

# 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, March 2, 2010

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

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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.C., Acceptance of a Right-of-Way Deed/Stakler Holdings, LLC/Putt n' Around Delray Beach, was moved to the Regular Agenda as Item 9.A.A; Item 8.G., License Agreement/Prep and Sports, Inc. (a/k/a XPE Sports) was moved to the Regular Agenda as Item 9.A.A.A.; Item 8.L., Review of Appealable Land Development Board Actions, Historic Preservation Board (HPB) Item #1 was moved to the Regular Agenda as Item 9.A.A.A.A.; Item 8.I., Resolution No. 06-10, was moved to the Regular Agenda as Item 9.A.A.A.A.A.; Item 8.K., Resolution No. 08-10 was moved to the Regular Agenda as Item 9.A.A.A.A.A.A.; Approved as amended, 5-0)
5. **APPROVAL OF MINUTES:**
  - A. February 16, 2010 – Regular Meeting (Approved, 5-0)
6. **PROCLAMATIONS:**
  - A. All People's Day<sup>®</sup> – March 22, 2010
  - B. Recognizing American Red Cross Month – March 2010
7. **PRESENTATIONS:**
  - A. Recognizing and commending Developer Frank McKinney and Delray Beach Fire Rescue Employees: Chief Edward Crelin, Lieutenant Steven Moews, Lieutenant Edmund Beardsley and Paramedic Gregory Tabeek for their aid and support with Haiti Relief Efforts.
  - B. **RESOLUTION NO. 03-10:** Approve Resolution No. 03-10 recognizing and commending **Scott Lunsford** for 30 years of dedicated service to the City of Delray Beach. (Approved, 5-0)
8. **CONSENT AGENDA:** City Manager Recommends Approval. (Approved as amended, 5-0)
  - A. **PROPOSAL/STATE OF FLORIDA'S BUREAU OF HISTORIC PRESERVATION:** Authorize staff to submit a proposal to the State of Florida's Bureau of Historic Preservation to host up to three (3) statewide Certified Local Government (CLG) training programs.

- B. **HOLD HARMLESS AGREEMENT/R.I.S PROPERTIES, INC./TD BANK:**  
Approve and authorize a Hold Harmless Agreement between the City and R.I.S. Properties, Inc. to install an irrigation line within the Florida Department of Transportation right-of-way along S.E. 5th Avenue (south bound Federal Highway) for TD Bank located at 969 S.E. 5th Avenue.
- C. **(MOVED TO ITEM 9.A.A. ON THE REGULAR AGENDA)**
- D. **INTERLOCAL AGREEMENT/PALM BEACH COUNTY:** Approve a new Interlocal Agreement between the City and Palm Beach County to reimburse the City \$250,000.00 for the installation of the trombone mast arms at the intersection of West Atlantic Avenue and S.W./N.W. 12th Avenue.
- E. **AMENDMENT NO. 2 TO THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)/TED CENTER AGREEMENT:** Approve Amendment No. 2 to the CDBG Agreement between the City, the Delray Beach Community Redevelopment Agency (CRA) and The Center for Technology, Enterprise and Development, Inc. (TED Center) to provide business incubator and technology services to residents and businesses located within the CDBG target area and CRA District. Funding is available from 118-1966-554-83.01 (Neighborhood Services/Other Grants and Aids).
- F. **INTERLOCAL AGREEMENT/COMMUNITY REDEVELOPMENT AGENCY (CRA)/SEACREST ATHLETIC FACILITY:** Approve an Interlocal Agreement between the City and the CRA to provide funding for athletic facility improvements.
- G. **(MOVED TO ITEM 9.A.A.A. ON THE REGULAR AGENDA)**
- H. **RESOLUTION NO. 05-10:** Approve Resolution No. 05-10 authorizing the City of Delray Beach to participate with the City of Boynton Beach to initiate the negotiation process for an Interlocal Service Boundary Agreement with Palm Beach County.
- I. **(MOVED TO ITEM 9.A.A.A.A. ON THE REGULAR AGENDA)**
- J. **RESOLUTION NO. 07-10:** Approve Resolution No. 07-10 urging the Florida Legislature to support continued funding of the Ecosystem Management and Restoration Trust Fund to support beach erosion control projects.
- K. **(MOVED TO ITEM 9.A.A.A.A.A. ON THE REGULAR AGENDA)**
- L. **(MOVED TO ITEM 9.A.A.A.A. ON THE REGULAR AGENDA)**
- M. **AWARD OF BIDS AND CONTRACTS:**
1. Contract award to Odums' Sod, Inc. in the amount of \$22,715.90 for replacement of sod at Old School Square. Funding is available from 001-4131-572-52.26 (General Fund: Operating Supplies/Gardening Supplies).

2. Contract award to PLAE Performance Sports Flooring in the amount of \$42,500.00 for the installation of a synthetic turf practice area at the Seacrest Soccer Complex. Funding is available from 334-4151-572-63.81 (General Construction Fund: Improvements Other/Other Parks-Citywide).
3. Purchase award to multiple vendors in the total cost of \$792,226.00 for the purchase of twenty-six (26) replacement vehicles based on age and life to date maintenance cost. Funding is available from 501-3312-591-64.20 (Garage Fund: Machinery/ Equipment/Automotive).

9. **REGULAR AGENDA:**

- AA. **ACCEPTANCE OF A RIGHT-OF-WAY DEED/STAKLER HOLDINGS, LLC/ PUTT'N AROUND DELRAY BEACH:** Approve and accept a right-of-way deed with Stakler Holdings, LLC. for Putt'n Around Delray Beach located at 350 and 362 N.E. 5th Avenue. (Commissioner Eliopoulos filed a Conflict of Interest and left the dais. Approved, 4-0)
- AAA. **LICENSE AGREEMENT/PREP AND SPORTS, INC. (a/k/a XPE SPORTS):** Approve a license agreement with Prep and Sports, Inc. (a/k/a XPE Sports) for use of a portion of the Soccer Complex. (Motion to approve the license agreement as stated by the City Attorney; Approved, 5-0)
- AAAA. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:** Accept the actions and decisions made by the Land Development Boards for the period February 16, 2010 through February 26, 2010. (Motion to bring back Historic Preservation Board (HPB) Item #1 to the March 16, 2010 City Commission Meeting; Approved, 5-0.)
- AAAAA. **RESOLUTION NO. 06-10:** Approve Resolution No. 06-10 urging the Florida Legislature to adopt legislation authorizing the use of red light cameras by local governments. (Approved, 4-1; Commissioner Frankel dissenting)
- AAAAAA. **RESOLUTION NO. 08-10:** Approve Resolution No. 08-10 urging the Florida Legislature to adopt legislation further regulating the dispensing of prescription drugs. (Approved, 5-0)
- A. **WAIVER REQUESTS/PUTT'N AROUND DELRAY BEACH:** Consider seven waiver requests associated with the development of a miniature golf course for Putt'n Around Delray Beach, located at 350 and 362 N.E. 5th Avenue. (*Quasi-Judicial Hearing*) (Commissioner Eliopoulos filed a Conflict of Interest and left the dais. Motion to adopt the board order as presented; Approved, 4-0)
- B. **NOTE, MORTGAGE MODIFICATION AND SUBORDINATION AGREEMENT - AUBURN TRACE LTD.:** Consider approval of a Note, Mortgage Modification and Subordination Agreement between the City of Delray Beach and Auburn Trace, Ltd. (Motion to approve as discussed in concept with final language to be brought back to Commission on March 11, 2010; Approved, 5-0)

- C. **REQUEST FOR PROPOSAL (RFP) FOR PUBLIC SAFETY SOFTWARE:** Consider authorizing staff to enter contract negotiations with SunGard and Firehouse for a new Public Safety Software system; contingent upon completion of an additional site visit for the Firehouse portion of the contract (RFP 2010-05). (Motion to authorize staff to enter contract negotiations; Approved, 5-0)
  - D. **REQUEST DIRECTION REGARDING A DESIGNEE/WASTE MANAGEMENT INC:** Provide direction and determine who will serve as the City's designee for review of records of services provided under the City's Solid Waste, Vegetative Waste and Recycling Collection Franchise Agreement with Waste Management Inc. of Florida. (Motion to appoint Rich Reade as designee; Approved, 5-0)
  - E. **APPOINTMENT TO THE DELRAY BEACH HOUSING AUTHORITY:** Appoint one (1) regular member to the Delray Beach Housing Authority to serve a four (4) year term ending March 6, 2014. Based on the rotation system, the appointment will be made by Commissioner Gray (Seat #4). (Appointed Sandra Owens and approved, 5-0)
  - F. **APPOINTMENT TO THE GREEN TASK FORCE:** Appoint one (1) alternate member to the Green Task Force to serve an unexpired term ending July 31, 2011. Based on the rotation system, the appointment will be made by Mayor McDuffie (Seat #5). (Appointed Chloe Bedenbaugh and approved, 5-0)
  - G. **APPOINTMENT TO THE NEIGHBORHOOD ADVISORY COUNCIL:** Appoint one (1) student member to the Neighborhood Advisory Council to serve an unexpired term ending July 31, 2010. Based upon the rotation system, the appointment will be made by Commissioner Gray (Seat #4). (Appointed Luke Eliopoulos and approved, 5-0)
  - H. **APPOINTMENT TO THE BOARD OF ADJUSTMENT:** Appoint one (1) alternate member to the Board of Adjustment to serve an unexpired term ending August 31, 2011. Based on the rotation system, the appointment will be made by Commissioner Fetzer (Seat #2). (Appointed Harvey Starin and approved, 5-0)
10. **PUBLIC HEARINGS:**
- A. **ORDINANCE NO. 07-10:** Consider modification of Midtown Delray SAD (Special Activities District) Ordinance No. 46-07 to allow for a 1,088 sq. ft. increase in the floor area for the Midtown Medical Building, modifying the parking requirements for such S.A.D. and limiting the office square footage based on floor levels; and amending the Land Development Regulations Section 4.4.25(G), "S.A.D.s," Subsection (10), to reference Ordinance 07-10. (*Quasi-Judicial Hearing*) (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: FEBRUARY 26, 2010

***\*\*\*\*\* Meeting adjourned at 10:18 p.m. \*\*\*\*\****