

Intelligence Report – November 2012

We're back.

After a summer sojourn to the Far East, the Intelligence Report is back and ready for an eventful fall and winter in Delray Beach.

In the next few months, our community will choose a new mayor, city manager and chamber president.

In addition, two other commission seats are in play in the March elections and several ballot questions will be facing voters including whether to extend terms from two years to three. We'll have more to say about these items in the future.

We will strive to keep you informed of all the issues that you often don't read about in your local newspaper.

Waste Management – Chapter 2

The sad saga of the no-bid Waste Management continues.

The ink was barely dry on the no-bid eight year extension when lo and behold garbage rates—both residential and commercial—were increased.

In a 4-1 decision our Commissioners voted for a 3.7 percent increase in the rates we all pay. Those who voted in favor are sure to hide behind contractual language, cost of living provisions, diesel fuel costs etc., but once again residents and business owners were sold short.

Commissioner Gray during the summer hinted that she wanted to trade solar compactors for lower rates. But she did not pursue the idea and voted for the no-bid contract extension on the basis that she felt Waste Management was friendly to Delray. The City got little in return for its generosity.

As part of its agreement with the City Waste Management can request an annual increase based on certain inflation items. Apparently, it didn't occur to anyone on the Commission or on the staff to simply request that Waste Management hold off increases as a condition of extending the contract.

So, none of the Commissioners except Mr. Jacquet seemed embarrassed to approve a rate increase within weeks of extending the contract.. Even though it was a \$65,000,000 contract, the city's largest, and was extended years in advance of its expiration date, and even though it was extended for an 8 year term and even though it was extended on a no-bid basis and it would likely harm the residents and businesses of our town..... what the heck, let's throw in an immediate 3.7% increase.

The only commissioner who exhibited consistent leadership on this issue has been Al Jacquet who tried to get the Commission to open up the process. But City Manager Dave Harden argued that the increase was inevitable because it comes within the terms of the existing contract...the same contract that was extended without modification or negotiation.

It didn't occur to anyone to ask Waste Management to stand down—given the gift they were given. That's what leaders do.

Commissioner Frankel, who voted to extend WM, made the motion this time to approve the increase. He was silent on his reasons. Commissioner Carney, who voted not to extend the contract earlier, did not support Jacquet and voted in favor of the increase.

Mayor McDuffie, who cast the deciding vote for the WM extension, did not speak this time. But he was once again a reliable vote in favor of Waste Management as he voted for the increase. The Mayor is expected to show some leadership. He showed none.

Thanks to the commission's malodorous extension vote, we will never know what our rates could have been had Waste Management been forced to compete for our business. But we do know that we will be paying significantly more right away.

This has been the most shameful example of public mismanagement that your Editor has seen in Delray Beach. And it is another sad example of the utter lack of leadership on the current Commission.

A New City Manager

As we reported earlier, our City Manager, David Harden is retiring in January. The process of choosing a replacement is starting. That's right. 3 months after making his announcement the City gets around to starting the replacement process.

It's not entirely clear what the process will be. We know that the city has engaged former Boynton Beach City Manager Kurt Bressner to consult with a group known as the "range riders" former city managers who help cities identify managerial talent. There is a strong rumor around town (and we label it a rumor) that the commission will move to hire a new manager before Mr. Harden leaves in about 8 weeks. If so, we think it would be a mistake for a number of reasons. The most important is that it will take time to identify the best-qualified candidates from across the country. Once the initial pool is identified, it will take time to interview and evaluate the prospects. Clearly there is not sufficient time in the next 8 weeks, particularly with year-end holidays.

Also, with the possibility of three commission seats changing hands in March it seems prudent to wait until the new mayor and commission is seated. The city has two capable assistant managers, a budget in place and veteran department heads. Why allow a lame duck mayor to hire someone who will work with his successor? Why rush the process?

There is a suspicion among many in Delray that the process may be rushed specifically to favor the current Assistant Manager, Doug Smith. Some feel it will not be an honest search. We hope that is not the case.

This is a decision the commission must get right. It involves the Chief Operations Officer of our town. We suggest a citizen's review committee to lend some expertise. The last time a manager was hired in 1991, a citizen's committee made up of residents and business leaders convened to advise the Commission. The Commission does have and should have have the final say, but we feel their decision would be helped by outside counsel.

Atlantic Plaza – The largest development on Atlantic Avenue

In what seems to us a hurried approach, approval for a mammoth redevelopment of Atlantic Plaza is speeding through the approval process. You will recall that the City approved a redevelopment of the downtown's largest parcel a couple of years ago. This is the land along East Atlantic between Federal Highway and Veterans Park. Because of the economic slowdown that earlier project was shelved. It has now reappeared with a new development firm and a new approach.

Under the current plan the number of living units has increased from 197 condominium units to 442 rental units – mostly studio and 1 bedroom. Parking is calculated at one space per unit.

The office portion has been reduced from the previous plan of 110,000 square feet to 80,000.

The retail/restaurant space has been reduced from 118,000 square feet to 80,000.

We do not have details of the site plan, but the project in any form will have to get Commission approval. So far no one on the Commission has commented.

In recent days residents of the Palm Trail neighborhood and the Beach area have become aware of the significant increase in the number of living units and have expressed strong opposition. Former Planning and Zoning Chairman Cary Glickstein, who is running for Mayor, has spoken out against several aspects of the plan, and he seems to be working with residents to seek modifications from the developer.

The Commission is scheduled to take up the matter at its meeting on November 6th. That, as you probably know, is Election Day. Many of us will be watching election results. Surely a matter of this

importance should be rescheduled to a time that is convenient to all Delray residents who wish to learn more about the proposal and who wish speak.

This is the largest development project that will ever be done on Atlantic Avenue. But that may not deter our Commission.

A New Chamber CEO

In the coming weeks, the Greater Delray Beach Chamber of Commerce will also be hiring a new CEO. A strong business community that advocates on behalf of its members and the whole community is essential to a healthy community. More than a few people have noticed that our Chamber has not been an effective voice. On key issues ranging from no bid contracts and fire service fees to a lack of engagement from city officials on economic development the Chamber has been silent. It has been absent from the discussion. Only funding for its new offices and for Delray Affair seem important issues for Chamber members. Perhaps, new leadership will inject energy.

Tidbits...

----Delray's budgetary magic continues to amaze and delight us. After insisting on the need for a fire tax or the sky would fall, it seems we have weathered yet another year without any meaningful structural reform. The City used its favored method of balancing next year's budget by taking from reserves. So, no tax increase, and no reform of city operations, contract procedures or pension issues.

----The race for Mayor is heating up. As we reported earlier, Commissioner Tom Carney has filed to run against Former P&Z Chair, Cary Glickstein. As of September 30th Mr. Glickstein raised \$50,554 and Mr. Carney raised \$47,272 for their campaigns. This is the earliest start to a campaign in memory. There are a great many issues to be addressed and we look forward to the discussion.

A Final Note

The October 24th issue of Superman comics is on the newsstands. In it, Clark Kent quits his job as a reporter for the Daily Planet. He says he is fed-up with the cutback in investigative journalism and the focus on fluff and advertising.

We were motivated to start the Intelligence Report by the same trend in our market. The Palm Beach Post no longer covers Delray Beach on a regular basis and does not assign a reporter full time to our city. The Sun Sentinel has reduced its coverage of Delray over the years, although the intrepid Maria Herrera covers Commission meetings. A decade ago there was consistent investigative reporting in Delray. Today there is none.

We do not view ourselves as the equal of the Post or the Sun Sentinel. This is a blog. But we try to present the issues as we see them. The circulation of the newspapers in Delray continues to decline. The readership of the Intelligence Report now exceeds 2,000 residents.

Maybe Clark Kent will move to Delray and join us. We could use the help.