

City of Delray Beach

Regular Commission Meeting

AGENDA RESULTS



RULES FOR PUBLIC PARTICIPATION

Tuesday, June 19, 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.

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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.** (Commissioner Eliopoulos absent)
2. **INVOCATION.**
3. **PLEDGE OF ALLEGIANCE TO THE FLAG.**
4. **AGENDA APPROVAL.** (Mayor noted Item 9.D, Resolution No. 37-07/Contract for Sale and Purchase of Property/Community Redevelopment Agency/Interlocal Agreement/Multiple Parking Lot Properties was moved to Item 10.A.A, under the Public Hearings; Approved as amended,4-0)
5. **APPROVAL OF MINUTES:**
 - June 4, 2007 – Regular Meeting (Approved, 4-0)
 - June 12, 2007 – Workshop Meeting (Approved, 4-0)
6. **PROCLAMATIONS:**
 - A. Recognizing Bahamian Independence Day
7. **PRESENTATIONS:**
 - A. Government Finance Officers Association – Distinguished Budget Award Presentation
8. **CONSENT AGENDA:** City Manager Recommends Approval. (Approved, 4-0)
 - A. **FINAL PLAT APPROVAL/YACHT CLUB AT DELRAY BEACH:** Approve the final plat for the Yacht Club at Delray Beach plat, located on the west side of MacFarlane Drive, between Ingraham Avenue and Miramar Drive.
 - B. **ACCEPTANCE OF RIGHT-OF-WAY DEEDS/133 AND 135 NW 5TH AVENUE:** Approve and accept the right-of-way deeds for the dedication of the right-of-way from N.W. 5th Avenue and the alley parallel to NW 5th Avenue at 133 and 135 NW 5th Avenue.
 - C. **REQUEST FOR SIDEWALK DEFERRAL/25 NW 16TH STREET:** Approve a request to defer the installation of a sidewalk in front of 25 NW 16th Street. Staff recommends approval.
 - D. **REQUEST FOR SIDEWALK DEFERRAL/902 NW 2ND AVENUE:** Approve a request to defer the installation of a sidewalk in front of 902 NW 2nd Avenue. Staff recommends approval.
 - E. **REQUEST FOR SIDEWALK DEFERRAL/906 NW 2ND AVENUE:** Approve a request to defer the installation of a sidewalk in front of 906 NW 2nd Avenue. Staff recommends approval.

- F. **REQUEST FOR SIDEWALK DEFERRAL/912 NW 2ND AVENUE:** Approve a request to defer the installation of a sidewalk in front of 912 NW 2nd Avenue. Staff recommends approval.
- G. **CONTRACT ADDITION (C.O. NO. 2)/BLOCK 64 DRAINAGE AND WATER MAIN IMPROVEMENT PROJECT/CHAZ EQUIPMENT COMPANY, INC.:** Approve Contract Addition (C.O. No. 2) to the Block 64 Drainage and Water Main Improvements Project in the amount of \$69,540.00 to Chaz Equipment Company, Inc. for the replacement of a collapsed Sanitary Sewer Main located between SW 3rd Street and SW 4th Street. Funding is available from 442-5178-536-65.33 (Water/Sewer Renewal & Replacement Fund/Block 64 Improvements) after budget transfer.
- H. **CONTRACT CLOSEOUT (C.O. NO. 2/FINAL)/CHAZ EQUIPMENT COMPANY, INC.:** Approve a Contract Closeout (C. O. No. 2/Final) in the amount of a \$65,124.34 decrease and final payment in the amount of \$35,428.19 to Chaz Equipment Company, Inc. for the completion of the A-1-A Water Main Upgrade Project. Funding is available from 442-5178-536-65.27 (Water/Sewer Renewal & Replacement Fund/Other Improvements/SR A-1-A/East Atlantic Avenue/Pelican).
- I. **CONTRACT CLOSEOUT (C.O. NO. 2/FINAL)/HORSEPOWER ELECTRIC, INC.:** Approve a Contract Closeout (C.O. No. 2/Final) in the amount of an \$11,047.50 decrease and final payment in the amount of \$16,132.23 to Horsepower Electric, Inc. for the completion of the US 1 at Tropic Boulevard Signalization Project. Funding is available from 334-3162-541-65.68 (General Construction Fund/US 1 at Tropic Boulevard).
- J. **CONTRACT CLOSEOUT (C.O. NO. 2/FINAL)/ROSSO PAVING & DRAINAGE, INC.:** Approve a Contract Closeout (C.O. No. 2/Final) in the amount of \$19,167.10 and final payment in the amount of \$83,345.24 to Rosso Paving & Drainage, Inc. for completion of the Eagle Park Project. Funding is available from 380-4150-572-63.23 (2004 G.O. Bond/Other Improvements/Neighborhood Parks).
- K. **PALM BEACH COUNTY GRANT/EMERGENCY MEDICAL SERVICES/RESOLUTION NO. 36-07:** Approve the application for a non-matching grant to the Palm Beach County Department of Emergency Medical Services in an estimated amount of \$46,340.00 to purchase five (5) Stryker Model 6500 Power-Pro Ambulance Patient Stretchers; and approve Resolution No. 36-07.

- L. **SPECIAL EVENT REQUEST/30th ANNUAL ROOTS CULTURAL FESTIVAL/YOUTH AND ADULT BASKETBALL TOURNAMENTS:**
 Consider approval of a special event request from the Roots Cultural Festival, Inc. for a Youth Basketball Tournament proposed to be held from 6:00 p.m. – 11:00 p.m. on July 20, 2007, 9:00 a.m. – 11:00 p.m. on July 21, 2007 and 9:00 a.m. – 6:00 p.m. on July 22, 2007 and the Adult Basketball Tournament proposed to be held from 6:00 p.m. – 11:00 p.m. on August 3, 2007, 9:00 a.m. – 11:00 p.m. on August 4, 2007 and from 9:00 a.m. – 6:00 p.m. on August 5, 2007; authorize staff support for security and signage; waiver of facility rental fee for City facilities and event signage to be installed no earlier than ten (10) days prior to the event; contingent upon sponsor providing a liability insurance certificate, and a hold harmless agreement.
- M. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**
 Accept the actions and decisions made by the Land Development Boards for the period June 4, 2007 through June 15, 2007.
- N. **AWARD OF BIDS AND CONTRACTS:**
1. Contract award to Caler, Donten, Levine, Druker, Porter & Veil, P.A. for professional audit services for FY 2007 in the amount of \$105,800.00; FY 2008 in the amount of \$112,150.00; and FY 2009 in the amount of \$118,900.00. Funding is available from various departmental operating budgets.
 2. Contract award to the Florida Coca-Cola Bottling Company for a three (3) year contract with the option to extend the contract for one (1) three (3) year period for beverage vending services and fountain services.
9. **REGULAR AGENDA:**
- A. **REQUEST FOR REFUND OF CODE ENFORCEMENT BOARD LIEN:**
 Consider a request to refund \$2,500.00 of a \$3,000.00 Code Board Lien paid in January by Michael Lefebvre. Staff recommends denial. (Motion to approve the refund; **DENIED, 4-0**)
- B. **CANCEL AND RE-WRITE OF EXCESS PROPERTY INSURANCE PROGRAM:** Consider a request for approval to cancel and re-write current excess property insurance program to take advantage of “pre-hurricane” season current low insurance rates. (Approved, 4-0)
- C. **LAKEVIEW GOLF COURSE RECLAIMED WATER MAIN:** Consider a request to authorize staff to proceed with design Option #2 for providing reclaimed water to the Lake View Golf Course, which includes modifying an existing lake for receiving and re-pumping of water in conjunction with the construction of approximately 3,025 linear feet of reclaimed water main at an estimated cost of \$358,600.00. (Approved, 4-0)
- D. **(MOVED TO ITEM 10.A.A. ON THE PUBLIC HEARINGS AGENDA).**

- E. **AUTHORIZATION TO PARTICIPATE IN CLASS ACTION LAWSUIT AGAINST ARTHUR J. GALLAGHER ENTITIES:** Consider a request for authorization to participate in the Class Action Lawsuit regarding insurance brokerage and employee benefit insurance antitrust litigation against Arthur J. Gallagher Entities. (Approved, 4-0)
- F. **AUTHORIZATION TO FILE APPEAL/MARGEUNE ST. JUSTE V. CITY OF DELRAY BEACH:** Consider a request for authorization to file an appeal to the Fourth District Court of Appeals in the case of Margeune St. Juste v. the City of Delray Beach. (Motion to approve subject to post verdict motions and permission to seek “amicus.” Approved, 4-0)
- G. **REJECTION OF BIDS/RFP 2006-057:** Consider rejection of all bids received in response to RFP 2006-057 regarding parking meters. (Approved, 4-0)
- H. **NON-RENEWAL OF AGREEMENT/PREARRANGEMENTS OF DELRAY, INC.** Consider a request regarding the non-renewal of the contract between the City and Prearrangements of Delray, Inc.; and authorize staff to send a Notice of Non-Renewal to the same. (Approved, 4-0)
- I. **APPOINTMENT TO THE COMMUNITY REDEVELOPMENT AGENCY:** Appoint one (1) regular member to the Community Redevelopment Agency (CRA) for a four (4) year term ending July 1, 2011. Based upon the rotation system, the appointment will be made by Mayor Ellis (Seat #5). (Appointed Thomas Carney and approved, 4-0)
- J. **APPOINTMENT TO THE DOWNTOWN DEVELOPMENT AUTHORITY:** Appoint one (1) regular member to the Downtown Development Authority (DDA) for a three (3) year term ending July 1, 2010. Based upon the rotation system, the appointment will be made by Mayor Ellis (Seat #5). (Appointed Herman Stevens and approved, 4-0)
- K. **APPOINTMENTS TO THE POLICE ADVISORY BOARD:** Appoint two (2) student members to the Police Advisory Board to serve unexpired terms ending December 13, 2007 and December 13, 2008. Based upon the rotation system, the appointments will be made by Commissioner Montague (Seat #4) and Mayor Ellis (Seat #5). (Appointed Vanessa Francois and approved, 4-0; and appointed Grace Maybee and approved, 4-0)
- L. **APPOINTMENT TO THE PALM BEACH COUNTY HOMELESS ADVISORY BOARD:** Consideration of the appointment of the City Commission to the Palm Beach County Homeless Advisory Board. (Consensus of the Commission to bring this back to the July 10, 2007 Regular Commission Meeting)
- M. **REVIEW OF LOBBYIST CONTRACTS:** Review and discussion regarding Tallahassee Lobbyists’ contracts. (Motion to terminate Kathleen E. Daley’s contract for cause. Approved, 4-0)

10. **PUBLIC HEARINGS:**

A.A. **RESOLUTION NO. 37-07/CONTRACT FOR SALE AND PURCHASE OF PROPERTY/COMMUNITY REDEVELOPMENT AGENCY/INTERLOCAL AGREEMENT/MULTIPLE PARKING LOT PROPERTIES:** Consider approval of Resolution No. 37-07 authorizing the City to purchase certain parking lots located in the Seacrest Neighborhood and on S.W. 4th Avenue for public parking; and approve Contract for Sale and Purchase between the City and the Community Redevelopment Agency (CRA) in the amount of \$10.00; and approve an Interlocal Agreement between the City and the Community Redevelopment Agency (CRA) for the transfer of the parking lots. (Approved, 4-0)

A. **ORDINANCE NO. 21-07 (SECOND READING/SECOND PUBLIC HEARING):** Community Redevelopment Agency (CRA) initiated amendment to the Land Development Regulations (LDR), amending Section 4.4.13, "Central Business District (CBD)," Subsection 4.4.13(H)(1), to provide an exemption to the prohibition of office uses on the ground floor of buildings on East Atlantic Avenue. (Approved, 4-0)

B. **ORDINANCE NO. 20-07:** City initiated amendment to the Land Development Regulations (LDR), amending Section 4.4.25, "Special Activities District (SAD)", Subsection 4.4.25(C) to shift the authority for approval of site plans, landscape plans, and architectural elevations from the Planning and Zoning Board to the Site Plan Review and Appearance Board for projects located in the Special Activities District (SAD). (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. NONE

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

A. City Manager

B. City Attorney

C. City Commission

POSTED: JUNE 15, 2007

******** Meeting adjourned at 8:02 p.m. ********