

# City of Delray Beach

## Regular Commission Meeting

**\*\*\*AGENDA RESULTS\*\*\***



### **RULES FOR PUBLIC PARTICIPATION**

Tuesday, January 17, 2012

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.** (Mayor McDuffie absent)
2. **INVOCATION.**
3. **PLEDGE OF ALLEGIANCE TO THE FLAG.**
4. **AGENDA APPROVAL.** (Vice-Mayor Gray noted Item 8.D., Change Order No. 1/Randolph & Dewdney Construction, Inc./Pompey Park Concession Stand was moved to the Regular Agenda as Item 9.A.A.; Item 9.D., Special Event Request/Delray Beach Twilight Festival 5K Run, was **REMOVED**; updated information is on the dais for Item 9.H., Discussion of the Garbage Rate Comparison; additional information is on the dais for Item 10.A., Resolution No. 02-12/Fire Assessment.. Approved as amended, 4-0)
5. **APPROVAL OF MINUTES:**
  - A. January 3, 2012 – Regular Meeting (Approved, 4-0)
  - B. January 10, 2012 – Special/Workshop Meeting (Approved, 4-0)
6. **PROCLAMATIONS:**
  - A. All People’s Day ® – March 22, 2012
  - B. Recognizing Black History Month – February 2012
7. **PRESENTATIONS:**
  - A. **RESOLUTION NO. 04-12:** Approve Resolution No. 04-12 recognizing and commending Michael Kosick for 30 years of dedicated service to the City of Delray Beach. (Approved, 4-0)
8. **CONSENT AGENDA:** City Manager Recommends Approval. (Approved as amended, 4-0)
  - A. **CONSENT TO ASSIGNMENT/CH2M HILL, INC. TO CH2M HILL ENGINEERS, INC.:** Approve a Consent to Assignment agreement for professional services, from CH2M Hill, Inc. to CH2M Hill Engineers, Inc.
  - B. **INTERLOCAL AGREEMENT/COMMUNITY REDEVELOPMENT AGENCY (CRA)/DOWNTOWN ROUNDABOUT SHUTTLE:** Approve an Interlocal Agreement with the Community Redevelopment Agency (CRA) in the amount of \$300,000.00 per year which provides funding to the City for continued shuttle bus operational and capital costs for FY 2012 and 2013.
  - C. **JOINT PARTICIPATION AGREEMENT (JPA)/FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT):** Approval to execute a Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) to reimburse the City \$300,000.00 for the operational and capital costs of the Downtown Roundabout Shuttle.

- D. **(MOVED TO ITEM 9.A.A. ON THE REGULAR AGENDA)**
- E. **EXTENDING FAMILY AND MEDICAL LEAVE ACT (FMLA) BENEFITS TO DOMESTIC PARTNERS:** Amend the Family Medical Leave Act (FMLA) Administrative Policy to extend FMLA benefits so that employees in a registered domestic partnership could care for their domestic partners in the same manner as married employees can take FMLA leave to care for their spouses.
- F. **REVISED WORKFORCE HOUSING COVENANT/FLORANDA MHP, LLC AND NEW CENTURY EXECUTIVE QUARTERS, LLC:** Approve a revised Workforce Housing Covenant, as proposed between the City and Floranda MHP, LLC and New Century Executive Quarters, LLC.
- G. **RESOLUTION NO. 05-12/AFFORDABLE HOUSING ADVISORY COMMITTEE:** Approve Resolution No. 05-12 amending Resolution No. 12-08 to provide for changes to the Affordable Housing Advisory Committee.
- H. **INVESTMENT ADVISORY SERVICES/PUBLIC FINANCIAL MANAGEMENT (PFM) ASSET, LLC:** Approve an agreement with Public Financial Management (PFM) Asset, LLC to provide government investment advisory services. The investment advisory services agreement will incorporate the City of Lake Worth's RFP (10-11-102) as well as PFM's bid response.
- I. **AGREEMENT/LANGTON ASSOCIATES, INC./LOCAL ENERGY ASSURANCE PLAN (LEAP) & TRAINING:** Approve an agreement with Langton Associates, Inc. in the amount of \$40,000.00 for providing services under the Local Energy Assurance Plan Grant from the U.S. Department of Energy; subject to approval of the final agreement by the City Attorney's Office. Funding is available from 101-6354-519-31.90 (ARRA Economic Stimulus FD: Accounting & Auditing/Audit & Accounting Fees).
- J. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:** Accept the actions and decisions made by the Land Development Boards for the period January 3, 2012 through January 13, 2012.
- K. **AWARD OF BIDS AND CONTRACTS:**
1. Bid award to F2 Industries, LLC in the estimated annual cost of \$94,920.00 for the purchase and delivery of Poly Phosphate for the Water Treatment Plant. Funding is available from 441-5122-536-52.21 (Water and Sewer Fund: Operating Supplies/Chemicals).
  2. Bid award to Rosso Paving & Drainage, Inc. in the amount of \$36,000.00 for sidewalk construction along the alley just south of 20 North Swinton Avenue (the CRA). Funding is available from 334-3162-541-63.11 (General Construction Fund: Improvements Other Than Buildings: Bikepaths/Sidewalks).

3. Bid award to Gulfstream Carpet, Inc. in the amount of \$20,305.80 for approximately 1,134 yards of indoor/outdoor carpet with trim for the Tennis Stadium. Funding is available from 334-4145-572-46.90 (General Construction Fund: Repair & Maintenance Services/Other Repair/Maintenance Costs).

9. **REGULAR AGENDA:**

- A.A. **CHANGE ORDER NO. 1/RANDOLPH & DEWDNEY CONSTRUCTION, INC./POMPEY PARK CONCESSION STAND:** Approve Change Order No. 1 with Randolph & Dewdney Construction, Inc. for a contract time extension of twenty (20) days and authorize the amount of \$19,426.50 to be paid out of the Contract's Contingency Allowance, for the reconstruction of the second floor of the concession stand building. (Motion to approve; Approved, 3-1. Commissioner Frankel dissenting)
- A. **WAIVER REQUEST/CHASE BANK:** Consider a waiver request to Land Development Regulations (LDR) Section 4.4.12(F)(2), "Planned Commercial (PC) District", to reduce the minimum required floor area for a free standing structure from 6,000 square feet to 4,423 square feet for Chase Bank, located on the north side of Linton Boulevard east of Military Trail within Delray Town Center. (*Quasi-Judicial Hearing*) (Motion to adopt board order as presented; Approved, 4-0)
- B. **INTERLOCAL AGREEMENT/PALM BEACH COUNTY/FLORIDA POWER & LIGHT (FPL)/DIGITAL DIVIDE PROJECT:** Consider approval of an Interlocal Agreement with Palm Beach County and FPL in the annual amount of \$8,780.31 for payment of pole attachments and electrical fees required for the Digital Divide project in the West Atlantic Avenue area. (Motion to approve; Approved, 4-0)
- C. **SPECIAL EVENT REQUEST/1ST ANNUAL WINE AND SEAFOOD FESTIVAL:** Consider approval and endorsement of the 1st Annual Wine and Seafood Festival, sponsored by Greater Delray Beach Chamber of Commerce proposed to be held on November 10, 2012 from 11:00 a.m. to 10:00 p.m., and November 11, 2012 from 11:00 a.m. to 8:00 p.m., with alternate dates of November 3 & 4, 2012, pending dates for the Chris Evert Tennis Tournament; grant a temporary use permit per LDR Section 2.4.6(F) for closure and use of Atlantic Avenue from the west side of Bronson to the east side of the Intracoastal from 3:00 p.m., Friday, November 9, 2012 through approximately 10:00 p.m. Sunday, November 11, 2012; and authorize staff support for traffic control and security, EMS services and Fire inspections, barricading, and event signage; contingent upon the conditions of approval listed in the staff report. (Motion to approve subject to conditions; Approved, 4-0)

- D. **SPECIAL EVENT REQUEST/DELRAY BEACH TWILIGHT FESTIVAL 5K RUN:** Consider approval and endorsement of an additional event, Delray Beach Twilight Festival 5K Run, sponsored by RAC Event Productions proposed to be held in conjunction with the Wellness and Fitness Festival/Bike Race on March 10, 2012 from 8:00 a.m. to 10:00 a.m., grant a temporary use permit per LDR Section 2.4.6(F) for closure and use of A-1-A from Casurina to George Bush Boulevard from approximately 6:00 a.m. to 10:00 a.m.; and authorize staff support for traffic control, barricading, clean up, and waiver of parking meter fees for Sandoway and Anchor parking lots; contingent upon receipt of a Hold Harmless Agreement, a Certificate of Event Liability and receipt of permit fee of \$150.00 by the dates outlined in the staff report. **(REMOVED)**
- E. **AGREEMENTS FOR CONSULTING ENGINEERING SERVICES:** Approve Agreements with Corzo Castella Carballo Thompson & Salman, Craig A. Smith & Associates, Calvin Giordano & Associates, Kimley-Horn & Associates, Mathews Consulting, Inc. and Wantman Group for consulting engineering services for capital improvement projects contained in the City's Capital Improvement Program (CIP). **(Motion to approve with condition that technology is used when necessary; Approved, 4-0)**
- F. **APPOINTMENT TO THE FINANCIAL REVIEW BOARD:** Appoint one (1) regular member to serve an unexpired term ending July 31, 2012. Based upon the rotation system, the appointment will be made by Commissioner Gray (Seat #4). **(Appointed Brain Wood and approved, 4-0)**
- G. **APPOINTMENTS TO THE EDUCATION BOARD:** Appoint one (1) regular member to serve an unexpired term ending July 31, 2013 and one (1) regular member to serve an unexpired term ending July 31, 2012 to the Education Board. Based upon the rotation system, the appointments will be made by Commissioner Carney (Seat #1) and Commissioner Alperin (Seat #2). **(Appointed Mary Leavenworth and approved, 4-0; appointed Claudia Flores and approved, 4-0)**
- H. **DISCUSSION OF THE GARBAGE RATE COMPARISON:** Provide direction to staff regarding how the City should respond to Waste Management's proposals for extension of their franchise for solid waste collection. **(The consensus of the Commission was to have staff work with Waste Management on modifications to the proposal)**

10. **PUBLIC HEARINGS:**

- A. **RESOLUTION NO. 02-12:** Consider adopting a schedule of non-ad valorem assessments to partially fund fire rescue operations and first response. **(Motion to adopt Resolution No. 02-12; Denied, 3-1. Commissioner Alperin dissenting)**

- B. **ORDINANCE NO. 44-11 (SECOND READING):** Consider an ordinance revising the Charter of the City of Delray Beach by amending Article III, “Legislative”, Section 3.02, “City Commission: Composition, Eligibility, Election, and Terms”; Section 3.08, “Vacancies; Filling of Vacancies”; and Section 3.09, “Term Limits”; amending Article V, “Elections”, Section 5.02, “Types of Elections”; to provide for a change in the length of a terms from two years to three years and clarifying the applicability of such change; providing for a referendum election to be held on March 13, 2012. (Motion to approve, Approved, 4-0)
  - C. **ORDINANCE NO. 02-12:** Consider an amendment to Chapter 96, “Fire Safety and Emergency Services”, by amending 96.16, “Certain Codes Adopted by Reference”, to comply with the State of Florida’s updated changes in the Fire Prevention Code Standards. (Motion to approve, 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: JANUARY 13, 2012

**\*\*\*\*\* Meeting adjourned at 10:03 p.m. \*\*\*\*\***