

City of Delray Beach

Regular Commission Meeting

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



RULES FOR PUBLIC PARTICIPATION

Tuesday, February 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

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 Eliopoulos arrived at 6:07 p.m.)
2. **INVOCATION.**
3. **PLEDGE OF ALLEGIANCE TO THE FLAG.**
4. **AGENDA APPROVAL.** (Approved, 4-0)
5. **APPROVAL OF MINUTES:**
 - A. January 26, 2010 – Annual Citizen’s Roundtable (Approved, 4-0)
 - B. February 2, 2010 – Regular Meeting (Approved, 4-0)
 - C. February 9, 2010 – Special/Workshop Meeting (Approved, 4-0)
6. **PROCLAMATIONS:**
 - A. Eating Disorders Awareness Week –February 21-27, 2010
7. **PRESENTATIONS:**
 - A. None
8. **CONSENT AGENDA:** City Manager Recommends Approval. (Approved, 5-0)
 - A. **FINAL SUBDIVISION PLAT APPROVAL/TURTLE BEACH - SOUTH:** Approve the final plat for a three (3) lot subdivision known as Turtle Beach-South, located at 901 and 921 South Ocean Boulevard.
 - B. **ACCEPTANCE OF A RIGHT-OF-WAY DEED AND REQUEST FOR SIDEWALK DEFERRAL/1000 PALM TRAIL:** Approve and accept a right-of-way deed and a request to defer the installation of a sidewalk along Bond Way for the property located at 1000 Palm Trail.
 - C. **RESCIND A CONTRACT AWARD TO DACOSTA ENTERPRISES, INC. AND AWARD TO MANCIL’S TRACTOR SERVICE, INC.:** Approval to rescind the contract award to Da Costa Enterprises, Inc., for construction of the Barwick Road Sidewalk Project #2009-033 due to the contractor’s inability to obtain a bond for the project; and approve award of the contract to the 2nd lowest bidder, Mancil's Tractor Service, Inc., in the amount of \$34,130.40. Funding is available from 334-3162-541-63.11 (General Construction Fund: Improvement Buildings-Bikepaths-Sidewalks).
 - D. **APPROVAL OF POLL WORKERS FOR THE FIRST NONPARTISAN ELECTION:** Approve the poll workers for the First Nonpartisan Election to be held on March 9, 2010.

- E. **CDBG CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER):** Approve the Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER) for FY 2008-2009 as required by the U.S. Department of Housing and Urban Development for utilization of federal grant funds.
- F. **HOUSING REHABILITATION GRANT/CONTRACT AWARD:** Approve one (1) Housing Rehabilitation Grant contract award through the Community Development Division in the amount of \$36,219.75 to Cordoba Construction Company, Inc. (140 N.W. 10th Avenue). Funding is available from 118-1963-554-49.19 (Neighborhood Services: Other Current Charges-Housing Rehabilitation).
- G. **SPECIAL EVENT REQUEST/12th ANNUAL CINCO DE MAYO FIESTA:** Approve a special event request to allow the 12th Annual Cinco De Mayo Fiesta to be held Saturday, May 1, 2010, from 11:00 a.m. – 11:00 p.m., at Old School Square, to grant a temporary use permit per LDR Section 2.4.6(F) for use of the Old School Square Park; to authorize staff support for traffic control and security, trash removal, EMS assistance, signage preparation and installation, and to approve use of the Old School Square parking garage, City generator, the small stage and three (3) sets of bleachers; contingent on the receipt of a hold harmless agreement and receipt of certificate of liability insurance and liquor liability insurance one week prior to the event.
- H. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:** Accept the actions and decisions made by the Land Development Boards for the period February 1, 2010 through February 12, 2010.
- I. **AWARD OF BIDS AND CONTRACTS:**
1. Contract award to DCI Systems Group and Atlantic Refrigeration in an amount not to exceed \$55,700.00 for air conditioning control system upgrades at the Police Department. Funding is available from 334-2111-521-64.90 (General Construction Fund: Machinery-Equipment-Other Machinery/Equipment).
 2. Contract award to Line-Tec in the amount of \$61,000.00 for annual water service relocations and water meter replacements. Funding is available from 442-5178-536-49.33 (W & S Renewal and Replacement Fund: Other Current Charges/OB-Water Service Relocation) and 442-5178-536-34.90 (W & S Renewal and Replacement Fund: Other Contractual Services).
 3. Contract award to Line-Tec in the amount of \$21,457.00 for the relocation of water services as part of the Osceola Neighborhood Redevelopment Plan. Funding is available from 442-5178-536-65.85 (W & S Renewal & Replacement Fund: Other Improvements/Osceola Park).
 4. Purchase award to CDW-G in the amount of \$431,319.00 for the purchase of 133 CF-30 Panasonic “Tough-book” laptops for the Police Department. Funding is available from 334-2111-521-64.11 (General Construction Fund: Machinery/Equipment-Computer Equipment).

5. Purchase award to Zoll Medical Corporation in the amount of \$24,985.24 for one (1) Zoll E Series Defibrillator/Monitor. Funding is available from 334-2311-522-64.90 (General Construction Fund: Machinery/Equipment-Other Machinery/Equipment).

9. **REGULAR AGENDA:**

- A. **REQUEST FOR IN-LIEU PARKING SPACES/ATLANTIC OCEAN CLUB (F/K/A BOB'S FAMOUS BAR):** Consider a request from Atlantic Ocean Club (f/k/a Bob's Famous Bar) for the purchase of eleven (11) in-lieu parking spaces in the amount of \$171,600.00. Atlantic Ocean Club is located at 217 East Atlantic Avenue. *(Quasi-Judicial Hearing)* (Motion to adopt Board Order as presented; Approved, 5-0)
- B. **APPEAL/SITE PLAN REVIEW AND APPEARANCE BOARD ACTIONS/CAFÉ MOLA:** Consider an appeal of the Site Plan Review and Appearance Board's decision requesting that the rear handicap parking space be converted into a loading space for Café Mola located at 165 N.E. 2nd Avenue. *(Quasi-Judicial Hearing)* (Motion to adopt Board Order as presented; Approved, 5-0)
- C. **WAIVER REQUEST/309 S.W. 5TH AVENUE:** Consider a waiver request to Land Development Regulations (LDR) Section 4.1.4(D), "Use of Lots of Record", and Land Development Regulations (LDR) Section 4.7.12, "Other Incentives", governing the use of lots between 40 and 50 feet in width under the Workforce Ordinance for one parcel located at 309 S.W. 5th Avenue submitted for permitting by the Community Land Trust (CLT). *(Quasi-Judicial Hearing)* (Motion to adopt Board Order as presented; Approved, 5-0)
- D. **BID AWARD/HARDRIVES, INC.:** Consider approval of a bid award to Hardrives, Inc. in the amount of \$110,264.40 for the construction of Douglass Avenue. Funding is available from 118-1965-554-63.11 (Neighborhood Services: Improvements-Other-Bikepaths/Sidewalks) and 441-5161-536-68.28 (Water and Sewer Fund: Improvements Other-Douglass Avenue). (Motion to approve; Approved, 4-1. Commissioner Fetzer dissenting)
- E. **SPECIAL EVENT REQUEST/ASIAN FOOD FAIR AND CULTURAL SHOW:** Consider approval of a special event request to allow the 7th Annual Asian Food Fair and Cultural Show sponsored by the Bangladesh Association of Florida, to be held on March 27-28, 2010 from 12:00 noon until 10:00 p.m. on the grounds of Old School Square and in the Old School Square Park; to grant a temporary use permit per LDR Section 2.4.6(F) for the closure and use of a portion of N.E. 1st Avenue, to authorize staff support for traffic control and security, site cleanup and trash removal, EMS assistance, standard event signage and assistance with banner hanging; use of the Old School Square Garage, North City Hall Parking lot, City generator if needed and three generator lights; and to waive the 120 day permit submittal requirement; contingent upon meeting the conditions listed in the staff report. (Approved subject to staff conditions, 5-0)

- F. **SPECIAL EVENT REQUEST/DELRAY BEACH FILM FESTIVAL:** Consider approval of the 5th Annual Delray Beach Film Festival proposed to be held March 21-28, 2010; to grant a temporary use permit per LDR's Section 2.4.6(F) for the partial closure of S.E. 1st Avenue on March 25, 2010 from 9:00 p.m. to midnight, for a street party, the use of the south end of the Municipal Beach east of Anchor Park on March 27, 2010 from 7:30 a.m. to 3:00 p.m., for a surfing contest, and the use of Veterans Park on March 27, 2010 from 9:00 a.m. to 5:00 p.m., for a children's event; and to authorize staff support for security, barricading and trash removal, approve event signage, small stage use and banner hanging and approve reserved times at the golf course; contingent upon receipt of a certificate of event liability insurance and liquor liability insurance by March 11, 2010; receipt of an executed copy of a rental agreement with Old School Square by March 1, 2010; receipt of a signed hold harmless agreement by March 11, 2010 and notification three (3) days prior to the Golf Tournament of the number of players. (Approved subject to staff conditions, with no waivers, and a deposit payment to Old School Square by the time the contract is signed, 5-0)
- G. **PAYMENT OF WASTE MANAGEMENT'S FEBRUARY INVOICE:** Consider whether to pay Waste Management's February invoice as presented or to deduct possible prior overpayments. (Motion to pay Waste Management; Approved 5-0)
- H. **APPOINTMENT TO THE GREEN TASK FORCE:** Appoint one (1) regular member to the Green Task Force to serve an unexpired term ending July 31, 2011. Based upon the rotation system, the appointment will be made by Mayor McDuffie (Seat #5). (Appointed Edward Bispham and approved, 5-0)
- I. **APPOINTMENT TO THE BOARD OF ADJUSTMENT:** Appoint one (1) regular member to the Board of Adjustment to serve an unexpired term ending August 31, 2010. Based on the rotation system, the appointment will be made by Commissioner Eliopoulos (Seat #1). (Appointed Mel Pollack and approved, 5-0)
- J. **APPOINTMENT TO THE DELRAY BEACH HOUSING AUTHORITY:** Appoint one (1) regular member to the Delray Beach Housing Authority to serve a four (4) year term ending March 6, 2014. Based on the rotation system, the appointment will be made by Commissioner Gray (Seat #4). (Commissioner Gray's appointment was DEFERRED to the March 2, 2010 Regular Commission Meeting)
- K. **APPOINTMENT TO THE NEIGHBORHOOD ADVISORY COUNCIL:** Appoint one (1) regular member to the Neighborhood Advisory Council to serve an unexpired term ending July 31, 2010. Based upon the rotation system, the appointment will be made by Commissioner Frankel (Seat #3). (Appointed Harriet Meltzer and approved, 5-0)
- L. **APPOINTMENT TO THE NUISANCE ABATEMENT BOARD:** Appoint one (1) regular member to the Nuisance Abatement Board to serve a two (2) year term ending July 31, 2012. Based on the rotation system, the appointment will be made by Mayor McDuffie (Seat #5). (Appointed Wendy Smith and approved, 5-0)

- M. **APPOINTMENT TO THE FINANCIAL REVIEW BOARD:** Appoint one (1) alternate member to the Financial Review Board to serve an unexpired term ending July 31, 2011. Based on the rotation system, the appointment will be made by Mayor McDuffie (Seat #5). *(Appointed Warren Trilling and approved, 5-0)*

10. **PUBLIC HEARINGS:**

- A. None

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. 07-10:** Consider modification of the Midtown Delray SAD (Special Activities District) Ordinance No. 46-07 to allow for a 1,088 sq. ft. increase in the floor area for the Midtown Medical Building, modifying the parking requirements for such S.A.D., limiting the office square footage based on floor levels; and amending the Land Development Regulations Section 4.4.25(G), "S.A.D.s," Subsection (10), to reference Ordinance 07-10. If passed, a public hearing will be held on March 2, 2010. *(Approved, 5-0)*

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

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

POSTED: FEBRUARY 12, 2010

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