

# 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, June 15, 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.** (Commissioner Eliopoulos absent)
2. **INVOCATION.**
3. **PLEDGE OF ALLEGIANCE TO THE FLAG.**
4. **AGENDA APPROVAL.**
5. **APPROVAL OF MINUTES:**
  - A. May 25, 2010 – Regular Meeting (Approved, 4-0)
  - B. June 1, 2010 – Regular Meeting (Approved, 4-0)
6. **PROCLAMATIONS:**
  - A. Recognizing Juneteenth – June 19, 2010
  - B. Recognizing and commending **John J. Walker**
  - C. National Clean Beaches Week – July 1-7, 2010
7. **PRESENTATIONS:**
  - A. None
8. **CONSENT AGENDA:** City Manager Recommends Approval. (Approved, 4-0)
  - A. **REQUEST FOR SIDEWALK DEFERRAL/201 VENETIAN DRIVE:** Approve a request to defer the installation of a sidewalk along Venetian Drive for the property located at 201 Venetian Drive.
  - B. **ACCEPTANCE OF RIGHT-OF-WAY DEED/95 S.W. 5TH AVENUE:** Approve and accept a right-of-way deed at 95 S.W. 5th Avenue.
  - C. **SERVICE AUTHORIZATION NO. 07-04.1/KIMLEY-HORN AND ASSOCIATES, INC./MARTIN LUTHER KING DRIVE BEAUTIFICATION PROJECT:** Approve Service Authorization No. 07-04.1 in the amount of \$56,400.00 with Kimley-Horn and Associates, Inc. for professional services in designing a reclaimed water transmission and distribution system for the Martin Luther King Drive Beautification Project. Funding is available from 441-5181-536-65.96 (Water and Sewer Fund/Other Improvements/Reclaim Water Transmission).

- D. **SERVICE AUTHORIZATION NO. 07-16/MATHEWS CONSULTING, INC./AUBURN AVENUE IMPROVEMENTS:** Approve Service Authorization No. 07-16 in the amount of \$113,244.00 with Mathews Consulting, Inc. for the design of Auburn Avenue Improvements. Funding is available from 448-5461-538-68.65 (Storm Water Utility Fund: Other Improvement/Auburn Avenue Improvement) and 448-5461-538-99.01 (Storm Water Utility Fund: Other Non-Operating /Project Preserve).
- E. **PROPERTY DAMAGE SETTLEMENT AND RELEASE FORM/CUSTARD INSURANCE ADJUSTERS:** Authorize the City Manager to sign a Property Damage Settlement and Release Form from Custard Insurance Adjusters.
- F. **RESOLUTION NO. 32-10: ABANDONMENT OF UTILITY EASEMENT:** Approve Resolution No. 32-10 abandoning a 10' X 51.3' wide general utility easement for the property located in the front of the Grove Car Wash site at 2210 North Federal Highway.
- G. **PROPOSED EXPANSION OF THE PINEAPPLE GROVE MAIN STREET NEIGHBORHOOD PLAN:** Consider approval to add a proposed expansion area to the Pineapple Grove Main Street Neighborhood Plan.
- H. **AFTERSCHOOL PROGRAM SERVICE AGREEMENT/FAMILY CENTRAL, INC.:** Approve an Afterschool Program Service Agreement between the City and Family Central, Inc., to continue reimbursable funding through the Continue to Care-Afterschool Scholarship program for the Afterschool Program located at Pompey Park and the Community Center.
- I. **SCHOOL READINESS CHILD CARE SERVICE AGREEMENT/FAMILY CENTRAL, INC.:** Approve a School Readiness Child Care Service Agreement between the City and Family Central, Inc., to provide subsidized child care funding for the Afterschool Program.
- J. **GRANT APPLICATION: FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT)/COMPRESSED NATURAL GAS TROLLEYS:** Authorize staff to submit a grant application through the Florida Department of Transportation for the purchase of Trolley Style vehicles and the construction of a CNG (Compressed Natural Gas) fueling station in accordance with the Federal Government's State of Good Repair Bus and Bus Facilities Initiative.
- K. **HOUSING REHABILITATION GRANT/CONTRACT AWARD:** Approve one (1) Housing Rehabilitation Grant contract award through the Community Development Division in the amount of \$25,036.20 to Gadsden Property Investment, Inc., the lowest responsive bidder, for the property located at 607 S.W. 6th Street. Funding is available from 118-1960-554-49.19 (Neighborhood Services: Other Current Charges-Housing Rehabilitation).

- L. **HOME INSPECTION PROFESSIONAL SERVICES VENDOR: NEIGHBORHOOD STABILIZATION PROGRAM (NSP):** Approve the vendor for Home Inspection Professional Services required to carry out activities under the Neighborhood Stabilization Program (NSP) contingent on the list being approved by the Florida Department of Community Affairs. Funding is available from 118-1935-554-34.90 (Neighborhood Services/Other Contractual Services).
- M. **GRANT APPLICATION/EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG):** Authorize staff to submit an application for funding in the amount of \$66,560.00 through the U.S. Department of Justice Edward Byrne Memorial Justice Assistance Grant (JAG) program which will support the Holiday Robbery Task Force, which reduces crime during the Holiday season.
- N. **LETTER OF SUPPORT/JUSTICE ASSISTANCE GRANT (JAG) FUND:** Authorize the Mayor to sign a letter in support of funding allocations for Countywide Justice Assistance Grant funds (JAG) for FY 2010.
- O. **SPECIAL EVENT REQUESTS/ART AND JAZZ ON THE AVENUE:** Approve special event requests to endorse Art and Jazz on the Avenue to be held on June 24, 2010 from 6:00 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 the west side of N.E./S.E. 7th Avenue, Railroad Avenue from Atlantic north to the north side of the east/west alley, and to the alleys north and south of Atlantic on N.E./S.E. 1st Avenue, N.E./S.E. 2nd Avenue, S.E. 3rd Avenue, and N.E./S.E. 4th; to authorize staff support for security, traffic control, banner hanging and removal, barricade set up and removal, trash removal and clean up and EMS assistance, with payment of costs to the City per the agreement between the City and the Downtown Marketing Cooperative.
- P. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:** Accept the actions and decisions made by the Land Development Boards for the period June 1, 2010 through June 11, 2010.
- Q. **AWARD OF BIDS AND CONTRACTS:**
1. Bid award in the estimated annual amount of \$22,300.00 to Farmer & Irwin Corporation, the lowest responsive bidder for the annual contract for plumbing services and repairs for City buildings. Funding is available from various departments' operating budgets.
  2. Contract award to Budget Gate Systems in the amount of \$22,406.00 for fencing the north perimeter of the Environmental Services Department Compound. Funding is available from 442-5178-536-46.90 (Water & Sewer Renewal & Replacement Fund: Repair & Maintenance Service/Other Repair/Maintenance Cost).

3. Purchase award to Dell Computer Corporation in the amount of \$285,482.32 for eight (8) servers, VMware license and related equipment to provide redundant server systems for the SunGard Public Safety Software per State of Florida Contract #250-000-09-1. Funding is available is from 334-2111-521-64.11 (General Construction Fund: Machinery/Equipment/Computer Equipment).

9. **REGULAR AGENDA:**

- A. **REQUEST FOR IN-LIEU PARKING SPACES/LEMONGRASS RESTAURANT:** Consider a request from Lemongrass Restaurant for the purchase of three (3) in-lieu parking spaces in the amount of \$46,800.00. Lemongrass Restaurant is located at 420 East Atlantic Avenue. *(Quasi-Judicial Hearing) (Motion to adopt board order as presented; Approved, 4-0)*
- B. **MODIFICATION OF A TEMPORARY USE PERMIT/VILLAGE ARTS MART:** Consider approval for a modification of the temporary use permit for an Arts Mart at 113 & 115 N.E. 4th Avenue. *(Quasi-Judicial Hearing) (Motion to approve with condition as listed in #B and #B.1 on the agenda memo; Approved, 4-0)*
- C. **LICENSE AGREEMENT/COMMUNITY REDEVELOPMENT AGENCY (CRA):** Consider approval of a License Agreement with the Community Redevelopment Agency for the rental of office space in City Hall. *(Motion to approve the License Agreement as amended. Approved, 4-0)*
- D. **SETTLEMENT OFFER: BOWLING GREEN, INC. OF PENSACOLA v. CITY OF DELRAY BEACH:** Consider an Offer from Bowling Green, Inc. of Pensacola to settle their complaint filed with the Department of Housing and Urban Development against the City of Delray Beach. *(Motion to deny settlement offer; Denied, 4-0)*
- E. **CONTRACT AWARD/SUNGARD PUBLIC SECTOR, INC.:** Consider approval of a contract award to SunGard Public Sector, Inc. for a Public Safety Software System (RFP No. 2010-05) and approval to pre-pay the SunGard HTE maintenance payment for the period of 10/1/2010 to 9/30/2011. *(Approved, 4-0)*
- F. **QUESTIONNAIRE FOR ADVISORY BOARD APPLICANTS:** Provide direction regarding a questionnaire for prospective advisory board members. *(Motion to approve questionnaire and include the questionnaire as part of Advisory Board application package. Approved, 4-0)*
- G. **DESIGNATION OF VOTING DELEGATE:** Designate the City's voting delegate to the Florida League of Cities' 84th Annual Conference to be held at Westin Diplomat Resort in Hollywood, Florida on August 19-21, 2010. *(Motion to designate Commissioner Frankel as voting delegate; Approved, 4-0)*

- H. **RESOLUTION NO. 33-10/MID YEAR BUDGET AMENDMENT:** Consider approval of Resolution No. 33-10 amending Resolution No. 49-09 adopted September 22, 2009 and Resolution No. 56-09 adopted October 20, 2009, which made appropriations of sums of money for all necessary expenditures of the City of Delray Beach for the FY 2009/2010, by setting forth the anticipated revenues and expenditures for the operating funds of the City for FY 2009/2010. *(ADDENDUM)* (Approved, 4-0)

10. **PUBLIC HEARINGS:**

- A. **ORDINANCE NO. 10-10 (SECOND READING/SECOND PUBLIC HEARING):** Providing for the acceptance of the resurvey report of the Old School Square Historic District including extending the Period of Significance to 1965 and reclassifying 13 properties from non-contributing to contributing. (Approved, 4-0)
- B. **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. (Approved, 4-0)
- C. **ORDINANCE NO. 14-10:** Consider approval of Ordinance No. 14-10 amending Section 110.15, "Local Business Tax Schedule", of the City Code of Ordinances in order to provide for an increase in rates. (Approved, 4-0)

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: JUNE 11, 2010

***\*\*\*\*\* Meeting adjourned at 7:49 p.m. \*\*\*\*\****