

# City of Delray Beach

## Regular Commission Meeting



### 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, May 20, 2008

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.

100 NW 1st Avenue  
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:**
  - May 6, 2008 – Regular Meeting
  - May 13, 2008 – Special/Workshop Meeting
6. **PROCLAMATIONS:**
  - A. National Safe Boating Week – May 17 – 23, 2008
  - B. Recognizing Sister Mary Clare Fennell
7. **PRESENTATIONS:**
  - A. NONE
8. **CONSENT AGENDA:** City Manager Recommends Approval.
  - A. **REQUEST FOR SIDEWALK DEFERRAL/2001 SOUTH OCEAN BOULEVARD:** Approve a request to defer the installation of a sidewalk in front of 2001 South Ocean Boulevard.
  - B. **REQUEST FOR SIDEWALK DEFERRAL/302 PALM TRAIL:** Approve a request to defer the installation of a sidewalk in front of 302 Palm Trail.
  - C. **ACCEPTANCE OF RIGHT-OF-WAY DEDICATION/302 PALM TRAIL:** Approve and accept a right-of-way deed between the City and Ann Driscoll, for property located at 302 Palm Trail.
  - D. **ACCEPTANCE OF RIGHT-OF-WAY DEDICATION/321 PINEAPPLE GROVE WAY:** Approve and accept a right-of-way deed between the City and 321 N.E. 2<sup>nd</sup> Avenue, LLC, for the property located at 321 Pineapple Grove Way (St. Georges Suites).
  - E. **ACCEPTANCE OF SEWER EASEMENT DEEDS/ARNST OCEAN AUTOMOTIVE:** Approve and accept two (2) easement deeds for 12-foot sewer easements at Arnst Ocean Automotive and extending south into the property adjacent to Arnst Ocean Automotive.

- F. **CHANGE ORDER NO. 1/WEITZ COMPANY/SEACREST SOCCER COMPLEX PROJECT:** Approve Change Order No. 1 to The Weitz Company for an 18 day extension of time to complete the Seacrest Soccer Complex Project. No additional funding is required.
- G. **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 for the 2008/2009 annual grant cycle with the South Florida Water Management District (SFWMD) which provides supplementary funding for the next phase of construction of the City's Reclaimed Water Transmission System.
- H. **ADDITIONAL FUNDING/HOMETOWN CONNECTION NEWSLETTER:** Approve and authorize additional funding in the amount of \$1,501.00 for Pollack Communications and in the amount of \$9,726.00 for CM Graphics for the production of the Hometown Connection Newsletter for the remainder of FY 2007-2008. 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).
- I. **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).
- J. **AMENDMENT NO. 1/INTERLOCAL AGREEMENT/COMMUNITY REDEVELOPMENT AGENCY/135 N.W. 5<sup>th</sup> AVENUE:** Approve an alternative Amendment No. 1 to the Interlocal Agreement between the City and the Community Redevelopment Agency (CRA) for construction/renovations to 135 N.W. 5<sup>th</sup> Avenue. At the May 6, 2008 meeting Commission approved Amendment No. 1; however, the CRA's attorney drafted an alternative agreement that also provides funding by the CRA in the amount of \$30,000.00 as a contingency and the CRA accidently presented this one to their Board.
- K. **AGREEMENT/MAE VOLLEN SENIOR CENTER, INC./MEALS PROGRAM/CONGREGATE:** Approve an agreement between the City and Mae Volen Senior Center, Inc. to provide congregate meals for seniors at Pompey Park Recreation Center.
- L. **APPLICATION FOR RELEASE OF RESERVATIONS/MIDTOWN DELRAY:** Approve and authorize the Mayor to execute an Application for Release of Reservations from the Board of Trustees of the Internal Improvement Trust Fund which recommends full release of a 20-foot road reservation.
- M. **AMENDED GUARANTY AND WARRANTY AGREEMENTS/BOB FEDERSPIEL PARKING GARAGE:** Approve Amended Guaranty and Warranty Agreements for the Bob Federspiel Parking Garage.

- N. **REQUEST FOR MEMBERSHIP/INTERNATIONAL COUNCIL FOR LOCAL ENVIRONMENTAL INITIATIVES:** Approve a request from the Green Task Force to join ICLEI (International Council for Local Environmental Initiatives) at an annual cost of \$1,200.00. Funding is available from 001-2911-519-54.20 (General Fund/Memberships).
- O. **SPECIAL EVENT REQUEST/4<sup>th</sup> OF JULY FESTIVITIES:** Approve a special event request for the 4<sup>th</sup> of July Festivities to be held from noon until 12:00 midnight, 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. 6<sup>th</sup> Avenue to Ocean Boulevard, and from the south side of Thomas Street to the north side of Miramar on Ocean Boulevard; to waive City ordinances 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 to approximately midnight; and to approve staff support for security and traffic control, street barricading and banner hanging, new large stage and small stage set up and use, EMS support, use of City generator, signage, and clean up and trash removal.
- P. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:** Accept the actions and decisions made by the Land Development Boards for the period May 5, 2008 through May 16, 2008.
- Q. **AWARD OF BIDS AND CONTRACTS:**
1. Contract award to Chaz Equipment, Inc. at an estimated annual cost of \$50,000.00 by renewal and extension of the existing annual contract under the same terms, conditions and prices for Sanitary Sewer Manhole Interior Rehabilitation. Funding is available from 442-5178-536-63.82 (Water/Sewer Renewal & Replacement Fund/Sanitary Sewer Manhole Rehabilitation).
  2. Contract award to J & M Pipeline, Inc. in the amount of \$43,650.00 for cleaning an existing 16” force main under the Intracoastal Waterway for use as a reclaimed transmission main in serving Area 11 & 12 of the Reclaimed Water System. Funding is available from 441-5181-536-65.96 (Water & Sewer Fund/Reclaimed Water Transmission).
  3. Purchase award to Emergency Vehicle Supply (EVS) in the amount of \$78,221.79 for the purchase and installation of nine (9) police vehicle equipment packages for the Police Department. Funding is available from 001-2115-521-64.20 (General Fund/Automotive).
  4. Purchase award to Riddell/All American in the amount of \$14,714.00, to BSN Passon Sports in the amount of \$1,767.35, to Gulfstream Sports Group in the amount of \$1,415.90, and to GL Sports in the amount of \$618.50 for the purchase of football equipment for the 2008 Delray Beach Rocks Varsity/Peewee Football Teams. Funding is available from 001-4127-572-55.30 (General Fund/Football Supplies).

5. Purchase award to I.O. Analytical in the amount of \$27,802.00 for the purchase of the first component for the upgrade of the Volatile Organic Compound System. Funding is available from 442-5178-536-64.90 (Water/Sewer Renewal and Replacement Fund/Other Machinery/Equipment).
6. Purchase award to Duval Ford in the amount of \$219,168.00, per the Florida Sheriff's Association bid award#07-15-0827 for the purchase of nine (9) Crown Vic Police Interceptor take-home vehicles for the Police Department. Funding is available from 001-2115-521-64.20 (General Fund/Automotive) and 115-2112-521-64.20 (Special Projects Fund/Automotive).

9. **REGULAR AGENDA:**

- A. **WAIVER REQUEST/82 N.W. 5<sup>th</sup> AVENUE/WEST SETTLERS HISTORIC DISTRICT:** Consider a waiver request to Land Development Regulations (LDR) Section 4.5.1(E)(7), "Demolition", which prohibits demolition of any structure within a historic district until the redevelopment plans for the site are approved and a building permit has been issued, for the property located at 82 N.W. 5<sup>th</sup> Avenue, West Settlers Historic District. (*Quasi-Judicial Hearing*)
- B. **RENEWAL OF LIABILITY, WORKERS' COMP AND PROPERTY DAMAGE INSURANCE PROGRAM AND OTHER OPTIONS:** Consider a proposal for renewal of the City's Liability, Workers' Comp and Property Damage Insurance Program with other insurance related options. Funding is available from 551-1575-591-45.30 (Business Insurance Fund/Boiler and Machinery Premium); 45.31 (Package Policies), 45.33 (Excess Property), and 45.34 (Crime).
- C. **LETTER OF INTENT/WESTROCK, LTD./OLD SCHOOL SQUARE RETAIL SPACE:** Consider a Letter of Intent from Westrock, Ltd. for the sale of the Old School Square Garage Retail Space.
- D. **AUTHORIZATION TO PARTICIPATE IN A CLASS ACTION LAWSUIT/FIRM SOLUTIONS v. LYON FINANCIAL SERVICES, INC.:** Consider a request for authorization to participate in a Class Action Lawsuit entitled, *Firm Solutions v. Lyon Financial Services, Inc.*
- E. **SETTLEMENT OFFER IN TIMOTHY CULHANE v. CITY OF DELRAY BEACH:** Consider a Settlement Offer in the total amount of \$25, 922.00 in Timothy Culhane v. City of Delray Beach. Staff recommends approval subject to the receipt of the appropriate releases.
- F. **SETTLEMENT OFFER IN ANDREW BOIS v. CITY OF DELRAY BEACH:** Consider a Settlement Offer in the total amount of \$30,200.00 in the matter of Andrew C. Bois v. City of Delray Beach. Staff recommends approval subject to the receipt of the appropriate releases.

- G. **APPOINTMENT TO THE BOARD OF ADJUSTMENT:** Appoint one (1) alternate member to the Board of Adjustment to serve an unexpired term ending August 31, 2009. Based upon the rotation system, the appointment will be made by Mayor Ellis (Seat #5).
  - H. **APPOINTMENT TO THE BOCA RATON AVIATION ADVISORY COMMITTEE:** Appoint one (1) regular member to the Boca Raton Aviation Advisory Committee to serve a two (2) year term ending May 31, 2010. Based upon the rotation system, the appointment will be made by Mayor Ellis (Seat #5).
10. **PUBLIC HEARINGS:**
- A. **ORDINANCE NO. 08-08:** An ordinance repealing, in its entirety, Chapter 57, “Right-of-Way Application Process For Communications Facilities”, of the Code of Ordinances and enacting a new Chapter 57, “Communications Facilities in Public Rights-of-Way”, to provide the terms and conditions for the erecting, constructing, and maintaining of a communications facility in the City’s public right-of-way for the provision of communications service. ***(REQUEST POSTPONEMENT TO JUNE 3, 2008 DUE TO NEED FOR FURTHER ADVERTISING)***
  - B. **ORDINANCE NO. 21-08:** An ordinance amending Chapter 36, “Finance; City Property Transactions”, Section 36.01, “Compliance With Standard Practice Instructions”, by providing that bidding for Community Development Block Grant projects shall be included as an exception from the Standard Practice Instruction. ***(REQUEST POSTPONEMENT TO JUNE 3, 2008 DUE TO NEED FOR FURTHER ADVERTISING)***
  - C. **ORDINANCE NO. 17-08 (FIRST READING/TRANSMITTAL HEARING FOR COMPREHENSIVE PLAN AMENDMENT 2008-1):** Consider on first reading an ordinance adopting Comprehensive Plan Amendment 2008-1 and associated Future Land Use Map (FLUM) amendments, and authorize transmittal to the State Department of Community Affairs. Amendment 2008-1 includes the Text Amendment and Future Land Use Map Amendment. ***(THIS ORDINANCE IS REQUESTED TO BE POSTPONED TO COME BACK AS A PUBLIC HEARING ON JUNE 17, 2008)***
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 16, 2008