

# City of Delray Beach

## Regular Commission Meeting

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



### **RULES FOR PUBLIC PARTICIPATION**

Tuesday, November 18, 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.

100 NW 1st Avenue  
Delray Beach, Florida 33444

Phone: (561) 243-7000  
Fax: (561) 243-3774

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 Bernard absent)
2. **INVOCATION.**
3. **PLEDGE OF ALLEGIANCE TO THE FLAG.**
4. **AGENDA APPROVAL.** (Mayor Ellis noted Item 8.A., Acceptance of Right-of-Way Dedication/36 First Office Building/S.E. 1<sup>st</sup> Avenue, was requested by applicant to be to be removed; Item 8.G., Amendment No. 1/Community Redevelopment Agency (CRA)/Chamber of Commerce Relocation and Public Parking Space Agreement, was moved to the Regular Agenda as Item 9.A.A.; Item 8.K. Review of Appealable Land Development Board Actions, Item 1 under Historic Preservation Board, was moved to the Regular Agenda as Item 9.A.A.A. Approved as amended, 4-0).
5. **APPROVAL OF MINUTES:**
  - A. November 3, 2008 – Regular Meeting (Approved, 4-0)
  - B. November 11, 2008 – Special/Workshop Meeting (Approved, 4-0)
6. **PROCLAMATIONS:**
  - A. Recognizing and commending the Lifeguard Emergency Medical Service Competition Team on their Second Place finish in the 2008 Clin-Con Competition.
7. **PRESENTATIONS:**
  - A. City of Delray Beach Residents Academy Certificates – Janet Meeks
  - B. **RESOLUTION NO. 48-08:** Approve Resolution No. 48-08 recognizing and commending **Robert Jolley** for 35 years of dedicated service to the City of Delray Beach. (Approved, 4-0)
  - C. Government Finance Officers Association - Certificate of Achievement for Excellence in Financial Reporting.
8. **CONSENT AGENDA:** City Manager Recommends Approval. (Approved as amended, 4-0)
  - A. **ACCEPTANCE OF RIGHT-OF-WAY DEDICATION/36 FIRST OFFICE BUILDING/S.E. 1<sup>ST</sup> AVENUE:** Approve and accept a right-of-way deed between the City and 36 First Office Building for dedication of additional right-of-way along S.E. 1<sup>st</sup> Avenue and for the alley on the north side of the site. (REMOVED from the agenda due to a request from Applicant.)
  - B. **RESOLUTION NO. 59-08/ABANDONMENT OF AN EASEMENT/MAROONE DODGE DEALERSHIP:** Approve and adopt Resolution No. 59-08 vacating and abandoning an easement within the Maroone Dodge Dealership located at 700 & 706 N.E. 6<sup>th</sup> Avenue.

- C. **CONTRACT CLOSEOUT (C.O. NO. 1/FINAL)/RSI OF FLORIDA/FIRE STATION NO. 2 RE-ROOFING:** Approve Contract Closeout (Change Order No. 1/Final) in the amount of a \$2,500.00 decrease and final payment in the amount of \$17,243.30 to RSI of Florida for the completion of Fire Station No. 2 Re-Roofing Project. Funding is available from 334-6112-522-46.15 (General Construction Fund/Repair & Maintenance Services/Roof Repair-Fire Station).
- D. **CONTRACT CLOSEOUT (C.O. NO. 1/FINAL)/H & J CONTRACTING INC./LAKEVIEW GOLF COURSE POND EXPANSION:** Approve Contract Closeout (C.O. No. 1/Final) in the amount of a \$141.52 decrease and final payment in the amount of \$11,393.97 to H & J Contracting, Inc. for completion of the Lakeview Golf Course Pond Expansion. Funding is available from 441-5181-536-65.96 (Water & Sewer Fund/Other Improvements/Reclaimed Water Transmission).
- E. **RESOLUTION NO. 58-08:** Consider approval and adoption of Resolution No. 58-08 opposing and protesting the efforts of Miami-Dade County to eliminate the ability of the Cities to recover costs of providing water and sewer service outside its municipal boundaries.
- F. **AGREEMENT/HORSE DRAWN CARRIAGES, INC.:** Approve an agreement between the City and Horse Drawn Carriages, Inc. to provide horse and carriage rides along Atlantic Avenue and N.E. 2<sup>nd</sup> Avenue as specified from November 20, 2008 through May 30, 2009; contingent on the receipt of a certificate of liability insurance.
- G. **(MOVED TO ITEM 9.A.A. ON THE REGULAR AGENDA)**
- H. **REVISED INTERLOCAL AGREEMENT/PALM BEACH COUNTY/DROWNING PREVENTION COALITION (DPC):** Approve a revised Interlocal Agreement with Palm Beach County to include the dates for swim lessons in the revised "Exhibit A" for reimbursement of swimming lessons not to exceed \$50.00 per class for the Learn to Swim Program at Pompey Park and the Delray Swim & Tennis Center through the Drowning Prevention Coalition of Palm Beach County.
- I. **TRAFFIC ENFORCEMENT AGREEMENT/COLONY AT DELRAY HOMEOWNERS ASSOCIATION:** Approve an agreement between the City and the Colony at Delray Homeowners Association allowing the Delray Beach Police Department to enforce local and state traffic laws on its property.

J. **SPECIAL EVENT REQUEST/RUN FOR MIRACLES/MILAGRO CENTER:**  
Consider approval and endorsement of the 3<sup>rd</sup> Annual Run for Miracles sponsored by the Milagro Center to be held on January 31, 2009 from 7:30 a.m. to approximately 10:30 a.m., grant a temporary use permit per LDR Section 2.4.6(F) for the closure of A-1-A from Casuarina to George Bush Boulevard and Anchor Park from 5:00 a.m. to approximately 10:30 a.m., and authorize staff support for traffic control, barricading and clean up, use of half of the small stage, and a waiver of parking meter fees for Sandoway, Ingraham, and Anchor Park as well as along Atlantic Avenue from Venetian Drive to A-1-A from 8:00 a.m. until approximately 11:00 a.m.; contingent upon receipt of a certificate of liability insurance and an executed hold harmless agreement.

K. **(MOVED TO ITEM 9.A.A.A. ON THE REGULAR AGENDA)**

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

1. Contract award to JCI Jade Communications, Inc. in the amount of \$52,748.07 for the installation of telephone, data and fiber optic communications (low voltage wiring) regarding the City Hall Interior Renovations. Funding is available from 334-6111-519-62.45 (General Construction Fund/Miscellaneous/Data Cabling).
2. Contract award to JW Cheatham, LLC in the amount of \$140,514.90 for the road construction on Mango Drive/Reigle Avenue/S.W. 7<sup>th</sup> Avenue. Funding is available from 118-1960-554-68.27 (Neighborhood Services/Other Improvement/Mango Dr/Reigle Dr & S.W. 7<sup>th</sup> Avenue).
3. Contract award to Rosso Paving & Drainage Inc. in the amount of \$480,217.00 for the construction of Bike Lanes along Homewood Boulevard between Lowson Boulevard and W. Atlantic Avenue. Funding is available from 334-3162-541-68.46 (General Construction Fund/Other Improvement/Homewood Boulevard Bikepaths).
4. Purchase award to American Traffic Products and Services in the amount of \$19,583.80 for the City's yearly supply of signs and sign supplies. Funding is available from 001-3141-541-52.20 (General Fund/General Operating Supplies).
5. Purchase award to Tanner Industries at an estimated annual cost of \$50,000.00 via the City of St. Augustine, Florida contract # PW2007-05 for the purchase of anhydrous ammonia. Funding is available from 441-5122-536-52.21 (Water and Sewer Fund/Operating Supplies/Chemicals).
6. Purchase award to Bear Paw in the amount of \$57,854.00 retroactive for the replacement of the 911 recorder. Funding is available from 001-2111-521-64.12 (General Fund/Machinery/Equipment /Office Equipment).

7. Purchase award to Southern Sewer Equipment Sales in the amount of \$287,506.00 via the City of Jacksonville approved purchase Bid No. XF – 0485 for the purchase of one (1) 2008 Vac-Con Sewer Cleaner Truck model VPD4212LHA/1300 with mounted and installed options for Stormwater Utilities Maintenance. Funding is available from 448-5461-538-64.25 (Storm Water Utility Fund/Heavy Equipment).

9. **REGULAR AGENDA:**

- A.A. **AMENDMENT NO. 1/COMMUNITY REDEVELOPMENT AGENCY (CRA)/CHAMBER OF COMMERCE RELOCATION AND PUBLIC PARKING SPACE AGREEMENT:** Approve Amendment No. 1 to the Chamber of Commerce Relocation Agreement and Public Parking Space Agreement with the Community Redevelopment Agency (CRA) to modify the location and square footage of the Chamber of Commerce space. (Commissioner Eliopoulos declared a Conflict of Interest and left dais. Motion to approve; Approved, 3-0)

- A.A.A. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:** Accept the actions and decisions made by the Land Development Boards for the period November 3, 2008 through November 14, 2008. (Commissioner Eliopoulos filed a Conflict of Interest for Historic Preservation Board (HPB) Item 1 and left the dais. Motion to receive and file rest of report; Approved, 3-0)

- A. **CONDITIONAL USE REQUEST/DELRAY BEACH YACHT CLUB:** Consider a conditional use request to allow re-establishment of the Delray Beach Yacht Club in an existing two-story 8,316 square foot yacht club building with dining facility, boat docks, pool and outdoor snack bar, located at 110 MacFarlane Drive. (*Quasi-Judicial Hearing*). (Motion to adopt Board Order as presented; Approved, 4-0)

- B. **SPECIAL EVENT REQUEST/SAVOR THE AVENUE:** Consider approval and endorsement of a new event, Savor the Avenue, sponsored by Florida Table Magazine and supported by the Downtown Marketing Cooperative to be held on March 26, 2009 from 5:30 p.m. to 8:30 p.m., grant a temporary use permit per LDR Section 2.4.6(F) for closure and use of Atlantic Avenue from Swinton to the west side of N.E./S.E. 5<sup>th</sup> Avenue, and authorize staff support for traffic control and barricading; contingent upon receipt of a certificate of event and alcohol liability insurance and an executed hold harmless agreement. (Approved, 4-0)

- C. **REJECTION OF ALL BIDS/LANDSCAPE MAINTENANCE PROJECT:** Consider a request to reject all bids and re-bid Bid #2009-01-Landscape Maintenance for Lake Ida Road Medians. (Approved, 4-0)

- D. **COMMISSION LIAISON APPOINTMENT/DELRAY YOUTH VOCATIONAL CHARTER SCHOOL:** Consideration of a Commission Liaison appointment to the Delray Youth Vocational Charter School. (Appointed Commissioner Eliopoulos and approved, 4-0)

E. **APPOINTMENT OF LEWIS, LONGMAN AND WALKER, P.A./SOUTH FLORIDA WATER MANAGEMENT DISTRICT RULE CHALLENGES:**

Consider authorization for the firm of Lewis, Longman and Walker, P.A. to represent the City in rule challenges with the South Florida Water Management District, and for the firm to provide associated services to the City. (Approved, 4-0)

10. **PUBLIC HEARINGS:**

A. **ORDINANCE NO. 51-08 (SECOND READING/SECOND PUBLIC HEARING):**

An ordinance amending Land Development Regulations (LDR) Section 4.3.4, "Base District Development Standards", Subsection (J), "Height", Paragraph (4), "Increases to Height Regulations", Subparagraphs (b) (ii), (iii) and (iv), "Allowances"; to clarify the workforce housing requirements regarding height increases. (Approved, 4-0)

B. **ORDINANCE NO. 52-08 (SECOND READING/SECOND PUBLIC HEARING):**

An ordinance amending the Land Development Regulations (LDR), Section 4.4.13, "Central Business (CBD) District", Subsection (I), "Performance Standards"; to provide additional options regarding Workforce Housing; Article 4.7, "Family/Workforce Housing", Section 4.7, "Findings", Subsection (I), to provide regulations regarding increased height and density; Section 4.7.1, "Definitions", to provide a definition of "Workforce Housing Trust Fund"; Section 4.7.2, "Applicability", Paragraphs 4.7.2 B and C to provide additional options regarding workforce housing; Section 4.7.3, "Provision of Workforce Housing Units", to allow workforce housing in additional locations; Section 4.7.4, "Density Bonus Program for the Southwest Neighborhood Overlay District, the Carver Estates Overlay District and the Infill Workforce Housing Area", Paragraph E, to provide for contributions to the Delray Beach Workforce Housing Trust Fund; and Section 4.7.6, "Rental Housing Units", to provide clarification regarding moderate income requirements. (Approved, 4-0)

C. **AMENDMENT TO THE DEVELOPER'S AGREEMENT/CANNERY ROW, LLC:**

Consider approval of the amendment to the Cannery Row Developer's Agreement to provide that the park land dedication condition has been satisfied. If passed, a second public hearing will be held on December 2, 2008. (Commissioner Eliopoulos declared a Conflict of Interest and left dais. Approved, 3-0)

D. **ORDINANCE NO. 50-08:**

Consideration of a proposed ordinance by enacting a new Chapter 74, "Civil Traffic Enforcement", of the Code of Ordinances, by enacting new Sections 74.01 through 74.16, providing for "Intent", "Use of Image Capture Technologies", "Definitions", "Adherence to Red Light Traffic Control Signals", "Violation", "Review of Recorded Images", "Notice of Violation/ Infraction", "Vehicle Owner Responsibilities", "Appeal to Hearing Officer", "Vehicle Owner Affidavit of Non-responsibility", "Penalty", "Administrative Charges", "Collection of Fines", "Exceptions", "Appeal of Order", and "Enforcement", to provide for the use of a code enforcement mechanism for intersection safety. (Approved, 4-0)

- E. **ORDINANCE NO. 53-08:** Consideration of a proposed modification to the Community Redevelopment Plan adding section number 3.11, "Sponsorship of City Tennis Tournaments". (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. **ORDINANCE NO. 55-08:** Consider a City initiated annexation (via the provisions of the executed Water Service Agreement and Consent to Annexation) with initial zoning of CF (Community Facilities) for Fair Oaks Hospital, located approximately 650 feet south of Linton Boulevard, and on the east side of Lake Worth Drainage District E-3 Canal. If passed, a public hearing will be held on December 9, 2008. (Approved, 4-0)

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

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

**POSTED: NOVEMBER 14, 2008**

***\*\*\*\*\* Meeting adjourned at 7:33 p.m. \*\*\*\*\****