

City of Delray Beach

Regular Commission Meeting

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



RULES FOR PUBLIC PARTICIPATION

Tuesday, May 11, 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.** (Commissioner Eliopoulos stated he had done architectural work in the past but none currently regarding Item 8.B., Hold Harmless Agreement/Block 77 Development Group, LC; in addition, he had done architectural work in the past for the previous owner regarding Item 8.O., Hold Harmless Agreement/Putt'n Around, LLC; Item 8.R.3., Review of Appealable Land Development Board Actions, Site Plan Review and Appearance Board (SPRAB) Item #3i., 3ii. and 3iii., was moved to the Regular Agenda as Item 9.A.A.; Item 8.S.2., Contract Award/Chaz Equipment Company, Inc., was moved to the Regular Agenda as Item 9.A.A.A. Approved as amended, 5-0).
5. **APPROVAL OF MINUTES:**
 - A. April 13, 2010 – Special/Workshop Meeting (Approved, 5-0)
 - B. April 20, 2010 – Regular Meeting (Approved, 5-0)
6. **PROCLAMATIONS:**
 - A. Recognizing and Commending Auxiliary Officer Jeff Rubenstein
 - B. Recognizing and Commending **Theodore A. Bush, Ph.D.** and **Doris A. Meyer**
 - C. National Safe Boating Week – May 22-28, 2010
 - D. Water Reuse Week – May 16-22, 2010
 - E. National Public Works Week – May 16-22, 2010
 - F. National Emergency Medical Services Week – May 16-22, 2010
7. **PRESENTATIONS:**
 - A. Historic Preservation Board Awards Recognition
 - B. Recognizing and Commending **Shelly Weil** and **Chuck Ridley** for their contributions as Chairpersons for the Police Advisory Board
8. **CONSENT AGENDA:** City Manager Recommends Approval. (Approved as amended, 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 April 15, 2010.

- B. **HOLD HARMLESS AGREEMENT/BLOCK 77 DEVELOPMENT GROUP, LC:** Approve a Hold Harmless Agreement with Block 77 Development Group, LC for the installation of two (2) drainage structures within City right-of-way for the property located at 32 S.E. 2nd Avenue.
- C. **SERVICE AUTHORIZATION NO. 06-05.2/CURRIE SOWARDS AGUILA ARCHITECTS:** Approve Service Authorization No. 06-05.2 in the amount of \$4,375.00 to Currie Sowards Aguila Architects for additional professional design services required for the Old School Square Window Replacement Project. Funding is available from 334-4151-572-46.08 (General Construction Fund/Repair & Maintenance Services/OSS Window Replacement).
- D. **SERVICE AUTHORIZATION NO. 07-06.2/MATHEWS CONSULTING, INC.:** Approve Service Authorization No. 07-06.2 in the amount of \$14,687.00 to Mathews Consulting, Inc. for the additional design of S.W. 12th Avenue Alleys. Funding is available from 334-3162-541-68.49 (General Construction Fund: Other Improvement/S.W. 12th/Auburn Alley Improvements).
- E. **SERVICE AUTHORIZATION NO. 01-37/AVIROM & ASSOCIATES, INC.:** Approve Service Authorization No. 01-37 in the amount of \$21,465.00 to Avirom & Associates, Inc. for the survey of twenty-six (26) new bus shelter locations throughout the City. Funding is available from 334-3162-541-68.47 (General Construction Fund: Other Improvement/S.W. 29th Street- S.W. 22nd Sidewalk) and 334-3162-544-65.70 (General Construction Fund: Other Improvements/Transit Stop Bus Shelters).
- F. **CONTRACT CLOSEOUT (C.O. NO. 1/FINAL)/THE SIGNAL GROUP, INC./WEST ATLANTIC AVENUE AT S.W. 2nd AVENUE:** Approve a Contract Closeout (Change Order No. 1/Final) in the amount of a \$45,845.60 decrease and final payment in the amount of \$79,847.35 to The Signal Group, Inc. for the completion of the West Atlantic Avenue at S.W. 2nd Avenue Signal Replacement Project. Funding is available from 334-3162-541-68.58 (General Construction Fund: Other Improvement/S.W. 2nd Avenue @ West Atlantic Signalization).
- G. **TRANSPORTATION ENHANCEMENT GRANT APPLICATION UPDATE: METROPOLITAN PLANNING ORGANIZATION (MPO):** Approve a revision to a Transportation Enhancement Grant application through the Metropolitan Planning Organization (MPO).
- H. **FLORIDA ASSOCIATION OF PUBLIC ART ADMINISTRATORS (FAPAA) CONFERENCE:** Provide authorization to send the Staff Liaison and up to four (4) other Public Art Advisory Board Members to the Florida Association of Public Art Administrators (FAPAA) Conference in Fort Pierce, Florida on May 19 - 21, 2010. The total cost to the Public Arts Budget will not exceed \$700.00. Funding is available from 115-1702-579-31.90 (Special Projects Fund: Professional Services/Other Professional Services).

- I. **REVISION OF FUNDING SOURCE/AECOM TECHNICAL SERVICES, INC./WORTHING PARK:** Approve revising the funding source for Worthing Park design services by AECOM Technical Services, Inc. from 334-4151-572-68.19 (General Construction Fund: Other Improvement/Worthing Park Improvement) to 117-4133-572-68.19 (Recreation Impact Fee Fund: Other Improvement/Worthing Park Improvement).
- J. **GRANT AWARD/FLORIDA DEPARTMENT OF STATE, DIVISION OF HISTORICAL RESOURCES:** Approve the Historic Preservation Grant Award Agreement from the Florida Department of State, Division of Historical Resources in the amount of \$15,000.00 to host the 2010 Florida Certified Local Government (CLG) Training Program on June 23-25, 2010. Funding is available from 001-2511-515-48.91 (General Fund: Promotional Activities/ 2010 Florida CLG Training Program).
- K. **RESCIND BID AWARD TO H & D CONSTRUCTION:** Approval to rescind the bid award to H & D Construction in the amount of \$479,612.00 for the construction of S.W. 12th Avenue Alleys – Phase I Project and proceed with re-advertising the project for bid.
- L. **REVISION 2 OF THE CITY'S HOUSING ASSISTANCE PLAN: FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS/NEIGHBORHOOD STABILIZATION PROGRAM:** Approve Revision 2 of the City's Housing Assistance Plan, revising Section III, paragraph 1.4, "Identification of Units", governing the use of funding from the Florida Department of Community Affairs Neighborhood Stabilization Program (NSP1) including the activities and processes to be used.
- M. **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.
- N. **RESOLUTION NO. 30-10:** Approve Resolution No. 30-10 assessing costs for abatement action required to remove nuisances on ten (10) properties throughout the City.
- O. **HOLD HARMLESS AGREEMENT/PUTT'N AROUND, LLC:** Approve a Hold Harmless Agreement with Putt'n Around, LLC to install an irrigation water service connection within Florida Department of Transportation right-of-way at N.E. 5th Avenue, south bound Federal Highway, located on the west side of N.E. 5th Avenue between 3rd Street and 4th Street.

P. **CONTRACT CLOSEOUT (FINAL PAYMENT)/COMMERCIAL INSURANCE ALLIANCE/GARDEN WORLD OF HOLIDAY, INC.:**

Approve a Contract Closeout and final payment in the amount of a \$130,344.68 to Commercial Insurance Alliance, A Reciprocal Insurance Company and Ford, Miller & Wainer, P.A. Trust Account for the completion of the Florida Beautification Grant landscape project. Funding is available from 334-3162-541-68.09 (General Construction Fund: Other Improvement/Atlantic Avenue Gateway Feature).

Q. **MEMORANDUM OF UNDERSTANDING/DEPARTMENT OF CHILDREN AND FAMILIES SERVICES:**

Approve a Memorandum of Understanding between the City and the Florida Department of Children and Families to allow additional home visits to supplement the current child abuse and joint investigations protocol.

R. **(MOVED TO ITEM 9.A.A. ON THE REGULAR AGENDA)**

S. **AWARD OF BIDS AND CONTRACTS:**

1. Contract award to B & O Constructors, Inc. in the amount of \$154,780.00 for the complete restoration of the historic Susan B. Williams House. Funding is available from 334-4851-575-62.89 (General Construction Fund: Buildings/Munnings/Williams Rehab).
2. **(MOVED TO ITEM 9.A.A.A. ON THE REGULAR AGENDA)**
3. Purchase award to Emergency Vehicle Supply (EVS) in the amount of \$62,581.32 to equip six (6) newly purchased Police Vehicles. Funding is available from 101-2136-521-64.20 (ARRA Economic Stimulus Fund: Machinery/Equipment/Automotive) and 001-2115-521-52.27 (General Fund: Operating Supplies/Equipment < \$1,000.00).
4. Purchase award to Farmer & Irwin Corporation in the amount of \$59,995.00 for the purchase and installation of one (1) Carrier 50-ton rooftop a/c unit for the Police Department. Funding is available from 334-2111-521-64.90 (General Construction Fund: Machinery/Equipment/Other Machinery /Equipment).
5. Bid award to Imperial Electrical Inc. in the amount of \$312,510.00 for Sports Lighting Upgrades at Pompey Park as part of the City's Energy Efficiency and Conservation Block Grant (EECBG) Project. Funding is available from 101-6352-519-46.94 (ARRA Economic Stimulus Fund: Repair and Maintenance Services/74 Energy Efficient Green Lights).

9. **REGULAR AGENDA:**

AA. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**

Accept the actions and decisions made by the Land Development Boards for the period April 19, 2010 through May 7, 2010. (Commissioner Eliopoulos filed a Conflict of Interest and left the dais. Approved, 4-0).

AAA. Contract award to Chaz Equipment Company, Inc. in the amount of \$41,610.00 for rehabilitation of Lift Stations 84C, 90A, 11B and 108 as part of the annual Lift Station Rehabilitation program. Funding is available from 442-5178-536-68.15 (W & S Renewal & Replacement Fund: Improvements Other/Lift Station Rehabilitation). (Motion to approve; Approved, 4-1. Commissioner Eliopoulos dissenting)

A. **RATIFICATION OF THE COLLECTIVE BARGAINING AGREEMENT WITH /PROFESSIONAL FIRE FIGHTERS AND PARAMEDICS OF PALM BEACH COUNTY, LOCAL 2928, IAFF, INC.:** Consider approval of a collective bargaining agreement with the Professional Fire Fighters and Paramedics of Palm Beach County, Local 2928, IAFF, Inc. effective October 1, 2008 through September 30, 2011. (Approved, 5-0)

B. **CHANGE ORDER NO. 3/H.A. CONTRACTING CORPORATION/OLD SCHOOL SQUARE WINDOW HARDENING PROJECT:** Consider approval of Change Order No. 3 to H.A. Contracting Corporation in the amount of \$30,999.02 for additional scope due to unforeseen window conditions encountered during construction, for the Old School Square Window Hardening Project. Funding is available from 334-4151-572-46.08 (General Construction Fund: Repair & Maintenance Services/OSS Window Replacement). (Approved, 5-0)

C. **BID AWARD/COMPLETE PROPERTY SERVICES OF SOUTH FLORIDA, INC.:** Consider approval of a bid award to Complete Property Services of South Florida, Inc. in the annual estimated cost of \$84,365.00 for landscape maintenance of the I-95 Interchanges; Atlantic Avenue and Linton Boulevard, and S.W. 10th Street overpass. Funding is available from 119-4144-572-46.40 (Beautification Trust Fund/Repair & Maintenance Services/Beautification Maintenance). (Approved, 5-0)

D. **BID AWARD/RUST-OFF, INC.:** Consider approval of a bid award to Rust-Off, Inc., the second lowest bidder, in the annual estimated cost of \$34,000.00 at \$1.55 per gallon ordered “as needed” for anti-rust chemicals in the City’s irrigation system. Funding is available from 119-4144-572-52.21 (Beautification Trust Fund/Operating Supplies/Chemicals). (Approved, 5-0)

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. **NONE**

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

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

14. **CLOSED ATTORNEY/CLIENT SESSION** pursuant to F.S. 286.011(8) re: the case of: *City of Delray Beach v. Board of Trustees of the City of Delray Beach Police Officers and Firefighters Retirement System*, Case No. 50-2006-CA-007168-XXXX-MB.

Attendees: Mayor Nelson McDuffie
Commissioner Gary Eliopoulos
Commissioner Fred Fetzer
Commissioner Adam Frankel
Commissioner Angeleta Gray
City Manager David Harden
City Attorney Brian Shutt
James W. Linn, Esq. (via telephone)
A certified court reporter

Purpose: Discuss pending litigation in the above case.

15. **CONSIDERATION OF THE PENDING APPEAL:** Consideration of the pending appeal in the case of *City of Delray Beach v. Board of Trustees of the City of Delray Beach Police Officers and Firefighters Retirement System*, Case No. 50-2006-CA-007168-XXXX-MB. (Motion to withdraw appeal; Approved, 5-0)

POSTED: MAY 7, 2010

******* Meeting adjourned at 8:06 p.m. *******