

City of Delray Beach

Regular Commission Meeting

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



RULES FOR PUBLIC PARTICIPATION

Tuesday, November 3, 2009

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.**
 - A. Atlantic High School Criminal Justice Academy Honor Guard Presentation of Colors
4. **AGENDA APPROVAL.** (Mayor McDuffie noted there was revised information on the dais for Item 8.H., Ratification of the South Central Regional Wastewater Treatment and Disposal Board Action; Item. 9.E., Request for Qualifications (RFQ)/Veterans Park/Worthing Park, was removed from the agenda due to a request from staff; Additional information was on the dais for Item 9.G., Appointments to the Financial Review Board. Approved as amended, 5-0).
5. **APPROVAL OF MINUTES:**
 - A. October 6, 2009 – Regular Meeting (Approved, 5-0)
 - B. October 13, 2009 – Workshop Meeting (Approved, 5-0)
 - C. October 20, 2009 – Regular Meeting (Approved, 5-0)
6. **PROCLAMATIONS:**
 - A. Recognizing Dan Bernheim – Delaire Charity Golf Tournament
 - B. Recognizing and Commending Elizabeth Wesley for the “2009 Women of Courage & Achievement” recognition.
 - C. Dr. Theodore A. Bush Day – November 8, 2009
7. **PRESENTATIONS:**
 - A. None
8. **CONSENT AGENDA:** City Manager Recommends Approval. (Approved, 5-0)
 - A. **REQUEST FOR SIDEWALK DEFERRAL/951 IRIS DRIVE:** Approve a request to defer the installation of a sidewalk along Iris Drive for the property located at 951 Iris Drive.
 - B. **ACCEPTANCE OF RIGHT-OF-WAY DEED/ALOHA CLEANERS:** Approve and accept a right-of-way deed for Aloha Cleaners, located at 501 N.E. 2nd Street.
 - C. **EXTENSION OF TIME UNDER SETTLEMENT AGREEMENT/FRANK & NILSA MCKINNEY & VILLAGE BY THE SEA, LLC v. THE CITY OF DELRAY BEACH:** Consider approval of an extension of time until January 31, 2010 under the Settlement Agreement dated December 16, 2008 to remove and relocate the tree house accessory structure.

- D. **AGREEMENT/UNITED STATES ENVIRONMENTAL PROTECTION AGENCY:** Approve an agreement with the United States Environmental Protection Agency (USEPA) to become a promotional partner in the EPA WaterSense national program.
- E. **AMENDMENT NO. 3 TO THE SUB-RECIPIENT HOUSING PARTNERSHIP AGREEMENT/DELRAY BEACH COMMUNITY LAND TRUST, INC.:** Approve Amendment No. 3 to the Sub-Recipient Housing Partnership Agreement between the City and Delray Beach Community Land Trust, Inc. for subsidizing the costs associated with affordable housing units within the Community Land Trust. Funding is available from 118-1924-554-49.20 (Neighborhood Services/Other Current Charges/Homeowner Subsidy).
- F. **GRANT AWARD AND APPLICATION/FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT)/AGGRESSIVE DRIVING:** Accept an award from the Florida Department of Transportation (FDOT) in the amount of \$48,800.00 and approve filing a grant application for implementation of an aggressive driving/speed enforcement program.
- G. **RESOLUTION NO. 58-09:** Approve Resolution No. 58-09 amending Resolution No. 55-09 which created the Budget Review Committee in order to change the name to the Financial Review Board and to expand the responsibility of the board.
- H. **RATIFICATION OF THE SOUTH CENTRAL REGIONAL WASTEWATER TREATMENT AND DISPOSAL BOARD ACTION:** Approve and ratify the action of the South Central Regional Wastewater Treatment and Disposal Board at their Quarter- Annual Meeting of October 15, 2009.
- I. **SPECIAL EVENT REQUEST/HOLIDAY PAGEANT PARADE:** Approve a special event request to endorse the Annual Holiday Pageant Parade co-sponsored by the Parks and Recreation Department and the Chamber of Commerce to be held on December 12, 2009 beginning at approximately 4:00 p.m. to 6:00 p.m., granting a temporary use permit per LDR Section 2.4.6(F) for the closure and use of Atlantic Avenue from Gleason Street and Andrews Avenue to N.W. 1st Avenue for parade route; and Miramar, Lowery, Gleason and Andrews for parade set up from approximately 2:00 p.m. to 4:00 p.m.; and authorize staff support for traffic control and security, EMS assistance, barricading, trash removal/clean up, and event signage.
- J. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:** Accept the actions and decisions made by the Land Development Boards for the period October 19, 2009 through October 30, 2009.
- K. **AWARD OF BIDS AND CONTRACTS:**
1. Contract award based on highest commission revenue to the City, to Vending Americas for snack vending machine services at various locations within the City.

2. Contract award in the estimated amount of \$18,000.00 to Alliance Linen d/b/a Gold Coastal Linen Service for linen rental service for the Delray Beach Municipal Golf Course Restaurant. Funding is available from 445-4715-572-52.22 (D B Municipal Golf Course/Operating Supplies/Uniforms/Linen Service).
3. Multiple purchase awards at an estimated annual cost of \$264,200 to HD Supply Waterworks for the purchase of pipes, valves, and fittings and to Ferguson Enterprises, Inc. for water meter fittings and water line accessories for the City's irrigation system, underground water and sewer repairs and capital construction projects. Funding is available from various departmental operating budgets.

9. **REGULAR AGENDA:**

- A. **WAIVER REQUESTS/FIRE STATION NO. 3:** Consider two (2) waiver requests associated with the Fire Station #3 project to increase the maximum driveway width from 36 feet to 48 feet 8 inches and decrease the minimum standard aisle width from 20 feet to 15 feet located on the north side of Linton Boulevard, 320 feet east of S.W. 8th Avenue at 651 Linton Boulevard. *(Quasi-Judicial Hearing)* (Motion to adopt board order as presented; Approved, 4-1. Commissioner Eliopoulos dissenting).
- B. **CONTRACT ADDITION (C.O. NO. 6) WEST CONSTRUCTION, INC./MILLER PARK IMPROVEMENTS:** Consider approval of a Contract Addition (C.O. No. 6) in the amount of \$74,550.00 to West Construction, Inc., for renovations to the Little Fenway Ball Field as part of the Miller Park Improvements Project. Funding is available from 334-4173-572-63.90 (General Construction Fund/Improvements Other/Other Improvements). (Approved, 5-0).
- C. **RATIFICATION OF COLLECTIVE BARGAINING AGREEMENT/POLICE BENEVOLENT ASSOCIATION (POLICE LIEUTENANTS):** Consider ratification of a Collective Bargaining Agreement between the City of Delray Beach and the Police Benevolent Association (Police Lieutenants). (Motion to ratify; Approved, 5-0).
- D. **AGREEMENT/FUMERO LAW GROUP, P.A./ENVIRONMENTAL LEGAL SERVICES:** Consider an annual agreement with the Fumero Law Group, P.A., for legal services with respect to monitoring, reporting and limited representation regarding rule proposals, legislative initiatives and permitting associated with environmental issues affecting the City for an annual fee of \$46,800.00. Funding is available from 441-5111-536-31.10 (Water and Sewer Fund/Professional Services/Legal). (Motion to approve, DENIED, 3-2. Commissioner Gray and Commissioner Fetzer dissenting).
- E. **REQUEST FOR QUALIFICATIONS (RFQ)/VETERANS PARK/WORTHING PARK:** Consider approving the Review Committee's rankings of responses to Requests for Qualifications (RFQ) for the Veterans Park Master Plan and Worthing Park design; and authorizing staff to enter into negotiations with the top firm for each RFQ.) (REMOVED from the agenda due to a request from staff).

- F. **LANDSCAPE ARCHITECTURAL SERVICES/COTLEUR & HEARING, INC. (ATLANTIC AVENUE LANDSCAPE MEDIANS):** Approve an agreement with Cotleur & Hearing, Inc., in the amount of \$23,122.00 to provide landscape architectural services for Atlantic Avenue Landscape Medians. Funding is provided by a Keep Palm Beach County Beautiful Grant and the Community Redevelopment Agency (CRA). (Approved, 5-0).
 - G. **APPOINTMENTS TO THE FINANCIAL REVIEW BOARD:** Appoint two (2) regular and one (1) alternate member to the Financial Review Board to serve terms ending July 31, 2010 and July 31, 2011. Based on the rotation system, the appointments will be made by Commissioner Gray (Seat #4), Commissioner Fetzer (Seat #2) and Commissioner Gray (Seat #4). (Appointed Brenda Durden and approved, 5-0; appointed Christina Morrison Pearce and approved, 5-0; appointed Helena Antunes-Boska and approved 5-0).
 - H. **APPOINTMENT TO THE POLICE ADVISORY BOARD:** Appoint one (1) regular member to the Police Advisory Board to serve an unexpired term ending July 31, 2010. Based on the rotation system, the appointment will be made by Commissioner Fetzer (Seat #2). (Appointed Jeff Ritter and approved, 5-0).
10. **PUBLIC HEARINGS:**
- A. None
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. 58-09:** Consider a privately-initiated rezoning from AC (Automotive Commercial) to GC (General Commercial) for a 1.73 acre parcel of land located at 1900 North Federal Highway, formerly known as Motorsport of Delray. If passed, a second public hearing will be held on November 17, 2009. (Approved, 5-0).
13. **COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS.**
- A. City Manager
 - B. City Attorney
 - C. City Commission

POSTED: OCTOBER 30, 2009

******* Meeting adjourned at 7:25 p.m. *******