

City of Delray Beach

Regular Commission Meeting

AGENDA RESULTS



RULES FOR PUBLIC PARTICIPATION

Monday, March 3, 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.** (Commissioner McDuffie arrived at 6:34 p.m. and Commissioner Eliopoulos arrived at 6:36 p.m.)
2. **INVOCATION.**
3. **PLEDGE OF ALLEGIANCE TO THE FLAG.**
4. **AGENDA APPROVAL.** (Mayor noted the International Tennis Tournament was added to the agenda under Presentations as Item 7.C.; Approved as amended, 3-0)
5. **APPROVAL OF MINUTES:**
 - February 19, 2008 – Regular Meeting (Approved, 3-0)
6. **PROCLAMATIONS:**
 - A. Recognizing and Commending the **Delaire Country Club**
 - B. Recognizing American Red Cross Month – March 2008
 - C. Recognizing Fair Housing Month – April 2008
7. **PRESENTATIONS:**
 - A. Lifesaving Award – Chief Larry Schroeder
 - B. “You are Not Alone” – Dave and Creig Smith
 - C. International Tennis Tournament – Mark Baron
8. **CONSENT AGENDA:** City Manager Recommends Approval. (Approved, 3-0)
 - A. **REQUEST FOR SIDEWALK DEFERRAL/500 OLEANDER LANE:** Approve a request to defer the installation of a sidewalk in front of 500 Oleander Lane.
 - B. **REQUEST FOR SIDEWALK DEFERRAL/3200 JASMINE DRIVE:** Approve a request to defer the installation of a sidewalk in front of 3200 Jasmine Drive.
 - C. **FDOT UTILITY PERMIT & HOLD HARMLESS AGREEMENT/REGIONS BANK:** Authorize the City to act as the utility permit applicant for a water service connection within the state right-of-way for Regions Bank, located at 555 S.E. 9th Street, and approve a hold harmless agreement.
 - D. **SERVICE AUTHORIZATION NO. 07-01/WANTMAN GROUP, INC.:** Approve Service Authorization No. 07-01 in the amount of \$42,890.00 to Wantman Group, Inc. for conceptual design of improvements along Marine Way between the City Marina and the Atlantic Avenue Bridge. Funding is available from 334-6111-575-65.22 (General Construction Fund/Other Improvements/Riverwalk).

- E. **INTERLOCAL AGREEMENT/PALM BEACH COUNTY:** Approve an Interlocal Agreement between the City and Palm Beach County to provide additional law enforcement services on the Intracoastal Waterway during manatee season.
- F. **INITIATION OF COMPREHENSIVE PLAN AMENDMENT 2008-1:** Formally initiate Comprehensive Plan Amendment 2008-1 pursuant to Section 9.2.1 of the Land Development Regulations.
- G. **INTERLOCAL AGREEMENT/PALM BEACH COUNTY/OPEN CUTS:** Approve an Interlocal Agreement between the City and Palm Beach County regarding open cuts under County thoroughfares. The City shall be responsible for repairing the open cuts for a six (6) month period after the final restoration of the open cut.
- H. **RENEWAL/VALET PARKING LICENSE AGREEMENTS:** Approve the renewal of all Valet Parking License Agreements from April 1, 2008 through March 31, 2009 and increase the associated monthly fees.
- I. **AMENDMENT NO. 2/INTERLOCAL AGREEMENT/COMMUNITY REDEVELOPMENT AGENCY/CONSTRUCTION/PROFESSIONAL SERVICES:** Approve Amendment No. 2 to the Interlocal Agreement between the City and the Community Redevelopment Agency (CRA) for the West Atlantic Avenue Beautification Project to increase the funding amount from \$1,500,000.00 to \$1,850,000.00.
- J. **SPECIAL EVENT REQUEST/10th ANNUAL CINCO DE MAYO FIESTA:** Approve a special event request to allow the 10th Annual Cinco De Mayo Fiesta to be held Saturday, May 3, 2008, from 11:00 a.m. until 10:00 p.m. at Old School Square, granting a temporary use permit per LDR Section 2.4.6(F) for use of the Old School Square surface lot; authorize staff support for traffic control and security, trash removal, EMS assistance, signage preparation and installation, and approve request to use the Old School Square parking garage, City Hall lots and City generator; contingent on the receipt of a hold harmless agreement and receipt of the certificate of liability insurance and liquor liability insurance.
- K. **SPECIAL EVENT REQUEST/11TH ANNUAL DOWNTOWN DELRAY CRAFT FESTIVAL:** Approve a special event request to endorse the 11th Annual Downtown Delray Craft Festival sponsored by Howard Alan Events, Ltd. to be held May 24 - 25, 2008 from 10:00 a.m. to 5:00 p.m., to grant a temporary use permit per LDR Section 2.4.6(F) for the closure and use of N.W. 3rd Avenue from Atlantic Avenue north to the south entrance of Atlantic Grove and the Tennis Center parking lot, to provide staff support for traffic control and security, barricading and fire inspection services; contingent on the receipt of a hold harmless agreement and the certificate of liability insurance.

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

1. Approve a bid award and authorize the Mayor to execute the construction contract with Garden World Nursery & Landscape Services in the amount of \$245,998.75 for the Downtown Delray Beach Gateway Landscaping of West Atlantic Avenue from the northbound I-95 on and off ramps to S.W./N.W. 12th Avenue. Funding is available from 334-3162-541-68.09 (General Construction Fund/Other Improvements/Atlantic Avenue Gateway Feature).

9. **REGULAR AGENDA:**

- A. **REQUEST FOR IN-LIEU PARKING SPACE/BOB'S FAMOUS BAR:** Consider a request from Bob's Famous Bar, located at 217 East Atlantic Avenue for the purchase of one (1) in-lieu parking space in the amount of \$15,600.00 to accommodate the relocation of a double detector check valve. (*Quasi-Judicial Hearing*) (Motion to adopt Board Order as presented; Approved, 3-0)
- B. **CONDITIONAL USE EXTENSION REQUEST/YACHT CLUB AT DELRAY BEACH:** Consider a request to extend the conditional use to construct a new yacht club with facilities to be known as Delray Beach Yacht Club, located at 110 MacFarlane Drive. (*Quasi-Judicial Hearing*) (Motion to adopt Board Order as presented; Approved, 5-0. Commissioner Eliopoulos and Commissioner McDuffie arrived.)
- C. **GUARANTEED MAXIMUM PRICE (GMP)/MILLER PARK IMPROVEMENT PROJECT/THE WEITZ COMPANY:** Provide direction regarding acceptance or rejection of the Guaranteed Maximum Price (GMP) in the proposed amount of \$7,549,362.00 to the Weitz Company for construction activities associated with the Miller Park Improvements Project. Partial funding is available from 334-4173-572-63.90 (General Fund/Other Improvements). (Motion to adopt the Guaranteed Maximum Price (GMP); Denied, 4-0. Consensus of the Commission to direct staff to advertise for competitive bids for construction)
- D. **REQUEST FOR QUALIFICATIONS (RFQ)/COMMERCIAL REAL ESTATE BROKERAGE AND MARKETING SERVICES/OLD SCHOOL SQUARE RETAIL SPACE:** Provide direction regarding the Request For Qualifications (RFQ) for commercial real-estate brokerage and marketing services for the Old School Square retail space. (Commission provided direction to staff regarding the Request for Qualifications (RFQ))
- E. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:** Consideration of the actions and decisions made by the Land Development Boards for the period February 19, 2008 through February 29, 2008. (First motion to appeal decision by Site Plan Review and Appearance Board, Item No. G; Approved 5-0. Second motion to receive and file rest of report; Approved 5-0)

- F. **APPOINTMENTS TO THE BOARD OF ADJUSTMENT:** Appoint two (2) regular members to the Board of Adjustment to serve two (2) year terms ending August 31, 2009. Based upon the rotation system, the appointments will be made by Commissioner Montague (Seat #4) and Mayor Ellis (Seat #5). (Appointed Sigurdur Hardester and approved, 5-0; and appointed Jess Sowards and approved, 5-0)
 - G. **APPOINTMENT TO THE KIDS AND COPS COMMITTEE:** Appoint one (1) At Large Representative to the Kids and Cops Committee to serve a partial term ending November 30, 2009. Based upon the rotation system, the appointment will be made by Commissioner McDuffie (Seat #3). (Appointed Phyllis Willingham and approved, 5-0)
 - H. **APPOINTMENT TO THE NEIGHBORHOOD ADVISORY COUNCIL:** Appoint one (1) regular member from Zone 5 to the Neighborhood Advisory Council to serve an unexpired term ending October 31, 2008. Based upon the rotation system, the appointment will be made by Commissioner Montague (Seat #4). (Appointed Gail-Lee McDermont and approved, 5-0)
 - I. **APPOINTMENTS TO THE NUISANCE ABATEMENT BOARD:** Appoint two (2) regular members to the Nuisance Abatement Board for two (2) year terms ending March 31, 2010. Based upon the rotation system, the appointments will be made by Commissioner Montague (Seat #4) and Mayor Ellis (Seat #5). (Appointed Greta Britt and approved, 5-0; and appointed Eileen Marks and approved, 5-0)
 - J. **APPOINTMENT TO THE POLICE & FIREFIGHTERS RETIREMENT SYSTEM BOARD OF TRUSTEES:** Appoint one (1) regular member to the Police & Firefighters Retirement System Board of Trustees to serve an unexpired term ending June 30, 2008. Based upon the rotation system, the appointment will be made by Commissioner McDuffie (Seat #3). (Appointed Adam Frankel and approved, 5-0)
 - K. **APPOINTMENT TO THE PUBLIC EMPLOYEES RELATIONS COMMISSION:** Appoint one (1) regular member to the Public Employees Relations Commission for a four (4) year term ending March 13, 2012. Based upon the rotation system, the appointment will be made by Commissioner Eliopoulos (Seat #1). (Appointed Sidney Grossman and approved, 5-0)
10. **PUBLIC HEARINGS:**
- A. NONE.
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. 06-08:** Consideration of a City initiated amendment to the Land Development Regulations (LDR) Section 6.2.1(D), “Street and Alley Construction Standards”, to provide updated standards regarding street and alley construction. If passed, a public hearing will be scheduled for March 18, 2008. *(Approved, 5-0)*
- B. **ORDINANCE NO. 11-08:** An ordinance adopting the Community Redevelopment Agency (CRA) Plan Amendment. If passed, a public hearing will be scheduled for March 18, 2008. *(Approved, 5-0)*
- C. **ORDINANCE NO. 12-08:** An ordinance amending Chapter 110, “Local Business Taxes Generally”, Section 110.15, "Local Business Tax Schedule", of the City Code of Ordinances to provide for a five (5) percent increase in all business tax fees. If passed, a public hearing will be scheduled for March 18, 2008. *(Approved, 5-0)*
- D. **ORDINANCE NO. 14-08:** An ordinance amending Chapter 96, “Fire Safety and Emergency Services”, Section 96.16, “Certain Codes Adopted By Reference”, of the Code of Ordinances by repealing Subsection (B)(5). If passed, a public hearing will be scheduled for March 18, 2008. *(Approved, 5-0)*

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

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

POSTED: FEBRUARY 29, 2008

******** Meeting adjourned at 8:05 p.m. ********