

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, June 18, 2019

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. POST LEGISLATIVE SESSION UPDATE BY REPRESENTATIVE MICHAEL CARUSO**

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

4.B. PRESENTING OSCAR DOMINGUEZ, TECHNICAL SERVICES MANAGER, WITH EMPLOYEE OF THE MONTH FOR JUNE 2019.

Recommendation: Motion to present Oscar Dominguez, Technical Services Manager, with Employee of the Month for June 2019.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Dominguez Employee of the Month nomination form](#)

4.C. Internal Auditor's Report

4.C.1. None

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. CITY COMMISSION MEETING MINUTES

Recommendation: Motion to approve meeting minutes as listed below:

May 7, 2019 City Commission Minutes
June 4, 2019 City Commission Minutes

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[May 7, 2019 City Commission Regular Minutes](#)
[June 4, 2019 City Commission Minutes](#)

6.B. HOLD HARMLESS AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND 13TH FLOOR INVESTMENTS, LLC.

Recommendation: Motion to Approve Hold Harmless Agreement between the City of Delray Beach and 13th Floor Investments.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)
[Legal Review Form 13th Floor](#)
[HH Agreement for Fire Training at Office Depot](#)

6.C. ITEM (A) - ACCEPTANCE OF A HOLD HARMLESS AGREEMENT FOR 4771 W. ATLANTIC AVE.

Recommendation: **Item A**

Motion to approve and accept Hold Harmless Agreement located at 4771 W Atlantic Ave.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Item \(A\) Hold Harmless Agreement for 4771 W Atlantic](#)
[Item \(A\) PAPA Map for 4771 W Atlantic](#)
[Item \(A\) PAPA Page for 4771 W Atlantic](#)
[Item \(A\) Sunbiz Page for 4771 W Atlantic](#)
[Item \(A\) Civil Engineering Plans for 4771 W Atlantic](#)
[Legal Review Hold Harmless Agreement with 4771 W Atlantic](#)

6.D. RETROACTIVE APPROVAL OF AMENDMENT NO. 1 TO THE AGREEMENT WITH BAXTER & WOODMAN, INC. FOR CONSTRUCTION, ENGINEERING, AND INSPECTION (CEI) SERVICES FOR AREA 12C RECLAIMED WATER MAIN EXPANSION FOR TWO MONTH CONTRACT EXTENSION

Recommendation: Motion to retroactively approve Amendment No.1 to the Agreement with Baxter & Woodman, Inc. for construction, engineering, and inspection (CEI) services for Area 12C Reclaimed Water Main Expansion for a two month contract extension.

Sponsors: Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist form v. 5 Baxter Woodman CEI services](#)
[Fully Executed Agreement - RFQ 2017-042](#)
[Amendment 1 to Baxter Woodman CEI 12C Reclaimed Water Expansion Revisi](#)

6.E. PROCLAMATIONS:

6.E.1. None

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

6.F.1. None

6.G. AWARD OF BIDS AND CONTRACTS:

- 6.G.1.** APPROVAL OF RESOLUTION NO. 91-19 TO APPROVE AN AGREEMENT WITH ROSSO SITE DEVELOPMENT, INC. FOR SEACREST BLVD. FROM NE 22ND STREET TO GULFSTREAM BLVD. CONSTRUCTION PURSUANT TO ITBC NO. 2019-027 (PROJECT NO. 17-010(16-095)) IN AN AMOUNT NOT-TO-EXCEED \$1,935,830

Recommendation: Motion to approve Resolution No. 91-19 to award an Agreement with Rosso Site Development, Inc. for Seacrest Blvd. from NE 22nd Street to Gulfstream Blvd. Construction pursuant to ITBC No. 2019-027 (Project No. 17-010(16-095)) in an amount not-to-exceed \$1,935,830.

Sponsors: Public Works Department - Programs & Project Management

Attachments: [Agenda Cover Report](#)
[Executed Agreement - Rosso - Bid 2019-027 Seacrest Beautification](#)
[Exhibit A, Contractor's Bid Response](#)
[Exhibit B, Contractor's Pricing Schedule](#)
[Exhibit C, FDOT Required Clauses](#)
[Resolution No. 91-19 \(1\)](#)
[Legal Review Checklist Construction Agreement with Russo Site Development 2019-027 Phase 3 Seacrest Beautification \(rev 6 Final and Complete\)](#)
[2019-027 Addendum No. 1](#)
[Rosso Bid Submittal](#)
[2019-027 Bid Tabulation](#)

- 6.G.2** APPROVAL OF RESOLUTION NO. 100-19 TO AWARD A SOLE SOURCE AGREEMENT WITH RECHTIEN INTERNATIONAL TRUCKS, INC. FOR INTERNATIONAL OEM PARTS AND RELATED SERVICES - \$75,000

Recommendation: Motion to approve Resolution No. 100-19 to award a sole source agreement with Rechten International Trucks, Inc. for International OEM parts and related services in an estimated cost of \$75,000 and authorize the City Manager to approve renewal options, in the same amounts, contingent upon appropriation of funds.

Sponsors: Public Works Department - Fleet Division

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist Rechten International sole source international navistar](#)
[Resolution No. 100-19](#)
[Approved Rechten International Sole Source Justification](#)
[Rechten Agreement Vendor Executed](#)

6.G.3. RESOLUTION 120-19: APPROVAL OF AGREEMENT WITH SMITH AND WESSON FOR TRADE OF DUTY WEAPONS

Recommendation: Motion to approve Resolution # 120-19 approving an agreement with Smith and Wesson for trade of Police Department's duty weapons at no cost to the City.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[Resolution 120-19 APPROVAL OF AGREEMENT WITH SMITH AND WESSON I](#)
[Trade Agreement_LW review](#)
[Legal Review Checklist_LW Smith and Wesson Trade](#)
[TRADE QUOTE - Delray Beach PD](#)

7. REGULAR AGENDA:**7.A. APPOINTMENT OF ASSISTANT CITY ATTORNEY**

Recommendation: Motion to appoint Kelly Brandon as Assistant City Attorney.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

7.B. NOMINATION FOR APPOINTMENT TO THE EDUCATION BOARD

Recommendation: Motion to approve nomination for appointment for one (1) regular member to serve on the Education Board for two year terms ending July 31, 2021.

Sponsors: City Clerk Department

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

7.C. NOMINATIONS FOR APPOINTMENT TO THE POLICE ADVISORY BOARD

Recommendation: Motion to approve nominations for appointment for five (5) regular members to serve on the Police Advisory Board for two (2) year terms ending July 31, 2021.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[06182019 Exhibit A](#)
[Police Advisory Board Member List](#)
[Police Advisory Board Attendance List](#)
[Police Advisory Board Apps](#)

7.D. NOMINATIONS FOR APPOINTMENT TO THE PUBLIC ART ADVISORY BOARD

Recommendation: Motion to approve nominations for appointment for three (3) regular members to serve on the Public Art Advisory Board for two (2) years term ending July 31, 2021.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[06182019 Exhibit A](#)
[Public Art Advisory Board Member List](#)
[Public Art Advisory Board Attendance List](#)
[Public Arts Advisory Boards Applications](#)

7.E. RESOLUTION NO. 116-19, BUDGET AMENDMENT

Recommendation: Motion to Approve Resolution No. 116-19 amending the budget for Fiscal Year (FY) 2018/19 adopted September 25, 2018.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[Exhibit A Mid Year Amendment - 2019](#)
[Mid-Year Amendment Narrative - 2019](#)
[Mid Year Budget Amendment Summary - 2019](#)
[Resolution No 116-19 - 2019](#)

7.F. DISCUSSION AND DIRECTION REGARDING DISPARITY STUDY

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

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; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (FIRST READING)

Recommendation: Review and consider Ordinance No. 19-19 at first reading to transmit the Always Delray Comprehensive Plan to the Department of Economic Opportunity for review.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ord. No. 19-19 Always Delray Comprehensive Plan](#)
[Exhibit A Current Comprehensive Plan](#)
[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](#)
[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 Project List](#)
[Always Delray Element Overview 13 Elements](#)

9. FIRST READINGS:

9.A. None

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

B. City Attorney

C. City Commission