



VILLAGE OF BISCAYNE PARK
640 NE 114TH STREET
BISCAYNE PARK, FL 33161
TEL: 305 899 8000 FAX: 305 891 7241
www.biscayneparkfl.gov

Mayor and Commission

Noah Jacobs
Mayor

Bryan Cooper
Vice Mayor

Robert "Bob" Anderson
Commissioner

Roxanna Ross
Commissioner

Commissioner Watts
Commissioner

Ana M. Garcia
Village Manager

John J. Hearn
Village Attorney

Maria C. Camara
Village Clerk

MINUTES
SPECIAL COMMISSION MEETING
Ed Burke Recreation Center - 11400 NE 9th Court
Biscayne Park, FL 33161
Tuesday, February 12, 2013 at 6:30PM

1 Call to Order

Mayor Noah Jacobs called the meeting to order at 6:38pm.

2 Roll Call

Mayor Noah Jacobs - present
Vice Mayor Bryan Cooper - present
Commissioner Bob Anderson - present
Commissioner Roxanna Ross - present
Commissioner Barbara Watts - present

Present from staff were:

Village Manager Ana M. Garcia
Village Clerk Maria C. Camara
Village Attorney Eve Boutsis

3 Pledge of Allegiance

4 Public Comments Related to Agenda Items

Chuck Ross: Ana took over in October 2009. Since then there have been significant decreases in ad valorem, taxes and other fiscal issues. Difficult to walk around with a target on your back. It is hard to balance things, especially with limited resources. Has done a great job and I hope you consider that.

Fred Jonas: Other way to put it is to compare this to Ginger Rogers doing everything Fred Astaire did, but backwards. The Manager has done a great job since she has been here with a lot of aggravation and flak. Bottom line is that she is doing a spectacular job managing the Village.

Barbara and Gary Kuhl: *(Could not be at meeting but submitted a letter that was read by the Clerk)* Could not be at meeting but wanted to express support for Ana Garcia. Have worked with her since she came to Biscayne Park and have seen her develop her skills and lead us through difficult times. Despite lower revenues, the Village has seen many improvements. Through grants, working with other cities, going to Tallahassee. Have been able to plant and prune trees, acquire new police vehicles, find funding for the log cabin and accomplish many projects. Her door is always open. Takes time to develop relationships with different boards. Our staff has grown even more professional and the respect they have for her is very apparent. We have many projects for the future and with Ms. Garcia's can-do attitude we will get them done.

5 **New Business**

5.a Annual performance review of the Village Manager and Agreement negotiation.

Manager Garcia provided her presentation.

Commissioner Watts: Ana, thank you. Have been wonderful and all your willingness to help me. Great spirit for the Village. You have done a fine job in all respects. I am representing the Village, so please understand my questions.

Commissioner Ross makes a motion to renew the agreement with the Manager and to direct the Attorney to draft an addendum, the terms which we are about to discuss. It is seconded by Commissioner Anderson.

All in favor: Mayor Jacobs, Vice Mayor Cooper, Commissioner Anderson, Commissioner Ross and Commissioner Watts.

Opposed: None

Motion carries: 5/0

Commissioner Watts: On the annual evaluation, dislike the process. Should the commission reconsider a written evaluation or develop a matrix?

Manager Garcia: At this level, you can consider setting goals.

Commissioner Anderson: Usually there is no set structure at the Manager level. What you grade a Manager on is how they are handling the job. So many things fluctuate like finances, handling residents. Feels Manager is doing a good balancing act. It is a continuous moving target. Many city managers don't get evaluated.

Manager Garcia: You have a Manager and an Attorney which you appoint. If not satisfied, you vote to keep or not.

Commissioner Ross: Manager evaluation happens daily and weekly. Praise and discussion of mis-steps are continuous. To create a grid sheet would be doing a dis-service.

Mayor Jacobs: Can we consider this special meeting and merge with a regular meeting so we don't have a situation of added attorney fees and staff time?

Commissioner Anderson: Appreciates it, but we have not been able to finish meetings. We will have to pay one way or the other.

Commissioner Ross: Manager is champion of the city. Her role today is for her to give full attention to her presentation. To make this part of a regular meeting puts the Manager in a position of two roles. It is not fair to her.

Mayor Jacobs: Can we make it not a special meeting so that we have video and full access. Have the same amount of exposure as the other meetings.

Attorney Boutsis: Most cities do a separate meeting.

Commissioner Ross: Contract at section 4, recommend to change to review in March.

Mayor Jacobs: Or more flexible to state at least 12 months after last evaluation.

Commissioner Anderson: Let's discuss length of contract before making that change.

Vice Mayor Cooper: Agree with Commissioner Watts to have a basic written evaluation. Could be quite simple with explanatory comments and will be a part of the public record.

Commissioner Watts: Better to do more research on written evaluation and come back at a different time.

Commissioner Ross: Agrees. We should work for goals for the Village and work as a team to meet those goals.

Vice Mayor Cooper: Termination with or without cause. What is determination for with cause. Does the instrument, the written evaluation, become the instrument to determine with cause.

Attorney Boutsis: There are specific reasons for improper actions, or you set goals and are not satisfied with the way those goals are being met.

Vice Mayor Cooper: With reference to the Employee Procedures Manual, is Village commission empowered to amend Employee Procedures and Polices.

Attorney Boutsis: Yes.

Commissioner Ross makes a motion that on item number 2 of the proposed agreement, amend section 2.c that this contract is for three years through March 1, 2016. It is seconded by Commissioner Anderson.

Mayor Jacobs to Manager Garcia: Is that your primary goal.

Manager Garcia: In conjunction with other items.

Vice Mayor Cooper: Not in best interest for the Village to have a three year contract. Clearly increasing the liability for the Village, especially with an election within those three years. Not a modern day business best practice.

Attorney Boutsis: There is no liability. You can still terminate with a 90 day notice without cause even with a three year contract.

Vice Mayor Cooper: What is the purpose then?

Attorney Boutsis: Manager is looking for a commitment.

Manager Garcia: It's like being tenured. Have seen Managers come without any experience and get a three to five year contract. This is creating stability for the Village. Allows me to recruit better for you. At the end of the day, it just takes three votes. There is more liability with a Manager that is not secure. A three year contract gives stability, you can recruit and retain better. Morale, everything. It is a win-win situation.

Mayor Jacobs: You have been here three and half years and should be recognized for what you have done.

Commissioner Anderson: Having a multi year contract is not archaic. With most unions, we go for a multi year contract. It gives stability.

Commissioner Watts: The Manager deserves a lot more from us.

Vice Mayor Cooper to Manager Garcia: In regards to El Portal, what is the difference between you and their manager.

Manager Garcia: They have 10 employees, we have 33. They contract out the majority of their services. No parks, no Public Works.

Vice Mayor Cooper: If we drop Sanitation, what is the decrease.

Manager Garcia: We would drop to 25 or 26.

Commissioner Watts: El Portal manager's salary includes a vehicle stipend, so the actual salary for him is \$78,000. Feels that a 10% increase is high. Have look at statistics from the Florida League of Cities. Opa Locka Manager has 170 employees and salary is \$82,000.

Manager Garcia: Have to look at the specifics of that city, and I have not look at Opa Locka.

Commissioner Anderson: We want to at least offer the right people incentives to stay with us. If we don't do that we wind up getting people that can't get a job anywhere else.

Vice Mayor Cooper: Biscayne Park is very different. When you look at salary in other cities, if Ana decides to leave, we will never be able to compete. Biscayne Park is always going to be looking for new talent. Someone willing to step in our size Village with our size budget and it is incumbent upon us to have a good selection process. Have to consider that we ponied up a lot of money to give the Manager an assistant director. That is a big perk in terms of ability to handle work load. I'm not saying it is not paying dividends, but given the size of our Village, I must take this into consideration.

Manager Garcia: When you manage a team, you secure a team that brings balance to the Village. The value of the Assistant to the Manager, it is an individual that saved us significant amounts already by filling in open positions that we have had. By having such a person is having strategic management.

Vice Mayor Cooper: We are looking at a fiscal crisis in the next two years and less revenues. Need to look at the big picture.

Commissioner Ross: Also greatly concerned about finances, but certain we could not have weathered the last two years without our Manager's fiscal discipline and leadership. We cannot afford not to have stability. Stability is not only good for the Village, but also for morale of staff, residents and property levels. On salary, Manager was offered less than going rate. Not willing to look at Opa Locka anomaly without looking at entire package. Better to look at the report provided by Pinecrest. Also, women face wage disparity. Maintaining Manager with adequate salary is good for her, the staff and the Village.

Commissioner Ross makes a motion to increase base rate by 9%, to \$90,470. It is seconded by Commissioner Anderson.

Mayor Jacobs: We just raise the millage by .50 mills. We did that we the purpose to protect us from FRS issue. Asks Manager what cost savings do you envision so we don't have to go back to residents and ask for more with all they have to face in these economic times. How do you make your raise budget neutral?

Manager Garcia: Our millage for the past two years has been the same or we lowered. This past year, in a very prudent and responsible move, we put the worst case scenario in contingency. This past year we have made significant improvements with our Police Department with a lower budget for that department. This is just the tip of the iceberg. Not only are we looking for ways to reduce our operations, but also increasing revenues by being creative and thinking outside of the box. Looking forward to this budget process to make even more impact. This past year is when we got our first glimmer of hope that our property values are going back up. Would not be bringing something forward that we could not afford.

Mayor Jacobs: Appropriate to have concern that we don't have enough money in reserves. What do you have planned to prepare us for future so that reserves are handled properly?

Manager Garcia: Most challenges we face with reserves are due to actions and decisions from prior administration. Also the past personnel issues. Of the \$104,000 currently in contingency, we can plan to put 80% back in reserves. Best way to mitigate impact of a storm is proper pruning of canopy.

Commissioner Watts: Well argued justification for Assistant to the Manager. Shows how much we value your judgment. Thank you for saving money for cars and with CITT. We will always be a stepping stone for a new manager. Feels three years does not provide stability. Need more. There are other ways to show appreciation. Concerned that most of the staff did not get raises except for the clerk.

Manager Garcia: Majority of our employees are under contract and are getting raises. Only a small group did not get a raise this year, but they did in the prior year.

Commissioner Ross: To be a stepping stone comes at a cost. Incumbent upon us to keep the person that we have.

Vice Mayor Cooper: Not a comment on performance. Even a departure is an opportunity. There are cost savings on being a manager with a different skill set such as fiscal strength. Departures are not the end of the world. Given the state of the economy and state of residents, could not vote for 9%. Would consider a 3%.

Commissioner Anderson: When we hired, we were very limited on who applied. Should have a process in place to keep the person we hired.

Commissioner Watts: More comfortable with 8% and to talk about other ways to sweeten the deal.

Commissioner Ross: Willing to split the difference to 8.5% and it is accepted by Commissioner Anderson.

All in favor: Commissioner Anderson, Commissioner Ross and Commissioner Watts.

Opposed: Mayor Jacobs and Vice Mayor Cooper

Motion carries: 3/2

Commissioner Ross makes a motion to accept the COLA increase of 3% for years 2 and 3. It is seconded by Commissioner Anderson.

Commissioner Watts: Do not know what COLA will be. Figures show 2.79%.

Mayor Jacobs: Suggests that the COLA be based on the state mandated minimum.

Commissioner Ross to Manager Garcia: Would you agree to combining the COLA and merit?

Manager Garcia: Don't have a problem with what you feel is the best for the Village.

Commissioner Ross amends motion that salary adjustment in years 2 and 3 will be a minimum of 3% and no more than 6%, and it is accepted by Commissioner Anderson.

All in favor: Mayor Jacobs, Commissioner Anderson, Commissioner Ross and Commissioner Watts.

Opposed: Vice Mayor Cooper

Motion carries: 4/1

Commissioner Ross: On item 6, the maximum per statute is 20 weeks and it is currently at three months.

Commissioner Ross makes a motion to accept the Manager's proposal on item 6 changing it to 20 weeks as allowed by state law. It is seconded by Commissioner Anderson.

All in favor: Mayor Jacobs, Commissioner Anderson, Commissioner Ross and Commissioner Watts.

Opposed: Vice Mayor Cooper

Motion carries: 4/1

Manager Garcia: On item 7 of the Manager's proposal, adjust to one day per month to work from home.

Commissioner Anderson: This is what we should give. Does not impact the budget and allows the time for the Manager to do proper planning. A very smart move.

Vice Mayor Cooper: This is like one more day of vacation. Does not provide for accountability. I don't get this benefit?

Manager Garcia: This is not about me taking an extra day, or that I tell you I'm working and that I'm not. I have shown you so far that whether or not I'm in the office, I'm available for you and the residents by phone or e-mail.

Commissioner Ross: Don't need to make a motion on this. Manager should be given this at her discretion. Currently not a part of the contract.

Commission consensus that this does not need to be included.

Commissioner Ross: On section 12 of the contract, the payout for vacation at separation is 75%. Does not conform to all other staff. There is a disparity here.

Vice Mayor Cooper: In his experience with higher education, there are caps to severance or when someone leaves.

Commissioner Ross makes a motion that for section 12, it is to reflect the same policy as the General Employees upon separation.

All in favor: Mayor Jacobs, Vice Mayor Cooper, Commissioner Anderson, Commissioner Ross and Commissioner Watts.

Opposed: None

Motion carries: 5/0

Vice Mayor Cooper: Departing manager can take staff with her. Last manager took the Village Clerk.

Commissioner Ross: Agrees that we add a provision for Manager not to solicit.

Vice Mayor Cooper makes a motion to add a six month prohibition after separation from soliciting or contracting staff to leave employment. It is seconded by Mayor Jacobs.

All in favor: Mayor Jacobs, Vice Mayor Cooper, Commissioner Ross and Commissioner Watts.

Opposed: Commissioner Anderson

Motion carries: 4/1

Commissioner Ross: On annual evaluation, should take place during budget process.

Vice Mayor Cooper leaves at 8:47pm

Commissioner Ross makes a motion to add a section that the Manager shall be evaluated during budget process, starting with fiscal year 2013-14. It is seconded by Mayor Jacobs.

All in favor: Mayor Jacobs, Commissioner Anderson, Commissioner Ross and Commissioner Watts.

Opposed: None

Motion carries: 4/0

6 Final Public Comment

Fred Jonas: A peculiar process to watch tonight. What is most peculiar is wanting the written evaluation. Commissioner Cooper was the most skeptical on how she uses her time when she is not here, yet he arrives late, leaves early without any explanations. There was discussion on the percentage increase and numbers were thrown around from 10% to 8%, then to 9% and then 8.5%. But none of it was being measured against anything. It was just a lot of posturing. A very curious process to watch.

Janey Anderson: Did an amazing job. Commissioner Watts, you articulated well and did your research. Commissioner Ross is always organized. Mayor Jacobs, nicely done. Respectful and good questions. As far as Bryan goes, he only wastes attorney fees.

Manager Garcia: There may be more managers that make more money and who only count votes. But to have your support and resident support is priceless. Not all managers think like that, but I do. To get consensus means the world to me. It is greatly appreciated.

Commissioner Ross: May not have all agreed on the terms, but all have agreed to renew your contract.

Commissioner Anderson: A fair contract.

Adjournment

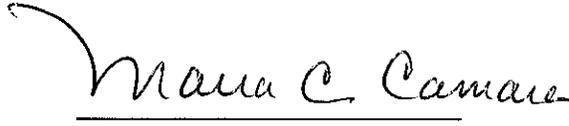
The meeting was adjourned at 9:04pm.

Commission approved on May 7, 2013.

Attest:



Noah Jacobs, Mayor



Maria Camara, Village Clerk