

City of Delray Beach

Regular Commission Meeting

AGENDA RESULTS



RULES FOR PUBLIC PARTICIPATION

Tuesday, August 19, 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.** (Mayor noted Item 8.G., Service Authorization No. 04-09.1/CH2M Hill Inc. /Design of New Sludge Thickener Unit was moved to the Regular Agenda as Item 9.A.A.; Item 9.C., Waiver Request/Ed Morse Toyota was withdrawn due to a request from the applicant; Approved as amended, 5-0)
5. **APPROVAL OF MINUTES:**
 - A. August 5, 2008 – Regular Meeting (Approved, 5-0)
 - B. August 12, 2008 – Special/Workshop Meeting (Approved, 5-0)
6. **PROCLAMATIONS:**
 - A. National Alcohol and Drug Addiction Recovery Month
7. **PRESENTATIONS:**
 - A. Granicus Award Presentation
 - B. Welcome Home Certificate for Harrison Colt McDuffie, AD3 (AW/SW)
8. **CONSENT AGENDA:** City Manager Recommends Approval. (Approved, as amended, 5-0)
 - A. **RATIFICATION OF THE SOUTH CENTRAL REGIONAL WASTEWATER TREATMENT AND DISPOSAL BOARD ACTIONS:** Approve and ratify the actions of the South Central Regional Wastewater Treatment and Disposal Board at their Quarterly Annual Meeting of July 31, 2008.
 - B. **CHANGE ORDER NO. 1/FINAL/SOUTHLAND PAINTING CORP./WATER TREATMENT PLANT CLARIFIER #2 REHABILITATION PROJECT:** Approve Change Order No. 1/Final in the amount of \$200.00 decrease and final payment in the amount of \$12,432.70 to Southland Painting Corp. for work related to the Water Treatment Plant Clarifier #2 Rehabilitation Project. Funding is available from 442-5178-536-64.90 (Water and Sewer Renewal & Replacement Fund/Other Machinery and Equipment).
 - C. **CHANGE ORDER NO. 1/FINAL (CONTRACT CLOSEOUT)/GC WORKS, INC./SUNSHINE NEIGHBORHOOD PARK PROJECT:** Approve Change Order No. 1/Final (Contract Closeout) in the amount of a \$16,844.22 decrease and final payment in the amount of \$16,534.39 to GC Works, Inc. for the completion of the Sunshine Neighborhood Park Project. Funding is available from 334-4151-572-68.39 (General Construction Fund/Other Improvement/Sunshine Park).

- D. **CONTRACT CLOSEOUT (C.O. NO. 2/FINAL)/CHAZ EQUIPMENT COMPANY, INC./WEST ATLANTIC WATER MAIN PROJECT:** Approve a Contract Closeout (Change Order No. 2/Final) in the amount of \$43,862.46 decrease and final payment in the amount of \$14,765.25 to Chaz Equipment Company, Inc. for the completion of the West Atlantic Water Main Project. Funding is available from 441-5161-536-65.24 (Water/Sewer Fund/Other Improvements/W. Atlantic Ave. Phase III).
- E. **CONTRACT CLOSEOUT (C.O. NO. 1/FINAL)/WEST CONSTRUCTION, INC.:** Approve Contract Closeout (Change Order No. 1/Final) in the amount of \$52,323.08 decrease and final payment in the amount of \$20,330.48 to West Construction, Inc. for the completion of the Lindell Boulevard Traffic Calming Project. Funding is available from 334-3162-541-65.78 (General Construction Fund/Capital Outlay/Traffic Calming Lindell Blvd.) and 448-5461-538-65.78 (Storm Water Utility Fund/Other Improvements/Lindell Blvd.).
- F. **CONTRACT CLOSEOUT/FINAL PAYMENT/THE BG GROUP, LLC:** Approve a Contract Closeout and final payment in the amount of \$80,144.60 to The BG Group, LLC, for the completion of the Carver Estates Demolition Project. Funding is available from 118-1960-554-34.36 (Neighborhood Services/Other Contractual Services/Carver Estates Demolition).
- G. **(MOVED TO ITEM 9.A.A. ON THE REGULAR AGENDA)**
- H. **INTERLOCAL AGREEMENT/PALM BEACH COUNTY/ANTENNA ON THE POLICE DEPARTMENT TOWER:** Approve an Interlocal Agreement between the City and Palm Beach County providing for the placement of an antenna on the City's communication tower located at Police Department in order to bridge the digital divide regarding the provisions of free internet services to qualifying families. Palm Beach County shall pay for all installation, repair and maintenance costs associated with the antenna. Palm Beach County will not be charged any rental fee and the City shall pay the minimal utility costs for the antenna.
- I. **RATIFICATION OF APPOINTMENTS TO THE PARKING MANAGEMENT ADVISORY BOARD:** Approve and ratify the reappointments of Mr. Fran Marincola and Mr. Herman Stevens, Downtown Development Authority Representatives and Mr. Joseph Pike, Planning and Zoning Board Representative (alternate member) to the Parking Management Advisory Board for terms ending July 31, 2010.
- J. **RESOLUTION NO. 34-08/ABANDONMENT OF EASEMENT/SHERWOOD HONDA:** Approve and adopt Resolution No. 34-08 abandoning a utility easement located west of U.S. Highway No. 1 within the Sherwood Honda Property at 3000 South Federal Highway to accommodate the installation of parking, landscaping and other structures associated with the construction of a bullpen parking area for the dealership.

- K. **AMENDMENT NO. 1/eCIVIS, INC.:** Approve Amendment No. 1 to the agreement between the City and eCivis in the amount of \$29,870.00 to renew the contract for one (1) year. Funding will be available from 001-1111-511-31.90 pending budget transfer.
- L. **GENERAL RULES OF PROCEDURE OF THE HISTORIC PRESERVATION BOARD:** Approve the revised Historic Preservation Board Rules to include the Quasi-Judicial Procedures, and the reference to appealing variances to Circuit Court is not eliminated in light of the new ordinance the City Commission recently passed.
- M. **FIRST AMENDMENT TO FUNDING AGREEMENT/DELRAY YOUTH VOCATIONAL CHARTER SCHOOL:** Approve the First Amendment to the funding agreement with Delray Youth Vocational Charter School to include authorization to purchase program equipment, books and curriculum for students attending the charter schools. No additional funding will be allocated for this agreement.
- N. **FIRST AMENDMENT TO FUNDING AGREEMENT/CHILDREN LEARNING AFTER SCHOOL SESSIONS:** Approve First Amendment to the funding agreement with Children Learning After School Sessions (CLASS) to include authorization to pay stipends to volunteer tutors for CLASS and to amend the language in number two (2), Paragraph four (4) under “Purpose of Work” to read as the period covered March 04 – September 25, 2008. No additional funding will be allocated for this agreement.
- O. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:** Accept the actions and decisions made by the Land Development Boards for the period August 4, 2008 through August 15, 2008.
- P. **AWARD OF BIDS AND CONTRACTS:**
1. Contract award to H & J Contracting, Inc. in the amount of \$95,135.10 for modification and installation of drainage; repairing of root damaged areas, asphalt overlay, parking lot re-striping; and the installation of landscaping and irrigation at the Delray Swim & Tennis Center East Parking Lot. Funding is available from 117-4133-572-65.57 (Recreation Impact Fee Fund/Capital Outlay/Swim & Tennis Parking Lot).
 2. Bid award to Fast Dry Courts in the amount of \$42,700.00 for drainage improvements at the Delray Swim and Tennis Club and the Tennis Center. Funding is available from 117-4133-572-63.90 and 117-4145-572-63.90 (Recreation Impact Fee FD/Improvement Others).
 3. Purchase award to Garber Chevrolet in the amount of \$17,310.00 via the Florida Sheriff's Association Contract #07-15-0827, Specification #4 for the purchase of one (1) 2008 Chevrolet Impala Admin Package with options and warranty for the Police Department. Funding is available from 501-3312-591-64.20 (Central Garage Fund/Automotive).

9. **REGULAR AGENDA:**

- A.A. **SERVICE AUTHORIZATION NO. 04-09.1/CH2M HILL, INC./DESIGN OF NEW SLUDGE THICKENER UNIT:** Approve Service Authorization No. 04-09.1 in the amount of \$28,179.00 to CH2M Hill, Inc. for additional professional engineering services relating to the design of the new 40' diameter lime sludge thickener unit. Funding is available from 441-5161-536-68.43 (Water & Sewer Fund/Improvements Other/Sludge Thickener). (Approved, 5-0)
- A. **APPEAL OF HISTORIC PRESERVATION BOARD DECISION/36 S.E. 1ST AVENUE:** Consider an appeal of the Historic Preservation Board's decision regarding the Certification of Appropriateness (COA), Class V Site Plan Application, and associated waiver and variance requests for the new construction of a two-story office building located at 36 S.E. 1st Avenue, Old School Square Historic District. (*Quasi-Judicial Hearing*) (Motion to approve the Board Order as presented; Approved, 5-0)
- B. **APPEAL OF SITE PLAN REVIEW AND APPEARANCE BOARD DECISION/ MAROONE DODGE DEALERSHIP:** Consider an appeal of the Site Plan Review and Appearance Board's decision regarding condition of approval that photometric plans be provided, and lighting be installed under awnings associated with a Class I Site Plan Modification for the two Maroone Dodge sites located at 700 & 706 N.E. 6th Avenue. (*Quasi-Judicial Hearing*) (Motion to approve the Board Order as presented; Approved, 5-0)
- C. **WAIVER REQUEST/ED MORSE TOYOTA:** Consider a request for waiver of Land Development Regulations (LDR), Section 4.6.7(E)(7), "Sign Design Standards", allowing five (5) flat wall signs on the east elevation for Ed Morse Toyota located at 2800 South Federal Highway. (*Quasi-Judicial Hearing*) (WITHDRAWN due to a request from the applicant)
- D. **DEVELOPER'S AGREEMENT/CANNERY ROW, LLC:** Review of the Developer's Agreement between the City and Cannery Row, LLC for compliance with the terms of the Agreement executed May 8, 2007. (Commissioner Eliopoulos filed a Conflict of Interest and left dais; Approved, 4-0)
- E. **PUBLIC COMMENTS/FY 2009 PROPOSED BUDGET:** The City Commission will hear public comments, if any, regarding the FY 2009 Proposed Budget at this time.
- F. **BID AWARD/WEST CONSTRUCTION, INC./LINTON BOULEVARD BRIDGE TENDER HOUSE RENOVATIONS:** Consider approval of a bid award to West Construction, Inc. second low bidder, in the amount of \$208,010.00 for Linton Boulevard Bridge Tender House Renovations. Funding is available from 334-3162-541-46.05 (General Construction Fund/Public Works Road & Streets/Linton Blvd Tender House). (Approved, 5-0)

- G. **SELECTION OF EAGLE NEST HOMEBUYER:** Consider the selection of a first, second and third ranked applicant so that the Neighborhood Services Division may secure a buyer for the Eagle Nest home located at 46 N.W. 12th Avenue. (First choice Ricky Adams; second choice, Chaundra Williams; third choice Debra McGriff; Motion to approve this ranking order, 5-0)
- H. **OLD SCHOOL SQUARE RETAIL SPACE/LETTER OF INTEREST/ARTIST ENRIQUE MARTINEZ CELAYA:** Provide direction regarding a letter of interest from Artist Enrique Martinez Celaya for the sale of the Old School Square Retail Space.
1. **CONTRACT AWARD/COASTAL COMMERCIAL GROUP/REAL ESTATE BROKERAGE AND MARKETING SERVICES/OLD SCHOOL SQUARE RETAIL SPACE:** Consider approval of a contract award to Coastal Commercial Group in an amount of \$5,674.00 to \$11,564.00 plus postage costs for real-estate brokerage and marketing services for the Old School Square retail space. Funding is available from 380-4150-572-31.90 (2004 G.O. Bond/Professional Services/Other Professional Services). (Motion to approve Contract Award, Approved 5-0)
- I. **COMMISSION LIAISON APPOINTMENTS/SEAT #4:** Discussion regarding City Commission Seat #4 Liaison Appointments to various Advisory Boards and outside agencies. (Motion to substitute Commissioner Bernard for former Commissioner Montague's liaison appointments; Approved, 5-0)
- J. **SELECTION OF NEW DEPUTY VICE MAYOR:** Select a new Deputy Vice Mayor to serve until March 26, 2009. (Motion to select Commissioner Eliopoulos as Deputy Vice Mayor; Approved 5-0)
- K. **RESOLUTION NO. 35-08:** Consider approval of Resolution No. 35-08 amending Resolution No. 55-07 adopted September 18, 2007, Resolution No. 16-08 adopted May 6, 2008 and Resolution No. 24-08 adopted July 1, 2008, which made appropriations of sums of money for all necessary expenditures of the City of Delray Beach, Florida, for FY 2007/2008, by setting forth the anticipated revenues and expenditures for the operating revenues and expenditures for the operating funds for the City FY 2007/2008. (Motion to approve Resolution 35-08; Approved, 5-0)
- L. **APPOINTMENT TO THE BUDGET TASK FORCE:** Appoint one (1) alternate member to the Budget Task Force to serve an unexpired term ending July 31, 2009. Based upon the rotation system, the appointment will be made by Commissioner Eliopoulos (Seat #1). (Appointed Mark Denkler and approved, 5-0)

M. **APPOINTMENTS TO THE SITE PLAN REVIEW AND APPEARANCE BOARD:** Appoint five (5) regular members to the Site Plan Review and Appearance Board to serve two (2) year terms ending August 31, 2010. Based upon the rotation system, the appointments will be made by Mayor Ellis (Seat #5), Commissioner Eliopoulos (Seat #1), Commissioner Fetzer (Seat #2), Commissioner McDuffie (Seat #3) and Commissioner Bernard (Seat #4). (Appointed Shane Ames and approved, 5-0; appointed James Borsos and approved, 5-0; appointed Mark Gregory and approved, 5-0; appointed Chris Stray and approved, 5-0; and appointed Jerome Sanzone and approved, 5-0)

N. **APPOINTMENTS TO THE BOARD OF ADJUSTMENT:** Appoint three (3) regular members and two (2) alternate members to the Board of Adjustment to serve two (2) year terms ending August 31, 2010. Based upon the rotation system, the appointments will be made by Commissioner Eliopoulos (Seat #1), Commissioner Fetzer (Seat #2) and Commissioner McDuffie (Seat #3). (Appointed Bernard Federgreen and approved, 5-0; and appointed Clifton Miller and approved, 5-0. Commissioner McDuffie's alternate appointment was DEFERRED to the September 3, 2008 Regular Commission Meeting)

10. **PUBLIC HEARINGS:**

A. **ORDINANCE NO. 36-08 (SECOND READING/SECOND PUBLIC HEARING):** City initiated amendment to the Land Development Regulations (LDR) by amending Section 1.3.8, "Reconstruction Necessitated by an Act of God", Subsection (A) to provide for the ability to rebuild the pre-existing square footage in additional circumstances in the event of destruction by an act of God. (Approved, 5-0)

B. **ORDINANCE NO. 34-08 (SECOND READING/SECOND PUBLIC HEARING):** City initiated amendment to the Land Development Regulations (LDR) amending Section 4.6.7, "Signs", Subsection (H), "Exempt Signs", Sub-subsection (10), "Temporary Signs", to clarify when temporary non-commercial signs placed on the public right-of-way or on private property require the owner's permission. (Approved, 5-0)

C. **ORDINANCE NO. 33-08 (SECOND READING/SECOND PUBLIC HEARING):** City initiated amendment to the Land Development Regulations (LDR) Section 4.5.9, "The Southwest Neighborhood Overlay District", Subsection 4.5.9(A), "Defined" and Article 4.7, "Family/Workforce Housing", Section 4.7.1, "Definitions", Subsection 4.7.1(p), "Southwest Neighborhood Overlay District," to modify the description and provide for expansion of the Southwest Neighborhood Overlay District. (Approved, 5-0)

D. **RESOLUTION NO. 33-08/QUIT CLAIM DEED/AUBURN TRACE LTD.:** Consider approval of Resolution No. 33-08 authorizing the City to release any interest that it has in the real property located in the vicinity of the Auburn Trace Development. (Commissioner Bernard declared a Conflict of Interest and left dais; Approved, 4-0)

1. **ACCEPTANCE OF AN EASEMENT DEED/AUBURN TRACE LTD:**
Approve and accept an easement deed granting the City the right to maintain construction and locate its lift station on Tract F of the Auburn Trace Plat.
(Motion to approve, Approved, 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: AUGUST 15, 2008

******** Meeting adjourned at 8:34 p.m. ********