

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, February 7, 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. EMPLOYEE OF THE MONTH FOR FEBRUARY 2017 - CHRIS ZIDAR, FIRE CAPTAIN**

Recommendation: Present Chris Zidar as Employee of the Month for February 2017.

Sponsors: Human Resources Department

Attachments: [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. PURCHASE AGREEMENTS TO HARDRIVES OF DELRAY, INC. AND AUSTIN TUPLER TRUCKING, INC. FOR ROAD CONSTRUCTION MATERIALS**

Recommendation: Motion to Approve an annual Purchase Agreement with Hardrives of Delray, Inc. d/b/a Hardrives, Inc. for asphalt road materials in a not-to-exceed amount of \$75,000 per year. Motion to Approve an annual Purchase Agreement with Austin Tupler Trucking, Inc. for non-asphalt road materials in a not-to-exceed amount of \$75,000 per year.

Sponsors: Purchasing Department

Attachments: [Austin Tupler Trucking](#)
[Hardrives](#)
[Hardrives \(Pricing Only\)](#)
[2017-015 No-bid Survey Feedback](#)
[2017-015 Approved Recommendation Memo to Dept](#)
[Hardrives, Agreement PO Award FINAL](#)
[Tupler, Agreement PO Award FINAL](#)

6.B. AWARD OF AN AGREEMENT TO GEOGRAPHIC TECHNOLOGIES GROUP, INC. FOR DATA CONVERSION SERVICES

Recommendation: Motion to Award an Agreement to Geographic Technologies Group, Inc.

through February 15, 2018 for data conversion services in the not-to-exceed amount of \$100,000.

Sponsors: Purchasing Department

Attachments: [ITB 2017-016 Complete](#)
[2017-016 Addendum 1](#)
[2017-016 Addendum 2](#)
[2017-016 Addendum 3](#)
[Geographic Technologies Group](#)
[Data Conversion Services Agreement](#)

6.C. RETROACTIVELY APPROVE AMENDMENT NO. 1 WITH ALEXIS KNIGHT ARCHITECTS, INC. FOR ARCHITECTURAL COMPLIANCE REVIEW

Recommendation: Motion to retroactively approve Amendment No. 1 with Alexis Knight Architects, Inc., for architectural compliance review for properties in the Beach Overlay District in an amount not-to-exceed \$20,000.

Sponsors: Purchasing Department

Attachments: [2014-08 Signed Agreement](#)
[Alexis Knight Award Letter](#)
[2014-08 - Agreement Amendment 1 \(Final\)](#)

6.D. AWARD OF AN AGREEMENT FOR PRIVATE SECURITY SERVICES FOR ATP CHAMPIONS TOUR / DELRAY BEACH OPEN TENNIS TOURNAMENT

Recommendation: Motion to Approve the award of a two-year agreement for private security service for the ATP Champions Tour/Delray Beach Open to Stonegate Allied Services, LLC in an amount not-to-exceed \$96,000.

Sponsors: Purchasing Department

Attachments: [MatchPoint Agreement](#)
[MatchPoint Amendments 1-5](#)
[ITB 2017-033](#)
[Bid 2017-033 Delray Beach Open Tab](#)
[Agreement 2017-033 final](#)

6.E. AWARD OF AN AGREEMENT TO WEST CONSTRUCTION, INC. FOR THE CONSTRUCTION OF THE SW 10TH AVE SIDEWALK AND BLOCKS 8 AND 20 ALLEY IMPROVEMENTS PROJECTS NOS. 2014-002 AND 2009-006 IN THE AMOUNT OF \$305,000

Recommendation: Motion to Approve the award of an agreement to West Construction, Inc. in the amount of \$305,000 for the SW 10th Ave Sidewalk and Blocks 8 and 20 Alley Improvements (Projects Nos. 2014-002 and 2009-006).

Sponsors: Purchasing Department

Attachments: [Award Recommendation Memo by Department](#)
[2017-012 - SW 10th Ave Sidewalk and Blocks 8 and 20 Alley Improvements 91](#);
[West Construction, Inc. - ITBC No. 2017-012 Submittal](#)
[ITBC 2017-012 Tabulation Sheet - SW 10th Ave Sidewalk and Blocks 8 and 20](#)
[Location - Layout](#)
[Executed Agreement by West Construction, Inc.](#)

6.F. REJECT ALL BIDS FOR ITBC 2016-090 TROPIC PALMS WATER MAIN REPLACEMENT PHASE 2, PROJECT 15-022.

Recommendation: Motion to Reject all bids received in response to ITBC 2013-090 Tropic Palms Water Main Replacement Phase 2, Project No. 15-022.

Sponsors: Purchasing Department

6.G. SERVICE AUTHORIZATION NO. 12-16.1 TO MATHEWS CONSULTING INC. FOR DESIGN SERVICES RELATED TO THE TROPIC PALMS WATER MAIN REPLACEMENT PROJECT PHASE 2 (PROJECT NO. 15-022)

Recommendation: Motion to Approve Service Authorization No. 12-16.1 with Mathews Consulting, Inc. in the amount not-to-exceed \$35,280 for design services related to value engineering the Tropic Palms Water Main Replacement Project Phase 2, Project No. 15-022.

Attachments: [Tropic Palms WM Phase 2 - Amendment 1](#)
[Tropic Palms WM PH 2 Location Map](#)

6.H. APPROVAL OF RANKING AND AUTHORIZATION TO ENTER INTO NEGOTIATIONS FOR CONTINUING GENERAL ARCHITECTURAL CONSULTING SERVICES

Recommendation: Motion to Approve the ranking and authorize negotiations with Currie Sowards Aguila Architects, Inc., Walter Zackria Associates, PLLC, Song & Associates, Inc. and BEA Architects, Inc., for Continuing General Architectural Consulting Services.

Sponsors: Purchasing Department

Attachments: [RFQ 2017-010 - General Architectural Consulting Services Complete](#)
[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 Serv](#)
[Currie, Sowards, Aguila Architects - RFQ NO. 2017-010](#)
[Exhibit A - Agreement \(r1\)](#)
[2017-010 Intent to Rank Notice](#)
[2017-010 Technical Eval - Sign In Sheet 1-11-17](#)
[RFQ 2017-010 - Scoring Summary](#)

6.I. SERVICE AUTHORIZATION NO. 16-02.1 WITH CALVIN, GIORDANO & ASSOCIATES, INC. FOR ADDITIONAL ENGINEERING PLAN REVIEW SERVICES.

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 engineering review services related to site plan permitting.

Sponsors: Environmental Services Department

Attachments: [Service Authorization No. 16-02.1](#)
[Letter - Extension request Calvin Giordano. 11.22.16](#)
[Amendment 3 Calvin Giordano](#)

6.J. APPROVE ACCEPTANCE OF A RIGHT-OF-WAY DEED FOR A 25 FOOT STRIP OF RIGHT-OF-WAY AT 1475 SW 4TH AVENUE

Recommendation: Motion to Approve the acceptance of a Right-of-Way deed for a 25 foot strip of right-of-way at 1475 SW 4th Avenue.

Sponsors: Planning & Zoning Department

Attachments: [Right-of-Way Deed - Brookstone Delray Associates Inc](#)

6.K. AMENDMENT NO. 1 TO SERVICE AUTHORIZATION NO. 12-21 TO KIMLEY HORN AND ASSOCIATES, INC. FOR ASSISTANCE WITH RESOLVING THE CHLORINE RESIDUAL DEPLETION IN THE WATER DISTRIBUTION SYSTEM

Recommendation: Motion to Approve Amendment No.1 to Service Authorization No. 12-21 with Kimley Horn and Associates, Inc. in the amount not-to-exceed \$34,702.00, to provide additional professional engineering services for treatment process changes to resolve the chlorine residual depletion issues experienced in the water distribution system.

Sponsors: Environmental Services Department

Attachments: [Letter - Extension request Kimely-Horn Associates Inc. 11-22-16](#)
[Amendment No. 1 to Service Authorization No. 12-21 with Kimley Horn & Assoc](#)

6.L. SERVICE AUTHORIZATION NO. 12-18 TO KIMLEY-HORN AND ASSOCIATES, INC. IN THE AMOUNT OF \$22,245.00 FOR ADDITIONAL ENGINEERING SERVICES RELATED TO AN ASSESSMENT OF USING THE DELRAY BEACH GOLF CLUBHOUSE AS A TEMPORARY EMERGENCY OPERATIONS CENTER (EOC)

Recommendation: Motion to Approve Service Authorization No.12-18 in the amount of \$22,245.00 for additional engineering services related to an assessment of using the Delray Beach Golf Clubhouse as a temporary EOC.

Sponsors: Environmental Services Department

Attachments: [Service Authorization No.12-18](#)

6.M. FOURTH & FIFTH DELRAY HOLD HARMLESS AGREEMENT FOR WORK PERFORMED WITHIN THE STATE OF FLORIDA RIGHT-OF-WAY

Recommendation: Motion to accept a Hold Harmless Agreement for work in Florida Department of Transportation's (FDOT) right-of-way.

Sponsors: Environmental Services Department

Attachments: [Location Map](#)
 [Hold Harmless Agreement](#)
 [FDOT Utility Permit](#)
 [Site Plan](#)

6.N. REQUEST FOR SUBORDINATION OF SECOND MORTGAGE FOR 243 SW 4TH AVENUE

Recommendation: Motion to Approve a request for the City to subordinate its second mortgage position in the amount of \$10,908.10 for the property located at 243 SW 4th Avenue.

Sponsors: Community Improvement

Attachments: [Subordination Agreement](#)
 [City of Delray Bch Subordination Policy #1](#)
 [CD Updated](#)
 [Title Report](#)
 [Appraisal Report](#)
 [Subordinate Balloon Mortgage](#)

6.O. HOUSING REHABILITATION GRANT AWARD TO COSUGAS, LLC. FOR 323 NW 2ND AVENUE IN THE AMOUNT OF \$48,035.60

Recommendation: Motion to Approve a housing rehabilitation grant in the amount of \$ 48,035.60 to Cosugas LLC and directing the City Manager to do all things necessary to implement this action and a motion to waive the \$45,000 maximum grant award established for housing rehabilitation projects under the Neighborhood Services Divisions approved Policies and Procedures, funded under the Community Development Block Grant (CDBG) Program for the property located at 323 NW 2nd Avenue Delray Beach, FL.

Sponsors: Community Improvement

Attachments: [2017-004 Tabsheet](#)
 [Bid 2017-004 Bennett 2016-140](#)
 [Bid Information Sheet - Bennett 2](#)
 [CONTRACT CDBG Bennett](#)
 [Lien Agreement \(CDBG\)](#)
 [Memorandum of Understanding](#)
 [Notice to Proceed](#)
 [Subordination Agreement](#)

6.P. HOUSING REHABILITATION GRANT AWARD TO CJ CONTRACTING, LLC. FOR 239 NE 9TH STREET IN THE AMOUNT OF \$53,616.10

Recommendation: Motion to Approve a housing rehabilitation grant in the amount of \$53,616.10 to CJ Contracting, LLC and directing the City Manager to do all things necessary to implement this action and a motion to waive the

\$37,000 maximum grant award established for housing rehabilitation projects under the Neighborhood Services Divisions approved Policies and Procedures, funded under the State Housing Partnership Program (SHIP) Program for the property located at 239 NE 9th Street (Shoun), Delray Beach, FL.

Sponsors: Community Improvement

Attachments: [2016-122 Bid Tabulation Sheet](#)
[BID 2016-122 Shoun](#)
[Bid Information Sheet](#)
[Lien Agreement\(SHIP\)](#)
[Memorandum of Understanding](#)
[Notice to Proceed](#)
[SHIP Shoun-CJ Contracting Agreement](#)

6.Q. APPROVAL OF POLL WORKERS FOR THE FIRST NONPARTISAN ELECTION ON MARCH 14, 2017.

Recommendation: Motion to Approve the poll workers for the First Nonpartisan Election to be held on March 14, 2017.

Sponsors: City Clerk Department

Attachments: [2017 Poll Worker List for the Municipal Election](#)

6.R. PROCLAMATIONS:

6.R.1. None

6.S. REPORT OF APPEALABLE LAND USE ITEMS JANUARY 2, 2017 THROUGH JANUARY 20, 2017.

Recommendation: By motion, receive and file this report.

Sponsors: Planning and Zoning Board

Attachments: [Location Map](#)
[Bank United](#)
[Patio Beach Delray](#)

6.T. AWARD OF BIDS AND CONTRACTS:

6.T.1. None

7. REGULAR AGENDA:

7.A. NOMINATION FOR APPOINTMENT TO THE GENERAL EMPLOYEES RETIREMENT COMMITTEE

Recommendation: Motion to Approve a nomination for appointment for one (1) regular

member to serve on the General Employees Retirement Committee for an indefinite term.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)
[General Employees Retirement Committee Member List](#)
[General Employees Retirement Committee Attendance List](#)

8. PUBLIC HEARINGS:

- 8.A.** ORDINANCE NO. 01-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 91, "ANIMALS", BY REPEALING SECTION 91.18, "RETAIL SALE OF DOGS AND CATS" AND READOPTING SAME, AS REVISED IN ORDER TO REQUIRE PERMITS FOR ADOPTION EVENTS, PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 91. 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 Adopt Ordinance No. 01-17, amending section 91.18 in order to limit and/or regulate the number of adoption events that may be hosted by pet stores based upon its size. Such events shall now require a permit prior to hosting an adoption event. Additionally, a maximum adoption fee has been established. Any amount charged or collected which exceeds such maximum has been declared a retail sale in violation of the ordinance.

Sponsors: City Attorney Department

Attachments: [Ord 01-17 amending Retail Sale of Dogs and Cats-2nd Reading -Final](#)

- 8.B.** ORDINANCE NO. 04-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 96, "FIRE SAFETY AND EMERGENCY SERVICES", BY RENAMING AND AMENDING SECTION 96.02, "INSPECTIONS REQUIRED" TO PROVIDE A SCHEDULE FOR FIRE SAFETY INSPECTIONS AND RELATED FEES (SECOND READING)

Recommendation: Motion to Approve Ordinance No. 04-17 amending Chapter 96, "Fire Safety and Emergency Services", by renaming and amending section 96.02, "Inspections Required" to provide a schedule for Fire Safety Inspections and related fees.

Sponsors: Fire Rescue Department

Attachments: [Ordinance No. 04-17 - Fire Safety](#)

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