

City of Delray Beach Regular Commission Meeting



Wednesday, May 20, 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.

100 N.W. 1st Avenue Delray Beach, FL 33444
Phone: (561) 243-7000 - Fax: (561) 243-3774
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REGULAR MEETING AGENDA

- 1. ROLL CALL**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE TO THE FLAG**
- 4. APPROVAL OF MINUTES:**

A.

Motion to Approve minutes of April 3, 2014 City Commission Special Meeting, October 21, 2014 City Commission Special Meeting, November 18, 2014 City Commission Regular Meeting and May 12, 2015 City Commission Workshop Meeting.

5. **PRESENTATIONS:**

A.

Spotlight on Education – Pine Grove Elementary

B.

Gift Presentation from Sister Cities

C.

Design Guidelines Update – Anthea Gianniotis, Treasure Coast Regional Planning Council

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.

FINAL SUBDIVISION PLAT/BORDERLINE/2200 LAKE DRIVE: Motion to Approve a final boundary plat for a two lot single-family subdivision platted as Borderline located at the northwest corner of N.W. 22 Street and Lake Drive.

B.

ACCEPTANCE OF WATER EASEMENT DEED/CLEMENT COTE AND NANCY TESSIER/LATITUDE DELRAY LOT 6: Motion to Accept a Water Easement Deed with Clement Cote and Nancy Tessier at Latitude Delray, Lot 6, Building No. 2 located at 222 S. Latitude Circle.

C.

ACCEPTANCE OF WATER EASEMENT DEED/LATITUDE OASIS, LLC/LATITUDE DELRAY LOT 22: Motion to Accept a Water

Easement Deed with Latitude Oasis, LLC at Latitude Delray, Lot 22, Building No. 4 located at 227 N. Latitude Circle.

D.

ACCEPTANCE OF WATER EASEMENT DEED/LATITUDE OASIS, LLC/LATITUDE DELRAY LOT 7: Motion to Accept a Water Easement Deed with Latitude Oasis, LLC at Latitude Delray, Lot 7, Building No. 3 located at 228 S. Latitude Circle.

E.

ACCEPTANCE OF WATER EASEMENT DEED/GARRETT AND NANCY SCHULTZ/LATITUDE DELRAY LOT 23: Motion to Accept a Water Easement Deed with Latitude Oasis, LLC at Latitude Delray, Lot 23, Building No. 5 located at 221 N. Latitude Circle.

F.

AMENDMENT NO. 1 TO SERVICE AUTHORIZATION 12-03.1/WANTMAN GROUP, INC./FORCE MAIN 58A REPLACEMENT PROJECT: Motion to Approve Service Authorization No. 12-03.1 (Amendment No. 1) with Wantman Group, Inc. in the amount of \$27,492.56 for professional engineering services (RFQ 2012-06) related to the replacement of force mains at Systems 58A and 87 (Project No. 2014-039); providing design, a lift station electrical control panel and construction administration services during project construction. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.06(A)(1), "Beyond the Scope of Work". Funding is available from 442-5178-536.63-88 (Water and Sewer Renewal and Replacement Fund: Improvements Other/Force Main Replacement).

G.

SERVICE AUTHORIZATION NO. 12-06/CALVIN GIORDANO AND ASSOCIATES INC./COMMUNITY REDEVELOPMENT AGENCY (CRA) SIDEWALKS FISCAL YEAR (FY) 2015: Motion to Approve Service Authorization No. 12-06 to Calvin, Giordano and Associates, Inc. in the amount of \$19,830.24 for professional design services related to the CRA Sidewalks FY15, Project No. 2015-002. Funding is available from account 334-3162-541-63.11 (General Construction Fund: Public Works/Improvements Other Than Buildings/Bike Paths/Sidewalks).

H.

HOLD HARMLESS AGREEMENT/DELRAY PRESERVE/FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) RIGHT-OF-WAY: Motion to Approve a Hold Harmless Agreement with Delray Preserve for work in the Florida Department of Transportation (FDOT) Right-of-Way.

I.

PROCLAMATIONS:

1. **Omega Psi Phi, Inc. Lamba Alpha Alpha Chapter - 35 Years of Service**

2.

Clean Air Challenge Month – May 2015

J.

REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS: No appealable reports for the period of April 27, 2015 through May 1, 2015.

K.

AWARD OF BIDS AND CONTRACTS:

1. **NONE**

9. **REGULAR AGENDA:**

A.

SIDEWALK IN-LIEU FEE/962 BOLENDER DRIVE: Consider a request from the property owner of 962 Bolender Drive to pay a fee in-lieu of sidewalk installation. (*Quasi-Judicial Hearing*).

B.

SIDEWALK IN-LIEU FEE/3021 JASMINE COURT: Consider a request from the property owner of 3021 Jasmine Court to pay a fee in-lieu of sidewalk installation. (*Quasi-Judicial Hearing*)

C.

FINAL SUBDIVISION PLAT/CANNERY ROW: Motion to Approve a final boundary plat for Cannery Row Replat of Lots 11 through 13, located on the west side of Pineapple Grove Way, between N.E. 3rd Street and N.E. 4th Street.

D.

AMENDMENT NO. 2/R.J. BEHAR AND COMPANY, INC./ FEDERAL HIGHWAY BEAUTIFICATION PROJECT NO. 2009-009: Motion to Approve Amendment No. 2 to the agreement with RJ. Behar & Company, Inc. in the amount of \$151,358.00 for Construction Engineering and Inspection Services (CEI) for the Federal Highway Beautification Project No. 2009-009. Funding is available from 334-3162-541.68-52 (General Construction Fund: Public Works/Road and Street Facilities/Other Improvements/Federal Highway Beautification).

E.

RESOLUTION NO. 32-15/ BEST INTEREST RESOLUTION - ELECTRIC MOTOR OF PALM BEACH: Motion to Approve Resolution 32-15 approving FY 2015 acquisitions for repairs, rehabilitation, and parts related to submersible pumps for raw water wells from Electric Motors of Palm Beach not to exceed \$50,000.00, declaring by a four-fifths affirmative vote that the City's "Sealed Competitive Method", or "Written Quotations Procurement Method" for the purchase is not in the Best Interest of the City. Funding is available from 441-5144-536-46.20 (Water and Sewer Fund: Lift station Maintenance/Repair and Maintenance Service/Equipment Maintenance). This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.03(B), "Multiple

Acquisitions from Vendor Exceeding \$25,000.00 in Any Fiscal Year”, and Section 36.02(C)(11), “Best Interest Acquisitions”.

F.

INTERLOCAL AGREEMENT AND AMENDMENT NO. 1 TO MICROENTERPRISE LOAN PROGRAM COMMUNITY DEVELOPMENT BLOCK GRANT(CDBG)/COMMUNITY REDEVELOPMENT AGENCY(CRA)/ PROGRAM GUIDELINES: Motion to Approve an Interlocal Agreement with the Community Redevelopment Agency nunc pro tunc October 1, 2014 until September 30, 2015 and Amendment No. 1 of the MicroEnterprise Loan Program guidelines for the MicroEnterprise Loan Program.

G.

BID AWARD/COMPLETE PROPERTY SERVICES OF SOUTH FLORIDA/LANDSCAPE MAINTENANCE BID NO. 2015-40: Motion to Approve a bid award to Complete Property Services of South Florida, the *third lowest bidder*, in the amount of \$14,330.00 for a one-year term, with two additional one-year renewal options, to provide landscape maintenance in the Atlantic Avenue Greenway Plan, Vacant Lots. Funding is available from 119-4144-572-46.40 (Beautification Trust Fund: Parks and Recreation/Beautification Maintenance). This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(A)(1), “Competitive Bids”.

H.

PURCHASE AWARD/MANSFIELD OIL COMPANY: Motion to Approve utilization of Mansfield Oil Company via Florida State Contract No. 405-000-01-1, for the purchase of fuel in an amount not to exceed \$1,500,000.00 per year. Funding is available from 501-3311-591-52-51 (Garage Fund: Operating Supplies/City Garage (CG) Inventory-Fuel). This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(C)(7)(a), “Utilization of Other Governmental Entities’ Contracts”.

I.

RESOLUTION NO. 31-15/BEST INTEREST RESOLUTION – ELEV8 SPORTS INSTITUTE INC./FIELD MAINTENANCE OF POMPEY PARK: Motion to Approve Resolution No. 31-15 approving the renewal of

Contract #2013-16 with Elev8 Sports Institute Inc. for Pompey Park Baseball Field Maintenance; declaring by a four-fifths affirmative vote that the City's "Sealed Competitive Method", or "Written Quotations Procurement Method" for the purchase is not in the Best Interest of the City. Funding is available from 001-4131-572-34.90 (General Fund: Parks and Recreation/Parks Maintenance/Other Contractual Service). This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(C)(11), "Best Interest Acquisitions".

J.

AGREEMENT FOR USE OF ROBERT P. MILLER PARK/SOUTH FLORIDA COLLEGIATE BASEBALL LEAGUE INC.: Motion to Approve an Agreement for use of Robert P. Miller Park with the South Florida Collegiate Baseball League, a 501c(3) not-for-profit organization, in the amount of \$1.00 per year, for a one-year (1) term from June 1, 2015 through May 31, 2016; with the option to extend for one (1) consecutive one (1) year period; and delegating authority to the City Manager to issue such consent for extension.

K.

RETROACTIVE AGREEMENT RENEWAL WITH XEROX GOVERNMENT SYSTEMS, LLC./FIREHOUSE SOFTWARE: Motion to Approve a retroactive six-month renewal from April 1, 2015 through September 30, 2015, of the support service agreement with Xerox Government Services, Inc. for Firehouse Software in the amount of \$14,522.50. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(C)(6)(a), "*Sole Source*". Funding is available from 001-2315-526-46.90 (General Fund: Fire Operations/Ambulance & Rescue Services/Other Repair/Maintenance Costs).

L.

RESOLUTION NO. 30-15 – MID YEAR BUDGET AMENDMENT: Motion to Approve Resolution No. 30-15, amending Resolution No. 48-14 adopted September 16, 2014, which made appropriations of sums of money for all necessary expenditures of the City for the Fiscal Year 2014-2015 by setting forth the anticipated revenues and expenditures for the operating funds for the Fiscal Year 2014-2015; repealing all resolutions inconsistent herewith.

M.

BID AWARD/ GRANICUS, INC. FOR VIDEO/AUDIO STREAMING: Motion to Approve a Bid Award (RFP 2015-27) for video/audio streaming, paperless agenda and civic engagement software to Granicus, Inc., *the second lowest bidder*, for a one year agreement with an option to renew for two (2) additional one-year periods in the amount of \$42,640.00 for the year and \$33,840.00 for the renewal periods. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(A)(2), "Requests for Proposals".

N.

NOMINATION FOR APPOINTMENT TO THE DELRAY BEACH HOUSING AUTHORITY BOARD: Nomination for appointment of one (1) regular member to serve on the Delray Beach Housing Authority Board to serve an unexpired term ending July 14, 2016. Based on the rotation system, the nomination for appointment will be made by Commissioner Katz (Seat #3).

O.

RETENTION OF SPECIAL COUNSEL FOR ATLANTIC CROSSING PROJECT: Motion to approve the City Attorney's recommendation to retain Ms. Debbie Orshefsky as special counsel in connection with the proposed Atlantic Crossing project.

10. PUBLIC HEARINGS:

A.

RESOLUTION NO. 27-15: CONTRACT FOR SALE AND PURCHASE OF THE PROPERTY LOCATED AT 510 S.W. 14TH AVENUE: Motion to Approve Resolution No. 27-15 authorizing the sale of the Neighborhood Stabilization Program property located at 510 S.W. 14th Avenue to Patricia Green for the purchase price of \$115,000.00, or appraised value and provide subsidy up to \$25,000.00 secured by promissory note and second mortgage.

B.

ORDINANCE NO. 07-15 (SECOND 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.

C.

ORDINANCE NO. 09-15 (SECOND 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.

11. **FIRST READINGS:**

A. NONE

12. **COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:**

A.

City Manager

1. **County Deed Transferring Lake Ida Property**

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City Attorney

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City Commission