

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, March 3, 2009

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 Bernard absent)
2. **INVOCATION.**
3. **PLEDGE OF ALLEGIANCE TO THE FLAG.**
4. **AGENDA APPROVAL.**
5. **APPROVAL OF MINUTES:**
 - A. None
6. **PROCLAMATIONS:**
 - A. None
7. **PRESENTATIONS:**
 - A. Student Art Bus Shelter Winners – Public Art Advisory Board
8. **CONSENT AGENDA:** City Manager Recommends Approval. (Approved as amended, 4-0)
 - A. **FINAL SUBDIVISION PLAT/FLORIDA BOULEVARD TOWNHOMES AT DELRAY BEACH:** Approve a final subdivision plat for a 0.26 acre property to be subdivided into three (3) lots associated with the construction of a three unit townhome structure for Florida Boulevard Townhomes at Delray Beach located west of Florida Boulevard, approximately 125' south of La-Mat Avenue.
 - B. **CONTRACT CLOSEOUT (C.O. NO. 1/FINAL)/JW CHEATHAM/ENVIRONMENTAL SERVICES NEW ENTRANCE:** Approve Contract Closeout (Change Order No. 1/Final) in the amount of a \$8,909.24 decrease and final payment in the amount of \$20,648.68 to JW Cheatham, LLC for completion of the Environmental Services Department (ESD) New Entrance. Funding is available from 441-5161-536-68.24 (Water/Sewer Fund/Improvements Other/ESD Access Road).
 - C. **AGREEMENT/OCEAN HAMMOCK HOMEOWNERS ASSOCIATION:** Approve and authorize the Mayor to execute an Agreement with Ocean Hammock Homeowners Association for the installation of a temporary speed hump on Pelican Lane.
 - D. **RULES OF THE BOARD OF ADJUSTMENT:** Approve the rules of the Board of Adjustment to include a minor clarification to Article II, Paragraph 1, regarding the election of officers and when that may take place; and Article V, Paragraph 1, extending the time to file an appeal.

- E. **SPECIAL EVENT REQUEST/12TH ANNUAL DOWNTOWN DELRAY CRAFT FESTIVAL:** Approve a special event request to endorse the 12th Annual Downtown Delray Craft Festival sponsored by Howard Alan Events, Ltd. to be held May 23 - 24, 2009 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.
- F. **RESOLUTION NO. 16-09/ABANDONMENT OF A WATER EASEMENT/CVS PHARMACY:** Approve Resolution No. 16-09 abandoning a 5' x 54' water easement near the northern border of the proposed CVS Pharmacy site to accommodate the installation of improvements and FPL Utilities associated with the construction of a 15,266 sq. ft. CVS Pharmacy building located south of George Bush Boulevard (N.E. 8th Street) between N.E. 5th Avenue (southbound Federal Highway) and N.E. 6th Avenue (northbound Federal Highway).
- G. **LANDSCAPE MAINTENANCE AGREEMENT/CENTRES DELRAY LLC:** Approve and accept a landscape maintenance agreement with Centres Delray LLC for certain landscaping to be placed in the City right-of-way along the south side of George Bush Boulevard (N.E. 8th Street) in conjunction with construction of the CVS drugstore.
- H. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:** Accept the actions and decisions made by the Land Development Boards for the period February 17, 2009 through February 27, 2009.
- I. **AWARD OF BIDS AND CONTRACTS:**
1. Purchase award to Automotive Resources, Inc. in the amount of \$19,159.86 via GSA (General Services Admin.) Contract No. GS 07F-7172B for the purchase of two (2) single post, 15,000 pound capacity mobile lifting systems for the Fleet Maintenance Division. Funding is available from 501-3311-591-64.90 (Machinery/Equipment/Other Mach/Equipment).
 2. Purchase Award to Chemical Lime Company of Alabama, Inc. in an estimated amount of \$450,000.00 via the City of Boynton Beach Co-op Bid #005-2821-09/JA for the purchase of bulk quicklime. Funding is available from 441-5122-536-52.21 (Water and Sewer Fund/Operating Supplies/Chemicals).
 3. Purchase award to Show Turf of South Florida in the amount of \$40,200.00 for the purchase of two (2) 2005 Toro 3150 used fairway mowers, one (1) LasTec 721 and one (1) John Deere used 2005 utility cart. Funding is available from 445-4761-572-64.90 (DB Municipal Golf Course/Machinery/Equipment/Other Machinery/Equipment).

9. **REGULAR AGENDA:**

- A. **FINAL SUBDIVISION PLAT/REQUEST FOR WAIVERS/200 MARINE WAY:** Consider approval of the subdivision plat and associated waivers to Land Development Regulation (LDR) Section 4.3.4(K), “Development Standards Matrix”, regarding a reduction below the minimum lot dimension requirements for 200 Marine Way, a 2-lot single family subdivision, for one of the two proposed lots, located at the southwest corner of S.E. 2nd Street and the Intracoastal Waterway. *(Quasi-Judicial Hearing)* (Commissioner Eliopoulos declared a Conflict of Interest and left dais. Motion to adopt Board Order as presented; Approved, 3-0)
- B. **FINAL SUBDIVISION PLAT/TALLMAR:** Consider approval of a subdivision plat for Tallmar, a 1.65 acre property which contains the existing Delray Marriott Residence Inn hotel complex associated with the construction of two and four-story additions located at the northeast corner of East Atlantic Avenue and Seabreeze Avenue. *(Quasi-Judicial Hearing)* (Commissioner Eliopoulos declared a Conflict of Interest and left dais. Motion to adopt Board Order as presented; Approved, 3-0)
- C. **RESOLUTION NO. 15-09: ABANDONMENT OF A WATER EASEMENT/DELRAY MARRIOTT RESIDENCE INN:** Consider approval of Resolution No. 15-09 abandoning a 5-foot water easement along the north western border of the Delray Marriott Residence Inn property in conjunction with the construction of two-story and four story hotel additions located at 1145 East Atlantic Avenue. *(Quasi-Judicial Hearing)* (Commissioner Eliopoulos declared a Conflict of Interest and left dais. Approved, 3-0)
- D. **SELECTION OF CONSULTANT FOR THE GREEN TASK FORCE ONLINE MEETING BULLETIN BOARD:** Consider two (2) proposals received for computer software development and select one to implement the Green Task Force online bulletin board meetings. (Approved, 4-0)
- E. **AQUIFER STORAGE AND RECOVERY WELL:** Approve and authorize the discharge of contaminated water from the Aquifer Storage and Recovery (ASR) Well to the City’s sanitary sewer system for approximately four (4) months at an estimated cost of \$165,000.00 for treatment, required materials and equipment. Funding is available from 441-5142-536-34.80 (Water and Sewer Fund/Share Wastewater Treatment) and 442-5178-536-46.90 (Water and Sewer Renewal/Other Repair & Maintenance Costs). (Approved, 4-0)
- F. **REQUEST FOR DIRECTION REGARDING THE BEACH EQUIPMENT RENTAL BID:** Provide direction concerning questions raised during the pre-bid meeting held on February 11, 2009 regarding the Beach Equipment Rental Invitation to Bid. (Motion to approve the addendum and list of rate categories with the caveat that it could be modified for the proposer to list other categories and rates; Approved, 4-0)

- G. **AGREEMENT/LANGTON ASSOCIATES, INC./GRANT WRITING SERVICES:** Consider approval of a Consulting Agreement between the City and Langton Associates for American Recovery and Reinvestment Act grant writing services. (Motion to waive competitive bidding requirements under the auspices of Section 30.15 (B); Approved, 4-0. Motion to award agreement to Langton Associates, Inc.; Approved, 4-0)
- H. **APPOINTMENT TO THE CODE ENFORCEMENT BOARD:** Appoint one (1) alternate member to the Code Enforcement Board to serve an unexpired term ending January 14, 2010. Based upon the rotation system, the appointment will be made by Commissioner Bernard (Seat #4). (Mayor Ellis' appointment was DEFERRED to the March 17, 2009 Regular Commission Meeting)
- I. **APPOINTMENT TO THE DELRAY BEACH HOUSING AUTHORITY:** Appoint one (1) regular member to the Delray Beach Housing Authority to serve an unexpired term ending July 14, 2010. Based upon the rotation system, the appointment recommendation will be made by Commissioner Bernard (Seat #4). (Mayor Ellis' appointment was DEFERRED to the March 17, 2009 Regular Commission Meeting)
10. **PUBLIC HEARINGS:**
- A. **ORDINANCE NO. 06-09 (SECOND READING/SECOND PUBLIC HEARING):** Consider an ordinance providing for the reclassification of nineteen (19) properties from non-contributing to contributing in the Marina Historic District. (Approved, 4-0)
- B. **ORDINANCE NO. 07-09 (SECOND READING/SECOND PUBLIC HEARING):** A city initiated amendment to the Land Development Regulations (LDR) Section 4.4.9(G), "Supplemental District Regulations", and Section 4.4.13(G)(1), "Central Core and Beach Area Supplemental Regulations", to change the parking requirements for business and professional offices within certain portions of these zoning districts. (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. 10-09:** Consider an ordinance which modifies the Marina Historic District boundaries to remove twelve (12) properties as recommended by the Marina Historic District resurvey. If passed, a public hearing will be held on March 17, 2009. (Commissioner Eliopoulos stated he was the architect of a house in the area; however, the project is no longer being done. Approved, 4-0)

- B. **ORDINANCE NO. 12-09:** Consider a city initiated ordinance amending Section 112.28, “Disconnection of Alarm System”, to provide for a limited response to alarm systems; amending Section 112.29, “Appeal” to remove all references to disconnecting; repealing Sections 112.30, “Failure to Disconnect or Unauthorized Reconnection of Alarm System” and 112.31, “Reconnection of Alarm Systems” in their entirety; and amending Section 112.51, “Enforcement through Code Enforcement Board”, to provide for enforcement through civil citation. If passed, a public hearing will be held on March 17, 2009. (Approved, 4-0)

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

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

POSTED: FEBRUARY 27, 2009

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