

City of Delray Beach

Regular Commission Meeting

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



RULES FOR PUBLIC PARTICIPATION

Thursday, April 21, 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 Item 8.A., Resolution No. 14-11, Sub Item 8.A.1., Right-of-Way Deed Agreement/Franklin at Delray Beach, Sub Item 8.A.2. Access Easement Agreement/ Floranda MHP, LLC/New Century Executive Quarters, LLC/Franklin at Delray Beach and Sub Item 8.A.3., Indemnification Agreement/Floranda MHP, LLC/New Century Executive Quarters, LLC/Franklin at Delray Beach, was moved to the Regular Agenda as Item 9.A.A.; Item 8.B., Resolution No. 15-11: Abandonment of Easements: Franklin at Delray Beach, was moved to the Regular Agenda as Item 9.A.A.A.; Item 10.C., Ordinance No. 15-11, was postponed to the May 3, 2011 Regular Meeting. Approved as amended, 5-0)
5. **APPROVAL OF MINUTES:**
 - A. April 5, 2011 – Regular Meeting (Approved, 5-0)
6. **PROCLAMATIONS:**
 - A. Municipal Clerk’s Week – May 1-7, 2011
 - B. National Day of Prayer – May 5, 2011
7. **PRESENTATIONS:**
 - A. S.P.I.R.I.T. (Service, Performance, Integrity, Responsibility, Innovation, Teamwork) Committee Quarterly Awards Presentation
 - B. Matchpoint Presentation – Mark Baron
 - C. City of Delray Beach Residents Academy Certificates – Janet Meeks
 - D. Dwight Chenette, Chief Executive Officer of the Health Care District-Update
8. **CONSENT AGENDA:** City Manager Recommends Approval. (Approved as amended, 5-0)
 - A. **(MOVED TO ITEM 9.A.A. ON THE REGULAR AGENDA)**
 1. **(MOVED TO ITEM 9.A.A. ON THE REGULAR AGENDA)**
 2. **(MOVED TO ITEM 9.A.A. ON THE REGULAR AGENDA)**
 3. **(MOVED TO ITEM 9.A.A. ON THE REGULAR AGENDA)**
 - B. **(MOVED TO ITEM 9.A.A.A. ON THE REGULAR AGENDA)**

- C. **HOLD HARMLESS AGREEMENT/DELRAY MOTORS, INC.:** Approve a Hold Harmless Agreement with Delray Motors, Inc. to perform work within the state right-of-way for Delray Chrysler Jeep Dodge located at 2102 South Federal Highway.
- D. **SERVICE AUTHORIZATION NO. 01.6/CH2M HILL, INC.:** Approve Service Authorization No. 01.6 with CH2M Hill, Inc. in the amount of \$26,278.00 for professional engineering services relating to modifying the Water Treatment Plant's (WTP) operating permit to add the Aquifer Storage and Recovery Well as a water source. Funding is available from 442-5178-536-31.90 (Water & Sewer Renewal & Replacement Fund: Professional Services/Other Professional Services).
- E. **AMENDMENT NO. 1 TO THE LEASE AGREEMENT/FIRST PRESBYTERIAN CHURCH:** Approve Amendment No. 1 to the Lease Agreement with First Presbyterian Church for the Gleason Street Lot Parking License Agreement.
- F. **ENGINEERING SERVICES PROPOSAL/COASTAL PLANNING & ENGINEERING, INC.:** Approve an Engineering Proposal with Coastal Planning & Engineering, Inc. in an amount not to exceed \$249,484.00 to proceed with the final coastal engineering, permitting, project bidding and environmental services for the fifth beach renourishment. Funding will be reimbursed from Federal, State, and County sources. Funding is available from 332-4164-572-31.30 (Beach Restoration Fund: Professional Services/Engineering/Architectural).
- G. **STATE HOUSING INITIATIVE PARTNERSHIP (SHIP) AND COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)/HOUSING REHABILITATION GRANT AWARDS:** Approve two (2) Housing Rehabilitation contract awards for 2114 S.W. 12th Court to Cordoba Construction Company, Inc., in the amount of \$34,878.21 and 912 S.W. 3rd Street to Built Solid Construction, LLC., in the amount of \$35,247.99, for housing rehabilitation under the State Housing Initiative Partnership (SHIP) and Community Development Block Grant (CDBG) Housing Rehabilitation Program. Funding is available from 118-1924-554-49.19 (Neighborhood Services: Other Current Charges/Housing Rehabilitation) and 118-1963-554-49.19 (Neighborhood Services: Other Current Charges/Housing Rehabilitation).
- H. **CHANGE TO THE COMMISSION RULES OF PROCEDURE:** Approve a change to the Commission Rules of Procedure setting time limits for presentations made at workshop meetings.
- I. **RESOLUTION NO. 13-11:** Approve Resolution No. 13-11 assessing costs for abatement action required to remove nuisances on 14 properties throughout the City.
- J. **AMENDMENT NO. 3 TO THE AGREEMENT/SUNGARD PUBLIC SECTOR, INC.:** Approve Amendment No. 3 to the Agreement with SunGard Public Sector, Inc. for a public safety software system to make various changes to licensing, training, and maintenance. Funding is available in 334-2111-521-66.10 (General Construction Fund: Books/Publications/Software).

- K. **AMENDMENT NO. 1 TO THE ACQUISITION AGREEMENT WITH ACS GOVERNMENT SYSTEMS, INC.; FIREHOUSE SOFTWARE:** Approve Amendment No. 1 to the Acquisition Agreement with ACS Government Systems, Inc. for Firehouse Software.
- L. **DONATION AGREEMENT/PLUG IN FLORIDA, INC.:** Approve a Donation Agreement with Plug In Florida, Inc. to provide the City with up to six (6) Electric Vehicle Charging Stations and funding to support installation costs.
- M. **FUNDING REQUEST/PUBLIC ART ADVISORY BOARD:** Approval to send the staff liaison and up to four (4) Public Art Advisory Board Members to the Florida Public Art Professionals Annual Conference on May 18-20, 2011 in Palm Beach County at a cost not to exceed \$700.00. Funding is available from 115-1702-579-31.90 (Special Projects Fund: Professional Services/Other Professional Services).
- N. **SPECIAL EVENT REQUEST/ART AND JAZZ ON THE AVENUE:** Approve a special event request to endorse Art and Jazz on the Avenue to be held on June 23, 2011 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. 6th 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 Avenue; to authorize staff support for security and traffic control, banner hanging and removal, barricade set up and removal, trash removal and clean up and EMS assistance.
- O. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:** Accept the actions and decisions made by the Land Development Boards for the period April 4, 2011 through April 15, 2011.
- P. **AWARD OF BIDS AND CONTRACTS:**
1. Purchase award to Rosso Paving & Drainage, Inc. in the amount of \$29,760.00 to replace approximately 2,400 square feet of settled and deteriorated concrete apparatus apron located on the east side of Fire Rescue Headquarters. Funding is available from 001-2311-522-46.10 (General Fund: Repair & Maintenance Services/Building Maintenance).
 2. Bid award to Anything-In-Fence in the amount of \$15,970.00 for fencing seven raw water wells at the Delray Beach Municipal Golf Course for the Raw Water Well Fence Installation Project. Funding is available from 442-5178-536-68.14 (Water & Sewer Renewal & Replacement Fund: Improvements Other/Production Well Rehab).
 3. Purchase award to Island Air Conditioning in the amount of \$40,935.00 for the replacement of three (3) air conditioning units at Pompey Park. Funding is available from 334-4125-572-46.10 (General Construction Fund: Repair & Maintenance Services/ Building Maintenance).

4. Purchase award to multiple vendors in the amount of \$619,128.89 for the replacement of twenty-three (23) vehicles. Funding is available from 501-3312-591-64.20 (Garage Fund: Machinery/Equipment Automotive).

9. **REGULAR AGENDA:**

A.A. **RESOLUTION NO. 14-11: ABANDONMENT OF RIGHTS-OF-WAY/FRANKLIN AT DELRAY BEACH:** Approve Resolution No. 14-11 abandoning rights-of-way within the Lambert Trailer Court Subdivision in conjunction with the proposed Franklin at Delray Beach development, located on the west side of South Federal Highway, approximately 320 feet south of S.E. 10th Street and north of the Plaza at Delray. (Motion to approve; Approved, 5-0)

1. **RIGHT-OF-WAY DEED AGREEMENT/FRANKLIN AT DELRAY BEACH:** Approve a right-of-way deed agreement for dedication of a new public road right-of-way for the proposed development, which will also provide access to four (4) existing single family homes located on the north side of the Lambert Trailer Court Subdivision. (Motion to approve; Approved, 5-0)

2. **ACCESS EASEMENT AGREEMENT/FLORANDA MHP, LLC/NEW CENTURY EXECUTIVE QUARTERS, LLC/ FRANKLIN AT DELRAY BEACH:** Approve a temporary Access Easement Agreement with Floranda MHP, LLC and New Century Executive Quarters, LLC to provide access to four (4) existing single family homes located on the north side of the Lambert Trailer Court Subdivision, until a new public roadway is constructed. (Motion to approve; Approved, 5-0)

3. **INDEMNIFICATION AGREEMENT/FLORANDA MHP, LLC/NEW CENTURY EXECUTIVE QUARTERS, LLC/FRANKLIN AT DELRAY BEACH:** Approve an Indemnification Agreement with Floranda MHP, LLC and New Century Executive Quarters, LLC for Franklin at Delray Beach. (Motion to approve; Approved, 5-0)

A.A.A. **RESOLUTION NO. 15-11: ABANDONMENT OF EASEMENTS: FRANKLIN AT DELRAY BEACH:** Approve Resolution No. 15-11 abandoning easements within the Lambert Trailer Court Subdivision in conjunction with the proposed Franklin at Delray Beach development, located on the west side of South Federal Highway, approximately 320 feet south of S.E. 10th Street and north of the Plaza at Delray. (Motion to approve; Approved, 5-0)

A. **PROPOSED AMENDMENT NO. 3 TO THE AGREEMENT/MATCH POINT, INC. REGARDING THE ATP CHAMPIONS TOUR EVENT:** Consideration of a proposed Amendment No. 3 to the Agreement with Match Point, Inc. regarding the ATP Champions Tour Event. (Motion to approve; Approved, 5-0)

- B. **WAIVER REQUESTS/HYATT PLACE:** Consider approval of four (4) waiver requests to Land Development Regulation (LDR) Section 4.4.13(F)(4)(c), “Parking Lot Setbacks”, Section 4.4.13.(F)(4)(a)(2), “Hotel Front Setback”, Section 4.6.9(D)(3)(c)(2), “Stacking Distance” and Section 4.6.9(D)(4)(c), “Maneuvering Area”, associated with a Class IV site plan modification for the Hyatt Place project located at the intersection of N.E. 1st Street and N.E. 1st Avenue. *(Quasi-Judicial Hearing)* (Motion to adopt board order as presented; Approved, 5-0)
- C. **APPEAL OF SITE PLAN REVIEW AND APPEARANCE BOARD ACTION: BURGERFI:** Consider an appeal of the Site Plan Review and Appearance Board’s decision approving a Class I site plan and architectural elevation change for Burgerfi located at 6 South Ocean Boulevard. *(Quasi-Judicial Hearing)* (Motion to adopt board order as presented; Approved, 5-0)
- D. **APPEAL OF SITE PLAN REVIEW AND APPEARANCE BOARD ACTION: BOSTON’S RESTAURANT:** Consider an appeal of the Site Plan Review and Appearance Board’s decision approving a Class II site plan modification and architectural elevation change for Boston’s Restaurant located at 40 South Ocean Boulevard. *(Quasi-Judicial Hearing)* (Motion to adopt board order as presented; Approved, 5-0)
- E. **TEMPORARY USE PERMIT/DAUGHTER OF ZION SEVENTH-DAY ADVENTIST CHURCH:** Consider a request for a temporary use permit by Daughter of Zion Seventh-Day Adventist Church to erect a tent on a vacant block owned by the Delray Beach Housing Authority (DBHA), located on SW 12th Avenue and 10th Street, from July 7, 2011 to August 13, 2011 to conduct six (6) weeks of nightly services from 7 p.m. to 9 p.m. and community outreach programs on Mondays and Wednesdays from 6 p.m. to 7 p.m. (Motion to **TABLE** to the May 3, 2011 Regular Meeting; Approved 5-0)
- F. **SERVICE AUTHORIZATION NO. 07-21/MATHEWS CONSULTING, INC./AUTOMATIC METER READ SYSTEM (AMR), EVALUATION:** Consider approval of Service Authorization No. 07-21 to Mathews Consulting, Inc. in the amount of \$65,612.00 for professional services to conduct a Water Meter Automatic Meter Read (AMR) System Evaluation. Funding is available from 441-5181-536-31.90 (Water and Sewer Fund: Professional Services/Other Professional Services). (Commissioner Gray away from the dais. Approved, 4-0)
- G. **APPOINTMENT TO THE CODE ENFORCEMENT BOARD:** Appoint one (1) regular 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 Carney (Seat #1). (Appointed Jason Dollard and approved, 4-0)
- H. **APPOINTMENT TO THE POLICE AND FIREFIGHTERS RETIREMENT SYSTEM BOARD OF TRUSTEES:** Appoint one (1) regular member to the Police and Firefighters Retirement System Board of Trustees for a two (2) year term ending April 22, 2013. Based upon the rotation system, the appointment will be made by Mayor McDuffie (Seat #5). (Appointed Alan Kirschenbaum and approved, 5-0)

- I. **APPOINTMENTS TO THE GREEN IMPLEMENTATION ADVANCEMENT BOARD:** Appoint one (1) regular member and one (1) alternate member to the Green Implementation Advancement Board to serve unexpired terms ending July 31, 2011. Based upon the rotation system, the appointments will be made by Mayor McDuffie (Seat #5) and Commissioner Carney (Seat#1). (Appointed Jeff Benavides and approved, 5-0. Commissioner Carney's appointment was **DEFERRED** to the May 3, 2011 Regular Commission Meeting)
 - J. **APPOINTMENT TO THE NEIGHBORHOOD ADVISORY COUNCIL:** Appoint one (1) student member to the Neighborhood Advisory Council Board to serve an unexpired term ending July 31, 2011. Based upon the rotation system, the appointment will be made by Commissioner Frankel (Seat #3). (Appointed Andrea Poveda and approved, 5-0)
 - K. **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 Mayor McDuffie (Seat #5). (Appointed Jose Herrera and approved, 5-0)
10. **PUBLIC HEARINGS:**
- A. **ORDINANCE NO. 13-11:** Consider a city-initiated amendment to the Land Development Regulations (LDR) Section 4.6.9(E)(3), "In-Lieu Fee", modifying the in-lieu fee assessed within the Pineapple Grove Main Street (expansion) Area. (Motion to approve; Approved, 5-0)
 - B. **ORDINANCE NO. 14-11:** Consider a city-initiated amendment to the Land Development Regulations (LDR) Section 7.9.11, "Boatlifts", to clarify setback requirements. (Motion to approve; Approved, 5-0)
 - C. **ORDINANCE NO. 15-11:** Consider amending Chapter 33, "Police and Fire-Rescue Departments"; Section 33.62, "Benefit Amounts and Eligibility", Subsection (E), "Disability Retirement Provisions", Sub-Subsection (5), "Disability Retirement Benefits", to increase the minimum service incurred disability benefit for firefighters; and amending Section 33.64, "Contributions", Subsection (A), "Member Contributions", to increase member contributions for firefighters. (**POSTPONED**)
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: APRIL 15, 2011

******** Meeting adjourned at 9:31 p.m. ********