

City of Delray Beach

Regular Commission Meeting

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



RULES FOR PUBLIC PARTICIPATION

Tuesday, February 3, 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.** (Commissioner Bernard absent)
2. **INVOCATION.**
3. **PLEDGE OF ALLEGIANCE TO THE FLAG.**
4. **AGENDA APPROVAL.** (Mayor Ellis noted Item 8.L., Managed Care Arrangement (MCA) Provider Change for Workers' Compensation was added to the Consent Agenda by addendum; Item 8.H., Resolution No. 11-09 was moved to the Regular Agenda as Item 9.A.A.; Item 8.A., Service Authorization No. 11/Kimley-Horn and Associates, was moved to the Regular Agenda as Item 9.A.A.A.; Item 8.E., Temporary Parking Use Termination/Pineapple Grove, Ltd., was moved to the Regular Agenda as Item 9.A.A.A.A.; Item 8.G., Parking Facility Warranty/First Amendment to the Guaranty Agreement/Robert Federspiel Parking Garage was moved to the Regular Agenda as Item 9.A.A.A.A.A. Approved as amended, 4-0).
5. **APPROVAL OF MINUTES:**
 - A. January 13, 2009 – Special/Workshop Meeting (Approved, 4-0)
 - B. January 20, 2009—Regular Meeting (Approved, 4-0)
 - C. January 27, 2009 – Special Meeting (Approved, 4-0)
6. **PROCLAMATIONS:**
 - A. Recognizing Black History Month – February 2009
7. **PRESENTATIONS:**
 - A. None
8. **CONSENT AGENDA:** City Manager Recommends Approval. (Approved as amended, 4-0)
 - A. **(MOVED TO ITEM 9.A.A.A. ON THE REGULAR AGENDA)**
 - B. **CONSULTING CONTRACT/BARRY STROCK CONSULTING ASSOCIATES (BSCA), INC.:** Approve a consulting contract with Barry Strock Consulting Associates (BSCA), Inc. in the amount of \$24,952.00 for assistance with the Request for Proposals (RFP) process for procurement of public safety software systems. Funding is available from 334-2111-521-66.10 (General Construction Fund/Books/Publications/Software).
 - C. **CONTRACT CLOSEOUT (C.O. NO. 1/FINAL) WEST CONSTRUCTION, INC./FIRE-RESCUE STATION NO. 4/CORRECTION TO FINAL PAYMENT AMOUNT:** Revise the previously approved Contract Closeout (C.O. No. 1/Final) to West Construction, Inc. for completion of Fire Station No. 4. to correct the final payment amount to \$167,437.98. Funding is available from 334-6112-522-62.88 (General Construction Fund/Buildings/Fire Station No. 4).

- D. **AGREEMENT/ENVIRODESIGN ASSOCIATES/OLD SCHOOL SQUARE PARK:** Approve an Agreement between the City and EnviroDesign Associates in the amount of \$8,650.00 for performance of a Limited Phase II Environmental Assessment for the Old School Square Park site. Funding is available from 334-4151-572-63.59 (General Construction Fund/Improvements Other/Old School Square- Park Improvements).
- E. **(MOVED TO ITEM 9.A.A.A.A. ON THE REGULAR AGENDA)**
- F. **INTERLOCAL AGREEMENT/COMMUNITY REDEVELOPMENT AGENCY (CRA)/TENNIS TOURNAMENT SPONSORSHIP:** Approve an Interlocal Agreement between the City and Community Redevelopment Agency (CRA) under which the CRA will contribute \$500,000.00 for the sponsorship of City Tennis Tournaments.
- G. **(MOVED TO ITEM 9.A.A.A.A.A. ON THE REGULAR AGENDA)**
- H. **(MOVED TO ITEM 9.A.A. ON THE REGULAR AGENDA)**
- I. **ACCEPTANCE OF EMERGENCY MEDICAL SERVICES (EMS) GRANT:** Accept Emergency Medical Services (EMS) grant funding in the amount of \$43,880.00; and authorize the purchase of four (4) Glide Scope Ranger fiber optic laryngoscopes in the amount of \$43,880.00 from Verathon, Inc. for the Fire-Rescue Department. Funding is available from 001-2315-526-64.90 (General Fund/Machinery/Equipment/Other machinery Equipment).
- J. **SPECIAL EVENT REQUEST/11th ANNUAL CINCO DE MAYO FIESTA:** Approve a special event request to allow the 11th Annual Cinco De Mayo Fiesta to be held Saturday, May 2, 2009, from 11:00 a.m. – 12:00 midnight., at Old School Square, to grant a temporary use permit per LDR Section 2.4.6(F) for use of the Old School Square surface lot; to authorize staff support for traffic control and security, trash removal, EMS assistance, signage preparation and installation, and to approve request to use the Old School Square parking garage, City Hall lots and City generator; contingent on the receipt of a hold harmless agreement and receipt of certificate of liability insurance and liquor liability insurance.
- K. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:** Accept the actions and decisions made by the Land Development Boards for the period January 20, 2009 through January 30, 2009.
- L. **MANAGED CARE ARRANGEMENT (MCA) PROVIDER CHANGE FOR WORKERS' COMPENSATION:** Approve the transfer of a State required Managed Care Arrangement (MCA) for certain Workers' Compensation claims from Genex Services, Inc., to Gallagher Bassett Services, Inc., due to the cost savings and their proven ability to provide the same Managed Care Arrangement services as Genex Services, Inc. Funding is available from 551-1575-591-45.52 (Insurance Fund/Insurance/Worker Comp Claims). ***(ADDENDUM)***

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

1. Bid award to Accurate Event Services in the amount of \$31,309.20 for private security services for the International Tennis Tournament from February 16, 2009 through March 2, 2009. Funding is available from 001-4210-575-55.40 (General Fund/Recreational Supplies/Tennis Tournament).
2. Purchase award to Custom Pump & Controls, Inc. in the amount of \$57,557.00 for the purchase of two (2) 75 horsepower (HP) pumps for the Area 11A Reclaimed Water System Booster Pump Station Conversion Project. Funding is available from 441-5181-536-65.96 (Water & Sewer Fund/Other Improvements/Reclaimed Water Transmission).
3. Purchase award to multiple vendors in the total cost of \$470,590.00 for the purchase of twenty-two (22) replacement vehicles based on age and life to date maintenance cost. Funding is available from 501-3312-591-64.20 (Garage Fund/Machinery Equipment/Automotive) and 001-2115-521-64.20 (General Fund/Machinery Equipment/Automotive).
4. Purchase award to Southeastern Pump, Inc. in an estimated amount of \$40,000.00 for the purchase of submersible wastewater pumps for the balance of FY 2008-2009. Funding is available from 441-5144-536-46.20 (Water and Sewer Fund/Repair & Maintenance Service/Equipment Maintenance).

9. **REGULAR AGENDA:**

- A.A. **RESOLUTION NO. 11-09:** Approve and adopt Resolution No. 11-09 recognizing and commending the Green Task Force for their work to improve environmental sustainability, formally accepting their final report and instructing staff to review the report for implementation. (Approved, 4-0)
- A.A.A. **SERVICE AUTHORIZATION NO. 11/KIMLEY-HORN AND ASSOCIATES, INC.:** Approve Service Authorization No. 11 in the amount of \$38,000.00 to Kimley-Horn and Associates, Inc., for the collection of data on the impact of reducing the number of traffic lanes along US 1 between S.E. 10th Street and George Bush Boulevard. Funding will be provided by the Community Redevelopment Agency (CRA) (Approved, 4-0)
- A.A.A.A. **TEMPORARY PARKING USE TERMINATION/PINEAPPLE GROVE, LTD.:** Authorize submitting notification to Pineapple Grove, LTD., owners of the vacant property located at 105-115 N.E. 1st Street, that the City has vacated the property and will no longer use it for temporary parking. (Commissioner Eliopoulos declared Conflict of Interest and left the dais. Approved, 3-0)
- A.A.A.A.A. **PARKING FACILITY WARRANTY/FIRST AMENDMENT TO THE GUARANTY AGREEMENT/ROBERT FEDERSPIEL PARKING GARAGE:** Approve the Parking Facility Warranty and First Amendment to the Guaranty Agreement for the Robert Federspiel Parking Garage. (Commissioner Eliopoulos declared Conflict of Interest and left the dais. Approved, 3-0)

- A. **WAIVER REQUEST/WORTHING PLACE:** Consider a request to waive Land Development Regulations (LDR) Section 4.3.3(OO)(1)(f), “Generators”, to allow generators to operate the full capacity of the equipment being served for a reduced period not less than forty-eight (48) hours for the property located south of Atlantic Avenue immediately south of Worthing Park, between S.E. 1st and 2nd Avenues. *(Quasi-Judicial Hearing)* (Commissioner Eliopoulos and Vice-Mayor McDuffie declared Conflicts of Interest. Motion to **POSTPONE** to February 10, 2009 Special/Workshop Meeting; Approved, 3-0)
- B. **OLD SCHOOL SQUARE PARK PHASE ONE FINAL DESIGN/GLATTING JACKSON KERCHER ANGLIN, INC.:** Consider approval of a proposal from Glatting Jackson Kercher Anglin Inc. in the amount of \$140,300.00 for professional services related to the final design of the Old School Square Park Phase One project. Funding is available from 334-4151-572-63.59 (General Construction Fund/Improvements Other/Old School Square-Park Improvements). (Motion to approve; Approved, 3-1; Commissioner Eliopoulos dissenting)
- C. **FINAL SELECTION OF PERSON TO CONDUCT AN INDEPENDENT REVIEW OF CITY BONDING PRACTICES AND PROCEDURES AND COMMUNICATION PRACTICES:** Select person to conduct an independent review of city bonding practices and procedures and communication practices. (Motion to enter into agreement with Usher L. Brown under the terms of the Agreement. Approved, 4-0)
- D. **RESOLUTION NO. 10-09/ABANDONMENT OF RIGHT-OF-WAY:** Consider adoption of Resolution No. 10-09 abandoning a 0.17 acre portion of Canal Street right-of-way in conjunction with a proposed two (2) lot single family subdivision to be platted as Marine Way, located at the southwest corner of S.E. 2nd Street and the Intracoastal Waterway (adjacent to 200 Marine Way). (Commissioner Eliopoulos declared Conflict of Interest and left the dais. Approved, 3-0)
- E. **CONTRACT ADDITION (C.O. NO. 5)/BSA CORPORATION/CITY HALL NORTH WING RENOVATIONS:** Consider approval of Contract Addition (C.O. No. 5) in the amount of \$13,748.00 to BSA Corporation for City Hall North Wing Renovations. Funding is available from 334-6112-519-62.86 (General Construction Fund/City Hall –North Wing & Chamber). (Approve, 4-0)
- F. **APPOINTMENT TO THE NEIGHBORHOOD ADVISORY COUNCIL:** Appoint one (1) At Large Representative to the Neighborhood Advisory Council to serve an unexpired term ending July 31, 2010. Based upon the rotation system, the appointment will be made by Commissioner Eliopoulos (Seat #1). (Appointed William Milner and approved, 4-0)
- G. **APPOINTMENT TO THE PARKING MANAGEMENT ADVISORY BOARD:** Appoint one (1) Citizen-at-Large Representative to the Parking Management Advisory Board to serve a two (2) year term ending July 31, 2011. Based upon the rotation system, the appointment will be made by Commissioner Fetzer (Seat #2). (Appointed George Brewer and approved, 4-0)

10. **PUBLIC HEARINGS:**

- A. **ORDINANCE NO. 02-09 (SECOND READING/SECOND PUBLIC HEARING):** Privately initiated amendment to the Land Development Regulations (LDR) Section 4.7, “Family/Workforce Housing”, by enacting a new Subsection 4.7.9(o), to allow non-eligible occupants to occupy workforce housing units under certain conditions. (Approved, 4-0)
- B. **ORDINANCE NO. 04-09:** City initiated ordinance amending Chapter 32, “Departments, Boards and Commissions”, Section 32.09, “Expiration of Terms; Commencement of Terms”, in order to substitute “Board of Adjustment” for “Board of Construction Appeals” and to update the references to other Boards. (Approved, 4-0)
- C. **ORDINANCE NO. 05-09:** City initiated ordinance amending Ordinance No. 43-03 in order to include a new study regarding retail-only adult entertainment establishments in the legislative history of the ordinance. (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. **ORDINANCE NO. 08-09:** City initiated amendment to the Land Development Regulations (LDR) Section 2.4.3(K)(1)(bb), “Single Family Overlay District Site Plan Review”, to increase the application processing fee for Single Family Overlay District Site Plan Review Applications and associated renaming to North Beach/Seagate and Ocean Neighborhood Overlay District Review. If passed, a public hearing will be held on February 17, 2009. (Approved, 4-0)
- B. **ORDINANCE 09-09:** An ordinance amending Section 96.03, “Establishment of Limits In Which Bulk Storage Of Liquefied Petroleum Gases To Be Restricted”, Section 96.05, “Fire Hydrants”, Section 96.16, “Certain Codes Adopted By Reference”, and Section 96.46, “Above Ground Installation”, to update the City’s Code of Ordinances in order to reflect recent changes in the Fire Prevention Code Standards. If passed, a public hearing will be held on February 17, 2009. (Approved, 4-0)

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

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

POSTED: JANUARY 30, 2009

******** Meeting adjourned at 7:59 p.m. ********