

City of Delray Beach

Regular Commission Meeting

*****AGENDA RESULTS*****



RULES FOR PUBLIC PARTICIPATION

Tuesday, June 1, 2010

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 McDuffie noted Item 8.B., Amendment No. 3 to Downtown Marketing Co-Operative Agreement and an Agreement, was moved to the Regular Agenda as Item 9.A.A. Approved as amended, 5-0).
5. **APPROVAL OF MINUTES:**
 - A. None
6. **PROCLAMATIONS:**
 - A. Recognizing Student Ambassadors: Chelsea Brandt, Sofia Ellingsworth, Matthew Feldman, Matthew Kondziela, Jacqueline Lowell, Danielle Trubow and Robert Weil
 - B. Parks and Recreation Month – July 2010
7. **PRESENTATIONS:**
 - A. None
8. **CONSENT AGENDA:** City Manager Recommends Approval. (Approved as amended, 5-0)
 - A. **REVISION TO THE GRANT AWARD/FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT)/AGGRESSIVE DRIVING:** Accept a revision to the grant award from the Florida Department of Transportation (FDOT) in the amount of \$25,000.00 for implementation of an aggressive driving/speed enforcement program.
 - B. **(MOVED TO ITEM 9.A.A. ON THE REGULAR AGENDA)**
 - C. **SPECIAL EVENT REQUEST/4th OF JULY FESTIVITIES:** Approve a special event request for the 4th of July Festivities, including granting a temporary use permit per LDR Section 2.4.6(F) for the closure of Atlantic Avenue from the east side of N.E./S.E. 7th Avenue to Ocean Boulevard, and from the south side of Thomas Street to the north side of Miramar on Ocean Boulevard from 2:00 p.m. to midnight; to waive Code of Ordinances Sections 101.25 “Commercial Enterprises” and 101.32 “Assemblies” to allow assembly on the beach and vendors; to allow all beach parking lots to remain open until approximately midnight; and to approve staff support for security and traffic control, street barricading and banner hanging, new large stage and half of small stage set up and use, EMS support, use of City generator, signage, and clean up and trash removal.

D. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**
Accept the actions and decisions made by the Land Development Boards for the period May 24, 2010 through May 28, 2010.

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

1. Contract award in the amount of \$55,810.00 to Johnson-Davis, Inc. for emergency repair of the aerial Force Main Crossing at Lift Station 50 located along Lowson Blvd, west of Congress Avenue. Funding is available from 442-5178-536-63.51 (W & S Renewal & Replacement Fund: Improvements Other/Sewer Mains).
2. Purchase award in the amount of \$52,833.65 to DGG Taser to replace seventy-five (75) Tasers. Funding is available from 115-2112-521-49.90 (Special Projects Fund: Other Current Charges).

9. **REGULAR AGENDA:**

AA. **AMENDMENT NO. 3 TO DOWNTOWN MARKETING CO-OPERATIVE AGREEMENT AND AN AGREEMENT:** Approve Amendment No. 3 to the old Downtown Marketing Cooperative Agreement which terminates the agreement and approve a new Downtown Marketing Cooperative Agreement, subject to the respective Boards of the Downtown Marketing Cooperative members. (Approved, 5-0)

A. **WAIVER REQUESTS/TEMPORARY PARKING LOT/PALM BEACH COUNTY TAX COLLECTOR/DMV RENOVATION:** Consider a request for a temporary parking lot and associated waivers for the Palm Beach County Tax Collector/DMV Renovation located at 451 & 511 South Congress Avenue. (*Quasi-Judicial Hearing*) (First Motion to approve the temporary parking lot; Approved, 5-0. Second Motion to adopt the board order as presented; Approved, 5-0)

B. **CONDITIONAL USE REQUEST/DELRAY SCRAP RECYCLING:** Consider a conditional use request to allow establishment of a scrap metal recycling facility for Delray Scrap Recycling to be contained in a completely enclosed building, within Bays 11 and 12 of the Linton Center industrial complex, located east of I-95 at the intersection of Poinsettia Drive and Tangelo Terrace. (*Quasi-Judicial Hearing*) (Motion to adopt the board order as presented; Approved, 5-0)

C. **WAIVER REQUESTS/CANNERY ROW:** Consider again approving three (3) waivers to Land Development Regulations (LDR) Section 4.6.18(B)(14)(iii)(1)(b), Section 4.6.18(B)(14)(v)(2), and Section 4.6.18(B)(14)(v)(3), "Buildings Within the Downtown Area", for Cannery Row, located at the southwest corner of Pineapple Grove Way (N.E. 2nd Avenue) and N.E. 4th Street. (*Quasi-Judicial Hearing*) Commissioner Eliopoulos filed a Conflict of Interest and left the dais. Motion to adopt the board order as presented; Approved, 4-0)

- D. **AMENDMENT TO AN IN-LIEU OF PARKING AGREEMENT/ATLANTIC OCEAN CLUB (F/K/A BOB'S FAMOUS BAR):** Consider modifying a condition of approval for off-site parking spaces associated with the in-lieu parking spaces provided to reduce on-site spaces from eleven (11) to eight (8) for Atlantic Ocean Club (f/k/a Bob's Famous Bar) located at 217-219 East Atlantic Avenue. ***(Quasi-Judicial Hearing)*** (First Motion to adopt the board order as presented; Approved, 5-0. Second Motion to amend the In-Lieu Agreement to reduce the number of spaces from 11 spaces to 8 spaces; Approved, 5-0)

10. **PUBLIC HEARINGS:**

- A. **ORDINANCE NO. 10-10 (FIRST READING/FIRST PUBLIC HEARING):** Providing for the acceptance of the resurvey report of Old School Square Historic District including extending the Period of Significance to 1965 and reclassifying 13 properties from non-contributing to contributing. If passed, a second reading second public hearing will be scheduled for June 15, 2010. ***(Approved, 5-0)***

- B. **RESOLUTION NO. 31-10/CONTRACT FOR SALE AND PURCHASE/LOLA JONES/118 S.W. 6th STREET:** Consider approval of Resolution No. 31-10, a Contract for Sale and Purchase between the City and Lola Jones for the property located at 118 S.W. 6th Street in the amount of \$82,500.00. Funding is available from 441-5161-536-61.10 (Water & Sewer Fund: Land/Land Acquisition Cost). ***(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. 14-10:** Consider approval of Ordinance No. 14-10 amending Section 110.15, "Local Business Tax Schedule", of the Code of Ordinances in order to provide for an increase in rates. If passed, a public hearing will be held on June 15, 2010. ***(Approved, 5-0)***

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

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

POSTED: MAY 28, 2010

******** Meeting adjourned at 7:38 p.m. ********