

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 2, 2017

Public Hearings 7:00 p.m.

Commission Chambers

Delray Beach City Hall

City Commission

Mayor Cary Glickstein

Vice Mayor Jim Chard

Deputy Vice Mayor Shirley Ervin Johnson

Commissioner Shelly Petrolia

Commissioner Mitchell Katz

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. MAY 2017 MENTAL HEALTH AWARENESS AND TRAUMA INFORMED CARE MONTH**

Recommendation: Proclamation to recognize May 2017 as Mental Health Awareness and Trauma Informed Care Month

Sponsors: Community Improvement

Attachments: [CC 050217 May 2017 Mental Health Awareness Month Proclamation - 3-13-2017](#)

4.B. 2017 WE ♥ SMALL BIZ MONTH AND PARTNERSHIPS PRESENTATION AND PROCLAMATION

Sponsors: Economic Development Department

Attachments: [2017 #SmallBizDelray FINAL \(2\)](#)
[2017 We Love Small Biz Month Proclamation](#)

4.C. PRESENTING JANET MEEKS, EDUCATION COORDINATOR, WITH EMPLOYEE OF THE MONTH FOR MAY 2017

Recommendation: Motion to Approve Janet Meeks as Employee of the Month for May 2017.

Sponsors: Human Resources Department

Attachments: [Janet Meeks- Nomination Form](#)

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 various set of minutes as listed below.

Sponsors: City Clerk Department

Attachments: [04-19-16 Regular Meeting Minutes](#)
[05-17-16 Regular Meeting Minutes](#)
[02-07-17 Regular Meeting Minutes](#)
[04-04-17 Special Meeting Minutes](#)
[04-04-17 Special Meeting Minutes Atlantic Crossing](#)
[04-04-17 Regular Meeting Minutes](#)
[04-12-17 Special Meeting Minutes](#)

6.B. PERFORMANCE PAYMENT FOR FY15/16 TO JCD SPORTS GROUP, INC.

Recommendation: Motion to Approve the performance fee to JCD Sports Group for golf and tennis operations as recommended by staff for FY 15-16.

Sponsors: Parks & Recreation Department

Attachments: [Management Agmt for Golf Courses](#)
[Management Agmt for Tennis and Swim and Tennis \(3\)](#)
[Staff recommendation for 2015 - 2016 Final Performance Measures](#)

6.C. AMENDMENT NO. 1 TO THE AGREEMENT FOR SERVICE WITH THE MELLGREN PLANNING GROUP (SOLICITATION NO. 2016-067) TO AMEND THE CONTRACT TERMS AND TO INCREASE THE SPENDING LIMIT OF THIS AGREEMENT TO SUPPORT THE DEVELOPMENT OF AN UPDATED COMPREHENSIVE PLAN.

Recommendation: Motion to Approve Amendment #1 to the General Planning Services Agreement for Mellgren Planning Group ("Agreement") to extend the Agreement to July 11, 2018, and to increase the spending limit not to exceed \$270,000 to support the update of the Comprehensive Plan for the City of Delray Beach.

Sponsors: Planning & Zoning Department

Attachments: [1stAmend-2016-067-PlanningServices Iq rev 4-1-17 TMPG Signed](#)
[General Planning Agreement](#)
[MPG Scope and Fee - Comprehensive Plan](#)

6.D. PROCLAMATIONS:

6.D.1. RIDE OF SILENCE DAY PROCLAMATION - MAY 17, 2017

Recommendation: Proclaim May 17, 2017 as Ride of Silence Day.

Sponsors: City Clerk Department

Attachments: [Proclamation - Ride of Silence 2017](#)

6.D.2. Proclamation - 48th Annual Municipal Clerks Week - May 7-13, 2017

Recommendation: Proclaim May 7-13, 2017 as Municipal Clerks Week

Sponsors: City Clerk Department

Attachments: [Municipal Clerks Week 2017](#)

6.E. AWARD OF BIDS AND CONTRACTS:**6.E.1. AWARD OF AN AGREEMENT TO BJCE, INC. FOR MUNICIPAL GOLF CLUB AND LAKEVIEW GOLF CLUB MANAGEMENT IN A NOT-TO-EXCEED AMOUNT OF \$280,000**

Recommendation: Motion to Award a two-year Agreement to BJCE, Inc. d/b/a JCD Sports Company in an amount not to exceed amount of \$280,000 for Municipal Golf Club and Lakeview Golf Club Management Services for the term of May 1, 2017 through April 30, 2019.

Sponsors: Parks & Recreation Department

Attachments: [RFP 2016-079](#)
[RFP 2016-079 DBGC-LGC](#)
[2016-079 Agreement \(CA reviewed\), signed](#)

6.E.2. PURCHASE AWARD TO ALAN JAY CHEVROLET CADILLAC, INC. DBA ALAN JAY CHEVROLET BUICK GMC CADILLAC FOR THE PURCHASE OF ONE 2017 CHEVY EXPRESS CARGO VAN IN A TOTAL AMOUNT OF \$26,140.25.

Recommendation: Motion to Approve a purchase award to Alan Jay Chevrolet Cadillac, Inc. DBA Alan Jay Chevrolet Buick GMC Cadillac for the purchase of one 2017 Chevy Express Cargo Van (specification #37) for the Parks and Recreation Department in the amount of \$26,140.25 utilizing the Florida Sheriff's Association Contract #FSA16-VEL24.0.

Sponsors: Environmental Services Department

Attachments: [Best Price Letter](#)
[FSA16-VEL24.0 Bid Award](#)
[FSA16-VEL24.0 Extension through 09-30-2017](#)
[Alan Jay Chevy Van Quote 3-30-17](#)

6.E.3. APPROVAL OF A PURCHASE AGREEMENT TO SYNOVIA SOLUTIONS, LLC. FOR VEHICLE DIAGNOSTICS, ASSET TRACKING AND OTHER TECHNOLOGY SERVICES

Recommendation: Motion to Approve a purchase agreement to Synovia Solutions, LLC for vehicle diagnostics, asset tracking and other technology services in a total not-to-exceed amount of \$40,000 for Fiscal Year 2017.

Sponsors: Environmental Services Department

Attachments: [Synovia Pricing](#)
[Synovia Response](#)
[Agreement 4-19-17 \(Review CAO\)](#)

6.E.4. AWARD OF A PURCHASE AGREEMENT TO BEACH ENVIRONMENTAL EXTERMINATING, INC. FOR TERMITE INSPECTION, TESTING, EVALUATION, & TREATMENT FOR OLD SCHOOL SQUARE AND COMMUNITY CENTER BUILDINGS, PROJECT NO. 16-004

Recommendation: Motion to Award a Purchase Agreement to Beach Environmental

Exterminating, Inc. for Termite Inspection, Testing, Evaluation, & Treatment for Old School Square and Community Center Buildings, Project #16-004 in an amount not-to-exceed of \$64,000.

Sponsors: Environmental Services Department

Attachments: [2017-034 - Termite Insp., Test., Eval., & Treatm. for OSS and Comm. C. Bldg C](#)
[Tabulation Sheet 2017-034](#)
[Beach Environmental Bid](#)
[Agreement 4-19-17](#)

6.E.5. AWARD OF A PURCHASE AGREEMENT TO KOLDAIRE, INC. TO PROVIDE AND INSTALL AIR CONDITIONING UNITS AT POLICE STATION

Recommendation: Motion to Award a Purchase Agreement to Koldaire, Inc. to provide and install air conditioning units at Police Department in an amount not-to-exceed of \$168,853.

Sponsors: Environmental Services Department

Attachments: [Tabulation Sheet 2017-013](#)
[BID FORM - CHAPTERS 1-5](#)
[ITB 2017-013 Police Dept AC FINAL](#)
[Award Recommendation](#)
[Agreement \(CAO reviewed\)](#)

6.E.6. AWARD OF AN AGREEMENT WITH A-EXCELLENT SERVICE, INC. IN THE AMOUNT NOT TO EXCEED OF \$250,000 UTILIZING THE CITY OF DEERFIELD BEACH CONTRACT

Recommendation: Motion to Approve an Agreement with A-Excellent Service, Inc. utilizing the City of Deerfield Beach, Contract RFP #2013-14/16, in an amount not-to-exceed \$250,000 for HVAC Maintenance and Repair Services.

Sponsors: Environmental Services Department

Attachments: [1416 Contract Renewal 1st of 2](#)
[1416 RFP](#)
[1416 Resolution for Award](#)
[1416 Contract Fully executed - expires 5-31-17 2-1yr renewals \(1\)](#)
[1416 Tabulation](#)
[A-Excellent AC piggy back CAO comments](#)

6.E.7 AWARD OF AGREEMENTS FOR CONTINUING GENERAL ARCHITECTURAL CONSULTING SERVICES TO CURRIE SOWARDS AGUILA ARCHITECTS, INC; WALTER ZACKRIA ASSOCIATES, PLLC; SONG & ASSOCIATES, INC; AND BEA ARCHITECTS INC.

Recommendation: Motion to Award three-year Agreements to Currie Sowards Aguila Architects, Inc., Walter Zackria Associates, PLLC, Song & Associates, Inc. and BEA Architects, Inc., for Continuing General Architectural Consulting Services.

Sponsors: Environmental Services Department

Attachments: [Rates, BEA Architects, Inc.](#)
[Rates, Currie Sowards Aguila Architects](#)
[Rates, Song & Associates, Inc.](#)
[Rates, Walters Zackria](#)
[Song & Associates, Inc. Delray RFQ 2017-010-S+A](#)
[Walters Zackria and Associates - RFQ NO. 2017-010 - DELRAY BEACH CONT](#)
[BEA Architects, Delray Beach Continuing General Architectural Consulting &](#)
[Currie, Sowards, Aguila Architects - RFQ NO. 2017-010](#)
[RFQ 2017-010 - Scoring Summary](#)
[Exhibit A, Service Authorization](#)
[Final Agreement - Song & Associates, Inc.](#)
[Final Agreement - BEA Architects, Inc.](#)
[Final Agreement - Walters Zackria Associates, PLLC](#)
[Final Agreement - Currie Sowards Aguila Architects, Inc.](#)

7. REGULAR AGENDA:

- 7.A.** BEST INTEREST RESOLUTION NO. 31-17 FOR WAIVER OF THE CITY CODE OF ORDINANCES, CHAPTER 36, SECTION 36.02 (C)(7) AND AWARD OF AN AGREEMENT TO KRONOS INCORPORATED FOR WORKFORCE MANAGEMENT SOFTWARE AND ON-GOING SUPPORT AND MAINTENANCE IN A NOT-TO-EXCEED AMOUNT OF \$87,500

Recommendation: Motion to Approve Best Interest Resolution No. 31-17 for waiver of the City Code of Ordinances, Chapter 36, Section 36.02 (C)(7) and to award a one-year agreement with options to renew to Kronos Incorporated for workforce management software and on-going support and maintenance in a not-to-exceed maximum amount of \$95,000. This request is to allow and declaring by a four-fifths affirmative vote that use of the sealed competitive method or written quotations method is not in the best interest of the City.

Sponsors: Police Department

Attachments: [Contract 14-JLR-003](#)
[KRO Contract Amendments](#)
[Kronos WFM Renewal 1](#)
[StatementofClarification August-02-2016](#)
[14-JLR-003 Workforce Management System Posting](#)
[Addendum 1](#)
[RFP 14 JLR 003 Workforce Management System](#)
[City of Delray PD - Telestaff Solution On-Premise solution](#)
[Best Interest Resolution](#)
[City of Delray- Kronos agreement FINAL KJ Executable 042417](#)

7.B. NOMINATION FOR APPOINTMENT TO THE SITE PLAN REVIEW AND APPEARANCE BOARD

Recommendation: Motion to Approve a nomination for appointment for one (1) regular member to serve on the Site Plan Review and Appearance Board.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)
[Site Plan Review and Appearance Board Member List](#)
[Site Plan Review and Appearance Board Attendance List](#)

8. PUBLIC HEARINGS:

8.A. RESOLUTION 39-17

Recommendation: Motion to Approve Resolution 39-17 which authorizes the Contract for Sale of Vacant Land Located at 316 S.W. 4th Avenue.

Sponsors: City Attorney Department

Attachments: [Resolution 39-17](#)

8.B. ORDINANCE NO. 13-17: ESTABLISHING REQUIREMENTS FOR THE CITY OF DELRAY BEACH'S PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM PROVIDING FOR MULTIPLE, NON -EXCLUSIVE PACE PROGRAMS IN ORDER TO ALLOW FOR THIRD-PARTY ADMINISTRATORS, EITHER FOR-PROFIT OR NOT-FOR-PROFIT, TO ADMINISTER THE PACE PROGRAM WITHIN THE CITY (SECOND READING)

Recommendation: Motion to Approve Ordinance No. 13-17 on second reading.

Sponsors: Environmental Services Department

Attachments: [Ordinance 13-17 PACE Program](#)
[PACE Program Memorandum](#)

8.B.1. RESOLUTION 18-17 APPROVING AND ADOPTING THE SECOND AMENDED AND RESTATED INTERLOCAL AGREEMENT ORIGINALLY EXECUTED BY THE TOWNS OF LANTANA AND MANGONIA PARK, WHICH PROVIDES FOR UPDATES TO THE

BOARD OF SUPERVISORS' STRUCTURE, FOR MORE FLEXIBILITY IN OBTAINING A QUORUM OF THE BOARD AND A PROGRAM NAME CHANGE TO "RENEWPACE" AS IMPLEMENTED BY THE FLORIDA GREEN FINANCE AUTHORITY CONCERNING THE CONTINUATION OF THE "PACE" PROGRAM WITHIN THE CITY; SPECIFICALLY RESCINDING RESOLUTION NO. 24-12 ON "PACE" DUE TO THE RECENT CHANGES IN THE PROGRAM NAME AND AMENDMENTS TO ORIGINAL INTERLOCAL AGREEMENT

Recommendation: Motion to Approve Resolution 18-17 approving and adopting the second amended and restated Interlocal Agreement originally executed by the Towns of Lantana and Mangonia Park, which provides for updates to the Board of Supervisors' Structure, for more flexibility in obtaining a quorum of the Board and a program name change to "RenewPACE" as implemented by the Florida Green Finance Authority concerning the continuation of the "PACE" Program within the City; specifically rescinding Resolution No. 24-12 on "PACE" due to the recent changes in the program name and amendments to the original Interlocal Agreement.

Sponsors: Environmental Services Department

Attachments: [Resolution 18-17 Expand Pace Approve 2nd Amended for Renew](#)
[Original Interlocal Agreement -Florida Green Energy Works](#)
[Second Amended and Restated Interlocal Agreement Full Recorded](#)
[Delray Beach Party Membership Agreement and Resolution](#)

8.B.2. RESOLUTION NO. 19-17 CREATING AN ADDITIONAL PROPERTY ASSESSMENT CLEAN ENERGY (PACE) PROGRAM WITHIN THE CITY AND JOINING THE GREEN CORRIDOR PROPERTY ASSESSMENT CLEAN ENERGY (PACE) DISTRICT AS A NON-VOTING MEMBER; AUTHORIZING THE EXECUTION OF A NON-EXCLUSIVE MEMBERSHIP AGREEMENT WITH THE GREEN CORRIDOR PROPERTY ASSESSMENT CLEAN ENERGY (PACE) DISTRICT

Recommendation: Motion to Approve Resolution No. 19-17 creating an additional Property Assessed Clean Energy (PACE) Program within the City and joining the Green Corridor Property Assessment Clean Energy (PACE) District as a non-voting member; authorizing the execution of a non-exclusive membership agreement with the Green Corridor Property Assessment Clean Energy (PACE) District.

Sponsors: Environmental Services Department

Attachments: [Resolution 19-17 Agreement to join Green Corridor PACE District](#)
[YGrene Membership Agreement](#)
[Original YGreneCorridor Interlocal Agreement](#)

8.C. ORDINANCE NO. 12-17: 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 ARTICLE 2.4, "GENERAL PROCEDURES", BY AMENDING SECTION 2.4.7, "PROCEDURES FOR OBTAINING RELIEF FROM COMPLIANCE WITH PORTIONS OF THE LAND DEVELOPMENT

REGULATIONS”, SUBSECTION (E), “APPEALS”, TO CLARIFY AND UPDATE THE PROCEDURES FOR SAME, PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (SECOND READING)

Recommendation: Motion to Approve Ordinance No. 12-17 on second reading to amend Section 2.4.7(E) of the LDRs to clarify and update the appeals procedures.

Sponsors: Planning & Zoning Department

Attachments: [Ord 12-17 LDR 2.4.7 appeal revisions FINAL](#)
[PZB Report--ORD 12-17 Appeals 2.15.17 MES](#)

8.D. ORDINANCE NO. 15-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH; ARTICLE BY AMENDING SECTION 4.6.9, “OFF-STREET PARKING REGULATIONS”, SUBSECTION 4.6.9(E) (3), “IN LIEU FEES” TO REVISE THE IN LIEU FEE AREAS TO MATCH THE CORRESPONDING MAP AND TO REMOVE THE FEES TO BE ADOPTED BY RESOLUTION; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (SECOND READING)

Recommendation: Motion to Approve Ordinance No. 15-17 on second reading to amend Section 4.6.9(E)(3) to revise the in lieu fee areas description to match the corresponding map and remove the fees which are proposed to be adopted by resolution.

Sponsors: Planning & Zoning Department

Attachments: [Ord 15-17 In Lieu Area Descripton](#)
[In Lieu Fee Areas-reduced](#)
[PZB Report--ORD 15-17 In Lieu Parking](#)
[Res 27-17 Est fee schedule for in lieu fees](#)

8.D.1. RESOLUTION NO. 27-17: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ESTABLISHING A SCHEDULE OF IN LIEU FEES FOR PARKING, PURSUANT TO THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH, FLORIDA SECTION 4.6.9, “OFF STREET PARKING REGULATIONS”, SUBSECTION 4.6.9(E), “LOCATIONS OF PARKING SPACES”, PARAGRAPH 3, “IN LIEU FEE”; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Recommendation: Motion to Approve Resolution No. 27-17 establishing a schedule of in lieu fees for parking pursuant to the Land Development Regulations Section 4.6.9(E)(3).

Sponsors: Planning & Zoning Department

Attachments: [Res 27-17 Est fee schedule for in lieu fees](#)
[In Lieu Fee Areas](#)

8.E. ORDINANCE NO. 18-17: AN ORDINANCE OF THE CITY COMMISSION OF THE

CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 133, "OFFENSES AGAINST PERSONS", BY CREATING A NEW SECTION 133.02, "PROHIBITION OF CONVERSION THERAPY ON MINORS", PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 133 SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

Recommendation: Motion to Approve Ordinance No. 18-17 on second reading to ban the practice of Conversion Therapy on Minors in the City.

Sponsors: City Attorney Department

Attachments: [Ord No. 18-17 creating new Sec 133.02 Prohibition of Conversion Therapy on M](#)
[Conversion therapy legal opinion final](#)

9. FIRST READINGS:

9.A. None

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

10.B. City Attorney

10.C. City Commission