

City of Delray Beach

Regular Commission Meeting

AGENDA RESULTS



RULES FOR PUBLIC PARTICIPATION

Tuesday, February 19, 2008

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 Ellis noted Item 8.D., Resolution No. 07-08/Florida Department of Transportation (FDOT)/Joint Participation Agreement was moved to the Regular Agenda as Item 9.A.A., and Item 10.D., Ordinance No. 31-07 (Second Reading/Second Public Hearing) was moved to Item 10.A.A. under Public Hearings; Approved as amended, 5-0)
5. **APPROVAL OF MINUTES:**
 - January 30, 2008 – Annual Citizen’s Roundtable Meeting (Approved, 5-0)
 - February 5, 2008 – Regular Meeting (Approved, 5-0)
 - February 12, 2008 – Special/Workshop Meeting (Approved, 5-0)
6. **PROCLAMATIONS:**
 - A. Water For Our Children Day – March 7, 2008
7. **PRESENTATIONS:**
 - A. NONE
8. **CONSENT AGENDA:** City Manager Recommends Approval. (Approved as amended, 5-0)
 - A. **CONTRACT ADDITION (C.O. NO. 1)/RANDOLPH & DEWDNEY CONSTRUCTION, INC.:** Approve a Contract Addition (C.O. No. 1) in the amount of \$39,227.86 to Randolph & Dewdney Construction, Inc. for additional renovation work to the Pompey Park Community Center Project. Funding is available from 001-4127-572-64.90 (General Fund/Other Machinery/Equipment) and 001-4127-572-46.10 (General Fund/Building Maintenance).
 - B. **SERVICE AUTHORIZATION NO. 04-10/CH2M HILL, INC.:** Approve Service Authorization No. 04-10 in the amount of \$63,579.00 to CH2M Hill, Inc. for professional engineering services in conducting Groundwater Modeling and for preparation of the Water Use Permit Application. Funding is available from 441-5122-536-31.30 (Water/Sewer Fund/Engineering/Architect).
 - C. **RESOLUTION NO. 05-08/FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT)/ROADWAY TRANSFER AGREEMENT:** Approve and adopt Resolution No. 05-08 authorizing execution of a Roadway Transfer Agreement with the Florida Department of Transportation (FDOT) to transfer Depot Road from FDOT to the City.

- D. **(MOVED TO ITEM 9.A.A. ON THE REGULAR AGENDA)**
- E. **RENEWAL/SEA TURTLE MONITORING CONTRACT WITH DR. JOHN FLETEMEYER:** Approve and authorize the renewal of an agreement with Dr. John Fletemeyer for the sea turtle monitoring program for three (3) years (through October 31, 2010) at a yearly rate of \$38,750.00. Funding is available from 332-4164-572-34.90 (Beach Restoration Fund). The cost is partially reimbursed by federal and state appropriations.
- F. **AMENDMENT NO. 1/NAMING RIGHTS CONTRACT/FUTBOLMASTERS, INC.:** Approve Amendment No. 1 to the Naming Rights Contract between the City and FutbolMasters, Inc. extending the contract for six (6) months.
- G. **SPECIAL EVENT REQUEST/BIG SHOT VOLLEYBALL TOURNAMENT:** Approve a request from East End Volleyball for the Big Shot Volleyball Tournament to be held at the municipal beach on March 29 and 30, 2008.
- H. **SPECIAL EVENT REQUEST/EASTER SUNRISE SERVICE:** Approve a request for an Easter Sunrise Service to be held on March 23, 2008, granting a temporary use permit per LDR Section 2.4.6(F) for the closure of South Ocean Boulevard from Atlantic Avenue to Miramar from 6:00 a.m. to 7:30 a.m., grant the use of the pavilion, authorize staff support for traffic control, barricading and EMS presence.
- I. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:** Accept the actions and decisions made by the Land Development Boards for the period February 4, 2008 through February 15, 2008.
- J. **AWARD OF BIDS AND CONTRACTS:**
1. Purchase award to Dell in the amount of \$16,547.84 for a server for the in-car video system for the Police Department. Funding is available from 334-2111-521-64.90 (General Construction Fund/Other Machinery/Equipment).
 2. Purchase award to Fortis SE Document Management System through PMI Imaging Systems in the amount of \$25,235.00 for upgrades to the Canofile System at the Police Department. Funding is available from 001-2111-521-66.10 (General Fund/Software).
 3. Purchase award to Hector Turf in the amount \$21,584.38 for the purchase of one (1) Toro Groundmaster 3100 with 11 blade cutting units and wiehle rollers for the Delray Beach Golf Course. Funding is available from 445-4761-572.64.90 (Delray Beach Municipal Golf Course Fund/Other Machinery/Equipment).

4. Purchase award to Metron-Farnier, LLC in the amount of \$37,689.00 for the purchase of 33 large water meters to continue the Large Water Meter Replacement Program. Funding is available from 442-5178-536-61.81 (Water/Sewer Renewal & Replacement Fund/Water Meter Replacement Program).
5. Approve a contract award to Jade Communications, Inc. in the amount of \$60,845.00 (County Contract #05193) for the cabling and equipment move to the new Information Technology building and a contract award to APC Systems in the amount of \$302,610.00 (State Term Contract) for the air conditioning rack system, fire suppression systems, and the UPS battery backup systems. Funding is available from 334-6112-519-62.85 (General Construction Fund/Capital Outlay/City Hall Expansion/IT Building). The award to APC system is recommended contingent upon the City Attorney's Office and vendor reaching agreement on the terms of the contract.

9. **REGULAR AGENDA:**

- A.A. **RESOLUTION NO. 07-08/FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT)/JOINT PARTICIPATION AGREEMENT:** Approve and adopt Resolution No. 07-08 authorizing execution of a Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) to accept funding in the amount of \$180,180.00 over the next three (3) years for the expansion of the Downtown Roundabout Shuttle System). (Approved, 5-0)
- A. **AMENDMENT NO. 1 TO THE AGREEMENT/WIFI SERVICES/DELRAY BEACH WI-FI, INC.:** Consider approval of Amendment No. 1 to the Wireless Broadband Agreement between the City and Delray Beach WI-FI, Inc.; and Consent to Assignment with e-Path Communications of Delray Beach, Inc. regarding the Wi-Fi system throughout the entire City; or provide direction regarding terminating the agreement. (First motion to approve Amendment No. 1 to the Wireless Broadband Agreement; Approved 4-1. Commissioner Montague dissenting. Second motion to accept the Consent to Assignment subject to Corporate Resolution; Approved, 4-1. Commissioner Montague dissenting)
- B. **AGREEMENT/ATC INTERNATIONAL, INC.:** Consider approval of an agreement between the City and ATC International, Inc. for the construction and installation of eleven (11) retractable towers at various points throughout the City. Funding is available from 551-1575-591-45.50 (Business Insurance Fund/Property Claims). (Motion to approve; Approved, 5-0)

- C. **RATIFICATION OF COLLECTIVE BARGAINING AGREEMENT AND MEMORANDUM OF UNDERSTANDING/SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU)/FLORIDA PUBLIC SERVICES UNION, CTW, CLC:** Approve and ratify the Collective Bargaining Agreement and Memorandum of Understanding between the City and the Service Employees International Union (SEIU)/Florida Public Services Union, CTW, CLC (formally National Conference of Firemen and Oilers (NCF&O)), for a three (3) year period from October 1, 2007 through September 30, 2010. (Motion to approve; Approved, 5-0)
- D. **CHANGE TO CITY'S GROUP BENEFITS BROKER:** Consider approval to change the City's Group Benefits Broker from the Gehring Group to Benefit Management Group (BMG), a division of Gallagher Benefit Services. (Motion to approve; Approved, 5-0)
- E. **HISTORICAL MARKER/SR A1A:** Consider approval of the placement of a historical marker on the east side of SR A1A at the intersection of Bay Street and SR A1A. (Motion to approve; Approved, 5-0)
- F. **APPOINTMENTS TO THE BOARD OF ADJUSTMENT:** Appoint two (2) regular members and two (2) alternate members to the Board of Adjustment to serve two (2) year terms ending August 31, 2009. Based upon the rotation system, the appointments will be made by Commissioner Montague (Seat #4), Mayor Ellis (Seat #5), Commissioner Eliopoulos (Seat #1), and Commissioner McDuffie (Seat #3). (Appointed Harvey Starin and approved, 5-0; appointed Mel Pollack and approved, 5-0; appointed (alternate) Jess Sowards and approved, 5-0; and appointed (alternate) Bernard Federgreen and approved, 5-0)
- G. **APPOINTMENT TO THE CIVIL SERVICE BOARD:** Appoint one (1) alternate member to the Civil Service Board to serve an unexpired term ending July 1, 2008. Based upon the rotation system, the appointment will be made by Commissioner Eliopoulos (Seat #1). (Appointed Elaine Calabrese and approved, 5-0)
- H. **APPOINTMENT TO THE KIDS AND COPS COMMITTEE:** Appoint one (1) At Large Representative to the Kids and Cops Committee to serve a partial term ending on November 30, 2009. Based upon the rotation system, the appointment will be made by Commissioner McDuffie (Seat #3). (Commissioner McDuffie's appointment was deferred until the March 3, 2008 Regular Commission Meeting)
- I. **APPOINTMENT TO THE NEIGHBORHOOD ADVISORY COUNCIL:** Appoint one (1) regular member from Zone 5 to the Neighborhood Advisory Council to serve an unexpired term ending October 31, 2008. Based upon the rotation system, the appointment will be made by Commissioner Montague (Seat #4). (Commissioner Montague's appointment was deferred until the March 3, 2008 Regular Commission Meeting)

10. **PUBLIC HEARINGS:**

- A.A. **ORDINANCE NO. 31-07 (SECOND READING/SECOND PUBLIC HEARING):** Privately initiated amendment to the Land Development Regulations (LDR) amending Section 4.4.24, “Old School Square Historic Arts District (OSSHAD)”, Subsection 4.4.24(B), “Principal Uses and Structures”, to include an additional property that is allowed the permitted uses of the Central Business District (CBD) Zoning District; amending Subsection 4.4.24(F), “Development Standards”, to include an additional property in the Old School Square Historic Arts District (OSSHAD) that is subject to the standards of the Central Business District (CBD) Zoning District. ***(THE APPLICANT HAS REQUESTED POSTPONEMENT UNTIL MAY 6, 2008 REGULAR COMMISSION MEETING)*** (Motion to **POSTPONE** to a date and time certain of May 6, 2008 Regular Commission Meeting at 7:00 p.m. to continue to the Public Hearing; Approved, 5-0. Commissioner Eliopoulos returned to dais)
- A. **RESOLUTION NO. 03-08/CONTRACT FOR SALE AND PURCHASE OF PROPERTY/COMMUNITY REDEVELOPMENT AGENCY/TRI-PARTY INTERLOCAL AGREEMENT:** Consider approval of Resolution No. 03-08 authorizing the City to sell certain real property located behind the Old Delray Beach Library, for the redevelopment of the old library site; and approve a Tri-Party Interlocal Agreement between the City and the Community Redevelopment Agency (CRA) which will allow the transfer/sale of Lots 14, 15, 16, 17 and 18 of Block 101 to the CRA to facilitate the ultimate transfer by the CRA of the entire old library site to the Developer selected by the CRA for redevelopment of the site. (Commissioner Eliopoulos filed a Conflict of Interest and left dais. Motion to approve; Approved, 4-0)
- B. **PURCHASE AND SALE AGREEMENT/COMMUNITY REDEVELOPMENT AGENCY (CRA) AND DEVELOPER:** Consider approval of the Purchase and Sale agreement between the Community Redevelopment Agency (CRA) and the Developer in the amount of \$3,000,000.00 for the redevelopment of the entire old library site, with the City as a third party beneficiary. (Commissioner Eliopoulos filed a Conflict of Interest and left dais. Motion to approve; Approved, 4-0)
- C. **DELRAY BEACH CHAMBER OF COMMERCE RELOCATION AND PUBLIC PARKING AGREEMENT/COMMUNITY REDEVELOPMENT AGENCY (CRA):** Consider approval of the Relocation and Public Parking Space Agreement between the City, the Community Redevelopment Agency (CRA) and the Delray Beach Chamber of Commerce for the relocation of the Chamber of Commerce to the Old School Square Parking Garage. (Commissioner Eliopoulos filed a Conflict of Interest and left dais. Motion to approve; Approved, 4-0)
- D. **(MOVED TO ITEM 10.A.A. UNDER PUBLIC HEARINGS)**

- E. **ORDINANCE NO. 02-08:** City initiated amendment to the Land Development Regulations (LDR) Sections 4.4.13(C), and 4.6.9(E)(4), to apply minimum property vacancy period requirements for mechanical parking lifts, in-lieu of parking fees, and public parking fees for in-fill developments within the Central Business District (CBD) and also to Appendix “A”, Definitions, to amend the definition of In-Fill Development. *(Approved, 5-0)*
 - F. **ORDINANCE NO. 05-08:** Consideration of a rezoning from Special Activities District (SAD) to Open Space and Recreation (OSR) for a 0.72 acre City owned parcel, located east of the recently approved Midtown Delray mixed-use development (f.k.a. Bloods Hammock Grove) and west of Orchard View Park. *(Approved, 5-0)*
 - G. **ORDINANCE NO. 07-08:** City initiated amendment to the Land Development Regulations (LDR) Section 2.4.3, “Submission Requirements”, Subsection 2.4.3(K), “Fees”, Subsection 2.4.3(K)(1), “Development Applications”, to provide for an increase in certain development application fees. *(Approved, 5-0)*
 - H. **ORDINANCE NO. 10-08:** An ordinance creating Chapter 94, “Municipal Cemetery”, of the Code of Ordinances by enacting Section 94.01, “Authority”, to provide for rules and fees for the municipal cemetery. *(Approved, 5-0)*
 - I. **RESOLUTION NO. 06-08:** Consider approval of Resolution No. 06-08 adopting the rules, regulations and fees for the Delray Beach Memorial Gardens Municipal Cemetery. *(Motion to approve subject to proposed price changes for plots, opening and closing, and the mausoleum , 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: FEBRUARY 15, 2008

******** Meeting adjourned at 7:49 p.m. ********