

City of Delray Beach

Regular Commission Meeting

****AGENDA RESULTS****



RULES FOR PUBLIC PARTICIPATION

Tuesday, August 2, 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 7.A., S.P.I.R.I.T. (Service, Performance, Integrity, Responsibility, Innovation, Teamwork) Committee Quarterly Awards Presentation, was **POSTPONED**. Approved as amended, 4-0)
5. **APPROVAL OF MINUTES:**
 - A. July 12, 2011 – Special/Workshop Meeting (Approved, 4-0)
 - B. July 19, 2011 – Regular Meeting (Approved, 4-0)
6. **PROCLAMATIONS:**
 - A. None
7. **PRESENTATIONS:**
 - A. S.P.I.R.I.T. (Service, Performance, Integrity, Responsibility, Innovation, Teamwork) Committee Quarterly Awards Presentation)
 - B. 25th Annual Delray Citizens for Delray Police Scholarship Presentation - Perry DonFrancisco
8. **CONSENT AGENDA:** City Manager Recommends Approval. (Approved, 4-0)
 - A. **RATIFICATION OF SOUTH CENTRAL REGIONAL WASTEWATER TREATMENT AND DISPOSAL BOARD ACTIONS:** Approve and ratify actions of the South Central Regional Wastewater Treatment and Disposal Board adopting a budget for FY 2012 at their Quarterly Meeting of July 21, 2011.
 - B. **REQUEST FOR SIDEWALK DEFERRAL/115 GROVE WAY:** Approve a request to defer the installation of sidewalk along N.W. 2nd Avenue and Grove Way for the property located at 115 Grove Way.
 - C. **INCREASE TO THE BLANKET PURCHASE AWARD/BAKER'S TRANSPORT SERVICES:** Approve an increase to the blanket purchase award with Baker's Transport Services (BTS) in the amount of \$55,000.00 to continue providing hauling and disposal services for liquid lime slurry from the Water Treatment Plant (WTP) through the remainder of the fiscal year. Funding is available from 441-5122-536-34.90 (Water and Sewer Fund: Other Contractual Services).

- D. **INCREASE TO THE BLANKET PURCHASE AWARD/DEVLAND SITE DEVELOPMENT INC.:** Approve an increase to the blanket purchase award with Devland Site Development Inc. in the amount of \$42,000.00 to continue providing hauling and disposal services of lime sludge from the Water Treatment Plant (WTP) through the remainder of the fiscal year. Funding is available from 441-5122-536-34.90 (Water and Sewer Fund: Other Contractual Services).
- E. **RATIFICATION OF APPOINTMENTS TO THE PARKING MANAGEMENT ADVISORY BOARD:** Approve and ratify the appointments of Mr. Herman Stevens, Community Redevelopment Agency and Mr. Mark Krall, Planning and Zoning Board, for two (2) year terms ending July 31, 2013.
- F. **AMENDMENT NO. 1 TO THE LEASE AGREEMENT/SCHOOL BOARD OF PALM BEACH COUNTY/HILLTOPPER STADIUM:** Approve Amendment No. 1 to the Lease Agreement between the City and the School Board of Palm Beach County for the use of School Facilities.
- G. **AMENDMENT NO. 4 TO THE INTERLOCAL AGREEMENT/SCHOOL BOARD OF PALM BEACH COUNTY /SEACREST SOCCER COMPLEX:** Approve Amendment No. 4 to the Interlocal Agreement to update the hours of use of the Seacrest Soccer Complex.
- H. **GRANT AWARD/DEPARTMENT OF HOMELAND SECURITY; STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER):** Authorize acceptance of the Staffing for Adequate Fire and Emergency Response (SAFER) Grant in the amount of \$595,982.00 to hire four (4) additional Firefighter/Paramedics to complete the staffing at Fire Station No. 2.
- I. **FY 2012 TENNIS RATES/TENNIS FACILITIES:** Approve the proposed maximum rates for the Tennis Facilities.
- J. **FY 2012 GOLF RATES/LAKEVIEW GOLF COURSE:** Approve the proposed maximum rates for the Lakeview Golf Course.
- K. **FY 2012 GOLF RATES/DELRAY BEACH MUNICIPAL GOLF COURSE:** Approve the proposed maximum rates for the Delray Beach Municipal Golf Course.
- L. **AGREEMENT/BURTON & ASSOCIATES INC./FIRE ASSESSMENT FEE:** Approve an agreement with Burton & Associates, Inc. in the amount of \$41,378.00 to conduct a study for implementation of a Fire Assessment Fee.

M. **SPECIAL EVENT REQUEST/SANDOWAY HOUSE BLUE WATER RUN:** Approve the endorsement of a new event, Sandoway House Blue Water Run, sponsored by Sandoway House Nature Center to be held on November 12, 2011 from 6:15 a.m. until approximately 11:00 a.m., to grant a temporary use permit per LDR Section 2.4.6(F) for use of Ingram Parking lot and the City right-of-way along Ocean Boulevard from Casurina to George Bush Boulevard, to waive parking meter fees in Ingram Parking lot and the Sandoway lot, and to authorize staff support for traffic control and barricading, site cleanup and use of the small City stage; contingent upon receipt of Certificate of Liability Insurance and Hold Harmless Agreement fourteen (14) days prior to the event.

N. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:** Accept the actions and decisions made by the Land Development Boards for the period July 18, 2011 through July 29, 2011.

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

1. Contract award to Line-Tec in the amount of \$72,874.75 for installing water meters and connecting customers along Martin Luther King Jr. Drive and for connecting the Pompey Park facility to the Reclaimed Water system. Funding is available from 441-5161-536-49.23 (Water and Sewer Fund: Other Current Charges/OB/Reclaim Water Distribution System).
2. Purchase award to HiTech Coatings, Inc. in the amount of \$16,340.00 for installation of a new flooring system in the locker rooms and shower areas at Pompey Park Pool. Funding is available from 001-4135-572-46.10 (General Fund: Repair and Maintenance Services/Building Maintenance).
3. Purchase award to Cartegraph Systems, Inc. in the amount of \$177,708.21 for licensing, installation and training for an asset management system with application modules for public utilities, engineering and storm water functions. Funding is available from 441-5161-536-66.10 (Water and Sewer Fund: Books/Publications/Software).

9. **REGULAR AGENDA:**

A. **CONDITIONAL USE REQUEST/SEGWAY TOURS OF DELRAY BEACH:** Consider approval of a Conditional Use Request to establish a Segway tour and sales facility known as Segway Tours of Delray Beach located at 162 Pineapple Grove Way. *(Quasi-Judicial Hearing)* (Motion to adopt board order as presented, subject to conditions as listed on Exhibit "A"; Approved, 4-0)

B. **CONDITIONAL USE REQUEST/VILLAGE SQUARE:** Consider approval of a Conditional Use Request to allow a density in excess of twelve (12) units per acre in conjunction with the construction of 253 residential units on 18.18 acres which results in a density of 13.91 units per acre for Village Square located on the east side of Auburn Avenue, and S.W. 13th Avenue between S.W. 7th Street and S.W. 10th Street. *(Quasi-Judicial Hearing)* (Motion to adopt board order as presented; Approved, 4-0)

1. **WAIVER REQUESTS/ VILLAGE SQUARE:** Consider approval of waiver requests to Land Development Regulations (LDR) Section 4.6.9(D)(2), “Provisions for Ingress and Egress”, which requires that parking spaces enter and exit in a forward manner on travel ways exceeding 200 ADT (Average Daily Trips) and to Land Development Regulations (LDR) Section 4.3.4(K), “Development Standards Matrix”, to allow changes to the lot sizes. *(Quasi-Judicial Hearing)* (Motion to adopt board order as presented; Approved, 4-0)

- C. **CONSIDERATION OF AN APPEAL/THE OFFICE RESTAURANT:** Consider an appeal to renew the Sidewalk Café permit with tables adjacent to the curb for The Office Restaurant, located at 201 East Atlantic Avenue. *(Quasi-Judicial Hearing)* (Motion to adopt board order as presented (denying the appeal); Approved, 4-0)

- D. **PROPOSED AMENDMENT NO. 1 TO THE INTERLOCAL AGREEMENT/TOWN OF GULF STREAM/FIRE RESCUE SERVICES:** Consider Amendment No. 1 to the Interlocal Agreement with the Town of Gulf Stream to provide for an increase in the fee paid to the City based upon the Town's annexation of additional property. (Motion to approve Amendment No. 1 to the Interlocal Agreement with start date of March 15, 2011 and those payments can be deferred; Approved, 3-1. Commissioner Frankel dissenting)

- E. **APPOINTMENT OF PERSON TO FILL UNEXPIRED TERM OF COMMISSIONER FETZER:** Consider appointment of a person to fill the unexpired term of Commissioner Fetzer (Seat #2) until the March 13, 2012 Municipal Election. (Consensus of the Commission to place this as a Special Meeting Item on August 9, 2011)

- F. **APPOINTMENTS TO THE FINANCIAL REVIEW BOARD:** Appoint two (2) regular members to serve unexpired terms ending July 31, 2012 and one (1) alternate member to serve a two (2) year term ending July 31, 2013 to the Financial Review Board. Based upon the rotation system, the appointments will be made by Commissioner Frankel (Seat #3), Mayor McDuffie (Seat #5) and Commissioner Carney (Seat #1). (Appointed Anthony Cottone and approved, 4-0. Mayor McDuffie and Commissioner Carney's appointments were **DEFERRED** to the August 16, 2011 Regular Commission Meeting)

- G. **APPOINTMENTS TO THE EDUCATION BOARD:** Appoint two (2) regular members to serve two (2) year terms ending July 31, 2013 to the Education Board. Both appointments will be made by Commissioner Frankel (Seat #3). (Appointed Lee Cohen and approved, 4-0; Appointed Shannon Schwartz and approved, 4-0)

- H. **APPOINTMENT TO THE CODE ENFORCEMENT BOARD:** Appoint one (1) alternate 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 Gray (Seat #4). (Appointed Robert Wells Sr. and approved, 4-0)

- I. **APPOINTMENTS TO THE POLICE ADVISORY BOARD:** Appoint one (1) regular member to serve a two (2) year term ending July 31, 2013 and one (1) regular member to serve an unexpired term ending July 31, 2012 to the Police Advisory Board. Based upon the rotation system, both appointments will be made by Commissioner Frankel (Seat #3). (Appointed Robert Shell and approved, 4-0; Appointed Kevin Warner and approved, 4-0)
 - J. **APPOINTMENT TO THE NUISANCE ABATEMENT BOARD:** Appoint one (1) regular member to the Nuisance Abatement Board to serve a two (2) year term ending July 31, 2013. Based upon the rotation system, the appointment will be made by Commissioner Frankel (Seat #3). (Appointed Nayda Cottone-Ovadia and approved, 4-0)
 - K. **APPOINTMENT TO THE PUBLIC ART ADVISORY BOARD:** Appoint one (1) regular member to the Public Art Advisory Board to serve a two (2) year term ending July 31, 2013. Based upon the rotation system, the appointment will be made by Commissioner Frankel (Seat #3). (Appointed Jonathan Jonas and approved, 4-0)
 - L. **APPOINTMENT TO THE PARKING MANAGEMENT ADVISORY BOARD:** Appoint one (1) Citizen-at-Large Representative to the Parking Management Advisory Board to serve a two (2) year term ending July 31, 2013. Based upon the rotation system, the appointment will be made by Commissioner Frankel (Seat #3). (Appointed Brian Rosen and approved, 4-0)
 - M. **APPOINTMENTS TO THE NEIGHBORHOOD ADVISORY COUNCIL:** Appoint three (3) regular members to serve a three (3) year term ending July 31, 2014 and one (1) regular member to serve an unexpired term ending July 31, 2012 to the Neighborhood Advisory Council. Based upon the rotation system, the appointments will be made by Commissioner Carney (Seat #1), Commissioner Frankel (Seat #3), Mayor McDuffie (Seat #5) and Commissioner Frankel (Seat #3). (Appointed Theresa DiPerna and approved, 4-0; Appointed David Stein and approved, 4-0; Appointed Lee Cohen and approved, 4-0. Appointed Maureen Smith and approved, 4-0)
10. **PUBLIC HEARINGS:**
- A. **PUBLIC COMMENTS/FY 2012 PROPOSED BUDGET:** The City Commission will hear public comments, if any, regarding the FY 2012 Proposed Budget at this time.
 - B. **ORDINANCE NO. 20-11:** Consider a city-initiated amendment to the Land Development Regulations (LDR) Section 4.4.13, “Central Business (CBD) District”, Subsection (G), “Supplemental District Regulations”, and Section 4.4.24, “Old School Square Historic Arts District (OSSHAD)”, Subsection (G), “Supplemental District Regulations”, to increase the parking requirements for restaurants in a part of those districts. (Motion to approve Ordinance No. 20-11; **DENIED**, 4-0)
 - C. **ORDINANCE NO. 21-11:** Consider a city-initiated amendment to the Land Development Regulations (LDR) that will provide additional opportunities for property owners to voluntarily participate in the payment in-lieu of parking program. (Motion to approve Ordinance No. 21-11; Approved, 3-1. Commissioner Frankel dissenting)

- D. **RESOLUTION NO. 29-11/AGREEMENT TO EXCHANGE REAL PROPERTY: DEPOT INDUSTRIAL CENTER, LLC:** Consider approval of Resolution No. 29-11 which adopts and includes the Agreement to Exchange Real Property between the City and Depot Industrial Center, LLC. (Motion to approve; Approved, 4-0)
1. **RESOLUTION NO. 30-11/DEPOT ROAD ABANDONMENT:** Consider approval of Resolution No. 30-11; abandonment of a 3.23 acre portion of Depot Road and a 0.04 portion of N.W. 2nd Street (a.k.a. Depot Road) lying between Interstate-95 and the CSX Railroad, south of Lake Ida Road in conjunction with a proposed plat for a mixed-use residential/office development named Historic Depot Square. (Motion to approve; Approved, 4-0)
 2. **FINAL SUBDIVISION PLAT APPROVAL/DEPOT INDUSTRIAL CENTER, LLC:** Consider approval of the final plat for a 14.29 acre mixed-use development being platted as Historic Depot Square located between Interstate-95 and the CSX Railroad, south of Lake Ida Road. (Motion to approve; Approved, 4-0)
- E. **COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CONSOLIDATED ANNUAL ACTION PLAN FY 2011 - 2012:** Consider approval of the CDBG Consolidated Annual Action Plan FY 2011-12 as required by the United States Department of Housing & Urban Development (HUD) for utilization of federal grant funds. (Motion to approve; Approved, 4-0)
- F. **ORDINANCE NO. 25-11: (FIRST READING/TRANSMITTAL HEARING FOR COMPREHENSIVE PLAN AMENDMENT 2011-1):** Consider on first reading an ordinance adopting Comprehensive Plan Amendment 2011-1 and associated Future Land Use Map (FLUM) amendments, and authorize transmittal to the State Land Planning Agency. (Motion to approve; Approved, 4-0)
- i. Future Land Use Element – City initiated text amendment adding Policy A-5.4 to require the building and site designs for all development and redevelopment projects to incorporate Crime Prevention Through Environmental Design (CPTED) standards to the greatest extent possible.
 - ii. City initiated Future Land Use Map (FLUM) amendment from County INST/8 (Institutional with an underlying Residential of 8 units per acre to City CF (Community Facilities) for Lago Vista, located at the southeast corner of Linton Boulevard and the Lake Worth Drainage District (LWDD) E-3 Canal.
- G. **ORDINANCE NO. 24-11:** Consider an ordinance amending the historic district classification for 32 East Atlantic Avenue from non-contributing to contributing. ***(THE REQUEST TO HAVE THE PROPERTY RECLASSIFIED HAS BEEN WITHDRAWN BY THE PROPERTY OWNER)*** (Motion to approve; DENIED, 4-0)

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: JULY 29, 2011

******** Meeting adjourned at 10:37 p.m. ********