

City of Delray Beach

Regular Commission Meeting

****AGENDA RESULTS****



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.

Tuesday, August 16, 2011

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

- 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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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.**
4. **AGENDA APPROVAL.**
5. **APPROVAL OF MINUTES:**
 - A. August 8, 2011 – Special/Workshop Meeting (Approved, 4-0)
 - B. August 9, 2011 – Special Meeting (Approved, 4-0)
 - C. August 9, 2011 – Workshop Meeting (Approved, 4-0)
6. **PROCLAMATIONS:**
 - A. Fire Fighter Appreciation Month – August 2011
7. **PRESENTATIONS:**
 - A. Oath of Office administered to Newly-Appointed City Commission Member: Jay Alperin
 - B. S.P.I.R.I.T. (Service, Performance, Integrity, Responsibility, Innovation, Teamwork) Committee Quarterly Awards Presentation)
8. **CONSENT AGENDA:** City Manager Recommends Approval. (Approved, 5-0)
 - A. **REQUEST FOR SIDEWALK DEFERRAL/15 N.W. 16TH STREET:** Approve a request to defer the installation of a sidewalk along N.W. 16th Street for the property located at 15 N.W. 16th Street.
 - B. **COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)/HOUSING REHABILITATION CONTRACT AWARDS:** Approve two (2) Housing Rehabilitation contract awards for 905 S.W. 11th Terrace and 702 S.W. 1st Street to Abisett Corporation, *the lowest responsive bidder*, in the amount of \$60,815.85 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).
 - C. **RESOLUTION NO. 32-11:** Approve Resolution No. 32-11 assessing costs for abatement action required to remove nuisances on three (3) properties throughout the City.

- D. **BID AWARD/MURRAY LOGAN CONSTRUCTION, INC.:** Approve a bid award to Murray Logan Construction, Inc. in the amount of \$194,510.00 for modifications to the Mangrove Park Boat Ramps. Funding is available from 334-4174-572-63.90 (General Construction Fund: Improvements Other/Other Improvements).
1. **CHANGE ORDER NO. 1/MURRAY LOGAN CONSTRUCTION, INC.:** Approve Change Order No. 1 with Murray Logan Construction, Inc. to decrease the total contract amount to \$188,240.00 for modifications to the Mangrove Park Boat Ramps. Funding is available from 334-4174-572-63.90 (General Construction Fund: Improvements Other/Other Improvements).
- E. **PROPOSED MILLAGE RATE/DOWNTOWN DEVELOPMENT AUTHORITY:** Approve the Downtown Development Authority's *proposed* millage rate for FY 2012.
- F. **REQUEST FOR AN ALCOHOLIC BEVERAGE LICENSE/OLD SCHOOL SQUARE:** Approve a request from Old School Square Inc., to allow them to obtain an alcoholic beverage license for the Old School Square site.
- G. **SPECIAL EVENT REQUEST/17TH ANNUAL DOWNTOWN DELRAY BEACH CRAFT FESTIVAL:** Approve a special event request to endorse the 17th Annual Downtown Delray Beach Craft Festival sponsored by Howard Alan Events, Ltd. to be held October 1-2, 2011 from 10:00 a.m. to 5:00 p.m., to grant a temporary use permit per LDR Section 2.4.6(F) for use of N.E. 4th Avenue from Atlantic Avenue to N.E. 1st Street and from Atlantic Avenue to S.E. 1st Street to utilize the north end of the Hand's Parking Lot for vendor parking and to provide staff support for traffic control, security and fire inspection services.
- H. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:** Accept the actions and decisions made by the Land Development Boards for the period August 1, 2011 through August 12, 2011.
- I. **AWARD OF BIDS AND CONTRACTS:**
1. Purchase award to Island Air Conditioning in the amount of \$18,500.00 for the replacement of two (2) air-conditioning units at the Community Center. Funding is available from 334-4125-572-64.90 (General Construction Fund: Machinery & Equipment, Other Machinery & Equipment).

9. **REGULAR AGENDA:**

- A. **WAIVER REQUESTS/BLOCK 11:** Consider approval of two (2) waivers to Land Development Regulations (LDR) Section 4.6.14(B)(6), “Sight Visibility”, to reduce the forty foot (40’) sight visibility triangle to 22.59’ at the intersection of S.E. 5th Avenue and 6th Street, and to 32.21’ at the intersection of S.E. 6th Avenue and 7th Street; and four (4) waivers to Land Development Regulations (LDR) Section 4.6.9(D)(3)(c)(2), “Stacking Distance”, to allow reduction of the stacking distance from the required fifty feet (50’) for parking lots with 51 or more spaces to 27.95’ along S.E. 5th Avenue, 32.56’ along S.E. 7th Street, 43.5’ along S.E. 6th Street and 32.57’ along S.E. 6th Avenue for Block 11. *(Quasi-Judicial Hearing)* (Motion to adopt board order as presented; Approved, 5-0)
- B. **WAIVER REQUEST/THE OFFICE:** Consider approval of a waiver request to Land Development Regulations (LDR) Section 6.3.3(F)(2), “Regulations Governing the Use, Design, and Maintenance of a Sidewalk Café”, relating to the placement of sidewalk furniture adjacent to a street for The Office located at 201 East Atlantic Avenue. *(Quasi-Judicial Hearing)* (Motion to adopt board order as presented; Approved, 4-1. Commissioner Frankel dissenting)
- C. **NON-EXCLUSIVE LICENSE AGREEMENT/DELRAY BEACH ATHLETIC CLUB, INC.:** Consider approval of a Non-Exclusive License Agreement between the City and the Delray Beach Athletic Club, Inc. for use of the Seacrest Soccer Complex and Hilltopper Stadium. (Motion to approve as amended; Approved, 5-0)
- D. **UMBRELLA AGREEMENT FOR BANKING SERVICES/BANK OF AMERICA:** Consider approval of an umbrella agreement with Bank of America to provide government banking services through September 30, 2014. (Motion to approve; Approved, 5-0)
- E. **STATE INFRASTRUCTURE BANK (SIB) APPLICATION/FLORIDA DEPARTMENT OF TRANSPORTATION:** Consider approval of an application to the State Infrastructure Bank (SIB), Florida Department of Transportation (FDOT) for a loan in the amount of \$1,856,708.00 to provide the balance of funding needed for the US 1 Beautification project from just south of S.E. 10th Street to just north of George Bush Boulevard. (Motion to approve; Approved, 5-0)
- F. **OFFER OF SETTLEMENT IN DEMETRIA BRIDGETT V. CITY OF DELRAY BEACH:** Consider an Offer of Settlement in the total amount of \$20,000.00 in Demetria Bridgett v. City of Delray Beach. Staff recommends approval. (Motion to approve settlement offer; Approved, 5-0)

- G. **APPOINTMENTS TO THE PLANNING & ZONING BOARD:** Appoint three (3) regular members to the Planning & Zoning Board to serve two (2) year terms ending August 31, 2013. Based upon the rotation system, the appointments will be made by Commissioner Frankel (Seat #3), Commissioner Gray (Seat #4) and Mayor McDuffie (Seat #5). (Appointed Gerald Franciosa and approved, 5-0; Appointed Alson Jacquet and approved, 5-0; Appointed Connor Lynch and approved 5-0)
- H. **APPOINTMENTS TO THE SITE PLAN REVIEW & APPEARANCE BOARD:** Appoint one (1) regular member to serve an unexpired term ending August 31, 2012 and two (2) regular members to serve two (2) year terms ending August 31, 2013 to the Site Plan Review & Appearance Board. Based upon the rotation system, the appointments will be made by Commissioner Gray (Seat #4), Mayor McDuffie (Seat #5), and Commissioner Carney (Seat #1). (Appointed Shannon Dawson and approved, 5-0; Appointed Scott Porten and approved, 5-0; Appointed Sigurdur Hardester and approved 5-0)
- I. **APPOINTMENTS TO THE HISTORIC PRESERVATION BOARD:** Appoint one (1) regular member to serve an unexpired term ending August 31, 2012 and three (3) regular members to serve two (2) year terms ending August 31, 2013 to the Historic Preservation Board. Based upon the rotation system, the appointments will be made by Commissioner Carney (Seat #1), Commissioner Frankel (Seat #3), Commissioner Gray (Seat #4) and Mayor McDuffie (Seat #5). (Appointed Ana Maria Aponte and approved, 5-0; Appointed Ronald Brito and approved, 5-0; Appointed Iris McDonald and approved 5-0. Commissioner Gray's appointment was deferred to the September 6, 2011 Regular Commission Meeting)
- J. **APPOINTMENTS TO THE FINANCIAL REVIEW BOARD:** Appoint one (1) regular member to serve an unexpired term ending July 31, 2012 and one (1) alternate member to serve a two (2) year term ending July 31, 2013 to the Financial Review Board. Based upon the rotation system, the appointments will be made by Mayor McDuffie (Seat #5) and Commissioner Carney (Seat #1). (Appointed Sharon Roth and approved, 5-0; Appointed Bradley Winney and approved, 5-0)
- K. **APPOINTMENT TO THE GREEN IMPLEMENTATION ADVANCEMENT BOARD:** Appoint one (1) alternate member to serve a two (2) year term ending July 31, 2013 to the Green Implementation Advancement Board. Based upon the rotation system, the appointment will be made by Commissioner Frankel (Seat #3). (Appointed Laura Reines and approved, 5-0)
- L. **APPOINTMENTS TO THE BOARD OF ADJUSTMENT:** Appoint two (2) regular members and two (2) alternate members to the Board of Adjustment to serve two (2) year terms ending August 31, 2013. Based upon the rotation system, the appointments will be made by Commissioner Carney (Seat #1), Commissioner Frankel (Seat #3), Commissioner Gray (Seat #4) and Mayor McDuffie (Seat #5). (Appointed Isabelle Alarie and approved, 5-0; Appointed Dale Miller and approved, 5-0; Appointed Michael Park and approved 5-0; Appointed Harvey Starin and approved, 5-0)

- M. **APPOINTMENTS TO THE POLICE ADVISORY BOARD:** Appoint two (2) regular members to the Police Advisory Board to serve unexpired terms ending July 31, 2012. Based upon the rotation system, the appointments will be made by Commissioner Gray (Seat #4) and Mayor McDuffie (Seat #5). (Appointed Wyana Claxton and approved, 5-0. Commissioner Gray's appointment was deferred to the September 6, 2011 Regular Commission Meeting)

- N. **APPOINTMENTS TO THE KIDS AND COPS COMMITTEE:** Appoint three (3) At-Large-Representatives and one (1) Citizen-At-Large-Representative to the Kids and Cops Committee to serve two (2) year terms ending July 31, 2013. Based upon the rotation system, the appointments will be made by Commissioner Frankel (Seat #3), Commissioner Gray (Seat #4), Mayor McDuffie (Seat #5) and Commissioner Carney (Seat #1). (Appointed Cory Cassidy and approved, 5-0; Appointed Francis Moschette and approved, 5-0; Appointed Kenneth Zeno and approved 5-0. Commissioner Gray's appointment was deferred to the September 6, 2011 Regular Commission Meeting)

- O. **RECONSIDERATION OF A VOTE FOR ORDINANCE NO. 20-11:** Consider a request to reconsider the vote for Ordinance No. 20-11 made at the August 2, 2011 Regular Commission Meeting. (Motion to reconsider Ordinance No. 20-11, with provision that it not be retroactive; Approved, 3-2. Mayor McDuffie and Commissioner Frankel dissenting)

- 10. **PUBLIC HEARINGS:**
 - A. **PUBLIC COMMENTS/FY 2012 PROPOSED BUDGET:** The City Commission will hear public comments, if any, regarding the FY 2012 Proposed Budget at this time.

- 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: AUGUST 12, 2011

******** Meeting adjourned at 7:53 p.m. ********