

October 21, 2015

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Mayor Shank - Number eleven is the city manager annual review and I'll ask the city manager did you want to kick us off on that or did you want me to open the commission for comment?

City Manager Hebert - Please do the honors.

Mayor Shank - Certainly. City commission proceed. Who would you like to go first? Let's ask for some clarification here. The title of this is City Manager Annual Review. The staff recommendation is discussion and adoption of resolution approving the First Amendment to the employment agreement. You've listed in the agenda item there are two proposed amendments. One states the city manager requesting to reside outside of city limits and two, your requesting the annual review just occur at a different time in the year. So that's what's put forward for our consideration. Who would like to who would like to hear commissioner Adornato?

Commissioner Adornato - Thank you. I also as one of our residents said cannot believe that it has been over a year that our city manager has been here. I am I'm ecstatic about the choice that we made as a commission. And I think that we made the right choice. Mr. Hebert, I think you have been responsive and responsible. That you have been innovative and focused. You have sought to ensure that the staff felt empowered to do the work that they need to do. That they have felt supported in the work that they're doing. And given some reign to come up with new ideas and to come forward with challenges and solutions and I think that says a lot to your leadership.

I think that you have embraced our core values in everything you've done. I think the innovation that our city manager has provided with things like the Jaco Pastorius downtown connector with the entranceway feature at the southern end of Main Street, even the lights music and magic of downtown and the way the staff have continued that through our music on Main Street and the other activities, I think has really continued the hard work of the city commissions of the past. The current city commission and end of Main Street as an organization that really started to bring you know businesses here as we heard from Siegi earlier that you know, Main Street is now live in an Oakland Park and due to all the hard work of people from before and your continued hard work. I think the proud Oakland Park initiative has been strong and Commissioner McCartney, thank you for your direction and leadership in making that happen from the very beginning and I think that the city manager has really embraced that. I think the transition of what you are given is a landscape ordinance to the solution and conclusion and real projects that we can implement with the landscaping focus that we've now approved at the recommendation from the city manager think we'll do a lot towards bringing us towards uh an even prettier city. The projects I think you've kept us focused on our underground projects whether it's the LeriX or some of the other bid projects you've kept us moving forward and been

focused on making sure that we continue those because we still have more to come and it's gonna take a few more years to finish those. But we've added above the ground components too. I think your staffing choices and again the staff support that you have provided have been really great. The recent promotions are very exciting and we certainly want to acknowledge Heidi Burnett to now as our director and I'm ecstatic. So I have - I think the residents you might need to meet a few more because if that's the first time you've shaken her hand, that's a problem. So I encourage you to do even more of that now that you've gotten your feet wet in the city that you know, do some more glad handing and meet even more of our residents because I think that they'll benefit from their relationship with you. We'll leave it there for now.

Commissioner McCarty, A review, so we'll review and we'll talk about what you've done and what has happened in the past year because I concur. I can't believe it's been a year. It's been a whirlwind year. Which brings me to my analysis and some which is you have hit the ground running, Mr. Hebert. You have taken what we have crafted as a vision and you have embraced and made it yours. You know, some of us will come and go and you'll probably be here a little longer than maybe even all of us together. And it's really important at least to me that your ability and agile and adept understanding of what this group has been trying to do. I'm comforted to know that you were just going to run with that football and you're doing it in a way that that shows good executive decision making. An example I have is we've had issues continue to have issues with things like code and those sorts of things, very important. We all told you how important it was and you got on that right away. We went in a direction - it wasn't working - you downshift it and went another way. This is good management. This is what you do. You don't pick a plan and execute execute when it's not working. You're agile and adept and you find other ways to get the things done. And while we set policy, you've got to get things done on the day to day basis and I have been very impressed with your ability to do that. Those are the highlights, but overall I think that your management style fits very, very well with the commission and with our vision. This is now it's the city that David built, you know, with our direction. And you're doing it. I feel like I can't believe it's been it's only been a year. Of your asking for some accommodations, in what aspect of our charter and you know those things I'm speaking specifically of the residency and giving your residents, your house, your home - in our city is an important thing, it's why is in the charter and important to all of us. And one of the reasons that I believe that we were more than happy to give that that compensation was because we wanted to see, you know, your commitment to the city and understanding with the economy and the upheaval. We didn't want to force you out of your house and you know that this did not work out. That would be a horrible thing to do. And yet we find ourselves a year later you're still kind of in that position with moving. But I don't doubt, I don't doubt your commitment to the city. I don't doubt your ability to continue to move the city forward and for the time being anyway, I'm happy that you do it a little bit to the south and hopefully sometime soon you'll be in town, your town. So, I'm very

appreciative of the way you've taken off with this job and you showed great executive leadership.

VM Lonergan - I would also like to say how impressed I am. I think you've far exceeded my expectations. I'm very, very pleased with your vision and things that you're doing. I can tell you do care about your employees. You care about what your commission thinks regarding your recommendations. I would be in total support of moving the evaluation period. I do, one of the most difficult things I have to say to you and sometimes we do not agree on certain things and it does happen behind closed doors and we do have some pretty deep discussions on things. I want to see you be able to say I'm a proud Oakland Park resident and I think it's important I think it's important that our city manager live within our city so that if there's a natural disaster he or she is not trying to find a way to get to the city to assess the situation and things. I am 100 percent behind giving and extension and saying for right now continue with your you know trying to sell your home and get into Oakland Park. I do think there needs to be a time certain that we look at it again. I just think from my, I just think it's very important to be in the city of Oakland Park. I think the charter has that listed and that's something we need to work with you because we are so impressed with what you're doing. But I do still want to see more of time certain whether it's let's look at it in six months or a year again. I think something needs to be in there. In addition, I do know during your original - on your original contract, there was an issue with the retirement I believe you were receiving a certain dollar amount towards your retirement which actually was not the same amount that the rest of our staff is receiving. And I believe initially that you were receiving twenty-seven thousand dollars towards your retirement because you did not participate in the FRS - the rest of the staff. I think based on the percentage, I think that we do need to raise you to the thirty-eight thousand two hundred and seventy-four dollars and forty-two cents. And I think that's the responsible thing to do as a commission especially since we feel that you are doing an outstanding job for the city. But again, my only concern at this point is I do, although I understand and I want to work with you, I do want to see you get into the city. So I really think that's very symbolic and at the heart of our charter.

Mayor Shank - Anyone else? Ok, so seeing none, with regard to residing outside the city, we've got the historical house you can live there, rent free. You be right over there, no, all right. So now, you know what? So I support the two amendments that you're recommending. I work on the contract and it's very important to me and I think a number of people that you did live in the city and I think when we when you were hired you made the commitment to move to the city. We made that one year accommodation. However, I understand the current situation you are right now and the burden that it would create in terms of your personal situation with selling the home and relocating and so forth. For me, that's a smaller issue. You know, I'll bring up issues if there's some business transactions or some other issues of concern. That's what I bring up. Those are my hot button issues. How we treat

people is very important. And this is has to do with how we treat you and just as I want to treat anyone else, I want to treat you well as well. It's not like we live in a rural area where you know where the next town over is 20 miles, you're two miles outside the city limits. So I don't have a problem with that. It seems fine to me. I support the recommendation.

Commissioner Guevrekian. - Yes. Thank you, Mayor. I'm not going to say all the same wonderful compliments and assessments that have been said. I did not disagree with any of them, but in the interest of time I'm going to try to be concise as possible. There's no doubt in my mind that David Hebert was the city manager that was meant to be in the great city of Oakland Park. And I'm very, very, very pleased that you're here. I'm very pleased with your interaction with staff, with the commission and with the residents of the city of Oakland Park. I have no problem at all with either of the things being requested this evening. And the reason I say that is because firstly regarding the annual review, I thought that's what we originally contracted six months and then a year after that which would have been 18 months. So to me this is not critical. Well, you know, the spring or summer you know, let's get it away from any other kind of budget things or any other kind of pressing time issues. So that's very easy concession for me to agree to. I'm not sure about the contract as item FRS item the vice mayor just mentioned because it's the first I'm hearing of it. I believe the management position is entitled to the same 3 percent increase that everybody else gets. Right? Okay. Just wanted to clarify that. And lastly, regarding the residency in the city of Oakland Park, I completely agree with what you just said Mayor Shank because I don't want that burden on our city manager while he's working around the clock to keep our city on the move and to create this get the vision out of the head and onto the ground in the city of Oakland Park and you know, to have to take a substantial financial hit and to devote that kind of time it takes. I know, I have to say something, over the decades and the history of Oakland Park, yes I've heard it from my fellow community members that it was important that city manager show the commitment. At this point in time having worked together for a year, I don't doubt the commitment one bit, but a year ago before we knew one another all I wanted all kinds of safety hatches and it built into the contract. But specifically because of your proximity. So I would suggest and I had this conversation with the city manager and I would be very comfortable in making that clause that if you - if the city manager were to opt to relocate his primary residents from the current location then that could be the trigger to reevaluate. Because you may not be able to effectively manage Oakland Park if you move to Stuart or Fort Myers. So I would like to know that because of your close proximity that makes a big difference to me. And you know what? There's a little extra added bonus to that in that there's no perceived conflict of interest for your management and its decision makings when it comes to recommending funding for things for projects or prioritization of projects. It removes you from having any perceived personal conflict of interest or personal benefit. And I that appeals to me actually and again I'm gonna hinge that on the fact that the proximity is so close to the city limits right now. So if that made sense, that's really all I have to say at

this point and thank you for your first year of service. It's been a tremendous pleasure working with you and I'm looking forward to the next one.

Mayor Shank - Thank you. Do we have a motion? Commissioner Adornato?

Commissioner Adornato - I hadn't made reference at first to the requests in one of the other issues that I wanted to raise that the vice mayor raised, but I absolutely support whatever evaluation date you'd like to have and if you wanted it again another eight months, well sure let's do it. I will definitely support and if I can keep the microphone long enough, I'll make a motion, but I support Commissioner Guevrekian modification that we say that we basically consent to the city manager residing outside of the city limits of Oakland Park. Perhaps in the city attorney can work with us here, but in in your current location until such time as you move which would require you to move into the city limits - something along those lines. I also - I want to bring up as well, because I had concerns about this from the beginning when we were negotiating the contract the issue that the vice mayor brought up with respect to your retirement and I'm not sure how we can deal with this right now or what the appropriate thing is and maybe we don't deal with it right now maybe it's at your next evaluation, but I believe that we should be fair to you and I believe that we should be providing you the kind of retirement plan that you know is equitable with the rest of the staff. And if you were enrolled in the FRS and we were contributing an amount to equal twenty-one-point forty-three percent of your salary that that we should be doing that. And I'm not sure the best way to go about that right now whether we can put you into the FRS or whether that's no longer an option and we have to just make the contribution to this 401 retirement plan, but I think that's something that we should seriously consider.

Mayor Shank - anything further?

Commissioner Guevrekian - May I ask a question Mayor? Since I'm hearing that for the first time, do we have to commit to that aspect of it this evening or is that just being brought up for discussion this evening and could be reevaluated at a later date once I get a chance to talk to Mr. City Attorney to figure out where that came from that I didn't know about. Thank you.

Mayor Shank - Do we have a motion?

Commissioner Guevrekian - Motion to approve.

Mayor Shank - Can I have a second.

City Attorney Doody - Excuse me. Point of clarification. Is the motion to allow the waiver with respect to residing in the city? I'm not going to suggest some language and work with the city manager but I that waiver.

The waiver would allow the city manager to reside at his present residence.

Commissioner Adornato - Yes.

City Attorney Doody - And at such time he could sell his residence he would be required to reside in the City of Oakland Park.

City Manager Hebert - I would have no objection to that.

Commissioner Guevrekian - Is that what the maker of the motion intended to specify? I made the motion. I would like to specify that that triggers the discussion, not that it requires, because of my comment about the potential perceived conflicting interests with prioritization of expenditures in the city. I would like opportunity if the primary residents were to ever change from what it currently is, I would like that point in time for the commission to have the opportunity to reevaluate and make that decision. That was what I intended to move, and not necessarily requirement one way or the other.

Commissioner Adornato - Can I understand what your - if the residents were to change that triggers it, so now he's sold his house, but doesn't have another place to move to and now we have to have a discussion about where he's going to move to. That specific language may be problematic.

City Attorney Doody - It would still require a waiver from the charter.

Commissioner Adornato - Well, I'm just thinking logistically.

City Attorney Doody - If it's trying to extend the waiver that you granted under the first contract then it's going to be embodied in your Amendment, so what I think I understand the intent is not to have to reevaluate it on an annual basis through the evaluation process, but as long as he's maintaining a present primary residence that waiver will be in existence. At such time that he sells, I guess

Commissioner Adornato - considers the sale.

Commissioner Guevrekian - That's on the city manager. If we put the language in Mr. City Attorney just recommended in there - the trigger is a change of primary residence. I think that the city manager is capable of understanding that if he's contemplating putting the house on the market it's time to have a conversation with the presently city commissioner.

City Attorney Doody - Does he have to notify you? I mean when does it trigger? Upon the sale? Prior to the sale? I'm just trying to make sure we you know, we put this issue clearly outlined

VM Lonergan - I own a rental property.

City Attorney Doody - That would be a problem under- I can think a couple of laws.

Mayor Shank - Okay.

VM Lonergan - I know I understand, but no that is not at all what I meant. I meant it doesn't mean - if Mr Hebert decides two years from now he's had it and he's going to rent out his house and move somewhere else. We made it conditional on the sale of his house.

City Attorney Doody - Oh I see.

Commissioner Guevrekian - Ok, Well, I didn't mean to make you excuse me, Mayor I beg your pardon. Yeah, I'm sorry. The change of your primary residence I don't know that that language - that was not my intention.

City Attorney Doody - So it's not a sale. I'll look forward to negotiating with the city manager over this point.

Mayor Shank - Sure. The feeling is mutual. I have a question about you. You indicated that this provision is a waiver from the city charter. Is this residency requirement in the charter?

City Attorney Doody - Yes Sir, under section 4.01 says the city manager shall not reside outside the city without the approval of the commission.

Mayor Shank - We're on the up and up - we can legally waive the charter?

City Attorney Doody - You can approve him living outside the city without approval. Right.

Mayor Shank - Got it. All right. Perfect.

City Attorney Doody - Without the approval.

Mayor Shank - Got it. Ok, so we've got. Am I correct that we've got a motion and a second? We've got a motion in short is to accept the change and the date

City Attorney Doody - of the review and to allow him to reside outside the city until such time that he's changes his primary residence.

Mayor Shank - Ok. And you will look at that wording in the legal ease. Ok. All right. So we've got a second. Commissioner Guevrekian made the motion and Commissioner McCartney second in it. So we got that motion in a second and we still got the offer out there any time you want the historical house is yours. Roll Call please. Commissioner McCartney Vice Mayor Lonergan. Yes, Guevrekian Yes Commissioner Adornato? Yes. Mayor Shank? Yes.