

**SPECIAL/WORKSHOP MEETING**  
**OCTOBER 12, 2010**

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 6:00 p.m., on Tuesday, October 12, 2010.

Roll call showed:

Present -                   Commissioner Gary P. Eliopoulos  
                                  Commissioner Fred B. Fetzer  
                                  Commissioner Adam Frankel  
                                  Commissioner Angeleta E. Gray  
                                  Mayor Nelson S. McDuffie

Absent -                   None

Also present were -     David T. Harden, City Manager  
                                  Brian Shutt, City Attorney  
                                  Kimberly Wynn, Acting 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 Item.

**SPECIAL MEETING AGENDA**

1. **APPOINTMENT OF OUTSIDE LABOR COUNSEL:** Consider approval of Allen, Norton and Blue as outside labor/employment counsel to the City of Delray Beach.

Mr. Brian Shutt, City Attorney, presented this item. He discussed background information on Allen, Norton and Blue law firm and the selection process.

Mr. Eliopoulos asked how the firm was selected.

Mr. Shutt discussed rates, distance and positive referrals from other municipalities.

Mr. Bruce Koeser, Director of Human Resources, stated the retainer provision was reasonably priced.

Mr. David T. Harden, City Manager, discussed the firm's approach to negotiation and stated the professionalism was impressive.

Mrs. Gray asked about contracts with the previous attorneys.

Mr. Shutt explained the new firm would be at the Executive Session that is scheduled after the Special/Workshop Meeting on October 12, 2010. Outstanding items would be handled by the previous attorney, but, there would be some overlap.

Mr. Harden advised the overlap would be with litigation not in dealing with the Unions.

Mrs. Gray asked if the fee included travel.

Mr. Shutt explained travel expenses would be split, when possible, if Allen, Norton, and Blue had to visit other clients in the area. The firm is located in Coral Gables; however, they have clientele in Palm County.

Mr. Frankel is delighted with the new attorney and impressed with the firm's clientele.

Mr. Fetzer stated he wanted a competent attorney, but the choice of attorney would not solve union challenges.

Mr. Harden advised that discussions to reduce the benefits of Fire and Police would always be met with resistance.

Mayor McDuffie stated he supported the new firm.

Mr. Frankel moved to approve appointing Allen, Norton and Blue as outside labor/employment counsel to the City of Delray Beach, seconded by Mr. Eliopoulos. Upon roll call the Commission voted as follows: Mr. Fetzer – Yes; Mr. Frankel – Yes; Mrs. Gray – Yes; Mayor McDuffie – Yes; Mr. Eliopoulos – Yes. Said motion passed with a 5 to 0 vote.

Mayor McDuffie adjourned the Special Meeting at 6:09 p.m.

### **WORKSHOP MEETING AGENDA**

#### **1. Discussion of Seacrest Soccer Complex Maintenance Agreement with the Delray Beach Athletic Club**

Mr. Todd L'Herrou, Executive Director of the Delray Beach Athletic Club, introduced this item. He discussed the possibility of the Delray Beach Athletic Club taking over the Sports Turf One contract at the Seacrest Soccer Complex to alleviate some of the costs the City incurred with the present contract.

Mrs. Linda Karch, Director of Parks and Recreation, discussed Delray Beach Athletic Club's proposed Maintenance Agreement and the cost savings of approximately \$70,000.00 for the City, which is the current contract amount with Sports Turf One. This would include the maintenance of the field and staffing the Seacrest Soccer Complex with a member from the Delray Beach Athletic Club on nights and weekends, which would eliminate the need for Parks and Recreation staff during that time. Mrs. Karch discussed the current contract and a possible lawsuit if terminated without probable cause. She stated that Parks and Recreation is satisfied with the level of service they have received from Sports Turf One and cannot justify terminating the contract.

Mrs. Gray asked about turf upgrade at Seacrest Soccer Complex.

Mr. L'Herrou explained turf upgrade and the cost and some of the options. He advised that the Community Redevelopment Agency (CRA) would not be able to pick-up the cost because it is an on-going expense.

Mrs. Karch discussed the level of maintenance and the contractual obligation the City had with the School Board of Palm Beach County which would cause a conflict with the proposed Maintenance Agreement. She talked about scheduling conflicts with the Delray Rocks Football Games and the Delray Beach Athletic Club. She advised with the proposed Maintenance Agreement the City would continue to maintain the common areas.

Mr. Frankel asked if the Delray Beach Athletic Club would have exclusive rights to the field.

Mr. L'Herrou stated that the Delray Beach Athletic Club would be the primary scheduler of the field. He stated this would allow field usage to rotate. He discussed how the field is rotated for maintenance periodically. Mr. L'Herrou said this rotation would not impact XPE Sports a/k/a Sports Turf One.

Mrs. Karch was concerned about turning over the City's right to the field and being granted permission to usage by a private organization

Mrs. Gray asked how often the field is closed.

Mrs. Karch advised eight (8) weeks.

Mrs. Gray stated she is not in favor of turning the field over to one organization. She discussed scheduling conflicts with the Delray Rocks and Seacrest Soccer Complex.

Mr. L'Herrou apologized to Commission for the conflict, and assured them it was not done intentionally.

Mrs. Karch explained the scheduling conflict.

Mr. Fetzer asked about the termination process if the proposed Maintenance Agreement does not work.

Mrs. Karch discussed the contract terms and the right to terminate.

Mr. Fetzer discussed the economic advantages this would present the City. He stated he supported the Maintenance Agreement and would like to try.

Mr. Eliopoulos discussed the horrible parking conditions and the segregation of the sports and the need to integrate and break down barriers.

Mr. L'Herrou discussed the pre-lacrosse and fitness training for expensive equipment.

Mr. Harden stated the proposed Maintenance Agreement was more complicated than he originally anticipated and wanted to know if Commission would like to proceed.

Mayor McDuffie is interested in pursuing a private partnership and he supported working out the details of the agreement.

Mrs. Gray questioned scheduling conflicts with the camps such as Brandon Flowers' Sports Camp and stated she does not support giving control of City fields to one organization.

Mayor McDuffie asked if the schedule could be placed on the website to avoid conflicts.

Mr. L'Herrou discussed the possibility of growth with the Delray Rocks program.

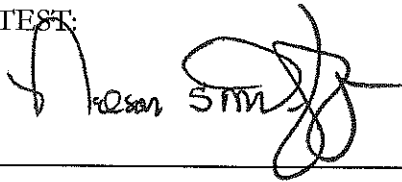
Mrs. Gray asked about diversity and outreach programs.

Mr. L'Herrou discussed diversity outreach programs.

Mayor McDuffie adjourned the Workshop Meeting at 7:08 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 12, 2010, which Minutes were formally approved and adopted by the City Commission on November 2, 2010.

  
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.