

# City of Delray Beach

## Regular Commission Meeting



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### RULES FOR PUBLIC PARTICIPATION

Tuesday, November 16, 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.

100 NW 1st Avenue  
Delray Beach, Florida 33444

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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.**
  - A. Atlantic Community High School Criminal Justice Academy Honor Guard Presentation of Colors
4. **AGENDA APPROVAL.**
5. **APPROVAL OF MINUTES:**
  - A. November 2, 2010 – Regular Meeting
  - B. November 9, 2010 – Workshop Meeting
6. **PROCLAMATIONS:**
  - A. Recognizing and Commending Ocean Rescue Officer EMT, **Lindsay Kenney**
7. **PRESENTATIONS:**
  - A. None
8. **CONSENT AGENDA:** City Manager Recommends Approval.
  - A. **REQUEST FOR SIDEWALK DEFERRAL/1019 and 1020 LAKE SHORE DRIVE:** Approve a request to defer the installation of a sidewalk along Lake Shore Drive for the property located at 1019 and 1020 Lake Shore Drive.
  - B. **ACCEPTANCE OF A SIDEWALK EASEMENT/ALOHA CLEANERS:** Approve and accept a sidewalk easement along N.E. 2nd Street for Aloha Cleaners located at 501 N.E. 2nd Street.
  - C. **UTILITY EASEMENT AGREEMENT/FLORIDA POWER & LIGHT (FPL)/SOLID WASTE AUTHORITY (SWA) SOUTH COUNTY TRANSFER STATION:** Approve an easement agreement between the City and Florida Power & Light (FPL) for a 10-foot Utility Easement at the Solid Waste Authority (SWA) South County Transfer Station.
  - D. **CONTRACT CLOSEOUT (CHANGE ORDER NO. 1, FINAL) IMPERIAL ELECTRICAL, INC.:** Approve a Contract Closeout (Change Order No. 1, Final) in the amount of a \$20,000.00 decrease and final payment amount of \$14,625.50 to Imperial Electrical, Inc. for the completion of EECBG Pompey Park Sports Lighting Upgrade. Funding is available from 101-6352-519-46.94 (ARRA Economic Stimulus FD: Repair and Maintenance Services/74 Energy Efficient Green Lights).

- E. **SERVICE AUTHORIZATION NO. 07-03/WANTMAN GROUP, INC.:** Approve Service Authorization No. 07-03 in the amount of \$18,568.00 with Wantman Group, Inc. for additional design services for S.W. 2nd Street Beautification Project. Funding is available from 334-3162-541-65.95 (General Construction Fund: Capital Outlay/S.W. 2nd Street Beautification) and 448-5461-538-65.95 (Storm Water Utility Fund: Other Improvements/S.W. 2nd Street Beautification).
- F. **CONSULTING SERVICES AUTHORIZATION/PBS & J, INC.:** Approve a Consulting Services Authorization in the amount of \$49,805.00 to PBS & J, Inc. for the construction administration services of the Atlantic Avenue Gateway Feature located on Atlantic Avenue between I-95 and N.W./S.W. 12th Avenue. Funding is available from 334-3162-541-68.09 (General Construction Fund: Other Improvement/Atlantic Avenue Gateway Feature).
- G. **INTERLOCAL AGREEMENT/PALM BEACH COUNTY/PUBLIC ART ADMINISTRATION:** Approve an Interlocal Agreement with Palm Beach County for support in administering various aspects of public art within the City.
- H. **INTERLOCAL AGREEMENT/PALM BEACH COUNTY DROWNING PREVENTION COALITION (DPC):** Approve an Interlocal Agreement with Palm Beach County for payment of swimming lesson fees not to exceed \$50.00 per class for the Learn to Swim Program at Pompey Park and the Delray Swim and Tennis Center through the Drowning Prevention Coalition of Palm Beach County.
- I. **DISASTER RECOVERY INITIATIVE (DRI)/HOUSING REHABILITATION GRANT/CONTRACT AWARD:** Approve one (1) Housing Rehabilitation grant award for the property located at 619 S.W. 10th Street to Citywide Construction Services, Inc. in the amount of \$29,015.58, the lowest responsive bidder, 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).
- J. **COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SUB-RECIPIENT FUNDING AGREEMENT/URBAN LEAGUE OF PALM BEACH COUNTY, INC.:** Approve and authorize execution of a Sub-Recipient Funding Agreement with the Urban League of Palm Beach County, Inc. under the Community Development Block Grant (CDBG) program for FY 2010-2011, with total funding in the amount of \$6,000.00. Funding is available from 118-1966-554-83.01 (Neighborhood Services: Other Grants and Aids).
- K. **COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SUB-RECIPIENT FUNDING AGREEMENT/FAIR HOUSING CENTER OF THE GREATER PALM BEACHES, INC.:** Approve and authorize execution of a Sub-Recipient Funding Agreement with the Fair Housing Center of the Greater Palm Beaches, Inc. under the Community Development Block Grant (CDBG) program for FY 2010-2011, with total funding in the amount of \$8,000.00. Funding is available from 118-1961-554-49.17 (Neighborhood Services: Other Current Charges/Promotion of Fair Housing).

- L. **COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SUB-RECIPIENT FUNDING AGREEMENT/ACHIEVEMENT CENTERS FOR CHILDREN AND FAMILIES:** Approve and authorize execution of a Sub-Recipient Funding Agreement with Community Child Care Center (d/b/a Achievement Centers for Children and Families) under the Community Development Block Grant (CDBG) program for FY 2010-2011, with total funding in the amount of \$80,000.00. Funding is available from 118-1966-554-82.09 (Neighborhood Services: Aid to Private Organizations/Child Care Center).
- M. **RATIFICATION OF APPOINTMENT TO THE PARKING MANAGEMENT ADVISORY BOARD:** Approve and ratify the appointment of Mr. Cary Glickstein, alternate Planning and Zoning Board representative, for an unexpired term ending July 31, 2012.
- N. **GRANT AGREEMENT/DELRAY BEACH HISTORICAL SOCIETY, INC.:** Approve a grant in the amount of \$30,000.00 from the City to the Delray Beach Historical Society, Inc. Funding is available from 001-6311-572-83.07 (General Fund: Other Grants & Aid/DB Historical Society- Cason Cottage).
- O. **DOWNTOWN MARKETING CO-OPERATIVE AGREEMENT:** Approve the Downtown Marketing Co-Operative Agreement.
- P. **SPECIAL EVENT REQUEST/13th ANNUAL FIRST NIGHT 2011:** Approve a special event request to endorse the 13th Annual First Night 2011 event on December 31, 2010 from 4:00 p.m. to midnight, granting a temporary use permit per LDR Section 2.4.6(F) for the use of City rights-of-way and facilities as requested, and to authorize generator use and staff support for traffic control and security, site cleanup and trash removal, barricade set up and removal, signage construction and installation, and EMS services.
- Q. **SPECIAL EVENT REQUEST/12th ANNUAL GARLIC FESTIVAL:** Approve a special event request for the 12th Annual Garlic Festival to be held February 11-13, 2011, and grant a temporary use permit per LDR Section 2.4.6(F) for use of City rights-of-way to include N.E. 1st Avenue from Atlantic to the grass area at Old School Square, Swinton Avenue from Atlantic to N.E. 1st Street and Old School Square Park, from 6:00 a.m., February 11 through midnight, February 13, 2011 and use of the Old School Square Parking Garage, City Hall north lot, and City Attorney lot, and authorize staff support for traffic control and security, EMS assistance, barricading, banner hanging, and signage preparation and installation, use of city generator, and waiver of the two (2) hour parking limit in the downtown area during the event subject to the conditions listed in the staff report.
- R. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:** Accept the actions and decisions made by the Land Development Boards for the period November 1, 2010 through November 12, 2010.

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

1. Contract award to Rosso Paving and Drainage in the amount of \$29,246.00 to construct an alley north off Tropic Boulevard. Funding is available from 448-5461-538-63.90 (Storm Water Utility Fund: Improvements Other/Other Improvements).

9. **REGULAR AGENDA:**

- A. **APPEAL OF SITE PLAN REVIEW AND APPEARANCE BOARD ACTION: ATLANTIC OCEAN CLUB:** Consider an appeal of the Site Plan Review and Appearance Board's decision regarding Atlantic Ocean Club located at 217 & 219 East Atlantic Avenue. (*Quasi-Judicial Hearing*)

1. **WAIVER REQUEST/ATLANTIC OCEAN CLUB:** Consider a waiver request to Land Development Regulations (LDR) Section 4.4.13(F)(4)(c)(2), "Upper Levels" regarding the required building frontage and front setback for Atlantic Ocean Club. (*Quasi-Judicial Hearing*)

- B. **WAIVER REQUESTS/DALLEY LAW OFFICE:** Consider four (4) waiver requests to Land Development Regulations (LDR) Sections 4.4.13(F)(4)(a), "Front Setbacks", 4.4.13(F)(4)(b)(1), "Lower Levels", 4.4.13(F)(1)(a), "Height", and 4.6.18(B)(14)(iv)(2), "Windows and Doors", regarding building frontage, front setback, height, and building material surface requirements for Dalley Law Office located at 35 S.E. 6th Avenue. (*Quasi-Judicial Hearing*)

- C. **WAIVER REQUESTS/TEMPORARY USE PERMIT/DELAIRE COUNTRY CLUB:** Consider a request for a temporary use permit and two (2) waiver requests to allow installation of a self contained portable kitchen trailer associated with Delaire Country Club located at 4645 White Cedar Lane. (*Quasi-Judicial Hearing*)

- D. **PROPOSAL FOR COMPREHENSIVE ANALYSIS OF FIRE SERVICES/ICMA PUBLIC SAFETY SERVICES:** Consider a proposal from ICMA Public Safety Services for a Comprehensive Analysis of Fire Services.

- E. **APPOINTMENT TO THE EDUCATION BOARD:** Appoint one (1) regular member to the Education Board to serve an unexpired term ending July 31, 2011. Based upon the rotation system, the appointment will be made by Commissioner Gray (Seat #4).

- F. **APPOINTMENT TO THE POLICE ADVISORY BOARD:** Appoint one (1) regular member to the Police Advisory Board for an unexpired term ending July 31, 2012. Based upon the rotation system, the appointment will be made by Commissioner Frankel (Seat #3).

G. **APPOINTMENT TO THE PUBLIC ART ADVISORY BOARD:** Appoint one (1) regular member to the Public Art Advisory Board for an unexpired term ending July 31, 2011. Based upon the rotation system, the appointment will be made by Mayor McDuffie (Seat #5).

H. **APPOINTMENT TO THE NEIGHBORHOOD ADVISORY COUNCIL:** Appoint one (1) regular member for Zone 1 to the Neighborhood Advisory Council to serve an unexpired term ending July 31, 2013. Based upon the rotation system, the appointment will be made by Commissioner Fetzer (Seat #2).

10. **PUBLIC HEARINGS:**

A. **ORDINANCE NO. 40-10:** Consider calling for a referendum on proposed revisions to the Charter of the City of Delray Beach to amend Article III, "Legislative", Section 3.02, "City Commission: Composition, Eligibility, Election, and Terms"; and amend Article V, "Elections", Section 5.02, "Types of Elections"; to provide for a change in the length of a term from a two (2) year term to a three (3) year term; providing for a referendum election to be held on March 8, 2011.

B. **RESOLUTION NO. 61-10/CONTRACT FOR SALE AND PURCHASE/DELRAY BEACH HOUSING AUTHORITY/614 S.W. 6<sup>th</sup> AVENUE:** Consider approval of Resolution No. 61-10, a Contract for Sale and Purchase between the City and Delray Beach Housing Authority for the property located at 614 S.W. 6<sup>th</sup> Avenue in the amount of \$10.00.

C. **RESOLUTION NO. 62-10/CONTRACT FOR SALE AND PURCHASE/DELRAY BEACH HOUSING AUTHORITY/616 S.W. 9<sup>th</sup> STREET:** Consider approval of Resolution No. 62-10, a Contract for Sale and Purchase between the City and Delray Beach Housing Authority for the property located at 616 S.W. 9<sup>th</sup> Street in the amount of \$10.00.

D. **RESOLUTION NO. 63-10/CONTRACT FOR SALE AND PURCHASE/DELRAY BEACH HOUSING AUTHORITY/1212-1214 S.W. 2<sup>nd</sup> AVENUE:** Consider approval of Resolution No. 63-10, a Contract for Sale and Purchase between the City and Delray Beach Housing Authority for the property located at 1212-1214 S.W. 2<sup>nd</sup> Avenue in the amount of \$10.00.

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. None

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

A. City Manager

B. City Attorney

C. City Commission

POSTED: NOVEMBER 12, 2010