

City of Delray Beach

Regular Commission Meeting

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



RULES FOR PUBLIC PARTICIPATION

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.

Tuesday, June 16, 2009

Regular Meeting 6:00 p.m.
Public Hearings 7:00 p.m.
Commission Chambers
Delray Beach City Hall

- 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 Eliopoulos absent)
2. **INVOCATION.**
3. **PLEDGE OF ALLEGIANCE TO THE FLAG.**
4. **AGENDA APPROVAL.** (Mayor McDuffie noted Item 8.L., Change Order No. 3/West Construction Inc./Miller Park Improvements, was moved to the Regular Agenda as Item 9.A.A. Approved as amended, 4-0)
5. **APPROVAL OF MINUTES:**
 - A. None
6. **PROCLAMATIONS:**
 - A. Recognizing and Commending Office Depot Foundation
 - B. Parks and Recreation Month – July 2009
 - C. National Clean Beaches Week – June 29 - July 3, 2009
7. **PRESENTATIONS:**
 - A. “Relay for Life” – American Cancer Society
 - B. Hero Award Presentation recognizing **Tom Elowson** and **Gary Corvino**
8. **CONSENT AGENDA:** City Manager Recommends Approval. (Approved as amended, 4-0)
 - A. **AMENDMENT NO. 2 (FINAL) TO SERVICE AUTHORIZATION NO. 39.2/DAVID MILLER & ASSOCIATES, P.A.:** Approve Amendment No. 2 Final to Service Authorization No. 39.2 in the amount of \$2,500.00 to David Miller & Associates, P.A., for additional professional services regarding the façade renovations to the Linton Boulevard Bridge Tender House. Funding is available from 334-3162-541-46.05 (General Construction Fund/Repair & Maintenance Services/Linton Blvd. Tender House).
 - B. **CHANGE ORDER NO. 2/J.W. CHEATHAM, LLC/MANGO DRIVE/REIGLE AVENUE/S.W. 7TH AVENUE ROAD RECONSTRUCTION:** Approve Change Order No. 2 to J.W. Cheatham, LLC, for additional work required to add a stop sign and stop bar, for the Mango Drive/Reigle Avenue/SW 7th Avenue Road Reconstruction. Funding is available from the current contract Utility Allowance; therefore, no additional funding is needed.

- C. **CONTRACT CLOSEOUT (CHANGE ORDER NO. 6) FINAL/BSA CORPORATION/CITY HALL NORTH WING RENOVATIONS:** Approve Contract Closeout (Change Order No. 6/Final) in the amount of \$1,401.00 increase and final payment in the amount of \$29,544.00 to BSA Corporation for the completion of City Hall North Wing Renovations. Funding is available from 334-6112-519-62.86 (General Construction Fund/City Hall –North Wing & Chamber) and 334-6112-519-62.85 (General Construction Fund/Capital Outlay/City Hall Exp-IT Building).
- D. **CONTRACT CLOSEOUT (CHANGE ORDER NO. 1/FINAL)/WEST CONSTRUCTION, INC./LINTON BOULEVARD BRIDGE TENDER HOUSE RENOVATIONS:** Approve Contract Closeout (Change Order No. 1/Final) in the amount of a \$6,961.41 decrease and final payment in the amount of \$10,052.43 to West Construction, Inc. for completion of the Linton Boulevard Bridge Tender House Renovations. Funding is available from 334-3162-541-46.05 (General Construction Fund/Repair & Maintenance Service/Linton Blvd. Tender House).
- E. **LAKESIDE CONDOMINIUM ASSOCIATION/TRAFFIC ENFORCEMENT AGREEMENT:** Approve a traffic enforcement agreement between the City and Lakeside Condominium Association allowing the Delray Beach Police Department to enforce local and state traffic laws on its property.
- F. **AMENDMENT NO. 2/FLORIDA HIGHWAY PRODUCTS, INC. AGREEMENT:** Approve and authorize the Mayor to execute Amendment No. 2 to the Agreement with Florida Highway Products Inc. (FHP) in the amount of \$29,471.47 for microsurface paving of existing City streets. Funding is available from 118-1965-554-63.11 (Neighborhood Services/Improvements-Other/Bikepaths/ Sidewalks).
- G. **CONSENT TO ASSIGNMENT/WL FISH & COMPANY, INC./F.R.S & ASSOCIATES, INC.:** Approve Consent to Assignment from WL Fish & Company, Inc. to F.R.S. & Associates, Inc., for surveying services.
- H. **RESOLUTION NO. 25-09/ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT:** Approve and adopt Resolution No. 25-09 authorizing the application for and acceptance of up to \$638,500.00 in Energy Efficiency and Conservation Block Grant funds from the U.S. Department of Energy.
- I. **AMENDMENT NO. 2 TO THE CASON COTTAGE LEASE AGREEMENT:** Approve Amendment No. 2 to the lease agreement with the Delray Beach Historical Society regarding the Cason Cottage property to allow for the rental of meeting rooms.
- J. **AGREEMENT/AT&T/CENTREX SERVICE:** Approve an Agreement between the City and AT&T in the amount of \$98,617.80 annually for renewal of the Centrex Service beginning June 22, 2009. Funding is distributed throughout all City departments based on the number of lines assigned to each department and/or division.
- K. **SERVICE AUTHORIZATION NO. 07-04/KIMLEY-HORN AND ASSOCIATES, INC.:** Approve Service Authorization No. 07-04 with Kimley-Horn and Associates, Inc. in the amount of \$110,000.00 for the design of the Cultural Loop and Martin Luther King, Jr. Drive. Funding is available from 334-4141-572-68.57 (General Construction Fund/Other Improvement/Cultural Loop/MLK Drive).

- L. **(MOVED TO ITEM 9.A.A. ON THE REGULAR AGENDA)**
- M. **SPECIAL EVENT REQUEST/SUMMER NIGHTS ON THE AVENUE 2009:**
Approve a special event request for the Summer Nights on the Avenue 2009 proposed to be held from 7:00 p.m. to 10:00 p.m. on July 17, July 24, August 7, August 14, August 28 and September 4, 2009 granting a temporary use permit per LDR Section 2.4.6(F) for the closure and use of City rights of way; and authorize staff support for security and traffic control, site cleanup, trash removal, and barricading; contingent upon receipt of a certificate of liability insurance.
- N. **REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**
Accept the actions and decisions made by the Land Development Boards for the period June 1, 2009 through June 12, 2009.
- O. **AWARD OF BIDS AND CONTRACTS:**
1. Bid award to H & D Construction Co., Inc. in the amount of \$508,181.25 for the construction of S.W. 14th Avenue Roadway, Alleys, & Drainage Improvements. Funding is available from 334-3162-541-68.05 (General Construction Fund/Other Improvement/S.W. 14th Alley Improvement).
 2. Contract award to Brang Construction, Incorporated in the amount of \$137,065.00 for the construction of Old Germantown Road sidewalk improvements. Funding is available from 334-3162-541-68.34 (General Construction Fund/Other Improvement/Germantown Rd-Sidewalk).
 3. Contract award to Chaz Equipment Company, Inc in the amount of \$32,444.00 for rehabilitation of Lift Stations 11C, 20A, and 57A, as part of the annual lift station rehabilitation program. Funding is available from 442-5178-536-68.15 (Water & Sewer Renewal & Replacement Fund/Improvements Other/Lift Station Rehabilitation).
 4. Purchase award to TriGeo Network Security in the amount of \$30,312.00 as a sole source vendor, for a proactive network defense Security Information Manager (SIM). Funding is available from 001-1811-513-46.90 (General Fund/Repair and Maintenance Services/Other Repair/Maintenance Costs).

9. **REGULAR AGENDA:**

- AA. **CHANGE ORDER NO. 3/WEST CONSTRUCTION INC./MILLER PARK IMPROVEMENTS:** Approve Change Order No. 3 in the amount of \$99,965.10 to West Construction, Inc., for the excavation of unsuitable materials, the backfilling of the building pads with onsite material, and additional bedding material for the drainage system for the Miller Park Improvements. Funding is available from 334-4173-572-63.90 (General Construction/Miller Park/Other Improvements), 448-5461-538-63.90 (Storm Water Utility/Other Improvements) and 442-5178-536-64.90 (Water/Sewer R&R/Other Machinery/Equipment). (Motion to approve Change Order No. 3; Approved, 4-0)
- A. **CONTRACT AWARD/INSITUFORM TECHNOLOGIES, INC.:** Consider approval of a contract award to Insituform Technologies, Inc., in the amount of \$173,010.00 for lining the abandoned 16” force main under the Intracoastal Waterway. Funding is available from 441-5181-536-65.96 (Water & Sewer Fund/Other Improvements/Reclaimed Water Transmission). (Motion to approve the Contract Award to Insituform Technologies, Inc., waiving the irregularity; Approved, 4-0)
- B. **APPOINTMENTS TO THE COMMUNITY REDEVELOPMENT AGENCY:** Appoint four (4) regular members to the Community Redevelopment Agency (CRA) to serve a four (4) year term ending July 1, 2013. Based upon the rotation system, the appointments will be made by Commissioner Fetzer (Seat #2), Commissioner Frankel (Seat #3), Commissioner Bernard (Seat #4) and Mayor McDuffie (Seat #5). (Appointed Peter Arts and approved, 4-0; appointed Herman Stevens and approved, 4-0; appointed Angeleta Gray and approved, 4-0; and appointed Veronica Covington and approved, 4-0)
1. **APPOINTMENT OF COMMUNITY REDEVELOPMENT AGENCY (CRA) CHAIRPERSON/VICE-CHAIRPERSON:** Appoint a Chairperson and Vice-Chairperson to the Community Redevelopment Agency Board. (Appointed Howard Lewis as Chairman and approved, 4-0; and appointed Thomas F. Carney, Jr. as Vice Chair and approved, 4-0)
- C. **APPOINTMENT TO THE GENERAL EMPLOYEES RETIREMENT FUND COMMITTEE:** Appoint one (1) regular member to the General Employees Retirement Fund Committee to serve an indefinite term. Based upon the rotation system, the appointment will be made by Mayor McDuffie (Seat #5). (Appointed Vincent Dole and approved, 4-0)
- D. **APPOINTMENTS TO THE NUISANCE ABATEMENT BOARD:** Appoint one (1) regular member to serve an unexpired term ending July 31, 2010 and one (1) alternate member to serve an unexpired term ending July 31, 2011 to the Nuisance Abatement Board. Based upon the rotation system, the appointments will be made by Commissioner Fetzer (Seat #2) for one (1) regular member and Commissioner Frankel (Seat #3) for one (1) alternate member. (Appointed Linda Laurence-Leib as a regular member and approved, 4-0; and appointed Brian Smith as an alternate member and approved, 4-0)

- E. **APPOINTMENTS TO THE DOWNTOWN DEVELOPMENT AUTHORITY:** Appoint two (2) regular members to the Downtown Development Authority (DDA) to serve a three (3) year term ending July 1, 2012. Based upon the rotation system, the appointments will be made by Commissioner Eliopoulos (Seat #1) and Commissioner Fetzer (Seat #2). (Appointed Francis Marincoloa and approved, 4-0. Commissioner Eliopoulos appointment was **DEFERRED** to the July 7, 2009 Regular Commission Meeting)
- F. **APPOINTMENT TO THE NEIGHBORHOOD ADVISORY COUNCIL:** Appoint one (1) regular member from Zone 4 to the Neighborhood Advisory Council effective July 31, 2009 to serve a three (3) year term ending July 31, 2012. Based upon the rotation system, the appointment will be made by Commissioner Fetzer (Seat #2). (Appointed Kristen Albanese and approved, 4-0)
- G. **AMENDMENT NO. 2/MATCH POINT, INC.:** Consider approval of Amendment No. 2 to the amended and restated agreement between the City and Match Point, Inc. which provides that the City shall be a Co-Title Sponsor for the ATP Champions Tour, which shall be held concurrently with the ATP World Tour. (Motion to approve Amendment No. 2 with Match Point, Inc. contingent upon the Commission receiving and approving an agreement with IMG by July 31, 2009; approved, 4-0)
- H. **RESOLUTION NO. 26-09/MID YEAR BUDGET AMENDMENT:** Consider approval of Resolution No. 26-09 amending Resolution No. 44-08 adopted September 16, 2008, which made appropriations of sums of money for all necessary expenditures of the City of Delray Beach for the FY 2008/2009, by setting forth the anticipated revenues and expenditures for the operating funds of the City for FY 2008/2009. (ADDENDUM) (Motion to approve; Approved, 4-0)
10. **PUBLIC HEARINGS:**
- A. **ORDINANCE NO 31-09:** Consider a city-initiated amendment to Chapter 35, "Employees Policies and Benefits", subheading "Retirement Plan", of the Code of Ordinances of the City of Delray Beach, Florida, by amending Section 35.097, "Retirement Income; Basis, Amount, and Payment"; amending Section 35.100, "Beneficiaries; Contingencies". (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. None

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

A. City Manager

B. City Attorney

C. City Commission

POSTED: JUNE 12, 2009

****** Meeting adjourned at 7:46 p.m. ******