

# City of Delray Beach

## Regular Commission Meeting

\*\*\*AGENDA RESULTS\*\*\*



### RULES FOR PUBLIC PARTICIPATION

**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.

Tuesday, January 16, 2007

Regular Meeting 6:00 p.m.  
Public Hearings 7:00 p.m.  
Commission Chambers  
Delray Beach City Hall

- 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 Montague absent)
2. **INVOCATION.**
3. **PLEDGE OF ALLEGIANCE TO THE FLAG.**
4. **AGENDA APPROVAL.** (Mayor noted Item 7.D, Special Recognition Awards – Boston’s on the Beach was added to the agenda by Addendum; Item 8.L, Review of Appealable Land Development Board Actions, was moved to Item 9.A.1 under the Regular Agenda; Additional Information (Board Order) for Item 9.A, Request for In-Lieu Parking Spaces/Bob’s Famous Bar (fka) Powers Lounge; Item Nos. 10.F, 10.G and 10.H, Ordinance Nos. 71-06, 70-06 and 69-06 were added to the agenda by Addendum; Items 10.D and 10.E, Ordinance Nos. 3-07 and 4-07, was continued to the February 2, 2007 Commission Meeting; Approved as amended, 4-0)
5. **APPROVAL OF MINUTES:**
  - December 12, 2006 – Regular Meeting (Approved, 4-0)
  - January 2, 2007 – Regular Meeting (Approved, 4-0)
  - January 9, 2007 - Workshop Meeting (Approved, 4-0)
6. **PROCLAMATIONS:**
  - A. Recognizing Black History Month – February 2007
7. **PRESENTATIONS:**
  - A. Recognizing and Commending **City Attorney Susan Ruby** for 20 years of dedicated service to the City of Delray Beach
  - B. Project Holiday – Delores Rangel
  - C. 2006 Digital Cities Survey Award - Information Technology Division
8. **CONSENT AGENDA:** City Manager Recommends Approval. (Approved as amended, 4-0)
  - A. **RESOLUTION NO. 3-07:** Approve Resolution No. 3-07 assessing costs for abatement action necessary to remove junked and/or abandoned vehicles from two (2) properties throughout the City.
  - B. **CONTRACT ADDITION (C.O. NO. 2)/DURACLEAN, INC:** Approve a Contract Addition (C. O. No. 2) between the City and Duraclean, Inc. in the amount of \$17,677.78 for the water damage & microbial remediation work at Fire Stations No. 1, 2, 3 and 5. Funding is available from 001-2311-522-46.10 (Fire Department/General Fund/Building Maintenance).

- C. **SERVICE AUTHORIZATION NO. 3.2/WALTERS ZACKRIA ASSOCIATES:**  
 Approve Service Authorization No. 3.2 (Amendment No. 2 to Service Authorization No. 3) to Walters Zackria Associates in the amount of \$150,000.00 for performing construction administration, engineering inspections, post construction services and traffic improvements design/permitting services related to the construction of the Western/Senior/Community Center Project. Funding is available from 380-4150-572-62.58 (2004 G.O. Bond/Parks & Recreation/Western/Senior Center).
- D. **LANDSCAPE MAINTENANCE AGREEMENT/LENNAR HOMES, INC.:**  
 Approve and accept a landscape maintenance agreement with Lennar Homes, Inc. to place certain landscaping in the City's right-of-way along Swinton Avenue south of SW 10<sup>th</sup> Street and adjacent to the FEC railroad, in conjunction with the Villages at Swinton Square Project.
- E. **PURCHASE ORDER INCREASE/TANNER INDUSTRIES, INC.:** Approve an increase of \$1,589.00 to purchase order #637490, Tanner Industries, Inc., for the freight charges for delivery of the 1,000 gallon tank for the storage of anhydrous ammonia to be located at the Water Treatment Plant. Funding is available from 441-5122-536-64.90 (Water/Sewer Fund/Other Repair/Maintenance Costs).
- F. **HTE HARDWARE/SOFTWARE MODULE:** Approve and authorize Information Technology (IT) to proceed with the acquisition of the HTE software in the amount of \$49,190.00 and Selectron software in the estimated amount of \$6,000.00 to be utilized for project tracking in the Planning and Zoning and Engineering Departments. Funding is available from 001-2511-515-66.10 (General Fund/Software).
- G. **SPONSORSHIP SALES AGENT AGREEMENT/LEVERAGE AGENCY, LLC:** Approve a Sponsorship Sales Agent Agreement between the City and Leverage Agency, LLC in the amount of \$4,000.00 per month of which \$2,000.00 shall be credited for commission earned; to help sell five (5) sponsorships allotted to the City for the FED Cup event. The City shall pay Leverage Agency, LLC a commission in the sum of twenty percent (20%) of any cash sponsorships it receives. Funding is available from 001-4210-575-55.44 (General Fund/Other Events).
- H. **RATIFICATION OF THE SISTER CITIES BOARD OF DIRECTORS FOR 2007:** Approve and ratify the proposed slate of Directors for the Sister Cities Committee for 2007.
- I. **SPECIAL EVENT REQUEST/HOWARD ALAN 10<sup>th</sup> ANNUAL WINTER STREET CRAFT FESTIVAL:** Approve a special event request to endorse the 10<sup>th</sup> Annual Delray Beach Winter Street Craft Festival to be held on February 24 - 25, 2007 from 10:00 a.m. - 5:00 p.m.; including a temporary use permit per LDR Section 2.4.6(F) for use of NE/SE 4<sup>th</sup> Avenue, one block north/south of Atlantic Avenue as well as the north end of Hand's parking lot for vendor parking; and to authorize staff support for security and traffic control with the event sponsor paying all overtime costs, and to permit an event sign to be erected on Atlantic Avenue just east of I-95, 10 days prior to the event per City Code.

- J. **STREET CLOSURE APPROVAL/RUN 4 PUN II:** Approve a request for closure of Railroad Way from 9:00 a.m. – 4:00 p.m. on February 10, 2007 for the Run 4 Pun II fundraising event from Atlantic Avenue to NE 1<sup>st</sup> Street.
- K. **HOUSING REHABILITATION GRANT/CONTRACT AWARDS:** Approve Housing Rehabilitation grant/contract awards through the Community Development Division in the amount of \$27,693.75 to Alpha South Construction, Inc. (321 Roosevelt Avenue) and \$28,665.00 to Craftsman Plus, Inc. (217 SW 2<sup>nd</sup> Avenue). Funding is available from 118-1924-554-49.19 (Community Development Fund/Housing Rehabilitation).
- L. **(MOVED TO ITEM 9.A.1 ON THE REGULAR AGENDA).**
- M. **AWARD OF BIDS AND CONTRACTS:**
1. Contract award to Hector Tours in the amount of \$26,600.00 for two (2) bus rentals and driver services for the College Tour traveling from Delray to various college cities located in Texas, Louisiana, and Tennessee. Funding is available from 001-4127-572-48.10 (General Fund/Special Events) and 115-4930-572-56.18 (Pompey Park Special Events/Other Special Events).
  2. Contract award to Roof Painting by Hartzell, Inc. in the amount of \$22,664.41 for the painting and restoration of the exterior/interior of the concession building at Currie Commons Park. Funding is available from 001-4131-572-46.10 (General Fund/Building Maintenance).
  3. Bid award to Pro Courts in the amount of \$18,800.00 for resurfacing seven (7) hard courts and court repair with a three (3) coat color system at the Delray Beach Tennis Center. Funding is available from 001-4215-575-46.90 (General Fund/Other Repair/Maintenance Costs).
  4. Bid award to Superior Landscaping & Lawn Services, Inc., in the amount of \$54,411.16 for the irrigation and landscape improvements for the four (4) medians on Congress Avenue, south of Linton Boulevard. Funding is available from 119-4151-572-63.20 (Beautification Trust Fund/Landscaping/Beautification).

9. **REGULAR AGENDA:**

- A.1 **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**  
Accept the actions and decisions made by the Land Development Boards for the period January 2, 2007 through January 12, 2007. (Motion to appeal to February 6, 2007 Commission Meeting; Approved, 4-0)
- A. **REQUEST FOR IN-LIEU PARKING SPACES/BOB'S FAMOUS BAR (FKA POWERS LOUNGE):** Consider a request from Bob's Famous Bar (fka Powers Lounge) for the purchase of six (6) in-lieu parking spaces in the amount of \$93,600.00. Bob's Famous Bar (fka Powers Lounge) is located at 217 East Atlantic Avenue. (*Quasi-Judicial Hearing*) (Motion to accept Board Order as set forth; Approved, 4-0)

- B. **CONDITIONAL USE EXTENSION REQUEST/CITYSCAPE:** Consider an extension request for a conditional use approval to allow a building height in excess of 48 feet (57'6" approved) for Cityscape, located at the northwest corner of NE 5<sup>th</sup> Avenue and NE 3<sup>rd</sup> Street and is bordered to the west by the FEC Railroad. (*Quasi-Judicial Hearing*) (Motion to approve Board Order as set forth; Approved, 3-0; Commission Levinson away from dais)
- C. **CALL TO ARTISTS/CITY HALL AND KNOWLES PARK ART PROJECTS:** Consider a request to grant approval for two (2) call to artists to be issued for the City Hall and Knowles Park Art Projects; each with a proposed budget of \$50,000.00. (Approved, 4-0; Commissioner Levinson returned to dais)
- D. **FIRST AMENDMENT TO LEASE AGREEMENT/NEW CINGULAR WIRELESS PCS, LLC:** Consider the First Amendment to the lease agreement with New Cingular Wireless, PCS, LLC requesting language changes in paragraph 2 and providing for an increased monthly rental fee from \$1,700.00 to \$1,800.00 per month for the use of the Police Department radio tower. (Motion to approve amendment, DENIED, 4-0)
- E. **APPOINTMENTS TO THE CODE ENFORCEMENT BOARD:** Appoint one (1) regular member and one (1) alternate member to the Code Enforcement Board for three (3) year terms ending January 14, 2010. Based upon the rotation system, the appointments will be made by Commissioner Levinson (Seat #3), and Commissioner Ellis (Seat #1). (Appointed Matthew Hartley as regular member and approved 4-0; and Appointed Glenn Schuster as alternate member and approved, 4-0)
- F. **BID AWARD/ACCURATE EVENT SERVICES:** Consider approval of a bid award to *second lowest bidder*, Accurate Event Services in the amount of \$37,587.00 for private security services for the International Tennis Tournament. Funding is available from 001-4210-575-55.40 (General Fund/Tennis Tournament). (Approved, 4-0)
- G. **GRANICUS, INC./VIDEO/AUDIO STREAMING:** Consider authorizing the City Attorney to draft and the Mayor to execute an agreement with Granicus, Inc. in the total amount of \$44,500.00 for video streaming of the City Commission Regular meetings and audio streaming of the Emergency Radio Station. Funding is available from 001-1411-512-66.10 (General Fund/Software), 001-1411-512-64.11 (General Fund/Computer Equipment) and 001-1411-512-46.90 (General Fund/Other Repair/Maintenance Costs) after budget transfer. (Motion to approve purchase with Granicus, Inc. and authorize the City Attorney to draft the agreement with the Mayor to execute; Approved, 4-0)
- H. **BID AWARDS/MULTIPLE VENDORS:** Consider approval of multiple bid awards in the estimated annual cost of \$187,000.00 for the purchase of chemicals and fertilizers for the Parks and Recreation Department, Delray Beach Municipal Golf Course and Lakeview Golf Course. Some of the recommended bid awards are not to the lowest bidder. Funding is available from various departments (Parks and Recreation operating budget, Delray Beach Municipal Golf Course budget and Lakeview Golf Course operating budget). (Approved, 4-0)

10. **PUBLIC HEARINGS:**

- A. **ORDINANCE NO. 59-06 (FIRST READING/FIRST PUBLIC HEARING):** Privately sponsored Future Land Use Map amendment (small-scale) from CF (Community Facilities) to LD (Low Density Residential 0-5 du/ac) for a 9.00 acre portion of the Christ the King Monastery of St. Clare and rezoning from CF (Community Facilities) to R-1-AA (Single Family Residential) and associated reduction of lot frontage and lot width requirements for proposed lots 20 and 25 within the subdivision at Christ the King Monastery of St. Clare, Inc., located at the southeast corner of Sherwood Boulevard and Sutton Place. If passed, a public hearing will be scheduled for February 6, 2007. (Approved, 4-0)
- B. **ORDINANCE NO. 83-06:** Future Land Use Map amendment (small-scale) from TRN (Transitional) to GC (General Commercial) and rezoning from NC (Neighborhood Commercial) to GC (General Commercial) for three (3) parcels, totaling 0.843 acres, located at 2703, 2709 & 2715 South Federal Highway. (*Quasi-Judicial Hearing*) (Approved, 4-0)
- C. **ORDINANCE NO. 1-07:** Rezoning from RM (Medium Density Residential) to CF (Community Facilities) for the expansion of the Neighborhood Resource Center for the proposed Community Land Trust Office, located at 145 SW 12<sup>th</sup> Avenue, on the northeast corner of SW 12<sup>th</sup> Avenue and SW 2<sup>nd</sup> Street. (*Quasi-Judicial Hearing*) (Mayor Perlman declared Conflict of Interest, passed the gavel to Vice Mayor Ellis and left the dais; Approved, 3-0)
- D. **ORDINANCE NO. 3-07:** Future Land Use Map amendment (small-scale) from County LR-1 (Low Density Residential 1 du/ac) to City LD (Low Density Residential 0-5 du/ac) and rezoning from County AR (Agricultural Residential) to City R-1-AA (Single Family Residential) for a 0.72 acre property located at 2200 Lake Drive. (*Quasi-Judicial Hearing*) (Motion to continue to February 6, 2007 Commission Meeting; Approved, 4-0. Mayor Perlman returned to the dais.)
- E. **ORDINANCE NO. 4-07:** Future Land Use Map amendment (small-scale) from County LR-3 (Low Density Residential 3 du/ac) to City TRN (Transitional) and rezoning from CG/SE (Commercial General/Special Exception) to City zoning of SAD (Special Activities District) for a 0.99 acre property, to be known as Robotic Space Savers located at the southwest corner of Conklin Drive and Military Trail. (*Quasi-Judicial Hearing*) (Motion to continue to February 6, 2007 Commission Meeting; Approved, 4-0)
- F. **ORDINANCE NO. 71-06:** Privately initiated rezoning from I (Industrial) to MIC (Mixed Industrial and Commercial) for an 8.8 acres property located along Depot Road, north of the Old Train Station, between the CSX Railroad and I-95. (*Quasi-Judicial Hearing*) (Motion to continue to February 6, 2007 Commission Meeting; Approved, 4-0)

- G. **ORDINANCE NO. 70-06:** City initiated annexation and rezoning from County AR (Agricultural Residential) to City RM-8 (Residential Medium Density 5-8 du/ac) for a 3.18 acres parcel located on the south side of 133<sup>rd</sup> Road South, 640' west of Barwick Road approximately 1,400 feet north of Lake Ida Road. *(Quasi-Judicial Hearing)* (Motion to continue to February 6, 2007 Commission Meeting; Approved, 4-0)
- H. **ORDINANCE NO. 69-06 (SECOND READING/SECOND PUBLIC HEARING):** City initiated rezoning from GC (General Commercial) in part and AC (Automotive Commercial) in part to CBD (Central Business District) for the North Federal Highway Area and including 700 & 707 NE 6<sup>th</sup> Avenue (former O.C. Taylor dealership) with a combined total of 23.2 acres, located between NE 4<sup>th</sup> Street and George Bush Boulevard and extending from the FEC Railroad to approximately ½ block east of NE 6<sup>th</sup> Avenue. *(Quasi-Judicial Hearing)* (Motion to continue to February 6, 2007 Commission Meeting; 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: JANUARY 12, 2007**

***\*\*\*\*\* Meeting adjourned at 7:55 p.m. \*\*\*\*\****