

# City of Delray Beach

## Regular Commission Meeting

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



### RULES FOR PUBLIC PARTICIPATION

Tuesday, August 21, 2007

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.**
2. **INVOCATION.**
3. **PLEDGE OF ALLEGIANCE TO THE FLAG.**
4. **AGENDA APPROVAL.** (Mayor noted Item 8.E., Rescission of Contract Award/Randolph and Dewdney Construction, Inc. was pulled from the agenda; Correction to Item 8.I., Ratification of Appointment To The Parking Management Advisory Board, to read Mr. William Branning, Community Redevelopment Agency Representative; Item 9.M., Public Comments/FY 2008 Proposed Budget, moved before Item 9.L under the Regular Agenda; Item 8.D., Weitz Company/Final Payment/Delray Beach Family Recreation and Fitness Center was moved to Item 9.A.A. under the Regular Agenda; Item 9.C., Resolution No. 21-07 was moved to Item 9.A.A.A. under the Regular Agenda; and Additional information for Item 9.H., Appointments to the Historic Preservation Board; Approved as amended, 5-0)
5. **APPROVAL OF MINUTES:**
  - August 7, 2007 - Regular Meeting (Approved, 5-0)
  - August 14, 2007 - Special/Workshop Meeting (Approved, 5-0)
6. **PROCLAMATIONS:**
  - A. National Save a Life Month – September 2007
7. **PRESENTATIONS:**
  - A. 2007 Explorer Law Enforcement Academy
8. **CONSENT AGENDA:** City Manager Recommends Approval. (Approved as amended, 5-0)
  - A. **ACCEPTANCE OF RIGHT-OF-WAY DEED/WAYSIDE HOUSE:** Approve and accept a right-of-way deed between the City and Wayside House, Inc. to allow the conversion of use and renovation of the southernmost building at the Wayside House located on the west side of N.E. 6<sup>th</sup> Avenue, south of N.E. 4<sup>th</sup> Street (320 - 328 N.E. 6<sup>th</sup> Avenue).
  - B. **RESOLUTION NO. 14-07/ABANDONMENT OF EASEMENTS:** Approve Resolution No. 14-07 vacating and abandoning two (2) five (5) foot and one (1) ten (10) foot wide utility easements, located at 502 North Ocean Boulevard.
  - C. **RESOLUTION NO. 47-07/AMENDMENT NO. 1/FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT)/ JOINT PARTICIPATION AGREEMENT:** Approve Resolution No. 47-07 authorizing Amendment No. 1 to the Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) for the installation of landscaping along the northbound exit and entrance ramps of I-95 at West Atlantic Avenue; clarifying reimbursement for construction and design.

- D. **(MOVED TO ITEM 9.A.A. ON THE REGULAR AGENDA).**
- E. **RESCISSION OF CONTRACT AWARD/RANDOLPH AND DEWDNEY CONSTRUCTION, INC.:** Approve the rescission of the contract award to Randolph and Dewdney Construction, Inc. for the Pompey Park Community Center Improvements Project and authorize staff to re-bid the project; due to the contractor's inability to obtain a bond for the project. **(PULLED)**
- F. **REJECTION OF BIDS/RAINBERRY WOODS NEIGHBORHOOD IMPROVEMENTS PROJECT:** Approve the rejection of all bids received for the Rainberry Woods Neighborhood Improvements Project and authorize staff to re-bid the project.
- G. **TRI-PARTY AGREEMENT/PALM BEACH COUNTY/EXPANDING AND PRESERVING OUR CULTURAL HERITAGE, INC.:** Approve a tri-party agreement between the City, Palm Beach County and Expanding and Preserving Our Cultural Heritage, Inc. for funding in the amount of \$250,000.00 for the Spady Cultural Heritage Complex - Phase II. Funding is available from the Palm Beach County Recreation and Cultural Facilities Bond.
- H. **AMENDMENT NO. 4/MANAGEMENT AGREEMENT/OLD SCHOOL SQUARE, INC.:** Approve Amendment No. 4 to the management agreement between the City and Old School Square, Inc. which revises Paragraph 2.a of the agreement; to eliminate the requirement for ratification of Board Members by the City Commission.
- I. **RATIFICATION OF APPOINTMENT TO THE PARKING MANAGEMENT ADVISORY BOARD:** Approve and ratify the reappointment of Mr. William Branning, Community Redevelopment Agency Representative, to the Parking Management Advisory Board for a two (2) year term ending July 1, 2009.
- J. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:** Accept the actions and decisions made by the Land Development Boards for the period August 6, 2007 through August 17, 2007.
- K. **AWARD OF BIDS AND CONTRACTS:**
1. Bid award to Landmark Construction, Corp. in the amount of \$18,500.00 for the demolition of three (3) properties located at 230 SW 3<sup>rd</sup> Avenue, 114 NW 4<sup>th</sup> Avenue and 1314 SW 22<sup>nd</sup> Avenue. Funding is available from 118-1965-554-34.35 (Community Development Fund/Unsafe Buildings/Structures) and 001-2741-524-34.35 (General Fund/Unsafe Buildings/Structure).
  2. Purchase award to Dell Computer Corporation in the amount of \$18,826.20 for nine (9) laptops for Code Enforcement Officers. Funding is available from 001-2741-524-64.11 (General Fund/Computer Equipment).

3. Purchase award to Duval Ford in the amount of \$23,413.00 via the Florida Sheriff's Association Contract #06-14-0821 for the purchase of one (1) 2008 Ford Crown Victoria Police Interceptor for the Police Department. Funding is available from 501-3312-591-64.20 (Central Garage Fund/Automotive).
4. Purchase award to Florida Bullet in the amount of \$20,984.00 for the purchase of ammunition in preparation for next year's training and firearms qualifications for the Police Department. Funding is available from 001-2111-521-52.20 (General Fund/General Operating Supplies).
5. Purchase award to The HON Company c/o Workspaces South, LLC, Kimball International c/o Workspaces South, LLC and K-Log, Inc. in the total amount of \$90,057.49 for the purchase of office and conference room furniture for the new Environmental Services Administration building. Funding is available from 441-5111-536-64.10 (Water/Sewer Fund/Office Furniture/Fixtures).
6. Purchase award to Vision Solutions in the amount of \$25,300.00 for the replacement of the iSeries data mirroring software. Funding is available 001-1811-513-66.10 and 001-2111-521-66.10 (General Fund/Software).

9. **REGULAR AGENDA:**

- A.A. **WEITZ COMPANY/FINAL PAYMENT/DELRAY BEACH FAMILY RECREATION AND FITNESS CENTER:** Approve the final payment in the amount of \$47,646.09 to the Weitz Company for services rendered in preparation of beginning construction for the Delray Beach Family Recreation and Fitness Center Project (formerly the Western/Senior Community Center). Funding is available from 380-4150-572-62.58 (2004 G.O. Bond/Western Community Center). (Motion to approve; Approved, 5-0)
- A.A.A. **RESOLUTION NO. 21-07:** Consider approval of Resolution No. 21-07 authorizing the issuance of the Utility Tax Revenue Bonds (Series 2007) in an amount not to exceed \$27,000,000; and authorize the sale of such bonds to Bear, Stearns & Company, Inc. (Approved, 5-0)
- A. **CONDITIONAL USE REQUEST/LAST RESORT SALOON:** Consider a conditional use request to establish a 24-hour or late night business, extending the closing time from 12:00 midnight to 2:00 a.m., for the Last Resort Saloon located at 3205 South Federal Highway. (*Quasi-Judicial Hearing*) (Motion to approve Board Order as amended; Approved, 5-0)
- B. **CONDITIONAL USE EXTENSION REQUEST/5<sup>TH</sup> AVENUE AT DELRAY:** Consider a conditional use extension request to increase the building height to a maximum of 60' and to allow an increase above 30 dwelling units per acre (37.30 du/ac) for 5<sup>th</sup> Avenue at Delray, a proposed mixed use development, located on the east side of N.E. 5<sup>th</sup> Avenue (southbound Federal Highway), 112 feet north of N.E. 1<sup>st</sup> Avenue (131 – 185 N.E. 5<sup>th</sup> Avenue). (*Quasi-Judicial Hearing*) (Motion to approve Board Order as presented; Approved, 5-0)

- C. **(MOVED TO ITEM 9.A.A.A. ON THE REGULAR AGENDA)**
- D. **AUTHORIZATION TO PROCEED WITH FUNDING TO CONSTRUCT THE INFORMATION TECHNOLOGY (IT) BUILDING:** Consider a request to transfer \$974,400.00 from the Insurance Fund to the General Construction Fund to finance the construction of a new Information Technology (IT) Building. (Moved to transfer \$1,540,000 from the Insurance Fund to the General Construction Fund; Approved, 5-0)
- E. **FY 2008 GOLF RATES/MUNICIPAL GOLF COURSE:** Consider approval of the proposed FY 2008 maximum golf rates for the Municipal Golf Course. (Approved, 5-0)
- F. **FY 2008 GOLF RATES/LAKEVIEW GOLF COURSE:** Consider approval of the proposed FY 2008 maximum golf rates for the Lakeview Golf Course. (Approved, 5-0)
- G. **FY 2008 TENNIS RATES/TENNIS FACILITIES:** Consider approval of the proposed FY 2008 maximum tennis rates for the Tennis Facilities. (Approved, 5-0)
- H. **APPOINTMENTS TO THE HISTORIC PRESERVATION BOARD:** Appoint three (3) regular members to the Historic Preservation Board to serve two (2) year terms ending August 31, 2009. Based upon the rotation system, the appointments will be made by Commissioner Eliopoulos (Seat #1), Commissioner Fetzer (Seat #2) and Commissioner McDuffie (Seat #3). (Appointed Rhonda Sexton and approved, 5-0; and appointed JoAnn Peart and approved, 5-0. Commissioner Fetzer's appointment deferred to the September 4, 2007 Regular Commission Meeting)
- I. **APPOINTMENT TO THE NEIGHBORHOOD ADVISORY COUNCIL:** Appoint one (1) regular member to the Neighborhood Advisory Council for Zone 1 for an unexpired term ending October 31, 2007. Based upon the rotation system, the appointment will be made by Commissioner Fetzer (Seat #2). (Appointed Gaston Joseph and approved, 5-0)
- J. **APPOINTMENTS TO THE PLANNING AND ZONING BOARD:** Appoint three (3) regular members to the Planning and Zoning Board to serve two (2) year terms ending August 31, 2009. Based upon the rotation system, the appointments will be made by Commissioner Eliopoulos (Seat #1), Commissioner Fetzer (Seat #2) and Commissioner McDuffie (Seat #3). (Appointed Chuck Halberg and approved, 5-0; appointed John Miller and approved, 5-0; and appointed Francisco Perez-Azua and approved, 5-0)

- K. **APPOINTMENTS TO THE SITE PLAN REVIEW AND APPEARANCE BOARD:** Appoint two (2) regular members to the Site Plan Review and Appearance Board to serve two (2) year terms ending August 31, 2009 and one (1) regular member to serve an unexpired term ending August 31, 2008. Based upon the rotation system, the appointments will be made by Commissioner Fetzer (Seat #2), Commissioner McDuffie (Seat #3) and Commissioner Montague (Seat #4). (Appointed Andrew Youngross and approved, 5-0; and appointed Conner Lynch and approved, 5-0. Commissioner Montague's appointment deferred to the September 4, 2007 Regular Commission Meeting)
- L. **PUBLIC COMMENTS/FY 2008 PROPOSED BUDGET:** The City Commission will hear public comments, if any, regarding the FY 2008 Proposed Budget at this time.
- M. **DISCUSSION/PROPOSED BUDGET FY 2008:** Discussion regarding proposed budget for FY 2008 for the following:
- Suggested adjustments to proposed budget.
  - City Commission
  - City Manager
  - City Attorney
  - Human Resources
  - City Clerk
  - Finance
  - Police
  - Fire-Rescue

10. **PUBLIC HEARINGS:**

- A. **RESOLUTION NO. 46-07:** Consider approval of Resolution No. 46-07 adopting the preliminary assessment roll for the SW 8<sup>th</sup> Avenue Special Assessment District. (Approved, 5-0)
- B. **ORDINANCE NO. 25-07:** City initiated amendment to the Land Development Regulations (LDR) Section 2.4.2, "Notice Requirements", Section 2.4.3, "Submission Requirements", and Section 2.4.3(K), "Fees", to provide for an increase in the Development Applications, Plan Check Fees and Building Permit Fees. (Approved, 5-0)
- C. **ORDINANCE NO. 28-07:** City initiated text amendment to Chapter 71, "Parking Regulations" of the Code of Ordinances, by amending Section 71.058, "Cost of Parking or Standing Vehicles in Certain Metered Spaces", regarding the increase of Parking Meter Fees, east of the Intracoastal Waterway from \$0.75 to \$1.00 per hour. (Approved, 5-0)
- D. **ORDINANCE NO. 30-07:** An ordinance amending Chapter 117, "Landlord Permits", of the Code of Ordinances by amending Section 117.2, "Permit Fees", to provide for an increase in the Landlord Permit fee from \$30.00 per unit to \$50.00 per unit. (Approved, 5-0)

- E. **ORDINANCE NO. 24-07:** City initiated amendment to the Land Development Regulations (LDR) Section 4.3.4, “Base District Development Standards”, Subsection 4.3.4(K), “Development Standards Matrix”, and Section 4.4.6, “Medium Density Residential (RM) District”, Subsection 4.4.6(A), “Purpose and Intent”, to add references to the Carver Estates Overlay District and the Infill Workforce Housing Area. (Approved, 5-0)
- F. **ORDINANCE NO. 26-07:** City initiated amendment to the Land Development Regulations (LDR) enacting Section 2.4.7(G), “Requests for Reasonable Accommodation”, to provide procedures for handling and processing requests for accommodation from the City’s Code. (**THIS ORDINANCE TO BE MOVED TO FIRST READINGS ON AUGUST 21, 2007 AGENDA**) (Motion to approve Ordinance No. 26-07 on First Reading; Approved, 5-0)
- G. **ORDINANCE NO. 27-07:** City initiated amendment to the Land Development Regulations (LDR) amending Section 4.4.13, “Central Business District (CBD)”, Subsection 4.4.13(D), “Conditional Uses and Structures Allowed”, to clarify the maximum allowed residential density in the West Atlantic Avenue Neighborhood. (Approved, 5-0)
- H. **ORDINANCE NO. 29-07:** An ordinance replacing an existing Florida Power and Light Company (FPL) Franchise Agreement that is set to expire in 2011. (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. 32-07:** An ordinance amending Chapter 35, “Employees Policies and Benefits”, Subheading “Retirement Plan”, of the Code of Ordinances by amending Section 35.097, “Retirement Income; Basis, Amount and Payment”, providing up to one (1) additional year of credited service for certain employees who elect to terminate City employment and retire on or before September 30, 2007. If passed, a public hearing will be scheduled for September 4, 2007. (Approved, 5-0)
- B. **ORDINANCE NO. 33-07:** An ordinance amending Chapter 96, "Fire Safety and Emergency Services", Section 96.66, "Emergency Medical Transportation Fees", Subsection No. 96.66(A) of the Code of Ordinances to adjust the fee schedule for emergency medical transportation in accordance with the National Ambulance Fee Schedule. If passed, a public hearing will be scheduled for September 4, 2007. (Approved, 5-0)

13. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS.

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

**POSTED: AUGUST 17, 2007**

*\*\*\*\*\* Meeting adjourned at 9:06 p.m. \*\*\*\*\**