

City of Delray Beach

Regular Commission Meeting

*****AGENDA RESULTS*****



RULES FOR PUBLIC PARTICIPATION

Tuesday, December 7, 2010

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. November 16, 2010 – Regular Meeting (Approved, 5-0)
6. **PROCLAMATIONS:**
 - A. None
7. **PRESENTATIONS:**
 - A. None
8. **CONSENT AGENDA:** City Manager Recommends Approval. (Approved, 5-0)
 - A. **CONTRACT CLOSEOUT (CHANGE ORDER NO. 2/FINAL) ROSSO PAVING & DRAINAGE INC.:** Approve Contract Closeout (Change Order No. 2/Final) in the net deduct amount of \$790.20 and final payment amount of \$6,901.78 to Rosso Paving & Drainage, Inc. for the completion of the Dixie – US1 Connector (N.E. 22nd Lane). Funding is available from 334-3162-541-63.83 (General Construction Fund: Improvement Other Than Buildings/Dixie Highway – US 1 Connector).
 - B. **SERVICE AUTHORIZATION NO. 19/MATHEWS CONSULTING, INC.:** Approve Service Authorization No. 19 with Mathews Consulting, Inc. in the amount of \$45,686.00 for Lift Station 100A Capacity Study. Funding is available from 442-5178-536-31.30 (W & S Renewal & Replacement Fund: Professional Services/Engineering/Architect).
 - C. **GRANT AWARD/ALTERNATIVE WATER SUPPLY GRANT/SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD):** Approve and accept an Alternative Water Supply (AWS) grant award from the South Florida Water Management District (SFWMD) in the amount of \$210,900.00 to provide supplementary funding for the Area 11B Reclaimed Water System expansion.
 - D. **AMENDMENT NO. 2 TO THE LEASE AGREEMENT/PALM BEACH COUNTY/ HEAD START FACILITY:** Approve Amendment No. 2 to the Lease Agreement with Palm Beach County for the Head Start Facility at Catherine Strong Park.

- E. **RELEASE OF LIMITED ACCESS EASEMENT AGREEMENT:**
Approve release of a limited access easement that is over the south property line, adjacent to Tamarind Road, on the northeast corner of Tamarind Road and Seasage Drive.
- F. **APPROVE AND ACCEPT A TEMPORARY CONSTRUCTION EASEMENT:** Approve and accept a temporary construction easement for construction of a brick paver public plaza at the S.W. corner of Martin Luther King, Jr. Drive and N.W. 5th Avenue.
- G. **ACQUISITION AGREEMENT WITH ACS GOVERNMENT SERVICES, INC./ FIREHOUSE SOFTWARE:** Approve an acquisition agreement with ACS Government Services, Inc. for Firehouse Software.
- H. **SPECIAL EVENT REQUEST/43rd ANNUAL SAINT PATRICK'S DAY PARADE AND PARTY:** Approve a special event request for the 43rd Annual St. Patrick's Day Parade and Party on Saturday, March 12, 2011, beginning with setup at 11:00 a.m., parade starting at 2:00 p.m. and ending at approximately 4:00 p.m., and an event at Old School Square from 11:00 a.m. to 7:00 p.m.; to grant a temporary use permit per LDR Section 2.4.6(F) for the use of Atlantic Avenue from Andrews Avenue to NW 1st Avenue for the parade, Atlantic Avenue from Andrews Avenue to the bridge with overflow on East Drive to Lowry Street and Gleason Street for staging of parade entries, and NE 1st Avenue from Atlantic Avenue to the east/west alley; and to approve staff support for traffic control and security, barricading, EMS assistance, use of half of the small stage and to allow event signage to be put up fourteen (14) days prior to the event; contingent upon receipt of the required Certificate of Liability Insurance and Alcohol Liability Insurance by March 2, 2011.
- I. **SPECIAL EVENT REQUEST/49th ANNUAL DELRAY AFFAIR:** Approve a special event request from the Chamber of Commerce to endorse the 49th Annual Delray Affair to be held on April 15-17, 2011, to grant a temporary use permit per LDR's Section 2.4.6 (F) for use of City property and rights-of-way as requested, to allow all vendor permits to be assigned and approved by the Chamber of Commerce, to allow this to be the only event held on these dates in the City, to provide a waiver of parking time restrictions in the downtown area during the event, and to provide staff support as requested; contingent upon the conditions of approval listed in the staff report.
- J. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**
Accept the actions and decisions made by the Land Development Boards for the period November 15, 2010 through December 3, 2010.
- K. **AWARD OF BIDS AND CONTRACTS:**
1. Contract award to MWI Corporation in the amount of \$16,237.00 for the rebuild of storm water pump #2 at the Atlantic Avenue Storm Water Pump Station. Funding is available from 448-5461-538-68.18 (Storm Water Utility Fund: Other Improvement/Storm Water Pump Station Rehab).

2. Purchase award to Springfield Armory in the amount of \$28,630.36 to purchase twenty-two (22) Springfield TRP .45 ACP caliber handguns. Funding is available from 112-2172-521-64.90 (Law Enforcement Trust Fund FD: Machinery/Equipment/Other Machinery/Equipment).

9. **REGULAR AGENDA:**

- A. **CONDITIONAL USE REQUEST/TOTTERDALE TOWING SERVICES:** Consider approval to allow the establishment of a towing service with an outside storage facility for Totterdale Towing Services, located at 101 N.W. 18th Avenue (Northeast corner of N.W. 18th Avenue and Marty Fladell Dr. [N.W. 1st Street]). *(Quasi-Judicial Hearing)* (Motion to adopt board order as presented; Approved, 5-0)
- B. **SPECIAL EVENT REQUEST/CARNEVALE OF DELRAY BEACH:** Consider a special event request from Joe LaViola, a private promoter, for a first time event, Carnevale of Delray Beach, an Italian Festival, proposed to be held on the grounds of Old School Square and Old School Square Park on March 25-26, 2011 from noon to 11:00 p.m., and March 27, 2011 from noon to 10:00 p.m.; and to approve staff support for security, trash removal, cleanup assistance, trash boxes, EMS assistance and allow event signage to be put up fourteen (14) days prior to the event; contingent upon conditions listed in the staff report. (Motion to approve with conditions; Approved, 5-0)
- C. **CONSULTING SERVICE AUTHORIZATION/CURRIE SOWARDS AGUILA ARCHITECTS:** Consider approval of a Consulting Service Authorization with Currie Sowards Aguila Architects in the amount of \$25,250.00 for professional design services for the first phase of rehabilitation of the Pompey Park Concession Stand Building. Funding is available from 334-4127-572-62.10 (General Construction Fund: Buildings). (Motion to approve with the contractor to work with staff to develop a more specific scope of work; Approved, 5-0)
- D. **APPOINTMENT TO THE EDUCATION BOARD:** Appoint one (1) regular member to the Education Board to serve an unexpired term ending July 31, 2011. Based upon the rotation system, the appointment will be made by Commissioner Gray (Seat #4). (Appointed Myra Leavy Bazemore and approved, 5-0)
- E. **APPOINTMENT TO THE FINANCIAL REVIEW BOARD:** Appoint one (1) alternate member to the Financial Review Board to serve an unexpired term ending July 31, 2011. Based upon the rotation system, the appointment will be made by Commissioner Frankel (Seat #3). (Commissioner Frankel deferred his appointment to the December 14, 2010 Regular Commission Meeting)

10. **PUBLIC HEARINGS:**

- A. None

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. 44-10:** An ordinance amending Chapter 112 "Alarm Systems", of the Code of Ordinances. If passed, a public hearing will be held on January 4, 2011. *(Motion to approve; Approved, 5-0)*
- B. **ORDINANCE NO. 45-10:** Consider approval to amend Chapter 39, Section 39.01, "Service Charge for Returned Checks", to make this section consistent with Florida Statutes Section 166.251, "Service Fee for Dishonored Check". If passed a public hearing will be held on January 4, 2011. *(Motion to approve; Approved, 5-0)*

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

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

POSTED: DECEMBER 3, 2010

******** Meeting adjourned at 7:23 p.m. ********