

City of Delray Beach

Regular Commission Meeting

AGENDA RESULTS



RULES FOR PUBLIC PARTICIPATION

Tuesday, May 15, 2007

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.

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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.** (Mayor noted Revised information for Item 8.P., Proposed Budget Submission/Children’s Service Council (CSC)/Beacon Center At Village Academy; Additional information for Item 9.A., Appeal of the Historic Preservation Board’s Decision/706 Southeast 2nd Street and this item was postponed to the June 4, 2007 Regular Commission Meeting; Item 9.C., Wavier Request/Last Resort Saloon, was withdrawn due to a request from the applicant; Additional information for Item 9.K., Appointment to the Downtown Development Authority and Additional Information for Item 9.L., Appointment to the Planning and Zoning Board; Approved as amended,5-0)
5. **APPROVAL OF MINUTES:**
 - May 1, 2007 – Regular Meeting (Approved, 5-0)
 - May 8, 2007 – Special/Workshop Meeting (Approved, 5-0)
6. **PROCLAMATIONS:**
 - A. Recognizing Student Ambassadors: Lindsay Brandt, Whittaker Bullard, Jake Gittelmacher, Tyler Kennedy, Joanna Luo, William O’Connor and Alice Wang
 - B. National Safe Boating Week – May 19 – 25, 2007
7. **PRESENTATIONS:**
 - A. Historic Preservation Board Awards Recognition
 - B. “Spotlight on Education” – Janet Meeks and Dr. Debbie Kaiser
8. **CONSENT AGENDA:** City Manager Recommends Approval. (Approved as amended, 5-0)
 - A. **REQUEST FOR SIDEWALK DEFERRAL/1202 CARISSA ROAD:** Approve a request to defer the installation of a sidewalk in front of 1202 Carissa Road.
 - B. **CONTRACT CLOSEOUT (C.O. NO. 1)/REP & ASSOCIATES, INC.:** Approve a Contract Closeout (C. O. No. 1) in the amount of \$5,322.00 to REP & Associates, Inc. for the water damage remediation at Fire Stations No. 1, 2, 3 and 5. Funding is available from 001-2311-522-46.10 (General Fund/Building Maintenance).

- C. **SERVICE AUTHORIZATION NO. 04-13/MATHEWS CONSULTING, INC.:** Approve Service Authorization No. 04-13 in the amount of \$69,611.00 to Mathews Consulting, Inc. for the design of improvements along S.W. 2nd Avenue from S.W. 1st Street to West Atlantic Avenue. Funding is available from 334-3162-541-65.87 (General Construction Fund/S.W. 2nd Avenue/S.W. 1st Street/West Atlantic Avenue) and 448-5461-538-65.87 (Stormwater Utility Fund/S.W. 2nd Avenue/S.W. 1st Street/West Atlantic Avenue).
- D. **SERVICE AUTHORIZATION NO. 6/SPATIAL FOCUS, INC.:** Approve Service Authorization No. 6 to Spatial Focus, Inc. in the amount of \$29,400.00 for developing a plan to unify various utility data sets used in mapping and work order processes for managing the City's utility services. Funding is available from 448-5411-538-31.90 (Stormwater Utility Fund/Other Professional Services) and 442-5178-536-63.51 (Water/Sewer Renewal and Replacement Fund/Sewer Mains).
- E. **ALTERNATIVE WATER SUPPLY GRANT APPLICATION/SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD):** Approve and authorize the Mayor to execute an application for an alternative water supply (AWS) grant from South Florida Water Management District (SFWMD) in the amount of \$480,000 (40% of the cost of construction) to provide supplemental funding for the expansion of the Area 4 reclaimed water transmission system, which will extend the reclaimed water irrigation service to the Del Aire Country Club.
- F. **AGREEMENT/NEW INNOVATIONS/SUMMER ENRICHMENT PROGRAM:** Approve an agreement between the City and New Innovations for a Summer Enrichment Program. Funding is available from 001-4105-572-34.90 (General Fund/Other Contractual Services).
- G. **GRANT APPLICATION/PALM BEACH COUNTY INVASIVE VEGETATION REMOVAL PUBLIC LANDS GRANT PROGRAM:** Approve a request to apply for a \$50,000.00 matching grant from the Palm Beach County Public Lands Grant Program for the removal of invasive non-native vegetation at Leon Weekes Environmental Preserve.
- H. **BASELINE BUDGET SUBMISSION/CHILDREN'S SERVICES COUNCIL OUT OF SCHOOL PROGRAM:** Approve authorizing staff to submit the baseline budget funding request for Fiscal Year 2007/2008 to the Children's Services Council of Palm Beach County in the amount of \$314,825.00 for the Out of School Program, which includes After School, Holiday/Spring Camp, One Day Camps and Summer Camp.
- I. **AMENDMENT NO. 1/INTERLOCAL AGREEMENT/COMMUNITY REDEVELOPMENT AGENCY (CRA)/REG ARCHITECTS, INC:** Approve Amendment No. 1 to the Interlocal Agreement between the City and the Community Redevelopment Agency (CRA) which provides that the City shall agree to pay one half (1/2) of the cost to the CRA in an amount not to exceed \$7,500.00 for additional work to be performed by REG Architects, Inc. on the historic preservation guidelines.

- J. **ADDITIONAL FUNDING/HOMETOWN CONNECTION NEWSLETTER:** Approve and authorize additional funding in the amount of \$3,500.00 to Pollock Communications and in the amount of \$13,700.00 to CM Graphics for the production of the Hometown Connection Newsletter for the remainder of FY 2006-2007. Funding is available from 001-1316-512-34.90 (General Fund/Other Contractual Services) and 001-1316-512-47.10 (General Fund/Printing/Binding Services).
- K. **SPECIAL EVENT REQUEST/4th OF JULY:** Approve a special event request to endorse the 4th of July Celebration to be held from noon until 12:00 midnight, including 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. 6th Avenue to Ocean Boulevard, and from the south side of Thomas Street to the north side of Miramar on Ocean Boulevard; and to authorize staff support for security, traffic control, barricading, signage, clean up and trash removal, stage set up and use.
- L. **HOUSING REHABILITATION GRANT/CONTRACT AWARD:** Approve a Housing Rehabilitation grant/contract award through the Community Development Division in the amount of \$31,484.25 to Ray Graeve & Sons Construction, LLC for 421 S.W. 15th Avenue. Funding is available from 118-1924-554-49.19 (Community Development Fund/Housing Rehabilitation).
- M. **REQUEST TO INCREASE HOUSING REHABILITATION GRANT AMOUNT:** Approve a request to increase the original grant amount of \$30,303.00 to \$33,903.00 in order to address lead based paint abatement for one (1) Housing Rehabilitation project, located at 704 SW 8th Court. Funding is available from 118-1963-554-49.19 (Community Development Fund/Housing Rehabilitation).
- N. **COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SUB-RECIPIENT FUNDING AGREEMENT/BLACKTIP REEF RESTAURANT:** Approve and authorize the execution of the funding agreement with sub-recipient, Blacktip Reef Restaurant, under the 2006-2007 Community Development Block Grant (CDBG) Program.
- O. **REQUEST TO AMEND THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN (FY 2006 - 2007):** Approve a request to amend the FY 2006-2007 Community Development Block Grant (CDBG) Annual Action Plan to include \$35,000.00 in funding Public Facilities and Improvements in order to make necessary roof repairs to the Caring Kitchen facility.
- P. **PROPOSED BUDGET SUBMISSION/CHILDREN'S SERVICE COUNCIL (CSC)/BEACON CENTER AT VILLAGE ACADEMY:** Approve authorizing staff to submit the proposed budget funding request for Fiscal Year 2007/2008 to the Children's Service Council of Palm Beach County in the amount of \$827,149.00 for the program and services associated with the Beacon Center at Village Academy.
- Q. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:** Accept the actions and decisions made by the Land Development Boards for the period April 30, 2007 through May 11, 2007.

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

1. Purchase award to Delta Petroleum & Industrial, Inc. in the amount of \$20,979.00 for the purchase of four (4) fuel dispensers for the Public Works Division and the Police Department fuel sites. Funding is available from 501-3311-591-64.90 (Central Garage Fund/Other Machinery/Equipment).
2. Purchase award to Devland Site Development, Inc. in the amount of \$98,000.00 for hauling and reusing the lime sludge from the Water Treatment Plant. Funding is available from 441-5122-536-34.90 (Water/Sewer Fund/Other Contractual Services).
3. Purchase award to E.H. Wachs Company in the amount of \$39,500.00 for the purchase of a new Trailer Mounted Hydraulic Valve Exerciser for the Water/Sewer Network Division of Public Utilities. Funding is available from 441-5161-536-64.90 (Water/Sewer Fund/Other Machinery/Equipment).
4. Purchase award to M & W Distributing, Inc. in the amount of \$21,597.00 for the purchase of a Special Events Response Vehicle (SERV) with Advanced Life Support (ALS) capabilities for the Fire Department. Funding is available from 001-2315-526-64.90 (General Fund/Other Machinery/Equipment).
5. Purchase award to Zoll Medical Corporation in the amount of \$25,184.00 for a Zoll E Series Lead ECG Monitor/Defibrillator with pacing capabilities, SA02 monitoring, Wave form Capnography and Non-Invasive Blood Pressure monitoring capabilities for the Fire Department. Funding is available from 001-2315-526-64.90 (General Fund/Other Machinery/Equipment).
6. Purchase awards to Industrial Divers Corporation in the amount of \$34,203.00 to perform the underwater installation of four (4) tideflex check valves at 345 SE 7th Avenue at the Intracoastal Waterway and Atlantic Avenue; and Mitchell Valve Products in the amount of \$28,298.00 for providing the tideflex check valves. Funding is available from 448-5416-538-46.90 (Stormwater Utility Fund/Other Repair/Maintenance Costs).
7. Bid award to ConServ Building Services in the amount of \$78,852.00 for a three (3) year contract for HVAC Chillers and Tracer Units for City Hall and the Delray Beach Public Library. Funding is available from 001-3431-519-46.10 (General Fund/Building Maintenance).

9. **REGULAR AGENDA:**

- A. **APPEAL OF THE HISTORIC PRESERVATION BOARD'S DECISION/706 SOUTHEAST 2ND STREET:** Appeal of the Historic Preservation Board's decision approving a Certificate of Appropriateness (COA) for construction of a new single-family residence at 706 Southeast 2nd Street, located in the Marina Historic District. ***(Quasi-Judicial Hearing)*** **(POSTPONED until the June 4, 2007 Regular Commission Meeting)**

- B. **APPEAL OF THE PLANNING AND ZONING DIRECTOR'S INTERPRETATION/PINEAPPLE GROVE WAY CORPORATE CENTER:** Consider an appeal of the Planning and Zoning Director's interpretation that a variance is required to allow a generator greater than 4' 6" in the side street for the property located at Pineapple Grove Corporate Center (101 N.E. 2nd Street). *(Quasi-Judicial Hearing)* (Motion to approve Board Order as set forth; Approved, 5-0)
- C. **WAIVER REQUEST/LAST RESORT SALOON:** Consider a request for waiver of Land Development Regulations (LDR) Section 4.3.3(V)(2)(a) "Prohibitions by Frequency", which requires a minimal separation of 750' from lot line to lot line for stand alone bars for a bar at the Last Resort Saloon located at 4305 South Federal Highway. *(Quasi-Judicial Hearing)* (WITHDRAWN due to a request from the applicant)
- D. **MARKETING/SELLING CITY RETAIL SPACES/OLD SCHOOL SQUARE GARAGE:** Presentations for three (3) proposals which include Coastal Commercial Group, LLC, Bathurst Laymon Realty Group and Re/max on the sale of the retail space in the Old School Square garage. (Presentations given by Bathurst Laymon Realty Group, Re/max and Coastal Commercial Group, LLC.)
- E. **SPECIAL EVENT REQUEST/BAHAMIAN CULTURAL FEST:** Consider a special event request to endorse the 1st Bahamian Cultural Fest sponsored by Ebenezer Wesleyan Methodist Church proposed to be held on Saturday, July 14, 2007 from 11:00 a.m. to 7:00 p.m., on the grounds of Old School Square; authorize staff support for security, traffic control, barricading, trash removal and clean up and EMS assistance; contingent upon sponsor providing a hold harmless agreement. (Motion to approve event as requested by staff without EMS Assistance; Approved, 5-0)
- F. **SPECIAL EVENT REQUEST/INTERNATIONAL DISTANCE/TRIATHLON:** Consider a special event request for a new event, the "International Distance Triathlon" sponsored by Exclusive Sports Marketing Inc. proposed to be held on Saturday, July 21, 2007 from 5:00 a.m. to approximately noon, and to grant a temporary use permit per LDR Section 2.4.6(F) for the closure of Atlantic Avenue from the west side of A-1-A to the east side of Salina from noon, Friday, July 20, 2007 to approximately 5:00 p.m., Saturday, July 21, 2007 for the transition area; authorize staff support for traffic control, barricading, and EMS assistance. Staff recommends denial. (Motion to approve request; DENIED, 5-0)
- G. **CM AT RISK PRECONSTRUCTION SERVICES/FIRE STATION #4 REPLACEMENT PROJECT:** Consider a recommendation to reject the preconstruction services proposal by Catalfumo Construction and authorize staff to proceed with a design/bid/build construction delivery method for Fire Station #4 Replacement Project. (Motion to accept the Catalfumo Construction preconstruction services proposal; DENIED, 5-0)

- H. **CAPITAL IMPROVEMENT FINANCING ALTERNATIVES/SAN MIRRORING SOLUTION:** Consider a request to transfer \$2,094,486.00 from the Insurance Reserve Fund to the General Construction Fund to provide funding for the construction of the new 3000 square feet Information Technology (IT) Building, City Hall Renovations and the purchase of SAN Data Storage Package. (Motion to transfer \$448,086.00 for the SAN Data Storage Package and defer the other items to the June 4, 2007 Regular Commission Meeting; Approved, 5-0)
- I. **DISCUSSION/FIRST REGULAR COMMISSION MEETING IN JUNE 2007:** Discussion regarding the rescheduling of the June 5, 2007 Regular Commission meeting. (Consensus of Commission to change meeting date to Monday, June 4, 2007; Approved, 5-0)
- J. **APPOINTMENT TO THE CIVIL SERVICE BOARD:** Appoint one (1) alternate member to the Civil Service Board for an unexpired term ending July 1, 2008. Based upon the rotation system, the appointment will be made by Mayor Ellis (Seat #5). (Appointed Diane Franco and approved, 5-0)
- K. **APPOINTMENT TO THE DOWNTOWN DEVELOPMENT AUTHORITY:** Appoint one (1) regular member to the Downtown Development Authority for an unexpired term ending July 1, 2009. Based upon the rotation system, the appointment will be made by Commissioner Montague (Seat #4). (Appointed David Cook and approved, 5-0)
- L. **APPOINTMENT TO THE PLANNING AND ZONING BOARD:** Appoint one (1) regular member to the Planning and Zoning Board for an unexpired term ending August 31, 2008. Based upon the rotation system, the appointment will be made by Mayor Ellis (Seat #5). (Appointed Cary Glickstein and approved, 5-0)
- M. **PALM BEACH/TREASURE COAST 2-1-1 FUNDING REQUEST:** Consider a request for funding in the amount of \$5,000.00 from Palm Beach/Treasure Coast 2-1-1. (Motion to approve request; DENIED, 5-0)
10. **PUBLIC HEARINGS:**
- A. **ORDINANCE NO. 16-07:** Future Land Use Map amendment (small-scale) from CC (Commercial Core) in part and OMU (Other Mixed Use) in part to OS (Open Space) and rezoning from CBD (Central Business District) in part and OSSHAD (Old School Square Historic Arts District) in part to OSR (Open Space and Recreation) for a proposed Urban Park adjacent to Old School Square, located approximately 180 feet north of East Atlantic Avenue, between N.E. 1st Avenue and Pineapple Grove Way (N.E. 2nd Avenue). (*Quasi-Judicial Hearing*) (Approved, 5-0)
- B. **ORDINANCE NO. 18-07:** City-initiated amendment to the Land Development Regulations (LDR), amending Section 6.1.2 “Streets and Alleys”, Subsection 6.1.2(A), “Improvement Obligations”, to correct a reference to an LDR Section that has been relocated elsewhere in the code. (Approved, 5-0)

C. **ORDINANCE NO. 19-07:** An ordinance amending Chapter 33, “Police and Fire Departments”, Subheading “Pensions”, of the Code of Ordinances of the City of Delray Beach, Florida, by amending Section 33.687, “Early Retirement Incentive”, which allows the City to open early retirement windows for police or fire instead of opening an early retirement window for both. (Approved, 5-0)

D. **RESOLUTION NO. 34-07/CONTRACT FOR SALE AND PURCHASE OF PROPERTY/PROPERTIES UNLIMITED GROUP, INC./COMMUNITY REDEVELOPMENT AGENCY/INTERLOCAL AGREEMENT/144 SW 11th AVENUE:** Consider approval of Resolution No. 34-07 authorizing the City to purchase vacant property, located at 144 SW 11th Avenue, which shall be used for the construction of additional parking spaces for the Neighborhood Resource Center; and approve Contract for Sale and Purchase between the City and the Properties Unlimited Group, Inc. in the amount of \$120,000.00; and approve an Interlocal Agreement between the City and the Community Redevelopment Agency (CRA) providing that the CRA shall fund the City purchase in the amount of \$120,000.00 for the vacant property, located at 144 SW 11th Avenue. (Motion to approve Resolution No. 34-07, the Contract and the Interlocal Agreement; 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. NONE.

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

A. City Manager

B. City Attorney

C. City Commission

POSTED: MAY 11, 2007

******** Meeting adjourned at 9:00 p.m. ********