

# City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444  
Phone: (561) 243-7000 - Fax: (561) 243-3774  
[www.mydelraybeach.com](http://www.mydelraybeach.com)



## Regular Commission Meeting

Tuesday, February 16, 2016

Public Hearings 7:00 p.m.

Commission Chambers  
Delray Beach City Hall

### City Commission

*Mayor Cary Glickstein*  
*Vice-Mayor Shelly Petrolia*  
*Deputy Vice Mayor Al Jacquet*  
*Commissioner Jordana Jarjura*  
*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. APPROVAL OF MINUTES:****3.A. APPROVAL OF MINUTES**

**Recommendation:** Motion to Approve various sets of City Commission Meeting minutes as listed below:

December 1, 2015 Regular Meeting Minutes  
December 8, 2015 Joint Session/Workshop Meeting Minutes  
January 19, 2016 Regular Meeting Minutes  
February 9, 2016 Special Meeting Minutes  
February 9, 2016 Workshop Meeting Minutes

**Sponsors:** City Clerk Department

**Attachments:** [December 1, 2015 Regular Meeting Minutes](#)  
[December 8, 2015 Workshop Meeting Minutes](#)  
[January 19, 2016 Regular Meeting Minutes](#)  
[February 9, 2016 Special Meeting Minutes](#)  
[February 9, 2016 Workshop Meeting Minutes](#)

**4. PRESENTATIONS:****4.A. DELRAY STUDENTS FIRST - MARK SAUER**

**Sponsors:** Community Improvement

**4.B. HONORING ATLANTIC COMMUNITY HIGH SCHOOL (ACHS) AS "FOOTBALL TEAM OF THE YEAR" AND ACHS COACH TAVARIUS "T.J." JACKSON AS "COACH OF THE YEAR"**

**Sponsors:** City Clerk Department

**4.C. HONORING AMERICAN HERITAGE AS ONE OF THE TOP FOOTBALL TEAMS IN PALM BEACH COUNTY**

**Sponsors:** City Manager Department

**Attachments:** [American Heritage Roster](#)

**5. COMMENTS AND INQUIRIES ON AGENDA AND NON-AGENDA ITEMS FROM THE PUBLIC- IMMEDIATELY FOLLOWING PRESENTATIONS:****6. AGENDA APPROVAL****7. CONSENT AGENDA: City Manager Recommends Approval**

**7.A. COMMISSION RATIFICATION OF CHANGE ORDER NO.1 TO AN AGREEMENT WITH JOHNSON DAVIS INC. TO INSTALL A DUCKBILL FLEX VALVE ON THE LEWIS COVE ROAD STORMWATER OUTFALL (BID NO. 2015-53)**

**Recommendation:** Motion to Approve Change Order No. 1 to Johnson-Davis, Inc. for one additional duckbill flex valve to be installed on the Lewis Cove Road Stormwater Outfall in the amount of \$8,000.00. This complies with the Code of Ordinances, Chapter 36, Section 36.06(A)(2). Funding is available from Account No. 448-5461-538-46.90 (Stormwater Utility Fund - Repair and Maintenance).

**Sponsors:** Environmental Services Department

**Attachments:** [Johnson-Davis, Inc. Change Order No. 1](#)  
[Johnson-Davis Proposal](#)

**7.B. CONTRACT CLOSEOUT (CHANGE ORDER NO. 1/FINAL) WITH DP DEVELOPMENT OF THE TREASURE COAST, LLC. FOR THE OSCEOLA ALLEYS PHASE II, PINEAPPLE GROVE DRAINAGE & LIME LANE IMPROVEMENTS (PROJECT NO. 13-015)**

**Recommendation:** Motion to Approve Contract Closeout (Change Order No. 1/Final) to DP Development of the Treasure Coast, LLC., in the net contract reduction amount of \$17,158.70; and by motion approve a final payment in the amount of \$14,328.06 to DP Development of the Treasure Coast, LLC., for completion of the Osceola Alleys Phase II, Pineapple Grove Drainage & Lime Lane Improvements Project No.13-015. This complies with the Code of Ordinances, Chapter 36, Section 36.06(A)(2), "Change Orders, Within the Scope of Work". After final payment in the amount of \$14,328.06 is made, residual funds, in the amount of \$17,158.70, will be liquidated from Purchase Order No. 704941 to Account No. 448-5461-538-65.85 (Stormwater Utility Fund).

**Sponsors:** Environmental Services Department

**Attachments:** [Change Order No. 1 Final DP Development Osceola Alleys PH2](#)  
[Location Map](#)

**7.C. SERVICE AUTHORIZATION NO. 12-13 WITH THE WANTMAN GROUP, INC. IN THE AMOUNT NOT TO EXCEED \$39,906 FOR DESIGN SERVICES REGARDING THE REPAIR/REPLACEMENT OF THE FAILING SEAWALL ADJACENT TO THE ISLAND DRIVE BRIDGE**

**Recommendation:** Motion to Approve Service Authorization No. 12-13 with the Wantman Group, Inc. in the amount not to exceed \$39,906.00, for professional design services related to the structural design, analysis and cost estimating for the repair/replacement of a portion of the southeastern seawall adjacent to the Island Drive Bridge. (Project No. 16-042). This recommendation complies with the Code of Ordinances, Chapter 36, Section 36.02(C)(3), "Professional Services". Funding is available from Account No. 448-5461-538-46.54 (Storm Water Utility Fund/Repair and

Maintenance Services/Seawall Repairs).

**Sponsors:** Environmental Services Department

**Attachments:** [Wantman Group Service Authorization 12-13](#)  
[Location Map](#)

#### 7.D. LANDSCAPE MAINTENANCE AGREEMENT FOR 920 SEASAGE DRIVE

**Recommendation:** Motion to Accept a Landscape Maintenance Agreement to allow landscaping outside the property line located at 920 Seasage Drive.

**Sponsors:** Planning & Zoning Department

**Attachments:** [Landscape plan](#)  
[Location Map](#)  
[PAPA for 920 Seasage](#)  
[Waiver approval for 920 Seasage](#)  
[Address Change for 920](#)  
[920 Seasage Drive LMA](#)

#### 7.E. LANDSCAPE MAINTENANCE AGREEMENT FOR 916 SEASAGE DRIVE

**Recommendation:** Motion to Accept a Landscape Maintenance Agreement for landscaping outside the property line located at 916 Seasage Drive. The landscaping already exists within the right-of-way and will continue to be an enhancement to the streetscape along Seasage Drive.

**Sponsors:** Planning & Zoning Department

**Attachments:** [Landscape Plan](#)  
[Location Map](#)  
[PAPA for 920 Seasage](#)  
[Waiver approval for 920 Seasage](#)  
[Address Change for 920](#)  
[916 Seasage Drive LMA \(2\)](#)

#### 7.F. LANDSCAPE MAINTENANCE AGREEMENT FOR 82 NW 5th AVENUE

**Recommendation:** Motion to Accept a Landscape Maintenance Agreement for proposed landscaping along NW 5th Avenue associated with the West Settlers Office Building located at 82 NW 5th Avenue. The landscaping will exist within the right-of-way and will continue to be an enhancement to the streetscape along NW 5th Avenue.

**Sponsors:** Planning & Zoning Department

**Attachments:** [82 NW 5th Ave Landscape Maintenance Agreement](#)  
[82 NW 5th Landscape Plan](#)  
[Location Map](#)  
[PAPA 82 NW 5th Ave](#)  
[Resolution from the Delray Beach Housing Authority](#)

**7.G. PROCLAMATIONS:**

7.G.1. None

**7.H. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS FOR JANUARY 19, 2016 THROUGH JANUARY 29, 2016**

**Recommendation:** Motion to Accept the actions and decisions made by the Land Development Boards for the period January 19, 2016 through January 29, 2016.

**Sponsors:** Planning and Zoning Board

**Attachments:** [Location Map](#)  
[Martini Property - Board Action Summary Report](#)  
[Martini Property Reconsideration SPRAB Staff Report](#)  
[Martini Property -Class V December 16th SPRAB Report](#)  
[Fourth and Fifth Delray \(IPIC\) - Board Action Summary Report.doc](#)  
[Fourth and Fifth Delray \(IPIC\) Reconsideration SPRAB Staff Report](#)  
[Fourth and Fifth Delray December 16th SPRAB Report](#)  
[Wood and Fire Restaurant- Board Action Summary Report](#)  
[Wood and Fire - SPRAB Staff Report](#)  
[Atlantic Crossing Class II - Board Action Summary Report](#)  
[Atlantic Crossing Assessment Final 1-22-16 \(2\).pdf](#)  
[Atlantic Crossing Class II SPRAB Staff Report](#)  
[Atlantic Crossing Site Class II Site Plans 12-21-15](#)  
[Atlantic Crossing Photometric Plan 12-21-15](#)  
[Atlantic Crossing Landscape Plan 12-21-15](#)  
[Atlantic Crossing Approved Plan Site Plan Set](#)

**7.I. AWARD OF BIDS AND CONTRACTS:****7.I.1. BID AWARD TO GLOBAL GREEN REJUVENATION, LLC D/B/A AIR REVIVE FOR AIR CONDITIONING SERVICE, REPAIRS, AND PREVENTATIVE MAINTENANCE (BID 2016-045)**

**Recommendation:** Motion to Award a contract for Bid No. 2016-045 to Global Green Rejuvenation, LLC D/B/A Air Revive in an amount not exceed \$94,450.00 per fiscal year for a two (2) year term with two (2) additional one (1) year renewal terms. This recommendation complies with the Code of Ordinances, Section 36.02 (A)(1), "Sealed Competitive Method". Funding is available from various departments.

**Sponsors:** Purchasing Department

**Attachments:**      [2016-045 AirRevive Bid Submittal](#)  
[2016-045 Purchasing Checklist](#)  
[2016-045 Recommendation](#)  
[2016-045 Tab Sheet](#)  
[2016-045 Agreement Vendor Executed](#)

**7.I.2. PURCHASE AWARD TO STINGRAY CHEVROLET FOR ONE(1) 2016 CHEVROLET TAHOE POLICE UTILITY VEHICLE**

**Recommendation:** Motion to Award a purchase to Stingray Chevrolet in the amount of \$37,799 for one(1) Chevrolet Tahoe Police Utility Vehicle.

**Sponsors:** Purchasing Department

**Attachments:**      [Stingray Chevrolet-Tahoe PPV Quote 20151208 12-16-15](#)  
[Stingray Letter 12-16-15](#)  
[15-23-0904 Bid Award Document](#)  
[Purchasing Checklist](#)

**7.I.3. PURCHASE AWARD TO STROBES-R-US FOR LIGHT BARS AND EQUIPMENT FOR ONE POLICE VEHICLE**

**Recommendation:** Motion to Award a purchase to Strobes-R-U's for light bars and equipment in the amount of \$14,373.68 for a K9 Police Vehicle.

**Sponsors:** Purchasing Department

**Attachments:**      [Strobe-R-U's K9 Quote dated 12-15-15](#)  
[BSO Contract Award 13104030](#)  
[BSO Contract 13104030 Renewal](#)  
[BSO Bid](#)  
[Purchasing Checklist](#)

**7.I.4. PURCHASE AWARD TO WESCO TURF, INC. FOR TWO (2) TORO GREEN MASTER MOWER #3150-Q**

**Recommendation:** Motion to Award the purchase of two (2) Toro Greenmaster Mower #3150-Q from Wesco Turf, Inc. as per Florida State Contract #21100000-15-1.

**Sponsors:** Purchasing Department

**Attachments:**      [Mower Quote](#)  
[Contract Agreement with Wesco Turf, Inc.](#)  
[Purchasing Checklist Toro Greens Mowers](#)

**8. REGULAR AGENDA:**

**8.A. APPEAL OF SPRAB APPROVAL OF A CLASS V SITE PLAN EXTENSION REQUEST FOR DOWNTOWN DELRAY MEDICAL CENTER LOCATED AT 530 SE 6TH AVENUE (QUASI-JUDICIAL HEARING)**

**Recommendation:** Approve a 24 month extension (expiring December 11, 2017) of the

Class V site plan, landscape plan and architectural elevation plan for Downtown Delray Medical Center, by adopting the findings of fact and law contained in the staff report, and finding that the request, and approval thereof, meets criteria set forth in Section 2.4.4(F)(1)&(3) and Section 3.1 of the Land Development Regulations, subject to the following conditions:

1. That the project will be responsible for providing continuous paved access (i.e. along the alley abutting the property) from the nearest paved street (SE 5th Avenue and SE 6th Avenue) in addition to the improvements on its side of the center line of right-of-way. Such improvements must be provided in coordination with the City Engineer. A note to this effect shall be included on the site plan.
2. That the applicant shall provide the full cost of a bus shelter in the amount of \$11,000 prior to the issuance of a building permit.
3. That the re-plat of the property must be recorded prior to the issuance of a building permit.
4. That the perimeter construction fence shall be removed within 60 days of the approval of the extension request and that the installation of a construction fence occurs only upon the issuance of a building permit.
5. That the fence is screened. Staff recommends that a green mesh screening is utilized and wraps the existing fence.

**Sponsors:** Planning and Zoning Board

**Attachments:** [Downtown Delray Medical Centre-Staff Report](#)  
["EXHIBIT A "- Original SPRAB Conditions of Approval](#)  
[Excerpt Minutes - December 9, 2015 SPRAB Meeting](#)  
[Site Aerials](#)  
[Downtown Delray Plans](#)  
[Downtown Delray Medical Center Zoning Map](#)  
[Downtown Delray Medical Center FLUM Map](#)  
[Letter From Applicant](#)  
[City Commission Board Order](#)

## 8.B. SOUTH HUB INTERLOCAL AGREEMENT

**Recommendation:** Motion to approve an Interlocal Agreement between Palm Beach County, Boca Raton, Delray Beach and Boynton Beach for the purpose



of expanding the geographic use of available frequencies for mutual assistance and daily activities for the establishment and operation of radio communications systems.

**Attachments:** [South Hub Interlocal Agreement](#)

**8.C. INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND PALM BEACH COUNTY FOR THE HOMELESS RESOURCE CENTER**

**Recommendation:** Motion to approve the Interlocal Agreement between the City of Delray Beach and Palm Beach County which allows the City to utilize the Homeless Resource Center ("HRC") to assist our homeless population.

**Attachments:** [SKM 284e16012114520](#)

**8.D. RETROACTIVE FY 2016 CITY-CRA INTERLOCAL AGREEMENT FOR ECONOMIC DEVELOPMENT**

**Recommendation:** **Recommended Action:**

Motion to approve and execute the retroactive FY 2016 City-CRA Interlocal Agreement for Economic Development.

**Sponsors:** Economic Development Department

**Attachments:** [ILA City FY15-16 Economic Development Final](#)

**8.E. ROUTINE BUSINESS: (All Items Under this Subsection to be Approved by one Motion. Any Item Under Routine Business May Be Moved by Commission for Separate Consideration):**

**8.E.1. RATIFICATION OF EMERGENCY ACTION CITY CODE SECTION 36.02 (C) (5) FOR THE MARINE WAY WATER MAIN REPLACEMENT IN THE AMOUNT OF \$98,634.00 TO AKA SERVICES, INC., AUTHORIZED BY THE CITY MANAGER AS AN EMERGENCY ACQUISITION AS DEFINED BY CITY CODE SECTION 36.01(B).**

**Recommendation:** Motion to Approve ratification of an emergency action to AKA Services, Inc., in the amount of \$98,634.00 for the Marine Way water main replacement. This recommendation complies with the Code of Ordinances, Section 36.02(C)(5), "Emergency Acquisitions".

**Attachments:** [Project Location Map, Marine Way](#)  
[138274-455-DSGP Canal Street WM](#)  
[City Manager Emergency Acquisition Approval](#)  
[Email Dated January 12, to ACM](#)  
[COVERSHEET](#)  
[MARINE WAY WATER MAIN-24X36](#)  
[MARINE WAY WATER MAIN-pg2 DETAILSHT](#)  
[MARINE WAY WATER MAIN-pg3 DETAILSHT](#)

**8.E.2. FY15-16 CDBG SUB-RECIPIENT FUNDING AGREEMENT/ ACHIEVEMENT CENTERS FOR CHILDREN AND FAMILIES (ACCF)**

**Recommendation:** Motion to Approve and execute the attached agreement, in order that

funding in the amount of Fifty-Five Thousand Dollars and 00/100 (\$55,000.00) to ACCF may proceed in accordance with the Commission-approved Action Plan for fiscal year 2015-2016. Motion to Approve funding retroactive to October 2015.

**Sponsors:** Community Improvement

**Attachments:** [ACCF 2015-2016 Executed Agreement](#)

**8.E.3. PROPOSAL FOR SETTLEMENT IN THE CASE OF ROSA GIESMAN V. CITY OF DELRAY BEACH**

**Recommendation:** Motion to Approve the settlement as discussed in the confidential memo previously distributed to the Commission.

**Sponsors:** Police Department

**8.E.4 FIRST AMENDMENTS TO THE COLLECTIVE BARGAINING AGREEMENTS BETWEEN THE CITY OF DELRAY BEACH, FLORIDA AND THE PALM BEACH COUNTY POLICE BENEVOLENT ASSOCIATION FOR POLICE OFFICERS AND SERGEANTS AND POLICE LIEUTENANTS**

**Recommendation:**

Motion to Approve First Amendments to the Collective Bargaining Agreements between the City of Delray Beach, Florida and the Palm Beach County Police Benevolent Association for Police Officers and Sergeants and Police Lieutenants

**Sponsors:** City Attorney Department

**Attachments:** [First Amendment to the Collective Bargaining Agreement Between the City of D](#)  
[First Amendment to the Collective Bargaining Agreement Between the City of D](#)

**8.E.5. NOTICE OF INTENT TO ESTABLISH A QUIET ZONE THROUGH THE CITY OF DELRAY BEACH**

**Recommendation:** Motion to authorize the City Manager to submit the Notice of Intent to Establish a Quiet Zone along the FEC Corridor within the City of Delray Beach to FEC and other state and federal agencies as required by law.

**Sponsors:** Planning & Zoning Department

**Attachments:** [NOI 1.13.16 Draft](#)  
[06.19.15 Reimbursement Agreement \(Phase 1 Design\) - Executed](#)  
[Intersection Spread Sheet](#)  
[Crossing Pictures ALL](#)  
[Delray QZ Spec Sheets](#)  
[SSM CODES](#)  
[Res 28-15](#)  
[Res 04-14](#)  
[Res 13-14](#)  
[080714\\_SETTING THE RECORD STRAIGHT](#)

**8.F. APPROVAL FOR FY 2016 SPENDING LIMITS GREATER THAN \$25,000 FOR**

## SPECIAL COUNSEL

**Recommendation:** Motion to Approve spending limits in an amount not to exceed \$150,000.00 for Weiss, Serota, Helfman, Pastoriza, Cole & Boniske, and not to exceed \$75,000 for Allen, Norton & Blue. This complies with the Code of Ordinances, Chapter 36, Section 36.03(A), "Multiple Acquisitions From Vendor Exceeding Twenty-Five Thousand Dollars (\$25,000.00) in Any Fiscal Year" requires City Commission approval of any agreement for services.

**Sponsors:** City Attorney Department and Inglesse

**8.G. NOMINATION FOR APPOINTMENT TO THE EDUCATION BOARD**

**Sponsors:** City Clerk Department

**Attachments:** [Education Board Member List](#)  
[Education Board Attendance List](#)

**8.H. NOMINATIONS FOR APPOINTMENT TO THE POLICE ADVISORY BOARD**

**Recommendation:** Recommend nominations for appointment for one (1) regular member to serve on the Police Advisory Board for an unexpired term ending July 31, 2018 and for one (1) regular member to serve an unexpired term ending July 31, 2017.

**Sponsors:** City Clerk Department

**Attachments:** [Police Advisory Board Exhibit A](#)  
[Police Advisory Board Member List](#)  
[Police Advisory Board Attendance List](#)

**9. PUBLIC HEARINGS:****9.A. ORDINANCE NO. 03-16, REZONING FROM AC (AUTOMOTIVE COMMERCIAL) TO GC (GENERAL COMMERCIAL) FOR THE PROPERTY LOCATED AT 2455 OLD DIXIE HIGHWAY (QUASI-JUDICIAL HEARING) (SECOND READING)**

**Recommendation:** Motion to Approve Ordinance No. 03-16 on second reading and *quasi-judicial hearing* for the rezoning of the property located at 2455 Old Dixie Highway from AC to GC.

**Sponsors:** Planning & Zoning Department

**Attachments:** [Ordinance No. 03-16](#)  
[Delray Beach P&Z Staff Report 12-21-15 Meeting](#)  
[Delray Beach Boxing Streetscape Photos](#)  
[Letter regarding Non-Conformity](#)

**9.B. ORDINANCE NO. 06-16 AMENDING THE CITY'S POLICE AND FIREFIGHTERS RETIREMENT SYSTEM PENSION (SECOND READING)**

**Recommendation:** Motion to Approve Ordinance No. 06-16 amending the City's Police and Firefighters Retirement System Pension.

**Sponsors:** City Attorney Department

**Attachments:**      [Ordinance No. 06-16](#)  
[IRS Letter Ruling](#)  
[Actuarial No Impact Statement](#)

## 10. FIRST READINGS:

### 10.A. ORDINANCE NO. 08-16 AMENDING CHAPTER 95 OF THE CITY'S CODE OF ORDINANCES FOR THE DIRECTOR OF EMERGENCY MANAGEMENT (FIRST READING)

**Recommendation:** Motion to Approve Ordinance No. 08-16 to amend Chapter 95 of the City's Code of Ordinances for the Director of Emergency Management.

**Sponsors:** Human Resources Department

**Attachments:**      [Ordinance No. 08-16](#)

## 11. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

### 11.A. City Manager

#### 11.A.1 STATUS REPORT REGARDING HIGHLAND BEACH

.

**Sponsors:** City Clerk Department and Wright

**Attachments:**      [02082016- Memo- Report of Backup Fire Utilitization by the Town of Highla...](#)

#### 11.A.2 UPDATE ON THE DELRAY BEACH ART GARAGE

.

**Sponsors:** City Clerk Department

**Attachments:**      [02112016- Memo- Arts Garage- Commission](#)

### 11.B. City Attorney

### 11.C. City Commission