

# City of Delray Beach

## Regular Commission Meeting

**\*\*AGENDA RESULTS\*\***



### RULES FOR PUBLIC PARTICIPATION

Tuesday, July 19, 2011

Regular Meeting 6:00 p.m.  
Public Hearings 7:00 p.m.  
Commission Chambers  
Delray Beach City Hall

**1. PUBLIC COMMENT:** The public is encouraged to offer comments with the order of presentation being as follows: City Staff, public comments, Commission discussion and official action. City Commission meetings are business meetings and the right to limit discussion rests with the Commission. **Generally, remarks by an individual will be limited to three minutes or less.** The Mayor or presiding officer has discretion to adjust the amount of time allocated.

- A.** Public Hearings: Any citizen is entitled to speak on items under this section.
- B.** Comments and Inquiries on Non-Agenda Items from the Public: Any citizen is entitled to be heard concerning any matter within the scope of jurisdiction of the Commission under this section. The Commission may withhold comment or direct the City Manager to take action on requests or comments.
- C.** Regular Agenda and First Reading Items: Public input on agendaed items, other than those that are specifically set for a formal public hearing, shall be allowed when agreed by consensus of the City Commission.

**2. SIGN IN SHEET:** Prior to the start of the Commission Meeting, individuals wishing to address public hearing or non-agendaed items should sign in on the sheet located on the right side of the dais. If you are not able to do so prior to the start of the meeting, you may still address the Commission on an appropriate item. The primary purpose of the sign-in sheet is to assist staff with record keeping. Therefore, when you come up to the podium to speak, please complete the sign-in sheet if you have not already done so.

**3. ADDRESSING THE COMMISSION:** At the appropriate time, please step up to the podium and state your name and address for the record. All comments must be addressed to the Commission as a body and not to individuals. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the Commission shall be barred by the presiding officer from speaking further, unless permission to continue or again address the Commission is granted by a majority vote of the Commission members present.

### APPELLATE PROCEDURES

Please be advised that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is based. The City neither provides nor prepares such record.

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The City will furnish auxiliary aids and services to afford an individual with a disability an opportunity to participate in and enjoy the benefits of a service, program, or activity conducted by the City. Contact Doug Smith at 243-7010, 24 hours prior to the event in order for the City to accommodate your request. Adaptive listening devices are available for meetings in the Commission Chambers.

1. **ROLL CALL.** Commissioner Fetzer and Commissioner Carney were absent.
2. **INVOCATION.**
3. **PLEDGE OF ALLEGIANCE TO THE FLAG.**
4. **AGENDA APPROVAL.** (Mayor McDuffie noted Item 9.H., Appointment to the Financial Review Board, was **REMOVED**; Item 9.K., Appointment to the Nuisance Abatement Board, was **REMOVED**; Item 9.L., Appointment to the Public Art Advisory Board was **REMOVED**. Approved as amended, 3-0).
5. **APPROVAL OF MINUTES:**
  - A. June 14, 2011 – Workshop Meeting (Approved, 3-0)
  - B. July 5, 2011 – Regular Meeting (Approved, 3-0)
6. **PROCLAMATIONS:**
  - A. Recognizing and Commending the Delray Blazers Travel Basketball Team
7. **PRESENTATIONS:**
  - A. Life Saving Award Presentation recognizing **Ben Seaman**
8. **CONSENT AGENDA:** City Manager Recommends Approval. (Approved as amended, 3-0)
  - A. **RESOLUTION NO. 28-11/BEACH NOURISHMENT 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.
  - 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).
  - 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.

- 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.
- 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.
- 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.
- 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.
- 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).
- 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.
- 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).
- 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.
- 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.
- M. **AWARD OF BIDS AND CONTRACTS:**
1. None

9. **REGULAR AGENDA:**

- 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). (Motion to approve; Approved, 3-0)
- 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. (Motion to approve; Approved, 3-0)
- 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. (Motion to approve; Approved, 3-0)
- D. **PROPOSED MILLAGE RATE:** Consider approval of a *proposed* millage rate for FY 2012, and set the budget review and adoption schedule. (Motion to set proposed millage rate at 7.19; Approved, 3-0)
- 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. (Motion to deny settlement offer; Denied, 3-0)
- 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. (Motion to approve; Approved, 3-0)
- G. **FILLING UNEXPIRED TERM OF COMMISSIONER FETZER:** Consider the process for filling the unexpired term of Commissioner Fred B. Fetzer. (It was the consensus of the Commission to conduct individual interviews and place the item on the August 2, 2011 Regular Meeting for discussion.)

- H. **APPOINTMENT TO THE FINANCIAL REVIEW BOARD:** Appoint one (1) alternate member to the Financial Review Board to serve a (2) year term ending July 31, 2013. Based upon the rotation system, the appointment will be made by Commissioner Fetzer (Seat #2). **(REMOVED)**
- 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). **(Appointed Trevis Pridgen and approved, 3-0)**
- 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). **(Motion to REMOVE; Approved, 3-0)**
- K. **APPOINTMENT TO THE NUISANCE ABATEMENT BOARD:** Appoint one (1) regular member to the Nuisance Abatement Board to serve a two (2) year term ending on July 31, 2013. Based upon the rotation system, the appointment will be made by Commissioner Fetzer (Seat #2). **(REMOVED)**
- L. **APPOINTMENT TO THE PUBLIC ART ADVISORY BOARD:** Appoint one (1) regular member to the Public Art Advisory Board to serve a two (2) year term ending July 31, 2013. Based upon the rotation system, the appointment will be made by Commissioner Fetzer (Seat #2). **(REMOVED)**
- 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). **(Appointed Bruce Gimmy and approved, 3-0. Commissioner Fetzer's appointment was REMOVED)**
- 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). **(Appointed Gail Lee McDermott and approved, 3-0; Appointed Linda Prior and approved, 3-0; Appointed William Milner and approved, 3-0; Appointed Andrea Poveda and approved, 3-0. Commissioner Carney's appointment was deferred to the August 2, 2011 Regular Meeting. Commissioner Fetzer's appointment was REMOVED)**

10. **PUBLIC HEARINGS:**

- 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. (Motion to approve; Approved, 3-0)
- 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. (Motion to continue to a date certain of August 2, 2011 Regular Meeting; Approved, 3-0)
- 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. (Motion to continue to a date certain of August 2, 2011 Regular Meeting; Approved, 3-0)
- 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. (Motion to approve; Approved, 3-0)
- 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. (Motion to approve; Approved, 3-0)
- 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. (Motion to approve; Approved, 3-0)

11. **COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS FROM THE PUBLIC- IMMEDIATELY FOLLOWING PUBLIC HEARINGS.**

- A. City Manager's response to prior public comments and inquiries.
- B. From the Public.

12. **FIRST READINGS:**

- 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. (Motion to approve; Approved, 3-0)

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

- A. City Manager  
B. City Attorney  
C. City Commission

POSTED: JULY 15, 2011

***\*\*\*\*\* Meeting adjourned at 7:40 p.m. \*\*\*\*\****