

FEBRUARY 19, 2008

A Regular Meeting of the City Commission of the City of Delray Beach, Florida, was called to order by Mayor Rita Ellis in the Commission Chambers at City Hall at 6:00 p.m., Tuesday, February 19, 2008.

1. Roll call showed:

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

Absent - None

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

2. The opening prayer was delivered by Chaplain Ron Arflin with Abbey Delray South.

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

4. **AGENDA APPROVAL.**

Mayor Ellis requested that **Item 8.D., Resolution No. 07-08/Florida Department of Transportation (FDOT)/Joint Participation Agreement** be removed from the Consent Agenda and moved to the Regular Agenda as **Item 9.A.A.** Also, under **Item 10.D., Ordinance No. 31-07** will be moved up under Public Hearings to **Item 10.A.A.**

Mrs. Montague moved to approve the Agenda as amended, seconded by Mr. Eliopoulos. Upon roll call the Commission voted as follows: Mr. Fetzer – Yes; Mr. McDuffie – Yes; Mrs. Montague – Yes; Mayor Ellis – Yes; Mr. Eliopoulos – Yes. Said motion passed with a 5 to 0 vote.

5. **APPROVAL OF MINUTES:**

Mr. Fetzer moved to approve the Minutes of the Annual Citizen's Roundtable Meeting of January 30, 2008, seconded by Mr. McDuffie. 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 with a 5 to 0 vote.

Mr. McDuffie moved to approve the Minutes of the Regular Meeting of February 5, 2008, seconded by Mr. Eliopoulos. 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 with a 5 to 0 vote.

Mr. McDuffie moved to approve the Minutes of the Special/Workshop Meeting of February 12, 2008, 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 with a 5 to 0 vote.

6. PROCLAMATIONS:

6.A. Water for Our Children Day – March 7, 2008

Mayor Ellis read and presented a proclamation hereby recognizing Friday, March 7, 2008 as Water for Our Children Day in the City of Delray Beach. John Marshall came forward to accept the proclamation and gave a few brief comments.

7. PRESENTATIONS:

7.A. NONE

8. CONSENT AGENDA: City Manager Recommends Approval.

8.A. CONTRACT ADDITION (C.O. 1)/RANDOLPH & DEWDNEY CONSTRUCTION, INC.: Approve a Contract Addition (C.O. No. 1) in the amount of \$39,227.86 to Randolph & Dewdney Construction, Inc. for additional renovation work to the Pompey Park Community Center Project. Funding is available from 380-4250-572-62.62 (2004 G.O. Bond/Buildings/Pompey Park Expansion).

8.B. SERVICE AUTHORIZATION NO. 04-10/CH2M HILL, INC.: Approve Service Authorization No. 04-10 in the amount of \$63,597.00 to CH2M Hill, Inc. for professional engineering services in conducting Groundwater Modeling and for preparation of the Water Use Permit Application. Funding is available from 441-5122-536-31.30 (Water/Sewer Fund/Engineering/Architect).

8.C. RESOLUTION NO. 05-08/FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT)/ROADWAY TRANSFER AGREEMENT: Approve and adopt Resolution No. 05-08 authorizing execution of a Roadway Transfer Agreement with the Florida Department of Transportation (FDOT) to transfer Depot Road from FDOT to the City.

The caption of Resolution No. 05-08 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF DELRAY BEACH, FLORIDA, APPROVING A
ROADWAY TRANSFER AGREEMENT FOR DEPOT

ROAD FROM NW 2nd AVENUE TO LAKE IDA ROAD
FROM FDOT TO THE CITY AND AUTHORIZING THE
EXECUTION OF THE AGREEMENT.

(The official copy of Resolution No. 05-08 is on file in the City Clerk's office.)

8.D. THIS ITEM HAS BEEN MOVED TO THE REGULAR AGENDA AS ITEM 9.A.A.

8.E. RENEWAL/SEA TURTLE MONITORING CONTRACT WITH DR. JOHN FLETEMEYER: Approve and authorize the renewal of an agreement with Dr. John Fletemeyer for the sea turtle monitoring program for three (3) years (through October 31, 2010) at a yearly rate of \$38,750.00. Funding is available from 332-4164-572-34.90 (Beach Restoration Fund). The cost is partially reimbursed by federal and state appropriations.

8.F. AMENDMENT NO. 1/NAMING RIGHTS CONTRACT/FUTBOLMASTERS, INC.: Approve Amendment No. 1 to the Naming Rights Contract between the City and FutbolMasters, Inc. extending the contract for six (6) months.

8.G. SPECIAL EVENT REQUEST/BIG SHOT VOLLEYBALL TOURNAMENT: Approve a request from East End Volleyball for the Big Shot Volleyball Tournament to be held at the municipal beach on March 29 and 30, 2008.

8.H. SPECIAL EVENT REQUEST/EASTER SUNRISE SERVICE: Approve a request for an Easter Sunrise Service to be held on March 23, 2008, granting a temporary use permit per LDR Section 2.4.6(F) for the closure of South Ocean Boulevard from Atlantic Avenue to Miramar from 6:00 a.m. to 7:30 a.m., grant the use of the pavilion, authorize staff support for traffic control, barricading and EMS presence.

8.I. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS: Accept the actions and decisions made by the Land Development Boards for the period February 4, 2008 through February 15, 2008.

8.J. AWARD OF BIDS AND CONTRACTS:

- 1.** Purchase award to Dell in the amount of \$16,547.84 for a server for the in-car video system for the Police Department. Funding is available from 334-2111-521-64.90 (General Construction Fund/Other Machinery/Equipment).
- 2.** Purchase award to Fortis SE Document Management System through PMI Imaging Systems in the amount of \$25,235.00 for upgrades to the Canofile System at the Police Department. Funding is available from 001-2111-521-66.10 (General Fund/Software).

3. Purchase award to Hector Turf in the amount of \$21,584.38 for the purchase of one (1) Toro Groundmaster 3100 with 11 blade cutting units and wiehle rollers for the Delray Beach Golf Course. Funding is available from 445-4761-572.64.90 (Delray Beach Municipal Golf Course Fund/Other Machinery/Equipment).
4. Purchase award to Metron-Farnier, LLC in the amount of \$37,689.00 for the purchase of 33 large water meters to continue the Large Water Meter Replacement Program. Funding is available from 442-5178-536-61.81 (Water/Sewer Renewal & Replacement Fund/Water Meter Replacement Program).
5. Approve a contract award to Jade Communications, Inc. in the amount of \$60,845.00 (County Contract #05193) for the cabling and equipment move to the new Information Technology building and a contract award to APC Systems in the amount of \$302,610.00 (State Term Contract) for the air conditioning rack system, fire suppression systems, and the UPS battery backup systems. Funding is available from 334-6112-519-62.85 (General Construction Fund/Capital Outlay/City Hall Expansion/IT Building). The award to APC system is recommended contingent upon the City Attorney's Office and vendor reaching agreement on the terms of the contract.

Mr. Eliopoulos moved to approve the Consent Agenda as amended, seconded by Mrs. Montague. Upon roll call the Commission voted as follows: Mr. Eliopoulos – Yes; Mr. Fetzer – Yes; Mr. McDuffie – Yes; Mrs. Montague – Yes; Mayor Ellis – Yes. Said motion passed with a 5 to 0 vote.

9. REGULAR AGENDA:

9.A.A. RESOLUTION NO. 07-08/FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT)/JOINT PARTICIPATION AGREEMENT: Approve and adopt Resolution No. 07-08 authorizing execution of a Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) to accept funding in the amount of \$180,180.00 over the next three (3) years for the expansion of the Downtown Roundabout Shuttle System.

The caption of Resolution No. 07-08 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING THE JOINT PARTICIPATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR FUNDING OF THE TRI-RAIL SHUTTLE SERVICE EXPANSION AND AUTHORIZING THE EXECUTION OF THE AGREEMENT.

(The official copy of Resolution No. 07-08 is on file in the City Clerk's office.)

Mayor Ellis stated there is also a grant from the Community Redevelopment Agency (CRA) that is proposed to make up another part of the funding (\$30,030.00 per year for three years). Mayor Ellis stated she spoke with Palm Beach County Commissioner McCarty and she has agreed to fund the City's portion for three years at \$90,000.00 towards the expansion of this shuttle.

Mrs. Montague moved to approve Resolution No. 07-08, seconded by Mr. Eliopoulos. Upon roll call the Commission voted as follows: Mr. Fetzer – Yes; Mr. McDuffie – Yes; Mrs. Montague – Yes; Mayor Ellis – Yes; Mr. Eliopoulos – Yes. Said motion passed with a 5 to 0 vote.

9.A. AMENDMENT NO. 1 TO THE AGREEMENT/WIFI SERVICES/DELRAY BEACH WI-FI, INC.: Consider approval of Amendment No. 1 to the Wireless Broadband Agreement between the City and Delray Beach WI-FI, Inc.; and Consent to Assignment with e-Path Communications of Delray Beach, Inc. regarding the Wi-Fi system throughout the entire City; or provide direction regarding terminating the agreement.

Brian Shutt, Assistant City Attorney, stated the only thing Delray Beach Wi-Fi, Inc. will agree to now is an extension of the ability to construct the Wi-Fi free service downtown. Mr. Shutt stated they would like approximately seven weeks up through April 18, 2008. He stated this is reverting back to the original terms of the agreement.

The City Attorney stated Delray Beach Wi-Fi will abide by the original agreement by giving the City of Delray Beach the computers; however, it will not be upfront as the City tried to get them to do. She stated this approval would be subject to receiving the Consent to Assignment and subject to receiving the Corporate Resolution.

Mr. Fetzer asked for clarification regarding the seven week extension. Mr. Shutt stated Delray Wi-Fi will try to do along Atlantic Avenue in the boot area and they think they can do it along Atlantic Avenue but they just cannot go three blocks north or three blocks south in the boot area along Atlantic Avenue. Mr. Shutt stated the timeframe was November 2007 and noted that Delray Beach Wi-Fi stated they had issues with Florida Power and Light (FPL). Mr. Fetzer asked if Delray Beach Wi-Fi has a joint agreement with FPL. In response, Mr. Shutt stated Delray Beach Wi-Fi has provided him with documentation and it appears they have an agreement with FPL to use their poles. The City Attorney stated Delray Beach Wi-Fi has represented that they are the only ones in Florida with such an agreement.

Mr. Fetzer stated he feels the City should go ahead and approve giving Delray Beach Wi-Fi the additional seven week extension; however, he would not be in favor of anything beyond that. The City Attorney stated that is for the free downtown service and then they have 90 days to complete other parts of it.

Mrs. Montague asked if Delray Beach Wi-Fi does not complete their part of the agreement after the seven weeks what position the City is in. Mr. Shutt replied that he would bring this back to the City Commission and seek approval to begin the cancellation proceedings if Delray Beach Wi-Fi has not complied with the terms. Furthermore, he stated at the end of the seven weeks if the City goes downtown and there is no free service then Delray Beach Wi-Fi has not complied with the terms of the agreement.

Brief discussion between the Commission followed.

Mr. Fetzer moved to approve Amendment No. 1 to the Wireless Broadband Agreement between the City of Delray Beach and Delray Beach Wi-Fi, Inc., seconded by Mr. Eliopoulos. Upon roll call the Commission voted as follows: Mr. McDuffie – Yes; Mrs. Montague – No; Mayor Ellis – Yes; Mr. Eliopoulos – Yes; Mr. Fetzer – Yes. Said motion passed with a 4 to 1 vote, Commissioner Montague dissenting.

Mr. Eliopoulos moved to accept the Consent to Assignment subject to Corporate Resolution, seconded by Mr. Fetzer. Upon roll call the Commission voted as follows: Mrs. Montague – No; Mayor Ellis – Yes; Mr. Eliopoulos – Yes; Mr. Fetzer – Yes; Mr. McDuffie – Yes. Said motion passed with a 4 to 1 vote, Commissioner Montague dissenting.

9.B. AGREEMENT/ATC INTERNATIONAL, INC.: Consider approval of an agreement between the City and ATC International, Inc. for the construction and installation of eleven (11) retractable towers at various points throughout the City. Funding is available from 551-1575-591-45.50 (Business Insurance Fund/Property Claims).

Brian Shutt, Assistant City Attorney, stated this is an agreement with a company to finish construction of 11 towers throughout the City to help as a backup system to the fiber network that is out there now. He stated the radios that would be placed on these antennas would be a backup. Mr. Shutt stated this company actually assumed control of the other company that the City had originally contracted with and the City is trying to have the job completed with this company. He stated there are still monies outstanding and a large portion of the funds actually came from a FEMA grant.

Joseph Safford, Finance Director, stated there are eleven towers already installed and what is not working is the Wi-Fi equipment. Therefore, he stated they need to change out the Wi-Fi equipment. Mr. Safford stated the original towers were contracted with JBE Technology and they went out of business. The assets were purchased by ATC International, Inc. (ATCI). Mr. Safford stated staff is requesting to change the agreement to ATC International, Inc. so they can finish the work and get the Wi-Fi towers up and working. He noted that this is not for use by the public but it is a City Wi-Fi system that would be used as a backup to the City's fiber network.

Mrs. Montague asked if the City controls the contract. Mr. Safford stated the City controls and the cost is one hundred percent (100%) covered by either FEMA or the City's insurance for Hurricane Wilma.

Mrs. Montague moved to approve the agreement between the City of Delray Beach and ATC International, Inc. for construction of eleven (11) retractable towers, seconded by Mr. McDuffie. 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 with a 5 to 0 vote.

9.C. RATIFICATION OF COLLECTIVE BARGAINING AGREEMENT AND MEMORANDUM OF UNDERSTANDING/SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU)/FLORIDA PUBLIC SERVICES UNION, CTW, CLC: Approve and ratify the Collective Bargaining Agreement and Memorandum of Understanding between the City and the Service Employees International Union (SEIU)/Florida Public Services Union, CTW, CLC (formally National Conference of Firemen and Oilers (NCF&O)), for a three (3) year period from October 1, 2007 through September 30, 2010.

Bruce Koeser, Human Resources Director, stated he is pleased to announce that the City has a three year agreement with the service employees and highlights include: (1) allows the employee to be compensated for working in a higher classification once the employee works five (5) consecutive working days in the higher classification (moved from ten (10) days), (2) increase in wages 2% across the Board retroactive to January 1st and year three will be a wage re-opener, (3) change to bereavement leave for employees attending funerals out-of-state have increased from 3 days to 5 days, (4) lump-sum bonus for those who are maxed out retroactive back to October 1st, (5) the City will discontinue the 1% match to the ICMA 457 Plan.

Mr. Eliopoulos moved to approve the Service Employees International Union (SEIU), seconded by Mr. Fetzer. Upon roll call the Commission voted as follows: Mr. Eliopoulos – Yes; Mr. Fetzer – Yes; Mr. McDuffie – Yes; Mrs. Montague – Yes; Mayor Ellis – Yes. Said motion passed with a 5 to 0 vote.

9.D. CHANGE TO CITY'S GROUP BENEFITS BROKER: Consider approval to change the City's Group Benefits Broker from the Gehring Group to Benefit Management Group (BMG), a division of Gallagher Benefit Services.

Bruce Koeser, Human Resources Director, stated the City of Delray Beach has an opportunity to make a change in the City's group benefits broker for Medical Group benefits. Mr. Koeser stated the City has met with Benefit Management Group (BMG), a division of Gallagher Benefit Services, to discuss the possibility of using BMG as the City's Broker of Record. The City of Delray Beach currently uses the Gehring Group who has about six people and Gallagher Benefit Services has approximately 24 people and better resources. Mr. Koeser stated staff feels they can save some money and come up with more cost efficient programs for our employees. He stated to get them in

as our broker the City's annual cost will drop from a \$107,000.00 a year average to \$90,000.00. Staff recommends using Benefit Management Group (BMG) as our Agent of Record for Group Benefits effective April 1, 2008.

Mr. McDuffie moved to approve the City's Group Benefits Broker from the Gehring Group to Benefit Management Group (BMG), a division of Gallagher Benefit Services, as the City's Agent of Record for Group Benefits, seconded by Mrs. Montague. Upon roll call the Commission voted as follows: Mr. Fetzer – Yes; Mr. McDuffie – Yes; Mrs. Montague – Yes; Mayor Ellis – Yes; Mr. Eliopoulos – Yes. Said motion passed with a 5 to 0 vote.

9.E. HISTORICAL MARKER/SR A1A: Consider approval of the placement of a historical marker on the east side of SR A1A at the intersection of Bay Street and SR A1A.

The City Manager stated Dottie Patterson has worked with the people that want to pay for this to work out the language. He stated Ms. Patterson has worked very hard to get it down to something which will be reasonable and still appropriately memorialize the contribution of the people who created the municipal beach.

Mrs. Montague asked if this establishes a pattern for the City in terms of the look of historic markers. In response, Ms. Patterson stated this marker will be similar to two other markers in the beach area.

The City Manager stated in the historic districts those markers would be post mounted but because the City already has some markers that are mounted on chunks of coral staff felt it would be appropriate to have the same type mounted.

Mr. Eliopoulos moved to approve the placement of a historical marker on the east side of SR A1A at the intersection of Bay Street and SR A1A, seconded by Mr. McDuffie. 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 with a 5 to 0 vote.

9.F. APPOINTMENTS TO THE BOARD OF ADJUSTMENT: Appoint two (2) regular members and two (2) alternate members to the Board of Adjustment to serve two (2) year terms ending August 31, 2009. Based upon the rotation system, the appointments will be made by Commissioner Montague (Seat #4), Mayor Ellis (Seat #5), Commissioner Eliopoulos (Seat #1), and Commissioner McDuffie (Seat #3).

Mrs. Montague moved to appoint Harvey Starin to the Board of Adjustment as a regular member for a two (2) year term ending August 31, 2009, seconded by Mr. Eliopoulos. 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 with a 5 to 0 vote.

Mayor Ellis stated she wished to appoint Mel Pollack to the Board of Adjustment as a regular member for a two (2) year term ending August 31, 2009. Mr. Fetzer so moved, seconded by Mr. McDuffie. 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 with a 5 to 0 vote.

Mr. Eliopoulos moved to appoint Jess Sowards to the Board of Adjustment as an alternate member for a two (2) year term ending August 31, 2009, seconded by Mr. Fetzer. Upon roll call the Commission voted as follows: Mr. Eliopoulos – Yes; Mr. Fetzer – Yes; Mr. McDuffie – Yes; Mrs. Montague – Yes; Mayor Ellis – Yes. Said motion passed with a 5 to 0 vote.

Mr. McDuffie moved to appoint Bernard Federgreen to the Board of Adjustment as an alternate member for a two (2) year term ending August 31, 2009, seconded by Mrs. Montague. Upon roll call the Commission voted as follows: Mr. Fetzer – Yes; Mr. McDuffie – Yes; Mrs. Montague – Yes; Mayor Ellis – Yes; Mr. Eliopoulos – Yes. Said motion passed with a 5 to 0 vote.

9.G. APPOINTMENT TO THE CIVIL SERVICE BOARD: Appoint one (1) alternate member to the Civil Service Board to serve an unexpired term ending July 1, 2008. Based upon the rotation system, the appointment will be made by Commissioner Eliopoulos (Seat #1).

Mr. Eliopoulos moved to appoint Elaine Calabrese to the Civil Service Board as an alternate member to serve an unexpired term ending July 1, 2008, seconded by Mrs. Montague. 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 with a 5 to 0 vote.

9.H. APPOINTMENT TO THE KIDS AND COPS COMMITTEE: Appoint one (1) At Large Representative to the Kids and Cops Committee to serve a partial term ending on November 30, 2009. Based upon the rotation system, the appointment will be made by Commissioner McDuffie (Seat #3).

Mr. McDuffie stated he would like to defer his appointment to the March 3, 2008 regular meeting.

9.I. APPOINTMENT TO THE NEIGHBORHOOD ADVISORY COUNCIL: Appoint one (1) regular member from Zone 5 to the Neighborhood Advisory Council to serve an unexpired term ending October 31, 2008. Based upon the rotation system, the appointment will be made by Commissioner Montague (Seat #4).

Mrs. Montague stated she would like to defer her appointment to the March 3, 2008 regular meeting.

At this point, the time being 6:41 p.m., the City Attorney suggested that the Commission move to **Items 10.B. and 10.C.** because these are not Public Hearings.

10.B. PURCHASE AND SALE AGREEMENT/COMMUNITY REDEVELOPMENT AGENCY (CRA) AND DEVELOPER: Consider approval of the Purchase and Sale agreement between the Community Redevelopment Agency (CRA) and the Developer in the amount of \$3,000,000.00 for the redevelopment of the entire old library site, with the City as a third party beneficiary.

Commissioner Eliopoulos declared a conflict of interest and stepped down from the dais.

The City Attorney stated the City is a third party beneficiary and when staff gets to Item 10.A. the City agrees to transfer the remaining land to the Community Redevelopment Agency (CRA). The City Attorney stated then the CRA will package together all the lands and they will sell it to the developer. She stated as a third party beneficiary the City has certain rights to parking that will take place under those agreements.

The City Manager stated when the sale takes place the City of Delray Beach will receive \$1.3 million as its share.

Mrs. Montague moved to approve the Purchase and Sale Agreement between the Community Redevelopment Agency (CRA) and the Developer in the amount of \$3,000,000.00 for the redevelopment of the entire old library site, with the City as a third party beneficiary, seconded by Mr. McDuffie. Upon roll all the Commission voted as follows: Mrs. Montague – Yes; Mayor Ellis – Yes; Mr. Fetzer – Yes; Mr. McDuffie – Yes. Said motion passed with a 4 to 0 vote.

10.C. DELRAY BEACH CHAMBER OF COMMERCE RELOCATION AND PUBLIC PARKING AGREEMENT/COMMUNITY REDEVELOPMENT AGENCY (CRA): Consider approval of the Relocation and Public Parking Space Agreement between the City, the Community Redevelopment Agency (CRA) and the Delray Beach Chamber of Commerce for the relocation of the Chamber of Commerce to the Old School Square Parking Garage.

Commissioner Eliopoulos declared a conflict of interest and stepped down from the dais.

The City Attorney stated this is an agreement between the Community Redevelopment Agency (CRA), the Chamber of Commerce, and the Developer and provides for the relocation of the Chamber of Commerce to the Old School Square Garage retail space facing N.E. 2nd Avenue and contains 6,380 square feet of space. The City Attorney stated there is a provision in the agreement that the location could change to the north side on N.E. 1st Street provided that would be available at some time depending on what happens there. The financial terms of this is that the developer will

build out the space for the Chamber in the amount of \$473,175.00. There will be additional monies contributed by the CRA to further build out that space.

The City will receive additional monies as well for the public parking spaces, etc. that will not have to be built at the old library site due to the Chamber relocation at this site and the City of Delray Beach will receive \$15,600.00 x 20 spaces. They will pay certain relocation expenses for the Chamber and the City of Delray Beach will receive \$312,000.00 if the Chamber gets relocated here and the number of spaces they provide over there is 70 spaces. The City Attorney stated once this agreement is signed then the relocation is fixed and they have chosen this space to be the space. However, that is dependent upon them closing on the other space which could take a little bit of time. Therefore, the City Attorney stated this space may look vacant for a while until the developer starts building the space out for the Chamber.

Mr. McDuffie expressed concern whether we would have enough space left for the type of tenant the City is trying to attract in the garage. He stated he believes the square footage was minus this square footage. The City Attorney stated that is a consideration because once the City approves it everyone else approves it, then the City has committed this space.

Mr. McDuffie moved to approve the Relocation and Public Parking Space Agreement between the City of Delray Beach, the Community Redevelopment (CRA) and the Delray Beach Chamber of Commerce for the relocation of the Chamber of Commerce to the Old School Square Parking Garage, seconded by Mrs. Montague. Upon roll call the Commission voted as follows: Mayor Ellis – Yes; Mr. Fetzer – Yes; Mr. McDuffie – Yes; Mrs. Montague – Yes. Said motion passed with a 4 to 0 vote.

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

The City Manager had no response to prior public comments and inquiries.

11.B. From the Public.

11.B.1. Alice Finst, 707 Place Tavant, Delray Beach, stated she was trying to listen to the radio broadcast on 1620 am and noted that it does not reach well into the Congress Avenue area. She stated it is garbled, it is on top of another signal and it has zapping sounds in it. Mrs. Finst stated the signal did not get clear until she got to 5th and asked the Commission to give thought to whatever guarantee the City had on that contract for clear and efficient operation.

Secondly, Mrs. Finst expressed concern over the street signs that are down in her community (Chatelaine). She stated she went on the City's website to the Q-Alert System (a/k/a Citizen Service Requests) several months ago to express concern. Mrs. Finst stated she also had a conversation with a Police Officer who is very familiar with the neighborhood who also reported the same missing signs for several months. She urged the Commission to look into this situation.

11.B.2. **Jason Mankoff, 102 North Swinton Avenue, Delray Beach,** commended the City Commission for all the activities that were being held last weekend. He stated he took his children to the Open House at the Fire Station and noted at the same time the Garlic Festival and the tennis tournament were also being held. Mr. Mankoff thanked the Commission for all of the entertainment that is being provided throughout the community.

11.B.3. **Pauline Moody, 609 S.W. 8th Avenue, Delray Beach,** expressed concern over the garbage and debris thrown by the railroad tracks (concrete pillars that have been thrown there and old tracks from when they change out the tracks). She stated the people working on the railroad do not discard what they take up but instead just leave it there. She confronted the railroad people who were fixing the railroad crossings they indicated that it was the City's responsibility to clean everything up. Ms. Moody asked what the City's responsibility is and what the Florida Department of Transportation's (FDOT) responsibility is. She stated everyone who is building in the City should be picking up their debris and throwing it away. Ms. Moody asked who is going to start enforcing this immediately.

At this point, the Commission moved to **Item 13, Comments and Inquiries on Non-Agenda Items from the City Attorney and the City Manager.**

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

13.B. **City Attorney**

The City Attorney stated her grandchildren were in town over the weekend and they went to the beach and attended the Chili Cook-off. She stated there were tons of things to do and it is always fun.

13.A. **City Manager**

The City Manager stated he attended the League of Cities Board Meeting this week and commented that in view of the financial situation that all the cities are facing, the Board voted to have no dues increased this year. The Board also voted to move the Associates Showcase to the month of February. He stated the County's Impact Fee Manager made a presentation to the Board of the increases in impact fees that have been recommended by their consultant (80-100%). The County's Impact Fee Committee is recommending no increase and the League of Cities Board is also recommending no increase. The City Manager stated there was also a presentation from the Palm Beach County Wireless Initiative which they have changed the name to the Broadband Initiative and they are speaking more about using the fiber used largely for traffic signal control and also what is called Lambda Rail which is fiber that runs along the railroads that makes a circular route through the State and connects all the universities. He stated the City uses the County's fiber and it looks like there may be some more opportunities for the City. The City Manager stated the Installation of Officers this year will be a luncheon event to help reduce the costs and is planned for the West Palm Beach Marriott on May

28, 2008 and the cost is \$50.00 per person and Ken Kaleel from Ocean Ridge will be installed as the new President on that date. The City Manager stated several appointments were approved to the Advisory Boundary Committee and incumbents were reappointed. He stated Robert Gotlieb was appointed to the Countywide Coastal Committee and Jeff Naftals, City Manager of Juno Beach, was appointed to the Impact Fee Review Committee. The League's Golf Tournament that they use for raising money for scholarships will be on October 10, 2008 in Atlantis and there was some discussion about the "Let Us Vote PAC". The City Manager stated when he went to the Manager's training in St. Augustine the Palm Beach County Managers had a meeting with Beth Rawlins and are starting to get organized to get geared up for the campaign to encourage people to vote "yes" on that particular County Charter Amendment.

At this point, the time being 6:59 p.m., the Commission moved to the duly advertised Public Hearings portion of the Agenda.

10. PUBLIC HEARINGS:

10.A.A. ORDINANCE NO. 31-07 (SECOND READING/SECOND PUBLIC HEARING): Privately initiated amendment to the Land Development Regulations (LDR) amending Section 4.4.24, "Old School Square Historic Arts District (OSSHAD)", Subsection 4.4.24(B), "Principal Uses and Structures", to include an additional property that is allowed the permitted uses of the Central Business District (CBD) Zoning District; amending Subsection 4.4.24(F), "Development Standards", to include an additional property in the Old School Square Historic Arts District (OSSHAD) that is subject to the standards of the Central Business District (CBD) Zoning District. **(THE APPLICANT HAS REQUESTED POSTPONEMENT UNTIL MAY 6, 2008 REGULAR COMMISSION MEETING)**

The caption of Ordinance No. 31-07 is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING SECTION 4.4.24, "OLD SCHOOL SQUARE HISTORIC ARTS DISTRICT (OSSHAD)", SUBSECTION 4.4.24(B), "PRINCIPAL USES AND STRUCTURES" TO INCLUDE AN ADDITIONAL PROPERTY THAT IS ALLOWED THE PERMITTED USES OF THE CBD ZONING DISTRICT; AMENDING SUBSECTION 4.4.24(F), "DEVELOPMENT STANDARDS", TO INCLUDE AN ADDITIONAL PROPERTY IN THE OSSHAD DISTRICT THAT IS SUBJECT TO THE STANDARDS OF THE CBD ZONING DISTRICT; PROVIDING A SAVING CLAUSE, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE.

(The official copy of Ordinance No. 31-07 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.

Mayor Ellis declared the public hearing open. There being no one from the public who wished to address the Commission regarding Ordinance No. 31-07, the public hearing was closed.

Mr. Fetzer moved to postpone Ordinance No. 31-07 (Second Reading/Second Public Hearing) to a date certain of May 6, 2008 at 7:00 p.m. to continue the public hearing on this item, seconded by Mr. Eliopoulos. Upon roll call the Commission voted as follows: Mr. Eliopoulos – Yes; Mr. Fetzer – Yes; Mr. McDuffie – Yes; Mrs. Montague – Yes; Mayor Ellis – Yes. Said motion passed with a 5 to 0 vote.

At this point, the time being 7:01 p.m., the Commission moved to **Item 10.A.**

10.A. RESOLUTION NO. 03-08/CONTRACT FOR SALE AND PURCHASE OF PROPERTY/COMMUNITY REDEVELOPMENT AGENCY/TRI-PARTY INTERLOCAL AGREEMENT: Consider approval of Resolution No. 03-08 authorizing the City to sell certain real property located behind the Old Delray Beach Library, for the redevelopment of the old library site; and approve a Tri-Party Interlocal Agreement between the City and the Community Redevelopment Agency (CRA) which will allow the transfer/sale of Lots 14, 15, 16, 17 and 18 of Block 101 to the CRA to facilitate the ultimate transfer by the CRA of the entire old library site to the Developer selected by the CRA for redevelopment of the site.

The caption of Resolution No. 03-08 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AUTHORIZING THE CITY SELL TO BUYER CERTAIN REAL PROPERTY IN PALM BEACH COUNTY, FLORIDA, LOCATED BEHIND THE OLD LIBRARY, AS DESCRIBED HEREIN, HEREBY INCORPORATING AND ACCEPTING THE CONTRACT STATING THE TERMS AND CONDITIONS FOR THE SALE AND PURCHASE BETWEEN THE BUYER AND THE CITY OF DELRAY BEACH, FLORIDA.

(The official copy of Resolution No. 03-08 is on file in the City Clerk's office.)

Commissioner Eliopoulos declared a conflict of interest and stepped down from the dais.

The City Attorney stated Resolution No. 03-08 incorporates the contract through the Tri-Party Interlocal Agreement conveying Lots 14, 15, 16, 17 and 18 of block 101 to the Community Redevelopment Agency (CRA) that will be ultimately transferred by the CRA to the developer. The City will receive all monies over \$1.7 million. In addition, the CRA will pay to the City of Delray Beach at closing \$315,450.00 which represents the difference between the total of the City's costs of constructing the relocation space and the developer's cost of building out the interior. This is based on the market value of the appraisal done by Anderson & Carr, Inc. The CRA also indicates in this agreement that they will pay the common area maintenance costs of the parking facility as agreed. However, the terms of the public facility easement agreement has to be worked out.

Mayor Ellis declared the public hearing open. There being no one from the public who wished to address the Commission regarding Resolution No. 03-08, the public hearing was closed.

Mr. McDuffie moved to approve Resolution No. 03-08 Contract for Sale and Purchase of Property for a Tri-Party Interlocal Agreement between the City of Delray Beach and the Community Redevelopment Agency (CRA), seconded by Mrs. Montague. Upon roll call the Commission voted as follows: Mr. Fetzer – Yes; Mr. McDuffie – Yes; Mrs. Montague – Yes; Mayor Ellis – Yes. Said motion passed with a 4 to 0 vote.

10.D. **THIS ITEM HAS BEEN MOVED UP TO ITEM 10.A.A.**

At this point, Commissioner Eliopoulos returned to the dais.

10.E. **ORDINANCE NO. 02-08:** City initiated amendment to the Land Development Regulations (LDR) Sections 4.4.13(C), and 4.6.9(E)(4), to apply minimum property vacancy period requirements for mechanical parking lifts, in-lieu of parking fees, and public parking fees for in-fill developments within the Central Business District (CBD) and also to Appendix "A", Definitions, to amend the definition of In-Fill Development.

The caption of Ordinance No. 02-08 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 4.4.13(C), "ACCESSORY USES AND STRUCTURES PERMITTED" TO PROVIDE THAT MECHANICAL PARKING LIFTS ARE A PERMITTED USE FOR AN

IN-FILL DEVELOPMENT PROJECT THAT HAS BEEN VACANT FOR A MINIMUM PERIOD OF ONE YEAR; AMENDING SECTION 4.6.9, "OFF-STREET PARKING REGULATIONS", SUBSECTION 4.6.9(E), "LOCATION OF PARKING SPACES", SUB-SUBSECTIONS 4.6.9(E)(3), "IN-LIEU FEE", AND 4.6.9(E)(4), "PUBLIC PARKING FEE", TO PROVIDE THAT IN-LIEU FEES AND PUBLIC PARKING FEES ARE AVAILABLE FOR IN-FILL DEVELOPMENTS THAT HAVE BEEN VACANT FOR A PERIOD OF FIVE YEARS OR LONGER; AMENDING APPENDIX "A" TO PROVIDE A REVISED DEFINITION FOR IN-FILL DEVELOPMENT; PROVIDING A SAVING CLAUSE, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE.

(The official copy of Ordinance No. 02-08 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, Director of Planning and Zoning, stated the City Commission recently approved some LDR changes which allowed single level mechanical parking lifts in the Central Business District (CBD) for In-fill Development. This amendment modifies the timeframe and allows that to be applied to parking lifts for one year but continues to retain the five years which is in the current definition for the option of public parking fees and in-lieu fees options.

At its meeting of November 19, 2007, the Planning and Zoning Board considered the text amendment and the Board recommended approval with a 6 to 0 vote.

Mayor Ellis declared the public hearing open. There being no one from the public who wished to address the Commission regarding Ordinance No. 02-08, the public hearing was closed.

Mr. Eliopoulos moved to adopt Ordinance No. 02-08 on Second and FINAL Reading, seconded by Mr. Fetzer. 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 with a 5 to 0 vote.

10.F. ORDINANCE NO. 05-08: Consideration of a rezoning from Special Activities District (SAD) to Open Space and Recreation (OSR) for a 0.72 acre City owned parcel, located east of the recently approved Midtown Delray mixed-use development (f.k.a. Bloods Hammock Grove) and west of Orchard View Park.

The caption of Ordinance No. 05-08 is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND PLACING LAND PRESENTLY ZONED SAD (SPECIAL ACTIVITIES DISTRICT) TO OSR (OPEN SPACE AND RECREATION) DISTRICT; SAID LAND BEING A PARCEL LOCATED EAST OF MIDTOWN DELRAY (FKA BLOOD'S HAMMOCK GROVES) AND WEST OF ORCHARD VIEW PARK, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING "ZONING MAP OF DELRAY BEACH, FLORIDA, APRIL 2007"; PROVIDING A GENERAL REPEALER CLAUSE, A SAVING CLAUSE, AND AN EFFECTIVE DATE.

(The official copy of Ordinance No. 05-08 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, Director of Planning and Zoning, stated this is a 0.72 city-owned parcel and during the deliberation of Mid-Town Delray it was discovered that the area continues to be zoned SAD (Special Activities District). Mr. Dorling stated this is a corrective rezoning to OSR (Open Space and Recreation).

At its meeting of January 28, 2008, the Planning and Zoning Board considered the rezoning request and recommended approval with a 6 to 0 vote.

Mayor Ellis declared the public hearing open. There being no one else from the public who wished to address the Commission regarding Ordinance No. 05-08, the public hearing was closed.

Mrs. Montague moved to adopt Ordinance No. 05-08 on Second and FINAL Reading, seconded by Mr. Eliopoulos. 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 with a 5 to 0 vote.

10.G. ORDINANCE NO. 07-08: City initiated amendment to the Land Development Regulations (LDR) Section 2.4.3, "Submission Requirements", Subsection 2.4.3(K), "Fees", Subsection 2.4.3(K)(1), "Development Applications", to provide for an increase in certain development application fees.

The caption of Ordinance No. 07-08 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 2.4.3(K), "FEES", SUB-SUBSECTION 2.4.3(K)(1), "DEVELOPMENT APPLICATIONS", TO PROVIDE FOR AN INCREASE IN CERTAIN DEVELOPMENT APPLICATION FEES; PROVIDING A SAVING CLAUSE, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE.

(The official copy of Ordinance No. 07-08 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, Director of Planning and Zoning, stated this is limited to two fees. He stated where there is a conditional use and site plan combined there is only one fee and those actions actually have to go before two different Boards and reports have to be prepared for each of those. Mr. Dorling stated staff split them out and is asking for a fee for each one. He stated the second fee change is that associated with the development of single family homes in the Overlay District. There is currently a fee that is a pass through to Urban Design Studios and there is no fee the City collects for that although staff does a review. Staff suggests adding the concept fee to that overall fee.

Mayor Ellis declared the public hearing open. There being no one from the public who wished to address the Commission regarding Ordinance No. 07-08, the public hearing was closed.

Mr. McDuffie moved to adopt Ordinance No. 07-08 on Second and FINAL Reading, seconded by Mr. Eliopoulos. 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 with a 5 to 0 vote.

10.H. **ORDINANCE NO. 10-08:** An ordinance creating Chapter 94, "Municipal Cemetery", of the Code of Ordinances by enacting Section 94.01, "Authority", to provide for rules and fees for the municipal cemetery.

The caption of Ordinance No. 10-08 is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA,

CREATING CHAPTER 94, "MUNICIPAL CEMETERY"
OF THE CODE OF ORDINANCES BY ENACTING
SECTION 94.01, "AUTHORITY", TO PROVIDE FOR
RULES AND FEES FOR THE MUNICIPAL
CEMETERY; PROVIDING A SAVING CLAUSE, A
GENERAL REPEALER CLAUSE, AND AN EFFECTIVE
DATE

(The official copy of Ordinance No. 10-08 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.

Brian Shutt, Assistant City Attorney, stated this ordinance provides the authority for the City of Delray Beach to enact rules and fees for the municipal cemetery.

Mayor Ellis declared the public hearing open. There being no one from the public who wished to address the Commission regarding Ordinance No. 10-08, the public hearing was closed.

Mr. Fetzer moved to adopt Ordinance No. 10-08 on Second and FINAL Reading, seconded by Mr. McDuffie. Upon roll call the Commission voted as follows: Mr. Eliopoulos – Yes; Mr. Fetzer – Yes; Mr. McDuffie – Yes; Mrs. Montague – Yes; Mayor Ellis – Yes. Said motion passed with a 5 to 0 vote.

10.I. **RESOLUTION NO. 06-08:** Consider approval of Resolution No. 06-08 adopting the rules, regulations and fees for the Delray Beach Memorial Gardens Municipal Cemetery.

The caption of Resolution No. 06-08 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF DELRAY BEACH, FLORIDA, APPROVING
THE ATTACHED RULES, REGULATIONS AND FEES
FOR THE DELRAY BEACH MEMORIAL GARDENS
MUNICIPAL CEMETERY.

(The official copy of Resolution No. 06-08 is on file in the City Clerk's office.)

Brian Shutt, Assistant City Attorney, stated this resolution sets forth the rules and a couple versions of the fees for the municipal cemetery. He stated one of the provisions restricts the sale of the interment rights to residents who reside in the City, provides for the repurchase of the burial rights to the City where they cannot be transferred to other people or other entities, and provides for presumption of

abandonment in the case that if a 30 year time period goes by and the City does not have contact with the person then there is a procedure the City can follow to have the burial rights come back to the City. In addition, Mr. Shutt noted there are a couple of versions of the proposed fee structures attached to the rules as well.

Mayor Ellis declared the public hearing open. There being no one from the public who wished to address the Commission regarding Resolution No. 06-08, the public hearing was closed.

Mr. Fetzer moved to approve Resolution No. 06-08 subject to the proposed price changes to the cemetery plots, opening and closing, and the mausoleum, seconded by Mr. Eliopoulos. Upon roll call the Commission voted as follows: Mr. Fetzer – Yes; Mr. McDuffie – Yes; Mrs. Montague – Yes; Mayor Ellis – Yes; Mr. Eliopoulos – Yes. Said motion passed with a 5 to 0 vote.

12. **FIRST READINGS:**

12.A. **NONE.**

At this point, the Commission moved to **Item 13, Comments and Inquiries on Non-Agenda Items from the Commission.**

13.C. **City Commission**

13.C.1. **Mr. McDuffie**

Mr. McDuffie stated he and his wife volunteered for S.D. Spady at the Garlic Festival and the crowds were phenomenal. He did ticket sales outside the food court and they went through three sets of tickets each which is 1,000 in each bundle in just the hours they worked which was 10:00 a.m. – 3:00 p.m. Mr. McDuffie stated there was great entertainment and they had a great time.

Secondly, he stated the tennis tournament was excellent and commended the volunteers who were checking tickets because they did an admirable job.

Mr. McDuffie stated his father-in-law was in town from Indianapolis and they attended the Fire-Rescue Department Open House. He stated there were CPR classes underway; blood pressure testing and the comments from the community about the City services were terrific. Mr. McDuffie stated this is a phenomenal idea and it is great outreach into the community. He stated the event was a tremendous success and Senator Atwater was a great supporter of Delray Beach.

He stated he is going to tune into 1620 on his am radio as he is leaving tonight to see what he can find out about the radio station.

Lastly, Mr. McDuffie stated he feels we should offer our thanks and gratitude and commendations to the faculty and staff of Atlantic High School and the City of Delray Beach Police Department regarding the situation on Friday. He stated under pressure they performed magnificently in this unfortunate situation.

13.C.2. **Mrs. Montague**

Mrs. Montague stated she attended the Veteran's Park Charrette on Saturday (February 16, 2008) and they noted they could not have done it without Alice Finst. Mrs. Montague stated there was wonderful input from citizens discussing options and possibilities for Veteran's Park.

Secondly, she stated St. Paul AME had its Annual Organizational Tea on Sunday (February 17, 2008) and paid tribute to a number of leaders, one of them being Reverend Sharon Austin. Mrs. Montague stated she was very proud to be there and asked that before Reverend Austin departs the City that we have her for at least two more times to give the opening prayer. She stated Reverend Austin will be missed and is so admired in the community.

Lastly, Mrs. Montague stated there will be a Ribbon Cutting Ceremony on February 23, 2008 at 3:00 p.m. for Donnie's Place. She stated there was a wonderful article written on Donnie Dobson and the struggle of getting there.

13.C.3. **Mr. Fetzer**

Mr. Fetzer stated it was a wonderful week in Delray Beach and noted there were a lot of great activities.

Secondly, Mr. Fetzer stated he had a discussion with the City Manager regarding the property (QAlert #613) that was damaged as a result of Hurricane Wilma and noted that there was a pending contract on the property to purchase it. The City Manager stated the owners have been cooperative and noted the City has only cleaned it once. The City Manager stated meeting minimum Code requirements is not what people would like to see in their neighborhoods and he understands the concern of the person who wrote the letter. Mr. Fetzer stated it is an eyesore.

13.C.4. **Mr. Eliopoulos**

Mr. Eliopoulos stated the Sandoway House Gala was a nice event and a creative idea. He stated the competitors did very well and noted it was a good night.

Secondly, he stated Thursday, February 21, 2008, Lake Ida is going to be having a Design Guidelines Meeting and also meeting on the police and the activity in Lake Ida. Mr. Eliopoulos stated when we have those it actually does help the Police Department and cuts down on crime. He stated hopefully he can report back with some

key things that the Police Department has been telling the public on what they have to do to protect their homes.

Mr. Eliopoulos commented about the QAlert System (a/k/a Citizen Service Requests) regarding a house (#613) that was damaged during Hurricane Wilma.

Lastly, he commented about the Franklin House and suggested that the City encourage the Community Redevelopment Agency (CRA) to possibly turn over this project for either the Historic Trust Group or a citizen project.

13.C.5. Mayor Ellis

Mayor Ellis stated she received a letter from Carrie Hill who is the Palm Beach County School Board District 4 representative, and she was very helpful during the Plumosa relocation and addition as was Dr. Art Johnson. Mayor Ellis stated Ms. Hill would like to open the lines of communication and she will be contacting the City of Delray Beach.

Secondly, Mayor Ellis stated she and Commissioner Montague will be going to Tallahassee for the League of Cities Legislative Action Days. Mayor Ellis stated she and Doug Smith, Assistant City Manager, went to Washington last year and at that time the City had lobbyists who made appointments throughout the day and you could actually meet congressional legislative contacts who handle their appropriations requests. Mayor Ellis stated the City is working on arrangements so that when our legislators are in town and in their district, they remember Delray Beach and we can arrange meetings with various Commissioners on issues that are current. Mayor Ellis stated the City needs to be represented in "Fly-In" and it is a full program with speakers, etc. and noted either she and Commissioner Fetzer will attend or she and Assistant City Manager Doug Smith will attend. Mr. Fetzer stated the Commission will be in a meeting on the first day of the "Fly-In" all day and he was waiting to see an Agenda to see if it would be possible to go to the "Fly-In" a little bit late and still be there for the majority of it. Mayor Ellis commented about Wednesday, April 30, 2008 being the last day of the Goal Setting Sessions. Mr. McDuffie expressed interest in attending the "Fly-In" if there is no conflict with the Goal Setting Sessions.

Mr. Fetzer stated since he has attended one of these before and he would like Commissioner McDuffie to take his place.

The City Manager stated he will contact Lyle Sumek tomorrow and see if the Goal Setting Sessions can be shifted by one day.

Mayor Ellis stated the Sandoway Gala Auction Friday evening was so much fun and the top trophy winner was Commissioner Eliopoulos, Diane Colonna and her partner came in second place, Jay Alperin and his partner came in third place, and a woman by the name of Jill came in fourth place.

Mayor Ellis stated she did the State of the City Address for the Chamber of Commerce.

Lastly, Mayor Ellis briefly commented on the Open House at the Fire Station and commented that the attendance was great and noted at the same time the Garlic Festival was going on. Mayor Ellis stated Chief James was meeting and greeting everyone and Senator Atwater (President and CEO for Riverside Bank) had very nice things to say about the City of Delray Beach and has agreed to sponsor all of the City's Open Houses by cooking hot dogs and providing water.

There being no further business, Mayor Ellis declared the meeting adjourned at 7:49 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 February 19, 2008, which Minutes were formally approved and adopted by the City Commission on March 3, 2008.



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.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Eliopoulos, Gary P.	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Delray Beach City Commission
MAILING ADDRESS 205 George Bush Boulevard	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY Delray Beach, Florida 33444 Palm Beach	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED February 19, 2008	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

Item 10.A

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Gary P. Eliopoulos, hereby disclose that on February 19, 20 08.

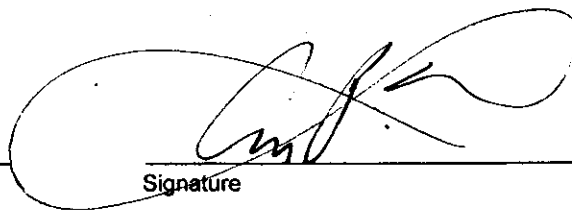
(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, Eliopoulos Architects, Inc.;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

February 19, 2008

Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Gary P. Eliopoulos, hereby disclose that on February 19, 20 08 :

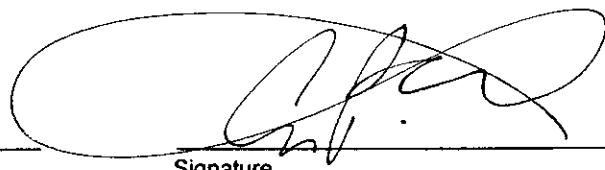
(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, Eliopoulos Architects, Inc. ;
- inured to the special gain or loss of my relative, _____ ;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

February 19, 2008

Date Filed



Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Eliopoulos, Gary P.	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Delray Beach City Commission
MAILING ADDRESS 205 George Bush Boulevard	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY Delray Beach, Florida 33444	COUNTY Palm Beach
DATE ON WHICH VOTE OCCURRED February 19, 2008	NAME OF POLITICAL SUBDIVISION: MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

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APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

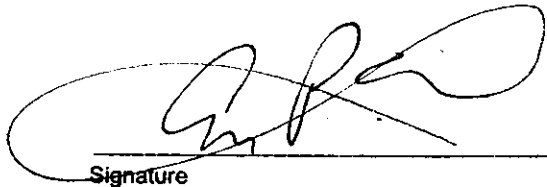
I, Gary P. Eliopoulos, hereby disclose that on February 19, 2008:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, Eliopoulos Architects, Inc.;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

February 19, 2008
Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.