

City of Delray Beach

Regular Commission Meeting



RULES FOR PUBLIC PARTICIPATION

Tuesday, January 5, 2010

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.**
5. **APPROVAL OF MINUTES:**
 - A. December 1, 2009 – Regular Meeting
 - B. December 8, 2009 – Regular Meeting
6. **PROCLAMATIONS:**
 - A. Martin Luther King, Jr. Day – January 18, 2010
 - B. Delray Beach Poetry Week – January 18-23, 2010
 - C. Mental Health Month – January 2010
7. **PRESENTATIONS:**
 - A. “You are Not Alone” – Dave and Creig Smith
 - B. Site Plan Review and Appearance Board (SPRAB) Awards
8. **CONSENT AGENDA:** City Manager Recommends Approval.
 - A. **FINAL SUBDIVISION PLAT APPROVAL/WORTHING PLACE BLOCK 77 REPLAT:** Approve the final boundary plat for Worthing Place Block 77 Replat, located at 32 S.E. 2nd Avenue.
 - B. **CHANGE ORDER NO. 8/WEST CONSTRUCTION, INC./MILLER PARK IMPROVEMENTS:** Approve Change Order No. 8 in the amount of \$14,332.50 to West Construction, Inc., to install Celebration Bermuda Sod as a substitute for Tiffway Bermuda 419 Sod, for the Miller Park Project. Funding is available from 334-4173-572-63.90 (General Construction Fund/Improvements Other/Other Improvements).
 - C. **CONSENT TO ASSIGNMENT FROM GLATTING JACKSON KERCHER ANGLIN TO AECOM TECHNICAL SERVICES:** Approve the Consent to Assignment of the professional services agreement dated April 7, 2007 from Glattig Jackson Kercher Anglin, Inc. to AECOM Technical Services.

- D. **TAKEOVER AGREEMENT/COMMERCIAL INSURANCE ALLIANCE COMPANY:** Approve a Takeover Agreement with Commercial Insurance Alliance Company (Surety), which provides that the Surety shall take over the landscaping project at the Atlantic Avenue and I-95 gateway from the contractor, Garden World of Holiday, Inc.
- E. **HOLD HARMLESS AGREEMENTS/HAPPY TOGETHER PLAT:** Approve a Hold Harmless Agreement between the City and Herbert Sainio, associated with the Happy Together Plat located at the northwest corner of N.W. 4th Avenue and N.W. 9th Street.
- F. **HOLD HARMLESS AGREEMENT/STANMORE DEVELOPMENT, LLC/MIDTOWN DELRAY:** Approve a Hold Harmless Agreement with Stanmore Development, LLC for improvements in the right-of-way associated with the Midtown Delray Medical Building located at 4600 Linton Boulevard.
- G. **RESOLUTION NO. 01-10:** Approve Resolution No. 01-10 assessing costs for abatement action required to remove nuisances on 24 properties throughout the City.
- H. **AGREEMENT/FLORIDA DEPARTMENT OF LAW ENFORCEMENT (FDLE)/NCIC/FCIC SYSTEM:** Approve an Agreement with Florida Department of Law Enforcement (FDLE) for use of the National Crime Information Center (NCIC)/Florida Crime Information Center (FCIC) System by the Police Department.
- I. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:** Accept the actions and decisions made by the Land Development Boards for the period December 7, 2009 through December 31, 2009.
- J. **AWARD OF BIDS AND CONTRACTS:**
1. Contract award to American Lighting Maint., Inc. in the amount of \$15,350.00 for the installation of three (3) scoreboards at Miller Park. Funding is available from 334-4173-572-63.90 (General Construction Fund/Improvements Other/Other Improvements).
 2. Contract award to A & A Associates in an estimated annual cost of \$15,840.00 for security services at Pompey Park. Funding is available from 001-4127-572-31.90 (General Fund/Professional Services/Other Professional Services).
 3. Contract award to Power-Tel Utility Products, Inc. in the amount of \$24,694.00 for the purchase of a ground penetrating radar locator system as satisfaction of civil penalties for the accidental release of wastewater from Lift Station #18's force main (located on Andrews Avenue near Lowry Street) on June 2, 2009. Funding is available from 441-5161-536-64.90 (Water and Sewer Fund/Machinery/Equipment/Other Machinery/Equipment).

4. Purchase award to Mohawk Resources Ltd in the amount of \$38,523.76 for the purchase of five (5) replacement vehicle lifts for the City garage. Funding is available from 501-3311-591-64.90 (Garage Fund/Machinery/ Equipment/ Other Machinery/Equipment).

9. **REGULAR AGENDA:**

- A. **WAIVER REQUESTS/DELAIRE COUNTRY CLUB:** Consider a waiver request to Land Development Regulations (LDR) Section 2.4.6(F) “Temporary Use Permit” to allow use of three (3) modular trailers to house the golf pro shop, tennis pro shop, and fitness center during remodeling of the existing clubhouse; and a waiver to LDR Section 4.4.3(I)(3) “Construction Site Conditions/Restrictions” to allow increased construction trailer size, in association with remodeling the Delaire Country Club located at 4645 White Cedar Lane. *(Quasi-Judicial Hearing)*
- B. **CONDITIONAL USE REQUEST/EUROPCAR:** Consider a conditional use request to allow construction of a 540 square foot building on the west side of the existing structure to be utilized as an enclosed paint booth for Europcar, located on the south side of S.E. 4th Street and west of the FEC Railroad. *(Quasi-Judicial Hearing)*
 1. **WAIVER REQUEST/EUROPCAR:** Consider a waiver request to Land Development Regulations (LDR) Section 4.4.13(F)(1)(a), “Height”, which requires a 25 feet minimum building height. *(Quasi-Judicial Hearing)*
- C. **CONDITIONAL USE REQUEST/DELRAY SCRAP RECYCLING:** Consider a conditional use request to allow the establishment of a scrap recycling and storage business for Delray Scrap Recycling, located at 725 S.W. 16th Avenue. *(Quasi-Judicial Hearing)*
- D. **SPECIAL EVENT REQUEST/PRO-BOWL TAILGATE PARTY:** Consider approval of a special event request for the Pro-Bowl Tailgate Party to be produced by the Chamber of Commerce Destination Delray Task Force and co-produced by the City of Delray Beach to be held on Friday, January 29, 2010 from 5:00 p.m. to 10:00 p.m.; to grant a temporary use permit per LDR’s Section 2.4.6(F) for use and closure of A-1-A from the south side of Atlantic Avenue to just north of the Bermuda Inn driveway from 3:00 p.m. to 11:00 p.m.; and to authorize staff support for security and traffic control, EMS services, barricading, site cleanup, use of the large city stage, trash boxes, and use of the portable generator; and to leave the Sandoway parking lot and Marriott lot open until 11:00 p.m.
- E. **AGREEMENT/AMERICAN TRAFFIC SOLUTIONS (ATS):** Consider a revised agreement between the approved vendor, American Traffic Solutions (ATS), and the City for the implementation of a Red Light Enforcement Program.

- F. **LEASE AGREEMENT/COMMUNITY REDEVELOPMENT AGENCY (CRA)/OLD SCHOOL SQUARE GARAGE:** Consider a proposed Lease Agreement with the Community Redevelopment Agency regarding the Old School Square Garage retail space.
- G. **VOTE PROCESSING EQUIPMENT USE AND ELECTIONS SERVICES AGREEMENT:** Consider approval of a Vote Processing Equipment Use and Election Services Agreement between the Palm Beach County Supervisor of Elections and the city for conducting municipal elections.
- H. **APPOINTMENTS TO THE CODE ENFORCEMENT BOARD:** Appoint three (3) regular members and two (2) alternate members to serve three (3) year terms ending January 14, 2013 and one (1) regular member to serve an unexpired term ending January 14, 2012 to the Code Enforcement Board. Based upon the rotation system, the appointments will be made by Commissioner Fetzer (Seat #2), Commissioner Frankel (Seat #3), Commissioner Gray (Seat #4), Mayor McDuffie (Seat #5), Commissioner Eliopoulos (Seat #1) and Commissioner Fetzer (Seat #2).
- I. **APPOINTMENTS TO THE POLICE ADVISORY BOARD:** Appoint one (1) regular member to the Police Advisory Board for a two (2) year term ending July 31, 2011 and one (1) regular member to serve an unexpired term ending July 31, 2010. Based upon the rotation system, the appointments will be made by Commissioner Frankel (Seat #3) for one (1) regular member to serve a two (2) year term ending July 31, 2011, and Commissioner Fetzer (Seat #2) for one (1) regular member to serve an unexpired term ending July 31, 2010.
- J. **APPOINTMENTS TO THE PARKING MANAGEMENT ADVISORY BOARD:** Appoint four (4) regular members to the Parking Management Advisory Board to serve two (2) year terms ending July 31, 2012. Based upon the rotation system, the appointments will be made by Commissioner Frankel (Seat #3), Commissioner Gray (Seat #4), Mayor McDuffie (Seat #5) and Commissioner Eliopoulos (Seat #1).
- K. **APPOINTMENT TO PUBLIC EMPLOYEES RELATIONS COMMISSION:** Appoint one (1) regular member to the Public Employees Relations Commission (PERC) for a four (4) year term ending January 29, 2014. Based upon the rotation system, the appointment will be made by Commissioner Gray (Seat #4).
- L. **FUNDING REQUEST/COMMUNITY REDEVELOPMENT AGENCY (CRA):** Consider making a request for the Community Redevelopment Agency (CRA) to assist the City in funding artificial turf to be permanently placed at the Seacrest Athletic Facility to be used for a year-round sports training camp.

10. **PUBLIC HEARINGS:**

- A. **ORDINANCE NO. 61-09:** Consider a city-initiated amendment to the Code of Ordinances Chapter 53, "Sanitary Sewer", to comply with the new local discharge limits that were approved by the Florida Department of Environmental Protection (FDEP) for the South Central Regional Wastewater Treatment Plant (SCRWTP).

- B. **ORDINANCE NO. 01-10 (FIRST READING/FIRST PUBLIC HEARING):**
Consider a city-initiated amendment to Land Development Regulations (LDR) pertaining to Assisted Living Facilities and Continuing Care Facilities. If passed, a second public hearing will be held on January 19, 2010.
 - C. **ORDINANCE NO. 02-10 (FIRST READING/FIRST PUBLIC HEARING):**
Consider a city-initiated amendment to the Land Development Regulations (LDR) pertaining to Community Residential Homes and Group Homes. If passed, a second public hearing will be held on January 19, 2010.
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. 03-10:** Consider a privately-initiated rezoning from CF (Community Facilities) to RM (Medium Density Residential) for a 0.387 acre parcel of land known as the Bordman Property, located on the west side of Oceanview Avenue, south of Gulfstream Boulevard. If passed, a public hearing will be held on January 19, 2010.
 - B. **ORDINANCE NO. 04-10:** Consider modification of the Blood's Grove SAD (Special Activities District) Ordinance No. 46-07, in conjunction with a change to add an additional 1,088 sq. ft. to an existing 29,780 sq. ft. medical office building to total 30,868 sq. ft. for the Midtown Medical Building, located at the southwest corner of Linton Boulevard and Old Germantown Road (4600 Linton Boulevard). If passed, a public hearing will be held on January 19, 2010.
 - C. **ORDINANCE NO. 05-10:** Consider a city-initiated amendment to the Land Development Regulations (LDR) Section 2.4.7(G), "Requests for Reasonable Accommodation", to provide an exception to the property address requirement on the "Request Form for Reasonable Accommodation". If passed, a public hearing will be held on January 19, 2010.
13. **COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS.**
- A. City Manager
 - B. City Attorney
 - C. City Commission

POSTED: DECEMBER 31, 2009