City of Delray Beach

Regular Commission Meeting

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

Tuesday May 3, 2011

Regular Meeting 6:00 p.m.
Public Hearings 7:00 p.m.
Commission Chambers
Delray Beach City Hall

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.

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.

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.

100 NW 1st Avenue
Delray Beach, Florida 33444

Phone: (561) 243-7000
Fax: (561) 243-3774

1. **ROLL CALL.** (Mayor McDuffie absent)

2. **INVOCATION.**

3. **PLEDGE OF ALLEGIANCE TO THE FLAG.**

4. **AGENDA APPROVAL.**

5. **APPROVAL OF MINUTES:**

   A. April 12, 2011 – Workshop Meeting (Approved, 4-0)

   B. April 21, 2011 – Regular Meeting (Approved, 4-0)

6. **PROCLAMATIONS:**

   A. National Preservation Month – May 2011

   B. Knights of Pythagoras Mentoring Network's Ladies of Distinction Day – May 7, 2011

   C. Travel and Tourism Week – May 7-15, 2011

   D. National Emergency Medical Services Week – May 15-21, 2011

   E. National Public Works Week – May 15-21, 2011

   F. Water Reuse Week – May 15-21, 2011

7. **PRESENTATIONS:**

   A. Recognizing and Commending **Dale Medeiros** for her multitude of volunteer service hours with the City, local and national organizations.

8. **CONSENT AGENDA:** City Manager Recommends Approval. (Approved, 4-0)

   A. **RESOLUTION NO. 19-11: ABANDONMENT OF A UTILITY EASEMENT/1110 WATERWAY LANE:** Approve abandonment of a 5' x 100' utility easement on the property located at 1110 Waterway Lane.

   B. **TRANSPORTATION ENHANCEMENT PROGRAM GRANT PROPOSAL/ PALM BEACH METROPOLITAN PLANNING ORGANIZATION (MPO):** Authorize submitting a Transportation Enhancement Program Grant Proposal to the Palm Beach Metropolitan Planning Organization (MPO) for beautification improvements along N.E. 2nd Avenue within the Del-Ida Park Historic District.

C. **CONTRACT CLOSEOUT (CHANGE ORDER NO. 1/FINAL)/B & O CONSTRUCTORS, INC.:** Approve Contract Closeout (Change Order No. 1/Final) to B & O Constructors, Inc. in the amount of a $1,225.21 decrease and a final payment amount of $8,550.31 for completion of the Munnings/Williams House Rehabilitation Project. Funding is available from 334-4851-575-62.89 (General Construction Fund: Buildings; Munnings/Williams Rehabilitation).

D. **SERVICE AUTHORIZATION 07-05/WANTMAN GROUP/S.W. 10TH AVENUE WATER MAIN UPGRADES:** Approve Service Authorization No. 07-05 with Wantman Group in the amount of $48,846.00 for design of a water main upgrade on S.W. 10th Avenue from S.W. 2nd Street to West Atlantic Avenue. Funding is available from 442-5178-536-68.76 (Water & Sewer Renewal & Replacement Fund: Improvements Other/S.W. 10th Avenue WM).

E. **AMENDMENT NO. 1 TO THE ALTERNATIVE WATER SUPPLY GRANT/SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD):** Approve Amendment No. 1 to the Alternative Water Supply Grant with South Florida Water Management District (SFWMD) to reduce funding from $210,900.00 to $154,800.00 for the Area 11B Reclaimed Water System expansion. Funding due to the grant reduction is available from 441-5181-536-65.96 (Water & Sewer Fund: Other Improvements/Reclaim Water Transmission).

F. **COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)/HOUSING REHABILITATION CONTRACT AWARDS:** Approve two (2) Housing Rehabilitation contract awards for 1414 N.W. 2nd Avenue and 1417 S.W. 4th Street to Citywide Construction Services, Inc., the lowest responsive bidder, in the amount of $58,476.45 for housing rehabilitation grants under the Community Development Block Grant (CDBG). Funding is available from 118-1963-554-49.19 (Neighborhood Services: Other Current Charges/Housing Rehabilitation).

G. **HOUSING REHABILITATION BID AWARDS FOR NEIGHBORHOOD STABILIZATION PROGRAM (NSP):** Award three (3) NSP Housing Rehabilitation projects through the Community Development Division to CJ Contracting, LLC. in the amount of $34,431.60 for 2216 N.E. 3rd Avenue; All Phase Roofing & Construction, Inc. in the amount of $27,120.45 for 125 N.W. 12th Avenue and to Haywood Construction in the amount of $43,097.25 for 1505 S.W. 3rd Court. Funding is available from 118-1935-554-62.12 (Neighborhood Services: Capital Outlay/Acquisition Rehabilitation).

H. **ADOPTION OF DELRAY BEACH PEDESTRIAN/BICYCLE TASK TEAM FINAL REPORT:** Approve formal adoption of the Delray Beach Pedestrian/Bicycle Task Team Final Report.

I. **SPECIAL EVENT REQUEST/AVDA 5K WALK/RUN:** Approve a special event request to endorse the 14th Annual Aid to Victims of Domestic Abuse, Inc. (AVDA) 5K Walk/Run to be held on Saturday, October 15, 2011 from 7:30 a.m. until approximately noon, with set up at 5:00 a.m., to grant a temporary use permit per LDR Section 2.4.6(F) for the use of Anchor Park and the City right-of-way along Ocean Boulevard from Bucida Road to George Bush Boulevard, to waive parking meter fees in the Anchor Park and Sandoway lots from 5:00 a.m. to 11:00 a.m., and to authorize staff assistance for providing traffic control, barricading, signage, trash clean up and removal, City generator use, and set up and use of the small stage.

J. **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, large stage set up and use, EMS support, use of City generator, signage, and clean up and trash removal.

K. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:** Accept the actions and decisions made by the Land Development Boards for the period April 18, 2011 through April 29, 2011.

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

1. Contract award to Spearhead Development Group, Inc. in the amount of $102,999.80 for the construction of several sidewalk improvements associated with the Community Improvement Sidewalk Phase II project. Funding is available from 118-1965-554-63.11 (Neighborhood Services: Improvements – Other/Bikepaths/Sidewalks).

2. Purchase award to Sensus USA, Inc. in the amount of $241,500.00 for the purchase of 2,000 one inch and 3/4 inch water meters. Funding is available from 442-5178-536-61.81 (Water & Sewer Renewal & Replacement Fund: Land/Water Meter Replacement Program).

3. Contract award to Foster Marine Contractor's, Inc. in the amount of $1,586,019.82 for the construction of improvements on S.W. 12th Avenue/Auburn Avenue/S.W. 14th Avenue from S.W. 10th Street to West Atlantic Avenue. Funding is available from 334-3162-541-68.04 (General Construction Fund: Other Improvement/S.W. 12th Avenue/Auburn/14th Avenue), 448-5461-538-68.04 (Storm Water Utility Fund: Other Improvement/ S.W. 12th Avenue/Auburn/14th Avenue) and 442-5178-536.68-04 (Water & Sewer Renewal & Replacement Fund: Improvements Other/ S.W. 12th Avenue/Auburn/14th Avenue).

9. **REGULAR AGENDA:**

A. **CONDITIONAL USE REQUEST/VETERANS OF FOREIGN WARS (POST 4141):** Consider approval of a conditional use request to allow the Veterans of Foreign Wars (VFW) Post 4141 to establish a fraternal lodge within an existing 2,783 sq. ft. commercial building in the GC (General Commercial) zoning district, located at 802 S.E. 5th Avenue. ***(Quasi-Judicial Hearing)*** (Motion to adopt board order as presented; Approved, 4-0)

B. **WAIVER REQUESTS/ FRANKLIN AT DELRAY BEACH:** Consider approval of four (4) waiver requests associated with the Franklin at Delray Beach development, located on the west side of South Federal Highway, south of S.W. 10th Street and north of the Plaza at Delray, including waivers to Land Development Regulations (LDR) Section 4.3.4 (H)(6)(b), "Special Landscape Setbacks", which requires a 25' special landscape setback along Federal Highway; Section 4.6.9(D)(3)(c)(1), "Stacking Distance", which requires a 50' stacking distance for all driveway connections; Section 6.1.3(B), "Sidewalk Design Requirements", which requires a minimum width of 5' for the internal sidewalks and Section 4.6.2(B), "Distance between Residential Buildings", which requires a building separation of 79.78' between buildings #6 and #7. ***(Quasi-Judicial Hearing)*** (Motion to adopt board order as presented; Approved, 4-0)

C. **TEMPORARY USE PERMIT/DAUGHTER OF ZION SEVENTH-DAY ADVENTIST CHURCH:** Consider a request for a temporary use permit by Daughter of Zion Seventh-Day Adventist Church to erect a tent on a vacant block owned by the Delray Beach Housing Authority (DBHA), located on SW 12th Avenue and 10th Street, from July 7, 2011 to August 13, 2011 to conduct six (6) weeks of nightly services from 7 p.m. to 9 p.m. and community outreach programs on Mondays and Wednesdays from 6 p.m. to 7 p.m. (Motion to approve per staff recommendation; Approved, 4-0)

D. **ASSIGNMENT OF VALET PARKING QUEUE ON N.E. 2ND AVENUE FORMERLY OPERATED BY KYOTO SUSHI:** Consider requests to assign the valet parking queue on N.E. 2nd Avenue formerly operated by Kyoto Sushi. (Motion to approve assignment to Tramonti's based on the condition that they charge the fees and do the letter as far as working with other restaurants as contained in the staff report; Approved, 4-0)

E. **APPOINTMENT TO THE GREEN IMPLEMENTATION ADVANCEMENT BOARD:** Appoint one (1) alternate member to the Green Implementation Advancement Board to serve an unexpired term ending July 31, 2011. Based upon the rotation system, the appointment will be made by Commissioner Carney (Seat #1). (Appointed Yalmaz Siddiqui and approved, 4-0)

10. **PUBLIC HEARINGS:**

A. **RESOLUTION NO. 12-11: TRANSFER OF PROPERTY AT ZEDER AVENUE**: Consider approval of Resolution No. 12-11 authorizing the City to transfer a vacant property located at Southridge Lot 20 Block 10 (Zeder Avenue) to the Community Land Trust (CLT) for affordable housing. (Motion to approve; Approved, 4-0)

B. **ORDINANCE NO. 15-11:** Consider amending Chapter 33, "Police and Fire-Rescue Departments"; Section 33.62, "Benefit Amounts and Eligibility", Subsection (E), "Disability Retirement Provisions", Sub-Subsection (5), "Disability Retirement Benefits", to increase the minimum service incurred disability benefit for firefighters; and amending Section 33.64, "Contributions", Subsection (A), "Member Contributions", to increase member contributions for firefighters. (Motion to approve; 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. 16-11:** Consider a city-initiated amendment to the Land Development Regulations (LDR) Section 4.3.3 (I), "Community Residential Homes and Group Homes", to remove an out-of-date reference to Section 4.3.3(D), "Residential and Non-Residential Licensed Services Provider Facilities". If passed, a public hearing will be held on May 17, 2011. (Commissioner Fetzer left the dais. Motion to approve; Approved, 3-0)

B. **ORDINANCE NO. 17-11:** Consider a city initiated amendment to Land Development Regulations (LDR) Section 4.4.29, "Mixed Residential Office and Commercial (MROC) District", to clarify allowable densities. If passed, a public hearing will be held on May 17, 2011. (Commissioner Fetzer away from the dais. Motion to approve; Approved, 3-0)

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

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

POSTED: APRIL 29, 2011

********* Meeting adjourned at 8:19 p.m. *********