

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 17, 2011

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.

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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.G., Special Event Request/Spady Living Heritage Day, the date was changed to August 20, 2011; Item 8.I.1., Mayor McDuffie disclosed that his son works at Island Air Conditioning. Approved as amended, 5-0)
5. **APPROVAL OF MINUTES:**
 - A. May 3, 2011 – Regular Meeting (Approved, 5-0)
 - B. May 10, 2011 – Workshop Meeting (Approved, 5-0)
6. **PROCLAMATIONS:**
 - A. Downtown Development Authority’s 40th Anniversary – May 22, 2011
 - B. National Safe Boating Week – May 21-27, 2011
 - C. Recognizing Juneteenth – June 19, 2011
 - D. National Kids to Parks Day – May 21, 2011
 - E. National Missing Children’s Day – May 25, 2011
7. **PRESENTATIONS:**
 - A. **RESOLUTION NO. 18-11:** Approve Resolution No. 18-11 recognizing and commending Dolores Egan for 30 years of dedicated service to the City of Delray Beach. (Approved, 5-0)
 - B. Update on the Legislative Session - Representative Bill Hager
 - C. Historic Preservation Board Recognition Awards
8. **CONSENT AGENDA:** City Manager Recommends Approval. (Approved as amended, 5-0)
 - A. **HOLD HARMLESS AGREEMENT/FLORANDA MHP, LLC AND NEW CENTURY EXECUTIVE QUARTERS, LLC/FRANKLIN AT DELRAY BEACH:** Approve a Hold Harmless Agreement with Floranda MHP, LLC and New Century Executive Quarters, LLC to install a water main within the Florida Department of Transportation right-of-way for Franklin at Delray Beach located on the west side of S.E. 5th Avenue (South Federal Highway).
 - B. **REVISION TO THE CITY’S SPECIAL EVENTS POLICIES AND PROCEDURES:** Approve revisions to the City’s Special Events Policies and Procedures.

- C. **INTERLOCAL AGREEMENT/COMMUNITY REDEVELOPMENT AGENCY (CRA): HILLTOPPER STADIUM:** Approve an Interlocal Agreement with the Community Redevelopment Agency (CRA) to provide funding for resodding of Hilltopper Stadium.
- D. **SERVICE AUTHORIZATION NO. 19/SPATIAL FOCUS, INC.:** Approve Service Authorization No. 19 with Spatial Focus, Inc. in the amount of \$24,775.00 for completing addressing work related to the public safety software implementation and for setting up an Address Reference System, maintenance database, and associated documentation/training. Funding is available from 441-5161-536-31.90 (Water and Sewer Fund: Water and Sewer Fund: Professional Services/Other Professional Services) and 334-2111-521-31.90 (General Construction Fund: Professional Services/Other Professional Services).
- E. **MODIFICATION TO THE SUB-GRANT AGREEMENT/DIVISION OF EMERGENCY MANAGEMENT/OLD SCHOOL SQUARE WINDOW REPLACEMENT:** Approve a Modification to the Subgrant Agreement with the Division of Emergency Management for the installation of 227 impact resistant glass windows at Old School Square to extend the deadline to June 10, 2012.
- F. **CONSULTING SERVICE AUTHORIZATION/PALM BEACH COUNTY PUBLIC ART ADMINISTRATION:** Approve a Consulting Service Authorization with Palm Beach County Public Art Administration in the amount of \$14,880.00 for administrative support in updating the 2004 City of Delray Beach Public Art Master Plan. Funding is available from 115-1702-579-31.90 (Special Projects Fund: Professional Services/Other Professional Services).
- G. **SPECIAL EVENT REQUEST/SPADY LIVING HERITAGE DAY:** Approve a special event request to endorse the 6th Annual Spady Heritage Day to be held on August 27, 2011 from noon to 10:00 p.m., to grant a temporary use permit per LDR Section 2.4.6(F) for the closure of N.W. 5th Avenue from Atlantic Avenue to N.W. 1st Street and S.W. 5th Avenue from Atlantic Avenue to S.W. 1st Street; to authorize staff support for security, EMS assistance, fire inspection, clean up, barricading, City generator use, set up and use of the large mobile stage, and event signage and banners; contingent upon the receipt of a Certificate of Liability Insurance, receipt of letters authorizing use of private property and a hold harmless agreement two (2) weeks prior to the event.
- H. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:** Accept the actions and decisions made by the Land Development Boards for the period May 2, 2011 through May 13, 2011.
- I. **AWARD OF BIDS AND CONTRACTS:**
1. Purchase award to Island Air Conditioning in the amount of \$17,900.00 for the replacement of two (2) air conditioning units at the Community Center. Funding is available from 334-4125-572-64.90 (General Construction Fund: Machinery/Equipment/Other Machinery/Equipment).

2. Contract award to Ovivo USA, LLC in the amount of \$29,456.00 for removing and replacing the gear motor unit on Clarifier #2 at the Water Treatment Plant. Funding is available from 442-5178-536-64.90 (Water & Sewer Renewal & Replacement Fund: Machinery/Equipment/Other Machinery/Equipment).
3. Contract award to Line-Tec, Inc. in the amount of \$49,699.00 for the installation of water services at the following locations: S.W. 1st Street, S.W. 3rd Avenue, S.W. 6th Avenue and S.W. 3rd Street for a Water Main Improvement project. Funding is available from 442-5178-536-68.62 (Water & Sewer Renewal & Replacement Fund: Improvements Other/S.W. 3rd Street & 6th Avenue WM Upgrade).
4. Bid award to Simply the Best Charter, Inc. in the annual estimated amount of \$35,530.00 for Bus Rental and Driver Service for the Parks and Recreation Department for Youth Football Program, Summer Day Camp, Holiday Day Camp, Special Events and Sport & Dance Competition. Funding is available from multiple Parks and Recreation Department accounts.

9. **REGULAR AGENDA:**

- A. **FINAL SUBDIVISION PLAT APPROVAL AND WAIVER REQUEST/SEASIDE:** Consider approval of a final plat and a waiver to the Land Development Regulations (LDR) Section 4.3.4 (K), “Development Standards Matrix”, minimum lot depth requirement in conjunction with the creation of a four-lot single family subdivision known as Seaside, located on the north side of Lowry Street, west of Andrews Avenue. *(Quasi-Judicial Hearing)* (Motion to adopt board order as presented; Approved, 5-0)
- B. **DISTRICT OFFICE LEASE AGREEMENT/CONGRESSMAN ALCEE HASTINGS:** Consider approval of a District Office Lease Agreement with the Honorable Alcee Hastings for approximately 689 square feet at City Hall for office space. (Motion to approve; Approved, 5-0)
- C. **RESCIND DONATION AGREEMENT AND ACCEPT AN ART EXHIBITION AND RIGHT TO PURCHASE AGREEMENT WITH WILLIAM DEBILZAN:** Consider rescinding the Donation Agreement and approving an Art Exhibition and Right to Purchase Agreement with William DeBilzan for a sculpture to be installed in Worthing Park. Funding is available from 115-1702-579-31.90(Special Projects Fund: Professional Services/Other Professional Services). (Motion to approve rescission of the Donation Agreement and acceptance of the Art Exhibition and Right to Purchase Agreement. Approved, 5-0)

- D. **APPOINTMENTS TO THE FINANCIAL REVIEW BOARD:** Appoint one (1) regular member to serve an unexpired term ending July 31, 2012 and one (1) alternate member to serve an unexpired term ending July 31, 2011 to the Financial Review Board. Based on the rotation system, the appointments will be made by Commissioner Gray (Seat #4) for one (1) regular member and Mayor McDuffie (Seat #5) for one (1) alternate member. (Appointed Warren Trilling and approved, 5-0. Mayor McDuffie's appointment was **DEFERRED** to the June 7, 2011 Regular Commission Meeting)
- E. **APPOINTMENT TO THE BOARD OF ADJUSTMENT:** Appoint one (1) regular member to the Board of Adjustment for an unexpired term ending August 31, 2012. Based upon the rotation system, the appointment will be made by Commissioner Gray (Seat #4). (Appointed Allen Kilik and approved, 5-0)
- F. **APPOINTMENT TO THE CODE ENFORCEMENT BOARD:** Appoint one (1) alternate member to serve an unexpired term ending January 14, 2013 on the Code Enforcement Board. Based upon the rotation system, the appointment will be made by Commissioner Fetzer (Seat #2). (Appointed Kurt Lehmann and approved, 5-0)

10. **PUBLIC HEARINGS:**

- A. **ORDINANCE NO. 12-11 (FIRST READING/FIRST PUBLIC HEARING):** Consider a city initiated amendment to the Land Development Regulations (LDR) Article 4.4 to add community gardens as a principal use and amending Section 4.3.3, "Special Requirements for Specific Uses", to establish specific regulations pertaining to the development of community gardens. If passed, a second public hearing will be held on June 7, 2011. (Motion to approve; Approved, 5-0)
- B. **RESOLUTION NO. 20-11/ CONTRACT FOR SALE AND PURCHASE/5175 N.W. 6TH STREET:** Consider approval of Resolution No. 20-11, a contract for sale and purchase, authorizing the City to sell Neighborhood Stabilization Program property located at 5175 N.W. 6th Street to Nicaisse Eloi for the amount of \$102,000.00 and provide a subsidy of up to \$20,000.00 secured by a promissory note and second mortgage. (Motion to approve; Approved, 5-0)
- C. **ORDINANCE NO. 16-11:** Consider a city-initiated amendment to the Land Development Regulations (LDR) Section 4.3.3 (I), "Community Residential Homes and Group Homes", to remove an out-of-date reference to Section 4.3.3(D), "Residential and Non-Residential Licensed Services Provider Facilities". (Motion to approve; Approved, 5-0)
- D. **ORDINANCE NO. 17-11:** Consider a city initiated amendment to Land Development Regulations (LDR) Section 4.4.29, "Mixed Residential Office and Commercial (MROC) District", to clarify allowable densities. (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: MAY 13, 2011

******** Meeting adjourned at 7:37 p.m. ********