

City of Delray Beach

Regular Commission Meeting

AGENDA RESULTS



RULES FOR PUBLIC PARTICIPATION

Tuesday, April 3, 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.

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 Randolph at 243-7127, 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.** (Commissioner Montague absent)
2. **INVOCATION.**
3. **PLEDGE OF ALLEGIANCE TO THE FLAG.**
4. **AGENDA APPROVAL.** (Mayor noted Item 8.D, Change Order No. 5/Duraclean D/B/A The Principle Group, LLC, was moved to the Regular Agenda as Item 9.A.A.; Approved as amended, 4-0)
5. **APPROVAL OF MINUTES:**
 - March 29, 2007 – Organizational Meeting (Approved, 4-0)
6. **PROCLAMATIONS:**
 - A. National Public Works Week – May 20-26, 2007
 - B. Delray Beach Medical Center Day – April 3, 2007
7. **PRESENTATIONS:**
 - A. NONE
8. **CONSENT AGENDA:** City Manager Recommends Approval. (Approved as amended, 4-0)
 - A. **FINAL SUBDIVISION PLAT/GRAMERCY SQUARE – PLAT II:** Approve the subdivision plat for Gramercy Square – Plat II, a 57 unit, townhome development located on the west side of Military Trail, approximately 700’ south of West Atlantic Avenue.
 - B. **REQUEST FOR SIDEWALK DEFERRAL/855 SOUTH OCEAN BOULEVARD:** Approve a request to defer the installation of a sidewalk in front of 855 South Ocean Boulevard.
 - C. **HOLD HARMLESS AGREEMENT/2492 S CORAL TRACE CIRCLE:** Approve and accept a hold harmless agreement to allow the property owner to install a fence across the existing right-of-way, along the west, south and east property lines, located at 2492 S Coral Trace Circle.
 - D. **(MOVED TO ITEM 9.A.A ON THE REGULAR AGENDA).**
 - E. **SERVICE AUTHORIZATION NO. 1.4/CH2M HILL, INC.:** Approve Service Authorization No. 1.4 (Amendment 4 to Service Authorization No. 1) to CH2M Hill, Inc. in the amount of \$7,500.00 for professional services for meeting with the Florida Department of Environmental Protection (FDEP) and Palm Beach County Health Department (PBCHD) regarding re-permitting the Aquifer Storage and Recovery Well. Funding is available from 442-5178-536-46.90 (Water/Sewer Renewal & Replacement Fund/Other Repair & Maintenance Costs).

- F. **FUNDING AGREEMENT/PALM BEACH COUNTY/DELRAY BEACH STEP TEAM COMPETITION:** Approve and accept an agreement between the City and Palm Beach County to allow the Recreation Assistance Program (RAP) District 7 to reimburse the City in an amount up to \$4,000.00 for the Delray Beach Step Team Competition for eligible expenses incurred within the time frame of January 1, 2007 through May 25, 2007.
- G. **FUNDING AGREEMENT/PALM BEACH COUNTY/2007 INVITATIONAL FRIENDSHIP TOURNAMENT:** Approve and accept an agreement between the City and Palm Beach County to allow the Recreation Assistance Program (RAP) District 7 to reimburse the City in an amount up to \$5,000.00 for the 2007 Invitational Friendship Tournament for eligible expenses incurred within the time frame of May 1, 2007 and June 30, 2007. The City will host this baseball and softball tournament on May 25 to May 27, 2007 at Pompey Park in conjunction with the Delray Beach American Little League.
- H. **SPECIAL EVENT REQUEST/2007 EXCLUSIVE SPORTS MARKETING VOLLEYBALL TOURNAMENT:** Approve a request from Exclusive Sports Marketing for the 2007 Exclusive Sports Marketing Volleyball Tournament to be held at the municipal beach on May 5 and May 6, 2007 subject to receipt of revised insurance certificate.
- I. **HOUSING REHABILITATION GRANT/CONTRACT AWARDS:** Approve two (2) Housing Rehabilitation grant/contract awards through the Community Development Division in the amount of \$30,303.00 to Craftsman Plus for 704 SW 8th Court, and in the amount of \$36,188.25 to Sun Band Builders Construction, Inc. for 917 SW 3rd Court. Funding is available from 118-1963-554-49.19 (Community Development Fund/Housing Rehabilitation).
- J. **AGREEMENT/NAVARRO SECURITY GROUP:** Approve a six (6) month agreement with Navarro Security Group in an estimated cost of \$22,048.00 for security services at Pompey Park from April 1, 2007 to September 30, 2007. Funding is available from 001-4127-572-31.90 (General Fund/Other Professional Services).
- K. **AMENDMENT/OFF SITE PARKING AGREEMENT:** Approve an amendment to the Off Site Parking Agreement between the City, 60 ½ LLC and DHBH Atlantic LLC associated with the preliminary/final DHBH #1 Plat. The amendment is due to the discovery of an extra parking space on one of the parcels subject to the agreement.
- L. **AWARD OF BIDS AND CONTRACTS:**
1. Purchase award to Chaz Equipment Company, Inc. in the amount of \$25,000.00 for Sanitary Sewer Manhole Rehabilitation under the terms and conditions of the current annual contract. Funding is available from 442-5178-536-63.82 (Water/Sewer Renewal & Replacement Fund/Sanitary Sewer Manhole Rehabilitation).

2. Contract award to Hartzell Construction, Inc. in the amount of \$24,565.00 for the exterior and interior renovation of the concession stand building at the old Atlantic High School. Funding is available from 001-4149-572-63.40 (General Fund/Recreation Improvements).
3. Purchase award to Line-Tec, Inc. in the amount of \$25,000.00 via the City of Boynton Beach, Bid #027-2821-07/JA for the Water Service Relocation Program. Funding is available from 442-5178-536-65.17 (Water/Sewer Renewal & Replacement Fund/Water Service Relocations).
4. Contract award to South Florida Construction Services, Inc. in the amount of \$24,920.00 for Fire Station #3 Officer Quarters Remodeling Project. Funding is available from 001-2311-522-62.10 (General Fund/Buildings).
5. Contract award to Sports Turf One, Inc. in the amount of \$37,610.33 for the renovation of the south athletic field of the former Atlantic High School football field. Funding is available from 380-4150-572-63.49 (2004 G.O. Bond/Improvements Other/Soccer Complex).
6. Purchase award to Wesco Turf Supply, Inc. in the amount of \$31,396.18 for the purchase of two (2) Model #30361 Toro Groundsmaster 7200 Heavy Duty Zero Turn Mowers with 72" Recycler Deck via the Florida State Contract #515-630-06-1 for the Parks and Recreation Department. Funding is available from 501-3312-591-64.20 (Central Garage Fund/Automotive).
7. Purchase award to Duval Ford in the amount of \$107,029.00 via the Florida Sheriff's Association Contract #06-14-0821 for the purchase of four (4) vehicles for various departments. Funding is available from 501-3312-591-64.20 (Central Garage Fund/Automotive).
8. Purchase award to Metron-Farnier, L.L.C in the amount of \$34,492.77 for the purchase of 39 refurbished 3" Spectrum 175 Water Meters. Funding is available from 442-5178-536-61.81 (Water/Sewer Renewal & Replacement Fund/Water Meter Replacement Program).
9. Purchase award to Zoll Medical Corporation in the amount of \$26,184.00 for one (1) Zoll E Series Defibrillator/Monitor. Funding is available from 001-2315-526-64.90 (General Fund/Other Machinery/Equipment).

9. **REGULAR AGENDA:**

- A.A **CHANGE ORDER NO. 5/DURACLEAN D/B/A THE PRINCIPLE GROUP, LLC:** Approve Change Order No. 5 to the original contract in the amount of \$9,454.31 to Duraclean d/b/a The Principle Group, LLC for additional water damage and microbial remediation at the Municipal Golf Course Clubhouse. Funding is available from 551-1575-591-45.50 (Business Insurance Fund/Property Claims).
(Approved, 4-0)

- A. **CONDITIONAL USE REQUEST/JAY PUTNAM ENTERPRISES:** Consider a request to establish a vehicle services and repair shop in conjunction with the manufacturing of automotive parts for Jay Putnam Enterprises. The facility is to be located in two bays (Bays 5 and 6) totaling 1,800 square foot in the central portion of the existing Depot Warehouse Building located at 1700 Depot Avenue. *(Quasi-Judicial Hearing)* (Motion to adopt Board Order with all four (4) conditions as listed on page 2 of the Staff Report; Approved, 4-0)
- B. **WAIVER REQUEST/LOT DIMENSION:** Consider a request for waiver of Land Development Regulations (LDR) Section 4.1.4, "Use of Lots of Record", which requires aggregation of lots under the same ownership if the lot area is less than that required by the Zoning District Regulations. The waiver is requested for property located at 213 SE 7th Avenue, within the Marina Historic District. *(Quasi-Judicial Hearing)* (Motion to adopt Board Order as presented; Approved, 4-0)
- C. **RESOLUTION NO. 25-07:** Consider approval of Resolution No. 25-07 supporting Senate Bill 606 as proposed in the 2007 Legislative Session concerning authorization of local option \$2.00 rental car surcharge for the South Florida Regional Transportation Authority (SFRTA) as a recurring funding source for SFRTA and urging Governor Charlie Crist to sign the proposed legislation, if adopted, in order to provide for needed additional revenues for SFRTA. (Approved, 4-0)
- D. **RESOLUTION NO. 26-07:** Consider approval of Resolution No. 26-07 supporting the Florida Department of Transportation and its affiliated regional transportation agencies to recommend strategic investment in the Florida East Coast (FEC) Corridor areas to expand local and regional passenger service in that area to meet the growth transit needs and complement freight industry growth in the Southeast Florida area. (Approved, 4-0)
- E. **BID AWARD/E.C. STOKES MECHANICAL CONTRACTORS, INC./FARMER & IRWIN CORPORATION:** Consider approval of a bid award to E.C. Stokes Mechanical Contractor Inc., *second low bidder*, as primary contractor and Farmer & Irwin Corporation, *third low bidder*, as secondary (back-up) contractor in an estimated annual cost of \$25,500.00 for plumbing services and repairs for various city buildings located in the City of Delray Beach. Funding from various departmental operating budgets. (Approved, 4-0)
- F. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:** Accept the actions and decisions made by the Land Development Boards for the period March 19, 2007 through March 30, 2007. (First motion to appeal the Certificate of Appropriateness (COA) for 706 SE 2nd Street (Item No. 3); due to the 2-2 vote, there is no appeal for this item. Second motion to appeal Certificate of Appropriateness (COA) for 238 SE 7th Avenue (Item No. 2); Approved, 3-0. Commissioner Eliopoulos filed a Conflict of Interest and left dais. Third motion to receive and file the rest of the report; Approved, 4-0. Commissioner Eliopoulos returned to dais)

10. **PUBLIC HEARINGS:**

- A. **RESOLUTION NO. 20-07 (SECOND READING/SECOND PUBLIC HEARING):** Consider approval and adoption of Resolution No. 20-07 designating the area within the boundaries of the Carver Square Redevelopment area of the Community Redevelopment Agency (CRA) as a Brownfield Area for rehabilitative purposes. (Approved, 4-0)

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. 14-07:** City initiated amendments to the Land Development Regulations Subsections 4.6.7(H)(8), "Residential", to provide additional clarification regarding residential real estate signs, (H)(9), "Window Signs", to provide clarification regarding size of signs, and (H)(10), "Temporary Signs", to prohibit temporary non-commercial signs in public rights of way contiguous to public property, and where allowed, to provide time limits for removal. If passed, a second public hearing will be scheduled for April 17, 2007. (Motion to **TABLE** to April 17, 2007 Regular Commission Meeting; Approved, 4-0)
- B. **ORDINANCE NO. 15-07:** An ordinance amending Chapter 35, "Employees Policies and Benefits", Subheading "Retirement Plan", of the Code of Ordinances of the City of Delray Beach, Florida, by amending Section 35.097, "Retirement Income; Basis, Amount, and Payment", to provide an alternative method for purchasing the optional enhanced multiplier for periods of prior city employment. If passed, a second public hearing will be scheduled for April 17, 2007. (Approved, 4-0)

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

- A. City Manager
B. City Attorney
C. City Commission

POSTED: March 30, 2007

******** Meeting adjourned at 7:38 p.m. ********