

City of Delray Beach

Regular Commission Meeting

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



RULES FOR PUBLIC PARTICIPATION

Tuesday, February 15, 2011

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.

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.** (Commissioner Frankel absent)
2. **INVOCATION.**
3. **PLEDGE OF ALLEGIANCE TO THE FLAG.**
4. **AGENDA APPROVAL.** (Mayor McDuffie noted Item 10.A., Ordinance No. 04-11 (First Reading/First Public Hearing), was postponed to March 15, 2011 Regular Meeting and the Second Reading/Second Public Hearing to April 5, 2011 Regular Meeting; Item 8.A., Final Subdivision Plat Approval/Swinton Acres, was moved to the Regular Agenda as Item 9.A.A and Item 8.K.1., Contract Award/Chaz Equipment was moved to the Regular Agenda as Item 9.A.A.A. Approved as amended, 4-0)
5. **APPROVAL OF MINUTES:**
 - A. January 11, 2011 – Workshop Meeting (Approved, 4-0)
 - B. January 25, 2011 – Annual Citizen’s Roundtable Meeting (Approved, 4-0)
 - C. February 1, 2011 – Regular Meeting (Approved, 4-0)
6. **PROCLAMATIONS:**
 - A. Arbor Day – February 22, 2011
7. **PRESENTATIONS:**
 - A. South Florida Water Management District - Dry Season Presentation (**ADDENDUM**)
8. **CONSENT AGENDA:** City Manager Recommends Approval. (Approved as amended, 4-0)
 - A. **(MOVED TO ITEM 9.A.A. ON THE REGULAR AGENDA).**
 - B. **RESOLUTION NO. 08-11: ABANDONMENT OF A UTILITY EASEMENT; SHULER’S MEMORIAL CHAPEL:** Approve Resolution No. 08-11 abandoning a 10’ x 150’ utility easement located on Shuler’s Memorial Chapel property at 606 West Atlantic Avenue.
 - C. **ACCEPTANCE OF A RIGHT-OF-WAY DEED/362 N.E. 3RD AVENUE:** Approve and accept a right-of-way deed for dedication of 2’ of alley right-of-way and 5’ of road right-of-way associated with renovation for a public parking lot at 362 N.E. 3rd Avenue.
 - D. **REQUEST FOR SIDEWALK DEFERRALS/SEASAGE DRIVE AND TAMARIND ROAD:** Approve a request to defer the installation of sidewalks along Seasage Drive and Tamarind Road for the Ferrara Residence located at the northeast corner of Seasage Drive and Tamarind Road.

- E. **REQUEST FOR SIDEWALK DEFERRAL/1018 POINSETTIA DRIVE:**
Approve a request to defer the installation of a sidewalk along Poinsettia Drive for the Fonfara Residence located at 1018 Poinsettia Drive.
- F. **AGREEMENT EXTENSION/DR. JOHN FLETMEYER/SEA TURTLE MONITORING SERVICES:** Approve an agreement extension for one year with Dr. John Fletemeyer in the amount of \$38,750.00 for sea turtle monitoring services. Funding is available from 332-4164-572-34.90 (Beach Restoration Fund: Other Contractual Services).
- G. **DISASTER RECOVERY INITIATIVE (DRI)/HOUSING REHABILITATION CONTRACT AWARD:** Approve one (1) Housing Rehabilitation contract award for the project located at 808 S.W. 11th Terrace to Ray Graeve and Sons Construction, Inc., the lowest responsive bidder, in the amount of \$33,723.21 for housing rehabilitation under the Disaster Recovery Initiative (DRI) Program. Funding is available from 118-1960-554-49.19 (Neighborhood Services/Other Current Charges/Housing Rehabilitation).
- H. **CHANGE WORKSHOP MEETING DATE IN MARCH:** Approval to reschedule the Workshop Meeting from March 10, 2011 to March 8, 2011.
- I. **RESOLUTION NO. 05-11:** Approve Resolution No. 05-11 amending Resolutions No. 55-09 and No. 58-09, which established the responsibilities of the Financial Review Board and its member requirements, to clarify that the board's duties shall fall under the direction of the City Manager or City Commission and restrict the membership of the board.
- J. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**
Accept the actions and decisions made by the Land Development Boards for the period January 31, 2011 through February 11, 2011.
- K. **AWARD OF BIDS AND CONTRACTS:**
1. **(MOVED TO ITEM 9.A.A.A. ON THE REGULAR AGENDA).**
 2. Contract award to multiple vendors in the amount of \$115,159.59 for emergency repair of the 36" Raw Water Main at the intersection of S.W. 10th Street and 15th Avenue. Funding is available from 442-5178-536.63.50 (W & S Renewal & Replacement Fund: Improvements Other/Water Mains).
 3. Contract award to Associated Consulting Professionals for lead based paint testing and/or risk assessments as needed for houses built prior to 1978 participating in the City's housing rehabilitation program. Funding is available from 118-1960-554-49.19 (Neighborhood Services/Other Current Charges/Housing Rehabilitation) and 118-1963-554-49.19 (Neighborhood Services/Other Current Charges/Housing Rehabilitation).

9. **REGULAR AGENDA:**

A.A. **FINAL SUBDIVISION PLAT APPROVAL/SWINTON ACRES:**
Approve the final plat for a 0.62 acre, two (2) lot subdivision known as Swinton Acres. (Commissioner Eliopoulos filed a Conflict of Interest and left the dais. Motion to approve; Approved 3-0)

A.A.A. Contract award to Chaz Equipment in the amount of \$24,000.00 for the emergency repair of a 10” Force Main on Lawson Boulevard just west of Congress Avenue at the Abbey Delray entrance. Funding is available from 442-5178-536-63.51 (W & S Renewal & Replacement Fund: Improvements Other/Sewer Mains). (Motion to approve; Approved, 4-0)

A. **WAIVER REQUESTS/BRIGHT HORIZONS d/b/a 32 EAST:** Consider two (2) waiver requests to Land Development Regulations (LDR) Sections 4.4.13(F)(4), “Front Setbacks”, and 4.4.13(F)(8), “Structures Allowed Within Setback”, to permit a proposed balcony, support columns of the balcony-canopy, entry arch columns and attached high top tables to encroach within the front setback for Bright Horizons d/b/a 32 East located at 32 East Atlantic Avenue. (*Quasi-Judicial Hearing*) (Motion to adopt board order as presented; Approved, 4-0)

B. **WAIVER REQUEST/ADVANCE AUTO PARTS:** Consider a waiver request to Land Development Regulations (LDR) Section 4.6.7 (E)(7), “Design Standards Matrix”, governing signs for Advance Auto Parts at 3003 South Federal Highway. (*Quasi-Judicial Hearing*) (Motion to adopt board order as presented; Approved, 4-0)

C. **CONDITIONAL USE REQUEST/UNITED PARKING SYSTEMS, INC.:**
Consider a Conditional Use request to allow United Parking Systems, Inc. to manage and operate the existing SunTrust Bank off-site parking lot located at the southwest corner of East Atlantic Avenue and S.E. 3rd Avenue as a commercial “for pay” parking lot with utilization by both bank customers and paying patrons. (*Quasi-Judicial Hearing*) (Motion to approve subject to conditions; Approved, 4-0)

D. **REQUEST FOR VALET QUEUE/PINEAPPLE GROOVE:** Consider a request from Pineapple Groove, located at 19 NE 3rd Avenue, to establish a parking valet queue in the Railroad Parking Lot. (Motion to approve Option “B” request; Approved, 4-0)

E. **GRANT APPLICATION/FLORIDA COMMUNITIES TRUST (FCT):**
Consider authorizing submission of a grant application to Florida Communities Trust (FCT) for the acquisition of three parcels surrounding the "505" Teen Center and Skate Park between S.E. 5th Avenue and S.E. 6th Avenue (US1 Corridor) with matching funds to be included in the FY 2012 Capital Improvement Plan. (Motion to approve; Approved, 4-0)

- F. **CONSULTING SERVICE AUTHORIZATION 06-10.2/CURRIE SOWARDS AGUILA ARCHITECTS:** Consider approval of Consulting Service Authorization No. 06-10.2 with Currie Sowards Aguila Architects in the amount of \$27,000.00 for Phase II construction drawings for the Pompey Park Concession Building. Funding is available from 334-4127-572-62.10 (General Construction Fund: Buildings). (Motion to approve as recommended by staff in favor of Option #6; Approved 4-0).
- G. **APPOINTMENT TO THE PARKING MANAGEMENT ADVISORY BOARD:** Appoint one (1) Citizen-at-Large Representative to the Parking Management Advisory Board to serve an unexpired term ending July 31, 2011. Based upon the rotation system, the appointment will be made by Commissioner Fetzer (Seat #2). (Commissioner Fetzer's appointment DEFERRED to the March 1, 2011 Regular Commission Meeting)
- H. **APPOINTMENT TO THE CODE ENFORCEMENT BOARD:** Appoint one (1) regular member to serve an unexpired term ending January 14, 2012. Based upon the rotation system, the appointment will be made by Commissioner Gray (Seat #4). (Commissioner Gray's appointment DEFERRED to the March 1, 2011 Regular Commission Meeting)
10. **PUBLIC HEARINGS:**
- A. **ORDINANCE NO. 04-11 (FIRST READING/FIRST PUBLIC HEARING):** Privately initiated amendment to the Land Development Regulations (LDR) Section 4.4.13, "Central Business District", Subsection (D), "Conditional Uses and Structures Allowed", to add "Escorted Segway Tours" as a conditional use and amending Section 4.3.3, "Special Requirements for Specific Uses", to enact a new Subsection (ZZZZ), "Segway Tours and Segway Sales", to provide for specific requirements for the establishment and operation of such uses. If passed, a second public hearing will be held on March 1, 2011. (*Staff has requested the item be postponed until the March 15, 2011 City Commission Meeting*) (Motion to POSTPONE Ordinance No. 04-11; 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. 03-11:** Privately initiated rezoning from Agricultural (A) District to Professional and Office District (POD) for a 2.09 acre vacant parcel of land located on the north side of West Atlantic Avenue, west of High Point Boulevard and the Delray Garden Center. If passed, a public hearing will be held on March 1, 2011. (Motion to approve; Approved, 4-0)

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

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

POSTED: FEBRUARY 11, 2011

******** Meeting adjourned at 8:12 p.m. ********