

City of Delray Beach

Regular Commission Meeting



RULES FOR PUBLIC PARTICIPATION

Tuesday, April 15, 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.**
5. **APPROVAL OF MINUTES:**
 - April 1, 2008 – Regular Meeting
 - April 8, 2008 – Workshop Meeting
6. **PROCLAMATIONS:**
 - A. Municipal Clerk’s Week – May 4-10, 2008
 - B. National Public Works Week – May 18-24, 2008
 - C. National Preservation Month – May 2008
7. **PRESENTATIONS:**
 - A. Delray Camera Club Awards Presentation
 - B. Green Task Force Presentation
 - C. City of Delray Beach Residents Academy Certificates – Janet Meeks (*ADDENDUM*)
8. **CONSENT AGENDA:** City Manager Recommends Approval.
 - A. **ACCEPTANCE OF EASEMENT DEED/WALLACE DODGE:** Approve and accept an easement deed for the installation of a water and sewer easement at Maroone Chrysler Jeep Dodge located at 1001 and 1111 Linton Boulevard.
 - B. **REQUEST FOR SIDEWALK DEFERRAL/413 S.W. 6th AVENUE:** Approve a request to defer the installation of a sidewalk in front of 413 S.W. 6th Avenue.
 - C. **SERVICE AUTHORIZATION NO. 1.7/PGAL:** Approve Service Authorization No. 1.7 to PGAL in the amount of \$10,367.50 for the additional Threshold Inspection Services required for the completion of the Old School Square Parking Garage Project. Funding is available from 380-4150-572-63.29 (2004 G.O. Bond/Improvements Other/Old School Square Parking Garage).
 - D. **TRAFFIC SIGNAL MODIFICATION/PALM BEACH COUNTY/N.E. 4th STREET IMPROVEMENTS:** Approve payment in the amount of \$82,170.50 to Palm Beach County for the modification of traffic signals at the intersections of N.E. 5th and N.E. 6th Avenue at N.E. 4th Street. Funding is available from 448-5461-538-65.31 (Storm Water Utility Fund/Other Improvements/N.E. 4th St- N.E. 5th NE 6th).

- E. **S.E.-N.E. 5TH AVENUE RRR FUNDING/FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT):** Approve and authorize the Mayor to write a letter to the Florida Department of Transportation (FDOT) requesting that FDOT enter into an agreement with the City to combine FDOT's S.E.-N.E. 5th Avenue resurface, restore and rehabilitate (RRR) funding with the City's proposed beautification project and requesting that the City handle the design and construction of the combined funded project.
- F. **DUI GRANT APPLICATION/FLORIDA DEPARTMENT OF TRANSPORTATION:** Authorize staff to submit an application to the Florida Department of Transportation (FDOT) Highway Safety Grant award in the amount of \$110,376.00 for funding for the Police Department's Driving Under the Influence (DUI) program. The grant covers 50% of the salary for the DUI Enforcement Officer. Funding is available from 001-2115-521-12.10 (General Fund/Regular Salaries).
- G. **BULLETPROOF VEST GRANT/DEPARTMENT OF JUSTICE:** Authorize staff to submit an application to the Department of Justice for funding in the amount of \$13,275.45 for 45 vests for the Bulletproof Vest Program.
- H. **MUTUAL AID AGREEMENT/PALM BEACH COUNTY LAW ENFORCEMENT AGENCIES:** Approve a mutual aid agreement by and among Palm Beach County law enforcement agencies which permits voluntary cooperation and assistance of a routine law enforcement nature across jurisdictional lines, and provides for the rendering of assistance in a law enforcement emergency.
- I. **MUTUAL AID AGREEMENT/PALM BEACH COUNTY SHERIFF'S OFFICE (PBSO):** Approve a mutual aid agreement between the City and the Palm Beach County Sheriff's Office (PBSO) for law enforcement assistance to jointly address aggressive driving behavior within the City and neighboring unincorporated areas of Palm Beach County.
- J. **PURCHASE ORDER INCREASE/CHAZ EQUIPMENT COMPANY, INC.:** Approve an increase of \$22,800.00 to purchase order #649857, Chaz Equipment Company, Inc., for modifications to turn lanes onto East Atlantic Avenue for the U.S. 1 Temporary Improvements Project. Funding is available from 334-4141-572-65.99 (General Construction Fund/Capital Outlay/S.E.-N.E. 5th & 6th Avenue-S.E. 4th N.E.).
- K. **SPECIAL EVENT REQUEST/BED RACE:** Approve a special event request to allow the 11th Annual Bed Race proposed to be held on May 16, 2008 from 5:30 p.m. until 7:30 p.m., to grant a temporary use permit per LDR's Section 2.4.6.(F) for the use and closure of N.E. 2nd Avenue between N.E. 2nd Street and N.E. 3rd Street, to authorize staff support for traffic control and security, EMS assistance, trash removal and clean up, barricading, use and set up of the small stage, and preparation and installation of event signage; contingent on the sponsor providing a certificate of liability insurance.

L. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**
Accept the actions and decisions made by the Land Development Boards for the period March 31, 2008 through April 11, 2008.

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

1. Bid award to Randolph & Dewdney Construction, Inc. in the amount of \$148,757.44 for the construction of the Fire Station No. 1 Wind Retrofit Project. Funding is available from 334-2311-522-62.87 (General Construction Fund/Buildings/Storm Hardening).
2. Contract award to All Florida Generator Installations, Inc. in the amount of \$45,118.00 for the emergency backup generator for the new Information Technology (IT) Building. Funding is available from 334-6112-519-62.85 (General Construction Fund/Capital Outlay/City Hall Exp-IT Building).
3. Contract award to Bell South in the amount of \$10,205.52 annually for a three (3) year contract for one (1) Primary Rate ISDN circuit for the support of the telephone lines at City Hall, the Community Center and the City Attorney's Office. Funding is available from 001-1802-512-41.10, 001-1802-512-41.10, and 001-1611-514-41.10 (General Fund/Telephone Expenses (General Fund/Telephone Expense)).
4. Contract award to McCabe Brothers Construction Corporation in the amount of \$177,392.00 for renovations to the Atlantic Dunes Park Boardwalk. Funding is available from 334-4170-572-63.48 (General Construction Fund/Improvements Other/Atlantic Dunes Boardwalk).
5. Contract award to McCabe Brothers Construction Corporation in the amount of \$54,826.62 for renovations to the Police Department Briefing Room, Report Writing and Mail Room. Funding is available from 334-2111-521-46.10 (General Construction Fund/Repair & Maintenance Services/Building Maintenance).
6. Contract award to Technical Inspections, Inc. in the amount of \$16,725.00 for Cleaning the Wet Well in Lift Station No. 50 on Lowson Boulevard. Funding is available from 442-5178-536-68.15 (Water/Sewer Renewal and Replacement Fund/Improvements Other/Lift Station Rehabilitation).
7. Contract award to Technical Inspections, Inc. in the amount of \$30,100.00 for rehabilitation of Lift Stations No. 94A, 95 and 107. Funding is available from 442-5178-536-68.15 (Water/Sewer Renewal and Replacement Fund/Improvements Other/Lift Station Rehabilitation).
8. Purchase award to Duval Ford in the amount of \$27,534.00 for the purchase of two (2) F-150 4x2 Pick-Up Trucks including accessories and warranty via the Florida Sheriff's Association Rollover Contract #06-14-0821, Specification #33. Funding is available from 501-3312-591-64.20 (Central Garage Fund/Automotive).

9. Purchase award to HD Supply Waterworks, LTD in the amount of \$40,436.53 for various piping materials to be installed by the City's in-house construction crew for the Lakeview Golf Course Reclaimed Water Project. Funding is available from 441-5181-536-65.96 (Water/Sewer Fund/Other Improvements/Reclaimed Water Transmission).
10. Purchase award to EVS in the amount of \$18,976.00 for the purchase of two (2) T3 Personal Electric Mobility Vehicles for the Police Department. Funding is available from 115-2111-521-64.90 (Special Projects Fund/Machinery/Equipment/Other Machinery Equipment).
11. Bid award to multiple vendors in the estimated annual amount of \$187,000.00 for the purchase of chemicals and fertilizers for the City. Funding is available from 001-4131-572-52.26 (General Fund/Operating Supplies/Gardening Supplies), 119-4144-572-52.21 (Beautification Trust Fund/Operating Supplies/Chemicals), 001-4131-572-52.21 (General Fund/Operating Supplies/Chemicals), 445-4714-572-52.26 (D.B. Municipal Golf Course/Operating Supplies/Gardening Supplies), and 446-4714-572-52.26 (Lakeview Golf Course/Operating Supplies/Gardening Supplies).

9. **REGULAR AGENDA:**

- A. **PRELIMINARY AND FINAL PLAT/MIDTOWN DELRAY:** Consider approval of a preliminary plat and certification of a final plat for a 9.85 acre mixed-use development containing 116 fee-simple townhouse lots (32 of which are subject to the City Workforce Housing Ordinance) and 29,571 square feet of medical office to be platted as Midtown Delray, located at the southwest corner of Linton Boulevard and Old Germantown Road, west of Park Access Road. *(Quasi-Judicial Hearing)*
- B. **CONDITIONAL USE EXTENSION REQUEST/PARC PLACE NORTH AT DELRAY BEACH:** Consider a conditional use extension request for Parc Place North at Delray Beach, a proposed multiple family and mixed-use development within the GC (General Commercial) Zoning District, located on the east side of North Federal Highway approximately 860 feet south of Gulf Stream Boulevard. *(Quasi-Judicial Hearing)*
- C. **WAIVER REQUESTS/HISTORIC DEPOT SQUARE:** Consider two waiver requests to Land Development Regulations (LDR) Section 4.6.9(D)(3)(c)(1), "Stacking Distance", to allow a reduction in the stacking distance from the required 50 feet for a parking area that has 51 or more parking spaces; and to Section 6.1.3(B), "Sidewalk Design Requirements", which requires a 5-foot sidewalk along both sides of Depot Road and N.W. 2nd Street for the Historic Depot Square. *(Quasi-Judicial Hearing)*

- D. **SPECIAL EVENT REQUEST/HAITIAN FLAG DAY EVENT:** Consider a special event request for the Haitian Flag Day Celebration sponsored by Toussaint L'Ouverture High School on May 18, 2008 at Old School Square from noon until 10:00 p.m., to grant a temporary use permit per LDR's Section 2.4.6.(F) for use of a part of the Old School Square surface lot, a portion of NE 1st Avenue, and the east side of the gravel lot on NE 1st Avenue for vendor parking; to authorize staff support for security and traffic control, EMS assistance, trash removal and clean up, barricading, generator use, and event signage; contingent upon receipt of a certificate of liability insurance. The event sponsor has requested financial assistance.
 - E. **APPOINTMENT OF OUTSIDE COUNSEL/REVIEW ORDINANCE REGARDING TRANSIENT RENTALS:** Consider approval of outside counsel; Weiss, Serota, Helfman, Pastoriza, Cole and Boniske, P.L.; to assist in the review of an ordinance regarding transient rentals.
10. **PUBLIC HEARINGS:**
- A. **ORDINANCE NO. 22-08:** Consideration of a privately sponsored rezoning from GC (General Commercial) to AC (Automotive Commercial) for a 6.28 acre parcel located on the east side of Federal Highway (a.k.a. The Ralph Buick Dealership). *(Quasi-Judicial Hearing)*
 - B. **ORDINANCE NO. 20-08 (SECOND READING/SECOND PUBLIC HEARING):** City initiated amendment to the Land Development Regulations (LDR) pertaining to Assisted Living Facilities, Continuing Care Facilities and Nursing Homes.
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: APRIL 11, 2008