

City of Delray Beach

Regular Commission Meeting

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



RULES FOR PUBLIC PARTICIPATION

Tuesday, June 7, 2011

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. May 17, 2011 – Regular Meeting (Approved, 5-0)
6. **PROCLAMATIONS:**
 - A. Recognizing and Commending **Dr. Virgil C. Norris**
7. **PRESENTATIONS:**
 - A. **RESOLUTION NO. 22-11:** Approve Resolution No. 22-11 recognizing and commending Margaret Johnson-Graham for 30 years of dedicated service to the City of Delray Beach. (Approved, 5-0)
 - B. Update on the Legislative Session – Representative Lori Berman
8. **CONSENT AGENDA:** City Manager Recommends Approval. (Approved, 5-0)
 - A. **RATIFICATION OF SOUTH CENTRAL REGIONAL WASTEWATER TREATMENT AND DISPOSAL BOARD ACTIONS:** Approve and ratify actions of the South Central Regional Wastewater Treatment and Disposal Board at their Quarterly Meeting of May 5, 2011.
 - B. **RESOLUTION NO. 16-11 (TAX EXEMPTION REQUEST FOR ELIGIBLE IMPROVEMENTS/114 N.E. 1ST AVENUE):** Approve a tax exemption request for eligible improvements to the property located at 114 N.E. 1st Avenue within the Old School Square Historic District; and approve Resolution No. 16-11.
 - C. **RESOLUTION NO. 17-11 (TAX EXEMPTION REQUEST FOR ELIGIBLE IMPROVEMENTS/138 N.E. 1ST AVENUE):** Approve a tax exemption for improvements to the property located at 138 N.E. 1st Avenue within the Old School Square Historic District; and approve Resolution No. 17-11.
 - D. **GRANT AGREEMENT/FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION:** Approve a Grant Agreement with the Florida Fish and Wildlife Conservation Commission to provide funding in the amount of \$102,500.00 for the reconstruction of the Mangrove Park Boat Ramp.

- E. **CONTRACT CLOSEOUT (CHANGE ORDER NO. 2/FINAL)/CHAZ EQUIPMENT COMPANY, INC.:** Approve a Contract Closeout (C.O. No. 2/Final) in the amount of a \$41,130.83 decrease and final payment in the amount of \$63,756.42 to Chaz Equipment Company, Inc. for the completion of the 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 Avenue Phase I Alley) and 448-5461-538-68.38 (Storm Water Utility Fund/Other Improvement/S.W. 12th Avenue Phase I Alley).
- F. **AGREEMENT/HIT AFTER HIT, INC.:** Approve an agreement with Hit After Hit, Inc. to create an Ultimate Performer singing competition at Pompey Park.
- G. **NEIGHBORHOOD STABILIZATION PROGRAM (NSP) EXTENSION OF AUTHORIZATION:** Provide authorization to extend the City Manager and /or his designees to sign purchase agreements for the acquisition of properties under the NSP initiative until September 30, 2013.
- H. **COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)/HOUSING REHABILITATION CONTRACT AWARDS:** Approve two (2) Housing Rehabilitation contract awards for 108 N.W. 8th Avenue and 215 N.W. 6th Avenue to Built Solid Construction, LLC., the lowest responsive bidder, in the amount of \$54,512.47 for housing rehabilitation grants under the Community Development Block Grant (CDBG). Funding is available from 118-1963-554-49.19 (Neighborhood Services: Other Current Charges/Housing Rehabilitation).
- I. **FIFTH AMENDMENT TO THE INTERLOCAL AGREEMENT/PALM BEACH COUNTY:** Approve the Fifth Amendment to the Interlocal Agreement with Palm Beach County in the amount of \$50,000.00 supporting Weed and Seed "seeding" efforts.
- J. **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.
- K. **AFTERSCHOOL PROGRAM SERVICE AGREEMENT/FAMILY CENTRAL, INC.:** Approve an Afterschool Program Service Agreement between the City and Family Central, Inc., to continue reimbursable funding through the Continue to Care-Afterschool Scholarship program for the Afterschool Program located at Pompey Park and the Community Center.
- L. **RENEWAL OF AGREEMENT/PALM BEACH STATE COLLEGE:** Approve renewing an Agreement with Palm Beach State College to provide education and training to students in the Paramedic and EMT program for Delray Beach Fire Rescue.
- M. **CHANGES TO THE GENERAL EMPLOYEES INVESTMENT POLICY GUIDELINES:** Approve changes to the General Employees Investment Policy Guidelines.

- N. **RATIFICATION OF APPOINTMENT TO THE KIDS AND COPS COMMITTEE:** Approve and ratify the appointment of Ms. Nicole Guerriero, Police Department Representative, for an unexpired term ending November 30, 2011.
- O. **RESOLUTION NO. 21-11:** Approve Resolution No. 21-11 assessing costs for abatement action required to remove nuisances on four (4) properties throughout the City.
- P. **NAME CHANGE AMENDMENT FOR PROFESSIONAL SERVICES CONTRACT/ATKINS NORTH AMERICA, INC:** Approve a Name Change Amendment for Professional Services Contract from Post, Buckley, Schuh & Jernigan, Inc. (PBS & J, Inc.) to Atkins North America, Inc.
- Q. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:** Accept the actions and decisions made by the Land Development Boards for the period May 16, 2011 through June 5, 2011.
- R. **AWARD OF BIDS AND CONTRACTS:**
1. Bid award to Pro Courts in the amount of \$23,222.50 for fence repair at the Tennis Center and at the Delray Beach Swim and Tennis Club. Funding is available from 334-4145-572-46.90 (General Construction Fund: Repair & Maintenance Services/Other Repair/Maintenance Costs).
 2. Bid award to Pro Courts in the amount of \$35,040.00 for resurfacing courts five (5) through eight (8) and installing approximately 340 linear feet of channel drains along the north side of courts five (5) through eight (8) and north side of court nine (9) at the Tennis Center. Funding is available from 334-4145-572-46.90 (General Construction Fund: Repair & Maintenance Services/Other Repair/Maintenance Costs).
 3. Purchase award to Municipal Equipment Company, LLC. in the amount of \$55,201.25 for twenty-five (25) replacement sets of firefighting personal protective equipment. Funding is available from 001-2315-526-52.18 (General Fund: Operating Supplies/Bunker Gear).
 4. Purchase award to Hector Turf in the amount of \$16,664.26 for the purchase of one (1) Toro Groundmaster 7200 with 62" Recycler Kit for Utilities Maintenance. Funding is available from 441-5143-536-64.90 (Water and Sewer Fund: Machinery/Equipment/Other Machinery/Equipment).
 5. Purchase award to Ag-Tronix in the amount of \$49,395.92 to continue computerization of irrigation systems to the remainder of the parks, medians and public facilities. Funding is available from 119-4151-572-64.90 (Beautification Trust Fund: Machinery/Equipment/Other Machinery/Equipment).
 6. Purchase award to Sports Turf One, Inc. in the amount of \$62,742.45 for resodding Hilltopper Stadium. Funding is available from 001-4131-572-34.90 (General Fund: Other Contractual Service).

7. Purchase award to Stop-Tech in the amount of \$27,417.00 for sixty (60) Stop Stick kits, storage units, and an on-site "train-the-trainer" course for implementation. Funding is available from 334-2111-521-52.27 (General Construction Fund: Operating Supplies/Equipment <\$1,000).

9. **REGULAR AGENDA:**

- A. **CONDITIONAL USE REQUEST/MOTION AUTO CARE:** Consider a conditional use request to allow the establishment of an automobile repair shop with detailing services for Motion Auto Care, to occupy a tenant bay within a multi-tenant industrial building, located at 1208 Georgia Street. *(Quasi-Judicial Hearing) (Motion to adopt board order as presented; Approved, 5-0)*
- B. **FUNDING AGREEMENT/COMMUNITY REDEVELOPMENT AGENCY (CRA)/ECONOMIC DEVELOPMENT DIRECTOR:** Provide direction as to whether a new Economic Development Director should be hired, and if so what organization that position should be part of and how it would relate to the City as a whole. *(The consensus of the Commission was for the City Attorney to take the agreement make changes to the agreement regarding the hiring process, establishing outside boundaries, when funding from the city will begin and a reporting component; and bring the contract back to Commission at the June 21, 2011 Regular Meeting)*
- C. **CONTRACT AWARD/INTERCOUNTY ENGINEERING, INC.:** Consider approval of a contract award to Intercounty Engineering, Inc. in the amount of \$816,492.50 for the construction of Osceola Park Water Main Phase II Project. Funding is available from 442-5178-536-65.85 (W&S Renewal & Replacement Fund: Other Improvements/Osceola Park). *(Motion to approve; Approved, 5-0)*
- D. **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 Mayor McDuffie (Seat #5). *(Appointed Andrew Youngross and approved, 5-0)*
- E. **APPOINTMENT TO THE BOARD OF ADJUSTMENT:** Appoint one (1) alternate member to the Board of Adjustment to serve an unexpired term ending August 31, 2011. Based upon the rotation system, the appointment will be made by Mayor McDuffie (Seat #5). *(Appointed Michael Park and approved, 5-0)*

10. **PUBLIC HEARINGS:**

- A. **ORDINANCE NO. 12-11 (SECOND READING/SECOND PUBLIC HEARING):** Consider a city initiated amendment to the Land Development Regulations (LDR) Article 4.4 to add community gardens as a principal use and an accessory use, amending Section 4.3.3, "Special Requirements for Specific Uses", to establish specific regulations pertaining to the development of community gardens. *(Motion to approve; Approved, 5-0)*

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. **ORDINANCE NO. 18-11:** Consider amending Chapter 132, “Offenses Against Public Peace And Safety”, by amending Section 132.09, “Skateboarding and the Like Prohibited”, to provide certain areas in which skateboarding shall be prohibited. If passed, a public hearing will be held on June 21, 2011. (Motion to approve; Approved, 5-0)
- B. **ORDINANCE NO. 19-11:** Consider amending Chapter 96, “Fire Safety and Emergency Services”, and amending Section 96.16, “Certain Codes Adopted by Reference”, to clarify the requirements for reconstruction. If passed, a public hearing will be held on June 21, 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: JUNE 3, 2011

******** Meeting adjourned at 7:41 p.m. ********