

SPECIAL/WORKSHOP MEETING
APRIL 13, 2010

A Special Meeting of the City Commission of the City of Delray Beach, Florida, was called to order by Mayor Nelson S. McDuffie in the Commission Chambers at City Hall at 6:00 p.m., on Tuesday, April 13, 2010.

Roll call showed:

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

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

Mayor Nelson S. 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. **AGREEMENT/DOWNTOWN DEVELOPMENT AUTHORITY:** Consider entering into an agreement with the Downtown Development Authority (DDA) to provide the City with staff support for City sponsored events and to rent office space at City Hall.

Robert A. Barcinski, Assistant City Manager, presented this item. He stated that Commission is requested to consider entering into an agreement with the Downtown Development Authority (DDA) to provide the City with event management services for City sponsored events and whether to rent office space at City Hall to the Downtown Development Authority until January 31, 2011. He mentioned the letter received from Michael Listick, which was written after their meeting of April 5, 2010, offering to provide event management services for City events; and the summary of all the discussion and actions taken by the DDA at the meeting, as well as the updated budget summary expenses based on the DDA revenue through the end of the fiscal year. The employees will be DDA employees and not City employees. They will no longer be Downtown Marketing Cooperative (DMC) employees and the DDA will have to hire them. The events that they will support for the City are July 4th, Holiday Tree Lighting and First Night. He stated that City staff and the DDA are looking for direction from the Commission. Michael Lipstick, Chairman of the DDA stated that he did not receive any emails. He discussed the DDA's temporary proposal. Their proposal was rather than having some events cancelled they would take them on temporarily until after Christmas and work with the City and their partners to figure out a long range strategy. He stated that they are looking for empty space, and it will cost them roughly \$1,000.00 a month to move. He thought that if the City wanted them to move into the empty space temporarily until things get going. He stated that this is just a temporary proposal and that they can take it on with no commitment on anyone side beyond January 31, 2011. Diane Colonna, Executive Director of the Community Redevelopment Agency (CRA) stated that the events were never on the verge of being cancelled.

At the April 1, 2010 DMC meeting, two (2) CRA representatives voted to reorganize the DMC as a new entity, a nonprofit organization. The bylaws creating the new entity would be prepared by the City Attorney and brought back to the DMC board for consideration at its April 22nd meeting. Gary Weiss discussed several suggestions outlined in Mr. Listick's letter to Mr. Harden dated April 5, 2010. He discussed numbers 1, 2 and 5. He stated that the DMC is totally operational with staff. There has been no indication from the DMC that there are any issues with the inability to function.

Commissioner Frankel asked Mr. Malone if the Commission rejects this, could the DMC carry out the 4th of July event and any other events.

Mr. Malone stated that the DMC has staff and they have been diligently working on this project. He stated that he is confident that they could carry out the tasks.

Discussion ensued between the Commissioners and the stakeholders regarding issues between the DMC and the DDA. Commission feels that the DDA should not be housed in City Hall and they do not want to see any events cancelled.

Commissioner Gray stated that she would like to see the DMC handle the City events if staffing in place and if the Chamber agrees to house the DMC at their facility.

Mayor McDuffie stated motions were made to reorganize the DMC. He met with Mr. Malone and exchanged some information and it was given to the City Attorney for preparation of the Bylaws and the Article of Incorporation. The City Attorney is pursuing a 501(c)(3) for the new DMC and it will have four (4) board members instead of six (6).

Mr. Eliopoulos made a motion to approve entering into an agreement with the Downtown Development Authority (DDA) as presented, seconded by Mr. Fetzer. Upon roll call the Commission voted as follows: Mr. Fetzer – No; Mr. Frankel – No; Mrs. Gray – No; Mayor McDuffie – No; Mr. Eliopoulos – No. Said motion was denied with a 5 to 0 vote.

Mr. Eliopoulos made a motion to allow the Downtown Development Authority to rent office space at City Hall as presented; seconded by Mr. Frankel. Upon roll call the Commission voted as follows: Mr. Frankel – No; Mrs. Gray – No; Mayor McDuffie – No; Mr. Eliopoulos – No; Mr. Fetzer – No. Said motion was denied with a 5 to 0 vote

2. **AMENDED CONTRACT FOR SALE AGREEMENT/HSBC BANK USA/616 S.W. 9TH STREET:** Consider approval of an amended Contract for Sale Agreement for 616 S.W. 9th Street from \$90,000.00 to \$99,000.00. (*Addendum*)

Lula Butler, Director of Community Improvement presented this item and is requesting approval to amend the sales agreement for 616 SW 9th Street from \$90,000 to \$99,000.

Mr. Eliopoulos made a motion to approve the amended Purchase Agreement to purchase the property located at 616 SW 9th Street for \$99,000.00 as presented; seconded by Mr. Frankel. Upon roll call the Commission voted as follows: Mrs. Gray – Yes; Mayor McDuffie – Yes; Mr. Eliopoulos – Yes; Mr. Fetzer – Yes; Mr. Frankel – Yes. Said motion passed with a 5 to 0 vote.

Mayor McDuffie adjourned the Special Meeting at 6:43 p.m.

WORKSHOP AGENDA

1. DELRAY BEACH ATHLETIC CLUB PRESENTATION

Linda Karch, Director of Parks and Recreation introduced Todd L'Herrou, Executive Director of the Delray Beach Athletic Club (DBAC). He introduced board members Brian Thompson, President, Arnold Thompson, Treasurer and Bobby Lanza, Secretary. Mr. L'Herrou gave a PowerPoint presentation on the background of the club and their plans for expansion of the club, increasing their programs and the DBAC budget.

It was the consensus of the Commission for the Delray Beach Athletic Club and the Parks and Recreation Department to work together regarding the ideas for expansion and scheduling, etc.

2. FIRE-RESCUE SURTAX PRESENTATION

Commissioner Fetzer stated that he had asked for this presentation to be brought before the Commission to hear what the Financial Review Board had heard a few weeks ago.

Fred Angelo, First Legislative Vice President of the I.A.F.F., Local 2928, Professional Firefighters Paramedics of Palm Beach County, gave a PowerPoint presentation discussing the proposed 1% Fire-Rescue sales surtax for Palm Beach County and the Fire Rescue Surtax Bill. He also briefly discussed the scope of the Interlocal Agreement with Palm Beach County regarding the levying of a 1% sales surtax for emergency fire rescue services and facilities. Discussion ensued between the Commission, Mr. Angelo and staff regarding the Fire-Rescue Surtax and the impact that it may have on the budget and the millage rate. Commission felt more information was needed and thanked Mr. Angelo and others for their presentation.

3. OLD SCHOOL SQUARE PARK RENTAL AGREEMENT AND MANAGEMENT PLAN

Robert Barcinski, Assistant City Manager, presented this item. He stated that City staff and Old School Square staff have been meeting over the last few months to develop a management plan and rental agreement for the Old School Square Park. Because of the uniqueness and the urban character of the Old School Square Park and the number of events held there, the main differences between the Old School Square Park agreement and other parks are in the rental rates and Park Rules and Regulations. The rates proposed for the Old School Square Park do not reflect a difference between non-profit groups and for-profit groups. It was the consensus of the Commission to charge \$1,000 for the use of an additional room prorated out for non-for profit groups.

4. REVIEW OF BUDGET PROGRAM EVALUATION CRITERIA FOR FY 2011

David T. Harden, City Manager presented this item and discussed the Evaluation Criteria matrix to be used in prioritizing the service functions for the FY 2011 budget. This matrix provides more information and is less subjective than the prioritization process that was used for the last two years.

Mayor McDuffie stated that anything that can be done to further qualify budget items is a great thing for the Commission and will help with decision making process.

Mr. Fetzter would like to see some input from the Financial Review Board on the matrix.

Mr. Harden stated that he asked Joe Safford, Director of Finance, to present the matrix to the Financial Review Board for their comments.

5. **FIRE ASSESSMENT PROPOSAL**

Mr. Harden presented this item. He stated that Commission passed Resolution No. 59-09 earlier in the year which created a possibility of doing a Fire Assessment Fee beginning October 1, 2010. If the Commission wishes to continue with the option of a Fire Assessment Fee for the FY 2011 budget, then we need to enter into a contract with a consultant to develop the cost allocation model on which the fee is based, and a contract with the Palm Beach County Property Appraiser Information Services for their services in setting up the assessment roll. The advantages of a Fire Assessment Fee is that property taxes could be reduced; and more the cost of Fire-Rescue services would be borne by properties within the Community Redevelopment Agency (CRA) District and those which are largely exempt from property taxes. It would be a source of additional revenue to staff Fire Station 2. The disadvantages include the fact that it is a new tax, and it would reduce revenue to the CRA if the millage is reduced. He stated that he wanted to bring it back before Commission to get some direction.

It was the consensus of the Commission not to proceed with the Fire Assessment Proposal.

6. **DISCUSSION OF PROPOSED AMENDMENT NO. 4 (HOMETOWN DEMOCRACY)**

Commission and staff discussed the Proposed Amendment No. 4 to Florida's Constitution (Hometown Democracy).

Mr. Harden stated that staff will get a resolution drafted and gather the information for the Commission.

7. **DISCUSSION REGARDING COMMISSION SALARIES, TERM LENGTHS AND REQUIRED PETITION SIGNATURES**

Commission discussed the terms, term limits, salaries, petition process and qualifying fees. The consensus of Commission was to change the terms to two (2) consecutive, three (3) year terms and to keep the petition process the same. Staff is to put together a timeline of what it would take to get this on the November ballot or on the March Election Ballot; and also to provide a better cost estimate on how much the election would cost. Commission agreed to keep the salaries the same. Mr. Harden suggested looking at expense allowances rather than salaries and also to consider purchasing a table for certain events. In regards to the Qualifying Fees, the Commission is in favor of increasing the filing fee to \$50.00. Mr. Harden stated that the fee increase will have to be brought back to Commission as an Ordinance.

Mayor McDuffie adjourned the Workshop Meeting at 9:36 p.m.

Cherrille D. Rubin
City Clerk

ATTEST

Nolan Smith

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 Meeting of the City Commission held on Tuesday, April 13, 2010, which Minutes were formally approved and adopted by the City Commission on May 11, 2010.

Cherrille D. Rubin
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.

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