

City of Delray Beach Regular Commission Meeting



Tuesday, May 5, 2015

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

RULES FOR PUBLIC PARTICIPATION

The City of Delray Beach welcomes public engagement during City Commission meetings and requests that citizens adhere to the following Rules for Participation:

1. PUBLIC COMMENT: 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, presiding officer or a consensus of the City Commission has discretion to adjust the amount of time allocated.

Public comment shall be allowed as follows:

- A.** Comments and Inquiries on Non-Agenda and Agenda Items (excluding public hearing or quasi-judicial hearing 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.
- B.** Public Hearings/Quasi-Judicial Hearings: Any citizen is entitled to speak on items under these sections at the time these items are heard by the Commission.
- C.** Citizens that request to do a presentation that is on a portable flash drive device or CD/DVD, must provide their media to the City Clerk no later than 12:00 pm one day prior to the meeting where they wish to present.

2. SIGN IN SHEET: Prior to the start of the Commission Meeting, individuals wishing to address the Commission 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. 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.

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 the City Manager 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.

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REGULAR MEETING AGENDA

- 1. ROLL CALL**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE TO THE FLAG**
- 4. APPROVAL OF MINUTES:**
 - A. December 2, 2014 - Regular Meeting**
 - B. December 9, 2014 - Regular Meeting**
- 5. PRESENTATIONS:**

- A. Update on the Legislative Session – Representative Bill Hager
- B. We Heart Small Biz Month – May 2015

6. **COMMENTS AND INQUIRIES ON AGENDA AND NON-AGENDA ITEMS FROM THE PUBLIC- IMMEDIATELY FOLLOWING PRESENTATIONS:**

- A. City Manager's response to prior public comments and inquiries.
- B. From the Public.

7. **AGENDA APPROVAL**

8. **CONSENT AGENDA:** City Manager Recommends Approval

A.

ACCEPT FUNDING FOR TROLLEY SERVICES FROM SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY (SFRTA): Motion to Approve an agreement with the South Florida Regional Transportation Authority (SFRTA) for funding in an amount not to exceed \$75,000.00 for trolley services for the period of July 1, 2015 through June 30, 2016.

B.

RETROACTIVE APPROVAL OF AGREEMENT/FATKING FILMS, LLC./USE OF TENNIS STADIUM: Motion to Approve a retroactive agreement with Fatking Films, LLC., for use of the Tennis Stadium on April 8, 2015 for the filming of a television commercial.

C.

GRANT APPLICATION/DEPARTMENT OF JUSTICE BULLETPROOF VEST PROGRAM: Motion to Approve a grant application to the Department of Justice's Bulletproof Vest Program. If awarded, the program reimburses 50% of the costs associated with purchasing bulletproof vests.

D.

PROCLAMATIONS:

1.

Lyme Disease Awareness Month – May 2015

2. **Better Hearing Month - May 2015**

3.

Civility Month – May 2015

4.

National Safe Boating Week – May 16-22, 2015

5.

Water Reuse Week – May 17-23, 2015

6.

Trauma Awareness Day – May 18, 2015

E.

REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS: Motion to Accept the actions and decisions made by the Land Development Boards for the period April 13, 2015 through April 24, 2015.

F.

AWARD OF BIDS AND CONTRACTS:

1.

Motion to Approve a Bid Award to ALSCO (Bid No. 2015-14) in an annual amount not to exceed \$27,000.00 for linen rental services at the Municipal Golf Course. This is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(A), “Sealed Competitive Method”. Funding is available from 445-4715-572-52.22 (Delray Beach Municipal Golf Course: Operating Supplies/Uniforms/Linen Service).

9. **REGULAR AGENDA:**

- A. **RESOLUTION NO. 28-15/ALL ABOARD FLORIDA:** A Resolution expressing concern that All Aboard Florida will have an adverse impact on the City; stating that the City cannot support the All Aboard Florida Project unless the City's concerns are adequately addressed; encouraging the Federal Rail Administration and all other Federal, State and local agencies to require All Aboard Florida to pay for the cost of constructing Quiet Zones, pedestrian sidewalks, required safety devices, right-of-way improvements, and other improvements to the Florida East Coast Industries at-Grade Railroad Crossings located within the City.
- B. **BID AWARD/ROSSMAN ENTERPRISES INCORPORATED D/B/A CLEAN AIR CONCEPTS/FIRE APPARATUS DIESEL EXHAUST SYSTEM REPLACEMENT:** Motion to Approve a Bid Award (Bid No. 2015-22) to Rossman Enterprises Incorporated d/b/a Clean Air Concepts, the lowest responsive bidder, in the amount of \$301,179.00 for the fire apparatus diesel exhaust system project (Project No. 2014-089). This is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(A)(1), "Competitive Bids". Funding is available from 334-2311-522-64.90 (General Construction Fund: Fire Control/Other Machinery & Equipment).
- C. **PURCHASE AWARD/HALL-MARK FIRE APPARATUS/HORTON ALS RESCUE AMBULANCE:** Motion to Approve a purchase award to Hall- Mark Fire Apparatus in the amount of \$284,015.00 through the Florida Sheriff's Contract No. 15-11-0116 for one (1) new Horton ALS Rescue Ambulance Specification No. 2. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(C)(7), "Utilization of Other Governmental Entities' Contracts". Funding is available from 501-3312-591-64.25 (Garage Fund: Vehicle Replacement/Machinery/Equipment/Heavy Equipment).
- D. **APPROVAL OF SPENDING GREATER THAN \$25,000.00 AND PURCHASE AWARD/FLORIDA BULLET, INC:** Motion to Approve a purchase award to Florida Bullet, Inc., in an amount not to exceed \$65,000.00 for acquisitions of ammunition with Florida Bullet, Inc. for the Police Department. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.03(B), "Multiple Acquisitions from Vendor Exceeding Twenty-Five Thousand Dollars (\$25,000.00) in Any Fiscal Year". Funding is available from 001-2111-521-52.20 (General

Fund: Police/Public Safety/Operating Supplies/General Operating Supplies).

E.

RESOLUTION NO. 25-15/BANC OF AMERICA/PUBLIC CAPITAL CORPORATION MASTER LEASE PURCHASE AGREEMENT: Motion to Approve Resolution No. 25-15; approving the form and authorizing the execution and delivery of a Master Equipment Lease/Purchase Agreement in an aggregate principal amount not to exceed \$10,000,000.00 with Banc of America Public Capital Corporation.

F.

RESOLUTION NO. 26-15/BANC OF AMERICA/CAPITAL CORPORATION REIMBURSEMENT AGREEMENT: Motion to Approve Resolution No. 26-15; to consider approval of reimbursement for certain Capital Expenditures by incurring debt; maximum principal amount of debt; nature of project costs; authorizing incidental action; and repeal of prior inconsistent Resolutions.

G.

NOMINATION FOR APPOINTMENT TO THE EDUCATION BOARD: Nomination for appointment of one (1) regular member to serve on the Education Board to serve an unexpired term plus an additional full term ending July 31, 2017. Based on the rotation system, the nomination for appointment will be made by Commissioner Petrolia (Seat #1).

H.

NOMINATION FOR APPOINTMENT TO THE POLICE AND FIREFIGHTERS RETIREMENT SYSTEM BOARD OF TRUSTEES: Nomination for appointment of one (1) regular member to serve on the Police and Firefighters Retirement System Board of Trustees to serve a two-year (2) term ending April 22, 2017. Based on the rotation system, the nomination for appointment will be made by Commissioner Jarjura (Seat #4).

I.

DISCUSSION REGARDING PEDICABS AND PEDAL TROLLEYS: Provide direction from the Commission on whether to allow Pedicabs and Pedal Trolleys.

J.

ENGAGEMENT OF SPECIAL COUNSEL FOR LEGAL OPINION, RE: ATLANTIC CROSSING PROJECT/ATLANTIC COURT: The City

Attorney proposes that the City retain special counsel to obtain a legal opinion in connection with the proposed Atlantic Crossing Project.

10. PUBLIC HEARINGS:

A.

ORDINANCE NO. 11-15 (SECOND READING): Motion to Approve Ordinance No. 11-15, amending Chapter 36, "Acquisition of Goods and Services and Disposal of City Property"; amending Section 36.02, "Method of Acquisition," Subsection (A), "Sealed Competitive Method"; Creating Section 36.14, "Local Business Preference"; Establishing a Local Business Preference in the Acquisition of Goods and Services; Providing Definitions and Certification Requirements for same; Providing for Exclusions from and Waiver of Local Business Preference.

11. FIRST READINGS:

A.

ORDINANCE NO. 07-15 (FIRST READING): Motion to Approve Ordinance No. 07-15, an amendment to Chapter 51, "Garbage and Trash", of the Code of Ordinances, Section 51.70, "Regular Charges Levied", to provide for new Residential Collection Service Rates for the remaining Fiscal Year 2015. If passed, a public hearing will be held on May 19, 2015.

B.

ORDINANCE NO. 09-15 (FIRST READING): Motion to Approve Ordinance No. 09-15, an amendment to Land Development Regulations Section 4.6.9, "Off-Street Parking Regulations", Subsection 4.6.9 (E), "Locations of Parking Spaces", Paragraph 3, "In Lieu Fee", to create two new areas. If passed, a public hearing will be held on May 19, 2015.

12. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A.

City Manager

1.

Workforce Housing Trust Fund

2.

Update on Impacts of New LDR Requirements for five (5) feet and six (6) feet Clearance on Pedestrian Access and Impacts on Various Restaurants within the City of Delray Beach

3.

Report Regarding Meeting with All Aboard Florida

4.

Commission Direction Regarding Fire Department

5.

Creation of Purchasing Department

6.

Proposed Staff Reorganization

B.

City Commission

C.

City Attorney