

**SPECIAL/WORKSHOP MEETING
OCTOBER 14, 2008**

A Special/Workshop Meeting of the City Commission of the City of Delray Beach, Florida, was called to order by Mayor Rita Ellis in the First Floor Conference Room at City Hall at 6:00 p.m., on Tuesday, October 14, 2008.

Roll call showed:

Present - Commissioner Gary P. Eliopoulos
 Commissioner Fred B. Fetzer
 Commissioner Woodie McDuffie
 Commissioner Mackenson Bernard
 Mayor Rita Ellis

Absent - None

Also present were - David T. Harden, City Manager
 Robert A. Barcinski, Assistant City Manager
 Susan A. Ruby, City Attorney
 Chevelle D. Nubin, City Clerk

Mayor Rita Ellis called the special meeting to order and announced that it had been called for the purpose of considering the following Items:

SPECIAL MEETING AGENDA

Mayor Ellis noted that the meeting the Special Meeting Agenda was advertised for 7:00 p.m. and at that time they will move to the Special Items. Susan Ruby stated that Items A and A.1. only were advertised and therefore the other special meeting items can be heard now.

- B. **CONTRACT AWARD/O.T. SERVICES INC.:** Consider a contract award to O.T. Services Inc., second low bidder, for annual custodial services and other requested janitorial services for City buildings in the amount of \$118,116.00 per year for Group A services and prices as submitted for Group B through D services. Funding is available from various departmental operating budgets for FY 2008/2009.

Mr. David T. Harden, City Manager spoke briefly and stated that Patsy Nadal, Purchasing Manager will give background information on this item. Patsy Nadal, Purchasing Manager, presented this item and explained the RFP process for Specification #2008-41 group A through D. City staff interviewed and ranked the three (3) lowest bidders as follows: O.T. Services, Inc., Decicco's Commercial Services, Inc., and Sparkling Image.

Patsy Nadal introduced Sharon L'Herrou, Administrative Officer for the Police Department. Mrs. L'Herrou spoke and gave a brief statement regarding the top bidders. Mrs. L'Herrou stated that O.T. Services, Inc. is a known entity to the Police Department, they had provided janitorial services in the past and they were satisfied with their work and quality of services.

Mr. Bernard asked how many of the 143 full-time employees are assigned to the City of Delray.

Patsy Nadal advised that there are 43 employees assigned to the City.

Mr. Eliopoulos moved to approve the Contract Award to O.T. Services, Inc., seconded by Mr. Fetzer. Upon roll call, the Commission voted as follows: Mr. Fetzer –Yes; Mr. McDuffie –Yes; Mr. Bernard –Yes; Mayor Ellis –Yes; Mr. Eliopoulos. Said motion passed 5-0.

- C. **PROPOSED SOFTWARE CONSULTING CONTRACT:** Consider a consulting contract with Barry Strock Consulting Associates, Inc. (BSCA) for a review of financial business software and public safety software.

David T. Harden, City Manager presented this item and recommended the proposed contract be awarded to Barry Strock Consulting Associates, Inc. (BSCA) for a Finance/Public Safety Report Card.

Mr. McDuffie advised that he spoke with Mr. Strock over the telephone for an hour regarding the issues confronting the City; and Mr. Strock was very well informed and up to date and was impressed with the conversation.

Mr. Eliopoulos expressed concerns about the price and the distance since the company is in Albany, New York. He questioned if there were any other qualified companies closer in proximity.

Mr. Harden explained that this could not be bided, however, we could put out a RFP and go through the process but he feels much more comfortable with this company since we have a working relationship with them.

Mayor Ellis stated that the IT Department is not concerned with the location of the company.

Mr. Harden advised that the company works throughout the country.

Mr. McDuffie explained that Barry Strock Consulting Associates, Inc. (BSCA) will conduct surveys which will not require them to be on site. He advised not to be concerned with the proximity of the company.

Mayor Ellis asked if 120 days is reasonable to complete this assignment.

It was the consensus of the Commission to the contract with Barry Strock.

Mr. McDuffie moved to approve the Proposed Software Consulting Contract with Barry Strock Consulting Associates, Inc. (BSCA), seconded by Mr. Bernard. Upon roll call, the Commission voted as follows: Mr. McDuffie –Yes; Mr. Bernard –Yes; Mayor Ellis –Yes; Mr. Eliopoulos –Yes; Mr. Fetzer – Yes. Said motion passed 5-0.

Mayor Ellis adjourned the Special Meeting at 6:18 p.m. and stated it will re-open at 7:00 p.m.

WORKSHOP AGENDA

1. Old School Square Park Master Plan Presentation

Richard Hasko, Director of Environmental Services, presented this item and stated that some stakeholders are present. He introduced Former Mayor Jay Alperin, Joe Gillie, Executive Director of Old School Square; Robert Currie, representative of Currie Sowards Aguila Architects and Mike Sobczak, Consultant for Glatting Jackson Kercher Anglin, Inc. Mr. Hasko gave a brief PowerPoint presentation of the Old School Square Park Master Plan.

Robert Currie, spoke regarding the project and stated the consultants have given the wow factor and everything they asked for in a most sophisticated way and it is very well done.

Joe Gillie, Executive Director of Old School Square, spoke regarding the project. He stated that they figured out how to try to use the park and the wow factor is the screens and how they are integrated. He mentioned that this is a destination and we have an education obligation to the community to inform them that this will be done in phases. His goal is to get donors to make contributions to the park. He thanked the Commissioners for giving them the opportunity to get this project right and Dick Hasko for his patience.

Mayor Ellis stated she is very impressed with this drawing and likes it immensely. The flexibility is a key component and it is an excellent job.

Mr. Eliopoulos advised that this is a great job. He thanked the stakeholders, designers and staff. It has been done very tastefully; it will bring people to the area to relax and enjoy the environment. The water feature encourages the flow of traffic. It has a lot of flexibility, creativity and input. He mentioned that in the near future hopefully staff can focus on the existing buildings that are on the backside and encourage the owners if they decide to build and provide them with some incentives for parking.

Mr. Fetzer thanked everyone involved in this project.

Mr. McDuffie thanked Dick Hasko and everyone involved.

Mr. Bernard thanked Glatting Jackson for taking the time to listen to the stakeholders and he likes this project.

Mayor Ellis asked what was needed from the Commission.

Mr. Hasko explained that we need to proceed with Phase I of this project. A proposal will be presented to the Commission in the near future.

2. Proposed Downtown Incentives for Office Building

Francisco Perez-Azua, President of Perez Design, Inc. and Vice Chair of the Chamber Economic Development Committee introduced this item and presented a PowerPoint presentation. Mr. Perez-Azua stated that they are here to propose some incentives for the office development in our downtown area. The incentives are for the current infrastructure and will affect the parking area calculation requirements, the single mechanical lifts, certain parking requirements and upper story conversions. He stated the strategies could become real incentives to downtown Delray Beach and recommended that the City retain the services of a specialty consultant to create a comprehensive parking policy. The Economic Development Committee will be defining the business districts within the City and creating a marketing strategy for the Congress Avenue Corridor. He thanked the Economic Development Committee members.

Mr. Eliopoulos stated he applauds everyone and would like to move forward.

Mr. McDuffie asked if there are any future annexation plans for the western side of the Four Corners.

Mr. Harden explained that the northwest corner is to be annexed in 2011.

Paul Dorling, Director of Planning and Zoning explained that there are some potentials for the area west of the south side of Atlantic Avenue.

Mr. McDuffie thanked everyone that participated.

Mr. Fetzer is supportive of this project and would like to move forward.

Mr. Bernard stated that he like the idea of the parking policy and recommends restructuring the Parking Management Advisory Board or creating a Parking Management Department to study how we can improve the downtown area in the future.

Mayor Ellis commented on the idea of a parking policy. She asked about the recommendations to retain a specialty consultant to analyze the City's current parking and the Parking Policy.

Mayor Ellis stated that the small incentives and alternatives will make a business want to move to the area. She thanked everyone and also supports the recommendations.

Mr. Harden stated that there are some very good ideas and suggested that it be referred to the Planning and Zoning Department to start the process. He stated that we can fill out the market to get some prices on a consultant for next year's budget. He suggested that staff could work on the parking policy.

Mr. McDuffie asked Mr. Perez-Azua about looking at some design planning outside the scope of anyone they have dealt with before.

Mr. Harden stated there are specialized parking consultants.

Mayor Ellis adjourned the Workshop Meeting at 7:14 p.m. and re-opened the Special Meeting, Item SP.A.

- A. **WAIVER REQUEST/KITEBOARDING:** Consider a request for waiver of the requirements of Section 101.34, "Surfing, Scuba Diving and Jet Skis", of the Code of Ordinances of the City pertaining to prohibition of kiteboarding and other related uses within 300 feet of the Municipal Beach and Section 101.25, Commercial Enterprises; Sale or Rental of Goods or Services", to allow such uses for a special event. (*Quasi-Judicial Hearing*)

Mr. Barcinski introduced this item. The City Attorney reminded everyone that this is a quasi-judicial item and asked the Commission to disclose any ex-parte communications. The Commission had no ex parte communications to disclose. The City Clerk swore in those individuals who wished to speak on this item.

Lia Feriancek, speaking on behalf of BEST Kiteboarding (Applicant), discussed the kiteboarding event and stated that it had been moved further north as reflected on the revised map. Tom Carney, aggrieved party speaking on behalf of the Seagate Beach Club and the owners of the Seagate Beach Club and the owners of the Seagate Residences, discussed the proposed agreement and Exhibit "C". In addition, he discussed insurance requirements and stated the agreement will be executed in the next few days.

The City Attorney briefly reviewed the Board Order with the Commission who made findings according to their consensus (attached hereto is a copy and made an official part of the minutes).

Mr. Fetzer moved to adopt the Board Order as presented, seconded by Mr. McDuffie. Upon roll call, the Commission voted as follows: Mr. Bernard -Yes; Mayor Ellis -Yes; Mr. Eliopoulos -Yes; Mr. Fetzer - Yes; Mr. McDuffie - Yes. Said motion passed 5-0.

1. **SPECIAL EVENT REQUEST/BEST OF THE BEST KITEBOARDING COMPETITION:** Approve a special event request to endorse the Best of the Best Kiteboarding Competition sponsored by Best Kiteboarding to be held on December 6, 2008 from 8:00 a.m. to 4:00 p.m. and December 7, 2008 from 9:00 a.m. to 2:30 p.m. on the municipal beach, granting a temporary use permit per LDR Section 2.4.6(F) for use of the municipal beach and Anchor Park and to authorize staff support for lifeguard assistance, EMS assistance, trash pick up and use of the small City stage; and to consider a request to reserve the Anchor Park lot and allow City lifeguards to charge \$5.00 per car; contingent receipt of a Certificate of Liability Insurance and Hold Harmless Agreement ten (10) days prior to the event and receipt of a letter of approval from the Seagate Club property owners.

Mr. Barcinski stated this item deals with the permit. Commissioner Eliopoulos mentioned the individual who came before the Commission approximately a month ago regarding kiteboarding. He asked that the public be provided education regarding this sport.

Lia Feriancek stated that safety of the sport is what they want to convey as well as educate the public about the sport. She discussed wind direction for the event.

Mr. McDuffie moved to approve this item per staff conditions, seconded by Mr. Eliopoulos. Upon roll call, the Commission voted as follows: Mayor Ellis –Yes; Mr. Eliopoulos –Yes; Mr. Fetzer – Yes; Mr. McDuffie – Yes; Mr. Bernard –Yes. Said motion passed 5-0.

Mayor Ellis adjourned the Special Meeting at 7:26 p.m. and re-opened the Workshop Meeting, Item WS.3.

3. Green Task Force Electronic Bulletin Board Proposal

Susan Ruby, City Attorney, introduced this item and stated Terrill Pyburn, Assistant City Attorney, has been working to obtain the Attorney General's Opinion. However, they do not have it yet. She thanked Dan Sloan, member of the Green Task Force, for all of his help regarding contacting a software company. Ms. Pyburn discussed the software costs and the retrieval of information regarding the Sunshine Law.

Discussion ensued between staff and the Commission.

It was the consensus of the Commission to move forward with this depending on the AG opinion.

4. Review of Marina Historic District Resurvey Recommendations

Commissioner Eliopoulos declared a Conflict of Interest on this item and left the conference room.

Paul Dorling, Planning and Zoning Director, presented this item and discussed the resurvey.

Commissioner Fetzer inquired as to how this fits in with the requests from the residents who live in the 300 Block. Mr. Dorling stated they would be able to be removed. He stated it will be the property owner's responsibility regarding designation and there are certain notice requirements that would need to be completed.

It was the consensus of the Commission to send this to the Historic Preservation Board.

5. Draft Red Light Camera Ordinance

The City Attorney stated this would be a civil citation and not a uniform traffic violation.

Mr. Harden stated Palm Beach County has passed an ordinance and is in the process of selecting a vendor. Staff would like to move forward with this.

Mayor Ellis asked if this is handled beginning to end by the vendor as far as sending out tickets and how do we receive our monies? The City Manager stated the vendor will receive a flat fee not a percentage. Ms. Ruby stated someone from the Police Department will review these violations and there is an appeal procedure included.

Commissioner McDuffie gave a brief overview of the discussion of Red Light Cameras at the Metropolitan Planning Organization Meeting.

Commissioner Eliopoulos stated he is looking at this in regards to public safety not specifically as a revenue generator.

Mayor Ellis commented that she likes this for public safety.

Commissioner Fetzer stated there are pros and cons to this whole thing. If it is used for public safety, then he supports it. He requested to see additional information possibly from the League of Cities regarding Red Light Cameras rather than from vendors.

Mr. Harden reiterated that this will be a civil citation handled by the Police Department with the appeal process being handled by the Code Enforcement Board.

It was the consensus of the Commission to move forward with this.

Mayor Ellis adjourned the Workshop Meeting at 8:09 p.m.



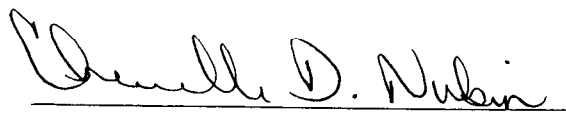
City Clerk

ATTEST:



MAYOR

The undersigned is the City Clerk of the City of Delray Beach, Florida, and the information provided herein is the Minutes of the Special/Workshop Meeting of the City Commission held on Tuesday, October 14, 2008, which Minutes were formally approved and adopted by the City Commission on October 21, 2008.



City Clerk

NOTE TO READER: If the Minutes you have received are not completed as indicated above, this means they are not the official Minutes of the City Commission. They will become the official Minutes only after review and approval, which may involve amendments, additions or deletions to the Minutes as set forth above.