

# City of Delray Beach

## Regular Commission Meeting

**\*\*\*AGENDA RESULTS\*\*\***



### **RULES FOR PUBLIC PARTICIPATION**

Tuesday, January 4, 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  
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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. December 7, 2010 – Regular Meeting (Approved, 5-0)
  - B. December 14, 2010 – Regular Meeting (Approved, 5-0)
6. **PROCLAMATIONS:**
  - A. Martin Luther King, Jr. Day – January 17, 2011
7. **PRESENTATIONS:**
  - A. Government Finance Officers Association Award – Certificate of Achievement for Excellence in Financial Reporting
8. **CONSENT AGENDA:** City Manager Recommends Approval. (Approved, 5-0)
  - A. **CONSULTING SERVICE AUTHORIZATION NO. 07-20/MATHEWS CONSULTING, INC.:** Approve Consulting Service Authorization No. 07-20 to Mathews Consulting, Inc. in the amount of \$60,000.00 for professional engineering services related to the Lawson Boulevard Force Main Replacement. Funding is available from 442-5178-536-68.74 (Water & Sewer Renewal & Replacement Fund: Improvements Other/Lawson Blvd Fm).
  - B. **AGREEMENT/ACHIEVEMENT CENTERS FOR CHILDREN AND FAMILIES (ACCF):** Approve an agreement between the City of Delray Beach and Achievement Centers for Children and Families (ACCF) in the amount of \$52,000.00 to carry out services at the Village Academy Beacon Center for FY 2010-2011. Funding is available from 001-4111-572-83.01 (General Fund: Other Grants & Aid).
  - C. **RESOLUTION NO. 01-11:** Approve Resolution No. 01-11 providing for a referendum on the proposed charter amendment related to Commission terms to be placed on the ballot as a Special Election item for the election to be held on March 8, 2011.

- D. **SPECIAL EVENT REQUEST/ART AND JAZZ ON THE AVENUE:** Approve a special event request to endorse Art and Jazz on the Avenue to be held on January 27, 2011 from 6:00 p.m. to 10:00 p.m., to grant a temporary use permit per LDR Section 2.4.6(F) for the closure of Atlantic Avenue from Swinton to the west side of N.E./S.E. 7th Avenue, Railroad Avenue from Atlantic north to the north side of the east/west alley, and to the alleys north and south of Atlantic on N.E./S.E. 1st Avenue, N.E./S.E. 2nd Avenue, S.E. 3rd Avenue, and N.E./S.E. 4<sup>th</sup> Avenue; to authorize staff support for security and traffic control, banner hanging and removal, barricade set up and removal, trash removal and clean up and EMS assistance; contingent upon the receipt of an updated Certificate of Liability Insurance.
- E. **SPECIAL EVENT REQUEST/14th ANNUAL DOWNTOWN DELRAY CRAFT FESTIVAL:** Approve a special event request to endorse the 14th Annual Downtown Delray Craft Festival sponsored by Howard Alan Events, Ltd. to be held February 26-27, 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 the use of N.E. 4th Avenue, two (2) blocks north of Atlantic Avenue as well as use of the north end of Hand's parking lot for vendor parking, to provide staff support for traffic control and security and fire inspection services, and to permit an event sign be erected on Atlantic Avenue just east of I-95, fourteen (14) days prior to the event.
- F. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:** Accept the actions and decisions made by the Land Development Boards for the period December 13, 2010 through December 31, 2010.
- G. **AWARD OF BIDS AND CONTRACTS:**
1. Purchase award to GPS Management Solutions, Inc. in the amount of \$33,329.80 for forty-nine (49) Marcus GPS units for various departments' vehicles with installation, on-site training and twelve (12) months monitoring. Funding is available from multiple departments.
  2. Purchase award to Zoll Medical Corporation in the amount of \$51,180.00 for three (3) Zoll E-Series monitor/defibrillators. Funding is available from 334-2311-522-64.90 (General Construction Fund: Machinery/Equipment/Other Machinery/Equipment).
  3. Bid award to Vila and Son Landscape Corporation in the amount of \$140,204.88 for the West Atlantic Avenue Medians Landscape Project. Funding is available from 334-3162-541-61.15 (General Construction Fund: Capital Outlay/Improvements- Medians).

9. **REGULAR AGENDA:**

- 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 TABLE until the February 15, 2011 Regular Meeting; Approved, 5-0)*
- B. **WAIVER REQUESTS/209 NORTH SWINTON AVENUE:** Consider approval of three (3) requests for waivers to Land Development Regulations (LDR) Sections 4.6.9(D)(3)(a-b), “Point of Access to the Street System”, 4.6.16(H)(3)(d), “Perimeter Landscape Strips”, and 4.6.16 (H)(3)(i) “Terminal Landscape”, associated with reductions in the required driveway width for 209 North Swinton Avenue. *(Quasi-Judicial Hearing)* *(Motion to adopt board order as presented; Approved, 5-0)*
- C. **CONDITIONAL USE REQUEST/FRANKLIN AT DELRAY BEACH:** Consider approval of a conditional use request to allow a residential density of up to 22 dwelling units per acre for a proposed multiple family development known as Franklin at Delray Beach, located on the west side of South Federal Highway, approximately 320 feet south of S.E. 10th Street and north of the Plaza at Delray. *(Quasi-Judicial Hearing)* *(Motion to adopt board order as presented; Approved, 5-0)*
- D. **REQUEST TO WAIVE FEES FOR STAFF AND USE OF POMPEY PARK FACILITIES FOR THE DR. MARTIN LUTHER KING, JR. HOLIDAY CELEBRATION:** Consider a request to waive field permit and facility rental fees and provide staff support at Pompey Park on January 15, 2011 from 8:00 a.m.–12:00 p.m., and January 17, 2011 from 11:00 a.m.–5:00 p.m., for the Dr. Martin Luther King, Jr. Holiday Celebration. *(Motion to approve; Approved, 5-0)*
- E. **DESIGNATE A CHAIRPERSON TO THE PUBLIC EMPLOYEES RELATIONS COMMISSION:** Designate a *chairperson* to the Public Employees Relations Commission (PERC). *(Motion to nominate Edward Desmond as chairperson; Approved, 5-0)*
- F. **APPOINTMENT TO THE CODE ENFORCEMENT BOARD:** Appoint one (1) regular member to the Code Enforcement Board to serve a three (3) year term ending January 14, 2014. Based upon the rotation system, the appointment will be made by Commissioner Frankel (Seat #3). *(Appointed Kelli Freeman and approved, 5-0)*
- G. **APPOINTMENT TO THE GENERAL EMPLOYEES RETIREMENT FUND COMMITTEE:** Appoint one (1) regular member to the General Employees Retirement Fund Committee to serve an indefinite term. Based upon the rotation system, the appointment will be made by Commissioner Eliopoulos (Seat #1). *(Appointed James Smith and approved, 5-0)*

- H. **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 Commissioner Frankel (Seat #3). *(Appointed Barbara Chester and approved, 5-0)*
10. **PUBLIC HEARINGS:**
- A. **ORDINANCE NO. 44-10:** Consider approval to amend Chapter 112, “Alarm Systems”, of the Code of Ordinances. *(Motion to approve; Approved, 5-0)*
- B. **ORDINANCE NO. 45-10:** Consider approval to amend Chapter 39, Section 39.01, “Service Charge for Returned Checks”, to make this section consistent with Florida Statutes Section 166.251, “Service Fee for Dishonored Check”. *(Motion to approve; Approved, 5-0)*
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. 02-11:** City initiated amendment to the Land Development Regulations (LDR) Section 4.5.3, “Flood Damage Control Districts”, to add new regulations to conform with changes in State laws. If passed, a public hearing will be held on January 18, 2011. *(Motion to approve; Approved, 5-0)*
13. **COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS.**
- A. City Manager
- B. City Attorney
- C. City Commission

POSTED: DECEMBER 30, 2010

***\*\*\*\*\* Meeting adjourned at 7:57 p.m. \*\*\*\*\****