

City of Delray Beach

Regular Commission Meeting

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



RULES FOR PUBLIC PARTICIPATION

Tuesday, February 1, 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.

100 NW 1st Avenue
Delray Beach, Florida 33444

Phone: (561) 243-7000
Fax: (561) 243-3774

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. January 18, 2011 – Regular Meeting (Approved, 5-0)
6. **PROCLAMATIONS:**
 - A. Recognizing 2-1-1 Awareness Week – February 11 – 17, 2011
 - B. Recognizing **Delray Beach American Little League** for 40 Years of Service
7. **PRESENTATIONS:**
 - A. Site Plan Review and Appearance Board (SPRAB) Awards
8. **CONSENT AGENDA:** City Manager Recommends Approval. (Approved, 5-0)
 - A. **REQUEST FOR SIDEWALK DEFERRAL AGREEMENT/418 N.W. 14th STREET:** Approve a request to defer the installation of a sidewalk along N.W. 14th Street for the property located at 418 N.W. 14th Street.
 - B. **AGREEMENT/PALM BEACH COUNTY/AUBURN AVENUE PROJECT:** Approve an Agreement with Palm Beach County which provides for reimbursing the City \$1,000,000.00 for the costs associated with the Auburn Avenue project.
 - C. **SERVICE AUTHORIZATION NO. 07-17/MATHEWS CONSULTING, INC./AREA 12A RECLAIMED WATER SYSTEM:** Approve Service Authorization No. 07-17 to Mathews Consulting, Inc. in the amount of \$179,963.00 for professional engineering services in the design of the Area 12A Reclaimed Water System. Funding is available from 441-5161-536-68.73 (Water and Sewer Fund: Improvements Other/Reclaim Water, Area 12A).
 - D. **LANDSCAPE MAINTENANCE AGREEMENT/CROSSWINDS SINGLE FAMILY HOME ASSOCIATION:** Approve a Landscape Maintenance Agreement with Crosswinds Single Family Home Association to install eight (8) beds of annuals within the City right-of-way in front of the intersections of Homewood Boulevard and Azalea Court, Begonia Court, Carnation Court and Dracaena Court.

- E. **LANDSCAPE MAINTENANCE AGREEMENT/909 SOUTH OCEAN BOULEVARD:** Approve a Landscape Maintenance Agreement with Robert A. Beck II for the installation of new shrubs within the City right-of-way in front of 909 South Ocean Boulevard.
- F. **AMENDMENT NO. 4 TO THE SUB-RECIPIENT HOUSING PARTNERSHIP AGREEMENT/DELRAY BEACH COMMUNITY LAND TRUST, INC.:** Approve Amendment No. 4 to the Sub-Recipient Housing Partnership Agreement between the City and the Delray Beach Community Land Trust, Inc. for the purposes of subsidizing the costs associated with affordable housing units within the Community Land Trust.
- G. **ELITE PROTECTION SERVICES AGREEMENT:** Approve renewal of the agreement with Elite Protection Services to provide Advanced Life Support (ALS) Services, on a First Responder basis for Delaire Country Club.
- H. **RESOLUTION NO. 07-11:** Approve Resolution 07-11 assessing cost for abatement action required to remove nuisances on three (3) properties throughout the City.
- I. **FY 2011 PROPOSED PERFORMANCE MEASURES/GOLF COURSES AND TENNIS FACILITIES:** Approve proposed performance measures for FY 2011 for the Municipal Golf Course, Lakeview Golf Course, and Tennis Facilities.
- J. **SERVICE AUTHORIZATION NO. 17/SPATIAL FOCUS, INC.:** Approve Service Authorization No. 17 with Spatial Focus, Inc. in the amount of \$9,950.00 for technical assistance related to the SunGard Public Safety software project. Funding is available from 334-2111-521-31.90 (General Construction Fund: Professional Services/other Professional Services).
- K. **SPECIAL EVENT REQUEST/14th ANNUAL DOWNTOWN DELRAY CRAFT FESTIVAL:** Approve a special event request to endorse the 14th Annual Downtown Delray Craft Festival sponsored by Howard Alan Events, Ltd. to be held May 28 - 29, 2011 from 10:00 a.m. to 5:00 p.m., to grant a temporary use permit per LDR Section 2.4.6(F) for the closure and use of N.W. 3rd Avenue from Atlantic Avenue north to the south side of the entrance to Atlantic Grove townhomes and use of the Tennis Center parking lot and to provide staff support for traffic control and security, barricading and fire inspection services; contingent upon receipt of a Certificate of Liability Insurance.
- L. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:** Accept the actions and decisions made by the Land Development Boards for the period January 17, 2011 through January 28, 2011.

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

1. Bid award to A & A Associates in the amount of \$35,840.50 for private security services from February 14-28, 2011 for the Champions/World Tour Tennis Tournament. Funding is available from 001-4210-575-55.40 (General Fund: Recreational Supplies/Tennis Tournament).
2. Contract award to Brang Construction, Incorporated, the lowest responsive bidder, in the amount of \$325,900.00 for the construction of twenty-three (23) bus shelters utilizing ARRA grant funds. Funding is available from 101-3163-544-65.70 (ARRA Economic Stimulus: Other Improvements/Transit Stop Bus Shelters).
3. Contract award to Dr. Craig B. Kushinir D.O., in the amount of \$22,000.00 for the position of Medical Director for the Fire Rescue Department. Funding is available from 001-2315-526-31.90 (General Fund: Professional Services/Other Professional Services).
4. Contract awards to Municipal Lighting in the amount of \$44,375.00 for the maintenance and installation of ten (10) decorative street light standards and LED fixtures to replace standards being removed on Atlantic Avenue, due to rust and corrosion. Funding is available from 334-3162-541-46.14 (General Construction Fund: Repair & Maintenance Services/Atlantic Avenue Street Light Replacement).
5. Purchase award to Ferguson Enterprises, Inc. in the amount of \$93,335.56 for piping materials to be installed by the City's construction crew for the S.W. 3rd Street and 6th Avenue Water Main Upgrade. Funding is available from 442-5178-536-68.62 (Water and Sewer Renewal & Replacement Fund: Improvements Other/S.W. 3rd Street & 6th Avenue WM Upgrade).
6. Purchase award to Zoll Medical Corporation in the amount of \$61,645.00 to purchase four (4) Zoll Medical Auto Pulses for the remaining ALS transport units. Funding is available from 334-2311-522-64.90 (General Construction Fund: Machinery/Equipment/Other Machinery/Equipment).
7. Purchase award to CDW Government in the amount of \$64,256.49 for fifteen (15) Panasonic Toughbook computers and related hardware. Funding is available from 334-2311-522-64.11 (General Construction Fund: Machinery/Equipment/Computer Equipment).

9. **REGULAR AGENDA:**

- A. **WAIVER REQUESTS/362 N.E. 3rd AVENUE:** Consider approval of two (2) requested waivers to Land Development Regulations (LDR) Section 4.6.9 (D)(3)(b), “Point of Access to the Street System”, to allow 20’ in width where 24’ minimum width is required and to (LDR) Section 4.6.16(H)(3)(d), “New Multiple Family, Commercial, and Industrial Development”, to allow a reduction in the required five foot (5’) landscape strip separating vehicular use areas and adjacent properties for a proposed public parking lot at 362 N.E. 3rd Avenue. *(Quasi-Judicial Hearing)* *(Motion to adopt board order as presented; Approved, 5-0)*
- B. **REQUEST FOR AN IN-LIEU OF PARKING SPACE/CAFÉ DE FRANCE:** Consider a request from Café De France for the purchase of one (1) in-lieu of parking space in the amount of \$15,600.00 to accommodate an expansion of use. Café de France is located at 110 East Atlantic Avenue. *(Quasi-Judicial Hearing)* *(Motion to adopt board order as presented; Approved, 5-0)*
- C. **REQUEST TO WAIVE FEES FOR STAFF AND USE OF POMPEY PARK FACILITIES FOR ALL PEOPLE’S DAY® DIVERSITY FESTIVAL:** Consider a request that the City waive facility rental fees and provide staff support at Pompey Park on March 27, 2011 from 9:00 a.m. – 6:00 p.m. for the All People’s Day® Diversity Festival. *(Motion to approve request; Denied, 5-0)*
- D. **SPECIAL EVENT REQUEST/VIVA SOUTH FLORIDA:** Consider approval of a new event, VIVA South Florida, sponsored by Pegasus Entertainment to be held on September 9-10, 2011 from 12:00 noon to 11:00 p.m., and September 11, 2011 from 12:00 noon to 8:00 p.m., to grant a temporary use permit per LDR Section 2.4.6(F) for use of the City rights-of-way to include N.E. 1st Avenue from Atlantic north to the garage entrance and Swinton from Atlantic to approximately N.E. 1st Avenue, to authorize staff support for traffic control and security, site cleanup and trash removal, electrician assistance, barricading assistance, event signage, EMS assistance, trash boxes and use of a City generator; contingent upon meeting the conditions listed in the staff report. *(Motion to approve subject to conditions as outlined by staff; Approved, 5-0)*
- E. **SPECIAL EVENT REQUEST/ASIAN FOOD FAIR AND CULTURAL SHOW:** Consider approval of a special event request to allow the 8th Annual Asian Food Fair and Cultural Show sponsored by the Bangladesh Association of Florida, to be held on March 19-20, 2011 from 12:00 noon until 10:00 p.m. on the grounds of Old School Square and in the Old School Square Park; to grant a temporary use permit per LDR Section 2.4.6(F) for the closure and use of a portion of N.E. 1st Avenue, to authorize staff support for traffic control and security, site cleanup and trash removal, EMS assistance, standard event signage and assistance with banner hanging; use of the Old School Square Garage, North City Hall Parking lot, City generator if needed and three generator lights; and to waive to the Event Policies and Procedures to allow more than two (2) major events in March; contingent upon meeting the conditions listed in the staff report. *(Motion to approve; Approved, 5-0)*

- F. **RESOLUTION NO. 06-11:** Consider approval of Resolution No. 06-11 amending Resolution No. 01-11 to allow for cancellation of the special election regarding Commission terms if it is determined that there will not be a contested election for a commission seat. (Motion to approve; Approved, 5-0)

10. **PUBLIC HEARINGS:**

- A. **ORDINANCE NO. 01-11:** Modification to the Gulf Stream 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 Gulf Stream 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. (Motion to approve; Approved, 5-0)
- B. **RESOLUTION NO. 04-11/REVISED CONTRACT FOR SALE AND PURCHASE/3740 LANCEWOOD PLACE:** Consider approval of Resolution No. 04-11, a revised contract for sale and purchase, authorizing the City to sell Neighborhood Stabilization Program property located at 3740 Lancewood Place to Lana Ritz for the amount of \$200,000.00 and provide a subsidy of up to \$40,000.00 secured by a promissory note and second mortgage. (Motion to approve; 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. None

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

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

POSTED: January 28, 2011

******* Meeting adjourned at 7:56 p.m. *******