



Cover Memorandum/Staff Report

File #: 19-640

Agenda Date: 6/18/2019

Item #: 6.B.

TO: Mayor and Commissioners
FROM: L. Keith Tomey, Interim Fire Chief
THROUGH: Neal de Jesus, Interim City Manager
DATE: June 18, 2019

HOLD HARMLESS AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND 13TH FLOOR INVESTMENTS, LLC.

Recommended Action:

Motion to Approve Hold Harmless Agreement between the City of Delray Beach and 13th Floor Investments.

Background:

This agenda item requests the Commission to approve a hold harmless agreement between the City of Delray Beach and 13th Floor Investments. The Fire Rescue Department plans to conduct fire training at the old Office Depot Complex located on S. Congress Avenue (2200 Old Germantown Road, 2300 S. Congress Avenue, and 2100 S. Congress Avenue). Examples of the activities that will be conducted include:

- Deploying hoselines and flowing water from the hydrant system
- Connecting to the building fire sprinkler system and flowing water from standpipe connections.
- Breaking windows on upper floors
- Breaching interior doors
- Creating openings in interior partition walls
- Breaching exterior walls in limited areas, this will leave a small debris pile inside the structure and any opening created will be covered with plywood to secure the building from intruders.
- Utilizing stairs, roof access and elevator shafts
- Simulating victim rescue and removal from all floors and areas of the building
- Using simulated smoke (Smoke Machines) to create a limited visibility environment similar to actual fire conditions to conduct any of the training above.

In exchange for granting the City permission to conduct fire training activities on its Property, 13th Floor Investments has requested that the City execute a hold harmless agreement. The Agreement would be subject to the financial limitations of Florida Statute 768.28 and would not be deemed a waiver of sovereign immunity.

City Attorney Review:

Approved as to Form and Sufficiency.

Funding Source/Financial Impact:

N/A - hold harmless agreement contains no financial agreement.

Timing of Request:

This agreement needs to be approved on the next agenda because the building is scheduled for immediate demolition.