

City of Delray Beach

Regular Commission Meeting

AGENDA RESULTS



RULES FOR PUBLIC PARTICIPATION

Tuesday, August 7, 2007

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.** (Commissioner McDuffie absent)
2. **INVOCATION.**
3. **PLEDGE OF ALLEGIANCE TO THE FLAG.**
4. **AGENDA APPROVAL.** (Mayor noted Item 8.N.1 Purchase Award/Orkin Pest Control was moved to Item 9.A.A. under the regular agenda; Item 9.H, Nominations For The Florida Cities of Excellence Awards Program was added to the regular agenda by addendum; and Item 10.A. (Ordinance No. 22-07) Section 5, Page 9 was withdrawn due to applicant's request; Approved as amended, 4-0)
5. **APPROVAL OF MINUTES:**
 - July 24, 2007 – Regular Meeting (Approved, 4-0)
 - July 31, 2007 – Special Meeting (Approved, 4-0)
6. **PROCLAMATIONS:**
 - A. NONE
7. **PRESENTATIONS:**
 - A. NONE
8. **CONSENT AGENDA:** City Manager Recommends Approval. (Approved as amended, 4-0)
 - A. **RATIFICATION OF THE SOUTH CENTRAL REGIONAL WASTEWATER TREATMENT AND DISPOSAL BOARD ACTIONS:** Approve and ratify the action of the South Central Regional Wastewater Treatment and Disposal Board at their Quarterly Annual Meeting of July 19, 2007.
 - B. **CHANGE ORDER NO. 3/BLOCK 64 DRAINAGE AND WATER MAIN IMPROVEMENT PROJECT/CHAZ EQUIPMENT COMPANY, INC.:** Approve Change Order No. 3 in the amount \$20,000.00 to Chaz Equipment Company, Inc. for the connection of eight (8) properties to an 8” water main on Swinton Avenue for the Block 64 Drainage and Water Main Improvements Project. Funding is available from 442-5178-536-65.33 (Water/Sewer Renewal & Replacement Fund/Block 64 Improvements).
 - C. **CONTRACT CLOSEOUT (C.O. NO. 6/FINAL)/DURACLEAN, INC.:** Approve a Contract Closeout (C.O. No. 6/Final) in the amount of \$46,815.98 and final payment in the amount of \$49,825.98 to Duraclean, Inc. for the completion of the water damage remediation at Fire Stations No. 1, 2, 3 and 5. Funding is available from 001-2311-522-46.10 (Fire Department/General Fund/Building Maintenance).

- D. **CONTRACT CLOSEOUT (C.O. NO. 2/FINAL)/NEEDHAM ROOFING, INC.:** Approve a Contract Closeout (C.O. No. 2/Final) in the amount of \$19,452.00 decrease and final payment in the amount of \$28,506.00 to Needham Roofing, Inc. for completion of the Pompey Park Center Re-Roofing Project. Funding is available from 334-4172-572-46.10 (General Construction Fund/Building Maintenance).
- E. **CONTRACT REVISION AND RENEWAL/CONSULTING AGREEMENT/URBAN DESIGN STUDIO, LLC:** Approve the renewal of a revised consulting agreement with Urban Design Studio, LLC for Beach Overlay District review services. The review fee will increase from \$750.00 to \$850.00 and the contract period is from August 10, 2007 through August 9, 2008.
- F. **INTERLOCAL AGREEMENT/COMMUNITY REDEVELOPMENT AGENCY (CRA)/135 NW 5TH AVENUE:** Approve an Interlocal Agreement between the City and the Community Redevelopment Agency (CRA) for the management and funding of the construction/rehabilitation of 135 NW 5th Avenue by the City.
- G. **AMENDMENT/SUB-RECIPIENT HOUSING PARTNERSHIP AGREEMENT/DELRAY BEACH COMMUNITY LAND TRUST, INC.:** Approve an amendment to the Sub-Recipient Housing Partnership Agreement between the City and the Delray Beach Community Land Trust, Inc. for the purposes of subsidizing the costs associated with affordable housing units within the Community Land Trust.
- H. **FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) GRANTS FY 2008/DELRAY BEACH FAMILY RECREATION AND FITNESS CENTER/MILLER PARK:** Approve a request to apply for grants from the Florida Recreation Development Assistance Program (FRDAP) in the amount of \$90,000 for the Delray Beach Family Recreation and Fitness Center for playground equipment, fencing, walkways and drinking fountains, etc., and in the amount of \$200,000 for renovations to Miller Park.
- I. **RESOLUTION NO. 45-07:** Approve Resolution No. 45-07 naming the Western/Senior Community Center the “Delray Beach Family Recreation and Fitness Center”.
- J. **ADDITIONAL AUDIT FEES/CALER, DONTEN, LEVINE, DRUKER, PORTER & VEIL, P.A.:** Approve the payment of additional Audit Fees for FY 2006 in the amount of \$35,906.00 to Caler, Donten, Levine, Druker, Porter & Veil, P.A. for additional audit services. Funding is available from multiple accounts.
- K. **AMENDMENT NO. 1 TO INTERLOCAL AGREEMENT/PALM BEACH WORKFORCE DEVELOPMENT CONSORTIUM:** Approve Amendment No. 1 to the Interlocal Agreement creating the Palm Beach County Workforce Development Consortium.

- L. **CONTRACT ADDITION (C.O. NO. 4/BLOCK 64 ALLEY IMPROVEMENT PROJECT/CHAZ EQUIPMENT COMPANY, INC.:** Approve a Contract Addition (C.O. No. 4) in the amount of \$77,525.00 to Chaz Equipment Company for the emergency sewer main repairs on SW 7th Avenue related to the Block 64 Alley Improvement Project. Funding is available from 442-5178-536.46.90 (Water/Sewer Renewal and Replacement Fund/Other Repair/Maintenance Costs).
 - M. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:** Accept the actions and decisions made by the Land Development Boards for the period from July 23, 2007 through August 3, 2007.
 - N. **AWARD OF BIDS AND CONTRACTS:**
 - 1. **(MOVED TO ITEM 9.A.A. ON THE REGULAR AGENDA).**
 - 2. Purchase award to CDW-Government in the amount of \$29,995.00 for seven (7) replacement laptops for the Delray Beach Police Department. Funding is available from 334-2111-521-64.11 (General Construction Fund/Computer Equipment).
9. **REGULAR AGENDA:**
- A.A **PURCHASE AWARD/ORKIN PEST CONTROL:** Purchase award to Orkin Pest Control in the amount of \$19,975.00 for a tent fumigation of City Hall for the eradication of termite infestation. Funding is available from 001-1802-512-34.20 (General Fund/Pest Control Services). *(Motion to table for further investigation; Approved, 4-0)*
 - A. **PUBLIC COMMENTS/FY 2008 PROPOSED BUDGET:** The City Commission will hear public comments, if any, regarding the FY 2008 Proposed Budget at this time.
 - B. **WAIVER REQUEST TO ALLOW A TEMPORARY MODULAR BUILDING/DELRAY MAZDA:** Consider a waiver request to allow the installation of a 653 square foot temporary modular building for the Delray Mazda Automotive Dealership located at the southeast corner of South Federal Highway and Tropic Boulevard (2001 South Federal Highway). *(Quasi-Judicial Hearing) (Motion to adopt Board Order as presented; Approved, 4-0)*
 - C. **DELRAY BEACH MARINA RATES:** Consider approval of a proposed rate increase to \$.60 per foot per day for non-lived aboard and \$.70 per foot per day for live-aboard; increase of late fee from \$25.00 to \$50.00 and removal of the option of paying the minimum when boat is not in slip. *(Approved, 4-0)*
 - D. **PROPOSAL FOR eCivis GRANT NETWORK SERVICES:** Consider approval and authorize the Mayor to execute an agreement in the amount of \$29,000 with eCivis for their Grant Network Services. *(Approved, 4-0)*

- E. **SPECIAL EVENT REQUEST/COMMUNITY REVIVAL AND BACK TO SCHOOL EVENT:** Consider approval of a special event request for a new event, the “Community Revival and Back to School Event” sponsored by One Love-One Community Foundation, Inc. proposed to be held at Pompey Park on August 17 – 19, 2007; from 8:00 p.m. to midnight on August 17, 2007, from 11:00 a.m. to 6:00 p.m. on August 18, 2007 and August 19, 2007; and authorize staff support for security, signage, EMS assistance, site clean up and trash removal, use of the new large stage, waiver of stage rental fees and trash box costs, the City to contribute funds in the amount of \$1,700.00 and provide the insurance for the event, contingent upon sponsor providing a hold harmless agreement, certificate of liability insurance one (1) week prior to the event and contingent upon the conditions listed in the staff report. (Motion to approve per staff recommendations; Approved, 4-0)
- F. **APPOINTMENTS TO THE EDUCATION BOARD:** Appoint two (2) regular members to the Education Board for two (2) year terms ending July 31, 2009 and (1) one regular member to serve an unexpired term ending July 31, 2008. Based upon the rotation system, the appointments will be made by Commissioner Eliopoulos (Seat #1) and Commissioner Fetzer (Seat #2). (Appointed Adam Davis and approved, 4-0; appointed Susan Sikich and approved, 4-0; and appointed Kenneth Zeno and approved, 4-0)
- G. **APPOINTMENTS TO THE PUBLIC ART ADVISORY BOARD:** Appoint two (2) regular members to the Public Art Advisory Board to serve two (2) year terms ending August 2, 2009. Based upon the rotation system, the appointments will be made by Commissioner Eliopoulos (Seat #1) and Commissioner Montague (Seat #4). (Appointed Robert Currie and approved, 4-0; and appointed Patricia Truscello and approved, 4-0)
- H. **NOMINATIONS FOR THE FLORIDA CITIES OF EXCELLENCE AWARDS PROGRAM:** Consider approval of nominations for the 2007 Florida Cities of Excellence Awards for Ashley Wintemute for the City Employee of the Year Award and the City of Delray Beach for the City of Excellence Award. (Approved, 4-0)
10. **PUBLIC HEARINGS:**
- A. **ORDINANCE NO. 22-07 (FIRST READING/TRANSMITTAL HEARING FOR COMPREHENSIVE PLAN AMENDMENT 2007-2):** Consider on first reading an ordinance adopting Comprehensive Plan Amendment 2007-2 and associated Future Land Use Map (FLUM) amendments, and authorize transmittal to the State Department of Community Affairs. Amendment 2007-2 includes:
1. **Text Amendments:**
 - a. Future Land Use Element – Modification of the description of the GC (General Commercial) Future Land Use designation to increase the allowable percentage of building area devoted to residential use from 15% to 75% at a maximum density of 30 units per acre within the Four Corners Overlay District, subject to the provision of workforce housing.

- b. Future Land Use Element - Modification of Policy A-7.2 to include the provision of workforce housing in the Four Corners Overlay District.
- c. Future Land Use Element – Modification of the description of the TRN (Transitional) Future Land Use designation to allow for increased residential density up to 24 units per acre within the Carver Estates Overlay District, subject to the provision of workforce housing.
- d. Future Land Use Element – Expansion of the Southwest Neighborhood Area Overlay District to include properties located ½ block on either side of SW 12th Avenue, between SW 2nd Street and SW 3rd Street. This overlay district allows a maximum density of 24 units per acre, subject to the provision of workforce housing.
- e. Future Land Use Element – Modification of the description of the GC (General Commercial) Future Land Use designation to increase the maximum density on properties lying within the Four Corners Overlay District which are not located at the intersection of Atlantic Avenue and Military Trail and which have less than 160 feet of direct frontage on Atlantic Avenue to 50 units per acre. Residential development on these properties may comprise up to 100% of the total building area and shall not be subject to the requirement to provide workforce housing. (Withdrawn by applicant)
- f. Future Land Use Element – Modification of the description of the Medium Density Residential Future Land Use designation to accommodate expansion of the Carver Estates Overlay Area to include the south portion of the Auburn Trace Development. This area is currently located within the Infill Workforce Housing Area which allows up to 18 units per acre, subject to the provision of workforce housing. Within the Carver Estates Overlay Area, the maximum density will increase to 24 units per area.

2. Future Land Use Map Amendments:

- a. City initiated Future Land Use Map amendment for approximately 3.9 acres, located ½ block on either side of SW 12th Avenue, between SW 2nd Street and SW 3rd Street, from LD (Residential Low Density 0-5 du/ac) to MD (Residential Medium Density 5-12 du/ac). (Motion to approve Ordinance No. 22-07 as amended withdrawing Section 5 on Page 9; Approved, 4-0)

- B. **RESOLUTION NO. 44-07:** Approve and adopt Resolution No. 44-07 setting forth an inventory list of properties to be used for affordable housing in accordance with Section 166.0451 of the Florida Statutes. (Approved, 4-0)

- C. **ORDINANCE NO. 24-07:** City initiated amendment to the Land Development Regulations (LDR) Section 4.3.4, “Base District Development Standards”, Subsection 4.3.4(K), “Development Standards Matrix”, and Section 4.4.6, “Medium Density Residential (RM) District”, Subsection 4.4.6(A), “Purpose and Intent”, to add references to the Carver Estates Overlay District and the Infill Workforce Housing Area. **(POSTPONED TO AUGUST 21, 2007 DUE TO FURTHER ADVERTISING)** (Motion to **POSTPONE** items 10.C through 10.G until the August 21, 2007 Regular Commission Meeting; Approved, 4-0)
- D. **ORDINANCE NO. 25-07:** City initiated amendment to the Land Development Regulations (LDR) Section 2.4.2, “Notice Requirements”, and Section 2.4.3(K), “Fees”, to provide for an increase in the Development Applications, Plan Check Fees and Building Permit Fees. **(POSTPONED TO AUGUST 21, 2007 DUE TO FURTHER ADVERTISING)** (**POSTPONED** until the August 21, 2007 Regular Commission Meeting)
- E. **ORDINANCE NO. 26-07:** City initiated amendment to the Land Development Regulations (LDR) enacting Section 2.4.7(G), “Requests for Reasonable Accommodation”, to provide procedures for handling and processing requests for accommodation from the City’s Code. **(POSTPONED TO AUGUST 21, 2007 DUE TO FURTHER ADVERTISING)** (**POSTPONED** until the August 21, 2007 Regular Commission Meeting)
- F. **ORDINANCE NO. 27-07:** City initiated amendment to the Land Development Regulations (LDR) amending Section 4.4.13, “Central Business District (CBD)”, Subsection 4.4.13(D), “Conditional Uses and Structures Allowed”, to clarify the maximum allowed residential density in the West Atlantic Avenue Neighborhood. **(POSTPONED TO AUGUST 21, 2007 DUE TO FURTHER ADVERTISING)** (**POSTPONED** until the August 21, 2007 Regular Commission Meeting)
- G. **ORDINANCE NO. 28-07:** City initiated text amendment to Chapter 71, “Parking Regulations” of the Code of Ordinances, by amending Section 71.058, “Cost of Parking or Standing Vehicles in Certain Metered Spaces”, regarding the increase of Parking Meter Fees, east of the Intracoastal Waterway from \$0.75 to \$1.00 per hour. **(POSTPONED TO AUGUST 21, 2007 DUE TO FURTHER ADVERTISING)** (**POSTPONED** until the August 21, 2007 Regular Commission Meeting)
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. 29-07:** An ordinance replacing an existing Florida Power and Light Company (FPL) Franchise Agreement that is set to expire in 2011. If passed, a public hearing will be scheduled for August 21, 2007. (Approved, 4-0)
- B. **ORDINANCE NO. 30-07:** An ordinance amending Chapter 117, "Landlord Permits", of the Code of Ordinances by amending Section 117.2, "Permit Fees", to provide for an increase in the Landlord Permit fee from \$30.00 per unit to \$50.00 per unit. If passed, a public hearing will be scheduled for August 21, 2007. (Approved, 4-0)

13. **COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS.**

- A. City Manager
- B. City Attorney
- C. City Commission

POSTED: AUGUST 3, 2007

******** Meeting adjourned at 7:51 p.m. ********