

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 4:00 PM

Tuesday, February 4, 2020

Commission Chambers
Delray Beach City Hall

City Commission

Mayor Shelly Petrolia
Vice Mayor Shirley Ervin Johnson
Deputy Vice Mayor Bill Bathurst
Commissioner Adam Frankel
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. None.

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

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

B. From the Public

6. CONSENT AGENDA: City Manager Recommends Approval**6.A. APPROVAL OF UNFORESEEABLE EMERGENCY WITHDRAWAL ASSESSMENT AUTHORIZATION FROM INTERNATIONAL CITY MANAGEMENT ASSOCIATION (ICMA) 457 PLAN**

Recommendation: Motion to Approve the Unforeseeable Emergency Withdrawal Assessment Authorization with ICMA- RC authorizing them to process emergency withdrawal requests on behalf of participants without requiring Employer approval.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[2019-457 Assessment Authorization for Emergency Withdrawals-directive letter](#)

6.B. APPROVE INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY FOR FUNDING CONSTRUCTION/PROFESSIONAL SERVICES FOR FISCAL YEAR 2019/20

Recommendation: Approve the Interlocal Agreement (ILA) between the City of Delray Beach (City) and the Delray Beach Community Redevelopment Agency (CRA) to fund Fiscal Year 2019/20 Capital Projects as described in Exhibit A of the attached agreement for Fiscal Year 2019/20. This amendment adjusts the ILA to remove projects that are being managed by CRA staff and to reflect actual funding requirements for projects that are moving forward under City management.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist form v. 5 ILA for Construction-Professional Services](#)
[CRA - ILA - General Capital Improvement Projects \(004\)](#)

6.C. RESOLUTION NO. 43-20 REQUESTING FOR AUTHORIZATION FOR FLORIDA POWER AND LIGHT TO INSTALL DECORATIVE LED STREET LIGHTS IN THE OSCEOLA PARK NEIGHBORHOOD IMPROVEMENTS PROJECT AND FOR PAYMENT OF A NOT-TO-EXCEED \$300,000 FOR DESIGN AND INSTALLATION

Recommendation: Motion to Approve Resolution No. 43-20 in support of Florida Power and Light (FPL) for the installation of Decorative LED Street Lights for the Osceola Park Neighborhood Improvements Project and for the payment of a not-to-exceed amount of \$300,000 for the design and installation of the Decorative LED fixtures.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[43-20- Legal Review Form 8-17-18 FPL Resolution](#)
[Res 43-20](#)

6.D. APPROVAL OF AMENDMENT 3 RETROACTIVELY APPROVING CONTRACT RENEWAL WITH T2 SYSTEMS, INC. FOR MULTI-SPACE SMART PARKING METERS AND REDUCING RENEWAL AMOUNTS

Recommendation: Motion to approve Amendment 3, for retroactive contract renewal with T2 Systems, Inc. for multi-space parking meters, and authorize the City Manager to approve renewal options, in the amounts below, contingent upon appropriation of funds.

Sponsors: Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review- Multispace Smart Parking Meters- With amended values](#)
[Amendment No. 3 Multi-Space](#)
[T2 Sytems, Inc. - amd 2 to solicitation no. 2016-057L multi-spac \(1\)](#)
[Amendment No. 1 Multi-Space Smart Parking Meters](#)

- 6.E.** RATIFICATION OF THE EMERGENCY ACQUISITIONS RELATED TO THE REPAIR OF A BROKEN 12-INCH WATER MAIN AT 911 SE 6TH AVE, THE VICINITY OF SE 10TH ST AND FEDERAL HWY, IN THE AMOUNT OF \$86,456.00 TO JOHNSON-DAVIS, INC. AND \$4,600.36 TO FORTILINE WATERWORKS, FOR AN AGGREGATE TOTAL OF \$91,056.36

Recommendation: Approve ratification of the emergency acquisitions for the repair of a 12-inch water main at 911 SE 6th Avenue, the vicinity of SE 10th Street and Federal Highway, in the amount of \$86,456.00 to Johnson-Davis, Inc. and \$4,600.36 to Fortiline Waterworks, for a total final repair cost of \$91,056.36.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)
[19-0820_1906 RE_ICWW Pipe Break_Beach Drive_NE 4th Street_Emergen](#)
[19-0905 Fortiline invoices_SE 10 ST WM Emrgncy Rprs](#)
[19-0905 Johnson Davis partial invoice_SE 10 ST WM Emrgncy Repair A](#)
[20-0108_1541 Email from FDOT Cosultant_Paving Finaled](#)

6.F. PROCLAMATIONS:

6.F.1. BLACK HISTORY MONTH PROCLAMATION

Recommendation: Motion to approve the proclamation declaring February as Black History Month.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Black History Month Proclamation 2019](#)

6.G. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:

6.G.1. REPORT OF APPEALABLE LAND USE ITEMS FROM JANUARY 6, THROUGH JANUARY 17, 2020.

Recommendation: By motion, receive and file this report.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Appealable Items Map 2.4.20](#)
[A - 1395 NW 17th Avenue; Delray North Business Park - Appealable Report](#)
[B - 25 SW 5th Avenue; Sweet Jamaican Rest.- Appealable Report](#)
[C - 925 S. Congress Avenue; A-Christian Glass- Appealable Report](#)
[D- 2870 Florida Blvd - Wellness Resource Center - Appealable Report](#)
[E - 190 SE 5th Avenue; Frankie Beans- Appealable Report](#)
[F - 210 NE 6th Avenue; Nina Ranor- Appealable Report](#)
[G - 885 SE 6th Avenue; Mayfair Federal Plaza- Appealable Report](#)
[H - 308 NW 2nd Street- Appealable Report](#)
[I - 4-8 E Atlantic Avenue; Tin Roof - Appealable Report](#)
[J - 702 NE 3rd Avenue - Appealable Report](#)

6.H. AWARD OF BIDS AND CONTRACTS:**6.H.1. APPROVAL OF RESOLUTION NO. 07-20 TO APPROVE AN AGREEMENT WITH BAXTER AND WOODMAN, INC. FOR CONSTRUCTION ENGINEERING AND INSPECTION SERVICES FOR SW 4TH STREET, SW 6TH STREET, S.W. 7TH AVENUE, AND S.W. 3RD COURT NEIGHBORHOOD IMPROVEMENTS PURSUANT TO RFQ NO. 2019-045 (PROJECT NO. 17-108) - \$587,416**

Recommendation: Motion to Approve Resolution No. 07-20 to award an Agreement with Baxter and Woodman, Inc. for Construction Engineering and Inspection Services for SW 4th St, SW 6th St, SW 7th Ave and SW 3rd Ct Neighborhood Improvements project pursuant to RFQ No. 2019-045 (Project No. 17-108) - \$587,416.

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

Attachments: [Agenda Cover Report](#)
[Exhibit A to Resolution 07-20- Signed Agreement BW](#)
[Resolution No. 07-20 CEI SW Neighborhoods BW](#)
[Legal Review Checklist 2019-045 Baxter & Woodman CEI SW Neighborhood In](#)
[Submittal - Baxter and Woodman - SW Neighborhoods CEI](#)
[2019-045 Scoring Summary after Final Rankings](#)

6.H.2. APPROVAL OF RESOLUTION NO. 24 -20 TO APPROVE AN AGREEMENT WITH RIC-MAN CONSTRUCTION, INC. FOR SW 4TH STREET, SW 6TH STREET, S.W. 7TH AVENUE, AND S.W. 3RD COURT NEIGHBORHOOD IMPROVEMENTS PURSUANT TO ITBC NO. 2019-048 (PROJECT NO. 17-108) - \$5,648,785

Recommendation: Motion to Approve Resolution No. 24-20 to award an Agreement with Ric-Man Construction, Inc. for SW 4th St, SW 6th St, SW 7th Ave and SW 3rd Ct Neighborhood Improvements project pursuant to ITBC No. 2019-048 (Project No. 17-108) - \$5,648,785.

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

Attachments: [Agenda Cover Report](#)
[Agreement - 2019-048 - Ric-Man Signed](#)
[Exhibit A - Ric Man Submittal Combined](#)
[Exhibit B - Ric-Man Pricing Schedule](#)
[Res 24-20 Ric-Man Constr Inc](#)
[Legal Review Checklist Ric-Man Construction Agreement](#)
[Bid Tabulation Bid 2019-048](#)

7. REGULAR AGENDA:

7.A. RESOLUTION NO: 34-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE PURSUANT TO LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, AND THE COMPREHENSIVE PLAN, TO ALLOW THE ESTABLISHMENT OF A COMMUNITY RESIDENCE AT 727 PLACE TAVANT WITHIN 570 FEET OF ANOTHER EXISTING COMMUNITY RESIDENCE; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

Recommendation: Review and consider Resolution No. 34-20, a Conditional Use request to allow for a Family Community Residence located at 727 Place Tavant.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Planned Care Home II - Location Map](#)
[Planned Care Home II - Resolution](#)
[Planned Care Home II - Legal Review Form](#)
[Planned Care Home II - PZB Staff Report](#)
[Planned Care Home II - ACHA Certification](#)
[Planned Care Home II - APD Certification](#)
[Planned Care Home II- CUP Applicant Responses](#)

7.B. POLICE ADVISORY BOARD NOMINATIONS FOR APPOINTMENT

Recommendation: Recommendation for appointment of one (1) regular member to serve an unexpired term ending July 31, 2022 and one (1) regular member to serve a term ending July 31, 2021.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Police Advisory Board](#)

[Exhibit A](#)

[Police Advisory Board Attendance 4th quarter](#)

[1. Abramson](#)

[2. Burgess](#)

[3. Evans](#)

[4. Feldmanis](#)

[5. Harold](#)

[6. Ratlieff](#)

[7. Rex](#)

[8. Trupia](#)

7.C. RECOMMENDATION FOR APPOINTMENT TO THE BOARD OF TRUSTEES FOR THE POLICE OFFICERS' RETIREMENT SYSTEM

Recommendation: Recommendation for appointment of one (1) regular member to serve an unexpired term ending October 4, 2020.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Exhibit A](#)

[Applicant #1](#)

[Board of Trustees for the Police Officers' Retirement System 3](#)

[Police Officers' Retirement System Attendance](#)

8. PUBLIC HEARINGS:

- 8.A.** ORDINANCE NO. 19-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING THE “ALWAYS DELRAY” COMPREHENSIVE PLAN FOR THE 2019-2040 PLANNING HORIZON BY REPEALING AND REPLACING THE ADOPTED COMPREHENSIVE PLAN IN ITS ENTIRETY; PROVIDING FOR THE GOALS, OBJECTIVES, AND POLICIES, INCLUDING THE “ALWAYS DELRAY” MAP SERIES FOR THE FOLLOWING ELEMENTS: HEALTHY COMMUNITY; HISTORIC PRESERVATION; HOUSING; MOBILITY; CAPITAL IMPROVEMENTS; ECONOMIC PROSPERITY; STRATEGIC PARTNERSHIPS; COASTAL MANAGEMENT; CONSERVATION, SUSTAINABILITY AND RESILIENCY; OPEN SPACE, PARKS, AND RECREATION; EDUCATION; NEIGHBORHOODS, DISTRICTS, AND CORRIDORS; AND PUBLIC FACILITIES AND SERVICES; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (SECOND READING)

Recommendation: Review and consider Ordinance No. 19-19 at second reading to adopt the Always Delray Comprehensive Plan.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Always Delray_Revisions from Transmittal](#)
[Always Delray Comments_DEO.pdf](#)
[Always Delray Comments_FDOT](#)
[Always Delray Comments_SFWMMD](#)
[Always Delray Comments_PBC](#)
[Ord. No. 19-19 Always Delray Comprehensive Plan](#)
[Exhibit A Current Comprehensive Plan](#)
[Always Delray Vision & Acknowledgments](#)
[Exhibit B.1 Healthy Community GOPs](#)
[HCE DIA](#)
[Exhibit B.2 Historic Preservation GOPs](#)
[HPE DIA](#)
[Exhibit B.3 Housing GOPs](#)
[HOU DIA](#)
[Exhibit B.4 Mobility GOPs](#)
[MBL DIA](#)
[Exhibit B.5 Capital Improvements GOPs](#)
[CIE DIA](#)
[Exhibit B.6 Economic Prosperity GOPs](#)
[ECP DIA](#)
[Exhibit B.7 Strategic Partnerships GOPs](#)
[SPE DIA](#)
[Exhibit B.8 Coastal Management GOPs](#)
[CME DIA](#)
[Exhibit B.9 Conservation Sustainability Resiliency GOPs](#)
[CSR DIA](#)
[Exhibit B.10 Open Space Parks Recreation GOPs](#)
[OPR DIA](#)
[Exhibit B.11 Education GOPs](#)
[EDU DIA](#)
[Exhibit B.12 Neighborhoods Districts Corridors GOPs](#)
[NDC DIA](#)
[Exhibit B.13 Public Facilities GOPs](#)
[PFE DIA](#)
[Exhibit B.14 Always Delray Map Series](#)
[DIA Map Series](#)
[Always Delray Definitions](#)

[Always Delray Project List](#)

9. FIRST READINGS:

9.A. None.

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

B. City Attorney

C. City Commission