

RESOLUTION NO. 50-21

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A JOINT PARTICIPATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION ACCEPTING FEDERAL GRANT FUNDING TO REPLACE AND UPGRADE TRAFFIC SAFETY DEVICES IN SCHOOL AREAS, SCHOOL CROSSINGS AND SCHOOL ZONES IN DELRAY BEACH; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AMENDMENTS AND TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THIS AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach (City) is authorized to enter into agreements to provide services, programming and products in accordance with its Charter; and

WHEREAS, the purpose of this Agreement is for the Florida Department of Transportation (“DEPARTMENT”) to assist the City in replacing and upgrading traffic safety devices in school areas, school crossings, and school zones in the City of Delray Beach; and

WHEREAS, the DEPARTMENT, through Rule 14-15.010 of the Florida Administrative Code, adopted the Federal Highway Administration’s (“FHWA”) Manual on Uniform Traffic Control Devices (“MUTCD”) and all its revisions thereafter; and

WHEREAS, the DEPARTMENT under the authority of Chapter 316, Florida Statutes created the Speed Zoning for Highways, Roads and Streets in Florida Manual (“Speed Zoning Manual”) to promote uniformity in the establishment of state, municipal, and county speed zones throughout the State of Florida in accordance with the MUTCD; and

WHEREAS, the DEPARTMENT released the Speed Zoning Manual with an effective date of August 30, 2018 and revised Chapter 15 (Establishing School Zones and School Crossings) to adopt revisions to the MUTCD for the installation of traffic control devices and pavement markings for school areas, school crossings and school zones; and

WHEREAS, Chapter 15 of the Speed Zoning Manual (Establishing School Zones and School Crossings) also established a deadline of July 1, 2023 for all existing school areas, school crossings, and school zones in the State of Florida to adhere to the new school traffic control regulations; and

WHEREAS, through this Agreement the DEPARTMENT will assist the City in complying with Chapter 15 of the Speed Zoning Manual by purchasing “EQUIPMENT,” defined as devices and materials such as signs, flashing beacons, posts, solar panels, batteries, cabinets, timer/controllers, wireless communications, speed feedback flashers, etc., as requested by the LOCAL GOVERNMENT and to the extent programmed federal funds are available, hereinafter referred to as the “PROJECT”; and

WHEREAS, this is a non-cash agreement through which the DEPARTMENT will provide EQUIPMENT only, and will not pay or transfer funds to the City, as each party is financially responsible for its own effort, work, or services arising from the PROJECT; and

WHEREAS, the City shall solely be responsible for all the labor and installation costs associated with planning, coordinating, supervising, administrating, engineering, evaluating, and inspecting the installation of the EQUIPMENT furnished by the DEPARTMENT, including all the costs associated with any apparatus, machinery, tools, or other incidentals necessary to perform the installation work, future operations, and maintenance of the EQUIPMENT; and

WHEREAS, the City Commission deems approval of this Resolution to be in the best interests of the health, safety, and welfare of the residents and citizens of the City of Delray Beach and the public at large.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the foregoing recitals are hereby affirmed and ratified.

Section 2. The City Commission of the City of Delray Beach has reviewed and hereby approves this Agreement between the City and Florida Department of Transportation, which is attached to this Resolution as Exhibit A.

Section 3. The City Commission authorizes the City Manager to execute any amendments and take any other actions necessary to effectuate these Agreements.

Section 4. This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED in regular session on the ____ day of _____, 2021.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney