

City of Delray Beach

Regular Commission Meeting

****AGENDA RESULTS****



RULES FOR PUBLIC PARTICIPATION

Tuesday, November 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.

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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 for Item 9.H., Appointment to the Education Board, the application for Miriam Hanan was WITHDRAWN; revised information is on the dais for Item 12.D., Ordinance No. 42-11. Approved as amended, 5-0)
5. **APPROVAL OF MINUTES:**
 - A. October 11, 2011 – Special/Workshop Meeting (Approved, 5-0)
 - B. October 18, 2011 – Regular Meeting (Approved, 5-0)
6. **PROCLAMATIONS:**
 - A. Families Reading Together Month – November 2011
7. **PRESENTATIONS:**
 - A. Aid to Victims of Domestic Abuse (AVDA) – Pamela O’Brien
 - B. S.P.I.R.I.T. (Service, Performance, Integrity, Responsibility, Innovation, Teamwork) Committee Quarterly Awards Presentation)
8. **CONSENT AGENDA:** City Manager Recommends Approval. (Approved, 5-0)
 - A. **REQUEST FOR SIDEWALK DEFERRAL/106 SEA LANE:** Approve a request to defer the installation of a sidewalk along Lowry Street for the property located at 106 Sea Lane.
 - B. **ACCEPTANCE OF A STORMWATER EASEMENT DEED/401 S.W. 10TH STREET:** Approve and accept a stormwater easement deed for property located at 401 S.W. 10th Street.
 - C. **AMENDMENT NO. 3 TO THE AGREEMENT/GOVDEALS, INC.:** Approve Amendment No. 3 to the Agreement with GovDeals, Inc. for online auction sale of surplus City vehicles and equipment.

- D. **INTERLOCAL AGREEMENT/COMMUNITY REDEVELOPMENT AGENCY (CRA)/US 1 CORRIDOR BEAUTIFICATION:** Approve an Interlocal Agreement with the Community Redevelopment Agency (CRA) in the amount \$1,856,708.00 for the repayment of the State Infrastructure Bank (SIB) loan applied for from the Florida Department of Transportation (FDOT) for the US 1 Beautification Project.
- E. **REVISED INTERLOCAL AGREEMENT/PALM BEACH COUNTY FOR S.W. 12TH AVENUE/AUBURN AVENUE/S.W. 14TH AVENUE:** Approve a revised Interlocal Agreement with Palm Beach County for reimbursement to the City in the amount of \$1,000,000.00 for costs associated with improvements along S.W. 12th Avenue/Auburn Avenue/S.W. 14th Avenue from S.W. 10th Street to West Atlantic Avenue.
- F. **AMENDMENT NO. 1 TO THE INTERLOCAL AGREEMENT/COMMUNITY REDEVELOPMENT AGENCY (CRA) FOR FUNDING OF CONSTRUCTION/PROFESSIONAL SERVICES:** Approve Amendment No. 1 to the Interlocal Agreement with the Community Redevelopment Agency (CRA) for funding of construction costs and professional services for certain projects as listed on Exhibit "A" attached to the Agreement for FY 11/12.
- G. **CONSULTING SERVICE AUTHORIZATION NO. 07-05.2/KIMLEY-HORN AND ASSOCIATES, INC.:** Approve Service Authorization No. 07-05.2 to Kimley Horn and Associates, Inc. in the amount of \$32,081.99 for design of the Federal Highway Enhancements Project. Funding is available from 334-3162-541-68.52 (General Construction Fund: Other Improvement/Federal Highway Beautification) and 442-5178-536-68.52 (Water & Sewer Renewal & Replacement Fund: Improvements Other/Federal Highway Beautification).
- H. **AGREEMENT/ACHIEVEMENT CENTERS FOR CHILDREN AND FAMILIES (ACCF):** Approve an agreement between the City of Delray Beach and Achievement Centers for Children and Families (ACCF) in the amount of \$52,000.00 to carry out services at the Village Academy Beacon Center for FY 2011-2012. Funding is available from 001-4111-572-83.01 (General Fund: Other Grants & Aid).
- I. **HAZARDOUS MATERIALS TECHNICIAN COURSE/HAZMAT IQ:** Approval for nine Fire-Rescue Department personnel to attend a Hazardous Materials Technician course offered by HazMat IQ in the amount of \$15,750.00 to be reimbursed through the Homeland Security Domestic Preparedness Grant Program. Funding is available from 001-2315-526-54.30 (General Fund: Books/ Publications/ Subscriptions/ Memberships/ Training/ Education Costs).
- J. **RATIFICATION OF APPOINTMENTS TO THE KIDS AND COPS COMMITTEE:** Approve and ratify certain appointments to the Kids and Cops Committee for two (2) year terms ending November 30, 2013.

- K. **SPECIAL EVENT REQUEST/15TH ANNUAL DELRAY BEACH CRAFT FESTIVAL:** Approve a special event request to endorse the 15th Annual Delray Beach Craft Festival sponsored by Howard Alan Events, Ltd. to be held February 25-26, 2012 from 10:00 a.m. to 5:00 p.m., to grant a temporary use permit per LDR Section 2.4.6(F) for use of N.E. 2nd Avenue, from the alley north of Atlantic to midway between N.E. 3rd Street and N.E. 4th Street (south of the City Walk condo garage entrance), and use of the north end of City Hall's parking lot for vendor parking, and to provide staff support for traffic control, security and fire inspection services.
- L. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:** Accept the actions and decisions made by the Land Development Boards for the period October 17, 2011 through October 28, 2011.
- M. **AWARD OF BIDS AND CONTRACTS:**
1. Contract award to Municipal Lighting in the amount of \$49,841.00 for the purchase of twelve (12) concrete 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 and Maintenance Services/Atlantic Avenue Street Light Replacement).
 2. Contract award to Special Products Group (SPG) in the annual estimated amount of \$60,000.00 for uniform procurement for Fire-Rescue Department personnel. Funding is available from 001-2315-526-52.22 (General Fund: Operating Supplies/Uniforms/Linen Service), 001-2311-522-52.22 (General Funds: Operating Supplies/Uniforms/Linen Service) 001-2313-522-52.22 (General Fund: Operating Supplies/Uniforms/Linen Service) and 001-2317-522-52.22 (General Fund: Operating Supplies/Uniforms/Linen Service).
 3. Contract award to Zoll Medical Corporation in the amount of \$22,040.50 to renew the extended warranty and semi-annual preventive maintenance contract and provide guaranteed repair coverage for seventeen (17) 12 Lead EKG Monitor/Defibrillators. Funding is available from 001-2315-526-46.20 (General Fund: Repair & Maintenance Services/Equipment Maintenance).
 4. Purchase award to American Traffic Products & Services in the amount of \$16,040.00 for the City's yearly supply of reflective sign sheeting. Funding is available from 001-3141-541-52.20 (General Fund: Operating Supplies/General Operating Supplies).
 5. Award to Fluid Control Specialties, Inc. in the amount of \$34,812.00 for purchase and delivery of large replacement valves at City's Water Treatment Plant for Filter #3. Funding is available from 442-5178-536-64.90 (Water & Sewer Renewal & Replacement Fund: Machinery/Equipment/Other Machinery/Equipment).

6. Purchase award to Sentry Industries in the amount of \$257,000.00 for purchase and delivery of sodium hypochlorite “as needed”. Funding is available from 441-5122-536-52.21 (Water and Sewer Fund: Operating Supplies/Chemicals).
7. Purchase award to Tanner Industries, Inc. in the annual estimated amount of \$31,000.00 for the purchase and delivery of anhydrous ammonia “as needed” via City of Port Orange, Florida Bid# B10-16; contingent upon execution of a City Standard Agreement as approved by the City Attorney. Funding is available from 441-5122-536-52.21 (Water and Sewer Fund: Operating Supplies/Chemicals).

9. **REGULAR AGENDA:**

- A. **CONDITIONAL USE REQUEST/ DELRAY COMMUNITY PHARMACY:** Consider approval of a conditional use request to allow, within the Mixed Residential, Office and Commercial (MROC) zoning district, the construction of a drive-thru lane at the Delray Community Pharmacy, located at 1601 South Congress Avenue. *(Quasi-Judicial Hearing)* (Motion to adopt board order as presented; Approved, 5-0)
- B. **REQUEST FOR IN-LIEU OF PARKING SPACES/ATLANTIC OCEAN CLUB:** Consider a request for the purchase of eight (8) in-lieu of parking spaces in the amount of \$124,800.00 to accommodate an expansion of use for Atlantic Ocean Club located at 217 East Atlantic Avenue. *(Quasi-Judicial Hearing)* (Motion to adopt board order as presented; Approved, 5-0)
- C. **JOINDER TO MEMORANDUM OF UNDERSTANDING/MULTIPLE AGENCIES:** Consider approval of a Joinder to the Memorandum of Understanding between South Florida Water Management District (SFWMD), LWDD, Palm Beach County and the City of Fort Lauderdale regarding the C-51 Water Supply and Water Quality Reservoir Planning and Development. (Motion to approve; Approved, 5-0)
- D. **SETTLEMENT OFFER IN ILENIA JOSEPH v. CITY OF DELRAY BEACH:** Consider a Settlement Offer in the total amount of \$20,000.00 in Ilenia Joseph v. City of Delray Beach. Staff recommends approval subject to the receipt of the appropriate releases. (Motion to approve; Approved, 5-0)
- E. **SPECIAL EVENT REQUEST/TREE LIGHTING/ON THE AVENUE:** Consider approval of a special event request to endorse the Tree Lighting and On the Avenue to be held on December 1, 2011 from 5:00 p.m. to 10:00 p.m., to grant a temporary use permit per LDR Section 2.4.6(F) for the closure of Atlantic Avenue from Swinton to N.E./S.E. 6th Avenue, and to the alley north of Atlantic Avenue on N.E. 1st Avenue, N.E. 2nd Avenue, Railroad Way, and N.E. 4th Avenue and from Atlantic to the alley south on S.E. 1st Avenue, S.E. 2nd Avenue, S.E. 3rd Avenue and S.E. 4th Avenue; to authorize staff support for security, traffic control, banner hanging and removal, barricade set up and removal, trash removal, clean up, EMS assistance, fire inspection services and use of the large City stage; contingent upon receipt of the Hold Harmless Agreement. (Motion to approve; Approved, 5-0)

- F. **SPECIAL EVENT REQUEST/50TH ANNUAL DELRAY AFFAIR:** Consider approval of a special event request from the Chamber of Commerce to endorse the 50th Annual Delray Affair to be held on April 13-15, 2012, to grant a temporary use permit per LDR's Section 2.4.6(F) for use of City property and rights-of-way as requested including Atlantic Avenue from S.W. 2nd Avenue to Palm Square, to allow all vendor permits to be assigned and approved by the Chamber of Commerce, to allow this to be the only event held on these dates in the City, to provide a waiver of parking time restrictions in the downtown area during the event, and to provide staff support as requested; contingent upon the conditions of approval listed in the staff report. (Motion to approve with staff conditions; Approved, 5-0)
- G. **APPOINTMENT TO THE POLICE ADVISORY BOARD:** Appoint one (1) regular member to the Police Advisory Board to serve an unexpired term ending July 31, 2013. Based upon the rotation system, the appointment will be made by Commissioner Carney (Seat #1). (Appointed Annette Annechild and approved, 5-0)
- H. **APPOINTMENT TO THE EDUCATION BOARD:** Appoint one (1) regular member to the Education Board to serve an unexpired term ending July 31, 2012. Based upon the rotation system, the appointment will be made by Commissioner Gray (Seat #4). (Commissioner Gray's appointment was **DEFERRED** to the November 15, 2011 Regular Commission Meeting)
- I. **APPOINTMENT TO THE FINANCIAL REVIEW BOARD:** Appoint one (1) regular member to the Financial Review Board to serve an unexpired term ending July 31, 2012. Based upon the rotation system, the appointment will be made by Commissioner Frankel (Seat #3). (Appointed David Stein and approved, 4-0)
- J. **APPOINTMENT TO THE CODE ENFORCEMENT BOARD:** Appoint one (1) alternate member to the Code Enforcement Board to serve an unexpired term ending January 14, 2013. Based upon the rotation system, the appointment will be made by Commissioner Alperin (Seat #2). (Appointed Stephanie Sugar and approved, 4-0)
- K. **APPOINTMENT TO THE BOARD OF ADJUSTMENT:** Appoint one (1) alternate member to the Board of Adjustment to serve an unexpired term ending August 31, 2013. Based upon the rotation system, the appointment will be made by Commissioner Frankel (Seat #3). (Appointed Brenda Cullinan and approved, 4-0)
10. **PUBLIC HEARINGS:**
- A. **ORDINANCE NO. 38-11:** Consider an annexation (via the provisions of the executed Agreement for Water Service and Consent to Annexation) with initial City zoning of CF (Community Facilities) for Lago Vista, located at the southeast corner of Linton Boulevard and the LWDD E-3 Canal. (***Quasi-Judicial Hearing***) (Motion to approve; Approved, 5-0)

- B. **ORDINANCE NO. 25-11: (SECOND READING/ADOPTION HEARING FOR COMPREHENSIVE PLAN AMENDMENT 2011-1)**: Consider approval and adoption of Comprehensive Plan amendment 2011-1 including the following text changes. (Motion to approve; Approved, 5-0)

A. City Initiated Text Amendments:

- i. City Initiated: Future Land Use Element - Addition of Policy A-5.4 to require the building and site designs for all development and redevelopment projects to incorporate Crime Prevention Through Environmental Design (CPTED) standards to the greatest extent possible.
- ii. City-initiated: Capital Improvement Element - Update the City's Reclaimed Water Capital Improvement Schedule (Table RW-CIP) to reflect adoption of the FY2012-FY2016 Capital Improvements Program.
- iii. City-initiated: Capital Improvement Element - Update the City's Five-Year Capital Improvements Schedule (Table CI-CIP) to reflect adoption of the FY2012-FY2016 Capital Improvements Program.
- iv. City-initiated: Capital Improvement Element - Update the Palm Beach County School District's Capital Improvement Schedule (Table SD-CIP) to reflect adoption of its FY2012-FY2016 Capital Improvements Program.

B. City initiated Future Land Use Map amendment:

- i. City initiated Future Land Use Map amendment from County INST/8 (Institutional with an underlying Residential of 8 units per acre) to City CF (Community Facilities) for Lago Vista, located at the southeast corner of Linton Boulevard and the LWDD E-3. (*Quasi-Judicial Hearing*)

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. 37-11:** Consider a city initiated amendment to the Land Development Regulations (LDR) Section 4.5.3, "Flood Damage Control Districts", Subsection (D), "Construction Standards", to modify the section while maintaining compliance with State Statutes and Federal Requirements. If passed, a public hearing will be held on November 15, 2011. (Motion to approve; Approved, 5-0)

- B. **ORDINANCE NO. 40-11:** Consider a city initiated amendment to the Land Development Regulations (LDR) Section 4.6.9(E)(3), “In-Lieu Fee”, to clarify that the maximum percentage of in-lieu spaces applies only to new developments and the expansion of existing developments. If passed a public hearing will be held on November 15, 2011. (Motion to approve; Approved, 5-0)
- C. **ORDINANCE NO. 41-11:** Consider a city initiated amendment to the Land Development Regulations (LDR) Section 2.4.6(F), “Temporary Use Permit”, to clarify the approval authority for uses under a tent. If passed, a public hearing will be held on November 15, 2011. (Motion to approve; Approved, 5-0)
- D. **ORDINANCE NO. 42-11:** Consider an amendment to Chapter 33, “Police and Fire-Rescue Departments”, Section 33.64, “Contributions”, Subsection (A), “Member Contributions”, to increase employee contributions by 3% in compliance with the new terms of the Collective Bargaining Agreement. If passed a public hearing will be held on November 15, 2011. (Motion to approve; Approved, 5-0)

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

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

POSTED: OCTOBER 28, 2011

******** Meeting adjourned at 8:54 p.m. ********