

**SPECIAL/WORKSHOP MEETING
NOVEMBER 11, 2008**

A Special/Workshop Meeting of the City Commission of the City of Delray Beach, Florida, was called to order by Vice Mayor Woodie McDuffie in the First Floor Conference Room at City Hall at 6:00 p.m., on Tuesday, November 11, 2008.

Roll call showed:

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

Absent - Mayor Rita Ellis

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

Vice Mayor Woodie McDuffie 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. **AUTHORIZATION TO FILE A SECOND APPEAL OF FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FUNDING DETERMINATION AND AUTHORIZATION TO FILE SUIT AGAINST DEBRIS CONTRACTOR:** Consider authorizing the City to file a second appeal regarding the (FEMA) funding determination for Hurricane Frances debris removal and grant staff the authority to file suit against the City's Disaster Debris Removal Contractor.

Brian Shutt, Assistant City Attorney, gave an overview of this item. He discussed the vegetative waste regarding the cubic yardage and allowances. This is to file a second appeal to FEMA's Regional Director; and to file suit against our disaster debris removal contractor D&J Enterprises, Inc. for Hurricane Frances.

Joe Safford, Finance Director, explained the contract process.

Susan A. Ruby, City Attorney, stated that we will file the appeal with FEMA.

Mr. Fetzer asked can we concurrently file both. The City Attorney stated that we can. However, one may be "stayed" as a result of waiting for the other but we can file so it can be filed within the statute of limitations.

Mr. Bernard asked how long is the statute of limitations. Brian Shutt replied 5 years.

Mr. Eliopoulos and Mr. Fetzer stated they support this.

Mr. Fetzer moved to grant authority to file a second appeal to FEMA and to file suit against D&J Enterprises, Inc., seconded by Mr. Eliopoulos. Upon roll call, the Commission voted as follows: Mr. Fetzer – Yes; Vice Mayor McDuffie – Yes; Mr. Bernard – Yes; Mr. Eliopoulos – Yes. Said motion passed 4-0.

2. **RENAMING REQUEST/“505” TEEN CENTER SKATE PARK:** Consider a request for approval to rename the “505” Teen Center Skate Park to Hobbit Skate Park in memory of Jason Weinstein, a Recreation Supervisor at the Teen Center.

Linda Karch, Director of Parks and Recreation, presented this item. She stated that the Parks and Recreation Department would like to rename the “505” Teen Center Skate Park to Hobbit Skate Park in memory of Jason Weinstein, a Recreation Supervisor at the Teen Center. She gave a brief history of Jason Weinstein’s employment and accomplishments with the City. Mr. Richard and Ilonka Weinstein were present at the meeting.

Mr. Eliopoulos moved to approve the renaming request from “505” Teen Center Skate Park to Hobbit Skate Park, seconded by Mr. Bernard. Upon roll call, the Commission voted as follows: Vice Mayor McDuffie – Yes; Mr. Bernard – Yes; Mr. Eliopoulos – Yes; Mr. Fetzer – Yes. Said motion passed 4-0.

Richard Weinstein spoke and thanked the City for all of their support.

Vice-Mayor McDuffie adjourned the Special Meeting at 6:14 p.m.

WORKSHOP AGENDA

1. **Update by the Delray Beach Historical Society on the new Ethel Sterling Williams Learning Center**

Mr. Robert W. Ganger, President of the Delray Beach Historical Society, introduced Stephanie Shipley and presented this item. He discussed the landscaping and parking plan with Commission. He would like to work with the City regarding landscaping and planning. The parking plan includes the creation of new spaces and it needs to be completed. He is asking the Commission to authorize the appropriate people in the City to work with them to get this project done. He stated that the cost will probably be \$50,000 over a period of time. He handed out a brochure on Ethel Sterling Williams and provided a brief history.

Vice Mayor McDuffie thanked Mr. Ganger and stated they have done a wonderful job.

Mr. Fetzer stated he was pleased to see how far the Delray Beach Historical Society has come and congratulated Mr. Ganger. He asked Mr. Harden what the City will be able to do at this point due to the current fiscal situation.

David T. Harden, City Manager, stated that staff will work with the Delray Beach Historical Society to see what we can get done. He stated he is sure they will figure out a way to make it presentable.

Mr. Bernard concurred with Mr. Harden and supports this project.

Mr. Eliopoulos stated that he supports this, supports staff working but is concerned with the money. He expressed concerns about the wood and subterrain (termites) due to the vegetation being too close to the structure and the sprinkler heads.

Vice Mayor McDuffie asked if the City has the capacity to do paving work. Robert Barcinski, Assistant City Manager, stated he will get with Dick Hasko, Director of Environmental Services, about the paving.

Vice Mayor McDuffie stated that the Delray Beach Historical Society has the City's support. He is thinking about reaching out to the business community.

Mr. Ganger stated that the Navy was sending some junior officers out on community service and Home Depot would have given them the plantings but it was too early. He discussed that Florida Public Utilities has been delaying the installation of the gas line.

Vice Mayor McDuffie stated that he will contact Florida Public Utilities.

2. Proposed Advertising and Marketing Plan for Parks and Recreation Department

Linda Karch, Director of Parks and Recreation, presented this item and gave an overview of the proposed Advertising and Marketing Plan for the Parks and Recreation Department. She stated that the Parks and Recreation Department distributes an annual and semi-annual brochure to the public. Due to recent budget constraints, the 2008-2009 allocated funding for *printing/binding services* has been decreased from \$12,000 to \$6,000. Without any additional funding, we will only be able to create one brochure for the year. She would like to continue offering one annual brochure and in addition add a quarterly brochure which will be distributed throughout the schools. The approximate cost for the quarterly brochure is \$2,600. She would like to incorporate ads from Sports and Youth Organizations. She stated they would like the first quarterly brochure to come out in January 2009.

Vice Mayor McDuffie asked the City Attorney if there are any legal issues regarding advertising publications.

Mrs. Ruby stated that we cannot regulate the content of a speech, but it has to be recreation or sports related.

It is the Consensus of the Commission to move forward with this and continue working with the City Attorney on language regarding advertisements.

3. Purchasing Process Overview

Joe Safford, Finance Director, presented this item. He introduced Patsy Nadal, Purchasing Manager. Mr. Safford explained the Purchasing process and went over the flowchart. He discussed the purchases under the amounts of \$1,000.00 and purchases over \$15,000.00. He explained the bidding process. Bids over \$15,000 require a formal bid or quote.

He stated that the City is highly respected in Palm Beach County as a bid processor and a lot of Cities copy our bids. The Purchasing Department process over 600 to 700 purchase orders per month. He stated the bidders on the approved list have increased to 22; and many of these vendors submit incomplete paperwork on a particular project. Mr. Safford stated that the Purchasing Department will possibly bring the vendors in for a class, so that they understand the paperwork.

Patsy Nadal, Purchasing Manager, discussed the bid packets for a project that was received recently. She discussed scenarios for certain paperwork turned in by vendors.

Mr. Safford explained that the Purchasing Department does between three (3) and five (5) bids per month and a lot of work goes into the bid process.

Patsy Nadal invited the Commissioners to spend sometime with the Purchasing Department to see the process. She stated that we do 35% of the bids that the State of Florida piggybacks on such as road construction supplies, medical supplies, chemicals and fertilizers.

David T. Harden, City Manager, asked Patsy Nadal to talk about the purchasing cooperative. Patsy Nadal stated that the City is the lead entity in cooperative purchasing in Palm Beach County.

Mr. Fetzer stated that the Commission asked for an update on the bid and purchasing process. The information presented tonight has been very helpful. He wants to make sure that we do have a very clear and precise process regarding bids. It would help in the future if staff gives them input and directions as far as what Commission should be doing.

Mr. Eliopoulos asked a question regarding the median. He concurred with Commissioner Fetzer's comments.

Mr. Bernard asked if there were six approved vendors. He also questioned if there is a way to do the education process at the mandatory pre-bid meeting.

Patsy Nadal stated that she sent out 122 invites and received 10% back. Only 22 vendors attended the mandatory pre-bid meeting and they should be familiar with the process prior to the meeting. She discussed doing a possible brochure to hand out to vendors.

Mr. McDuffie asked if we work from an approved bidders list.

Mr. Safford stated we have an approved bidders list for construction type contracts with Environmental Services. They have a list of pre-approved architects, engineers and contractors.

Mr. McDuffie discussed the Department of Revenue vendor qualification process.

The City Manager stated we have a pre-qualification process that is in draft form and Environmental Services has been working with the City Attorney's Office on this process.


Ms. Nadal expressed concerns with eliminating small vendors.

Mr. McDuffie reiterated staff informing Commission regarding bids. He wants to be armed with the information when people speak with them about the bids.

Mr. Safford asked the Commissioners to notify the Purchasing Department if they hear of any issues.

Mr. Bernard expressed concerns regarding the language barriers regarding Creole and Spanish; and stated Commission has to contact staff when they are approached about bids.

Vice Mayor McDuffie adjourned the Workshop Meeting at 7:59 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, November 11, 2008, which Minutes were formally approved and adopted by the City Commission on November 18, 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.