

City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

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www.mydelraybeach.com



Regular Commission Meeting

Regular Meeting at 6:00 PM

Tuesday, May 1, 2018

Commission Chambers
Delray Beach City Hall

City Commission

Mayor Shelly Petrolia

Vice Mayor Adam Frankel

Deputy Vice Mayor Shirley Ervin Johnson

Commissioner Bill Bathurst

Commissioner Ryan Boylston

RULES FOR PUBLIC PARTICIPATION

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.** All persons desiring to do a presentation on agenda or non-agenda items that are on a portable flash drive device or a CD/DVD, must provide their media to the City Clerk no later than 12:00 p.m. one day prior to the meeting where they wish to present.

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 to speak, please complete the sign-in sheet if you have not already done so.

ADDRESSING THE COMMISSION: At the appropriate time, please step up to the lectern 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.

1. ROLL CALL**2. PLEDGE OF ALLEGIANCE TO THE FLAG****3. AGENDA APPROVAL****4. PRESENTATIONS:****4.A. PRESENTING ERIC GRAU AND ANTHONY MARIANO WITH EMPLOYEE OF THE MONTH FOR MAY 2018**

Recommendation: Motion to Present Eric Grau and Anthony Marino both Firefighter/Paramedics with Employee of the Month for May 2018.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Eric Grau and Anthony Mariano nomination form.pdf](#)

4.B. PRESENTATION AND PROCLAMATION - 2018 WE ♥ SMALL BIZ MONTH AND PARTNERSHIPS

Sponsors: Economic Development Department

Attachments: [Agenda Cover Report](#)
[Proclamation- Small Business](#)

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

5.A. City Manager's response to prior public comments and inquiries

5.B. From the Public

6. CONSENT AGENDA: City Manager Recommends Approval

6.A. APPROVAL OF MINUTES

Recommendation: Motion to approve meeting minutes as listed below:

June 6, 2017 Regular Meeting
June 13, 2017 Special Commission & Workshop Meeting
June 20, 2017 Regular Meeting
August 2, 2017 Regular Meeting
August 15, 2017 Regular Meeting
September 26, 2017 Workshop Meeting
September 26, 2017 Regular Meeting

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Minutes 06-06-17 Regular-Draft](#)
[Minutes 06-13-17 Spec & Workshop- Draft](#)
[Minutes 06-20-17 Regular- Draft](#)
[Minutes 08-02-17 Regular- Draft](#)
[Minutes 08-15-17 Regular- Draft](#)
[Minutes 09-26-17 Regular- Draft](#)
[Minutes 09-26-17 Workshop- Draft](#)

6.B. ACCEPTANCE OF A WATER EASEMENT AGREEMENT FOR PROTON TEMPORARY RADIATION THERAPY AT 5130 LINTON BOULEVARD

Recommendation: Motion to Approve and accept Water Easement Agreement for Proton Temporary Radiation Therapy at 5130 Linton Boulevard.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[1 Water Easement Agreement 04-19-2018](#)
[2 Exhibit A - Sketch and Legal Description](#)
[3 Exhibit B - Utility Plan](#)
[4 PAPA Page](#)
[5 PAPA Map Location](#)

6.C. ACCEPTANCE OF A SEWER EASEMENT AGREEMENT FOR PROTON TEMPORARY RADIATION THERAPY AT 5130 LINTON BOULEVARD

Recommendation: Motion to Approve and accept Sewer Easement Agreement for Proton Temporary Radiation Therapy at 5130 Linton Boulevard.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[1 Sewer Easement Agreement 04-19-2018](#)
[2 Exhibit A - Sketch and Legal Description](#)
[3 Exhibit B - Utility Plan](#)
[4 PAPA Page](#)
[5 PAPA Map Location](#)

6.D. RESOLUTION NO. 47-18 TO APPROVE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) LOCAL AGENCY PROGRAM (LAP) SUPPLEMENTAL AGREEMENT NO. 4 (TIME EXTENSION REQUEST) FOR THE NE 2ND AVE. / SEACREST BEAUTIFICATION PROJECT PHASE 0.

Recommendation: Motion to approve Resolution No. 47-18 to approve FDOT LAP Supplemental Agreement No. 4 for a time extension to the completion date of the original LAP agreement for NE 2nd Ave / Seacrest Beautification project Phase 0 (PN 11-067).

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Resolution No 47-18](#)
[Location Map](#)
[Legal Review Checklist form v. 4 FDOT LPA supplement agrrement for Seacres](#)
[SA 4 Time Extension](#)

6.E. PROPOSAL FOR SETTLEMENT IN THE CASE OF PATRICIA DUNCAN V. CITY OF DELRAY BEACH

Recommendation: Motion to deny settlement offer for the reasons discussed in the confidential memorandum previously distributed to the City Commission.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

6.F. PROCLAMATIONS:

6.F.1. MAY 2018 MENTAL HEALTH AWARENESS AND TRAUMA INFORMED CARE

Recommendation: Motion to proclaim May 2018 as Mental Health Awareness and Trauma Informed Care month.

Sponsors: Community Improvement

Attachments: [Mental Health Awareness Cover Memo](#)
[Mental Health Awareness Month](#)

6.F.2. RIDE OF SILENCE DAY PROCLAMATION - MAY 16, 2018

Recommendation: Motion to proclaim the Ride of Silence Day.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Ride of Silence 2018](#)

6.G. REPORT OF APPEALABLE LAND USE ITEMS FROM MARCH 12, 2018 THROUGH MARCH 30, 2018

Recommendation: By motion, receive and file this report.

Sponsors: Planning & Zoning Department

Attachments: [Agenda Cover Report](#)
[Map of Appealable Items 05-01-18.pdf](#)
[A - Palm Tran South County Facility .pdf](#)
[B - 7 on 7th .pdf](#)
[C - Bodega Delray .pdf](#)
[D - 430 & 440 NE 5th Ave. .pdf](#)
[E - Delray Beach Plaza .pdf](#)

6.H. AWARD OF BIDS AND CONTRACTS:

6.H.1. APPROVAL OF RESOLUTION NO. 42-18 TO AWARD AN AGREEMENT WITH BAXTER & WOODMAN, INC. DBA MATHEWS CONSULTING, A BAXTER & WOODMAN COMPANY FOR CONSTRUCTION, ENGINEERING, AND INSPECTION (CEI)SERVICES FOR THE PHASE 2 SEACREST BEAUTIFICATION PROJECT IN AN AGREEMENT VALUE NOT-TO-EXCEED \$225,000

Recommendation: Motion to approve Resolution No. 42-18 to award an Agreement with Baxter & Woodman, Inc. dba Mathews Consulting, a Baxter & Woodman Company for construction, engineering, and inspection services for the Phase 2 Seacrest Beautification project in an agreement value not-to-exceed \$225,000.

Sponsors: Public Works Department - Programs & Project Management and Purchasing Department

Attachments: [Agenda Cover Report](#)
[2018-003 Agreement, Vendor Executed](#)
[2018-003 Resolution No. 42-18](#)
[Legal Review Checklist form v. 5 CEI services Phase 2 Seacrest Beautification](#)
[RFQ 2018-003 CEI Services for Phase 2 of Seacrest Beautification- Final](#)
[Addendum No. 1 - RFQ 2018-003](#)
[Addendum No. 2 - RFQ 2018-003](#)
[Addendum No. 3 - RFQ 2018-003](#)
[Addendum No. 4 - RFQ 2018-003](#)

6.H.2. APPROVAL OF RESOLUTION NO. 26-18 TO AWARD AN AGREEMENT WITH MAN-CON, INCORPORATED FOR PHASE 2 CONSTRUCTION OF THE SEACREST BEAUTIFICATION PROJECT IN A NOT-TO-EXCEED AMOUNT OF \$1,611,777

Recommendation: Motion to approve Resolution No. 26-18 to award an Agreement with Man-Con, Incorporated for Phase 2 construction of the Seacrest Beautification Project in a total amount not-to-exceed \$1,611,777.

Sponsors: Public Works Department - Programs & Project Management and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist seacrest beautification \(2018-018\)](#)
[2018-018 Agreement, Vendor Executed](#)
[Anthony Mancini Authorized Agent Documentation](#)
[2018-018 Resolution No. 26-18 CAO Approved](#)
[2018-018 ITBC Document FINAL with Exhibits](#)
[2018-018 Addendum No. 1](#)
[2018-018 Addendum No. 2](#)
[2018-018 Addendum No. 3](#)
[2018-018 Addendum No. 4](#)
[2018-018 Addendum No. 5](#)
[2018-018 Addendum No. 6](#)

6.H.3. APPROVAL OF RESOLUTION NO. 44-18 TO AWARD AN AGREEMENT WITH BOUND TREE MEDICAL, LLC FOR THE PURCHASE OF MEDICAL SUPPLIES IN A TOTAL AGREEMENT VALUE NOT-TO-EXCEED \$160,000 THROUGH APRIL 30, 2019 UTILIZING THE FAIRFAX COUNTY SOLICITATION NO. IFB2000001082

Recommendation: Motion to approve Resolution No. 44-18 to award an Agreement with Bound Tree Medical, LLC for the purchase of medical supplies in a total agreement value not-to-exceed \$160,000 through April 30, 2019 utilizing the Fairfax County Solicitation No. IFB2000001082.

Sponsors: Fire Rescue Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[P2018-014 Agreement, Vendor Executed](#)
[Legal Review Checklist form v. 5 Medical Supplies Agreement](#)
[P2018-014 Resolution No. 44-18 lg rev](#)
[Fairfax Notice of Award](#)
[Fairfax Invitation to Bid](#)

7. REGULAR AGENDA:

7.A. NOMINATION FOR APPOINTMENT TO THE PUBLIC ART ADVISORY BOARD

Recommendation: Motion to approve nomination for appointment for one (1) regular member to serve an unexpired term ending July 31, 2019.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Public Art Advisory Board Member List](#)
[Public Art Advisory Board Attendance List](#)
[Public Art Advisory Board Applications](#)

7.B. NOMINATION FOR APPOINTMENT TO THE EDUCATION BOARD

Recommendation: Motion to approve Education Board nomination for appointment of one (1) regular member to serve an unexpired term ending July 31, 2019.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Education Board Member List](#)
[Education Board Attendance List](#)
[Education Board Applications](#)

7.C. NOMINATION FOR APPOINTMENT TO THE HISTORIC PRESERVATION BOARD

Recommendation: Motion to approve Historical Preservation Board nomination for appointment of one (1) regular member to serve an unexpired term ending August 31, 2019.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Historic Preservation Board Member List](#)
[Historic Preservation Board Attendance List](#)
[Historic Preservation Board Applications](#)

8. PUBLIC HEARINGS:

- 8.A.** ORDINANCE NO. 05-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH AT CHAPTER 8, "SPECIAL IMPLEMENTATION PROGRAMS" BY REPEALING ARTICLE 8.1, "THE COMMUNITY REDEVELOPMENT AGENCY" IN ITS ENTIRETY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

Recommendation: Motion to approve Ordinance 05-18, repealing Article 8.1 "the Community Redevelopment Agency" of the City's Land Development Regulations.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Ord 05-18 Repealing LDR Sec 8.1 community redevelopment agency-Final for s](#)

- 8.B.** ORDINANCE NO. 06-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 32, "DEPARTMENTS, BOARDS, AND COMMISSIONS", OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, BY ADOPTING SECTION 32.02, "THE COMMUNITY REDEVELOPMENT AGENCY" DECLARING AND ESTABLISHING THE CITY COMMISSION OF THE CITY OF DELRAY BEACH AS THE COMMUNITY REDEVELOPMENT AGENCY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommendation: Motion to approve Ordinance 06-18 amending the rules governing the Community Redevelopment Agency.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Ord 06-18 Adopting Community redevelopment agency-for second reading](#)

- 8.C.** RESOLUTION NO. 57-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, DECLARING THE CITY COMMISSION TO BE THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF DELRAY BEACH IN ACCORDANCE WITH SECTION 163.357, FLORIDA STATUTES, REPEALING ALL PRIOR RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommendation: Motion to approve Resolution 57-18 declaring the City Commission as the Community Redevelopment Agency.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Res 57-18 Amended Commission as CRA Board-Final for second reading](#)

9. FIRST READINGS:

9.A. ORDINANCE NO. 07-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 71, "PARKING REGULATIONS", BY AMENDING SECTION 71.005, "ENFORCEMENT BY POLICE DEPARTMENT" TO ALLOW ENFORCEMENT BY DESIGNEE; BY AMENDING SECTION 71.018, "PARKING IN ALLEYS" AND SECTION 71.025, "OBSTRUCTION OF TRAFFIC" TO INCREASE AVAILABLE WIDTH FROM TEN FEET TO TWELVE FEET; BY AMENDING SECTION 71.024, "ALL-NIGHT PARKING" TO PROHIBIT ALL-NIGHT PARKING IN CITY GARAGES AND PARKING LOTS; BY AMENDING SECTION 71.022, "PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS" AND "SECTION 71.023, "LIMITING PARKING TIME ON CERTAIN STREETS" TO ALLOW TIMES TO BE SET BY RESOLUTION; AMENDING SUBCHAPTER "PARKING METERS" BY AMENDING SECTION 71.055, "DEFINITIONS", SECTION 71.056, "DESIGNATION OF SPACES; INSTALLATION OF METERS", SECTION 71.057, "OPERATION OF PARKING METERS", AND SECTION 71.058, "COST OF PARKING OR STANDING VEHICLE IN CERTAIN METERED SPACES" TO PROVIDE FOR THE USE OF PARKING METER TECHNOLOGY AND TO ALLOW TIMES AND FEES TO BE SET BY RESOLUTION; BY AMENDING SECTION 71.060, "PARKING METER PERMITS" TO PROVIDE FOR EMPLOYEE PARKING PERMITS; BY REPEALING SECTION 71.063. "LIMITED TIME PARKING ZONES" AND SECTION 71.064 "PARKING METER ZONES" TO MAKE CONSISTENT WITH AFOREMENTIONED CHANGES; BY AMENDING SECTION 71.091, "LIABILITY FOR PAYMENT OF PARKING TICKET VIOLATIONS" TO ALLOW THE CITY TO PROVIDE NOTIFICATIONS FOR UNPAID PARKING VIOLATIONS; BY AMENDING SECTION 71.999, "PENALTY" TO ALLOW PENALTIES TO BE SET BY RESOLUTION; REPEALING CHAPTER 73 IN ITS ENTIRETY; AMENDING SUBCHAPTER "IMPOUNDMENT" BY AMENDING SECTIONS 71.070 THROUGH 71.073 TO RELOCATE IMPOUNDMENT REGULATIONS FROM CHAPTER 73; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES (FIRST READING).

Recommendation: Recommend approval of Ordinance No. 07-18 on First Reading for the changes to Chapters 71 and 73 of the City of Delray Beach (City) Code of Ordinances as specified in attached Ordinance No. 07-18, as presented.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Ord 07-18 amending parking regulations for first reading \(002\)](#)
[Ord 07-18 amending parking regulations redline for first reading](#)
[Res 59-18 Parking Meter zones and time limited parking zones with exhibits](#)
[Res 60-18 Fees for meters permits and penalties](#)
[Comparison Table](#)
[ROI 112017](#)
[ROI 052018](#)

- 9.B.** ORDINANCE NO. 04-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 35, "EMPLOYEE POLICIES AND BENEFITS", SECTIONS 35.001 THROUGH 35.014 AND READOPTING SAME, AS REVISED, IN ORDER TO ADOPT A PERSONNEL POLICY AND PROCEDURES MANUAL, PROVIDING FOR ITS ADMINISTRATIVE AMENDMENT; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (FIRST READING).

Recommendation: Motion to approve Ordinance 04-18 amending Chapter 35 to authorize the City Manager to implement the Personnel Policies and Procedures Manual.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Ordinance No. 04-18 rev Sec 35 civil service](#)
[Ord 04-18 civil service ord exhibit a](#)
[Personnel Policies Manual FINAL Iq rev 04-10-18](#)
[Memo - Revised Personnel Polices and Procedures Manual](#)

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

10.B. City Attorney

10.C. City Commission