

City of Delray Beach

Regular Commission Meeting

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



RULES FOR PUBLIC PARTICIPATION

Tuesday, May 25, 2010

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.**
5. **APPROVAL OF MINUTES:**
 - A. May 11, 2010 – Regular Meeting (Approved, 5-0)
 - B. May 18, 2010 – Workshop Meeting (Approved, 5-0)
6. **PROCLAMATIONS:**
 - A. Recognizing and commending Gables Residential
 - B. National Missing Children’s Day – May 25, 2010
 - C. Building Safety Month – May 2010
7. **PRESENTATIONS:**
 - A. **RESOLUTION NO. 27-10:** Approve Resolution No. 27-10 recognizing and commending William C. Smith for 30 years of dedicated service to the City of Delray Beach. (Approved, 5-0)
 - B. Special recognition to Bob Currie for his assistance with the Beach Master Plan
8. **CONSENT AGENDA:** City Manager Recommends Approval. (Approved, 5-0)
 - A. **RESOLUTION NO. 20-10 (TAX EXEMPTION REQUEST FOR ELIGIBLE IMPROVEMENTS/1026 NASSAU STREET):** Approve a tax exemption request for eligible improvements to the property located at 1026 Nassau Street within the Nassau Park Historic District; and approve Resolution No. 20-10.
 - B. **RESOLUTION NO. 21-10 (TAX EXEMPTION REQUEST FOR ELIGIBLE IMPROVEMENTS/708 S.E. 3rd STREET):** Approve a tax exemption request for eligible improvements to the property located at 708 S.E. 3rd Street within the Marina Historic District; and approve Resolution No. 21-10.
 - C. **ACCEPTANCE OF A RIGHT-OF-WAY DEED/TZIKAS MEDICAL CENTER:** Approve and accept a right-of-way deed for Tzikas Medical Center located at 526 S.E. 5th Avenue.

- D. **HOLD HARMLESS AGREEMENT/ROB FICKER:** Approve a Hold Harmless Agreement with Rob Ficker for the installation of a butterfly garden in the retention pond located at the southwest corner of S.W. 4th Avenue and S.W. 1st Street.
- E. **CONTRACT ADDITION (C.O. NO. 9)/WEST CONSTRUCTION, INC./ROBERT P. MILLER PARK:** Approve Contract Addition (C.O. No. 9) in the amount of \$20,591.65 to West Construction, Inc., for additional work to include: the installation of additional fencing, fire rated door and frame, ADA compliant electronic switch, additional signage, and a Miracle League dedication plaque for the Robert P. Miller Park. Funding is available in the Contractor's Video, Utility and Unforeseen Conditions Allowance.
- F. **SERVICE AUTHORIZATION NO. 07-02/WANTMAN GROUP, INC./S.W. 2nd STREET BEAUTIFICATION:** Approve Service Authorization No. 07-02 in the amount of \$149,960.00 with Wantman Group, Inc. for the design of the S.W. 2nd Street Beautification Project. Funding is available from 334-3162-541-65.95 (General Construction Fund: Capital Outlay/S.W. 2nd Street Beautification) and 448-5461-538-65.95 (Storm Water Utility Fund: Other Improvements/S.W. 2nd Street Beautification).
- G. **DISASTER RECOVERY INITIATIVE AGREEMENT: PALM BEACH COUNTY:** Approve an amended agreement between the City and Palm Beach County for the Disaster Recovery Initiative (DRI) Program, extending the deadline to September 16, 2010 for completion of twenty-four (24) housing rehabilitation projects for income-eligible residents who suffered damages from Hurricane Wilma.
- H. **HOLD HARMLESS AGREEMENT/DELRAY BEACH FIREFIGHTERS AND PARAMEDICS BENEVOLENT FUND:** Approve and authorize a Hold Harmless Agreement with the Delray Beach Professional Firefighters and Paramedics Benevolent Fund, Inc. to allow storage of a 1938 antique fire truck owned by the Fund at Fire Station No. 4.
- I. **BULLETPROOF VEST GRANT/DEPARTMENT OF JUSTICE:** Authorize staff to submit an application to the Department of Justice for funding in the amount of \$9,290.00 for 12 vests from the Bulletproof Vest Program. If awarded, the program would provide 50% or \$4,645.00 of the cost with the remaining balance to come from 001-2115-521-52.27 (General Fund: Operating Supplies/Equipment < \$1,000).
- J. **AMENDMENT TO LEASE AGREEMENT WITH PALM BEACH COUNTY FOR CATHERINE STRONG PARK HEAD START FACILITY:** Authorize staff to negotiate an amendment to the Lease Agreement between the City and Palm Beach County to extend the lease by four (4) years and provide for four (4) one (1) year extensions for the Head Start Facility located on a portion of Catherine Strong Park.
- K. **PAUL CONSULTING, INC./MUNICIPAL CODE CORPORATION AND NOVUSOLUTIONS CONSENT TO ASSIGNMENT:** Approve the Consent to Assignment between Paul Consulting, Inc., Municipal Code Corporation and NovuSolutions regarding the technical support for MuniAgenda.

- L. **GRANT APPLICATION/FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)/ASSISTANCE TO FIREFIGHTERS GRANT (AFG):**
Provide authorization for submission of a grant application to the Federal Emergency Management Agency (FEMA) in the amount of \$131,108.00 to purchase Kubota Special Events Response Vehicles (SERV), EKG/defibrillators, stretchers, and Zoll Autopulses.
- M. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**
Accept the actions and decisions made by the Land Development Boards for the period May 10, 2010 through May 21, 2010.
- N. **AWARD OF BIDS AND CONTRACTS:**
 - 1. Contract renewals for multiple storm debris removal vendors for a term of two (2) years for storm debris removal vendors Bamaco, Inc., CERES, D & J Enterprises, Inc. and Storm Reconstruction Services, Inc.
 - 2. Purchase award in the amount of \$19,836.99 to Kruger International/Patterson Pope for two (2) Spacesaver records storage systems for the Police Department. Funding is available from 001-2111-521-64.12 (General Fund: Machinery/Equipment/Office Equipment).

9. **REGULAR AGENDA:**

- A. **WAIVER REQUEST/1160 NASSAU STREET:** Consider a waiver request to Land Development Regulations (LDR) Section 4.5.1(E)(3)(a)1.c., “Fences and Walls”, to allow for a fence measuring approximately 5’7” in height proposed within the side street setback located within a historic district for 1160 Nassau Street. *(Quasi-Judicial Hearing)* (Motion to approve board order as presented; Approved, 5-0)
- B. **WAIVER REQUESTS/CHASE BANK:** Consider five (5) waiver requests to Land Development Regulations (LDR) Section 4.4.13(F)(4)(b) and (c), “Front Setbacks”, Section 4.6.14(A)(2), “Sight and Visibility”, and Section 4.6.18(B)(14)(iv)(2), “Buildings within the Downtown Area”, for Chase Bank located at the northwest corner of N.E. 6th Avenue and N.E. 7th Street. *(Quasi-Judicial Hearing)* (Motion to approve board order as presented; Approved, 5-0)
- C. **SETTLEMENT AGREEMENT: D & J ENTERPRISES, INC. v. CITY OF DELRAY BEACH:** Consider approval of a Settlement Agreement between the City and D & J Enterprises, Inc. due to an overpayment in the amount of \$494,990.75 to the contractor for the removal of disaster debris. (Motion to approve settlement agreement; Approved, 5-0)
- D. **MEDIATED SETTLEMENT AGREEMENT IN MICHAEL & AIMEE KELLEY v. CITY OF DELRAY BEACH:** Consider a mediated Settlement Agreement in the amount of \$29,450.00 in Kelley v. City of Delray Beach. Staff recommends acceptance of this offer subject to the receipt of the appropriate releases. (Motion to approve the mediated settlement agreement; Approved, 5-0)

- E. **AUDIT ENGAGEMENT LETTER/CALER, DONTEN, LEVINE, PORTER AND VEIL, P.A.:** Consider approval to engage Caler, Donten, Levine, Porter & Veil, P.A. as the City's auditors for an additional three (3) year period. Funding will be provided from various departmental budgets. (Approved, 5-0)
- F. **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 Eliopoulos (Seat #1). (Appointed Hansford Higginbotham and approved, 5-0)
- G. **APPOINTMENTS TO THE PUBLIC EMPLOYEES RELATIONS COMMISSION:** Appoint one (1) regular member to serve an unexpired term ending January 29, 2014, and one regular member to serve a four (4) year term ending June 30, 2014 on the Public Employees Relations Commission. Based upon the rotation system, the appointments will be made by Mayor McDuffie (Seat #5) and Commissioner Eliopoulos (Seat #1). (Appointed Paula Aridas and approved, 5-0; and appointed David Haycock and approved, 5-0)
- H. **APPOINTMENT TO THE POLICE & FIREFIGHTERS RETIREMENT SYSTEM BOARD OF TRUSTEES:** Appoint one (1) regular member to serve a two (2) year term ending June 30, 2012 on the Police & Firefighters Retirement System Board of Trustees. Based upon the rotation system, the appointment will be made by Commissioner Gray (Seat #4). (Appointed Adam Frankel and approved, 5-0)
- I. **APPOINTMENT TO THE BOARD OF ADJUSTMENT:** Appoint one (1) alternate member to serve an unexpired term ending August 31, 2011 on the Board of Adjustment. Based upon the rotation system, the appointment will be made by Commissioner Gray (Seat #4). (Appointed Isabelle Alarie and approved, 5-0)
10. **PUBLIC HEARINGS:**
- A. **RESOLUTION NO. 23-10/TRANSFER OF CARVER SQUARE POCKET PARK AND PINEAPPLE GROVE PARKING LOT AND CONTRACT FOR SALE AND PURCHASE: COMMUNITY REDEVELOPMENT AGENCY:** Consider approval of Resolution No. 23-10 which adopts and includes the Contract for Sale and Purchase between the City and the Community Redevelopment Agency (CRA) for transfer to the City of Carver Square Pocket Park located at 241 S.W. 7th Avenue and Pineapple Grove Parking Lot located at 353 N.E. 3rd Avenue in the amount of \$10.00. (Approved, 5-0)
1. **INTERLOCAL AGREEMENT/COMMUNITY REDEVELOPMENT AGENCY (CRA):** Consider approval of an Interlocal Agreement with the Community Redevelopment Agency (CRA) regarding transfer of Carver Square Pocket Park and the Pineapple Grove Parking Lot to the City; contingent upon approval of Resolution 23-10 and the Contract for Sale and Purchase. (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. 13-10:** Consider a city initiated amendment to the Land Development Regulations (LDR) Section 4.3.3, "Special Requirements for Specific Uses", by amending Subsection (LLLL), "Medical Offices", to provide for clarification regarding the applicability of certain State Statutes. If passed, a public hearing will be held on June 15, 2010. (Approved, 5-0)

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

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

POSTED: MAY 21, 2010

******* Meeting adjourned at 7:17 p.m. *******