

WORKSHOP MEETING
April 14, 2009

A 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, April 14, 2009.

Roll call showed:

Present - Commissioner Gary P. Eliopoulos
 Commissioner Fred B. Fetzer
 Commissioner Mackenson Bernard
 Commissioner Adam Frankel
 Mayor Nelson S. McDuffie

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

Mayor McDuffie called the meeting to order and announced that it had been called for the purpose of considering the following items:

WORKSHOP AGENDA

1. Recognition of Group Study Exchange (GSE) from Rio Grande Do Sul, Brazil

Mayor McDuffie introduced Former Commissioner Patricia Archer. Ms. Archer explained that the Group Study Exchange (GSE) program of the Rotary Foundation of Rotary International is a unique cultural and vocational exchange opportunity for young business and professional men and women between the ages of 25-40 in the initial years of their professional life. Mayor McDuffie welcomed the Group Study Exchange (GSE) Team from Brazil. He read into the record the "Rotary Group Study Exchange Team" proclamation.

2. Proposed Police and Fire Pension Plan Amendments

Susan Ruby, City Attorney introduced this item and stated that they received two proposed ordinances amending the Police and Fire Pension Plan from Chuck Jeroloman, Chairperson, of the Board of Trustees which was submitted to the pension lawyers for their response in regards to the impact this may have on the City. She stated that the actuarial study letter certifies that the Pop-Up option would not cause any increase in cost, however in regards to extending the drop, it may increase or decrease.

It was the consensus of the Commission to bring the "Pop-Up Option" Ordinance forward and asked staff do more research for the DROP extension ordinance.

3. Presentation on BSCA Computer System Analysis and Public Safety Software RFP

Barry Strock of Barry Strock Consulting Associates, Inc. (BSCA) presented this item. Mr. Strock stated that they did a Report Card Analysis of both the Financial and Public Safety Business Systems and re-engineering issues. He discussed the executive summary findings as follows: Information Technology Division has been excellent in supporting the RFG based legacy systems; the time has come to replace both the financial suite of applications and the public safety suite applications. The current financial payroll and utility CIS (Customer Information Systems) and other applications in the financial suite software applications are clearly at the end of their lifecycle. He stated the public safety procurement has already begun. Mr. Strock also discussed the Request for Proposal (RFP) and stated that a decision has not been officially made in terms of giving them the go ahead on doing the same for the financial system. He believes that both systems can be deployed at the same time or relatively at the same time. He discussed the following four benchmarks used to look at technology procurements: Cost Containment to increase efficiency and contain a reduce cost, Streamline Operations to increase the productivity of the existing personnel and provide policy makers with essential management information, Enhanced Service to provide employees with the tools to effectively represent and deliver the tasks of government, and Accountability to provide clear cost and service justifications for services provided to citizens and taxpayers. He believes that there is a need for a new end-user contemporary system that would outweigh the risk of the old technology and this would be of value to do it concurrently. Most of the work will be shouldered by Finance, Public Safety, and Environmental Services; and better information to the Commissioners and the departments outside of Finance will result. The probable cost of a financial system varies from \$300,000 to \$800,000 and there is a maintenance fee associated with the software. This entire process is about a 12 to 18 month window.

It was the consensus of the Commission for the City Manager to look at the budget to obtain both the procurements at the same time but schedule conversions consecutively; not at the same time.

4. Presentation on the Waste Management Contract

Mayor McDuffie introduced Mr. Kenneth J. MacNamee. Mr. MacNamee gave handouts to the Commission. He briefly discussed the response letter that he sent to the Commission on February 28, 2009 and the general ledger page that he received from Barbara Schooler, Utility Billing Manager of the Utility Billing Division. He stated that he discovered that the City was being underpaid by Waste Management on the franchise fees. He also discussed the Rear Door Trash Service Comparison – Delray Beach vs. Gulfstream.

Joseph Safford, Finance Director, discussed Mr. MacNamee's concerns regarding the people in his area bringing the garage curbside and they were being charged for rear door trash service. Mr. MacNamee did not feel the residents had enough information to know that they did not have to bring their garbage to the curbside. Mr. Safford stated that maps were placed on the back of the utility bills to make sure the residents were informed. He briefly discussed the franchise fees in question and stated it was obvious that something was wrong because the

franchise fee amounts looked the same as last year. The franchise fee rates had gone up 50% for residential and were higher for commercial and we should have seen an increase in the fees. Mr. Safford stated Waste Management responded to the change in this contract and they explained why the franchise fees were not the same and why the franchise fee was not going up by 50%, 60%, or 70%. He stated the methodology was changed, 1) they did not have the complete franchise fees on roll-off containers, so therefore they did not give the City franchise fees anymore, 2) businesses are going out of business, 3) because of the rate increase businesses are consolidating their services. So, there are reasons why the franchise is not going up the same percentage as the rate increases. There are franchise fees coming in from other carriers that are paying the City an upfront fee for C&D. Another issue was to obtain the information from Waste Management and they provided the City with a summary. Mr. Safford stated that this information is not easily accessible because Waste Management billing is done on a national system and the local Waste Management office does not have access but they were able to get the information. The information was given to Mr. MacNamee along with a spreadsheet. Mr. Safford stated that he and Lula Butler, Director of Community Improvement, have sat with Mr. MacNamee and gone over the information in detail, responses have been prepared and sent to Mr. MacNamee. Mr. Safford stated that he did not receive the Mr. MacNamee letter dated February 28, 2009. He suggested that we go back and answer the 16 questions discussed in the letter tonight.

Mr. MacNamee asked if the data can be produced in an Excel spreadsheet.

Butch Carter of Waste Management explained the billing system and stated that the numbers are never going to be totally recognizable. Secondly, their system is not in Excel. It can convert to Excel but the data will be in account address because that is how their system works. Mr. Carter informed Mr. MacNamee that he has the opportunity to have an independent auditor come in and audit Waste Management's franchise fee revenue.

It was the consensus of the Commission for staff to re-address every item that was brought up tonight and bring feedback to the Commission.

5. Group Homes, Landlord Permits, Definition of Family & Transient Residential Use

Susan Ruby, City Attorney introduced this item. Terrill Pyburn, Assistant City Attorney presented this item and stated there are four (4) proposed ordinances on which they would like direction from the Commission. The first ordinance pertains to Group Homes, which amends LDR Section 4.3.3(I), "Community Residential and Groups Homes", to update references to State statutes and licensing agency that were recently changed in the State statutes regarding Community Residential and Group Homes and these changes are merely to update out of date references to comport with state law. The second ordinance is to amend the Landlord Permits, which amends Chapter 117 of the City Code of Ordinances, to provide additional requirements for landlord permit approval, provide reasons why a landlord permit application may be denied or revoked, and provide that landlords must follow eviction requirements under Chapter 83, Florida Statutes or, not required by law, must provide a 48 hour notice and/or alternative dwelling for 48 hours for their tenants. The third ordinance is to amend the LDR Appendix "A", definition of "Family" to provide that a family may consist of no more than three (3) unrelated individuals. The fourth ordinance is to enact a new LDR Section 4.3.3 (ZZZ), "Transient Residential Use", to provide that the leasing, renting, licensing, subleasing or

otherwise allowing in any manner or form the use of single-family residential dwelling units for periods of less than twelve (12) months with a turnover in occupancy more often than six (6) times per year shall be prohibited in single-family and planned residential development zoning districts.

It was the consensus of the Commission for staff to move forward with the ordinances.

6. Discussion regarding Charges for Support of Special Events

Mr. Robert Barcinski, Assistant City Manager, discussed this item. He discussed the Budget Task Force recommendations along with an analysis of what the increase would have cost event producers in calendar year 2008. Non-profit event producers incorporated in the City now pay 65% of overtime costs and 100% of stage rental, trash boxes, light towers, barricade and generator rentals. Private non-profits not incorporated in the City and new event producers pay the City 100% of all costs. The events with costs under \$1,000 pay 50% of costs and Old School Square and the Downtown Marketing Cooperative (DMC) pay 35% of our costs. The net increase in revenue to the City based on 2008 costs would have been \$11,313 with about 70% of the increase coming from the Delray Affair and the Garlic Fest. Mr. Barcinski stated the total cost for the non City sponsored events was \$253,990 and the total cost for the City sponsored events was \$196,756. He discussed the possibility of sponsors paying us 75% in addition to charging for parking in certain surface lots for major events. He stated that the event producers like the idea of charging for surface parking but did not like the 10% additional charge. The DMC liked the parking option the best.

It was the consensus of the Commission to charge for parking in certain surface lots per staff recommendations.

7. Budget Direction for FY 2009/2010

Mr. David T. Harden, City Manager presented this item and asked the Commission for direction regarding the budget for FY 2010.

Mayor McDuffie discussed the millage rate and stated he would like to see us hold the millage at the current rate.

Mr. Fetzler stated that he would like to see from staff how the roll back rate would impact the City and what additional cuts are necessary in order to maintain the current millage rate. He stated that this should be communicated well with the residents.

Mr. Eliopoulos stated that we have to look at staffing for Fire Station #2. He supports more budget meetings and would like to maintain the current millage rate. Mr. Harden suggested having meetings outside of City Hall. Mr. Eliopoulos supports more communication with the public.

Mr. Bernard concurs with Mayor McDuffie and Commissioners Fetzler and Eliopoulos. He asked what amount the City would be able to collect on the business tax if the millage rate was increased to 3%. Mr. Bernard requested to know the number so we can see the impact.

Mr. Frankel stated we need to consider increases in other fees and consider everything. It is time to consider implementing fees regarding tourists.

Mr. Fétzer stated we need to consider fees. He is concerned with business taxes and would like more data and specific examples.

Mr. Eliopoulos stated we may have to look at the option of going to a 4-day work week with the consideration of rotating staff, not necessarily closing City Hall on Fridays.

Mayor Duffie asked what is the ratio of non-exempt to exempt employees, hourly verses salary. Mr. Harden stated he was not sure.

Mr. Bernard stated if we are going to reduce the work hours, it needs to be done across the board.

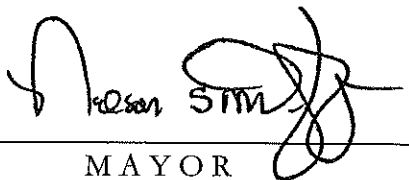
Mayor McDuffie stated he agrees with everyone and everything needs to be considered.

Mayor McDuffie adjourned the Workshop Meeting at 8:55 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 Workshop Meeting of the City Commission held on Tuesday, April 14, 2009 which Minutes were formally approved and adopted by the City Commission on May 5, 2009.



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.

