

City of Delray Beach

Regular Commission Meeting



RULES FOR PUBLIC PARTICIPATION

Tuesday, September 22, 2009

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:**
 - A. September 8, 2009 – Workshop Meeting
 - B. September 10, 2009 – Regular Meeting
6. **PROCLAMATIONS:**
 - A. Play Day – October 3, 2009
 - B. Abbey Delray’s Renewal and Re-Commitment Week – October 4-10, 2009
7. **PRESENTATIONS:**
 - A. Special Recognition Award – Budget Task Force
8. **CONSENT AGENDA:** City Manager Recommends Approval.
 - A. **REQUEST FOR SIDEWALK DEFERRAL/213 KINGS LYNN ROAD:** Approve a request to defer the installation of a sidewalk along Kings Lynn Road and Aylesbury Road for the property located at 213 Kings Lynn Road.
 - B. **RESOLUTION NO. 43-09:** Approve Resolution No. 43-09 supporting the petition filed by the Florida Stormwater Association with the Florida Department of Environmental Protection for rule-making to amend Florida water quality standards by revising existing water body classifications to provide new and more appropriate beneficial uses and use expectations.
 - C. **RESOLUTION NO. 51-09/FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT)/JOINT PARTICIPATION AGREEMENT:** Approve Resolution 51-09 authorizing execution of the Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) for installation of 12 bus shelters.
 - D. **CONTRACT CLOSEOUT (C.O. NO. 2/FINAL)/BRANG CONSTRUCTION, INC.:** Approve a Contract Closeout (Change Order No. 2/Final) in the amount of a \$45,667.42 decrease and final payment in the amount of \$4,749.10 to Brang Construction, Inc. for completion of the Old Germantown Road Sidewalk Improvements. Funding is available from 334-3162-541-68.34 (General Construction Fund/Other Improvement/ Germantown Rd-Sidewalk).

- E. **CONTRACT CLOSEOUT (C.O. NO. 3/FINAL)/ROSSO PAVING & DRAINAGE, INC.:** Approve a Contract Closeout (Change Order No. 3/Final) in the amount of a \$3,240.37 increase and final payment in the amount of \$28,749.91 to Rosso Paving & Drainage, Inc., for the completion of the Homewood Boulevard Bicycle Lanes Road Widening Project. Funding is available from 334-3162-541-68.46 (General Construction Fund/Other Improvement/Homewood Blvd. Bikepaths).
- F. **CONTRACT CLOSEOUT (C.O. NO. 1/FINAL)/INSITUFORM TECHNOLOGIES, INC.:** Approve a Contract Closeout (Change Order No. 1/Final) in the amount of a \$42,900.00 decrease and final payment in the amount of \$6,515.00 to Insituform Technologies, Inc. for the completion of the lining of the abandoned 16" force main under the Intracoastal Waterway. Funding is available from 441-5181-536-65.96 (Water and Sewer Fund/Other Improvements/Reclaim Water Transmission).
- G. **DEL IDA COMMUNITY PARK/LANDSCAPING ARTIST IN RESIDENCY PROJECT/AMENDMENT NO. 1:** Approve Amendment No. 1 to the agreement with Lois Brezinski for the Landscape Artist in Residency Project for Del Ida Community Park to increase the amount of the contract by \$3,442.04 for the cost of installing electrical service to the site. Funding is available from 115-1702-579-63.90 (Special Projects Fund/Capital Outlay/Other Improvements).
- H. **REVISION OF FUNDING SOURCES/SW 14TH AVENUE ROADWAY, ALLEYS & DRAINAGE PROJECT:** Approve revising the funding sources with H & D Construction, Co. for the S.W. 14th Avenue Roadway, Alleys & Drainage Improvements Project. Funding is available from 101-1969-541-68.25 (ARRA Economic Stimulus Fund/Other Improvement/SW 14th Avenue-SW 2nd to SW 1st) 334-3162-541-68.05 (General Construction Fund/Other Improvement/SW 14th Alley Improvement) and 448-5461-538-68.25 (Storm Water Utility Fund/Other Improvement/SW 14th Avenue-SW 2nd to SW 1st).
- I. **GRANT AWARD/RECOVERY ACT EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG):** Approve and accept the Recovery Act Edward Byrne Memorial Justice Assistance Grant (JAG) award in the amount of \$289,582.00 which will provide funding to support the Holiday Robbery Task Force, purchase police vehicles, and repair/reconfigure a donated driving simulator.
- J. **EXTENSION TO THE MAINTENANCE AND SUPPORT AGREEMENT/MOTOROLA, INC.:** Approve an extension to the Maintenance and Support Agreement between the City and Motorola, Inc. in the amount of \$126,154.08 for Police, Fire, and other City Department's Motorola SmartZone radio system maintenance and to service aging equipment. Funding is available from various accounts.

- K. **INTERLOCAL AGREEMENT/SCHOOL BOARD OF PALM BEACH COUNTY/SEACREST ATHLETIC FACILITY:** Approve an Interlocal Agreement between the City and the School Board of Palm Beach County for the Police Department's use of the Seacrest Athletic Facility.
- L. **AMENDMENT TO THE LEASE AGREEMENT/METROPCS FLORIDA, LLC.:** Approve an Amendment to the Lease Agreement with MetroPCS Florida, LLC., for use of the City's generator as an alternate power source for the MetroPCS antenna on the Police Department radio tower.
- M. **INTERLOCAL AGREEMENT/COMMUNITY REDEVELOPMENT AGENCY/CLEAN AND SAFE PROGRAM:** Approve an Interlocal Agreement between the City and the Community Redevelopment Agency (CRA) for funding the Clean and Safe Program.
- N. **AGREEMENT/CHILDREN'S SERVICES COUNCIL/BEACON CENTER AT VILLAGE ACADEMY:** Approve an annual grant between the City of Delray Beach and Children's Services Council (CSC) in the amount of \$792,852.00 and authorize the execution of the required contract agreement for services provided through the Beacon Center at Village Academy for FY 2009-2010.
- O. **SUBRECIPIENT AGREEMENTS/ACHIEVEMENT CENTERS FOR CHILDREN AND FAMILIES & FAMILIES FIRST OF PALM BEACH COUNTY:** Approve and authorize the execution of agreements with two (2) sub-recipients (Community Child Care Center d/b/a Achievement Centers for Children and Families and Children's Case Management Organization d/b/a Families First of Palm Beach County) for the Village Academy Beacon Center program for FY 2009-2010, with the total funding in the amount of \$844,852.00 from the City and Children's Services Council of Palm Beach County.
- P. **AMENDMENT NO. 2 TO THE SUB-RECIPIENT HOUSING PARTNERSHIP AGREEMENT/DELRAY BEACH COMMUNITY LAND TRUST, INC.:** Approve Amendment No. 2 to the Sub-Recipient Housing Partnership Agreement between the City and the Delray Beach Community Land Trust, Inc. for the purposes of subsidizing the costs associated with affordable housing units within the Community Land Trust. Funding is available from 118-1924-554-49.20 (Neighborhood Services/Other Current Charges/Homeowner Subsidy).
- Q. **SCHOOL READINESS CHILD CARE SERVICE AGREEMENT/FAMILY CENTRAL, INC.:** Approve a School Readiness Child Care Service Agreement between the City and Family Central, Inc., to provide subsidized child care funding for the Afterschool Program.
- R. **RATE AGREEMENT/FAMILY CENTRAL, INC.:** Approve a Rate Agreement with Family Central Inc., to provide funding to the City through the Continue-to-Care Afterschool Program from October 1, 2009 through June 30, 2010.

- S. **SERVICE AGREEMENT/PROPERTYROOM.COM, INC.:** Approve a Service Agreement with PropertyRoom.com, Inc., an Internet based auctioneer, to provide a complete, full service auction system to inventory and sell abandoned and seized property.
- T. **AMENDMENT NO. 2 TO THE AGREEMENT/eCIVIS, INC.:** Approve Amendment No. 2 to the Agreement between the City and eCivis in the amount of \$19,500.00 to renew the contract for one (1) year. Funding will be available from 001-1111-511-31.90 (General Fund/Professional Services/Other Professional Services).
- U. **AMENDMENT NO. 2 TO AGREEMENT WITH COASTAL COMMERCIAL GROUP, LLC.:** Approve Amendment No. 2 to the Agreement with Coastal Commercial Group, LLC, which provides for a five (5) year extension as well as removal of the right of Coastal to terminate the Agreement.
- V. **INTERLOCAL AGREEMENT/COMMUNITY REDEVELOPMENT AGENCY/SPONSORSHIP OF TENNIS TOURNAMENTS:** Approve an Interlocal Agreement with the Community Redevelopment Agency (CRA) for sponsorship of City tennis tournaments.
- W. **AMENDMENT NO. 2 TO THE INTERLOCAL AGREEMENT/COMMUNITY REDEVELOPMENT AGENCY/CONSTRUCTION/PROFESSIONAL SERVICES:** Approve Amendment No. 2 to the Interlocal Agreement between the City and the Community Redevelopment Agency (CRA) for funding construction/professional services for certain projects as listed on Exhibit "A" attached to the Agreement for FY 2008/2009.
- X. **AMENDMENT TO THE LICENSE AGREEMENT/TICKETMASTER, LLC.:** Approve an amended license agreement with Ticketmaster, LLC. for the sale of tickets for events at the Tennis Stadium.
- Y. **AMENDMENT NO. 1 TO THE CONSULTING AGREEMENT/LANGTON ASSOCIATES, INC./GRANT WRITING SERVICES:** Approve Amendment No. 1 to the Consulting Agreement between the City and Langton Associates, Inc. for American Recovery and Reinvestment Act grant writing services.
- Z. **AMENDMENT NO. 3 TO THE AGREEMENT/FLORIDA HIGHWAY PRODUCTS, INC.:** Approve and authorize the Mayor to execute Amendment No. 3 to the Agreement with Florida Highway Products Inc. (FHP) in the amount of \$178,310.75 for resurface of streets related to the installation of Area 11A of the Reclaimed Water System. Funding is available from 441-5181-536-65.96 (Water and Sewer Fund/Other Improvements/Reclaim Water Transmission).

- AA. **SPECIAL EVENT REQUEST/HALLOWEEN PARADE:** Approve a special event request to allow the Annual Halloween Parade sponsored by the Noontime Kiwanis Club to be held on October 31, 2009 from 1:30 p.m. until approximately 2:30 p.m., including temporary use permit per LDR Section 2.4.6(F) for the rolling closure of Atlantic Avenue from N.E. 1st Avenue to Veterans Park, staff support for traffic control, security, and barricading.
- AB. **SPECIAL EVENT REQUESTS/ART AND JAZZ ON THE AVENUE/TREE LIGHTING:** Approve special event requests to endorse Art and Jazz on the Avenue and the Tree Lighting to be held on December 3, 2009 from 6:00 p.m. to 10:00 p.m., to grant a temporary use permit per LDR Section 2.4.6(F) for the closure of Atlantic Avenue from Swinton to N.E./S.E. 7th Avenue, to the alley north of Atlantic Avenue on N.E. 1st Avenue, N.E. 2nd Avenue, Railroad Way, and N.E. 4th Avenue and from Atlantic to the alley south on S.E. 1st Avenue, S.E. 2nd Avenue and S.E. 4th Avenue; to authorize staff support for security, traffic control, banner hanging and removal, barricade set up and removal, trash removal and clean up, EMS assistance, and use of the large City stage.
- AC. **SPECIAL EVENT REQUEST/HOWARD ALAN 3rd ANNUAL DOWNTOWN DELRAY BEACH NEW YEAR'S CRAFT FESTIVAL:** Approve a special event request to endorse the 3rd Annual Downtown Delray Beach New Year's Craft Festival sponsored by Howard Alan Events, Ltd. to be held from 10:00 a.m. to 5:00 p.m. on December 26-27, 2009, granting a temporary use permit per LDR Section 2.4.6(F) for the closure of N.W. 3rd Avenue from Atlantic Avenue north to the south entrance of Atlantic Grove and the Tennis Center parking lot, authorize staff support for traffic control, barricade inspection, fire inspector services and authorize event signage to be installed fourteen (14) days prior to event with the sponsor paying all overtime costs.
- AD. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:** Accept the actions and decisions made by the Land Development Boards for the period September 7, 2009 through September 18, 2009.
- AE. **AWARD OF BIDS AND CONTRACTS:**
1. Bid award to H & D Construction Co., Inc. in the amount of \$479,612.00 for the construction of S.W. 12th Avenue Alleys – Phase I Project. Funding is available from 334-3162-541-68.49 (General Construction Fund/Other Improvement/S.W. 12th/Auburn Alley Improvements).
 2. Purchase award to JCI Jade Communication in the amount of \$93,265.24 to supply and install non-public safety fiber optic communication cable from the IT Building through City Hall to the Environmental Services Department building and to A2000 Network Solutions in the amount of \$24,130.00 for the purchase of Cisco Catalyst switches for cable connection for the total award amount of \$117,395.24. Funding is available from 441-5161-536-63.90 (Water and Sewer Fund/Improvements Other/Other Improvements).

9. **REGULAR AGENDA:**

- A. **APPEAL/SITE PLAN REVIEW APPEARANCE BOARD ACTION/ CVS/PHARMACY:** Consideration of an appeal regarding the Site Plan Review and Appearance Board's decision to reduce the number of wall signs proposed for the CVS/pharmacy from four (4) to two (2), pursuant to Land Development Regulations (LDR) Section 2.4.7(E), "Appeals". The project is located at 700 N.E. 6th Avenue. *(Quasi-Judicial Hearing)*
- B. **TEMPORARY USE WAIVER REQUEST/H & H FLOORING:** Consider a waiver request to expand the list of allowed temporary uses pursuant to Land Development Regulations (LDR) Section 2.4.6(F), "Temporary Use Permit", to allow temporary outside storage of landscape material at H & H Flooring located at 2004 North Federal Highway. *(Quasi-Judicial Hearing)*
- C. **DELRAY HARBOR CLUB MOORING REQUEST:** Consider a request from Delray Harbor Club for the Commission to grant permission for the mooring of a boat along the Knowles Park side of their northern seawall.
- D. **DELRAY BEACH MARINA RATES:** Consider approval of a proposed rate decrease for the annual per foot rate from \$21.00 per month to \$18.00 per month for the Delray Beach Marina.
- E. **REQUEST/GREEN MARKET RELOCATION:** Consider approval of a relocation of the Green Market to be held on October 31, 2009 through May 15, 2010 from 6:00 a.m. to 2:00 p.m. to grant a temporary use permit per (LDR) Section 2.4.6(F) and closure of S.E. 4th Avenue from just south of the alley, south of Atlantic Avenue to S.E. 1st Street; contingent on the receipt of a Certificate of Liability Insurance and an executed Hold Harmless Agreement.
- F. **ACTUARIAL SERVICES TO EVALUATE POSSIBLE POLICE AND FIRE PENSION PLAN CHANGES:** Consider selection of an actuary to use for a review of potential Police Fire Pension Plan changes.
- G. **REQUEST FOR PROPOSAL (RFP) FOR PROFESSIONAL AUDITING SERVICES:** Consider approval to issue an RFP (Request for Proposal) for professional auditing services to review franchise fees and charges by Waste Management for the fiscal year starting October 01, 2008 through September 30, 2009.
- H. **SELECTION OF NEW DEPUTY VICE MAYOR:** Select a new Deputy Vice Mayor to serve until March 25, 2010.
- I. **COMMISSION LIAISON APPOINTMENTS/SEAT #4:** Reassignment of City Commission Seat #4 Liaison Appointments to various Advisory Boards and outside agencies.

- J. **INTERLOCAL AGREEMENT/COMMUNITY REDEVELOPMENT AGENCY FOR FUNDING OF CONSTRUCTION/PROFESSIONAL SERVICES:** Consider approval of an Interlocal Agreement with the Community Redevelopment Agency (CRA) for the funding of construction costs and professional services for certain projects as listed on Exhibit "A" attached to the Agreement for FY 09/10. ***(ADDENDUM)***

10. **PUBLIC HEARINGS:**

- A. **RESOLUTION NO. 47-09 (FINAL MILLAGE LEVY):** A resolution levying a tax on all properties within the City of Delray Beach for operation and maintenance and for payment of principal and interest on bonded indebtedness for FY 2010.
- B. **RESOLUTION NO. 48-09 (MILLAGE LEVY/DDA):** A resolution levying a tax on all properties within the Downtown Development Authority Taxing District of the City of Delray Beach for FY 2010.
- C. **RESOLUTION NO. 49-09 (BUDGET ADOPTION FOR FY 2010):** A resolution making appropriations of sums of money for all necessary expenditures of the City of Delray Beach for the period October 1, 2009 through September 30, 2010.
1. **APPROVAL OF FIVE YEAR CAPITAL IMPROVEMENT PLAN:**
Accept the Planning and Zoning Board's finding that the proposed Five Year Capital Improvement Plan and FY 2010 Capital Improvement Budget are consistent with the Comprehensive Plan, and approve same.
- D. **RESOLUTION NO. 42-09/ACQUISITION OF PROPERTY/706 S.W. 2ND STREET:** Consider approval of Resolution No. 42-09 authorizing the City to purchase property located at 706 S.W. 2nd Street. Funding is available from 118-1934-554-62.10 (Neighborhood Services/Capital Outlay/Building). ***(STAFF REQUESTED THIS ITEM BE POSTPONED)***
- E. **ORDINANCE NO. 45-09:** An ordinance amending Chapter 51, "Garbage and Trash", of the City Code of Ordinances by amending Section 51.70, "Regular Charges Levied", to provide for decreased residential and commercial collection service rates for FY 2010.
- F. **ORDINANCE NO. 46-09:** Consider a city initiated amendment to Chapter 71, "Parking Regulations" of the Code of Ordinances by amending Section 71.058, "Cost of Parking or Standing Vehicles in Certain Metered Spaces", to provide for the meter fee charged and listing the parking lots affected; and by enacting Subsection 71.065, "Parking Garages", to provide for the regulation of public parking garages.
1. **RESOLUTION NO. 50-09:** Consider adoption of Resolution No. 50-09 which establishes certain rules, regulations and fees to govern the Federspiel and Old School Square parking garages.

- G. **ORDINANCE NO 47-09:** Consider a city-initiated amendment to Chapter 92, "Boats and Boating", by amending Section 92.32, "License Agreement for Boat Dockage", and Section 92.33, "Dockage Rates and Fees", to clarify certain language in the license agreement and to modify certain rate structures.
 - H. **ORDINANCE NO. 48-09:** Consider a city-initiated amendment to Chapter 117, "Landlord Permits" of the Code of Ordinance by amending Section 117.02, "Permit Fees", to provide for an increase in the Landlord Permit fee from \$50 per unit to \$60 per unit effective October 1, 2009.
 - I. **ORDINANCE NO. 49-09:** Consider a city-initiated ordinance amending Chapter 96, "Fire Safety and Emergency Services", of the Code of Ordinances by amending Section 96.66. "Emergency Medical Transportation Fees", Subsection 96.66(A), to adjust the fee schedule for emergency medical transportation in accordance with the National Ambulance Fee Schedule.
 - J. **ORDINANCE NO. 39-09:** Consider a privately-initiated amendment to Land Development Regulations (LDR) Section 4.3.4., "Base District Development Standards", Subsection (H)(6), "Special Setbacks", to modify the area where the thirty foot special combination setback must be provided.
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. 55-09:** Consider a city-initiated ordinance amending Chapter 96, "Fire Safety and Emergency Services", of the Code of Ordinances by amending Section 96.11, "Fire Safety Community Education", to provide for various fees for Fire Safety Community Education. If passed, a public hearing will be scheduled for October 6, 2009. *(ADDENDUM)*
13. **COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS.**
- A. City Manager
 - B. City Attorney
 - C. City Commission

POSTED: SEPTEMBER 18, 2009