

**SPECIAL/WORKSHOP MEETING
SEPTEMBER 11, 2007**

A Workshop 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 6:01 p.m., on Tuesday, September 11, 2007.

Roll call showed:

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

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

WORKSHOP AGENDA

1. Presentation of Community Redevelopment Agency (CRA) Budget

Diane Colonna, Executive Director of the Community Redevelopment Agency (CRA) presented this item. She did an abbreviated PowerPoint presentation as well as distributed a packet of the presentation to Commission which gave a more detailed budget and work plan. Mrs. Colonna described the accomplishments of CRA for FY 2006-2007 and progress on upcoming projects. She explained the adopted expense allocation for FY 2008 budget.

David T. Harden, City Manager, asked if a referendum would be needed city-wide or district.

Mr. Fetzer complimented CRA on their great teamwork and for “stepping to the plate” to help with funding the shuttle service and the Delray Beach City Library.

2. Discussion regarding establishment of a Budget Task Force

David T. Harden, City Manager, provided background information on this item. At the August 28, 2007 Commission Workshop meeting, staff presented the Commission with information regarding the Budget Task Force that the City of Clearwater implemented. Mr. Harden would like to prepare a Resolution to implement a Budget Task Force for the City.

Mr. Eliopoulos is concerned with the membership protocol that would be established for the task force.

Mayor Ellis is concerned with the quality and caliber of people needed. The length of time needed for service would also need to be established.

Mrs. Montague asked that Mr. Harden draft a list of professional backgrounds necessary for the task force.

Mr. McDuffie advised that the time of year for some professions such as tax professionals and auditors would have to be taken into consideration, it may be a conflict.

Mr. Fetzer advised he has mixed emotions but he is willing to give it a try.

It was the consensus of the Commission to give the Budget Task Force a try. Mr. Harden will bring back to Commission the qualifications needed to be on the Task Force.

3. Reclaimed Water Master Plan Presentation

Richard Hasko, Director of Environmental Services, presented this item. He gave a PowerPoint presentation on the reclaimed water system. He explained the benefits and the status of the City since the changes with South Florida Water Management Water District (SFWMD). Mr. Hasko explained the four phases and the progress of the Reclaimed Water System program in each phase, which is based on the cost-effectiveness of the construction.

It was the consensus of the Commission that this was a very enlightening presentation.

4. Linton Boulevard Bridge Tender House Presentation

Randal Krejcarek, City Engineer, presented this item. Mr. Krejcarek provided an update on the status of the Linton Boulevard Bridge Tender House. Mr. Krejcarek explained the project will be going to SPRAB in the near future and then it will be going out to bid.

Mr. Eliopoulos asked if the Linton Boulevard Bridge Tender House will be hurricane-resistant. He also asked staff to look at the new metal roofs on design; currently there is a problem with getting a new warranty if you are on water unless you have aluminum roofs.

The Commission thanked Mr. Krejcarek for his presentation.

Mayor Ellis called the special meeting to order at 7:35 p.m. and announced that it had been called for the purpose of considering the following items:

SPECIAL MEETING AGENDA

1. **SERVICE AUTHORIZATION NO. 04-08/CH2M HILL, INC.:** Approve Service Authorization No. 04-08 in the amount of \$82,500.00 to CH2M Hill, Inc. for performance of a comprehensive water and wastewater cost of service rate analysis and development of a rate structure for reclaimed water services. Funding is available from 441-5111-526-31.30 (Water/Sewer Fund/Engineering/Architect).

Richard Hasko, Director of Environmental Services presented background information on this item. He explained the comprehensive rate structure study that was conducted for several cities for reclaimed water service. The comprehensive utility rate study will look at the cost of running service and the rate that is charged. The City has not conducted a study in several years, and an overall utility rate study is needed. One of the major benefits is the induction of a new EXCEL application software that the City would be licensed to use. The software would be built by CH2M Hill which would offer the ability to plan over a 5-year period such projections as operational maintenance and capital costs

Mr. Eliopoulos asked if there was another group that was considered. He is also concerned with the liability section of the contract.

Mr. McDuffie advised staff to make sure upgrades are allowed with the EXCEL software.

Mrs. Montague moved to accept Service Authorization No. 04-08 with CH2M Hill with amendments that it will be compatible with future EXCEL releases and will be subject to City Attorney review of the agreement, seconded by Mr. Eliopoulos. Upon roll call, the Commission voted as follows: Mr. McDuffie – Yes; Mrs. Montague – Yes; Mayor Ellis – Yes; Mr. Eliopoulos – Yes; Mr. Fetzer – Yes. Said motion passed 5-0.

2. **APPOINTMENT OF OUTSIDE COUNSEL/LIDIA BOLANDER V. TASER INTERNATIONAL; DGG TASER, INC.; THE CITY OF DELRAY BEACH; OFFICERS FRANK CASAREZ AND STEVEN HYNES:** Consider the appointment of Fred Gelston, Esquire to act as outside counsel for the City in the case of Lidia Bolander v. Taser International; DGG Taser, Inc.; The City of Delray Beach; Officers Frank Casarez and Steven Hynes.

Susan Ruby, City Attorney, stated this case was called from the state court and moved to federal court and as a result the City would like the appointment of outside counsel, Fred Gelston, Esquire, to represent the City and the officers.

Mr. Fetzer moved to appoint Fred Gelston, Esquire as outside counsel to represent the City and the Officers Frank Casarez and Steven Hynes, seconded by Mr. McDuffie. Upon roll call, the Commission voted as follows: Mrs. Montague – Yes; Mayor Ellis – Yes; Mr. Eliopoulos – Yes; Mr. Fetzer – Yes; Mr. McDuffie – Yes. Said motion passed 5-0.

Mayor Ellis adjourned the Special Meeting at 7:51 p.m. for a brief Closed Attorney/Client Session.

3. **CLOSED ATTORNEY/CLIENT SESSION** pursuant to F.S. 286.011(8) re: the case of: Kenneth Miller, et al. v. Darren Cogoni, et al
Case No. 07-80249-CIV-Middlebrooks

Attendees: Mayor Rita Ellis
Commissioner Gary P. Eliopoulos
Commissioner Fred B. Fetzer
Commissioner Woodie McDuffie
Commissioner Brenda B. Montague
City Manager David Harden

City Attorney Susan Ruby
Police Legal Advisor Cathy Kozol
Attorney Fred Gelston
A certified court reporter

Purpose: Discuss settlement negotiations and strategy related to litigation expenditures in the above cases.

Mayor Ellis reconvened the Special Meeting at 8:15 p.m.

4. **SETTLEMENT OF:**

Kenneth Miller, et al. v. Darren Cogoni, et al
Case No. 07-80249-CIV-Middlebrooks

Susan Ruby, City Attorney, presented this item. Mrs. Ruby discussed the settlement offer of \$1,000,000 which is partially insured. The settlement, if approved would be subject to receiving a voluntary dismissal with prejudice, a receipt of a final order from the judge, accepting this settlement and releases from all parties. This settlement would finalize and settle all claims against the City.

Mr. McDuffie moved to approve the settlement of Kenneth Miller, et al v. Darren Cogoni, et al with the expressed conditions of the City Attorney, seconded by Mrs. Montague. Upon roll call, the Commission voted as follows: Mayor Ellis – Yes; Mr. Eliopoulos – Yes; Mr. Fetzer – Yes; Mr. McDuffie – Yes; Mrs. Montague – Yes. Said motion passed 5-0.

Mayor Ellis adjourned the Special Meeting at 8:25 p.m.

City Clerk

ATTEST:

M A Y O R

The undersigned is the City Clerk of the City of Delray Beach, Florida, and the information provided herein is the Minutes of the Special Meeting of the City Commission held on Tuesday, September 11, 2007 which Minutes were formally approved and adopted by the City Commission on _____.

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.