

**SPECIAL/WORKSHOP MEETING
OCTOBER 9, 2007**

A Special 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 9, 2007.

Roll call showed:

Present - Commissioner Gary P. Eliopoulos
 Commissioner Woodie McDuffie
 Commissioner Brenda B. Montague
 Mayor Rita Ellis

Absent - Commissioner Fred Fetzer

Also present were - David T. Harden, City Manager
 Susan A. Ruby, City Attorney
 Lanelda Gaskins, Executive Assistant/Agenda Coordinator

Mayor 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

1. **ENCHROACHMENT AGREEMENT/FENCE INSTALLATION
AGREEMENT/ROYAL ATLANTIC/BOB FEDERSPIEL GARAGE:** Approve an agreement between the City and Ocean City Place, LLC providing that the City is released from any claim regarding any issue pertaining to the encroachment of chemical grout located adjacent to the north face of the Bob Federspiel Garage building; and approve a fence installation guaranty agreement allowing Royal Atlantic to construct at its own cost a louvered fence on the top floor of the Bob Federspiel Garage Building.

Susan Ruby, City Attorney, presented this item. Mrs. Ruby discussed a couple of reasons Ocean City Place, LLC requested a fence built on the rooftop of the Federspiel Garage at its own cost. She explained this cost would be at the expense of the Ocean City Place, LLC.

Mr. Eliopoulos expressed several concerns with the application, panel anchoring for the louvered white picket fence and if this fencing would be approved by Site Plan Review and Appearance Board (SPRAB).

It was the consensus of the Commission to have staff bring it back before Commission at a later date.

2. **CONTRACT AWARD/ALL-RITE PAVING CONTRACTORS, INC.:** Consider approval of a contract award to All-Rite Paving Contractors, Inc. in the amount of \$135,804.50 for the construction of the west parking lot at the Delray Beach Swim and Tennis Center Project and consider waiving the irregularity of the lack of acknowledgement of Addendum No. 1. Funding is available from 117-4133-572-65.57 (Recreation Impact Fee FD/Swim and Tennis Parking Lot). *(Postponed to the October 16, 2007 Regular Commission Meeting.)*

Richard Hasko, Director of Environmental Services, questioned what happened to the back-up material and why the memo was rewritten for Agenda packet since the material was readily available.

David T. Harden, City Manager, explained that he and Douglas Smith, Assistant City Manager, did not understand the back-up and questions could not be answered.

It was the consensus of the Commission to postpone this item to the October 16, 2007 Regular Commission Meeting as requested by staff.

Mayor Ellis adjourned the Special Meeting at 6:08 p.m.

WORKSHOP AGENDA

1. **Funding of the Virtual Tours on the City's web page.**

David T. Harden, City Manager, introduced background information for this item. Virtual Tours on the City's web page was eliminated from this year's budget. Staff would like to provide information on what advertisement entails so Commission can give direction as to whether the City will fund this.

Tim Simmons, Acting Director of Parks and Recreation introduced James Arena, President of Sound Investments by J.W., Inc. Mr. Arena would like to change the present agreement dated December 7, 2006 to allow for on-line banner advertising during virtual tours of the City's parks. The present annual fee is \$24,000; he would like to propose a change in the agreement to allow banner advertising in the virtual tours saving the City \$22,000.

Mr. Arena presented a PowerPoint presentation. He explained the cost of current virtual tour project, the cost of the proposed new project, how the City would generate revenue from the new project, the benefits beyond revenue, proven success and the overall goals of the company.

Mrs. Montague asked if the website would advertise local businesses only.

Mr. Arena explained participants must do business in Delray Beach; the City will have full control and the ability to monitor. Certain businesses such as strip clubs or illegal businesses would not be advertised.

Susan Ruby, City Attorney, explained that government has different limitations than the private industry and cannot deny advertisement based on content alone because of the First Amendment.

David T. Harden, City Manager, would like other options explored, the Delray Chamber of Commerce may be able to do virtual tours.

It was the consensus of the Commission for staff to explore other options and bring this item back before Commission.

2. Discussion regarding Creative City Collaborative

Robert Barcinski, Assistant City Manager, presented this item. Mr. Barcinski asked for direction and input from Commission on the future of the Creative City Collaborative (CCC). Mr. Barcinski discussed if CCC should continue as directed by the previous Commission that the group would become a nonprofit incorporated organization. If not, another direction the Commission may want to take having the CCC as an Advisory Board. He provided historical background information on the organization and presented several options. Mr. Barcinski announced four (4) of the Board Members were present at the Workshop.

Mr. Eliopoulos favored the idea of support for the CCC but is not sure to what level at this time since costs have changed. He would like to attend the next CCC meeting scheduled for October 18, 2007.

Mrs. Montague would like to keep CCC as a non-profit and does not favor bringing full-time support. She would like to continue CCC as directed by the previous Commission. Mrs. Montague questioned some specific goals that have not been completed to date.

Mayor Ellis stated she is in support of the recommendations as presented by Mr. Barcinski.

Mr. McDuffie agreed to attend the next CCC meeting on October 18, 2007.

Susan Ruby, City Attorney, announced the purpose as outlined in the Articles of Incorporation in Section 2.1 in the first paragraph.

It was the consensus of the Commission to attend the CCC Meeting on October 18, 2007 and for staff to bring this item back to Commission at a later date.

3. Update on the Historic Preservation Ordinance

Paul Dorling, Director of Planning & Zoning, presented this item. Mr. Dorling provided background information and an update on the Historic Preservation Design Guidelines. He discussed the current Ordinance and how it contained regulatory tools that were included in the initial Ordinance. Mr. Dorling expressed several concerns with the Historic Preservation Ordinance and suggested ways to address them. He suggested bringing this item back to the Historic Preservation Board (HPB) on November 7, 2007; presenting on November 12, 2007 at the Planning & Zoning Special Meeting; presenting at the Commission Meeting on December 4, 2007 and doing as a First Reading on January 3, 2008.

Mr. McDuffie congratulated staff on his presentation and was pleased to know a survey of the area is budgeted in the future.

Mr. Dorling advised at the meeting on October 16, 2007, Commission would be asked to endorse a grant application to the State of Florida to get a 50% match for the surveying.

Mr. Eliopoulos differentiated historic inventory from a historic hearing. He strongly favored the historic inventory, but pointed out the City has five (5) distinct districts.

Mrs. Montague asked the timeline for a grant application process.

Amy Alvarez, Senior Planner/Historic Preservation, advised Commission the grant application process takes approximately three (3) months.

Mr. Harden advised Commission that guidelines and the Land Development Regulations (LDR) are different. He advised staff to adopt the LDR as soon as an agreement is reached and deal with the remainder later.

Mr. McDuffie discussed affordability of homes and how important it is not to out price residents. He explained the necessity to encourage people to come to the City to pick up some of the inventory. Anything that could be done to speed up and help people financially or work the process so that it is not as expensive is incumbent of the Commission and staff.

Commission commented on the update provided by staff.

4. Presentation of the QAlert System

Robert Barcinski, Assistant City Manager presented this item. He gave a brief description of QAlert, the new web-based Customer Service Request System. He introduced Amanda Solomon, Telecommunications Systems Manager.

Mrs. Solomon did a PowerPoint presentation using the actual QAlert site. She advised the site was introduced on Monday, October 8, 2007. Mrs. Solomon stated frequently asked questions will be added at a later date. She demonstrated the system and explained site features. Mrs. Solomon advised a disclaimer was placed on the page to prevent emergency police/fire calls from being added.

Mayor Ellis advised the QAlert is great and very user-friendly.

It was the consensus of the Commission the QAlert is great.

5. Proposed Motorcycle Ordinance

Susan Ruby, City Attorney, presented this item. She explained this Ordinance will limit motorcycle travel on East Atlantic or West Atlantic between Swinton Avenue and southbound U.S. Highway No. 1(N.E. – S.E. 5th Avenue) between the hours of 7 a.m. and 11 p.m. due to outdoor dining facilities.

Mayor Ellis explained this Ordinance was initiated at her request after she received numerous requests from several business owners regarding the noise.

Larry Schroeder, Police Chief, advised that the Ordinance would allow Police Officers to use civil penalty. The challenge of banning the motorcycles between 5th Avenue and Swinton Avenue was opposed by some of the police staff. Some of the staff questioned how the area will be adequately signed without having excessive signs. However, enforcement of the prohibition of motorcycles in that area because of the mere presence of a motorcycle would be a violation. Chief Schroeder supports motorcycles banned in the specified area.

Mrs. Montague asked if warnings will be displayed prior to enforcing the Ordinance.

Mr. McDuffie was concerned with the noise ordinance across the board. He does not want to signal out motorcyclists only, especially the quiet motorcyclist.

Terrill Barton, Assistant City Attorney, advised that she spoke with Engineering and was told that from Swinton to Southbound Federal the City controls that portion of Atlantic Avenue; the rest is regulated by the State of Florida. This gives the City the authority to regulate the class of traffic in that exact area to limit motorcycles and there is no violation of interstate commerce laws.

Marjorie Ferrer, Executive Director of The Downtown Marketing Cooperative, advised motorcycle noise is a problem for cafés. Business owners do not want to be inundated with signs.

Mrs. Montague asked if some of the signs in the specified area could be consolidated.

It was the consensus of the Commission to place this on October 16, 2007 Regular Commission Meeting as a First Reading.

6. Budget Task Force/Qualifications for Positions

David T. Harden, City Manager, presented this item. He discussed some suggested qualifications and organizational criteria for the Budget Task Force.

Mayor Ellis questioned if it will be a seven-member group.

Mr. Harden suggested he would put all recommendations into a Resolution format and bring back before Commission.

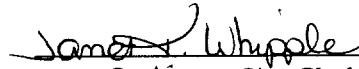
It was the consensus of the Commission for staff to bring back as a Resolution before Commission.

7. Discussion regarding the reports to the Commission

David T. Harden, City Manager, presented this item. Mr. Harden would like to compile reports based on what the current Commission would like to see. The reporting format is based on previous Commission and he asked for guidance from the current Commission what reports would interest them. He presented several options in his back-up material for the Commission to select from.

It was the consensus of the Commission to have option one as outlined.

Mayor Ellis adjourned the Workshop Meeting at 8:24 p.m.

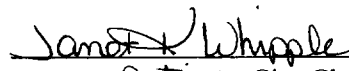


Acting City Clerk

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 Workshop Meeting of the City Commission held on Tuesday, October 9, 2007, which Minutes were formally approved and adopted by the City Commission on October 16, 2007.



Acting 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.