

City of Delray Beach

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Regular Commission Meeting

Regular Meeting at 6:00 PM

Wednesday, March 1, 2017

Public Hearings 7:00 p.m.

Commission Chambers
Delray Beach City Hall

City Commission

Mayor Cary Glickstein
Vice Mayor Jordana Jarjura
Deputy Vice Mayor Mitchell Katz
Commissioner Shelly Petrolia

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. SPOTLIGHT ON EDUCATION - ORCHARD VIEW ELEMENTARY SCHOOL**

Sponsors: City Manager Department

**4.B. MARCH 2017 EMPLOYEE OF THE MONTH – FERLINE MESIDORT,
NEIGHBORHOOD SERVICES ADMINISTRATOR.**

Sponsors: Human Resources Department

Attachments: [Ferline Mesidort Employee of the Month Nomination Form](#)

**4.C. RECOGNIZING VICE MAYOR JORDANA JARJURA FOR HER YEARS OF SERVICE
AND PRESENTING HER WITH A FAREWELL PLAQUE**

Sponsors: City Clerk Department

**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. ACCEPTANCE OF A SIDEWALK EASEMENT DEED FOR A 1.5-FOOT OF
RIGHT-OF-WAY DEDICATION FOR 73 PALM SQUARE**

Recommendation: Motion to Approve acceptance of a 1.5-foot sidewalk easement deed for property located at 73 Palm Square.

Sponsors: Environmental Services Department

Attachments: [73 Palm Square Location Map](#)
[73 Palm Square New Sidewalk Easement Deed](#)
[73 Palm Square Warranty Deed 2016-09-26](#)
[73 Palm Square Old Sidewalk Easement Deed](#)

**6.B. APPROVAL OF SERVICE AUTHORIZATION NO. 16-02.1 WITH CALVIN,
GIORDANO & ASSOCIATES, INC. FOR PROFESSIONAL SERVICES TO SUPPORT
THE ENGINEERING REVIEW OF APPLICATIONS FOR DEVELOPMENT AND
BUILDING PERMITS**

Recommendation: Motion to Approve Service Authorization No. 16-02.1 with Calvin,

Giordano & Associates, Inc. in the amount not-to-exceed \$50,000.00 for professional services to support the engineering review of applications for development and building permits processed by the Planning, Zoning, and Building Department.

Sponsors: Environmental Services Department

Attachments: [CGA SA 16-02.1](#)
[Letter - Extension request Calvin Giordano. 11.22.16](#)
[Amendment 3 Calvin Giordano](#)
[CGA Amendment 4](#)

6.C. GRANT UTILITY EASEMENT TO FLORIDA POWER AND LIGHT TO REPLACE AND EXISTING POWER POLE WITH A PAD MOUNTED TRANSFORMER AND BURIED POWER LINE

Recommendation: Motion to grant a utility easement to Florida Power and Light to replace and existing power pole with a pad mounted transformer and buried power line located in the alley just south of the 505 Teen Center and adjacent to the “Downtown Delray Professional Centre”.

Sponsors: Environmental Services Department

Attachments: [Location Map Downtown Delray Professional Centre](#)
[Downtown Delray Professional Centre](#)
[Application and Legal Description Package](#)
[FPL Letter](#)

6.D. APPROVAL OF A MEMORANDUM OF UNDERSTANDING WITH GOVDEALS, INC. ONLINE AUCTION SERVICE

Recommendation: Motion to Approve a Memorandum of Understanding with GovDeals, Inc. for the disposal of the City’s surplus non-real property via an online auction service.

Sponsors: Environmental Services Department

Attachments: [MOU with GovDeals, Inc.](#)

6.E. AMENDMENT NO. 1 TO THE AGREEMENT WITH HAWKINS, INC. DBA THE DUMONT COMPANY, FOR SODIUM HYPOCHLORITE IN A NOT TO EXCEED \$52,000

Recommendation: Motion to Approve Amendment No. 1 to the Agreement with Hawkins, Inc. d/b/a The Dumont Company to renew the agreement for purchase and delivery of sodium hypochlorite in a not-to-exceed amount of \$52,000. This recommendation complies with the City Code of Ordinances, Chapter 36, Section

Sponsors: Environmental Services Department

Attachments: [Amendment No. 1, Renewal 2017-2018](#)
[Executed Agreement & Bid No 2014-24, Dumont - Sodium Hypochlorite](#)
[Agenda Item 04-14-2014 Memorandum - Sodium Hypochlorite Agreement - The](#)
[1st Renewal letter](#)

6.F REJECT ALL PROPOSALS FOR BEACH CLEANING, MAINTENANCE AND BEAUTIFICATION (RFP 2017-014)

Recommendation: Motion to Reject all proposals received in response to RFP 2017-014 for the Beach Cleaning, Maintenance and Beautification.

Sponsors: Parks & Recreation Department

6.G. TERMINATION OF THE AGREEMENT FOR PROFESSIONAL SERVICES FOR THE DEVELOPMENT OF THE COMPREHENSIVE PLAN WITH CALVIN GIORDANO & ASSOCIATES

Recommendation: Authorize Interim City Manager to terminate the Agreement for Comprehensive Plan Consulting Services with Calvin Giordano & Associates effective on March 14, 2017.
(NOTE: 30 day advance notice must be provided prior to termination date).

Sponsors: Planning & Zoning Department

Attachments: [Contract SIGNED](#)

6.H APPROVAL OF AN AWARD TO SELECTRON TECHNOLOGIES, INC. FOR AN UPGRADE TO THE CITY'S INTERACTIVE VOICE RESPONSE SYTEM AND WEB PAYMENTS SYSTEM

Recommendation: Motion to Award an upgrade of the City's interactive voice response system and web payments system from Selectron Technologies, Inc. in an amount of \$15,100.00.

Sponsors: IT Department

Attachments: [Selectron Update Quote](#)

6.I. REJECT ALL RESPONSES FOR TIME AND ATTENDANCE SOLUTION

Recommendation: Motion to reject all responses received for a Time and Attendance Solution.

Sponsors: IT Department and Purchasing Department

6.J. BEST INTEREST RESOLUTION NO. 09-17 AND WAIVER OF THE CITY CODE OF ORDINANCES, CHAPTER 36, SECTION 36.02(C)(7) AND AWARD OF AN AGREEMENT TO TRANE US INC. FOR REPLACEMENT OF THE HVAC SYSTEM AT FIRE STATION 114 IN A NOT-TO-EXCEED MAXIMUM AMOUNT OF \$205,000.

Recommendation: Motion to approve Best Interest Resolution No. 09-17 for waiver of the City Code of Ordinances, Chapter 36, Section 36.02(C)(7) and to award an agreement to Trane U.S., Inc. utilizing the U.S. Communities Governmental Purchasing Alliance Cooperative Contract 15-JLP-023 for the replacement of the HVAC System at Fire Station 114 in a

not-to-exceed maximum amount of \$205,000. This request is to allow and declaring by a four-fifths affirmative vote that use of the sealed competitive method or written quotations method by any governmental entity with the State of Florida or the United States government for the purchase is not in the best interest of the City.

Sponsors: Environmental Services Department

Attachments: [Best Interest Resolution 09-17](#)
[Fire Station #4 Recommendation Letter Budget.pdf](#)
[ITB Trane](#)
[Trane Posting](#)
[Trane Addendum 1](#)
[Trane Addendum 2](#)
[Trane Addendum 3](#)
[US Communities Master Intergovernmental Cooperative Agreement.pdf](#)
[US Communities Agreement Trane-Final](#)

6.K. APPROVAL OF FISCAL YEAR 2017 SPENDING GREATER THAN \$25,000 WITH ISLAND AIR, LLC

Recommendation: Motion to Approve air conditioning equipment and services, from Island Air, LLC in a total not-to-exceed amount of \$75,000 for Fiscal Year 2017.

Sponsors: Environmental Services Department

6.L. APPROVE SPENDING LIMIT INCREASE WITH MOWREY ELEVATOR COMPANY OF FLORIDA, INC.

Recommendation: Motion to Approve an Amendment to increase spending limit with Mowrey Elevator Company of Florida, Inc. to a not-to-exceed amount of \$140,000 for multiple acquisitions of elevator parts, repairs, and services for the period of December 31, 2016 through December 30, 2017.

Sponsors: Environmental Services Department

Attachments: [2014-35 Mowrey Contract](#)
[Mowrey Elevator, 12-02-14 Regular Meeting Agenda, item 9.E](#)
[Quote Mowrey - Hilltopper Elevator](#)

6.M INTERLOCAL AGREEMENT BETWEEN CITY OF DELRAY BEACH AND SOLID WASTE AUTHORITY OF PALM BEACH COUNTY (SWA) FOR BLIGHTED AND DISTRESSED PROPERTY CLEAN-UP AND BEAUTIFICATION GRANT FY2017

Recommendation: Motion to Approve acceptance of an Interlocal Agreement between the City of Delray Beach and Solid Waste Authority of Palm Beach County (SWA) in the amount of \$60,000 for assistance in the cleanup and beautification of distressed, blighted or otherwise impacted public properties within incorporated areas of Delray Beach.

Sponsors: Community Improvement

Attachments: [Blighted Grant ILA-2017-City of Delray Beach](#)
[City of Delray Beach Blighted Property Grant Application FINAL 121216](#)

6.N. PRIOR APPROVAL OF FISCAL YEAR 2017 SPENDING GREATER THAN \$25,000 WITH SRT SUPPLY, INC.

Recommendation: Motion to approve multiple small purchases of less than \$25,000 each for police related equipment from SRT Supply, Inc. in an additional not-to-exceed amount of \$40,000 for Fiscal Year 2017.

Sponsors: Police Department

6.O. ADOPTION OF RESOLUTION NO. 11-17 REPEALING RESOLUTION NO. 51-15-SERVICE OF PROCESS

Recommendation: Motion to Approve Resolution No. 11-17.

Sponsors: City Attorney Department

Attachments: [Resolution 11-17 Service of Process Designees](#)

6.P. Resolution No. 15-17: Schedule fees for Fire Safety Inspections

Recommendation: Motion to approve Resolution No. 15-17 as presented.

Sponsors: Fire Rescue Department

Attachments: [Resolution No 15-17](#)
[Exhibit A](#)

6.Q. APPROVAL FOR STAFF TO SEEK GRANT FUNDING FROM THE SOUTH FLORIDA REGIONAL TRANSIT AUTHORITY GRANT PROGRAM FOR THE STUDY OF A NEW TRANSIT RAIL STATION IN THE CITY OF DELRAY BEACH

Recommendation: Approve staff to apply for a grant from the South Florida Regional Transit Authority for grant under the South Florida Regional Transit Oriented Development Grant Program to seek funding to prepare a study for the potential location for a new transit rail station within the City of Delray Beach.

Sponsors: Planning & Zoning Department

Attachments: [CC Authorization letter 3.1.17 - DRAFT](#)
[Coastal Link Station Area Opportunities](#)

6.R. PROCLAMATIONS:

6.R.1. MULTIPLE MYELOMA AWARENESS MONTH 2017 - PROCLAMATION

Sponsors: City Clerk Department

Attachments: [Multiple Myeloma Proclamation 2017](#)

6.R.2 ARMENIAN GENOCIDE PROCLAMATION 2017

Sponsors: City Clerk Department

Attachments: [Armenian Genocide Proclamation 2017](#)

6.S. REPORT OF APPEALABLE LAND USE ITEMS JANUARY 30, 2017 THROUGH FEBRUARY 10, 2017.

Recommendation:

By motion, receive and file this report.

Sponsors:

Planning and Zoning Board

Attachments:

[Location Map](#)

[Delray Workplace](#)

[Harbor Freight](#)

[Brighton Bagel](#)

[20 Lake Court](#)

6.T. AWARD OF BIDS AND CONTRACTS:

6.T.1. AWARD OF A TWO-YEAR AGREEMENT TO TIRESOLES OF BROWARD, INC. FOR A NOT-TO-EXCEED AMOUNT OF \$190,000 FOR TIRES AND SERVICES

Recommendation: Motion to Award a two-year agreement with Tiresoles of Broward, Inc. for retreading, tires, wheel refurbishing and other goods and services utilizing the Florida Sheriff's Association contract Bid No. 15/17-07-0220 in a total not-to-exceed amount of \$190,000.

Sponsors:

Environmental Services Department

Attachments:

[Bid Award Memo](#)

[Addendum Extension Document](#)

[Bid Tire Specifications and Price List](#)

[Tiresoles Piggyback Agreement with FSA](#)

6.T.2 APPROVE SEGWAY SE-3 PATROLLERS AS A CITY STANDARD AND APPROVE A PURCHASE OF TWO (2) SEGWAY SE-3 PATROLLER VEHICLES IN THE AMOUNT NOT-TO-EXCEED \$28,000

Recommendation: Motion to Approve Segway SE-3 Patrollers as a City Standard and to approve a purchase of two (2) Segway SE-3 Patroller vehicles from Segway, Inc. in the amount not-to-exceed \$28,000

Sponsors:

Police Department

Attachments:

[Sole Source 2017](#)

[Segway Quote](#)

6.U. AMENDMENT TO EXTEND THE AGREEMENT WITH DUBIN & ASSOCIATES, INC. FOR DELRAY BEACH MUNICIPAL TENNIS CENTER AND DELRAY SWIM AND TENNIS CLUB MANAGEMENT (ADDENDUM)

Recommendation: Motion to Approve an amendment to extend the Agreement with Dubin & Associates, Inc. for Delray Beach Municipal Tennis Center and Delray Swim and Tennis Club Management Agreement until award of a new Agreement or June 30, 2017, whichever occurs first.

Sponsors:

Purchasing Department

7. REGULAR AGENDA:**7.A. IN LIEU OF PARKING FEE REQUEST AND IN LIEU OF PARKING AGREEMENT FOR THE LISA BUILDING AT 47 S.E. 5TH AVENUE (QUASI-JUDICIAL HEARING)**

Recommendation: Approve the In Lieu of Parking Fee request in the amount of \$94,640.00 for 4 parking spaces associated with the new construction of a one-story commercial building, subject to the condition that the In Lieu of Parking Fee Agreement be recorded, by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive Plan and meets the criteria set forth in Section 4.6.9(E) of the Land Development Regulations for the property at 47 SE 5th Avenue (located adjacent and immediately south of a municipal parking lot) and authorize the Mayor to sign the Agreement for In Lieu of Parking Fee.

Sponsors: Planning & Zoning Department

Attachments: [In Lieu Parking Agreement Lisa Building](#)
[Lisa Bldg CLV - Site Floor Elevations](#)
[Board Order](#)

7.B. ATLANTIC CROSSING WAIVERS (QUASI-JUDICIAL HEARING) (ADDENDUM)

- Recommendation:**
1. Move approval of a waiver to LDR Section 5.3.1(D)(2), which requires a minimum right-of-way width of 60 feet for the new east/west road between NE 6th Avenue and NE 7th Avenue, based on positive findings with LDR Section 2.4.7(B)(5) with the condition that a public roadway easement be dedicated for the roadway.
 2. Move approval of a waiver to LDR Section 6.1.3(B)(1)(f), which requires an 8-foot wide sidewalk where 6 feet is proposed along the north side of the new east/west road between NE 6th Avenue and NE 7th Avenue, based on positive findings with LDR Section 2.4.7(B)(5).
 3. Move approval of a waiver to LDR Section 4.4.13(F)(4), which requires minimum and maximum building setbacks for the buildings and frontage along the new east/west road between NE 6th Avenue and NE 7th Avenue, based on positive findings with LDR Section 2.4.7(B)(5).
 4. Move approval of a waiver to LDR Section 4.6.18(B)(14)(iv)(2), which requires a minimum wall transparency on the ground floor of 75% where 37.5% is proposed for the building on the south side of the new east/west road between NE 6th Avenue and NE

7th Avenue, based on positive findings with LDR Section 2.4.7(B) (5).

Sponsors: Planning & Zoning Department

Attachments: [Atlantic Crossing location map](#)
[Mid-Block Access Plan](#)
[Waiver request letter](#)
[3BG8622-Waivers Development Order](#)

7.C. ATLANTIC CROSSING SETTLEMENT AGREEMENT - EDWARDS CDS, LLC VS. THE CITY OF DELRAY BEACH (ADDENDUM)

Recommendation: Motion to Approve the omnibus settlement agreement between Edwards CDS, LLC and the City of Delray Beach related to the Atlantic Crossing development.

Sponsors: City Attorney Department

Attachments: [3BH2453-Settlement Agreement March 1 Meeting](#)
[2011 Development Agreement](#)
[Site Plan Approval Letter with Conditions](#)

8. PUBLIC HEARINGS:

8.A. None.

9. FIRST READINGS:

9.A. ORDINANCE NO. 05-17: TO INDIVIDUALLY DESIGNATE “THE CLINT MOORE HOUSE” AT 1420 NORTH SWINTON AVENUE ON THE LOCAL REGISTER OF HISTORIC PLACES (FIRST READING)

Recommendation: Approve Ordinance No. 05-17 on First Reading for the Individual Designation of The Clint Moore House on the Local Register of Historic Places.

Sponsors: Planning & Zoning Department

Attachments: [Ordinance 05-17 Clint Moore House Designation](#)
[HPB Staff Report 080316](#)
[1420 N Swinton Avenue Designation Report](#)

9.B. ORDINANCE NO. 10-17: AMENDING CHAPTER 118, “SOLICITORS AND PEDDLERS AND DISTRIBUTION OF HANDBILLS” (FIRST READING)

Recommendation: Motion to approve Ordinance 10-17 on first reading. If passed, a public hearing will be held on March 28, 2017.

Sponsors: City Attorney Department

Attachments: [Ord 10-17 hours of solicitation ordinance](#)

9.C. ORDINANCE NO. 11-17: AMENDING CHAPTER 31, "CITY OFFICIALS AND EMPLOYEES," SECTION 31.17, "INDEMNIFICATION" (FIRST READING)

Recommendation: Motion to Approve Ordinance No. 11-17 on first reading. If passed, a public hearing will be held on March 28, 2017.

Sponsors: City Attorney Department

Attachments: [Ord 11-17 amending Indemnification](#)

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

10.B. City Attorney

10.C. City Commission