

**SPECIAL/WORKSHOP MEETING  
JULY 12, 2011**

A Special/Workshop Meeting of the City Commission of the City of Delray Beach, Florida, was called to order by Mayor Nelson S. McDuffie in the First Floor Conference Room at City Hall at 6:01 p.m., on Tuesday, July 12, 2011.

Roll call showed:

Present - Commissioner Thomas F. Carney, Jr.  
Commissioner Adam Frankel  
Commissioner Angeleta E. Gray  
Mayor Nelson S. McDuffie

Absent - Commissioner Fred B. Fetzer

Also present were - David T. Harden, City Manager  
Brian Shutt, City Attorney  
Chevelle D. Nubin, City Clerk

Mayor Nelson S. McDuffie called the special/workshop meeting to order and announced that it had been called for the purpose of considering the following Items.

**SPECIAL MEETING AGENDA**

1. **BID PROTEST/BRANG CONSTRUCTION, INC.:** Consider a bid protest filed by Brang Construction, Inc. regarding renovations to the Pompey Park Concession Stand.

Mr. Brian Shutt, City Attorney, stated this item should be conducted as a Quasi-Judicial Hearing.

Mayor McDuffie read the City of Delray Beach procedures for a Quasi-Judicial Hearing into the record for this item.

Chevelle D. Nubin, City Clerk, swore in those individuals who wished to give testimony on this item.

Mayor McDuffie asked the Commission to disclose their ex parte communications. Mr. Frankel stated he spoke with Mr. Shutt, City Attorney. Mrs. Gray stated she spoke with Ms. Patsy Nadal and Mr. Dewayne Randolph. Mayor McDuffie stated he too spoke with Mr. Shutt. Mr. Carney stated he spoke with Mr. Gary Eliopoulos regarding the concept of bid protests.

Mr. Randal Krejcarek, City Engineer, entered project file 2010-128 into the record and stated this item has to do with a bid protest for the Pompey Park Concession Stand Remodeling. He discussed the plan to renovate the stand at the park as well as the bid documents. He stated Parks and Recreation indicated they would like to have it completed by this coming fall and the bid documents that were put out for public bid included a line on the bid page for the number of days to complete the project. We received bids and subsequent bid protests. Mr. Krejcarek discussed the bid protests.

Mayor McDuffie stated if anyone from the public would like to speak in favor or in opposition of the bid protest, to please come forward at this time.

**Matt Wolf, Project Manager for Brang Construction**, read a prepared statement by the owner into record regarding the Brang Construction submission and the bid protest.

**Dewayne Randolph, Randolph & Dewdney Construction**, stated there is no documentation entered in any of the documents for the bid award to imply that time was of the essence or to be considered as a determining factor of this bid award. He referenced the bid documents and stated his competitors were not the low bidders. He mentioned the factors to be considered for awarding this bid based on the documents.

There was no cross-examination or rebuttal.

Mr. Frankel stated he will support staff's recommendation and reject the bid protest.

Mrs. Gray stated if the time certain was not indicated in the paperwork, she will also support staff's recommendation.

Mr. Carney stated he reviewed the information carefully and timeframes were not clear. He agrees with staff's recommendation.

Mayor McDuffie is disappointed that we are in this position. He stated something needs to be explicitly stated in the contract regarding timeframes. He concurs with fellow Commissioners and agrees with staff's recommendation.

Mr. Frankel moved to approve the bid protest, seconded by Mrs. Gray. Upon roll call the Commission voted as follows: Mr. Frankel – No; Mrs. Gray – No; Mayor McDuffie – No; Mr. Carney – No. Said motion *denied* with a 4 to 0 vote.

2. **BID AWARD/ RANDOLPH AND DEWDNEY CONSTRUCTION, INC.:** Consider approval of a bid award to Randolph and Dewdney Construction, Inc. in the amount of \$456,710.00 for renovations to the Pompey Park Concession Stand. Funding is available from 334-4127-572-62.10 (General Construction Fund: Building).

Mr. Krejcarek presented this item giving an overview of the project.

Mr. Frankel commented regarding the budget. He stated both the concession stand and the press box, even with Miller Park, are luxury items in light of where we are with the budget. He stated he cannot support this as it is nearly one third of the deficit we are looking at for next year.

Mrs. Gray stated although we are having difficulties regarding the budget, this project is already budgeted for and needed for safety. She stated she is in favor of this budget going forward.

Mr. Carney stated he has stated previously that he understands why the concession stand needs to be addressed there; but the scope of this project is much larger than necessary and this could have been done with half of the space and could be accomplished with much less money. He would support it for a lesser amount of money than this. He stated he has been consistent on this point.

Mrs. Gray stated more meeting space is needed at Pompey Park.

Mayor McDuffie asked where we stand on budget with this project. Mr. Harden stated this is a budgeted project in this year's budget.

Mrs. Linda Karch, Parks and Recreation Director, stated she asked the Community Redevelopment Agency (CRA) for help on this project and we were turned down. She stated she supports this project and strongly recommends that we move forward on this project.

Mr. David T. Harden, City Manager, stated we have done a total renovation of Miller Field with all of the facilities there with the exception of the Little Fenway press box. Pompey Park has been completed in pieces and this is the last piece. He stated it is important to get this done.

Mr. Carney stated he was not a part of the initial process for Miller Park and his view would have been the same. He stated he is not suggesting that this project not be done just that it should not be done now.

Mrs. Gray reiterated that it is budgeted for now.

Mr. Harden stated we have got to do something; the stairs are unsafe and asked if Commission will consider a lesser project.

Mr. Carney referenced certain components of the project.

Mayor McDuffie stated if there is a safety issue, it has to be cured. However, right now the expenditure for the total project is a third of what we need when looking at the budget.

Mrs. Gray asked about the first phase of the project.

Mr. Carney stated he would have to see the presentation again regarding the first phase.

The City Manager suggested tabling this item until there is a full Commission.

Discussion continued and it was the consensus of the Commission to table this item.

Mr. Carney moved to table the bid award until the August 2, 2011 Regular Meeting, seconded by Mr. Frankel. Upon roll call the Commission voted as follows: Mrs. Gray – No; Mayor McDuffie – No; Mr. Carney – No; Mr. Frankel – No. Said motion passed with a 4 to 0 vote.

Mayor McDuffie adjourned the Special Meeting at 6:31 p.m.

### **WORKSHOP MEETING AGENDA**

#### **1. Citywide Economic Development Financial Incentive Program**

Mr. Richard Reade, Sustainability/Public Information Officer, stated we wanted to come to Commission and talk about the various economic development options that were available to the city for the properties outside of the CRA and citywide.

Commission authorized staff to proceed with reviewing these types of opportunities and we looked at various cities and talked to various agencies and came up with questions before we could recommend opportunities to the Commission. Mr. Reade reviewed the questions as well as the report with the Commission.

Mr. Carney stated he likes the report alot. He stated he was on the CRA with the program they developed and mentioned some of the incentives. He stated he does not know whether we will need a referendum or not. He discussed the expansion of the CRA, rebate taxes and the concept of the enterprise zone, etc. He stated it was a great report.

Mr. Harden briefly discussed rebate taxes.

Mrs. Gray thanked staff for the report. She is not in favor of expanding the Community Redevelopment Agency (CRA) but is in favor of looking at hiring an Economic Development Director to work in the city overall. She mentioned a meeting she attended regarding federal Highway, developing the land for additional tax revenue and certain incentive programs from when she served on the CRA Board. She stated we should put emphasis on our schools here in the city.

Mr. Frankel asked what is the status of hiring the Economic Development Director.

Mrs. Lula Butler, Community Improvement Director, responded and stated they are narrowing down the applications and interviews will begin next week. They hope to have someone hired in one month.

Mr. Frankel mentioned a person who wanted to bring a business to Delray Beach's downtown area with 90 positions that he would hire; yet because of our potential change to in-lieu parking regulations, it would cost him an extra \$400,000. So, this person is not coming. He stated things the Commission does or does not do can have an effect. He indicated this would not be retail to restaurant renovation. Mr. Frankel stated there are a lot of great ideas and since there is a lot of detail here he would want to know the opinion of the person that is hired and hear their direction. Mr. Frankel also wants to hear more about incentives.

Mayor McDuffie clarified that the Economic Development Director will work for the entire city and not just the CRA district. He mentioned the technical assistance plan and discussed a meeting he attended in Boca Raton. He would like to see specialists in the field brought into the community to discuss this. Mayor McDuffie mentioned the enterprise zone and stated we need to leverage every area of the state that we can to help us with this. He would like to hear from the new Economic Development Director as well once the person is brought on board. He would like for us to look at the technical assistance plan and also at the Florida Atlantic University (FAU) expansion regarding the new medical center coming into there. He stated he is very happy with the report and would like to hear about the Community Development District (CDD) and asked about the eight (8) business districts.

## 2. **FY 2012 Budget**

Mr. Harden stated we emailed Commission a copy of the budget and sent out a hard copy as well and he wants to present additional information about it. He spoke regarding the General Fund and stated the 2011 column is after the midyear budget review. He stated we are looking at a \$3 million gap that we have to deal with. He provided a summary by department and stated Commission will see that every budget has been decreased with three exceptions.

Mr. Harden explained the increase to debt service. He stated overall we are approximately 2.5% below our expenses for 2011. He stated we are trying to develop various ways to address the gap and will have more to say as far as different options next week. He provided an additional handout showing cuts that have been made as well as the proposed budget and prior year's cost by line item. Mr. Harden discussed the various millages and rollback rate. The millage rate would have to be 7.49 to bring in the same revenue or 7.8 or 7.9 in order to close the entire gap. He stated another option is the Fire Service Assessment and staff will provide more information on that; he discussed the Boynton Beach and Boca Raton Fire Service Fees. He also informed Commission that staff is in the process of looking at programs. He stated we expect to have the final report of the ICMA Study by then end of next week. Mr. Harden stated last year we opened the early retirement window for general employees and we need to do that again; recommends an additional 12 months of insurance after their retirement date as an added incentive. He stated the item will be placed on the agenda next week to discuss it further. Mr. Harden suggested setting a special meeting on July 26, 2011 if necessary.

Mr. Frankel stated he has no problem with the early retirement window being opened and he is in favor of the fire service assessment.

Mr. Carney thinks the fire service assessment is a good idea and feels another way to reduce our costs is to look at the contract with Gulfstream.

Mr. Harden stated as in prior years, if anyone wants to go through this in more detail, they can come in to meet with staff.

Mrs. Gray stated she is not in favor of laying people off.

Mayor McDuffie agrees with opening the early retirement window and the health insurance incentive. He stated he has not been in favor of the Fire Service Assessment but has looked at it again. It is fairer than the ad valorem tax when it comes to supporting public safety. He discussed the statutory limitation regarding millage rates.

Discussion continued regarding millage.

Mr. Frankel asked if the fire service assessment can be put in place in time for next year's budget.

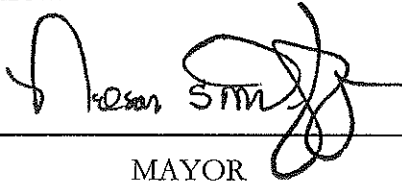
Mr. Harden replied that we cannot use the uniform method for collecting it but we could bill it ourselves either on the utility bills or as a separate billing the first year and the second year we could use the uniform method and put it on the property tax bill.

Mayor McDuffie thanked staff for all of the hard work thus far and stated the budget will be a challenge.

Mayor McDuffie adjourned the Workshop Meeting at 7:28 p.m.

  
\_\_\_\_\_  
City Clerk


ATTEST:



A handwritten signature in black ink, appearing to read "Norm Smith", written over a horizontal line.

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, July 12, 2011, which Minutes were formally approved and adopted by the City Commission on August 2, 2011.



A handwritten signature in black ink, appearing to read "Sherrill D. Rubin", written over a horizontal line.

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.