

City of Delray Beach

Regular Commission Meeting

*****AGENDA RESULTS*****



RULES FOR PUBLIC PARTICIPATION

Tuesday, January 18, 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.**
2. **INVOCATION.**
3. **PLEDGE OF ALLEGIANCE TO THE FLAG.**
4. **AGENDA APPROVAL.** (Mayor McDuffie noted Item 8.E., Acceptance of Donation/Shelly Weil was moved to the Regular Agenda as Item 9.A.A.A., Item 8.H., Resolution No. 05-11, was moved to the Regular Agenda as Item 9.A.A and Item 9.G., was moved to Item 9.A.A.A.A. Approved as amended, 5-0)
5. **APPROVAL OF MINUTES:**
 - A. January 4, 2011 – Regular Meeting (Approved, 5-0)
6. **PROCLAMATIONS:**
 - A. Recognizing Black History Month – February 2011
7. **PRESENTATIONS:**
 - A. Senator Chris Smith - Legislative Update Presentation
 - B. **RESOLUTION NO. 03-11:** Approve Resolution No. 03-11 recognizing and commending Thomas Quinlan for 30 years of dedicated service to the City of Delray Beach (Approved, 5-0)
 - C. S.P.I.R.I.T. (Service, Performance, Integrity, Responsibility, Innovation, Teamwork) Committee Quarterly Awards Presentation
 - D. “You are Not Alone” – Delores Rangel
 - E. Recognizing and Commending **Beverly Wright, Cerina Anderson** and **Patricia Flowers** for their contributions to the Annual Youth Summit and the planning, organizing and implementation of the Brandon Flowers Football Camp
8. **CONSENT AGENDA:** City Manager Recommends Approval. (Approved as amended, 5-0)
 - A. **REQUEST FOR SIDEWALK DEFERRAL/1109 BEACH DRIVE:** Approve a request to defer the installation of a sidewalk along Beach Drive for property located at 1109 Beach Drive.

- B. **AMENDMENT NO. 2 TO THE CONTRACT WITH DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP):** Approve Amendment No. 2 to the Department of Environmental Protection (DEP) Contract No. 08PB2 between the City and DEP for the state's cost sharing for the Beach Renourishment Project.
- C. **CONTRACT CLOSEOUT (CHANGE ORDER NO. 1/FINAL)/ BRANG CONSTRUCTION, INC.:** Approve a Contract Closeout (C.O. No. 1/Final) in the amount of a \$4,454.09 decrease and final payment in the amount of \$3,775.30 to Brang Construction, Inc., for completion of the Fire Rescue Main Bay Phase 2 Project. Funding is available from 501-3312-591-62.10 (Garage Fund: Capital Outlay-Building/Building).
- D. **EXTENSION TO THE PARKING AGREEMENT/ACCURATE PARKING SERVICES:** Approve an extension to the agreement with Accurate Parking Services to allow staff time to process RFP 2011-07.
- E. **(MOVED TO ITEM 9.A.A. ON THE REGULAR AGENDA)**
- F. **LANDSCAPE MAINTENANCE AGREEMENT/SABINE REIS:** Approve a landscape maintenance agreement with Sabine Reis, owner of 511 South Ocean Boulevard providing the right to install and maintain approved landscape materials in the right-of-way.
- G. **INTERLOCAL AGREEMENT/SOUTH PALM BEACH COUNTY PUBLIC SAFETY COMMUNICATIONS COOPERATIVE:** Approve an updated Interlocal Agreement between the City, Palm Beach County, Boca Raton and Boynton Beach for the operation of radio communications systems to incorporate increased maintenance and administrative costs and extend the agreement for five years with the option to renew for an additional three years.
- H. **(MOVED TO ITEM 9.A.A. ON THE REGULAR AGENDA)**
- I. **CHAMBER OF COMMERCE GRANT REQUEST:** Approve a request from the Chamber of Commerce to receive a grant in the amount of \$30,000.00 for marketing the City to attract businesses.
- J. **ACQUISITION AGREEMENT/PUBLIC SAFETY CORPORATION/CRYWOLF ALARM SOFTWARE:** Approve an acquisition agreement with Public Safety Corporation (PSC) for their Crywolf alarm software contingent upon approval of the final agreement by the City Attorney. Funding is available from 334-2111-521-66.10 (General Construction Fund: Books/Publications/Software).

- K. **SPECIAL EVENT REQUEST/13th ANNUAL CINCO DE MAYO FIESTA:**
Approve a special event request to allow the 13th Annual Cinco De Mayo Fiesta to be held Saturday, May 7, 2011, from 11:00 a.m. – 11:00 p.m., at Old School Square, to grant a temporary use permit per LDR Section 2.4.6(F) for use of the Old School Square Park; to authorize staff support for traffic control and security, trash removal, EMS assistance, signage preparation and installation, and to approve use of the Old School Square parking garage, City generator, the small stage and three (3) sets of bleachers; contingent on the receipt of a hold harmless agreement and receipt of a certificate of liability insurance and liquor liability insurance ten (10) days prior to the event.
- L. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**
Accept the actions and decisions made by the Land Development Boards for the period January 3, 2011 through January 14, 2011.
- M. **AWARD OF BIDS AND CONTRACTS:**
1. Bid award to CJ Contracting, LLC. in the amount of \$72,360.75 for one (1) NSP Housing Rehabilitation project through the Community Development Division for 210 N.E. 5th Court. Funding is available from 118-1935-554-62.12 (Neighborhood Services: Capital Outlay/Acquisition Rehabilitation).
 2. Contract award for three (3) Housing Rehabilitation Grants through the Community Development Division to the lowest responsive bidders for the following projects: 42 S.W. 13th Avenue to Cordoba Construction Company in amount of \$35,132.00, 224 S.W. 9th Circle to Citywide Construction Services, Inc. in the amount of \$15,018.35 and 915 S.W. 4th Street to Jemstone Construction Group, Inc. in the amount of \$22,019.46. Funding is available from 118-1963-554-49.19 (Neighborhood Services: Other Current Charges/Housing Rehabilitation).
 3. Lease award to Mears Motor Leasing for 36 months in the total amount of \$113,087.52 for the lease of fourteen (14) vehicles for the Police Department's Volunteer Program. Funding is available from 001-2111-521-44.40 (General Fund: Rentals & Leases/Vehicles Rental/Lease).
 4. Purchase award to NDI Recognition Systems in the amount of \$27,900.00 for two Automated License Plate Recognition Systems (ALPRs). Funding is available from 115-2112-521-64.90 (Special Projects Fund: Machinery/Equipment/Other Machinery/Equipment).
 5. Purchase award to Southern Sewer in the amount of \$201,509.00 for the purchase of a 2011 Vac-Con Sewer Cleaning Body. Funding is available from 501-3312-591-64.25 (Garage Fund: Machinery/Equipment/Heavy Equipment).
 6. Purchase award to Reichten International Trucks, Inc. in the amount of \$100,177.00 for the purchase of cab and chassis for Vac-Con Sewer Cleaner. Funding is available from 501-3312-591-64.25 (Garage Fund: Machinery/Equipment/ Heavy Equipment).

9. **REGULAR AGENDA:**

- AA. **RESOLUTION NO. 05-11:** Approve Resolution No. 05-11 to clarify that the board's duties shall fall under the direction of the City Manager or City Commission and restrict employee membership of the board. (Motion to **TABLE**; Approved, 5-0)
- AAA. **ACCEPTANCE OF DONATION/SHELLY WEIL:** Authorize acceptance of a donated Boy Scout sculpture from Shelly Weil. (Motion to approve; Approved, 5-0)
- AAAA. **REQUEST FROM THE CREATIVE CITY COLLABORATIVE (CCC) TO WAIVE COSTS:** Consider a request from the Creative City Collaborative to authorize the quarterly voluntary solicitation of donations for cultural programs and to waive payment to the City of the printing and mailing costs estimated to be \$4,170.00 for three (3) quarters. (First Motion to authorize quarterly voluntary solicitation of donations via water bill; Approved, 3-2. Commissioner Gray and Commissioner Eliopoulos dissenting. Second Motion to waive payment; Denied, 4-1. Commission Fetzer dissenting.)
- A. **WAIVER REQUEST/BANDERA HOLDINGS OFFICE:** Consider approval of a waiver request to Land Development Regulations (LDR) Section 4.3.4 (H)(6)(b)(2), "Special Landscape Setbacks", which requires a special landscape setback of 10' along Federal Highway for Bandera Holdings Office, located at the southwest corner of North Federal Highway and N.E. 22nd Lane. (*Quasi-Judicial Hearing*) (Commissioner Eliopoulos filed a Conflict of Interest and left the dais. Motion to adopt board order as presented; Approved, 4-0)
- B. **WAIVER REQUEST/414 NORTH ANDREWS AVENUE:** Consider approval of a waiver request to Land Development Regulations (LDR) Section 7.9.5, "Standards for Approval", that restricts docks to be no closer than ten (10) feet from the property line or adjacent property or the distance established for the side yard setback, whichever is greater for the property located at 414 North Andrews Avenue. (*Quasi-Judicial Hearing*) (Motion to adopt board order as presented; Approved, 5-0)
- C. **REQUEST FOR SIDEWALK DEFERRAL/DELRAY CHRYSLER JEEP DODGE:** Consider a request to defer the installation of a 5- foot sidewalk along the east side of Old Dixie Highway in the rear of 2102 South Federal Highway. (Motion to approve sidewalk deferral request; Denied, 5-0)
- D. **REQUEST FOR SIDEWALK DEFERRAL/MELALEUCA ROAD ESTATE:** Consider approval of a request to defer installation of a sidewalk adjacent to the right-of-way along Melaleuca Road and Seasage Drive. (Motion to approve sidewalk deferral request; Approved, 4-1; Mayor McDuffie dissenting)
- E. **ACCEPTANCE OF A LIMITED ACCESS EASEMENT AGREEMENT:** Consider approval to accept a limited access easement agreement associated with the construction of a new 1,125 sq. ft. one-story addition for 316 Andrews Avenue. (Commissioner Eliopoulos filed a Conflict of Interest and left the dais. Motion to approve; Approved, 4-0)

- F. **REQUEST FOR SIDEWALK DEFERRAL/316 ANDREWS AVENUE:**
Consider approval of a sidewalk deferral along both Andrews Avenue and Waterway Lane for the property located at 316 Andrews Avenue. (Commissioner Eliopoulos filed a Conflict of Interest and left the dais. Motion to approve; Approved, 4-0)
 - G. **(MOVED TO ITEM 9.A.A.A.A. ON THE REGULAR AGENDA)**
 - H. **EXTENSION OF DEADLINE FOR REQUIRED RENTAL AGREEMENTS AND DEPOSITS/CARNEVALE OF DELRAY BEACH:** Consider a request received from Joe LaViola to extend the deadline for required rental agreements with Old School Square and the City and deposits from December 31, 2010 to January 31, 2011 for this event. (Motion to approve; Approved, 4-1. Commission Fetzner dissenting)
 - I. **APPOINTMENT TO THE FINANCIAL REVIEW BOARD:** Appoint one (1) alternate member to the Financial Review Board to serve an unexpired term ending July 31, 2011. Based upon the rotation system, the appointment will be made by Commissioner Frankel (Seat #3). (Appointed Martin Cherry and approved, 5-0).
10. **PUBLIC HEARINGS:**
- A. **ORDINANCE NO. 02-11:** City initiated amendment to the Land Development Regulations (LDR) Section 4.5.3, "Flood Damage Control Districts", to add new regulations to conform to changes in State laws. (Approved, 5-0)
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. 01-11:** Modification to the Gulfstream Building SAD (Special Activities District) Ordinance 39-90, to reclassify the uses listed within the ordinance from conditional uses to principal (permitted uses) and to expand the list of uses to add "one residential condominium on the 5th floor with a maximum of 4,925 sq. ft. and a maximum of four bedrooms. The Gulfstream Building n/k/a HHH Bush Building is located on the north side of George Bush Boulevard east of the Intracoastal Waterway at 1177 George Bush Boulevard. If passed, a public hearing will be held on February 1, 2011. (Approved, 5-0)

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

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

POSTED: JANUARY 14, 2011

******** Meeting adjourned at 8:49 p.m. ********