

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, July 10, 2007

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

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.**
2. **INVOCATION.**
3. **PLEDGE OF ALLEGIANCE TO THE FLAG.**
4. **AGENDA APPROVAL.** (Mayor noted Revised Funding Information for Item 8.E, Motorola Service Agreement and Revised language for Item 8.K, Grant Award/Edward Byrne Memorial Justice Assistance Grant (JAG) for FY 2007; Approved as amended,5-0)
5. **APPROVAL OF MINUTES:**
 - June 19, 2007 – Regular Meeting (Approved, 5-0)
6. **PROCLAMATIONS:**
 - A. NONE
7. **PRESENTATIONS:**
 - A. NONE
8. **CONSENT AGENDA:** City Manager Recommends Approval. (Approved as amended, 5-0)
 - A. **CONTRACT CLOSEOUT (C.O. NO. 2/FINAL)/ASPHALT CONSULTANTS, INC.:** Approve a Contract Closeout (C. O. No. 2/Final) in the amount of a \$50,094.75 decrease and final payment in the amount of \$33,578.47 to Asphalt Consultants, Inc. for completion of the Chatelaine Subdivision and NE 14th Street Traffic Calming Projects. Funding is available from 334-6130-541-63.89 (General Construction Fund/Neighborhood Enhancement).
 - B. **SERVICE AUTHORIZATION NO. 04-04/KIMLEY-HORN AND ASSOCIATES, INC.:** Approve Service Authorization No. 04-04 in the amount of \$34,100.00 to Kimley-Horn and Associates, Inc. for additional professional consulting services required for all work associated with modifying the construction documents related to the Seacrest Soccer Complex Project (formally called Atlantic Soccer Complex). Funding is available from 380-4150-572-63.49 (2004 G.O. Bond/Soccer Complex).
 - C. **REJECTION OF BIDS/DELRAY BEACH SWIM AND TENNIS WEST PARKING LOT PROJECT:** Approve a request to reject all bids received for the Delray Beach Swim and Tennis Center West Parking Lot Project due to the apparent low bidder, Landmark Construction, not following addendum number 1; and the second bidder, West Construction, Inc. mobilization pay item exceeds more than 5% of the contract price.

- D. **RESOLUTION NO. 40-07/FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT)/SUNSHINE PARK MAINTENANCE MEMORANDUM OF AGREEMENT (MMOA):** Approve and adopt Resolution No. 40-07 authorizing execution of a Maintenance Memorandum of Agreement (MMOA) with the Florida Department of Transportation (FDOT) for maintenance of the landscaping along the east side of the I-95 (SR 9) wall abutting Sunshine Park, subject to the addition of language stating that the City shall indemnify FDOT in amounts not the exceed those set forth in Florida Statute 768.28.
- E. **MOTOROLA SERVICE AGREEMENT:** Approve a service agreement between the City and Motorola in the amount of \$120,319.32 providing that Motorola will service the City's portable radios and the equipment used for the City's dispatch system. Funding is available from various departmental accounts.
- F. **CONSULTING AGREEMENT/BRIDGES, MARSH & ASSOCIATES, INC.** Approve a consulting agreement between the City and Bridges, Marsh & Associates, Inc. in an amount not to exceed \$20,500.00 to provide design, bid and inspection services for the replacement of the Tennis Stadium box seats. Funding to come from the City Manager's Contingency Fund.
- G. **AMENDMENT NO. 3/CLINICAL SERVICE UNIT AGREEMENT/DR. RANDALL L. WOLFF:** Approve Amendment No. 3 to the Clinical Service Unit Agreement between the City and Dr. Randall L. Wolff for the renewal of the same for an additional three (3) years.
- H. **INTERLOCAL AGREEMENT/SOLID WASTE AUTHORITY (SWA) PALM BEACH COUNTY/DISASTER DEBRIS MANAGEMENT:** Approve an interlocal agreement between the City and Solid Waste Authority (SWA) of Palm Beach County allowing the City to dispose of disaster debris at the Solid Waste Authority debris management sites provided it complies with the requirements of the SWA.
- I. **RESOLUTION NO. 38-07:** Approve Resolution No. 38-07 setting a public hearing date for August 21, 2007 regarding the establishment of the SW 8th Avenue Special Assessment District.
- J. **RECREATION ASSISTANCE GRANT/PAYMENT/DELRAY BEACH FILM FESTIVAL:** Approve a grant agreement between the City and Palm Beach County in the amount of \$6,000.00 to help offset the rental costs at Old School Square for the Delray Beach Film Festival 2007; and authorize payment in an amount not to exceed \$6,000.00 for the Old School Square rental invoice.
- K. **GRANT AWARD/EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FOR FY 2007:** Recommend approval of the application for the Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$60,576.00 which will provide funding for the Police Department's Holiday Task Force Overtime.

- L. **AGREEMENT/HAYWOOD CONSTRUCTION/AMERICAN LEGION HALL/CARING KITCHEN RE-ROOFING PROJECT:** Approve rescinding the original bid award in the amount of \$16,900.00 from Cordoba Construction; and authorize the approval of an agreement between the City, American Legion Hall and Haywood Construction (lowest responsive bidder) in the amount of \$18,250.00 for the re-roofing project at 196 NW 8th Avenue (Caring Kitchen). The City shall pay Haywood Construction in the amount of \$18,500.00 for the re-roofing project. Funding is available from 118-1963-554-49.19 (Community Development Fund/Housing Rehabilitation).
- M. **AMENDMENT TO SOUTH PALM BEACH COUNTY PUBLIC SAFETY COMMUNICATIONS COOPERATIVE/PALM BEACH COUNTY AGREEMENT:** Approve an amendment to the interlocal agreement between the South Palm Beach County Public Safety Communications Cooperative and Palm Beach County for use of a portion of the County's 800 MHz Trunked Radio System (Smart Zone Controller). The City will agree to continue to pay Palm Beach County in the sum of \$836.66 per month, which enables the City to use the Smart Zone Controller. Funding is available from 001-2111-521-46.20 (General Fund/Equipment Maintenance).
- N. **INITIATION OF COMPREHENSIVE PLAN AMENDMENT 2007-2:** Formally initiate Comprehensive Plan Amendment 2007-2 pursuant to Section 9.2.1 of the Land Development Regulations.
- O. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:** Accept the actions and decisions made by the Land Development Boards for the period June 18, 2007 through July 6, 2007.
- P. **AWARD OF BIDS AND CONTRACTS:**
1. Bid award to Complete Property Services in an annual estimated cost of \$18,755.00 for the landscape maintenance of South Federal Highway and Congress Avenue. Funding is available from 119-4144-572-46.40 (Beautification Trust Fund/Beautification Maintenance).
 2. Contract award to Chaz Equipment Company, Inc., in the amount of \$16,500.00 for the emergency repairs to Lift Station 58-A, located in the Spanish Wells Subdivision. Funding is available from 442-5178-536-68.15 (Water/Sewer Renewal and Replacement Fund/Lift Station Rehabilitation).
 3. Purchase award to Stokes Mechanical Contractor, Inc., in the amount of \$47,100.00 for the purchase of a rooftop air conditioning system for the Police Department. Funding is available from 334-6112-522-64.90 (General Construction Fund/Other Machinery/Equipment).
 4. Purchase award to Jade Communications Incorporated in the amount of \$46,623.10 for the purchase of cabling for the new ESD building. Funding is available from 441-5111-536-62.45 (Water/Sewer Fund/Data Cabling).

5. Purchase award to Duval Ford in the amount of \$22,290.00 for one (1) 2007 Ford F-250 SD 4x2 Pick-Up Truck for the Parks Maintenance Division and to Alan Jay Import Center in the amount of \$23,552.00 for one (1) 2007 Toyota Prius Hybrid for Community Improvement via the Florida Sheriff's Association Contract #06-14-0821. Funding is available from 501-3312-591-64.20 (Central Garage Fund/Automotive).
6. Purchase award to Sensus Metering Systems in the amount of \$90,000.00 for the purchase of seven-hundred (700) additional radio-read transceivers for the City's water meters and radio-read upgrades. Funding is available from 442-5178-536-52.31 (Water/Sewer Renewal and Replacement Fund/Water Meter Replacement Under \$750).

9. **REGULAR AGENDA:**

- A. **WAIVER REQUEST/321 PINEAPPLE GROVE WAY:** Consider a waiver request to the Land Development Regulations (LDR) Section 4.6.8(B)(3)(c), "Illumination Levels and Uniformity", which allows an illumination of up to 4-foot candles within the parking area; LDR Section 4.6.14(A)(1), "Visibility at Intersections", which requires a 20-foot visibility triangle at the intersection of an accessway and the public right-of-way line; and LDR Section 4.6.16(H)(3)(a), "New Multiple Family, Commercial, and Industrial Development", which requires a 5-foot perimeter landscape strip along the alley for St. George Suites, located on the east side of Pineapple Grove Way and 410 feet south of NE 4th Street (321 Pineapple Grove Way). *(Quasi-Judicial Hearing)* (Motion to adopt Board Order as presented; Approved, 5-0)
- B. **REQUEST FOR WAIVER/NEW URBAN COMMUNITIES:** Consider a request for waiver of Land Development Regulations (LDR), Section 4.6.7(J)(2), governing off-premise signs from Tim Hernandez, owner of New Urban Communities and the developer of the CODA Project located in the 100 block of SW 1st Avenue and SW 2nd Avenue. *(Quasi-Judicial Hearing)* (Motion to adopt Board Order as presented; Approved, 5-0)
- C. **AMENDMENT TO LEASE AGREEMENT/PIIONEER BOYS ASSOCIATION:** Consider a revision to the lease agreement between the City and Pioneer Boys Association, Inc. changing the description of the leased property and revising Paragraph 7 to require only the participants insurance as provided through the National Boy Scouts of America. (Consensus of the Commission to revise the lease agreement with Pioneer Boys Association, Inc.)
- D. **SPECIAL EVENT REQUEST/SPADY LIVING HERITAGE DAY:** Consider approval of a special event request to endorse the 2nd Annual Spady Heritage Day to be held on September 22, 2007 from 10:00 a.m. to 10:00 p.m., to grant a temporary use permit per LDR Section 2.4.6(F) for the closure of NW 5th Avenue from Martin Luther King Blvd to NW 1st Street, and authorize staff support for security, clean up, barricading, set up/use of the new large mobile stage with event signage no earlier than ten (10) days prior to the event; contingent upon receipt of certificate of liability insurance, a hold harmless agreement and full payment of stage rental cost. (Approved, 5-0; subject to staff recommendations)

- E. **BUDGET PRESENTATION FOR FY 2008:** Presentation regarding the FY 2008 Budget.
- F. **FIRE STATION NO. 4/DEMOLITION:** Provide direction regarding demolition of the recently vacated Fire Station No. 4 building. (Motion to demolish Fire Station No. 4 building; Approved 4-1; Commissioner Eliopoulos dissenting)
- G. **SEACREST SOCCER COMPLEX PRECONSTRUCTION SERVICES PROPOSAL/THE WEITZ COMPANY:** Consider a request to approve and authorize the preconstruction services for the Seacrest Soccer Complex (formally called Atlantic Soccer Complex) proposal and related agreement associated with the Construction Management at Risk Service contract. The scope of services is listed in Article 2.1 of the agreement and the total fee for this phase is \$25,012.00. This represents approximately 0.75% of the current estimated project construction cost of \$3,300,000. Funding is available from 380-4150-572-63.49 (2004 G.O. Bond/Soccer Complex. (Motion to **POSTPONE** Items 9.G and 9.H until the July 24, 2007 Regular Commission Meeting; Approved, 5-0)
- H. **MILLER PARK PRECONSTRUCTION SERVICES PROPOSAL/THE WEITZ COMPANY:** Consider a request to approve and authorize the preconstruction services for the Miller Park proposal and related agreement associated with the Construction Management at Risk Service contract. The scope of services is listed in Article 2.1 of the agreement and the total fee for this phase is \$30,345.00. This represents approximately 0.06% of the current estimated project construction cost of \$5,500,000. Funding is available from 380-4150-572-63.32 (2004 G.O. Bond/Neighborhood Parks). (**POSTPONED** until the July 24, 2007 Regular Commission Meeting)
- I. **APPOINTMENT TO THE DELRAY BEACH HOUSING AUTHORITY:** Appoint one (1) regular member to the Delray Beach Housing Authority for an unexpired term ending July 14, 2010. Based upon the rotation system, the appointment will be made by Commissioner Montague (Seat #4). (Appointed Sylvia Morris and approved, 5-0)
- J. **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 Montague (Seat #4). (Appointed Evan Turk and approved, 5-0)
- K. **APPOINTMENT TO THE PALM BEACH COUNTY HOMELESS ADVISORY BOARD:** Consider approval of the appointment of Mayor Ellis to the Palm Beach County Homeless Advisory Board and the appointment of Commissioner Montague as the alternate to the Board. (Motion to appoint Mayor Ellis to the board with Commissioner Montague as the alternate; Approved, 5-0)

- L. **DESIGNATION OF VOTING DELEGATE/FLORIDA LEAGUE OF CITIES ANNUAL CONFERENCE:** Designate the voting delegate to the Florida League of Cities' 81st Annual Conference to be held at the Marriott World Center in Orlando, Florida on August 16 - 18, 2007. (Motion to appoint Commissioner Fetzer as the voting delegate; 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. 23-07:** City initiated text amendment to the Land Development Regulations (LDR) Section 4.6.9(E)(3), "In Lieu Fee", and Section 4.6.9(E)(4) "Public Parking Fee", establishing an expiration period and clarifying the payment amount due. If passed, a public hearing will be scheduled for July 24, 2007. (Approved, 5-0)

- 13. **COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS.**
 - A. City Manager
 - B. City Attorney
 - C. City Commission

POSTED: JULY 6, 2007

******** Meeting adjourned at 8:06 p.m. ********