

**JULY 19, 2011**

A Regular 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., Tuesday, July 19, 2011.

**1.** Roll call showed:

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

Absent - Commissioner Tom Carney  
Commissioner Fred Fetzer

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

**2.** The opening prayer was delivered by Rabbi Howard Meridy, Jewish Spiritual Leader with Abbey Delray South.

**3.** The Pledge of Allegiance to the flag of the United States of America was given.

**4.** **AGENDA APPROVAL.**

Mayor McDuffie stated in the absence of Commissioner Fetzer he requested that **Item 9.H., Appointment to the Financial Review Board, Item 9.K., Appointment to the Nuisance Abatement Board, and Item 9.L., Appointment to the Public Art Advisory Board** be removed from the Agenda.

Mrs. Gray moved to remove **Item 9.H., 9.K., and 9.L.** from the Agenda, seconded by Mr. Frankel. Upon roll call the Commission voted as follows: Mrs. Gray – Yes; Mayor McDuffie – Yes; Mr. Frankel – Yes. Said motion passed with a 3 to 0 vote.

Mr. Frankel moved to approve the Agenda as amended, seconded by Mrs. Gray. Upon roll call the Commission voted as follows: Mayor McDuffie – Yes; Mr. Frankel – Yes; Mrs. Gray – Yes. Said motion passed with a 3 to 0 vote.

**5.** **APPROVAL OF MINUTES:**

Mrs. Gray moved to approve the Minutes of the Workshop Meeting of June 14, 2011, seconded by Mr. Frankel. Upon roll call the Commission voted as follows: Mrs. Gray – Yes; Mayor McDuffie – Yes; Mr. Frankel – Yes. Said motion passed with a 3 to 0 vote.

Mrs. Gray moved to approve the Minutes of the Regular Meeting of July 5, 2011, seconded by Mr. Frankel. Upon roll call the Commission voted as follows: Mayor McDuffie – Yes; Mr. Frankel – Yes; Mrs. Gray – Yes. Said motion passed with a 3 to 0 vote.

**6. PROCLAMATIONS:**

**6.A. Recognizing and Commending the Delray Blazers Travel Basketball Team**

Mayor McDuffie read and presented a proclamation hereby recognizing and commending Coach Kevin Huggins, Coach Dominick Ramsey, Coach Peter Wolfe, Coach Mark Roseme and Delray Blazers Travel Basketball Players. Coach Kevin Huggins came forward to accept the proclamation.

**7. PRESENTATIONS:**

**7.A. Life Saving Award Presentation recognizing Ben Seaman**

Danielle Connor, Acting Fire Chief, recognized Mr. Ben Seaman, a local resident, for saving the life of a young boy who fell into a pool, nearly drowned, and was found at the bottom of a pool. The boy was pulseless and not breathing. Ms. Connor stated the incident happened on June 20, 2011, and Mr. Seaman started CPR compressions until the Delray Beach Fire-Rescue personnel arrived and began treating the child with Advanced Life Support. Delray Beach Fire Rescue personnel arrived shortly thereafter and began treating the child with Advanced Life Support. He was transported to a local hospital where a full recovery is expected. Mr. Seaman came forward to accept the Life Saving Award. Ms. Connor stated that child represented the fourth child in a period of two weeks to suffer that same fate in southern Palm Beach County alone. Therefore, Ms. Connor stated the Fire-Rescue Department has teamed up with the Parks and Recreation Department and they will be co-sponsoring a Water Safety Day on Saturday, July 23, 2011, at the Pompey Park Pool from 12:00-5:00 p.m.

**8. CONSENT AGENDA: City Manager Recommends Approval.**

**8.A. RESOLUTION NO. 28-11/BEACH RENOURISHMENT PROJECT:**

Approve and adopt Resolution No. 28-11 providing support for the City's beach renourishment project and a funding commitment to provide for the local match through an Interlocal Agreement with Palm Beach County.

The caption of Resolution No. 28-11 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA PROVIDING ITS SUPPORT FOR THE CITY OF DELRAY BEACH RENOURISHMENT PROJECT AND ITS ONGOING FUNDING COMMITMENT TO PROVIDE FOR THE LOCAL MATCH.

(The official copy of Resolution No. 28-11 is on file in the City Clerk's office.)

**8.B. SERVICE AUTHORIZATION NO. 22/MATHEWS CONSULTING, INC.:** Approve Service Authorization No. 22 with Mathews Consulting, Inc. in the amount of \$77,981.00 for professional services related to design and engineering of upgrades to Lift Station 100A located at the north end of Veteran's Park. Funding is available from 442-5178-536-31.30 (Water & Sewer Renewal & Replacement Fund: Professional Services/Engineering/Architect).

**8.C. VALET PARKING QUEUE EXPANSION/BRIGHT HORIZONS d/b/a 32 EAST:** Approve a request from Bright Horizons d/b/a 32 East to expand the valet parking queue from 6 to 8 spaces by incorporating the remaining two (2) spaces on the block located at 32 East Atlantic Avenue.

**8.D. AMENDMENT NO. 2 TO MANAGEMENT AGREEMENT WITH BJCE, INC.:** Approve Amendment No. 2 to the Management Agreement with BJCE, Inc. for the Municipal and Lakeview Golf Courses.

**8.E. AMENDMENT NO. 2 TO MANAGEMENT AGREEMENT WITH DUBIN AND ASSOCIATES:** Approve Amendment No. 2 to the Management Agreement with Dubin and Associates for City tennis facilities.

**8.F. EASEMENT DEED/TEMPLE SINAI OF PALM BEACH COUNTY:** Accept an Easement Deed from Temple Sinai of Palm Beach County for the installation of a bus shelter at 2475 West Atlantic Avenue.

**8.G. HOLD HARMLESS AGREEMENT/OCEAN BOULEVARD, LLC:** Approve a Hold Harmless Agreement with Ocean Boulevard, LLC for work to be performed within the State right-of-way for the property located at 921 South Ocean Boulevard.

**8.H. SUB-GRANT AGREEMENT/DIVISION OF EMERGENCY MANAGEMENT:** Approve a Sub-Grant Agreement with the Division of Emergency Management in the amount of \$150,000.00 for implementation of the Residential Construction Mitigation Program (RCMP). Funding is available from 118-1935-334-42.00 (Neighborhood Services: FEMA-Residential Mitigation).

**8.I. LETTER OF SUPPORT/JUSTICE ASSISTANCE GRANT (JAG) FUND:** Authorize the Mayor to sign a letter in support of funding allocations for Countywide Justice Assistance Grant (JAG) funds for FY 2012.

**8.J. EXTENSION OF A MAINTENANCE AND SUPPORT AGREEMENT WITH MOTOROLA, INC.:** Approve an extension to the Maintenance and Support Agreement between the City and Motorola, Inc. in the amount of \$114,368.52 for maintenance and support for all of dispatch with the exception of the law enforcement officers' portable radios. Funding is available from 001-2111-521-46.20 (General Fund: Repair & Maintenance Services/Equipment Maintenance).

**8.K. SPECIAL EVENT REQUEST/8TH ANNUAL FAMILY FUN DAY AT POMPEY PARK:** Approve a special event request for the 8th Annual Family Fun Day at Pompey Park produced by the Parks and Recreation Department to be held on August 13, 2011

from 3:00 p.m. to 10:00 p.m.; and authorize staff support for security, fire inspection, trash removal and clean up assistance, trash boxes, use of the large City stage, and preparation and installation of event signage.

**8.L. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**

Accept the actions and decisions made by the Land Development Boards for the period July 5, 2011 through July 15, 2011.

**8.M. AWARD OF BIDS AND CONTRACTS:**

- 1.** None

Mr. Frankel moved to approve the Consent Agenda as amended, seconded by Mrs. Gray. Upon roll call the Commission voted as follows: Mr. Frankel – Yes; Mrs. Gray – Yes; Mayor McDuffie – Yes. Said motion passed with a 3 to 0 vote.

**9. REGULAR AGENDA:**

**9.A. AGREEMENT FOR PROFESSIONAL SERVICES/RCC CONSULTANTS,**

**INC.:** Consider an Agreement for Professional Services with RCC Consultants, Inc. to complete a study on possible consolidation of public safety communications with the Cities of Boynton Beach and Boca Raton. Funding is available from 112-2172-521-31.90 (Law Enforcement Trust FD: Professional Services/Other Professional Services).

Cathy Kozol, Police Legal Advisor/Assistant City Attorney, stated this is a contract to hire RCC Consultants, Inc. to complete a feasible study to determine whether or not consolidation efforts should take place between the communication centers of Boca, Boynton, and Delray Beach for both police and fire dispatch. Ms. Kozol stated Boca, Delray Beach and Boynton are each going to contribute approximately \$18,000.00 and the total is \$54,000.00. She stated if there was a consolidation the center would actually move to Boca in their center off Congress Avenue.

The City Manager stated several months ago the issue was brought up about whether the City should look at this and at that time the Commission felt we should and noted that this is the first step in that. He stated there was a presentation 6-8 weeks ago in Boca Raton at the 6500 building by the people in the north end of the county that have consolidated three communities up there. The City Manager suggested that the Commission look at this to see if it would be beneficially operational from a cost standpoint.

Mrs. Gray inquired about the cost. Ms. Kozol stated that is the consultant's price. Mrs. Gray asked how long the study will take. The City Manager stated the timeline is approximately four months.

Mrs. Gray moved to approve an Agreement for Professional Services with RCC Consultants, Inc. to complete a study on possible consolidation of public safety communications with Boca, Boynton and Delray Beach, seconded by Mr. Frankel. Upon roll call the Commission voted as follows: Mrs. Gray – Yes; Mayor McDuffie – Yes; Mr. Frankel – Yes.

Said motion passed with a 3 to 0 vote.

**9.B. SPECIAL EVENT REQUEST/EXTREME VOLLEYBALL PROFESSIONALS (EVP) TOUR:** Consider approval of a new event, Extreme Volleyball Professionals (EVP) Tour, sponsored by EVP Tours and supported by the Downtown Marketing Cooperative, to be held on September 17, 2011 from 8:00 a.m. to 6:00 p.m., to grant a waiver to the City Code of Ordinances, Section 101.25, "Commercial Enterprises; Sale or Rental of Goods or Services", to allow the sale of sponsor products and for promotions and Section 101.32, "Assemblies", to allow assembly on the beach; and to authorize staff support; contingent upon receipt of a turtle permit fourteen (14) days prior to the event and a Hold Harmless Agreement.

Robert A. Barcinski, Assistant City Manager, stated this is a new event called EVP Tour Volleyball Tournament proposed to be held on September 17, 2011 co-sponsored by the Downtown Marketing Cooperative (DMC), EVP Tours, and some funding will be coming from the Sports Commission. Also requested is to provide staff support for EMS assistance, lifeguard, trash removal cleanup, stage setup, bleachers, event signage and a request for a waiver to the City Code, Section 101.25 to allow the sale of sponsor products and for promotions and Section 101.32 to allow assembly on the beach. Mr. Barcinski stated the estimated overtime costs for this event are \$1,470.00, signage \$250.00, and trash boxes \$70.00. The Downtown Marketing Cooperative's costs will be approximately \$850.00. Staff recommends approval with the waivers to the Code with the conditions that (1) receipt of an approved turtle permit fourteen (14) days prior to the event, and (2) receipt of a Hold Harmless Agreement fourteen (14) days prior to the event.

Mr. Frankel stated he is on the Palm Beach County Tourist Development Council (TDC) which oversees the Sports Commission and wants to ensure that there is no conflict in voting. Mr. Frankel stated he has no direct influence on where they are giving their money to. The City Attorney stated based on that he does not see a conflict.

Mayor McDuffie stated this is a great idea.

**Sarah Martin, Executive Director of the Downtown Marketing Cooperative (DMC)**, stated this is a great partnership for Delray Beach with the Sports Commission and TDC. Ms. Martin stated they have to organize sponsors to pay for the event; however, the media buy puts Delray Beach in front of 84 million households in 34 states, Latin America, and the Middle East. She stated that will allow the DMC to show off Delray Beach internationally for a very small investment. In addition, Ms. Martin stated this will be televised.

Mrs. Gray asked how many people do they expect to attend this event. Ms. Martin stated they are estimating that 2,000-3,000 will attend the event.

Mr. Frankel moved to approve the Extreme Volleyball Professionals (EVP) Tour sponsored by EVP Tours and supported by the Downtown Marketing Cooperative to be held on September 17, 2011, seconded by Mrs. Gray. Upon roll call the Commission voted as follows: Mayor McDuffie – Yes; Mr. Frankel – Yes; Mrs. Gray - Yes. Said motion passed with a 3 to 0 vote.

**9.C. ACCEPT PROPOSAL FOR FIRE ASSESSMENT FEE STUDY:** Consider a request to select a consultant to determine how much of our Fire-Rescue costs could be funded by an assessment, and what the assessment amounts should be to complete funding of our FY 2012 budget.

The City Manager stated the City has received two proposals that we have received for the first phase from Government Services Group (GSG). The City Manager stated they quoted a price of \$50,000.00; Burton & Associates quoted a price of \$35,000.00; and he received a verbal quote from Willdan Financial Services for \$45,000.00. He asked staff to negotiate a contract agreement and bring back at a later date and start negotiations with Burton & Associates since they have given the City the best price. The City Manager stated all three companies have done these studies in Florida and Government Services Group has done all of them in Palm Beach County (West Palm Beach, Boynton Beach, Lake Worth, Riviera Beach, and Boca Raton). He stated any one of the three is competent to do the study and staff's recommendation is to negotiate a contract with Burton & Associates.

Mrs. Gray moved to authorize staff to begin negotiations with Burton & Associates and bring back a contract service agreement, seconded by Mr. Frankel. Upon roll call the Commission voted as follows: Mr. Frankel – Yes; Mrs. Gray – Yes; Mayor McDuffie – Yes. Said motion passed with a 3 to 0 vote.

**9.D. PROPOSED MILLAGE RATE:** Consider approval of a *proposed* millage rate for FY 2012, and set the budget review and adoption schedule.

The City Manager stated staff's recommendation is to adopt the same millage rate as last year, 7.19. He stated for the Commission to keep in mind that the City is committing at that point to either move forward with adopting a fire service fee at some point in the future or making some really large cuts in the budget which would inevitably affect service levels in certain areas. The City Manager stated his objective is to reduce the millage to 7.15 and setting the millage rate at 7.19 puts the City at \$3.1 million under budget and the City expects to make up the difference with the fire service assessment fee. The City Manager stated the Chairperson of the Financial Review Board asked the question how many homeowners in Delray Beach paid \$200.00 or less in property taxes each year and the number is over 5,000. He stated if you increase the millage to make up that full difference it would be about six-tenths of a mil which is less than ten percent (10%). Therefore, the City Manager stated those people would see an increase of \$20.00 a year but people who are paying several thousand would see an increase of several hundred.

Mrs. Gray asked how much would this be for each household. The City Manager stated it should be approximately \$60.00-\$88.00 per residence. The City Manager stated \$88.00 should generate \$3 million from homeowners alone without taking into account the businesses and warehouses. Mrs. Gray inquired about the businesses. The City Manager stated he has no way of estimating the businesses but there are approximately 30,000 residential units.

Mr. Frankel supports the proposed millage rate at 7.19.

Mayor McDuffie stated 7.19 will go on the TRIM notice and the taxes will be figured at 7.19. However, he stated after TRIM notices you can reduce the millage and as soon as the fire assessment fee goes in, he supports reducing it to 7.15.

Mr. Frankel moved to approve the *proposed* millage rate of 7.19 for fiscal year 2011/2012, seconded by Mrs. Gray. Upon roll call the Commission voted as follows: Mrs. Gray – Yes; Mayor McDuffie – Yes; Mr. Frankel – Yes. Said motion passed with a 3 to 0 vote.

**9.E. OFFER OF SETTLEMENT IN DEMETRIA BRIDGETT V. CITY OF DELRAY BEACH:** Consider an Offer of Settlement in the total amount of \$55,000.00 in Demetria Bridgett v. City of Delray Beach. Staff recommends denial.

The City Attorney stated the plaintiff has proposed a settlement offer of \$55,000.00 and staff recommends denial.

Mrs. Gray asked what the reason is for denial. The City Attorney stated staff does not feel that the amount is an adequate number for settlement.

Mr. Frankel moved to deny the settlement offer in the amount of \$55,000.00 in Demetria Bridgett v. City of Delray Beach, seconded by Mrs. Gray. Upon roll call the Commission voted as follows: Mayor McDuffie – Yes; Mr. Frankel – Yes; Mrs. Gray – Yes. Said motion passed with a 3 to 0 vote.

**9.F. MODIFICATIONS TO STANDARD FORM VALET PARKING LICENSE AGREEMENT:** Consider approval of the proposed modifications to the City's standard form Valet Parking License Agreement setting maximum fees, validation program requirements, signage requirements and ADA regulations.

Scott Aronson, Parking Management Specialist, stated this past season valet parking fees have increased beyond the \$10.00. Staff has concerns as did some citizenry on the escalating costs and has created modifications to the agreement. The new agreement would require no more than a \$10.00 cap on actual parking fees. He stated there would be an extended stay fee for those staying over four hours west of the Intracoastal and over two hours east of the Intracoastal Waterway. There are also provisions for validation programs so neighboring businesses can give their patrons some sort of validation without having to have a valet queue. Mr. Aronson stated there are a couple of different programs staff has suggested; one could be a contribution of funds towards the running of the queue; the coupon program or actually providing parking spaces to the approved valet. He stated the City also had some requirements to the lettering with pricing; clarification requiring compliance with the Americans with Disabilities Act; and an automatic renewal clause for accounts maintained in good standing through the contract term up to the time of renewal.

Mr. Frankel made reference to the memo (subsection #1) where it states “the maximum fee permitted is \$10.00; however, an extended stay fee may be charged...” He stated he does not agree with this because he feels people who come for dinner downtown will stay at least 4 hours not 2 hours and the valet queue across the street from City Oyster keeps charging

\$15.00 to \$20.00 anyway. Mr. Frankel stated if they are going to raise their price why the City is not raising its price. Mr. Aronson stated an extended stay fee may be charged for vehicles staying over four (4) hours at queues west of the Intracoastal Waterway and two (2) hours at queues east thereof. Mr. Aronson stated the original proposal was for four (4) altogether.

Mayor McDuffie stated the City has had problems with the queue that Commissioner Frankel mentioned and feels we need to be fair and not gouge our citizens. He stated he watched the queue a couple of nights and people avoided it because it was so expensive. Mr. Aronson stated staff has had discussions with the operator with respect to service oriented attitudes. Mr. Frankel asked if there are contracts coming up for renewal. Mr. Aronson stated the City makes them automatically renew each year on March 31<sup>st</sup> as long as the queue is in good standing. The City has a 30 day cancellation notice for the licensee in the agreement to allow 30 days to get the next restaurant to assume the queue.

Mrs. Gray moved to approve the proposed standard form Valet Parking License Agreement, seconded by Mr. Frankel. Upon roll call the Commission voted as follows: Mr. Frankel – Yes; Mrs. Gray – Yes; Mayor McDuffie – Yes. Said motion passed with a 3 to 0 vote.

**9.G. FILLING UNEXPIRED TERM OF COMMISSIONER FETZER:** Consider the process for filling the unexpired term of Commissioner Fred B. Fetzer.

Mayor McDuffie read Commissioner Fetzer's resignation letter dated July 14, 2011 into the record. Mayor McDuffie stated Mr. Fetzer will be missed and wished him good health. Mayor McDuffie stated we will now have to determine how we are going to find his replacement. Chevelle Nubin, City Clerk, explained that the Commission will have to fill that appointment within the next two regular meetings. Because his effective resignation date is August 1<sup>st</sup>, and the next two regular City Commission meetings are August 2<sup>nd</sup> and August 16<sup>th</sup>, the City Commission would have to make that appointment by August 16, 2011. Ms. Nubin stated an advertisement will be published in the Palm Beach Post on Thursday, July 21, 2011 to let persons know that we will begin to accept applications for that appointment. The applicants will be required to send a letter of intent along with their résumé and all the applications have to be in on Friday, July 29, 2011 by 5:00 p.m. and these will be submitted to the City Manager's office. Ms. Nubin stated this will allow the Commission two weeks to conduct the interviews as a group or hold individual interviews. The City Attorney stated the City Commission has two meetings to do this and if the Commission cannot appoint someone by August 16, 2011 then the City will have to hold a Special Election.

**9.H. THIS ITEM HAS BEEN REMOVED FROM THE AGENDA.**

**9.I. APPOINTMENTS TO THE EDUCATION BOARD:** Appoint two (2) regular members to serve a two (2) year term ending July 31, 2013 and one (1) student member to serve a one (1) year term ending July 31, 2012 to the Education Board. Based upon the rotation system, the appointments will be made by Commissioner Fetzer (Seat #2), Commissioner Fetzer (Seat #2) and Commissioner Frankel (Seat #3).

Mr. Fetzer's appointments have been removed.

Mr. Frankel moved to appoint Trevis Pridgen as a student member to the Education Board to serve a one (1) year term ending July 31, 2013, seconded by Mrs. Gray. Upon roll call the Commission voted as follows: Mrs. Gray – Yes; Mayor McDuffie – Yes; Mr. Frankel – Yes. Said motion passed with 3 to 0 vote.

**9.J. APPOINTMENTS TO THE POLICE ADVISORY BOARD:** Appoint one (1) regular member to serve a two (2) year term ending July 31, 2013 and one (1) regular member to serve an unexpired term ending July 31, 2012 to the Police Advisory Board. Based upon the rotation system, the appointments will be made by Commissioner Fetzer (Seat #2) and Commissioner Carney (Seat #1).

Mr. Frankel moved to remove **Item 9.J.** from the Agenda, seconded by Mrs. Gray. Upon roll call the Commission voted as follows: Mayor McDuffie – Yes; Mr. Frankel – Yes; Mrs. Gray – Yes. Said motion passed with a 3 to 0 vote.

**9.K. THIS ITEM HAS BEEN REMOVED FROM THE AGENDA.**

**9.L. THIS ITEM HAS BEEN REMOVED FROM THE AGENDA.**

**9.M. APPOINTMENTS TO THE PARKING MANAGEMENT ADVISORY BOARD:** Appoint two (2) Citizen-at-Large Representatives to the Parking Management Advisory Board to serve a two (2) year term ending July 31, 2013. Based upon the rotation system, the appointments will be made by Commissioner Fetzer (Seat #2) and Commissioner Gray (Seat #4).

Mr. Fetzer's appointment has been removed.

Mrs. Gray moved to reappoint Bruce Gimmy as a Citizen-at Large Representative to the Parking Management Advisory Board to serve a two (2) year term ending July 31, 2013, seconded by Mr. Frankel. Upon roll call the Commission voted as follows: Mr. Frankel – Yes; Mrs. Gray – Yes; Mayor McDuffie – Yes. Said motion passed with a 3 to 0 vote.

**9.N. APPOINTMENTS TO THE NEIGHBORHOOD ADVISORY COUNCIL:** Appoint five (5) regular members to serve three (3) year terms ending July 31, 2014, and one (1) student member to serve a one (1) year term ending July 31, 2012 to the Neighborhood Advisory Council. Based upon the rotation system, the appointments will be made by Commissioner Gray (Seat #4), Mayor McDuffie (Seat #5), Commissioner Carney (Seat #1), Commissioner Fetzer (Seat #2), Commissioner Frankel (Seat #3) and Commissioner Gray (Seat #4).

Mrs. Gray moved to reappoint Gail-Lee McDermott (Zone 5) as a regular member to the Neighborhood Advisory Board to serve a three (3) year term ending July 31, 2014, seconded by Mr. Frankel. Upon roll call the Commission voted as follows: Mrs. Gray – Yes; Mayor McDuffie – Yes; Mr. Frankel – Yes. Said motion passed with a 3 to 0 vote.

Mayor McDuffie stated he wished to reappoint Linda Prior (Zone 6) as a regular member to the Neighborhood Advisory Board to serve a three (3) year term ending July 31, 2014. Mr. Frankel so moved, seconded by Mrs. Gray. Upon roll call the Commission voted as

follows: Mayor McDuffie – Yes; Mr. Frankel – Yes; Mrs. Gray – Yes. Said motion passed with a 3 to 0 vote.

Mr. Carney's appointment has been deferred to the next regular meeting of August 2, 2011.

Mr. Fetzer's appointment has been removed.

Mr. Frankel moved to reappoint William Milner (At Large Representative) as a regular member to the Neighborhood Advisory Board to serve a three (3) year term ending July 31, 2014, seconded by Mrs. Gray. Upon roll call the Commission voted as follows: Mr. Frankel – Yes; Mrs. Gray – Yes; Mayor McDuffie – Yes. Said motion passed with a 3 to 0 vote.

Mrs. Gray moved to reappoint Andrea Poveda as a student member to the Neighborhood Advisory Board to serve a one year term ending July 31, 2012, seconded by Mr. Frankel. Upon roll call the Commission voted as follows: Mrs. Gray – Yes; Mayor McDuffie – Yes; Mr. Frankel – Yes. Said motion passed with a 3 to 0 vote.

At this point, the time being 6:49 p.m., the Commission moved to **Item 11.B., Comments and Inquiries on Non-Agenda Items from the Public.**

**11.B. From the Public.**

None.

At this point, the time being 6:50 p.m., the Commission moved to **Item 11.A., City Manager's response to prior public comments and inquiries.**

**11.A. City Manager's response to prior public comments and inquiries.**

None.

At this point, the time being 6:51 p.m., the Commission moved to **Item 12, First Readings.**

**12. FIRST READINGS:**

**12.A. ORDINANCE NO. 24-11:** Consider an ordinance amending the historic district classification for 32 East Atlantic Avenue from non-contributing to contributing. If passed, a public hearing will be held on August 2, 2011.

The caption of Ordinance No. 24-11 is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING ORDINANCE 10-10 TO PROVIDE FOR THE RECLASSIFICATION OF THE PROPERTY LOCATED AT 32 EAST ATLANTIC AVENUE

FROM NON-CONTRIBUTING TO CONTRIBUTING,  
PROVIDING A GENERAL REPEALER CLAUSE, A SAVING  
CLAUSE, AND AN EFFECTIVE DATE.

(The official copy of Ordinance No. 24-11 is on file in the City Clerk's office.)

The City Attorney read the caption of the ordinance.

Paul Dorling, AICP, Director of Planning and Zoning, stated this is a reclassification of the property located at 32 East Atlantic Avenue from non-contributing to contributing. Mr. Dorling stated when the entire historic district was originally re-surveyed in 2009 it was recommended that this property be reclassified from non-contributing to contributing. He stated at that time the owner requested that the subject property not be reclassified. Mr. Dorling stated subsequent to that the property owner had some further discussions with the City and the CRA staff about the benefits of historic preservation and decided to apply for the reclassification from non-contributing to contributing. The applicant submitted a Class IV Site Plan Modification for improvements, along with that reclassification request, it became apparent that the proposed improvements could affect the success of the reclassification because they were not historically appropriate. Mr. Dorling stated that reclassification was put on hold at that time by the applicant. He stated they did continue with the modifications which were approved at the December 1, 2010 Historic Preservation Board (HPB). This was subsequently appealed to the City Commission as it related to waivers they needed for pieces of the facade that were encroached into the setback. The applicant has now asked for a reconsideration of that reclassification. At their meeting of July 6, 2011, the Historic Preservation Board considered that request and expressed concerns over the site plan and whether those improvements would be appropriate for a now contributing structure. Mr. Dorling stated the Board will re-review those improvements that are certified and will look at the context as to whether it is appropriate for a contributing structure or non-contributing structure. Therefore, a recommendation of approval was made with a 3 to 2 vote for consideration at first reading and then scheduled for the Historic Preservation Board. Staff recommends approval on first reading and when HPB considers this tomorrow evening staff will inform the Commission of their recommendation relating to the improvements and contributing status at second reading.

The City Manager stated regardless of whether these improvements fit or not he feels it is in the City's long-term best interest to classify it as contributing because then when they come back years down the road to make further improvements hopefully they can get it back into its historic appearance as additional changes are made.

Mr. Frankel moved to approve Ordinance No. 24-11 on FIRST Reading, seconded by Mrs. Gray. Upon roll call the Commission voted as follows: Mayor McDuffie – Yes; Mr. Frankel – Yes; Mrs. Gray – Yes. Said motion passed with a 3 to 0 vote.

At this point, the time being 6:57 p.m., the Commission took a short break.

At this point, the time being 7:00 p.m., the Commission reconvened and moved to the duly advertised Public Hearings portion of the Agenda.

**10. PUBLIC HEARINGS:**

**10.A. DEVELOPMENT AGREEMENT/CDS DELRAY REDEVELOPMENT, LLC/CDR ATLANTIC PLAZA, LTD.:** Consider approval of a Development Agreement with CDS Delray Redevelopment, LLC., and CDR Atlantic Plaza, LTD. regarding the Atlantic Plaza Project.

The City Attorney stated this is a Development Agreement and he spoke about this at the July 5, 2011 City Commission meeting and per Florida Statute the City is required to have two public hearings.

Mayor McDuffie declared the public hearing open.

**Jeffrey Lynne, Weiner & Lynne, P.A., 10 S.E. 1<sup>st</sup> Avenue, Delray Beach, FL 33444 (Attorney representing the applicant),** stated he is available for any questions the Commission may have.

**Christina Morrison Pearce, 2000 S. Ocean Boulevard #307, Delray Beach, FL 33483,** stated she believes the applicant gets two years with the approval and then there is a requirement that he can extend for another two years by asking so that is four years. Ms. Pearce stated the corner in question has already sat fallow because of the bad economy and she does not see how this change would benefit the City but instead would benefit the developer. She stated markets change and urged the Commission to really think about this before approving it.

There being no one else from the public who wished to address the Commission regarding the Development Agreement, the public hearing was closed.

Mr. Frankel stated he was at the Hyatt Place Ribbon Cutting and he was amazed to learn that is the first hotel that is being started in the entire county for the last two years. Mr. Frankel stated the request is reasonable and the developer has a track record of doing good projects in the city.

Mayor McDuffie stated he reviewed some of the complexities such as the financing on a project of this magnitude and the complexity of the underground work (i.e. re-routing of utilities). Mayor McDuffie stated when he first looked at the Developer's Agreement he was reluctant to support it because it was for 20 years; however, he sees now how a project of this magnitude can easily take 10 years.

Mrs. Gray stated she does not see where this would benefit the city and asked if we have been asked before to do this type of agreement. The City Attorney stated in 2007 the Developer's Agreement is still in place for Cannery Row (north Pineapple Grove). The City Attorney stated this is the second Developer's Agreement that the City has done as a statutory developer's agreement which extends the timeframe for the development approvals. Mrs. Gray asked when the project will start. The City Attorney stated there is not a timeframe. Mrs. Gray stated she understands where the developer is coming from and also understands where we can take this.

Mr. Frankel moved to approve the Development Agreement with CDS Delray Redevelopment, LLC., and CDR Atlantic Plaza, LTD. regarding the Atlantic Plaza Project, seconded by Mrs. Gray. Upon roll call the Commission voted as follows: Mr. Frankel – Yes; Mrs. Gray – Yes; Mayor McDuffie – Yes. Said motion passed with a 3 to 0 vote.

**10.B. ORDINANCE NO. 20-11:** Consider a city-initiated amendment to the Land Development Regulations (LDR) Section 4.4.13, “Central Business (CBD) District”, Subsection (G), “Supplemental District Regulations”, and Section 4.4.24, “Old School Square Historic Arts District (OSSHAD)”, Subsection (G), “Supplemental District Regulations”, to increase the parking requirements for restaurants.

The caption of Ordinance No. 20-11 is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, BY AMENDING SECTION 4.4.13, “CENTRAL BUSINESS (CBD) DISTRICT”, SUBSECTION (G), “SUPPLEMENTAL DISTRICT REGULATIONS”, SECTION 4.4.24, “OLD SCHOOL SQUARE HISTORIC ARTS DISTRICT (OSSHAD)”, SUBSECTION (G), “SUPPLEMENTAL DISTRICT REGULATIONS”, TO CLARIFY THE PARKING REQUIREMENTS FOR RESTAURANTS; PROVIDING A SAVING CLAUSE, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE.

(The official copy of Ordinance No. 20-11 is on file in the City Clerk’s office.)

The City Attorney read the caption of the ordinance. A public hearing was held having been legally advertised in compliance with the laws of the State of Florida and the Charter of the City of Delray Beach, Florida.

The City Manager stated this was advertised which is why it is on the Agenda. He stated Commissioner Carney requested that the Commission not finish with this ordinance until August 2, 2011 when he will be present. The City Manager stated if the Commission honors his request, the Commission would need to have the hearing this evening and continue it until August 2, 2011.

Paul Dorling, AICP, Director of Planning and Zoning, stated this will remove the current parking incentive that is enjoyed by restaurant uses along Atlantic Avenue from Swinton Avenue to N.E. and S.E. 5<sup>th</sup> Avenue. Mr. Dorling stated this will bring parking requirements in this area in line with the city-wide requirements throughout the city except the CBD (Central Business District) area and will change it from 6-12 spaces per 1,000 for restaurants under 6,000 square feet and 15 spaces for each 1,000 above 6,000. In 1993, the original DDA (Downtown Development Authority) area applied a six (6) space per 1,000 and this incentive was to create and attract restaurant uses into the downtown. Mr. Dorling stated this incentive has been

extremely successful and we are now experiencing a saturation of restaurants within certain portions of the downtown area. This will remove an incentive for restaurants in an area where the current incentives have been extremely successful and are no longer needed. He stated in turn it will provide an incentive to retain non-residential uses and will discourage retail conversions to restaurants in the central core. This change will be followed up with additional incentives for retail retention and expansion with a combined goal to ensure a mix of downtown activities that include those beyond exclusively restaurants are achieved.

At its meeting of June 1, 2011, the Pineapple Grove Main Street (PGMS) Committee considered this item and suggested that the Commission evaluate the current credit that is given for retail establishments and not give the credit when you convert. Staff feels that removing the current incentive is a more defensible approach. At its meeting of June 9, 2011, the Community Redevelopment Agency (CRA) considered this item and suggested that P&Z and CRA staff work to incorporate other parking changes such as reduction of parking for offices and the like. They also had a suggestion that the area be scaled down. At its meeting of June 13, 2011, the Downtown Development Authority (DDA) reviewed this item and recommended approval; at its meeting of June 14, 2011, the West Atlantic Redevelopment Coalition (WARC) reviewed this item and recommended approval. At its meeting of June 20, 2011, the Planning and Zoning Board recommended approval of the reduction to this specific area. Staff recommends approval.

Mayor McDuffie declared the public hearing open.

**Jeffrey Lynne, Weiner & Lynne, P.A., 10 S.E. 1<sup>st</sup> Avenue, Delray Beach, FL 33444 (Attorney representing the applicant)**, stated if this ordinance will be continued to August 2, 2011 when Commissioner Carney is present he would like to reserve his comments for that meeting.

**Christina Morrison Pearce, 2000 S. Ocean Boulevard #307, Delray Beach, FL 33483**, speaking as a commercial realtor, stated Delray Beach has an overabundance of restaurants and we need to attract retail, get artists back, and have office downtown and other supplemental uses to keep those restaurants going and active.

**David Armstrong, 321 N. Swinton Avenue, Delray Beach, FL 33444**, stated if the restaurants want to valet park their vehicles they should utilize the garage for parking. Mr. Armstrong feels this would solve both the parking problem and the valet situation.

There being no one else from the public who wished to address the Commission regarding Ordinance No. 20-11, the public hearing was closed.

Mr. Frankel moved to continue Ordinance No. 20-11 to a date certain of August 2, 2011 at 7:00 p.m., seconded by Mrs. Gray. Upon roll call the Commission voted as follows: Mrs. Gray – Yes; Mayor McDuffie – Yes; Mr. Frankel – Yes. Said motion passed with a 3 to 0 vote.

**10.C.        ORDINANCE NO. 21-11:** Consider a city-initiated amendment to the Land Development Regulations (LDR) to expand the applicability of the payment of in-lieu of parking program.

The caption of Ordinance No. 21-11 is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, BY AMENDING SECTION 2.4.5, "PROCEDURES FOR OBTAINING DEVELOPMENT APPROVALS", SUBSECTION (O), "IN-LIEU OF PARKING AND PUBLIC PARKING FEE REQUEST"; SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT", SUBSECTION (G), "SUPPLEMENTAL DISTRICT REGULATIONS"; SECTION 4.4.24, "OLD SCHOOL SQUARE HISTORIC ARTS DISTRICT (OSSHAD)", SUBSECTION (G), "SUPPLEMENTAL DISTRICT REGULATIONS"; SECTION 4.4.28, "CENTRAL BUSINESS DISTRICT-RAILROAD CORRIDOR (CBD-RC)", SUBSECTION (G), "SUPPLEMENTAL DISTRICT REGULATIONS" AND SECTION 4.6.9, "OFF-STREET PARKING REGULATIONS", SUBSECTION (E), "PARAGRAPH (3), "IN-LIEU FEE"; TO EXPAND THE APPLICABILITY OF THE PAYMENT-IN-LIEU PROGRAM; PROVIDING A SAVING CLAUSE, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE.

(The official copy of Ordinance No. 21-11 is on file in the City Clerk's office.)

The City Attorney read the caption of the ordinance. A public hearing was held having been legally advertised in compliance with the laws of the State of Florida and the Charter of the City of Delray Beach, Florida.

Paul Dorling, AICP, Director of Planning and Zoning, stated this is to provide additional opportunities for property owners to voluntarily participate in the payment of in-lieu parking program. Mr. Dorling stated this is currently available for properties in the CBD, CBD-RC, and OSSHAD zoning districts. He stated there is also a parking space fee associated with the program based upon the in-lieu fee district area in which they are located. Mr. Dorling stated there are currently a number of qualifications that would allow them to be eligible for this. One of those is that the additional parking is required as a result of in-fill development that has been vacant for more than five (5) years or it involves the change or additional parking required from a change of use or added floor area to existing building. Mr. Dorling stated currently the in-lieu options are not available for new development nor for changes of use that increase the floor space that occur within two years of granting a CO (Certificate of Occupancy) for new development. He stated this modification would provide the option to those areas that are

currently prohibited. Mr. Dorling stated the City Commission now has to make a finding that is impossible and inappropriate to provide the required number of on-street parking spaces and that no parking spaces are being eliminated in the case of building additions. Mr. Dorling stated the Parking Management Plan dated 2010 recommended that this parking in-lieu program be expanded to provide property owners the option to voluntarily participate in the in-lieu program whether or not a hardship exists. Mr. Dorling stated this eliminates the current qualifications as already indicated, further eliminates the required finding that it be inappropriate or impossible to provide the required parking, and remove some prohibition for this option for building additions that would result in elimination of existing parking. He stated it does introduce a new finding and that is that there be adequate public parking to meet the in-lieu demand in the vicinity of where it is being requested. Mr. Dorling stated staff believes that will direct the in-lieu request that are approved to areas in particular where there is parking in the garages and on-street parking that is available to meet that demand.

At its meeting of June 1, 2011, the Pineapple Grove Main Street (PGMS) Committee reviewed this item and recommended approval; at its meeting of June 9, 2011, the Community Redevelopment Agency (CRA) recommended approval; at its meeting of June 13, 2011, the Downtown Development Authority (DDA) recommended approval but that consideration of the following is made: (1) that developments that are exclusively residential not be eligible; (2) that it be found that sufficient public parking is available when considering commercial projects; (3) that adequate components, such as the residential component, of a mixed-use project be addressed separately. At its meeting of June 14, 2011, the West Atlantic Redevelopment Coalition (WARC) reviewed the item and recommended approval; at its meeting of June 20, 2011, the Planning and Zoning Board recommended approval; and, at its meeting of July 5, 2011, the City Commission recommended approval on first reading.

Mayor McDuffie declared the public hearing open. There being no one from the public who wished to address the Commission regarding Ordinance No. 20-11, the public hearing was closed.

Mr. Frankel moved to continue Ordinance No. 21-11 to a date certain of August 2, 2011 at 7:00 p.m., seconded by Mrs. Gray. Upon roll call the Commission voted as follows: Mayor McDuffie – Yes; Mr. Frankel – Yes; Mrs. Gray – Yes. Said motion passed with a 3 to 0 vote.

After the vote, the City Manager stated he pointed out in his cover memo that there is some lack of clarity in the language in the ordinance and is something he and Mr. Dorling will work on between now and August 2, 2011.

**10.D. RESOLUTION NO. 27-11:** Consider approval of Resolution No. 27-11 establishing a budget for the Stormwater Utility System, establishing the rates for FY 2012 Stormwater Management Assessments, and certifying and adopting the Stormwater Assessment Roll.

The caption of Resolution No. 27-11 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ESTABLISHING A BUDGET FOR THE STORMWATER UTILITY SYSTEM; ESTABLISHING RATES FOR STORMWATER MANAGEMENT ASSESSMENTS FOR EACH PARCEL WITHIN THE BENEFITTED AREA, OTHER THAN NON-ASSESSED PROPERTY; PROVIDING FOR A PUBLIC HEARING; PROVIDING FOR THE CERTIFICATION AND ADOPTION OF THE STORMWATER ASSESSMENT ROLL IN ACCORDANCE WITH CHAPTER 56 OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

(The official copy of Resolution No. 27-11 is on file in the City Clerk's office.)

The City Attorney read the caption of the resolution. A public hearing was held having been legally advertised in compliance with the laws of the State of Florida and the Charter of the City of Delray Beach, Florida.

The City Manager stated the stormwater rates are the same as they have been for the last several years.

Mayor McDuffie asked if the discounts are the same with regard to the Lake Worth Drainage District and another one if you are on the reclaimed stormwater area. The City Manager stated the assessments are applied through the uniform method which means they are on the property tax bill this year.

Mayor McDuffie declared the public hearing open. There being no one from the public who wished to address the Commission regarding Resolution No. 27-11, the public hearing was closed.

Mrs. Gray moved to approve Resolution No. 27-11, seconded by Mr. Frankel. Upon roll call the Commission voted as follows: Mrs. Gray – Yes; Mayor McDuffie – Yes; Mr. Frankel – Yes. Said motion passed with a 3 to 0 vote.

**10.E. ORDINANCE NO. 22-11 (SECOND READING/SECOND PUBLIC HEARING):** Consider a city-initiated amendment to the Land Development Regulations (LDR) Section 4.6.9, "Off Street Parking Regulations", Subsection 4.6.9(C), "Number of Parking Spaces Required", and Appendix "A", "Definitions", by adding the definition of call centers and providing for specific parking requirements for call centers.

The caption of Ordinance No. 22-11 is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE

OF ORDINANCES, BY AMENDING SECTION 4.6.9, "OFF-STREET PARKING REGULATIONS", SUBSECTION 4.6.9(C), "NUMBER OF PARKING SPACES REQUIRED", PARAGRAPH (4), "REQUIREMENTS FOR OFFICE USES"; AND BY AMENDING APPENDIX A, "DEFINITIONS", BY ADDING THE DEFINITION OF CALL CENTERS; TO DEFINE AND PROVIDE FOR SPECIFIC PARKING REQUIREMENTS FOR CALL CENTERS; PROVIDING A SAVING CLAUSE, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE.

(The official copy of Ordinance No. 22-11 is on file in the City Clerk's office.)

The City Attorney read the caption of the ordinance. A public hearing was held having been legally advertised in compliance with the laws of the State of Florida and the Charter of the City of Delray Beach, Florida.

Paul Dorling, AICP, Director of Planning and Zoning, stated this is to introduce a new definition for call centers and provide a specific parking requirement for call centers. Mr. Dorling stated currently call centers are included under the general office category and are subject to inadequate parking. These uses generate a significant number of employees in smaller office spaces and this proposes to change the parking requirement to be a function of how many cubicles they have and how many call stations they have and an additional 2 per 1,000 square feet for supervisors. A very similar approach has been taken with amendments to the LDRs for the use of Personal Service Provider (Beauty Salons, Spas, etc.) in excess of 5,000 square feet.

At its meeting of June 1, 2011, the Pineapple Grove Main Street (PGMS) Committee reviewed the item and recommended approval; at its meeting of June 9, 2011, the Community Redevelopment Agency (CRA) reviewed the item and recommended approval; at its meeting of June 13, 2011, the Downtown Development Authority (DDA) reviewed the item and recommended approval; at its meeting of June 14, 2011, the West Atlantic Redevelopment Coalition (WARC) reviewed the item and recommended approval; at its meeting of June 20, 2011, the Planning and Zoning Board reviewed the item and recommended approval.

Mayor McDuffie declared the public hearing open. There being no one from the public who wished to address the Commission regarding Ordinance No. 22-11, the public hearing was closed.

Mrs. Gray moved to adopt Ordinance No. 22-11 on Second and FINAL Reading, seconded by Mr. Frankel. Upon roll call the Commission voted as follows: Mayor McDuffie – Yes; Mr. Frankel – Yes; Mrs. Gray – Yes. Said motion passed with a 3 to 0 vote.

**10.F. ORDINANCE NO. 23-11:** Consider a city-initiated amendment to the Land Development Regulations (LDR) Section 2.4.3, "Submission Requirements", Subsection (K), "Fees", Paragraph (1), "Development Applications", to increase development application fees.

The caption of Ordinance No. 23-11 is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, BY AMENDING SECTION 2.4.3, "SUBMISSION REQUIREMENTS", SUBSECTION (K), "FEES", PARAGRAPH (1), "DEVELOPMENT APPLICATIONS"; TO INCREASE DEVELOPMENT APPLICATION FEES; PROVIDING A SAVING CLAUSE, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE.

(The official copy of Ordinance No. 23-11 is on file in the City Clerk's office.)

The City Attorney read the caption of the ordinance. A public hearing was held having been legally advertised in compliance with the laws of the State of Florida and the Charter of the City of Delray Beach, Florida.

Paul Dorling, AICP, Director of Planning and Zoning, stated this modifies LDR Section 2.4.3(K)(1) to provide an increase in certain existing development application fees. Mr. Dorling stated the last overall fee schedule adjustment was made by the City Commission on August 4, 2009. Mr. Dorling stated staff reviewed fee schedules for Palm Beach County, the City of Boca Raton, the City of Boynton Beach, and the City of West Palm Beach. The City of Delray Beach still remains at the low end of those fee schedules, and, with a few noted exceptions, an increase of 5% is justified. Mr. Dorling stated there are no fee adjustments for Rezoning and SAD Modification petition fees and there were significant increases to the Beach Overlay Review fee in 2008 and 2009 and no additional increases are proposed with this amendment. He stated Class I and Class II site plan fees were significantly lower than adjacent municipalities so they have been recommended for an increase above 5% as is the Class V site plan category. Mr. Dorling stated with these increases the City of Delray is in the mid to low range and will be competitive.

At its meeting of June 20, 2011, the Planning and Zoning Board considered this and recommended approval with a 6 to 1 vote (Al Jacquet dissenting).

Mayor McDuffie declared the public hearing open. There being no one from the public who wished to address the Commission regarding Ordinance No. 23-11, the public hearing was closed.

Mr. Frankel moved to adopt Ordinance No. 23-11 on Second and FINAL Reading, seconded by Mrs. Gray. Upon roll call the Commission voted as follows: Mr. Frankel – Yes; Mrs. Gray – Yes; Mayor McDuffie – Yes. Said motion passed with a 3 to 0 vote.

**13. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS.**

**13.A. City Manager**

The City Manager read a news release the City received from the Florida League of Cities and noted the Florida Citizenship Award was awarded to Delray Beach for its connecting with our schools, civics education, and Delray Beach Program. The City Manager stated the Florida Municipal Achievement Awards Program is designed to recognize innovations and excellence in municipal government and provides municipalities with an opportunity to receive recognition for superior and innovative efforts in three award categories (City spirit, Citizenship, and Environmental Stewardship). He stated the winners will be honored for their unparalleled commitments to public service on Saturday, August 13, 2011 during the League's Annual Educational Conference at the Orlando World Center Marriott. The City Manager thanked Janet Meeks for her work in these programs and Rich Reade for working with Janet to put the application together that resulted in this award.

Secondly, the City Manager stated he attended a pre-conference session at the Transforming Local Government Conference and sat at a table with the Mayor of West Vancouver, Canada and one of the initiatives they had started was that after every Commission meeting they picked the five most important things they feel the Commission did at that meeting and issue press releases about them. The City Manager stated he felt this was a great idea because so often the press picks up on things that may be interesting but are relatively unimportant and overlook things on the Consent Agenda that do not get discussed but they really are significant. The City Manager stated this will help to get more information to our residents about what the City is doing and the things he feels and hopefully the Commission feels are really important that may get overlooked in the normal run of the mill press coverage. The Commission agreed that this is a great idea.

**13.B.**            **City Attorney**

The City Attorney had no comments and inquiries on non-agenda items.

**13.C.**            **City Commission**

**13.C.1.**         **Mrs. Gray**

Mrs. Gray congratulated Anthony Lockhart, the new Principal at Atlantic Community High School.

Secondly, Mrs. Gray thanked everyone who supported her at the Dine Out for a Cause Fundraiser for the Delray Beach Library held at Deck 84.

Lastly, Mrs. Gray asked if the City Manager has an update on the policy for traveling outside of Florida. The City Manager stated staff has not found anything in the record regarding this.

**13.C.2.**         **Mr. Frankel**

Mr. Frankel stated he will be doing the library event at Tryst on August 11, 2011.

Secondly, Mr. Frankel stated he attended the Opening for I Place.

Mr. Frankel stated he just got back from Newport, Rhode Island and one of the great things they have there is a Cliff Walk which was approximately two miles from the hotel. He stated they walked to the cliff walk which is 3½ miles so after 5½ miles he and his colleagues needed a ride back to the hotel. Mr. Frankel stated Newport has a great open air trolley system and is generally \$2.00 except it is free on Mondays. Mr. Frankel stated a lot of the businesses and hotels are advertised in the trolley so it is a revenue maker and is a better used system than what Delray Beach has.

**13.C.3. Mayor McDuffie**

Mayor McDuffie stated there is going to be a new Hyatt coming to Delray Beach soon and they are supposed to have their first residence enter that hotel next summer. He stated there will be 134 rooms family priced north of the Old School Square Garage. Mayor McDuffie stated Delray Beach has been looking for something for the kids and families that come in for the tennis tournaments and for families that cannot afford the \$300.00 and \$400.00 a night prices on the beach.

Secondly, Mayor McDuffie stated Dine Out for a Cause Fundraiser at Deck 84 was a tremendous success and they had over 100 reservations for that night.

Mayor McDuffie stated there is a Dine Out for a Cause Fundraiser coming up and asked that everyone stop by to support both Commissioner Frankel and the library.

Lastly, Mayor McDuffie stated he worked on Commissioner Fetzer's first campaign and he gave 5½ years of his life to this Commission and thanked him for his dedication to this community. In addition, Mayor McDuffie wished Mr. Fetzer and his family the best and hope for recovery from whatever he is suffering from.

There being no further business, Mayor McDuffie declared the meeting adjourned at 7:40 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 Regular City Commission Meeting held on July 19, 2011, which Minutes were formally approved and adopted by the City Commission on August 2, 2011.

  
\_\_\_\_\_  
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 some amendments, additions or deletions as set forth above.

