

City of Delray Beach

Regular Commission Meeting



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, October 19, 2010

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.

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.**
2. **INVOCATION.**
3. **PLEDGE OF ALLEGIANCE TO THE FLAG.**
4. **AGENDA APPROVAL.**
5. **APPROVAL OF MINUTES:**
 - A. October 5, 2010 – Regular Meeting
6. **PROCLAMATIONS:**
 - A. Florida City Government Week – October 17-23, 2010
 - B. Healthy Mouth Healthy Body Day – October 27, 2010
 - C. Families Reading Together Month – November 2010
7. **PRESENTATIONS:**
 - A. None
8. **CONSENT AGENDA:** City Manager Recommends Approval.
 - A. **REQUEST FOR SIDEWALK DEFERRAL/ 510 SEASAGE DRIVE:** Approve a request to defer the installation of a sidewalk for the property located at 510 Seasage Drive.
 - B. **REQUEST FOR SIDEWALK DEFERRAL/ 928 SEASAGE DRIVE:** Approve a request to defer the installation of a sidewalk along Seasage Drive for the property located at 928 Seasage Drive.
 - C. **REQUEST FOR SIDEWALK DEFERRAL/1126 ISLAND DRIVE:** Approve a request to defer the installation of a sidewalk adjacent to the right-of-way along Island Drive for the property located at 1126 Island Drive.
 - D. **PROJECT AGREEMENT /F.I.N.D./MANGROVE PARK BOAT RAMP:** Approve a project agreement with the Florida Inland Navigation District (F.I.N.D.) in the amount of \$85,740.00 to provide funding for reconstruction of the Mangrove Park boat ramp.

- E. **AMENDMENT TO PARKING LICENSE AGREEMENT/CAFFE LUNA ROSA:** Approve a request from Caffe Luna Rosa to amend their Public Parking Lot License Agreement for the Gleason Lot, to limit utilization of the 20 spaces to Monday through Friday and apply the appropriate pro-ration, reducing the cost to \$21.40 per space per month; contingent upon approval of the amendment document by the City Attorney's office.
- F. **AMENDMENT NO. 1 TO THE INTERLOCAL AGREEMENT WITH THE COMMUNITY REDEVELOPMENT AGENCY FOR A NEIGHBORHOOD STABILIZATION PROGRAM (NSP):** Approve Amendment No. 1 to the Interlocal Agreement with the Community Redevelopment Agency for funding a foreclosure program in partnership with the Neighborhood Stabilization Program (NSP) to amend the benefits and extend the terms of the agreement to September 30, 2012.
- G. **PROFESSIONAL SERVICES VENDOR LIST/NEIGHBORHOOD STABILIZATION PROGRAM (NSP):** Approve the list of additional vendors for Professional Services required to carry out activities under the Neighborhood Stabilization Program (NSP) contingent on the list being approved by the Florida Department of Community Affairs.
- H. **AMENDMENT NO. 3 TO THE DISASTER RECOVERY INITIATIVE AGREEMENT/PALM BEACH COUNTY:** Approve Amendment No. 3 to the agreement between the City and Palm Beach County for the Disaster Recovery Initiative (DRI) Program to complete twenty-four (24) housing rehabilitation projects for income-eligible residents who suffered damages from Hurricane Wilma, extending the deadline for completion to September 16, 2011.
- I. **RESOLUTION NO. 60-10:** Approve Resolution No. 60-10 to support continuation of an annual levy of 0.25 mills for school operational purposes for the next four fiscal years beginning July 1, 2011 and ending June 30, 2015.
- J. **RATIFICATION OF APPOINTMENT TO THE PARKING MANAGEMENT ADVISORY BOARD:** Approve and ratify the appointment of Mr. Mark Krall, Planning & Zoning Board Representative, for an unexpired term ending July 31, 2011.
- K. **SERVICE ARRANGEMENT AGREEMENT/ AT & T FLORIDA:** Approve a Contract Service Arrangement Agreement with AT&T for Centrex Service, Business lines, MegaLink Circuit and Primary Rate ISDN's in the amount of \$119,733.72 annually. Funding is available from various departmental accounts.
- L. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:** Accept the actions and decisions made by the Land Development Boards for the period October 4, 2010 through October 15, 2010.

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

1. Contract award to Baker's Transport Services (BTS) in an amount not to exceed \$200,000.00 for hauling and disposal of liquid lime slurry from the Water Treatment Plant (WTP). Funding is available from 441-5122-536-34.90 (Water and Sewer Fund: Other Contractual Services).
2. Purchase award to American Traffic Products & Services (ATPS) in the amount of \$18,929.50 for aluminum sign blanks and galvanized posts for sign fabrication as replacement stock for the City's sign shop. Funding is available from 001-3141-541-52.20 (General Fund: Operating Supplies/General Operating Supplies).
3. Purchase award to Carus Corporation at an estimated cost of \$120,000.00 for the purchase and delivery of poly phosphate "as needed" per bid #2009-12. Funding is available from 441-5122-536-52.21 (Water and Sewer Fund: Operating Supplies/Chemicals).
4. Purchase award to Chemical Lime Company of Alabama, Inc. in the estimated annual cost of \$800,000.00 for the purchase of bulk quicklime via Boynton Beach Co-op Bid # 005-2821-09/JA. Funding is available from 441-5122-536-52.21 (Water and Sewer Fund: Operating Supplies/Chemicals).
5. Purchase award to Line-Tec, Inc. in the net amount of \$122,100.00 for annual Water Service Relocations (PN 11-05), Water Meter Replacements (11-050), and Fire Hydrant Flow Testing via the City of Boynton Beach Bid #033-2821-10/JA. Funding is available from 442-5178-536-49.33 (Water & Sewer Renewal & Replacement Fund: Other Current Charges/OB/Water Service Relocation), 442-5178-536-61.81 (Water & Sewer Renewal & Replacement Fund: Land/Water Meter Replacement Program) and 441-5123-536-34.90 (Water and Sewer Fund: Other Contractual Services).
6. Purchase award to Tanner Industries, Inc. in the annual estimated amount of \$35,000.00 for the purchase and delivery of anhydrous ammonia "as needed" via City of Port Orange, Florida Bid # B10-16. Funding is available from 441-5122-536.52.21 (Water and Sewer Fund: Operating Supplies/Chemicals).
7. Purchase award to Praxair, Inc. in the amount of \$130,000.00 for the purchase and delivery of liquid carbon dioxide (CO2) as needed from Praxair, Inc. via City of West Palm Beach Agreement and Amendment No. 1. Funding is available from 441-5122-536-52.21 (Water and Sewer Fund: Operating Supplies/Chemicals).
8. Purchase award to Poolsure of South Florida in the estimated annual amount of \$51,400.00 for the purchase and delivery of Sodium Hypochlorite. Funding is available from 441-5123-536-52.21 (Water and Sewer Fund: Operating Supplies/Chemicals).
9. Purchase award to Devland Site Development, Inc. in the amount of \$180,000.00 for sludge removal and disposal "as needed". Funding is available from 441-5122-536-34.90 (Water and Sewer Fund: Other Contractual Services).

10. Purchase award to Sentry Industries in the amount of \$260,000.00 for the purchase and delivery of Sodium Hypochlorite “as needed”. Funding is available from 441-5122-536-52.21 (Water and Sewer Fund: Operating Supplies/Chemicals).
11. Purchase award to PVS Technologies, Inc. in the amount of \$250,000.00 for the purchase and delivery of liquid ferric chloride “as needed”. Funding is available from 441-5122-536-52.21 (Water and Sewer Fund: Operating Supplies/Chemicals).
12. Purchase award to Zoll Medical Corporation in the amount of \$23,519.50 for warranty and maintenance of seventeen (17) Zoll Defibrillators. Funding is available from 001-2315-526-46.20 (General Fund: Repair & Maintenance Services/Equipment Maintenance).

9. **REGULAR AGENDA:**

- A. **RATIFICATION OF COLLECTIVE BARGAINING AGREEMENT/SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU):** Consider ratification of the Collective Bargaining Agreement with the Service Employees International Union (SEIU).
- B. **CONDITIONAL USE EXTENSION REQUEST/EBENEZER WESLEYAN METHODIST CHURCH:** Consider a request to extend the conditional use approval for construction of a new 6,575 sq. ft. sanctuary, at the northwest corner of S.W. 6th Avenue and S.W. 2nd Street and construction of an off-site parking lot at the northeast corner of S.W. 6th Avenue and S.W. 2nd Street for Ebenezer Wesleyan Methodist Church located at 201 S.W. 6th Avenue. (*Quasi-Judicial Hearing*)
- C. **WAIVER REQUEST/909 SOUTH OCEAN BOULEVARD:** Consider a waiver request to reduce the required sight visibility triangle from 10’ to 2’ for a clear line of sight between 3’ and 6’ in the area formed along both sides of the driveway intersecting the property line at 909 South Ocean Boulevard. (*Quasi-Judicial Hearing*)
 1. **REQUEST FOR SIDEWALK DEFERRAL/909 SOUTH OCEAN BOULEVARD:** Consider approval of a request to defer the installation of a sidewalk along South Ocean Boulevard for the property located at 909 South Ocean Boulevard.
- D. **APPEAL DENIAL OF SPECIAL EVENT PERMIT/ WRMF NO SNOW BALL EVENT:** Consider an appeal of staff’s permit denial for a WRMF No Snow Ball Event submitted by Mike DeAtley, General Manager of Boston’s on the Beach; proposed to be held on December 4, 2010 from 6:00 p.m. to 10:00 p.m.; and requiring a temporary use permit per LDR’s Section 2.4.6.(F) for the closure of A-1-A from Atlantic Avenue to just north of the Boston’s property line; staff support for traffic control, security, barricading assistance, trash removal, clean up, trash boxes and the use of the City’s portable generator; and a waiver for the Event Policies limit on the number of Intermediate events in one month.

- E. **SPECIAL EVENT REQUEST/HOWARD ALAN 4th ANNUAL DOWNTOWN DELRAY BEACH NEW YEAR'S CRAFT FESTIVAL:** Consider approval of a special event request to endorse the 4th Annual Downtown Delray Beach New Year's Craft Festival sponsored by Howard Alan Events, Ltd. to be held from 10:00 a.m. to 5:00 p.m. on December 26-27, 2010, granting a temporary use permit per LDR Section 2.4.6(F) for the closure of N.E. 2nd Avenue from the alley just north of Atlantic Avenue north to approximately 400' north of N.E. 3rd Street, authorize staff support for traffic control, barricade inspection, fire inspector services and to waive Section III (G) of the Event Policies and Procedures to allow this event.
- F. **SPECIAL EVENT PERMIT AND WAIVER/ SUPERCAR EXPERIENCE:** Consider a request to waive Section III (F) of Event Policies, to allow an Intermediate event on the same day as a Major event; and approve a Supercar Experience Event produced by Dr. Hans Reinisch proposed to be held on February 19, 2011 from 9:00 a.m. to 11:00 p.m., on the grounds of Old School Square and the Old School Square Park, to grant a temporary use permit per LDR's Section 2.4.6.(F) for using the parking spaces on the west side of N.E. 1st Avenue for valet parking and to provide staff support for traffic control, security, EMS assistance, barricading assistance, use of the small stage, event signage and use of a City generator.
- G. **AMENDED SPECIAL EVENT REQUEST /13th ANNUAL BED RACE:** Consider approval of the 13th Annual Bed Race, as amended, proposed to be held on October 29, 2010 from 5:00 p.m. until 11:00 p.m., granting a temporary use permit per LDR Section 2.4.6.(F) for the use and closure of NE 2nd Avenue from Atlantic Avenue to NE 2nd Street; authorize staff support for traffic control and security, EMS assistance, trash removal and clean up, barricading, use and set up of half of the small stage, and preparation and installation of event signage; contingent on the sponsor providing a Hold Harmless Agreement and a Certificate of Liquor Liability Insurance within 5 days of the event.
- H. **APPOINTMENTS TO THE NEIGHBORHOOD ADVISORY COUNCIL:** Appoint two (2) regular members (one member each for Zones 3 and 4) to the Neighborhood Advisory Council for three (3) year terms ending July 31, 2013. Based upon the rotation system, the appointments will be made by Mayor McDuffie (Seat #5) and Commissioner Eliopoulos (Seat #1).
- I. **APPOINTMENT TO THE BOARD OF ADJUSTMENT:** Appoint one (1) alternate member to the Board of Adjustment for an unexpired term ending August 31, 2011. Based upon the rotation system, the for appointment will be made by Commissioner Frankel (Seat #3).
- J. **APPOINTMENT TO THE EDUCATION BOARD:** Appoint one (1) regular member to the Education Board for an unexpired term ending July 31, 2012. Based upon the rotation system, the appointment will be made by Commissioner Frankel (Seat #3).

- K. **APPOINTMENTS TO THE POLICE ADVISORY BOARD:** Appoint one (1) regular member to the Police Advisory Board to serve an unexpired term ending July 31, 2012 and one (1) student member to serve an unexpired term ending July 31, 2011. Based upon the rotation system, the appointments will be made by Commissioner Eliopoulos (Seat #1) for one (1) regular member and Commissioner Fetzer (Seat #2) for one (1) student member.

10. **PUBLIC HEARINGS:**

- A. **ORDINANCE NO. 25-10 (SECOND READING/SECOND PUBLIC HEARING):** Consider a city initiated amendment to the Land Development Regulations (LDR) by amending Section 4.3.3, “Special Requirements For Specific Uses”, Subsection (I), “Family Day Care” and enacting a new Subsection (II), “Large Family Child Care Home”; amending Subsection (C), “Accessory Uses and Structures Permitted” and Subsection (D), “Conditional Uses and Structures Allowed” of Section 4.4.3, “Single Family Residential (R-1) Districts”, Section 4.4.5, “Low Density Residential (RL) District”, Section 4.4.6, “Medium Density Residential (RM) District”, Section 4.4.7, “Planned Residential Development (PRD) District”, Section 4.4.9, “General Commercial (GC) District”, Section 4.4.13, “Central Business (CBD) District”, Section 4.4.17, “Residential Office (RO) District”, and Section 4.4.24, “Old School Square Historic Arts District (OSSHAD)”; amending Section 4.4.9, “General Commercial (GC) District”, Subsection (G), “Supplemental Regulations”, Subsubsection (3), Four Corners Overlay District; amending Section 4.4.29, “Mixed Residential, Office and Commercial (MROC) District”, Subsection (C), “Accessory Uses and Structures Permitted” and Subsection (E), “Conditional Uses and Structures Allowed”, in order to update the Land Development Regulations (LDR) to comport with changes in state law; amending Appendix A, “Definitions”, to revise the definitions of “Child Care Facility” and “Family Day Care Facilities” and enacting a new definition, “Large Family Child Care Home”.
- B. **ORDINANCE NO. 35-10 (SECOND READING/SECOND PUBLIC HEARING):** Consider a city initiated amendment to Land Development Regulations (LDR) replacing several references to “Medicines and Prescriptions”, “Drugs and Medicine” and “Drug Store” with the term “Pharmacies”.
- C. **ORDINANCE NO. 36-10 (SECOND READING/SECOND PUBLIC HEARING):** Consider a city initiated amendment to the Land Development Regulations (LDR) Section 4.3.3 (LLLL), “Pharmacies”, to add the term “Medical Clinics” under applicability and to change the category title to “Medical, Professional, Business Offices and Medical Clinics”.
- D. **ORDINANCE NO. 34-10:** Consider a city initiated amendment to the Land Development Regulations (LDR) Section 2.4.7(G), “Requests for Accommodation” procedures.

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. 37-10:** Consider a city initiated amendment to the Land Development Regulations (LDR) Section 6.3.3., "Sidewalk Café", amending the regulations. If passed, a public hearing will be held on November 2, 2010.

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

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

POSTED: OCTOBER 15, 2010