

City of Delray Beach

Regular Commission Meeting

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



RULES FOR PUBLIC PARTICIPATION

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.

Tuesday, May 5, 2009

Regular Meeting 6:00 p.m.
Public Hearings 7:00 p.m.
Commission Chambers
Delray Beach City Hall

- 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.** (Mayor McDuffie noted Item 7.A., 20th Annual Delaire/Delray Police Charity Golf Tournament Presentation to Police and Fire-Rescue, was removed from the agenda due to a request from Perry DonFrancisco; Staff requested Item 9.A., Bid Protest/Bid Award/Oceanside Beach Services, Inc., be postponed; Item 8.B., Service Authorization 06-05.01/Currie Sowards Aguila Architects, was moved to the Regular Agenda as Item 9.A.A.; Item 8.C., Amendment No. 1 to the Pompey Park Booster Club, Inc. Agreement, was moved to Presentations as Item 7.A.A., then placed back on Consent Agenda to remain as Item 8.C.; Item 8.H.2. Purchase award to Gulfstream Sports Group was moved to the Regular Agenda as Item 9.A.A.A. Approved as amended, 5-0)
5. **APPROVAL OF MINUTES:**
 - A. April 14, 2009 – Workshop Meeting (Approved, 5-0)
 - B. April 21, 2009 – Regular Meeting (Approved, 5-0)
6. **PROCLAMATIONS:**
 - A. National Safe Boating Week – May 16-22, 2009
 - B. National Public Works Week – May 17-23, 2009
 - C. Emergency Medical Services Week – May 17-23, 2009
 - D. Recognizing Eta Phi Beta Sorority, Incorporated
7. **PRESENTATIONS:**
 - A. 20th Annual Delaire/Delray Citizens for Delray Police Charity Golf Tournament Presentation to Police and Fire-Rescue - Perry DonFrancisco
 - B. “Spotlight on Youth” – Janet Meeks
 - C. Historic Preservation Board Awards Recognition
 - D. Concept Design Plans for Martin Luther King, Jr. Boulevard – Kimley-Horn and Associates
8. **CONSENT AGENDA:** City Manager Recommends Approval. (Approved as amended, 5-0)
 - A. **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 Quarterly Meeting of April 16, 2009, increasing the charge to certain golf courses for reclaimed water.
 - B. **(MOVED TO ITEM 9.A.A. ON THE REGULAR AGENDA)**

- C. **AMENDMENT NO. 1 TO THE POMPEY PARK BOOSTER CLUB, INC. AGREEMENT:** Approve Amendment No. 1 to the Agreement with Pompey Park Booster Club, Inc. to provide that the City, in addition to the Booster Club, may sell food/concessions during games and the profits will go to all Pompey Park sports programs.
- D. **AMENDMENT NO. 3 TO THE DISASTER RECOVERY INITIATIVE AGREEMENT/PALM BEACH COUNTY:** Approve Amendment No. 3 to the agreement between the City and Palm Beach County for Disaster Recovery Initiative (DRI) funding of the extensions of Mango Road and S.W. 7th Avenue project, extending the deadline for completion to July 31, 2009.
- E. **PROPOSAL/JCD SPORTS GROUP, INC. /DELRAY BEACH MUNICIPAL GOLF RESTAURANT:** Approve a proposal received from JCD Sports Group, Inc. to reduce operations on Mondays and Tuesdays from May 11, 2009 through September 30, 2009 for the Delray Beach Municipal Golf Restaurant.
- F. **GRANT APPLICATION/FLORIDA EMERGENCY MANAGEMENT AGENCY/ 2009 ASSISTANCE TO FIREFIGHTERS:** Authorize submission of a grant application to the Federal Emergency Management Agency for the 2009 Assistance to Firefighters Grant.
- G. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:** Accept the actions and decisions made by the Land Development Boards for the period April 20, 2009 through May 1, 2009.
- H. **AWARD OF BIDS AND CONTRACTS:**
1. Purchase award to Dell in the amount of \$61,038.44 for additional disk storage space for the City's data network. Funding is available from 334-6111-519-64.11 (General Construction Fund/Machinery/Equipment/Computer Equipment).
 2. **(MOVED TO ITEM 9.A.A.A. ON THE REGULAR AGENDA)**
9. **REGULAR AGENDA:**
- A.A. **SERVICE AUTHORIZATION 06-05.01/CURRIE SOWARDS AGUILA ARCHITECTS:** Approve Service Authorization No. 06-05.01 in the amount of \$13,250.00 to Currie Sowards Aguila Architects for additional professional design services required for the Old School Square Window Replacement Project. Funding is available from 334-4151-572-46.08 (General Construction Fund/Repair and Maintenance Services/OSS Window Replacement) **(Motion to approve subject to recommendations; Approved, 5-0)**

A.A.A. Purchase award to Gulfstream Sports Group in the amount of \$57,368.00 for the replacement of bleachers at the Hilltopper Stadium. Funding is available from 115-0000-248-80.00 (Special Projects Fund/After School Program), 115-4101-572-49.90 (Special Projects Fund/Other Current Charges) and 115-4914-572-55.27 (Special Projects Fund/Recreational Supplies/Golf Supplies). (Motion to approve; Approved, 3-2. Commissioner Bernard and Commissioner Fetzer dissenting)

A. **BID PROTEST/BID AWARD/OCEANSIDE BEACH SERVICE, INC.:** Consider a bid protest filed by Oceanside Beach Service, Inc., regarding beach equipment rental concession; Request for Proposal (RFP) No. 2009-18 and consider awarding the bid to Oceanside Beach Service, Inc. (*Quasi- Judicial Hearing*) (Motion to **POSTPONE** to the June 2, 2009 Regular Commission Meeting; Approved, 5-0)

B. **RATIFICATION OF COLLECTIVE BARGAINING AGREEMENT/POLICE BENEVOLENT ASSOCIATION:** Consider ratification of a Collective Bargaining Agreement with the Police Benevolent Association (PBA), for the period of October 1, 2008, through September 30, 2009. (Approved, 5-0)

C. **APPOINTMENT TO THE PLANNING & ZONING BOARD:** Appoint one (1) regular member to the Planning & Zoning Board to serve an unexpired term ending August 31, 2009. Based upon the rotation system, the appointment will be made by Commissioner Bernard (Seat #4). (Appointed Alson Jacquet and approved, 5-0)

D. **APPOINTMENT TO THE DELRAY BEACH HOUSING AUTHORITY:** Appoint one (1) regular member to the Delray Beach Housing Authority for an unexpired term ending July 14, 2010. Based upon the rotation system, the recommendation for appointment will be made by Commissioner Fetzer (Seat #2). (Commissioner Fetzer's appointment was **DEFERRED** to the May 19, 2009 Regular Commission Meeting)

10. **PUBLIC HEARINGS:**

A. **RESOLUTION NO. 20-09:** Approve Resolution No. 20-09 adopting the final assessment roll for the S.W. 8th Avenue Special Assessment District. (Motion to approve; Approved, 4-1; Commissioner Bernard dissenting)

B. **ORDINANCE NO. 16-09 (FIRST READING/FIRST PUBLIC HEARING):** Consider an ordinance accepting the recommendations contained within the Old School Square Historic District Resurvey Report including extending the Period of Significance to 1965 and reclassifying 23 properties from non-contributing to contributing. If passed a second public hearing will be held on May 19, 2009. (Motion to approve; Approved, 3-2. Commissioner Frankel and Commissioner Bernard dissenting)

- C. **ORDINANCE NO. 17-09 (FIRST READING/FIRST PUBLIC HEARING):** Consider an ordinance accepting the recommendations contained within the West Settlers Historic District Resurvey Report including extending the Period of Significance to 1970, and reclassifying 7 properties from non-contributing to contributing and amending the Land Development Regulations to change the boundaries of West Settlers Historic District to provide for removal of the Atlantic Grove Development. If passed a second public hearing will be held on May 19, 2009. (Approved, 5-0)

- D. **ORDINANCE NO. 20-09:** Consider an ordinance amending Chapter 33, Article IV "City Police and Firefighters Retirement System," at Section 33.63, "Optional Forms of Benefits," to provide for a "Pop-Up" feature as an optional form of retirement benefit upon the election of a plan member; providing for severability; providing for inclusion in the City Code. (Approved, 5-0)

- E. **ORDINANCE NO. 21-09:** Consider an ordinance amending Chapter 33, "Police and Fire Departments", subheading "Pensions", of the Code of Ordinances of the City of Delray Beach, Florida, by amending Section 33.65, "Administration", to provide for a City Commissioner to serve as an appointed member of the Board of Trustees. (Approved, 5-0)
 - 1. **APPOINTMENTS TO THE POLICE AND FIREFIGHTERS PENSION BOARD OF TRUSTEES:** Appoint one (1) regular member to serve a two (2) year term ending April 22, 2011 and one (1) regular member to serve an unexpired term ending on June 30, 2010 to the Police and Firefighters Pension Board of Trustees. Based upon the rotation system, the appointments will be made by Commissioner Eliopoulos (Seat #1) and Commissioner Fetzer (Seat #2). (Appointed Mel Sacharow and approved, 5-0; and appointed Commissioner Adam Frankel and approved, 5-0)

- F. **ORDINANCE NO. 22-09:** An ordinance amending Chapter 35, "Employee Policies and Benefits", Subheading "Retirement Plan", of the Code of Ordinances by amending Section 35.105, "Administration by Retirement Committee", to amend the committee membership. (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. 14-09:** Consider annexation (via Agreement for Water Service), a small-scale Future Land Use Map (FLUM) Amendment from County MR-5 (Medium Density Residential 5 units per acre) to City LD (Low Density Residential 0-5 du/ac) and rezoning from County AR (Agricultural Residential) to City R-1-AAA (Single Family Residential) for 13415 Barwick Road. If passed a public hearing will be held on May 19, 2009. (Approved, 5-0)
- B. **ORDINANCE NO. 23-09:** Consider a City-initiated amendment to the Land Development Regulations (LDR) to provide master development plan approval authority to the Historic Preservation Board, with associated fees and processes. If passed, a public hearing will be held on May 19, 2009. (Approved, 5-0)
- C. **ORDINANCE NO. 24-09:** Consider a City-initiated amendment to the Land Development Regulations (LDR), Subsection 2.4.4(F)(4), "Litigation Preventing Construction", in order to make the time limit on approval consistent with other sections of the LDR. If passed, a public hearing will be held on May 19, 2009. (Approved, 5-0)
- D. **ORDINANCE NO. 25-09:** Consider a City-initiated amendment to the Land Development Regulations (LDR) Section 4.4.3, "Single Family Residential (R-1) District", Subsections 4.4.3(F) and (G) to provide development standards and supplemental regulations to encourage redevelopment of the Carver Square Brownfield Area. If passed, a public hearing will be held on May 19, 2009. (Approved, 5-0)
- E. **ORDINANCE NO. 26-09:** Consider an ordinance amending Chapter 71, "Parking Regulations", to allow the City to add certain costs of collection fees to any unpaid balance owed the City. If passed a public hearing will be held on May 19, 2009. (Approved, 5-0)

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

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

POSTED: MAY 1, 2009

******** Meeting adjourned at 9:32 p.m. ********