

City of Delray Beach

Regular Commission Meeting



RULES FOR PUBLIC PARTICIPATION

Tuesday, January 15, 2008

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:**
 - January 8, 2008 – Special/Workshop Meeting
6. **PROCLAMATIONS:**
 - A. Recognizing Black History Month – February 2008
 - B. Recognizing 2-1-1 Awareness Week – February 11 – 18, 2008
7. **PRESENTATIONS:**
 - A. S.P.I.R.I.T. (Service, Performance, Integrity, Responsibility, Innovation, Teamwork) Committee Employee Awards Presentation
 - B. Special Recognition Award – Reeve Bright
 - C. Presentation regarding the Florida Recreation Development Assistance Program (FRDAP) Grants/Bexley Trail Community and Eagle Parks - Representative Maria Sachs
 - D. MLK Drive Beautification Project – Alberta McCarthy
 - E. Site Plan Review and Appearance Board (SPRAB) Awards
8. **CONSENT AGENDA:** City Manager Recommends Approval.
 - A. **ACCEPTANCE OF EASEMENT DEED/YACHT CLUB AT DELRAY BEACH:** Approve and accept an easement deed for the installation of a public sidewalk to be constructed in front of an existing City lift station and adjacent to MacFarlane Drive.
 - B. **REQUEST FOR SIDEWALK DEFERRAL/418 NORTH OCEAN BOULEVARD:** Approve a request to defer the installation of a sidewalk in front of 418 North Ocean Boulevard.

- C. **CONTRACT CLOSEOUT (C.O. NO. 1/FINAL)/HARTZELL CONSTRUCTION, INC.:** Approve a Contract Closeout (C.O. No. 1) in the amount of a \$15,568.50 decrease and a final payment in the amount of \$4,161.37 to Hartzell Construction, Inc. for the completion of the Community Improvement Sidewalk Project. Funding is available from 118-1965-554-63.11 (Community Development Fund/Bikepaths/Sidewalks).
- D. **SERVICE AUTHORIZATION NO. 8/SPATIAL FOCUS, INC.:** Approve Service Authorization No. 8 in the amount of \$19,025.00 to Spatial Focus, Inc. for assistance in developing a prototype software application for creating the annual Capital Improvement Program. Funding is available from 448-5411-538-31.90 (Stormwater Utility Fund/Other Professional Services) and 442-5178-536-31.90 (Water/Sewer Renewal and Replacement Fund/Other Professional Services).
- E. **SERVICE AUTHORIZATION 14.5/CURRIE SOWARDS AGUILA ARCHITECTS:** Approve Service Authorization No. 14.5 in the amount of \$3,750.00 to Currie Sowards Aguila Architects for supplemental consulting services resulting from site revisions to the Mangrove Park Project as required by the South Florida Water Management District (SFWMD). Funding is available from 334-4174-572-63.90 (General Construction Fund/Intracoastal Park/Other Improvements).
- F. **SERVICE AUTHORIZATION NO. 07-03/MATHEWS CONSULTING, INC.:** Approve Service Authorization No. 07-03 in the amount of \$27,763.00 to Mathews Consulting, Inc. for a surface water management study of the S.W. Area. Funding is available from 448-5411-538-31.30 (Stormwater Utility Fund/Engineering/Architect).
- G. **AGREEMENT/ERDMAN ANTHONY AND ASSOCIATES, INC.:** Approve an agreement between the City and Erdman Anthony and Associates, Inc. in the amount of \$38,200.00 for the design of trombone mast arm signals at the intersection of S.W. 2nd Avenue and West Atlantic Avenue. Funding is available from 334-3162-541-65.87 (General Construction Fund/Capital Outlay/S.W. 2nd Avenue-S.W. 1st Street-West Atlantic Avenue).
- H. **RESOLUTION NO. 02-08/FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT)/COMMUNITY REDEVELOPMENT AGENCY (CRA):** Approve and adopt Resolution No. 02-08 authorizing execution of a Locally Funded Agreement (LFA) with the Florida Department of Transportation (FDOT) and approve a Memorandum of Agreement (MOA) with FDOT and the State Department of Financial Services, Division of Treasury for funding in the amount of \$1,596,848.26 for improvements along Atlantic Avenue between N.W. 12th Avenue and SR A-1-A. Of this cost, \$1,500,000 will be paid by the Community Redevelopment Agency (CRA).
- I. **HOLD HARMLESS AGREEMENT/DELRAY CLUB, INC.:** Approve and authorize a Hold Harmless Agreement between the City and Delray Club, Inc. for the work performed within the State right-of-way. The Delray Club, Inc. is located at 2001 South Ocean Boulevard.

- J. **FUNDING ACCOUNT CHANGE/BARWICK ROAD CURBING AND SWALE PROJECT:** Approve an account funding change from the General Construction Fund/Other Improvements/Barwick Road Sidewalks (334-3162-541-68.02) to the Stormwater Utility Fund/Barwick Road (448-5461-538-65.36) for the work awarded to Chaz Equipment Company, Inc. under a Contract Addition (C.O. No. 6) for the Block 64 Alley Improvement Project.
- K. **PURCHASE AWARD/HARTZELL CONSTRUCTION, INC.:** Approve a purchase award in the amount of \$32,480.00 for Hartzell Construction, Inc. to paint the hallways on the first and second floor of the Police Department. Funding is available from 001-2111-521-46.10 (General Fund/Building Maintenance).
- L. **VOLUNTEER PROGRAM HANDBOOK/PARKS AND RECREATION DEPARTMENT:** Approve a request to implement a new Volunteer Program Handbook to be utilized by the Parks and Recreation Department.
- M. **MEMORANDUM OF UNDERSTANDING/ADDENDUM TO OPEN ROADS POLICY/FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT):** Approve a Memorandum of Understanding and an Addendum to the Open Roads Policy with the Florida Department of Transportation (FDOT) regarding the development of a Traffic Incident Management Team (TIM) Strategic Plan.
- N. **ADDENDUM NO. 1 TO CONSULTING AGREEMENT/LANGTON ASSOCIATES, INC./GRANT WRITING SERVICES:** Approve Addendum No. 1 to the Consulting Agreement between the City and Langton Associates, Inc. to include the language to provide for the period November 1, 2006 through December 31, 2007, in order to cover the lapse as the term of the agreement approved at the January 3, 2008 Regular Commission meeting does not begin until January 1, 2008.
- O. **AMENDMENT NO. 1 TO THE AGREEMENT/PALM BEACH COUNTY:** Approve Amendment No. 1 to the agreement between the City and Palm Beach County for the Disaster Recovery Initiative (DRI) regarding the demolition of Carver Estates extending the deadline for completion to July 31, 2008.
- P. **AMENDMENT NO. 1 TO THE AGREEMENT/PALM BEACH COUNTY/NEIGHBORHOOD RESOURCE CENTER (NRC) SHUTTERING PROJECT:** Approve Amendment No. 1 to the agreement between the City and Palm Beach County for the Neighborhood Resource Center (NRC) Shuttering Project through the Disaster Recovery Initiative (DRI) Program to extend the deadline for completion to March 15, 2008.

- Q. **SPECIAL EVENT REQUEST/SAINT PATRICK'S DAY PARADE:** Approve a special event request to conduct the 40th Annual St. Patrick's Day Parade on Saturday, March 15, 2008, beginning with setup at 11:00 a.m., parade starting at 1:00 p.m. and ending at approximately 2:30 p.m., and to grant a temporary use permit per LDR's Section 2.4.6(F) for the use of Atlantic Avenue from Venetian Drive to N.W. 1st Avenue for the parade and Venetian Drive and Gleason Street for staging of parade entries and the Old School Square surface parking lot from 11:00 a.m. to 7:30 p.m.; and to approve staff support for traffic control and security, barricading, EMS assistance, trash removal, assistance in obtaining the FDOT permit and to allow event signage to be put up no earlier than March 7, 2008; contingent on the receipt of a hold harmless agreement and receipt of the certificate of liability insurance.
- R. **CANCELLATION/INTERLOCAL AGREEMENTS/COMMUNITY REDEVELOPMENT AGENCY/LA FRANCE HOTEL AND 133 N.W. 5TH AVENUE:** Approve the cancellation of the Interlocal Agreements between the City and the Community Redevelopment Agency (CRA) for the purchase and sale of the La France Hotel and 133 N.W. 5th Avenue properties.
- S. **CONTRACT RENEWAL/ACCURATE PARKING, INC.:** Approve renewal of a contract with Accurate Parking, Inc. for staffing of the Old School Square, Bob Federspiel and the South County Courthouse Garages on weekend evenings (Thursdays, Fridays and Saturdays) and special events. Funding is available from 001-3151-545-34.90 (General Fund/Other Contractual Services).
- T. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:** Accept the actions and decisions made by the Land Development Boards for the period January 3, 2008 through January 11, 2008.
- U. **AWARD OF BIDS AND CONTRACTS:**
1. Contract award to Chaz Equipment Company, Inc. in the amount of \$47,950.00 for the emergency repair of a collapsed sanitary sewer main along A-1-A, south of Lewis Cove. Funding is available from 442-5178-536-63.51 (Stormwater Utility Fund/Sewer Mains).
 2. Purchase award to Stryker in the amount of \$46,340.00 for the purchase of five (5) Stryker Model 6500 Power-Pro Ambulance Patient Stretchers for the Fire-Rescue Department. Funding is available from 001-2315-526-64.90 (General Fund/Other Machinery/Equipment).

9. **REGULAR AGENDA:**

- A. **WAIVER REQUESTS/508 S.E. 3RD AVENUE:** Consider a waiver request to Land Development Regulations (LDR) Section 4.3.4(K), "Development Standards Matrix" to reduce the lot frontage, lot width, and lot size for one of two proposed single family lots, located at the northwest corner of S.E. 6th Street and S.E. 3rd Avenue (508 S.E. 3rd Avenue). (*Quasi-Judicial Hearing*)

- B. **REQUEST FOR IN-LIEU PARKING SPACES/WAIVER REQUEST/ TAVERNA EROS:** Consider a request from Taverna Eros for the purchase of four (4) in-lieu parking spaces in the amount of \$62,400.00 to accommodate the creation of an outdoor dining area in the parking area immediately adjacent to the west side of the building and fronting Atlantic Avenue; and an associated waiver request to Land Development Regulations (LDR) Section 4.6.9(E)(B), "In-Lieu Fee", which prohibits the purchase of in-lieu spaces to accommodate an expansion of use when the expansion eliminates existing parking spaces. The Taverna Eros is located at 8 East Atlantic Avenue. (*Quasi-Judicial Hearing*)
- C. **REQUEST FOR VALET PARKING SPACES/CITY LIMITS:** Consider a request from City Limits to reserve the use of six (6) parking spaces in the Railroad Parking Lot to provide valet parking services to accommodate a private party.
- D. **FY 2008 PERFORMANCE MEASURES/GOLF COURSES AND TENNIS FACILITIES:** Consider approval of proposed performance measures for FY 2008 for the Municipal Golf Course, Lakeview Golf Course, and Tennis Facilities.
- E. **LICENSE AGREEMENT/EASTER SUNRISE SERVICE:** Approve a license agreement with St. John Primitive Baptist Church for the use of the Tennis Stadium and Tennis Center site for an Easter Sunrise Service to be held on Sunday, March 23, 2008 from 6:00 a.m. to 9:00 a.m.; and waiver of the site rental fee, contingent on the receipt of a hold harmless agreement and receipt of the certificate of liability insurance.
- F. **SETTLEMENT OFFER IN GISLAINE DOMESTOIRE v. CITY OF DELRAY BEACH:** Consider a Settlement Offer in the total amount of \$13,000.00 in Gislaire Domestoire v. City of Delray Beach. Staff recommends approval subject to the receipt of the appropriate releases.
- G. **COMMUNITY WORKFORCE HOUSING INNOVATION PROGRAM (CWHIP) AGREEMENT FOR VILLAGES AT DELRAY:** Consider approval of the Community Workforce Housing Innovation Program (CWHIP) Agreement for Villages at Delray.
- H. **APPOINTMENTS TO THE BUDGET TASK FORCE COMMITTEE:** Appoint one (1) regular member and two (2) alternate members to the Budget Task Force for a six (6) month term. Based upon the rotation system, the appointments will be made by Commissioner Montague (Seat #4) and Commissioner McDuffie (Seat #3).
- I. **APPOINTMENT TO THE GREEN TASK FORCE:** Appoint one (1) regular member to the Green Task Force for a six (6) month term. Based upon the rotation system, the appointment will be made by Commissioner Montague (Seat #4).
- J. **APPOINTMENT TO THE CODE ENFORCEMENT BOARD:** Appoint one (1) alternate member to the Code Enforcement Board to serve an unexpired term ending January 14, 2010. Based upon the rotation system, the appointment will be made by Commissioner Fetzer (Seat #2).

- K. **APPOINTMENT TO THE EDUCATION BOARD:** Appoint one (1) student member to serve a partial term ending July 31, 2009. Based upon the rotation system, the appointment will be made by Commissioner Montague (Seat #4).
- L. **APPOINTMENTS TO THE PARKING MANAGEMENT ADVISORY BOARD:** Appoint three (3) regular members to the Parking Management Advisory Board to serve two (2) year terms ending January 31, 2010. Based upon the rotation system, the appointments will be made by Commissioner Fetzer (Seat #2), Commissioner McDuffie (Seat #3) and Commissioner Montague (Seat #4).
- M. **APPOINTMENT TO THE POLICE ADVISORY BOARD:** Appoint one (1) regular member to the Police Advisory Board to serve a two (2) year term ending December 13, 2009. Based upon the rotation system, the appointment will be made by Commissioner Montague (Seat #4).

10. **PUBLIC HEARINGS:**

- A. **ORDINANCE NO. 38-07 (FIRST READING/FIRST PUBLIC HEARING):** City initiated amendments to the Land Development Regulations (LDR) which intend to clarify the current regulations, provide parameters, and define compatible development within the City's five (5) historic districts and individually designated properties. If passed, a second public hearing will be scheduled for February 5, 2008.
- B. **ORDINANCE NO. 55-07 (SECOND READING/SECOND PUBLIC HEARING):** City initiated amendments to the Land Development Regulations (LDR) amending Section 1.4.3, "Enforcement"; Section 1.4.4, "Penalty", providing that neglect shall constitute a nuisance and providing for enforcement and penalties; Section 2.2.6(C), "Meeting and Quorum", providing for voting, 2.2.6(D), "Duties and Responsibilities", providing for express authority for the Historic Preservation Board to apply the Historic Compatibility Regulations; Section 4.5.1(E), "Development Standards", Subsection 4.5.1(E)(6), "Demolition", and 4.5.1(F), "Restrictions on Demolitions", providing requirements for the application and approval for demolition.
- C. **ORDINANCE NO. 03-08 (SECOND READING/SECOND PUBLIC HEARING):** Privately initiated amendment to the Land Development Regulations (LDR) Article 4.7 "Family/Workforce Housing", to expand the Carver Estates Overlay District.
- D. **ORDINANCE NO. 04-08 (SECOND READING/SECOND PUBLIC HEARING):** City initiated amendment to the Land Development Regulations (LDR) to clarify that residential uses within the Mixed Industrial and Commercial (MIC) zoning district are permitted only within the I-95/CSX Railroad Corridor Overlay District.
- E. **ORDINANCE NO. 02-08:** City initiated amendment to the Land Development Regulations (LDR) to reduce the duration over which a single parcel must be vacant for its development to qualify as in-fill development. **This ordinance has been TABLED.**

- F. **ORDINANCE NO. 01-08:** City initiated amendment to the Land Development Regulations (LDR) Section 2.4.3 “Submission Requirements” to specify the required scales to which various components of development plans must be prepared.

- 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: JANUARY 11, 2008