

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, April 20, 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.

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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.** (There was additional information on the dais for Item 9.A., Drug Task Force Request for City Website Link. Approved, 5-0).
5. **APPROVAL OF MINUTES:**
 - A. April 6, 2010 – Regular Meeting (Approved, 5-0)
6. **PROCLAMATIONS:**
 - A. Teacher Appreciation Week – May 2-8, 2010
 - B. National Preservation Month – May 2010
 - C. World Tai Chi and Qigong Day – April 24, 2010
 - D. Earth Month – April 2010
 - E. Municipal Clerk’s Week – May 2-8, 2010
7. **PRESENTATIONS:**
 - A. S.P.I.R.I.T. (Service, Performance, Integrity, Responsibility, Innovation, Teamwork) Committee Quarterly Employee Awards Presentation
 - B. City of Delray Beach Residents Academy Certificates – Janet Meeks
8. **CONSENT AGENDA:** City Manager Recommends Approval. (Approved, 5-0)
 - A. **HOLD HARMLESS AGREEMENT/JP MORGAN CHASE BANK, N.A.:** Approve a Hold Harmless Agreement with JP Morgan Chase Bank, N.A. to install a water main within Florida Department of Transportation (FDOT) right-of-way at the intersections of N.E. 7th Street and both north and southbound Federal Highway for the property located at the northwest corner of N.E. 7th Street and northbound Federal Highway.
 - B. **INTERLOCAL GRANT AGREEMENT/PALM BEACH COUNTY/BUS SHELTERS:** Approve an Interlocal Grant Agreement with Palm Beach County for reimbursement for the installation of twenty-five (25) bus shelters utilizing American Recovery Reinvestment Act (ARRA) grant funds.

- C. **RENEWAL OF AGREEMENT WITH QUALITY TRANSPORT SERVICES, INC./DOWNTOWN ROUNDABOUT SHUTTLE SYSTEM:** Approve renewing an Agreement with Quality Transport Services, Inc. to operate the Downtown Roundabout Shuttle System to extend the agreement to April 2011, contingent upon the addition of a termination clause to allow a change to trolley-style vehicles.
- D. **GRANT FUNDING REQUEST/METROPOLITAN PLANNING ORGANIZATION (MPO)/TRANSPORTATION ENHANCEMENT PROJECT:** Authorize staff to apply for grant funding in the amount of up to \$1,500,000.00 through the Metropolitan Planning Organization (MPO) for two (2) Transportation Enhancement projects.
- E. **RESOLUTIONS NO. 24-10 AND NO. 25-10: FDOT MAINTENANCE MEMORANDUM OF UNDERSTANDING - JOINT PARTICIPATION AGREEMENTS/WEST ATLANTIC AVENUE LANDSCAPING PROJECT:** Approve Resolution 24-10 authorizing a Maintenance Memorandum of Understanding with the Florida Department of Transportation and Resolution 25-10 approving Joint Participation Agreements with the Florida Department of Transportation for the West Atlantic Avenue Landscaping Project.
- F. **RESOLUTION NO. 18-10:** Approve Resolution No. 18-10 assessing costs for abatement action required to remove nuisances on nine (9) properties throughout the City.
- G. **DISASTER RECOVERY INITIATIVE (DRI)/HOUSING REHABILITATION GRANT/CONTRACT AWARDS:** Approve one (1) Housing Rehabilitation grant award for the project located at 1332 Prospect Street to Jemstone Construction Group, Inc., the lowest responsive bidder, in the amount of \$18,220.92 for housing rehabilitation under the Disaster Recovery Initiative (DRI) Program. Funding is available from 118-1960-554-49.19 (Neighborhood Services/Other Current Charges/Housing Rehabilitation).
- H. **RESOLUTION NO. 19-10/LOCAL HOUSING ASSISTANCE PLAN (LHAP) FY 2010-2013:** Approve Resolution No. 19-10, adopting the Local Housing Assistance Plan (LHAP) for Fiscal Years 2010-2013.
- I. **PROFESSIONAL SERVICES VENDOR LIST/NEIGHBORHOOD STABILIZATION PROGRAM (NSP):** Approve the list of vendors for 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; and authorize the City Manager to sign purchase agreements for the acquisition of properties under the NSP initiative. Funding is available from 118-1935-554-34.90 (Neighborhood Services/Other Contractual Services).

- J. **FIRST AMENDMENT TO THE CROSS EASEMENT AGREEMENT/AUBURN TRACE LLC./SCHOOL BOARD OF PALM BEACH COUNTY:** Approve a First Amendment to the Cross Easement Agreement with Auburn Trace, LLC., the School Board of Palm Beach County and the City to confirm platted drainage rights into retention areas.
- K. **RESOLUTION NO. 22-10: ABANDONMENT OF SEWER EASEMENT FOR STAKLER HOLDINGS, LLC./PUTT N' AROUND DELRAY BEACH:** Approve Resolution No. 22-10 abandoning a 10' sewer easement dedicated to the City via an Easement Deed recorded in Official Records Book 921, Page 421 of the Public Records of Palm Beach County, Florida for development of a proposed 36-hole miniature golf course located on the west side of N.E. 5th Avenue, between 3rd and 4th Streets (350 and 362 NE 5th Avenue).
1. **ACCEPTANCE OF A WATER EASEMENT/STAKLER HOLDINGS, LLC./PUTT N' AROUND DELRAY BEACH:** Approve and accept a 4' easement for an existing water main in conjunction with development of a proposed 36-hole miniature golf course located on the west side of N.E. 5th Avenue, between N.E. 3rd Street and N.E. 4th Street (350 and 362 N.E. 5th Avenue).
- L. **SPECIAL EVENT REQUEST/AVDA 5K WALK/RUN:** Approve a special event request to endorse the 13th Annual Aid to Victims of Domestic Abuse, Inc. (AVDA) 5K Walk/Run to be held on Saturday, October 9, 2010 from 7:30 a.m. until approximately 11:00 a.m., with set up at 5:00 a.m., to grant a temporary use permit per LDR Section 2.4.6(F) for the use of Anchor Park and the City right-of-way along Ocean Boulevard from Casuarina to George Bush Boulevard, to waive parking meter fees in the Anchor Park and Sandoway lots from 5:00 a.m. to 11:00 a.m., and to authorize staff assistance for providing traffic control, barricading, signage, trash clean up and removal, City generator use, and set up and use of half of the small stage; contingent on the sponsor providing the required liability insurance and hold harmless agreement.
- M. **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 May 6, 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.
- N. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:** Accept the actions and decisions made by the Land Development Boards for the period April 5, 2010 through April 16, 2010.

O. **AWARD OF BIDS AND CONTRACTS:**

1. Purchase award to CMS Imaging, Inc. in the amount of \$81,510.00 for X-Ray equipment and applicable shipping costs for the Employee Health and Wellness Center. Funding is available from 551-1571-591-31.20 (Insurance Fund: Professional Services/Medical).
2. Purchase award to DCR Engineering Services, Inc. in the amount of \$50,000.00 for a Motorola ACE3600 Controller to upgrade the Fire Station Alerting System. Funding is available from 334-2311-522-63.90 (General Construction Fund: Other Improvements/Improvements Other).
3. Purchase award to Hall-Mark Fire Apparatus in the amount of \$243,184.86 for one (1) 2010 Navistar 4300LP Custom Rescue Transport Vehicle. Funding is available from 501-3312-591-64.25 (Garage Fund: Machinery/Equipment/Heavy Equipment).

9. **REGULAR AGENDA:**

- A. **DRUG TASK FORCE REQUEST FOR CITY WEBSITE LINK:** Consider approval of a request from the Delray Beach Drug Task Force to provide links to their website on the City and Police Department web sites. (Motion to approve as recommended by the City Attorney; Approved, 5-0)
- B. **CONSULTING SERVICE AUTHORIZATION/AECOM TECHNICAL SERVICES, INC./VETERANS PARK:** Consider approval of a Consulting Service Authorization with AECOM Technical Services, Inc. in the amount of \$43,500.00 for preparing a Master Plan for Veterans Park. Funding is available from 334-4126-572-31.90 (General Construction Fund/Professional Services/Other Professional Services). (Motion to approve; Approved, 5-0)
- C. **AMENDMENT TO THE NOTE, MORTGAGE MODIFICATION AND SUBORDINATION AGREEMENT/AUBURN TRACE, LTD.:** Consider approval of an Amendment to the Note, Mortgage Modification and Subordination Agreement between the City and Auburn Trace, Ltd. (Motion to approve; Approved, 5-0)
- D. **RESOLUTION NO. 28-10:** Consider approval of Resolution No. 28-10 opposing proposed Amendment No. 4 (Hometown Democracy) to the Florida Constitution. (Motion to approve; Approved, 5-0)
- E. **APPOINTMENT OF OUTSIDE COUNSEL/HOUSING AND URBAN DEVELOPMENT (HUD) COMPLAINT:** Consider approval of outside counsel; Weiss, Serota, Helfman, Pastoria, Cole and Boniske, P.L.; to assist with the Housing and Urban Development (HUD) complaint that has been filed against the City as well as certain requests related to the City's reasonable accommodation ordinance. (Motion to approve; Approved, 5-0)

- F. **APPOINTMENT TO THE POLICE ADVISORY BOARD:** Appoint one (1) regular member to the Police Advisory Board to serve an unexpired term ending July 31, 2011. Based upon the rotation system, the appointment will be made by Commissioner Fetzner (Seat #2). (Appointed Matthew Monahan and approved, 5-0)

10. **PUBLIC HEARINGS:**

- A. **WAIVER REQUEST/ACQUISITION OF REAL PROPERTY:** Consider a waiver of advertising and adoption of Resolutions as required by City Code Section 36.04, "Acquisition of Real Property", for purchase of multiple properties located within the City's Neighborhood Stabilization Program (NSP) target area. (Motion to approve; Approved, 5-0)
- B. **ORDINANCE NO. 08-10:** Consider a city-initiated amendment to the Land Development Regulations (LDR) Section 4.6.14, "Visibility at Intersections", Section 5.3.1, "Streets" (rights-of-way), Section 6.1.2, "Streets and Alleys", Section 6.1.3, "Sidewalks", and Section 6.1.4, "Driveways and Points of Access", to update current development standards to better reflect the City's efforts to encourage multiple modes of transportation as well as providing a more reasonable and consistent application of sight visibility. (Motion to approve; Approved, 5-0)
- C. **AMENDMENT TO COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN (FY 2008-2009)/SUB RECIPIENT FUNDING AGREEMENT/ALOHA CLEANERS NUNZIA, INC.:** Approve an Amendment to the Community Development Block Grant (CDBG) FY 2008-2009 Annual Action Plan to reallocate \$35,000.00 toward Economic Development Activities located within the CDBG target area; and authorize execution of a sub-recipient funding agreement with the Aloha Cleaners Nunzia, Inc., under the CDBG program for FY 2009-2010. Funding is available from 118-1966-554-83.01 (Neighborhood Services/Other Grants and Aids). (Motion to approve; Approved, 5-0)
- D. **RESOLUTION NO. 26-10/REVISED CONTRACT FOR SALE AND PURCHASE/WELLS FARGO FINANCIAL SYSTEM FLORIDA/3740 LANCEWOOD PLACE:** Consider approval of Resolution No. 26-10 for a new sales agreement between the City and Wells Fargo Financial System Florida for the property located at 3740 Lancewood Place increasing the price from \$135,000.00 to \$140,000.00. (Motion to approve; Approved, 5-0)
- E. **RESOLUTION NO. 17-10/CONTRACT FOR SALE AND PURCHASE/SHARON CLECKLEY/ZEDER AVENUE:** Consider approval of Resolution No. 17-10 authorizing the City to purchase a vacant lot located at Southridge Lot 20 Block 10 (Zeder Avenue), to be utilized for affordable housing purposes; and approve a Contract for Sale and Purchase between the City and Sharon Cleckley in the amount of \$20,000.00. (Approved, 5-0)

- F. **RESOLUTION NO. 16-10/CONTRACT FOR SALE AND PURCHASE/DEUTSCHE BANK NATIONAL TRUST COMPANY/301 S.W. 8th STREET:** Consider approval of Resolution No. 16-10 authorizing the City to purchase a foreclosed property located at 301 S.W. 8th Street, to be utilized for affordable housing purposes; and approve a Contract for Sale and Purchase between the City and Deutsche Bank National Trust Company in the amount of \$73,000.00. **(STAFF HAS REQUESTED THIS ITEM BE REMOVED AS THE PROPERTY IS NO LONGER AVAILABLE)** (Motion to remove this item from the agenda; 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: APRIL 16, 2010

******** Meeting adjourned at 7:28 p.m. ********