

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, October 21, 2008

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.**
2. **INVOCATION.**
3. **PLEDGE OF ALLEGIANCE TO THE FLAG.**
4. **AGENDA APPROVAL.** (Mayor Ellis noted Item 8.L.4. Purchase Award to Florida Bullet was added to the Consent Agenda by Addendum; Item 9.D., Appeal/Site Plan Review and Appearance Board/Boston's Restaurant was requested to be postponed; Item 10.A., Development Agreement/Vista Del Mar, L.L.C., was requested to be postponed; Item 8.K.F., Review of Appealable Land Development Board Actions/Delray Marriot was moved to the Regular Agenda as Item 9.A.A.; Item 8.K., Review of Appealable Land Development Board Actions/Marine Way was moved to the Regular Agenda as Item 9.A.A.A.; Item 8.H., Final Subdivision Plat Approval/Village at Delray, was moved to the Regular Agenda as Item 9.A.A.A.A., Approved as amended, 5-0).
5. **APPROVAL OF MINUTES:**
 - A. October 7, 2008 – Regular Meeting (Approved, 5-0)
 - B. October 14, 2008 – Special/Workshop Meeting (Approved, 5-0)
6. **PROCLAMATIONS:**
 - A. National Arts and Humanities Month – October 2008
 - B. Families Reading Together Month – November 2008
7. **PRESENTATIONS:**
 - A. S.P.I.R.I.T. (Service, Performance, Integrity, Responsibility, Innovation, Teamwork) Committee Quarterly Awards Presentation
8. **CONSENT AGENDA:** City Manager Recommends Approval. (Approved as amended, 5-0)
 - A. **ACCEPTANCE OF WATER AND SEWER EASEMENT DEEDS/SOUTH COUNTY MENTAL HEALTH CENTER:** Approve and accept a 12-foot water easement deed and a 12-foot sewer easement deed for South County Mental Health Center, located at 16158 South Military Trail.
 - B. **CONTRACT CLOSEOUT (C.O. NO. 1/FINAL)/ALL-RITE PAVING CONTRACTORS, INC./S.W. 8th AVENUE ROADWAY IMPROVEMENTS:** Approve a Contract Closeout (Change Order No. 1/Final) in the amount of a \$13,104.45 decrease and final payment in the amount of \$10,523.30 to All-Rite Paving Contractors, Inc. for completion of the S.W. 8th Avenue Roadway and Drainage Improvements. Funding is available from 334-3162-541-65.34 (General Construction Fund/Capital Outlay/S.W. 8th Avenue-S.W. 11th Street-S.W. 10th Street) and 448-5461-538-65.34 (Storm Water Utility Fund/Other Improvements/S.W. 8th Avenue-S.W. 11th Street –S.W. 10th Street.).

- C. **AGREEMENT/GOVDEALS/DISPOSAL OF SURPLUS CITY ASSETS:** Approve an agreement with GovDeals for the sale of surplus City assets on the GovDeals.com internet site.
- D. **RESOLUTION NO. 53-08 (SETTING PUBLIC HEARING DATE FOR OSCEOLA PARK SPECIAL ASSESSMENT DISTRICT):** Approve a resolution setting the public hearing date as December 9, 2008 for the establishment of the Osceola Park Special Assessment District, and providing for the mailing and publication of required notices.
- E. **RATIFICATION OF APPOINTMENTS TO THE PARKING MANAGEMENT ADVISORY BOARD:** Approve and ratify the reappointment of Mr. Peter Perri as a regular member, and the appointment of Mr. Jimmy Weatherspoon as an alternate member to represent the West Atlantic Redevelopment Coalition, to the Parking Management Advisory Board for a two (2) year term ending July 31, 2010.
- F. **RESOLUTION NO. 56-08/FLORIDA LEAGUE OF CITIES:** Approve and adopt Resolution No. 56-08 recognizing the “Building Citizenship in the Community: Back to Basics”, initiative of the Florida League of Cities, Inc., and pledging support for this statewide effort.
- G. **ANNUAL PROJECT HOLIDAY/YOU ARE NOT ALONE ORGANIZATION:** Approve a request to endorse the 3rd Annual Project Holiday sponsored by the You Are Not Alone Organization and authorize City and staff support to assist with mailing packages to armed services personnel.
- H. **(MOVED TO ITEM 9.A.A.A. ON THE REGULAR AGENDA).**
- I. **AMENDMENT TO AGREEMENT/ACHIEVEMENT CENTERS FOR CHILDREN AND FAMILIES:** Approve an Amendment to the agreement between the City and the Achievement Centers for Children and Families (ACCF), to include funding in the amount of \$37,255.00 providing for a total grant amount of \$622,516.00 for fiscal year 07/08.
- J. **SPECIAL EVENT REQUEST/DELRAY AFFAIR:** Consider approval of a special event request from the Chamber of Commerce to endorse the 47th Delray Affair to be held on April 17-19, 2009, contingent upon the staff recommended conditions, receipt of a certificate of general liability insurance, liquor liability insurance, and a hold harmless agreement.
- K. **(MOVED TO ITEM 9.A.A. AND ITEM 9.A.A.A. ON THE REGULAR AGENDA)**

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

1. Purchase award to Chaz Equipment, Inc. in the amount of \$50,000.00 for Sanitary Sewer Manhole Rehabilitation under the terms and conditions of the current annual contract. Funding is available from 442-5178-536-63.82 (Water/Sewer Renewal & Replacement Fund/Sanitary Sewer Manhole Rehabilitation).
2. Purchase award to Line-Tec, Inc. in the amount of \$25,000.00 via the City of Boynton Beach, Bid #027-2821-07/JA for the Water Service Relocation Program. Funding is available from 442-5178-536-49.33 (Water and Sewer Renewal & Replacement Fund/Other Current Charges/OB Water Service Relocation).
3. Purchase award to Poolsure of South Florida in the amount of \$60,870.00 for the purchase and delivery of Sodium Hypochlorite for an estimate quantity of 40,580 gallons at \$1.50 per gallon. Funding is available from 441-5123-536-52.21 (Water/Sewer Fund/Chemicals).
4. Purchase award to Florida Bullet in the amount of \$16,686.10 for the purchase of training ammunition for the Police Department. Funding is available from 001-2111-521-52.20 (General Fund/General Operating Supplies).
(ADDENDUM)

9. **REGULAR AGENDA:**

A.A. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**
Accept the actions and decisions made by the Land Development Boards for the period October 6, 2008 through October 17, 2008. (Commissioner Eliopoulos filed a Conflict of Interest for Site Plan Review and Appearance Board (SPRAB) Item F. Motion to approve item as declared by Commissioner Eliopoulos; Approved, 4-0).

A.A.A. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**
Accept the actions and decisions made by the Land Development Boards for the period October 6, 2008 through October 17, 2008. (Commissioner Eliopoulos filed a Conflict of Interest for the last item under Historic Preservation Board (HPB), Marine Way, and left the dais; Motion to approve item as declared; Approved, 4-0. Motion to receive and file rest of report; Approved, 5-0)

A.A.A.A. **FINAL SUBDIVISION PLAT APPROVAL /VILLAGE AT DELRAY:** Approve a final subdivision plat for Village at Delray, a 31.18 acre residential development containing 264 apartment units, located on the east side of Auburn Avenue south of S.W. 4th Street. (Commissioner Bernard declared a Conflict of Interest and left the dais; Commissioner Eliopoulos returned to the dais. Motion to approve item as declared; Approved, 4-0)

- A. **CONDITIONAL USE EXTENSION REQUEST/ THE YACHT CLUB AT DELRAY BEACH:** Consider a request to extend the conditional use to construct a new yacht club with facilities pursuant to Land Development Regulations (LDR) Section 2.4.4(F)(1) and (3), “Extensions”, to be known as The Yacht Club at Delray Beach located on the west side of MacFarlane Drive south of Miramar Drive at 110 MacFarlane Drive. (*Quasi-Judicial Hearing*) (Motion to adopt Board Order as presented; Approved, 3-2. Commissioner Eliopoulos and Commissioner Bernard dissenting)
- B. **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, 2012. Based upon the rotation system, the appointment recommendation will be made by Commissioner McDuffie (Seat #3). (Appointed Joseph Hepp and approved, 5-0)
- C. **APPOINTMENTS TO THE NEIGHBORHOOD ADVISORY COUNCIL:** Appoint two (2) regular members (one member each for Zone 1 and Zone 2) to serve three (3) year terms ending July 31, 2011. Based upon the rotation system, the appointments will be made by Commissioner McDuffie (Seat #3) and Commissioner Bernard (Seat #4). (Appointed Ria Santos and approved, 5-0 and appointed Mary Elizabeth Cohn and approved, 5-0)
- D. **APPEAL/SITE PLAN REVIEW AND APPEARANCE BOARD ACTIONS/BOSTON’S RESTAURANT:** Consideration of an appeal regarding the Site Plan Review and Appearance Board’s approval of a Class V Site Plan for a Hotel located at 64 S. Ocean Boulevard. (*BECAUSE OF THE COURT’S ORDER DATED JULY 11, 2006, THERE WILL BE NO PUBLIC COMMENT ON THIS ITEM*). (Commissioner Eliopoulos declared a Conflict of Interest and left dais. Motion to **POSTPONE** until November 3, 2008 Regular Commission Meeting; Approved, 4-0)

PUBLIC HEARINGS:

- A. **DEVELOPMENT AGREEMENT/VISTA DEL MAR, L.L.C.(FIRST PUBLIC HEARING):** Consider a development agreement with Vista Del Mar, L.L.C. and associated Class V Site Plan for the property located at 64 South Ocean Boulevard. (Commissioner Eliopoulos declared a Conflict of Interest and left dais. Motion to **POSTPONE** until November 3, 2008 Regular Commission Meeting at 7:00 p.m.; Approved, 4-0)
- B. **ORDINANCE NO. 41-08 (SECOND READING/SECOND PUBLIC HEARING):** City initiated amendment to the Land Development Regulations (LDR) Section 2.4.3, “Submission Requirements”, Subsection 2.4.3(B), “Standard Plan Items” and Subsection 2.4.3(M), “Credentials for Preparation of Certain Submission Items”; Amending Section 4.6.8, “Lighting”, to revise and clarify requirements for on-site lighting. (Motion to continue Ordinance No. 41-08 to November 3, 2008 Regular Commission Meeting at 7:00 p.m.; Approved, 5-0)

- C. **ORDINANCE NO. 46-08:** City initiated rezoning from RM (Residential Medium Density) in part and OSR (Open Space Recreation) in part to CF (Community Facilities) for a 3.64 acre parcel located on the south side of S.W. 6th Street, west of Auburn Avenue and east of Catherine Strong Park. *(Quasi-Judicial Hearing) (Commissioner Bernard declared a Conflict of Interest and left dais. Motion to approve; Approved, 4-0)*
- D. **ORDINANCE NO. 47-08:** Amending Chapter 52, “Water” of the Code of Ordinances by enacting Section 52.06, “Prima Facie Evidence of Violation of Section 52.05”, and by amending Section 52.99, “Penalty”, to clarify what will be considered evidence of tampering with a water meter and the penalty that may be imposed. *(Motion to approve; Approved, 5-0)*

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. 48-08:** An ordinance amending Chapter 96, "Fire Safety and Emergency Services", Section 96.66, "Emergency Medical Transportation Fees", of the Code of Ordinances to adjust the fee schedule for emergency medical transportation in accordance with the National American Fee Schedule. If passed, a public hearing will be held on November 3, 2008. *(Motion to approve; Approved, 5-0)*
- B. **ORDINANCE NO. 49-08:** An ordinance amending Chapter 71, “Parking Regulations”, of the Code of Ordinances by amending Section 71.060, "Parking Meter Permits”, to provide for a change in fees charged for parking permits. If passed, a public hearing will be held on November 3, 2008. *(Motion to approve; Approved, 5-0)*
- C. **RESOLUTION NO. 50-08:** Approve Resolution No. 50-08 authorizing the indebtedness by the Delray Beach Community Redevelopment Agency (CRA) in an aggregate principal amount not to exceed \$500,000.00 to pay the cost of Brownfields cleanup activities and costs of issuance, and approve an Interlocal agreement with the South Florida Regional Planning Council. If passed, a public hearing will be held on November 3, 2008. *(Motion to approve; Approved, 5-0)*

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

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

POSTED: OCTOBER 17, 2008

******** Meeting adjourned at 7:20 p.m. ********