

# City of Delray Beach

## Regular Commission Meeting

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



### **RULES FOR PUBLIC PARTICIPATION**

Tuesday, December 13, 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.J., Amendment to the Third Addendum to the Contract for Sale and Purchase/310 Southridge Road, has revised information on the dais; Item 9.B., Appeal of an Administrative Interpretation/Boston's Restaurant, has additional information on the dais; Item 9.H., Request for Qualification (RFQ) Responses for Local Energy Assurance Planning (LEAP) & Training, has additional information on the dais. Approved as amended, 5-0).
5. **APPROVAL OF MINUTES:**
  - A. November 8, 2011 – Workshop Meeting (Approved, 5-0)
  - B. November 29, 2011 – Special Meeting (Approved, 5-0)
6. **PROCLAMATIONS:**
  - A. None
7. **PRESENTATIONS:**
  - A. **RESOLUTION NO. 55-11:** Approve Resolution No. 55-11 recognizing and commending Joanna M. Weaver for 30 years of dedicated service to the City of Delray Beach (Approved, 5-0)
  - B. **RESOLUTION NO. 56-11:** Approve Resolution No. 56-11 recognizing and commending Gail Vanhove for 30 years of dedicated service to the City of Delray Beach (Approved, 5-0)
  - C. Planet Footprint Environmental Metrics and Scorecard – Richard Reade
  - D. The Plastridge Insurance Agency – Connor Lynch (***ADDENDUM***)
8. **CONSENT AGENDA:** City Manager Recommends Approval. (Approved as amended, 5-0)
  - A. **LANDSCAPE MAINTENANCE AGREEMENT/DECK 84:** Approve a Landscape Maintenance Agreement between the City and Delray Beach Associates, Inc. for Deck 84 located at 840 East Atlantic Avenue.
  - B. **ADDITIONAL SCOPE/INTERCOUNTY ENGINEERING, INC.:** Approve an additional scope of services with Intercounty Engineering, Inc. for the removal of 2,000 linear feet of 2" water main and approval for the amount of \$16,000.00 to be paid from the Contract's Utility Allowance for the Osceola Park Water Main Phase 2 Project.

- C. **CHANGE ORDER NO. 2/MURRAY LOGAN CONSTRUCTION, INC.:**  
Approve Change Order No. 2 with Murray Logan Construction, Inc. for a contract time extension of thirty (30) days due to unexpected job site conditions for the Mangrove Park Boat Ramp Reconstruction.
- D. **PROPOSED CHANGES TO THE GENERAL EMPLOYEES RETIREMENT PLAN PENSION FUND INVESTMENT POLICY:** Approve proposed changes to the General Employees Retirement Plan Pension Fund Investment Policy.
- E. **AMENDMENT NO. 1 TO THE JOINT PARTICIPATION AGREEMENT (JPA)/FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT):**  
Approve Amendment No. 1 to the Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) to extend the current expiration date to December 31, 2012 to be consistent with the time allotted for the one-year maintenance of the project associated with the West Atlantic Avenue Landscape Median Project.
- F. **REQUEST FOR PROPOSAL (RFP)/OFF-DUTY DETAIL PROGRAM:**  
Approve the RFP Selection Committee's recommendation of the Delray Beach Public Library to administer the Police Department's Off-Duty Detail program.
- G. **FY 2012 STATE LEGISLATIVE PRIORITIES:** Approve the City's proposed 2012 State Legislative Priorities.
- H. **BONUS PAYMENT TO JCD SPORTS GROUP, INC.:** Approve FY 2010/2011 bonus payments to JCD Sports Group, Inc. for golf course operations in the amount of \$16,620.00 and for Tennis Center operations in the amount of \$6,909.00. Funding is available from 445-4711-572-34.90 (Delray Beach Municipal Golf Course Fund: Other Contractual Service), 446-4711-572-34.90 (Lakeview Golf Course: Other Contractual Service), 001-4215-575-34.90 (General Fund: Operating Expenses-Miscellaneous/Other Contractual Service) and 001-4210-575-34.90 (General Fund: Operating Expenses-Misc/Other Contractual Service).
- I. **CONTRACT ADDITION (CHANGE ORDER NO. 2)/BRANG CONSTRUCTION, INC.:** Approve Contract Addition (Change Order No. 2) with Brang Construction, Inc. in the amount of \$15,471.00 for one (1) additional bus shelter as requested by Palm Tran and for a contract time extension of 208 days for the ARRA Bus Shelters Project. Funding is available from 101-3163-544-65.70 (ARRA Economic Stimulus FD: Other Improvements/Transit Stop Bus Shelters).
- J. **AMENDMENT TO THE THIRD ADDENDUM TO THE CONTRACT FOR SALE AND PURCHASE/310 SOUTHRIDGE ROAD:** Approve an Amendment of the third addendum to the contract to sell/transfer one (1) NSP property to the Delray Beach Community Land Trust (DBCLT) for the benefit and resale of the unit to a household with an income less than one-hundred percent (120%) of Area Median Income (AMI) as determined by HUD.

K. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**  
Accept the actions and decisions made by the Land Development Boards for the period December 5, 2011 through December 9, 2011.

L. **AWARD OF BIDS AND CONTRACTS:**

1. Contract award to Duraclean Restoration and Remediation in the amount of \$24,884.73 to abate the mold and asbestos inside the building at 80 Depot Avenue. Funding is available from 334-6111-521-46.90 (General Construction Fund: Repair & Maintenance Services/Other Repair/Maintenance Costs).
2. Purchase award to Chemical Lime Company of Alabama, Inc. at an annual estimated cost of \$750,000.00 for the purchase of bulk quicklime via the City of Boynton Beach Bid No. 005-2821-09/JA. Funding is available from 441-5122-536-52.21 (Water and Sewer Fund: Operating Supplies/Chemicals).

9. **REGULAR AGENDA:**

- A. **APPEAL OF SITE PLAN REVIEW APPEARANCE BOARD'S DECISION: BOSTON'S RESTAURANT:** Consider an appeal of a Site Plan Review Appearance Board's Decision to approve the Class V site plan, landscape plan and architectural elevations for the proposed Boston's Restaurant expansion located at 40 South Ocean Boulevard. *(Quasi-Judicial Hearing)* (Motion to adopt board order *(denying the appeal)*; Approved, 5-0)
- B. **APPEAL OF AN ADMINISTRATIVE INTERPRETATION/BOSTON'S RESTAURANT:** Consider the appeal of an administrative interpretation by the Director of Planning and Zoning that a conditional use approval is required for the outdoor entertainment component to be located on the Boston's Restaurant expansion area located at 40 South Ocean Boulevard. *(Quasi-Judicial Hearing)* (Applicant requested to **POSTPONE** this item to a date certain of January 3, 2012 Regular Meeting)
- C. **WAIVER REQUEST/302 N.E. 7TH AVENUE:** Consider a waiver request to Land Development Regulations (LDR) Section 4.6.7(E)(7), "Design Standards Matrix", which requires signs be located at least 10' from any property line, to permit the sign to be located 5' from the front and side street property lines for 302 N.E. 7th Avenue. *(Quasi-Judicial Hearing)* (Motion to adopt board order as presented with conditions; Approved, 5-0)
- D. **ALLEY NAMING REQUEST:** Consider a request to name the alley east of N.E. 3rd Avenue, running between N.E. 3rd Street on the south; and N.E. 4th Street on the north, as "Artists Alley". (Motion to **POSTPONE**; Approved, 5-0)

- E. **HOUSING REHABILITATION GRANT/CONTRACT AWARD:** Award one (1) Housing Rehabilitation contract to the second lowest responsive bidder, All Phase Roofing & Construction, through the Disaster Recovery Initiative (DRI) Program for 401 S.W. 10th Street in the amount of \$32,422.65. Funding is available from 118-1960-554-49.19 (Neighborhood Services: Other Current Charges/Housing Rehabilitation). (Motion to approve; Approved, 5-0)
- F. **REQUEST FOR QUALIFICATIONS (RFQ) RESPONSES FOR ENGINEERING CONSULTANTS/CAPITAL IMPROVEMENT PROJECTS (CIP):** Consider approval of the Engineering RFQ (RFQ# 2012-06) short list and authorization for staff to negotiate contracts with each firm on the short list. Project #12-057. (Motion to approve the short list and add Craig A. Smith & Associates to the list and negotiate contracts with each firm; Approved, 5-0)
- G. **REQUEST FOR QUALIFICATIONS (RFQ) RESPONSES FOR LAND SURVEYING CONSULTING SERVICES/CAPITAL IMPROVEMENT PROJECTS (CIP):** Consider approval of the Land Surveying Consulting Services RFQ (RFQ# 2012-07) responses short list and authorization to negotiate contracts with each of the five (5) companies on the short list. Project #12-058. (Motion to approve; Approved, 5-0)
- H. **REQUEST FOR QUALIFICATIONS (RFQ) RESPONSES FOR LOCAL ENERGY ASSURANCE PLANNING (LEAP) & TRAINING:** Consider approval of the ranking of respondents to Request for Qualifications (RFQ) #2011-16 for Local Energy Assurance Planning & Training and authorization for staff to negotiate a contract with the top ranked firm. (Motion to approve; Approved, 5-0)
- I. **CONTRACT AWARD/O.T. SERVICES:** Consider a contract award to O.T. Services in the amount of \$31,920.00 annually for janitorial services at the Delray Beach Golf Course. Funding is available from 445-4711-572-34.90 (D B Municipal Golf Course: Other Contractual Services). (Motion to approve; Approved, 5-0)
- J. **ANNUAL STATE OF THE CITY/CITIZEN'S ROUNDTABLE MEETING:** Discuss options related to the Annual State of the City and Citizen's Roundtable Meetings. (Consensus of the Commission to move forward with this and cancel the January 24, 2012 Citizen's Roundtable Meeting)
- K. **PROPOSAL FOR A CONGRESS CORRIDOR MARKETING PLAN:** Consider accepting a proposal for creating a strategic marketing plan for the Congress Avenue Corridor. (Motion to accept proposal; Approved, 5-0)

10. **PUBLIC HEARINGS:**

- A. **ORDINANCE NO. 47-11 (FIRST READING/FIRST PUBLIC HEARING):**  
City-initiated amendment to the Land Development Regulations (LDR) Sections 4.4.6 “Medium Density Residential (RM) District”, 4.4.9 “General Commercial (GC) district”, 4.4.12 Planned Commercial (PC) District, 4.4.13 “Central Business (CBD) District” and 4.4.28 Central Business District–Railroad Corridor, to provide that assisted living facilities will be allowed in the same manner as multiple family residential developments with respect to the number of units and density. If passed, a second public hearing will be held on January 3, 2012. (Approved, 5-0)
- B. **ORDINANCE NO. 48-11 (FIRST READING/FIRST PUBLIC HEARING):**  
Consider a city-initiated amendment to Land Development Regulation (LDR) Section 4.3.3, “Special Requirements for Specific Uses”, by enacting a new Subsection 4.3.3(AAAA), “Simulated Gambling Devices”, in order to prohibit use of same and to enact a new definition of, “Simulated Gambling Devices”. If passed, a second public hearing will be held on January 3, 2012. (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. 50-11:** Consider an amendment to Chapter 34, “Elections”, by amending Section 34.16, “Filing of Nominating Petitions”, to modify the number of registered voters required to sign a petition to grant eligibility of a candidate to qualify to run for office. If passed, a public hearing will be held on January 3, 2012. (Motion to approve Ordinance No. 50-11 with modification to be effective January 3, 2012; Approved, 5-0)

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

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

POSTED: DECEMBER 9, 2011

***\*\*\*\*\* Meeting adjourned at 9:45 p.m. \*\*\*\*\****