

City of Delray Beach

Regular Commission Meeting

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



RULES FOR PUBLIC PARTICIPATION

Tuesday, December 8, 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.** (Mayor McDuffie noted Item 7.B., XPE Sports Presentation, was added to the agenda by addendum. Approved as amended, 5-0)
5. **APPROVAL OF MINUTES:**
 - A. None
6. **PROCLAMATIONS:**
 - A. Delray Medical Center Day – December 8, 2009
 - B. Calling for the First Non-Partisan Election to be held on March 9, 2010
7. **PRESENTATIONS:**
 - A. **RESOLUTION NO. 60-09:** Approve Resolution No. 60-09 recognizing and commending Marc Woods for 30 years of dedicated service to the City of Delray Beach. (Approved, 5-0)
 - B. XPE Sports Presentation on the proposed use of the Seacrest Soccer Complex. (*Addendum*)
8. **CONSENT AGENDA:** City Manager Recommends Approval. (Approved, 5-0)
 - A. **CONTRACT ADDITION (C.O. NO. 7) WEST CONSTRUCTION, INC./MILLER PARK IMPROVEMENTS:** Approve a Contract Addition (C.O. No. 7) in the amount of \$8,824.00 to West Construction, Inc., for the infield surface replacement and warning track extension at Little Fenway. Funding is available from 334-4173-572-63.90 (General Construction Fund/Improvements Other/Other Improvements).
 - B. **PURCHASE ORDER INCREASE/NUTTING ENGINEERS OF FLORIDA:** Approve an increase of \$3,250.00 to Nutting Engineers of Florida, Inc. for additional testing services for the Miller Park Improvements Project. Funding is available from 334-4173-572-63.90 (General Construction Fund/Improvements Other/Other Improvements).

- C. **COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SUB-RECIPIENT FUNDING AGREEMENT/ACHIEVEMENT CENTERS FOR CHILDREN AND FAMILIES:** Approve and authorize execution of a sub-recipient funding agreement with the Achievement Centers for Children and Families under the Community Development Block Grant (CDBG) program for FY 2009-2010, with total funding in the amount of \$80,000.00. Funding is available from 118-1966-554-82.09 (Neighborhood Services/Other Grants and Aids).
- D. **GRANT APPLICATION/2009 STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER):** Provide authorization for submission of a grant application to the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) for ARRA funding to hire four (4) additional Firefighter/Paramedics to complete the staffing at Station #2.
- E. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:** Accept the actions and decisions made by the Land Development Boards for the period December 1, 2009 through December 4, 2009.
- F. **AWARD OF BIDS AND CONTRACTS:**
1. Bid award to Shenandoah Construction in the amount of \$15,300.00 for the maintenance of 1,450 lineal feet of storm water pipe which includes cleaning and televising of the Thomas Street Pump Station drainage system. Funding is available from 448-5416-538-46.90 (Storm Water Utility Fund/Repair and Maintenance Service/Other Repair /Maintenance Cost).
 2. Purchase award to Equipment Experts in the amount of \$35,000.00 for the purchase of one (1) used 350 gallon spray rig, one (1) used John Deere fairway mower and one (1) Toro triplex tee mower. Funding is available from 445-4761-572-64.90 (D B Municipal Golf Course/Machinery/Equipment/Other Machinery/Equipment).
 3. Purchase award to Tanner Industries at an estimated cost of \$28,000.00 via the City of St. Augustine, Florida Bid #PW2007-05 for the purchase of anhydrous ammonia. Funding is available from 441-5122-536-52.21 (Water and Sewer Fund/Operating Supplies/Chemicals).

9. **REGULAR AGENDA:**

- A. **WAIVER REQUEST/103 NW 3RD AVENUE:** Consider a waiver request to Land Development Regulations (LDR) Section 4.5.1(E)(3)(a)(1)(c), "Fences and Walls", which prohibits fences and walls over four feet (4') high located within front or side street setback; for a fence measuring approximately 6' in height proposed within the side street setback, and an arbor, measuring approximately 7' in height within the front setback. ***(Quasi-Judicial Hearing)*** (Motion to adopt Board Order as presented; Approved, 5-0)

- B. **BONUS PAYMENT TO JCD SPORTS GROUP, INC.:** Consider approval of FY 2009 bonus payment to JCD Sports Group, Inc. for both golf operations in the amount of \$15,498.00 and for Tennis Center operations in the amount of \$5,992.50. Funding is available from 445-4711-572-34.90 (Delray Beach Municipal Golf Course Fund/Other Contractual Service), 446-4711-572-34.90 (Lakeview Golf Course/Other Contractual Service), 001-4215-575-34.90 (General Fund/Operating Expenses-Miscellaneous/Other Contractual Service) and 001-4210-575-34.90 (General Fund/Operating Expenses-Misc/Other Contractual Service). (Approved, 5-0)
- C. **AGREEMENT/AMERICAN TRAFFIC SOLUTIONS (ATS):** Consider a proposed agreement between the approved vendor, American Traffic Solutions (ATS), and the City for the implementation of a Red Light Enforcement Program. (Consensus of Commission for staff to work with the vendor further on the indemnification clause language)
- D. **SERVICE AUTHORIZATION NO. 06-08/CURRIE SOWARDS AGUILA ARCHITECTS:** Consider approval of Service Authorization No. 06-08 in the amount of \$20,500.00 to Currie Sowards Aguila Architects for professional design services regarding replacement of the concession stand and press box building at Little Fenway. Funding is available from 334-4173-572-63.90 (General Construction Fund/Improvements Other/Other Improvements). (Approved, 5-0)
- E. **APPOINTMENTS TO THE POLICE ADVISORY BOARD:** Appoint four (4) regular members to the Police Advisory Board for two (2) year terms ending July 31, 2011 and one (1) regular member to serve an unexpired term ending July 31, 2010. Based upon the rotation system, the appointments will be made by Commissioner Frankel (Seat #3), Commissioner Gray (Seat #4), Mayor McDuffie (Seat #5) and Commissioner Eliopoulos (Seat #1) for four (4) regular members to serve two (2) year terms ending July 31, 2011, and Commissioner Fetzer (Seat #2) for one (1) regular member to serve an unexpired term ending July 31, 2010. (Appointed Walter Earley and approved, 5-0; appointed Matthew Hartley and approved 5-0; appointed Joseph Ingram and approved 5-0. Commissioner Frankel's and Commissioner Fetzer's appointments were **DEFERRED** to the January 5, 2009 Regular Commission Meeting)
- F. **APPOINTMENT TO THE NEIGHBORHOOD ADVISORY COUNCIL:** Appoint one (1) regular member from Zone 2 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 Gray (Seat #4). (Appointed Laura Reines and approved, 5-0)
10. **PUBLIC HEARINGS:**
- A. **ORDINANCE NO. 60-09:** Consider a city-initiated amendment to the Land Development Regulations that will create the Chatelaine Local Government Neighborhood Improvement District. (Motion to approve Ordinance No. 60-09; **DENIED**, 4-1. Commissioner Gray dissenting)

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. 61-09:** Consider a city-initiated amendment to Chapter 53, Sanitary Sewers, to comply with the new local discharge limits that were approved by the Florida Department of Environmental Protection (FDEP) for the South Central Regional Wastewater Treatment Plant (SCRWTP). If passed, a public hearing will be held on January 5, 2009. (Approved 5-0)

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

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

POSTED: DECEMBER 4, 2009

******** Meeting adjourned at 8:49 p.m. ********