) to five (5), five (5) being the highest, after deadline has been met by June 1st
- Allow Video Conference Call/Skype
- Advertise Commission Interview – No public input
- Commission Interview for top candidates to be held June 4, 2012 at 9 AM
- Top Six Candidates to be scheduled every hour
- Videotape meeting in Commission Chambers (not live)
- City Clerk to contact top finalists
- Bring back to Commission on June 6, 2012
- No Proclamations at the June 6, 2012 Commission Meeting
- Cone of Silence will be in place as suggested by City Attorney Jose Smith
- Reach out to the Florida League of Cities

**SCOPE OF LIMITATIONS/POWERS OF THE CITY MANAGER:**

Commissioner Tobin suggested limiting the power of the City Manager, set the parameters, such as appointments to Pension Board, inability to terminate Classified or Unclassified employees, and he is concerned about the compensation package. He wants to exercise a gentleman's agreement, one in which the City Manager will manage discretion. Discussion held.

Jose Smith, City Attorney, explained that there is an oversight that the Commission has over the City Manager pursuant to the Charter; however, the City may need to hire a Risk Manager, and a Special Master, Firefighters and/or Police officers; if the City Manager cannot conduct the ministerial and administrative decisions to carry out business that violates the Charter. If the Commission does anything that may prejudice the City's legal position on something, if the Commission is concerned about a whistle-blower or someone being hired or fired inappropriately, then the Commission can do some oversight.

Discussion continued.

Commissioner Wolfson suggested without regard for salary, 24 hour notice is given before a move is made. He knows that this City Manager will do the right thing, but this Commission needs that period of time of any contract or employee moved at any level.

Commissioner Weithorn added that the Commission be notified of any demotion and/or promotion moves.

Jose Smith, City Attorney, suggested that the Commission can authorize that prior to any

termination the issue has to be brought to the City Attorney's Office for a legal determination, whether it may have an adverse impact on the City's financial health.

Commissioner Wolfson did not agree, as it complicates things. Instead, he prefers a proper notice be sent by the City Manager to the Commission by electronic means.

It was agreed that the City Commission will be notified of all personnel decisions, including promotions, demotions, reclassification, hiring, changes in compensation and changes in benefit. The City Commission wants to protect the City employees, it is an important action.

Commissioner Tobin was concerned that Code Enforcement Director Robert Santos, who he thought was a whistle-blower, could be potentially retaliated against; he is in a middle of an investigation, so it is not only the Manager's decisions that are going to be of concern over the next sixty days, but also the role of the Human Resources Director.

Dr. Jensen clarified that the Commission wants to "radar" areas and get up-to-date information on process, and he suggested allowing things to move forward on significant issues, such as the Convention Center or Lincoln Lane projects, budget, etc.

Jose Smith, City Attorney, stated that there are no decisions that need to be made by the City Manager on those significant issues.

Discussion was held regarding appointment of City Manager of himself to the Pension Board, which he rescinded subsequently.

Commissioner Tobin wants to meet with ACM's and Department Heads as a method to transmit information to employees from the City Commission as to what is transpiring.

Commissioner Weithorn explained that this Commission is sending a strong message to City personnel that there is a transition plan in place and this is being taken very seriously. She asked for guidance as to how to relay the message.

Discussion continued.

Jose Smith, City Attorney, added that the City Manager should understand that this Commission needs to speak to ACM's and Department Heads, and this Commission has leverage in deciding what to do in order for the City to run.

Discussion held.

Commissioner Tobin suggested the Mayor and Commissioners to meet with ACM's and Department Heads; however, City Attorney Smith explained that the Charter does give the Commission the authority to investigate and meet with employees.

Commissioner Góngora suggested scheduling a luncheon with all ACM's, Department Heads and Division Directors to meet on Commission meeting date, and this was agreed unanimously.

**TO DO:**

1. List of all employees in the DROP
2. Date when DROP ends
3. List of individuals eligible for retirement within the next sixty days

Recess for lunch around 12:39 p.m.

Meeting reconvened at 1:45 p.m.

Vice-Mayor Libbin suggested for Legal to provide an assistant to guide the Commission as to what the City is obligated to do.

Commissioner Exposito requested a proposal of what the City Commission obligations are.

Discussion continued.

**CHARTER QUESTION - CITY CLERK REPORTING TO THE CITY COMMISSION:**

Commissioner Weithorn stated that in many municipalities the Clerk reports to the City Commission, since they are the custodian of records, this is a Charter change, and that's why she brought it up. The difference is that it insulates and protects the Clerk, and since the City Manager and the City Clerk positions are under change, this is the best time to do this. In this instance, the Clerk would have to report to the Commission and submit their budget to the Commission.

Discussion held.

Jose Smith, City Attorney, suggested that the item be referred to the 2013 Charter Review Board for discussion.

Commissioner Góngora suggested working on the Charter question with the City Attorney, bring it to the City Commission and put it out to the voters.

Commissioner Weithorn suggested working with City Clerk, Rafael Granado, to compile the list of municipalities reporting to the City Commission. **Rafael Granado to handle.**

Mayor Bower wants to know the difference between having the Clerk reporting to the City Manager or the City Commission.

Discussion continued.

Commissioner Libbin suggested placing the item of the City Clerk reporting to the City Commission Charter question for the November election on the agenda at the June 6, 2012 City Commission. **City Attorney's Office to handle.**

**COMMISSION SALARIES:**

There was discussion on the item and consensus to refer to the Charter Review Board.

**MASS TRANSIT CONNECTIVITY STUDY:**

Rick Jensen, Ph.D., asked if this item was placed on the agenda, and explained that he has some materials for distribution.

Commissioner Tobin explained that they do not have anyone in the City and they should recruit, perhaps this is a task for the permanent City Manager when selected. He suggested recruiting someone who will have a very serious passion of how we are going to get around the City in terms of pedestrians, bicycles and cars, and potentially mass transit.

Discussion held.

Vice-Mayor Libbin suggested looking at mass transit connectivity to the mainland. He added that the last time this was looked at was in 2005, the Baylink project.

Commissioner Wolfson asked if Vice-Mayor Libbin is supportive of Baylink and Vice-Mayor Libbin stated that it should be looked at.

Commissioner Tobin does not agree with William Carey all the time, but he is passionate. If they could find someone similar, that had equal passion for this particular subject matter, it will pay dividends in the decades to come. He wants to get someone to push our agenda; someone who is excited and passionate on the subject.

Commissioner Weithorn stated that both the Connectivity Study and Transit Loop in her opinion are budget items, and she dislikes taking things outside the budget cycle, unless they are emergencies.

Commissioner Tobin stated that the reason the City Manager put this on the Agenda, is because he was not sure that there was a real appetite for it; they have talked about this stuff in the past and he wanted to make sure there was a real appetite to make this something that they talk about in the budget. He asked if they want to fund this position and make a move in that direction.

Commissioner Weithorn stated that she wants to know what is going to cost and what has to be given up to fund it.

Commissioner Wolfson thinks they should make it a priority and added that one of the groups most affected by the transportation issue, every time the Director in Miami-Dade County makes the slightest change, the elderly get hammered. He get the calls. If they had a strong advocate in house; an advocate who knows how the routes are made and looked at for the City, and try to build a future plan, he thinks it would be a great thing, such as having a traffic engineer on staff whose sole job would be to fight that battle.

Gabrielle Redfern asked the Administration to advocate and explain the reason why this item is here before this Commission; she stated that there are some things in play this year with the PTP, everybody's PTP is up for re-negotiation and it was her understanding that before the Administration engaged on a trip regarding transit that the Commission would decide.

Rick Jensen, Ph.D., asked the Mayor and Commissioners if they are not making decision on this item, since this is to determine whether they want to move forward, that Ms. Redfern can consult directly with the Administration at a later date.

### **ELECTION CYCLE**

Discussion was held regarding Election versus appointments. Language is to be clarified by Charter Amendment. Item referred to the Charter Review Board.

Commissioner Wolfson asked that language be clarified in regards to the petition validation and fines upon submittal.

**ITEMS REFERRED TO THE CHARTER REVIEW BOARD:**

1. Ballot Question – Election versus Appointment when Commission vacancies occur
2. Ballot Question – Commission Salary

**TOWING AND TERMINAL ISLAND:**

Commissioner Tobin stated they have talked about this a number of times; it is a political hot potato and he does not know why they don't either have a tow yard across the Venetian Causeway, across the 5<sup>th</sup> Street causeway or the 79<sup>th</sup> Street Causeway. He added that towing in the Sunset Island Neighborhood does not belong there. The City is getting ready to put vehicles in the Sunset Island neighborhood and it does not belong there either. He asked a friend to look at Google maps and look at the area of Public Works over by the Fire Department, and he knows Administration said they already looked at it. This is really about the Sunset Island neighborhood and towing should be somewhere else; whether is Terminal Island or over in Miami. The towing companies do not want the towing to be out of Miami Beach because right now they hold a monopoly on the properties. He does not care if they negotiate a favorable deal with them to take away the political pressure from elected officials. Towing does not belong in Sunset Island and it must be in the Property Management area.

Commissioner Weithorn stated that they had agreed not to discuss changes in policy at this retreat and suggested the item be referred. This is a potential policy change. This should be referred to a Commission meeting.

Vice-Mayor Libbin agreed.

Mayor Bower explained that a towing item will be placed in the June Commission Agenda, and stated that raising the prices and fees are coming in June.

Vice-Mayor Libbin stated that because, when he asks for information about what the towing companies were writing off as an expense, and they said they needed a raise in fees because they were losing money, there was no way for the Commission to know, if they are not privy to their books. He is concerned that all of the expenses are being shoved into the public tows and who knows what percentage of income they are making on private tows, and how much, if any, are being put on the expense side of the private tows. The Commission does not have adequate information, and he needs that before voting for any increase of the rate. How are the tow companies slicing the expenses? He agrees with Commissioner Tobin that there is another way to skin the cat. He continued saying that they can have all the towing outside of the City. They can have a bid process including these current incumbents, and probably for the same price they are paying per tow or less, a car could be towed out of the City and then brought back as part of the contract. They can say have it back within an hour from the time you get a call. In addition, the person whose car has been towed could wait in a nice air-conditioned City garage. He wonders when they will be dealing with this, as it is left up in the air. When is it being dealt with?

Commissioner Wolfson asked if the item is on the June agenda.

**59:50 video time**

Vice-Mayor Libbin directed Administration to move item forward in order to place item on the July Commission Agenda.

Commissioner Weithorn explained that the item will be discussed at a Joint Commission Committee Meeting. Discussion held.



Commissioner Tobin asked if Sunset Harbor neighborhood can be freed of towing companies.

Mayor Bower stated that the City should have more options because the rates are too high.

**3:14:43 p.m.**

**01:01:06 p.m. video time**

**2012 COMMUNITY SATISFACTION SURVEY PROCESS AND RESULTS:**

Dr. Rick Jensen, Ph. D., founder of the Performance Center, gave a summary of the survey process and asked the City Commission about ideas and ways to improve the data review reported on the surveys.

Vice-Mayor Libbin stated that a big improvement would be to show a ten percent change, one way or the other; otherwise, they probably don't need to see it. There were new question added that he wants to review and should be sent to the City Commission.

Commissioner Weithorn stated that she wants to see material changes, and explained that ten percent might be too big and perhaps can be 25 to 30%. They should also define what the ten percent change is, and requested to see the budgetary correlation to the changes. She also suggested scheduling this item as part of the budget process this year.

Commissioner Wolfson asked if his colleagues are not interested in checking those changes that are consistently negative in order to address them.

Commissioner Weithorn suggested including in the survey a management report, with the top ten strengths and weaknesses, as well as other significant changes.

Commissioner Tobin stated his problem with survey is that when he addresses the increase in rape, robbery and theft in the City, Management brings the survey book; so he is not interested on the survey because of the way it is done. It probably costs the City \$45,000 or more; he added that perception is important to a degree, but to the extent that it drives a lot of these meetings, where they see that 90% of residents feel safe with the Police or Building Departments; but he knows that they are not safe; can they discuss that?

Dr. Rick Jensen, Ph. D., stated that Commissioner Tobin's concern is being built into the survey, but perhaps not in a way that satisfies them; he explained that citizen surveys are perceptions, and then there are the external benchmarks of crime rate, which include types of crime, what data is reported; and how is it gathered.

Discussion held.

Commissioner Wolfson stated that a political spin is being added to the data, and that one of the things more political is the interdepartmental communications.

Dr. Rick Jensen, Ph. D., explained that the data is needed if they want the actual crime statistics, they also want perception of crime, and if citizens feel safe in a community that is not, then there are certain things you can do; there are different solutions. He explained that the reason they want both forms of data are important, the question is if someone takes the data and skims it in a clean, helpful way. He needs to know how to say to the survey maker how to transmit/conduct the survey to City officials and Administration in order for them to make a better decision; maybe they want more participation, or see different items; if they don't trust the report, then the report is no good.

Commissioner Exposito requested including in the survey the perception and the actual statistical data, from a police perspective, and looking at the perception and actualities in order to have a point of reference and to be able to measure.

Commissioner Weithorn stated that she wants to see the departmental data as well as the benchmarks before the budget process, early enough to make decisions; and added that they don't spend as much time doing benchmarks as they do surveys and that is not right. She also added that at budget committee she sees more benchmarks data than she does as a Commissioner.

Discussion continued regarding benchmarks.

Dr. Rick Jensen, Ph. D., stated that he will meet with Kathy G. Brooks on benchmark data collection and reporting.

### **CITY ATTORNEY EVALUATION**

Item to be placed at the July 18, 2012 Committee of the Whole meeting.

### **INSPECTOR GENERAL:**

Discussion was held.

### **TO DO:**

Include Handouts in Drop Box

Inspector General to answer questions at the June Commission Meeting

Meeting adjourned at 5:45 p.m.

### Handout or Reference Materials:

1. City Manager Criteria
2. Memorandum from Mayor Matti Herrera Bower dated May 15, 2012 RE: Commission Retreat with attached Agenda for May 18 and May 19, 2012.
3. Email from Dessiree Kane dated May 15, 2012 RE: Agenda Item for Commission Retreat
4. Memorandum from Commissioner Deede Weithorn dated May 15, 2012 RE: Agenda Item – Commission Retreat
5. Email from Francis Frances dated May 17, 2012 RE: Retreat Agenda Item from Libbin
6. Email from Leslie Rosenfeld dated May 16, 2012 RE: Retreat Request for Costs
7. Draft Resolution – Approving Hiring of a Professional Search Firm
8. 2012 Retreat Discussion Item – Towing and Terminal Island
9. Towing and Terminal Island Original Set – Mass Transit Connectivity Study
10. Commission Memorandum to Mayor Bower and City Commission dated May 9, 2012 RE: Resolutions Inspector General and Commission on Ethics Agreements
11. 2012 Retreat Discussion Item – Miami Beach Mass Transit Loop
12. 2000 City Manager Selection Process in Sequential Order
13. 2012 Retreat Discussion Item – 2012 Community Satisfaction Survey Process and Results
14. 2012 Retreat Discussion Item – Mass Transit Connectivity Study
15. Miami Beach Strategic Plan 2011 Update Magazine
16. The Miami Herald Meeting Notices Ad, May 14-18, 2012 published Thursday, May 10, 2012.
17. Recruitment Guidelines for Selecting a Local Government Administrator, dated January 2012, by ICMA Leaders at the Core of Better Communities.
18. City of Miami Beach, Florida, City Manager article from DMG Maximus
19. Public Attendance sheets, May 18 – 19, 2012