

# City of Delray Beach

## Regular Commission Meeting



### RULES FOR PUBLIC PARTICIPATION

Tuesday, February 5, 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:**
  - January 3, 2008 – Regular Meeting
  - January 15, 2008 – Regular Meeting
  - January 22, 2008 – Special Meeting
  - January 23, 2008 – Special Meeting
6. **PROCLAMATIONS:**
  - A. Recognizing and Commending the **Delray Rocks Football and Cheerleading Squads**
  - B. The Arc of Palm Beach County 50<sup>th</sup> Anniversary – February 7, 2008
7. **PRESENTATIONS:**
  - A. “Spotlight on Neighborhoods” – Joseph Kamarata, Chair of Neighborhood Advisory Council
  - B. "Spotlight on Education" – Marjorie Waldo, Principal, Delray Youth Vocational Charter School
  - C. Zion Study Circle Map Project – Susan Ruby
8. **CONSENT AGENDA:** City Manager Recommends Approval.
  - A. **RATIFICATION OF THE SOUTH CENTRAL REGIONAL WASTEWATER TREATMENT AND DISPOSAL BOARD ACTIONS:** Approve and ratify the actions of the South Central Regional Wastewater Treatment and Disposal Board at their Quarterly Annual Meeting of January 17, 2008.
  - B. **REQUEST FOR SIDEWALK DEFERRAL/302 VENETIAN DRIVE:** Approve a request to defer the installation of a sidewalk in front of 302 Venetian Drive.
  - C. **REQUEST FOR SIDEWALK DEFERRAL/333 PALM TRAIL:** Approve a request to defer the installation of a sidewalk in front of 333 Palm Trail.

- D. **CONTRACT ADDITION (C.O. NO. 1)/BSA CORPORATION/CITY HALL INTERIOR RENOVATIONS PROJECT/IT REMOTE BUILDING PROJECT:** Approve Contract Addition (C.O. No. 1) in the amount of \$684,783.00 to BSA Corporation for the City Hall Interior Renovation Phase I Project/Information Technology (IT) Remote Building Project. Funding is available from 334-6112-519-62.85 (General Construction Fund/Capital Outlay/City Hall Exp-IT Building).
- E. **CONTRACT CLOSEOUT/FINAL PAYMENT/BRIGGS GOLF CONSTRUCTION, INC.:** Approve a Contract Closeout and final payment in the amount of \$9,678.00 to Briggs Golf Construction, Inc. for completion of the Pompey Park Major League Field Sod Replacement Project. There are no changes to the original contract amount.
- F. **CONTRACT CLOSEOUT/FINAL PAYMENT/CHAZ EQUIPMENT COMPANY, INC.:** Approve a Contract Closeout and final payment in the amount of \$47,332.70 to Chaz Equipment Company, Inc. for completion of the S.E./N.E. 1<sup>st</sup> Street One Way Pair Project. Funding is available from 448-5461-538-65.88 (Storm Water Utility Fund/Other Improvements/SE/NE 1st St. One Way Pair) and 334-3162-541-65.88 (General Construction Fund/Capital Outlay/SE/NE 1st Street One Way Pair).
- G. **SERVICE AUTHORIZATION NO. 04-08.3/MATHEWS CONSULTING, INC.:** Approve Service Authorization No. 04-08.3 in the amount of \$30,582.00 to Mathews Consulting, Inc. for performing construction administration; specialty, substantial, and final inspections; review of as-built drawings; and coordination of Lake Worth Drainage District (LWDD) and Palm Beach County (PBC) certifications for the Area 4 Reclaimed Water System Project. Funding is available from 441-5181-536-65.96 (Water & Sewer Fund/Other Improvements/Reclaimed Water Transmission).
- H. **SERVICE AUTHORIZATION NO. 04-09/CH2M HILL, INC.:** Approve Service Authorization No. 04-09 in the amount of \$89,309.00 to CH2M Hill, Inc. for professional engineering services in the design of a new 40 foot diameter lime sludge thickener unit and associated civil site improvements required in accommodating this new unit. Funding is available from 441-5161-536-68.43 (Water & Sewer Fund/Improvements Other/Sludge Thickener).
- I. **CASH BOND/PALM BEACH COUNTY/AREA 4 RECLAIMED WATER SYSTEM PROJECT:** Approve and authorize the execution of a Cash Bond Form and related funding in the amount of \$99,017.00 with Palm Beach County for satisfying the County's permitting requirement on the Area 4 Reclaimed Water System Project. Funding is available from 441-5181-536-65.96 (Water/Sewer Fund/Other Improvements/Reclaimed Water Transmission).
- J. **CONSTRUCTION CONTRACT/CHAZ EQUIPMENT COMPANY, INC./WEST ATLANTIC WATER MAIN PROJECT:** Approve and authorize the execution of a construction contract in the amount of \$309,110.00 for the West Atlantic Water Main Project. Funding is available from 441-5161-536-65.24 (Water/Sewer Fund/Other Improvements/W. Atlantic Avenue Phase III).

- K. **AGREEMENTS/FLORIDA PUBLIC UTILITIES/FIRE STATION NO. 4:** Approve the Improvement or Relocation of Existing Facilities Agreement and the Property Owner's Consent Form with Florida Public Utilities Company (FPUC) in the amount of \$34,495.00 to allow the installation of a natural gas line to supply Fire Station No. 4 at the corner of Barwick and Lake Ida Road.
- L. **INTERLOCAL AGREEMENT/PALM BEACH COUNTY:** Approve an Interlocal Agreement between the City and Palm Beach County for the installation of the trombone mast arms at the intersection S.W. 2<sup>nd</sup> Avenue and West Atlantic Avenue. Palm Beach County will reimburse the City in the amount of \$132,101.00 for the cost associated with this project.
- M. **US 1 CORRIDOR IMPLEMENTATION OF TEMPORARY MODIFICATION PROJECT/GULF INDUSTRIES, INC./CHAZ EQUIPMENT:** Approve and authorize the purchase of temporary curbing in the amount of \$125,169.00 to Gulf Industries, Inc.; and hire Chaz Equipment in the amount of \$325,998.70 for the installation of the temporary improvements along S.E./N.E. 5<sup>th</sup> Avenue and S.E./N.E. 6<sup>th</sup> Avenue between S.E. 10<sup>th</sup> Street and George Bush Boulevard. Funding is available from 334-4141-572.65.99 (General Construction Fund/Capital Outlay/S.E./N.E. 5<sup>th</sup> & 6<sup>th</sup> Avenue/S.E. 4<sup>th</sup>).
- N. **INITIATION OF ANNEXATION/FAIR OAKS CENTER:** Initiation of annexation, via the provisions of the executed water service agreements and consent to annexation, with initial zoning of Community Facilities (CF) of the Fair Oaks Center, located on the south side of Linton Boulevard, approximately 1,240 feet west of Military Trail.
- O. **CITY OF DELRAY BEACH SUB-RECIPIENT FUNDING AGREEMENT/ DELRAY YOUTH VOCATIONAL CHARTER SCHOOL:** Approve and authorize the execution of a funding agreement in the amount of \$25,542.00 with sub-recipient, Delray Youth Vocational Charter School, under the Weed & Seed Program (now known as the Coalition for Community Renewal). Funding is available from 115-2126-521-83.01 (Special Projects Fund/Weed and Seed Grants/Other Grants/Aid).
- P. **COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SUB-RECIPIENT FUNDING AGREEMENT:** Approve and authorize the execution of the funding agreement with one (1) sub-recipient (Fair Housing Center of the Greater Palm Beaches, Inc.) under the Community Development Block Grant (CDBG) program for FY 2007-2008 Annual Action Plan, with the total funding in the amount of \$5,000.00. Funding is available from 118-1966-554-82.12 (Community Development Fund/Aid to Private Organization/Fair Housing Center).

- Q. **COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SUB-RECIPIENT FUNDING AGREEMENT:** Approve and authorize the execution of the funding agreement with The Center for Technology, Enterprise and Development, Inc. (T.E.D. Center) under the Community Development Block Grant (CDBG) program for FY 2007-2008 in partnership with the Community Redevelopment Agency (CRA), with the total funding in the amount of \$55,000.00. Funding is available from 118-1966-554-83.01 (Community Development Fund/Other Grants and Aids).
- R. **HOUSING REHABILITATION GRANT/CONTRACT AWARD:** Approve one (1) Housing Rehabilitation grant/contract award through the Community Development Division in the amount of \$22,855.35 to Brian Rega, Inc. (313 N.W. 4<sup>th</sup> Avenue). Funding is available from 118-1963-554-49.19 (Community Development Fund/Housing Rehabilitation).
- S. **MODIFICATION/2006-2007 STATE HOMELAND SECURITY GRANT PROGRAM SUB-RECIPIENT AGREEMENT/FLORIDA DEPARTMENT OF FINANCIAL SERVICES:** Approve a request to authorize a Modification of the 2006 – 2007 State Homeland Security Grant Program Sub-Recipient Agreement, Office of Domestic Preparedness through the State of Florida, Department of Financial Services Division. The Modification is to extend the grant expiration period from January 31, 2008 to May 31, 2008.
- T. **SPECIAL EVENT REQUEST/FASHION SHOW:** Approve a special event request to allow a Fashion Show sponsored by the Downtown Marketing Cooperative, to be held on March 7, 2008 from 7:00 p.m. to approximately 9:00 p.m., to grant a temporary use permit per LDR Section 2.4.6.(F) for the closure of Atlantic Avenue between N.E./S.E. 5<sup>th</sup> Avenue and N.E./S.E. 6<sup>th</sup> Avenue from approximately 4:00 p.m. to 10:00 p.m., and to provide staff assistance for security, traffic control and barricading; contingent upon receipt of a certificate of general liability insurance.
- U. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:** Accept the actions and decisions made by the Land Development Boards for the period January 14, 2008 through February 1, 2008.
- V. **AWARD OF BIDS AND CONTRACTS:**
1. Contract award to Atlantic Refrigeration Corporation in the amount of \$16,097.00 for the emergency replacement of an air conditioning unit at the Police Department Holding Facility. Funding is available from 334-6112-519-46.10 (General Construction Fund/Repair & Maintenance Services/Building Maintenance).
  2. Contract award to JCI Jade Communications, Inc. in the amount of \$18,570.55 for the installation of telephone and data communication (low voltage wiring) for the Pompey Park Community Center Improvements Project. Funding is available from 380-4150-572-62.61 (2004 G.O. Bond/Buildings/Pompey Park-Expansion).

3. Bid Award to Expertech Network in the amount of \$1,384,333.34 for construction of the Area 4 Reclaimed Water System Project. Funding is available from 441-5181-536-65.96 (Water/Sewer Fund/Other Improvement/Reclaimed Water Transmission).
4. Bid award to Pro Courts in the amount of \$19,987.00 for resurfacing seven (7) hard courts at the Delray Beach Tennis Center. Funding is available from 001-4215-575-46.90 (General Fund/Other Repair/Maintenance Costs).
5. Purchase award to Ti Training Corp in the amount \$142,997.00 for a firearms simulator for the Police Department. Funding is available from 334-2111-521-64.90 (General Construction Fund/Other Machinery/Equipment).

9. **REGULAR AGENDA:**

- A. **WAIVER REQUESTS/CONDITIONAL USE REQUEST/HUNTER CRANE:** Consider a request for two (2) waivers and a conditional use request to allow the establishment of storage and rental of construction equipment that does not exceed 100 feet long, 14 feet wide and 15 feet high for Hunter Crane, located approximately 140 feet north of West Atlantic Avenue and west of Congress Avenue within the MIC (Mixed Industrial and Commercial) District. *(Quasi-Judicial Hearing)*
- B. **WAIVER REQUEST/COMMUNITY LAND TRUST, INC.:** Consider a request for waiver of Land Development Regulations (LDR) Section 4.1.4(D), "Use of Lots of Record," and Section 4.7.12, "Other Incentives", governing the use of non-conforming lots under the Workforce Housing Ordinance for one (1), 45.20 feet wide lot submitted for permitting by Habitat for Humanity in partnership with the Community Land Trust, Inc. The property is located at 303 S.W. 2<sup>nd</sup> Street. *(Quasi-Judicial Hearing)*
- C. **PUBLIC PARKING FEE SPACES/36 FIRST:** Consider approval of a request from 36 First to purchase four (4) public parking fee spaces in the amount of \$72,000.00 to accommodate the construction of a 2-story structure containing 5,355 square feet of office space, located at 36 S.E. 1<sup>st</sup> Avenue. *(Quasi-Judicial Hearing)*
- D. **SPECIAL EVENT REQUEST/ASIAN FOOD FAIR AND CULTURAL SHOW:** Approve a special event request to allow the 5<sup>th</sup> Annual Asian Food Fair and Cultural Show sponsored by the Bangladesh Association of Florida, to be held on April 19 - 20, 2008 from 10:00 a.m. until 10:00 p.m. on the grounds of Old School Square and in the Old School Square surface parking lot, granting a temporary use permit per LDR Section 2.4.6(F) for street closure and use of the Old School Square surface parking lot and City Hall parking lots; authorize staff support for security and traffic control, site clean up and trash removal, barricading, EMS assistance and event signage; contingent upon receipt of a certificate of general liability insurance, state inspection certificate, and a hold harmless agreement. The applicant is requesting a reduction in City costs.

- E. **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 through out the entire City.
  - F. **APPEAL OF WAIVER DENIAL/BRU'S ROOM:** Consider an appeal received from Mr. Brudzinski regarding the City Manager's denial of his request to expand his business license premise to allow the consumption of alcoholic beverages on the Ocean City Lumber Parking lot property on March 15, 2008 from 11:00 a.m. to 11:59 p.m. for the St. Patrick's Day Parade. Staff recommends denial of the appeal.
  - G. **MULTIPLE AWARDS/AUTOMOTIVE PARTS ANNUAL CONTRACT:** Consider approval of multiple awards to bidders in an estimated annual cost of \$75,000.00 for the purchase of automotive parts stocked in the Purchasing Warehouse. Funding is available from various departments operating budgets.
  - H. **AUTHORIZATION TO HIRE OUTSIDE COUNSEL/CITY OF DELRAY BEACH V. MARGUENE ST. JUSTE:** Consider authorizing the City to hire Kara Rockenbach, Esquire to handle the Oral Argument in the Appellate Case of the City of Delray Beach v. Marguene St. Juste at the rate of \$225.00 per hour.
  - I. **BID AWARD/ACCURATE EVENT SERVICES:** Consider approval of a bid award to Accurate Event Services in the amount of \$39,702.91 for private security services for the International Tennis Tournament. Funding is available from 001-4210-575-55.40 (General Fund/Tennis Tournament).
  - J. **PROPOSED INCREASE IN PAVILION, FIELD AND FACILITY RENTALS FEES:** Consider approval of a proposed increase in Pavilion, Field and Facility Rentals Fees and implementing a charge for the use of fields.
10. **PUBLIC HEARINGS:**
- A. **ORDINANCE NO. 38-07 (SECOND READING/SECOND PUBLIC HEARING):** City initiated amendments to the Land Development Regulations (LDR) which intend to clarify the current regulations, provide parameters, and define compatible development within the City's five (5) historic districts and individually designated properties.

B. **RESOLUTION NO. 03-08/CONTRACT FOR SALE AND PURCHASE OF PROPERTY/COMMUNITY REDEVELOPMENT AGENCY/TRI-PARTY AND 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 development of the old library site; and approve a Contract for Sale and Purchase between the City and the Community Redevelopment Agency (CRA); and approve a Tri-Party and 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 development of the entire site. ***(THIS ITEM IS POSTPONED DUE TO NEWSPAPER ERROR IN ADVERTISING)***

C. **RESOLUTION NO. 04-08/CONTRACT FOR SALE AND PURCHASE OF PROPERTY/RICHARD LICASTRI AND ROSEMARY CURRAN/126 N.W. 2<sup>ND</sup> AVENUE - 136 N.W. 2<sup>ND</sup> AVENUE:** Consider approval of Resolution No. 04-08 authorizing the City to purchase property located at 126 N.W. 2<sup>nd</sup> Avenue through 136 N.W. 2<sup>nd</sup> Avenue for future expansion of the municipal complex; and approve a Contract for Sale and Purchase between the City and Richard Licastri and Rosemary Curran in the amount of \$675,000.00 for the property located at 126 N.W. 2<sup>nd</sup> Avenue through 136 N.W. 2<sup>nd</sup> Avenue.

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. 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. If passed, a public hearing will be scheduled for February 19, 2008.
- B. **ORDINANCE NO. 05-08:** Consideration of a rezoning from Special Activities District (SAD) to Open Space and Recreation (OSR) for a 0.72 arce 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. If passed, a public hearing will be scheduled for February 19, 2008.

- C. **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. If passed, a public hearing will be scheduled for February 19, 2008.
- D. **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. If passed, a public hearing will be scheduled for February 19, 2008.

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

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

**POSTED: FEBRUARY 1, 2008**