

City of Delray Beach

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www.mydelraybeach.com



Regular Commission Meeting

Tuesday, May 17, 2016

Public Hearings 7:00 p.m.

**Commission Chambers
Delray Beach City Hall**

City Commission

***Mayor Cary Glickstein
Commissioner Shelly Petrolia
Vice Mayor Al Jacquet
Deputy Vice Mayor 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. PRESENTATIONS:****3.A. SPOTLIGHT ON EDUCATION - CARVER MIDDLE SCHOOL**

Sponsors: Community Improvement

3.B. DRUG TASK FORCE - PRESENTATION -SUZANNE SPENCER

Sponsors: City Clerk Department

3.C. PRESENTING GARY FERRERI , DETECTIVE, WITH EMPLOYEE OF THE MONTH APRIL 2016

Recommendation: Motion to Approve Gary Ferreri as employee of the month April 2016

Sponsors: Human Resources Department

Attachments: [Employee of the Month](#)

3.D. RECOGNIZING STUDENT AMBASSADORS BIBIANA ALTMIX, LAUREN BOYLAN, LEAH COSTIGAN, DANA GARCIA, CAROLINA JIMENEZ, RAVEENA PANDHERE AND MATTHEW RODRIGUEZ (ADDENDUM)

Recommendation:

Sponsors: City Clerk Department

Attachments: [Proclamation](#)

4. COMMENTS AND INQUIRIES ON AGENDA AND NON-AGENDA ITEMS FROM THE PUBLIC- IMMEDIATELY FOLLOWING PRESENTATIONS:**5. AGENDA APPROVAL****6. CONSENT AGENDA: City Manager Recommends Approval****6A. APPROVAL OF MINUTES: None****6.B. ACCEPTANCE OF A HOLD HARMLESS AGREEMENT FOR THE ENCROACHMENT OF AN AWNING INTO THE PUBLIC RIGHT-OF-WAY FOR CUT 432 RESTAURANT AT 418 EAST ATLANTIC AVENUE.**

Recommendation: Motion to Approve the Hold Harmless Agreement to allow the encroachment into the public right-of-way at 418 E. Atlantic Avenue.

Sponsors: Planning & Zoning Department

Attachments: [Cut 432 Staff Report and Cover](#)

[Hold Harmless Agreement](#)

[Revised Plans Awning](#)

6.C RESOLUTION NO. 12-16 AUTHORIZING THE CITY MANAGER TO EXECUTE FLORIDA DEPARTMENT OF TRANSPORTATION CONSTRUCTION AGREEMENTS

Recommendation: Motion to Approve Resolution No. 12-16 authorizing the City Manager to sign Florida Department of Transportation (FDOT) Construction Agreements on behalf of the City of Delray Beach, Florida.

Sponsors: Environmental Services Department

Attachments: [FDOT Construction Agreement](#)
[Location Map](#)
[Resolution 12-16](#)

6.D 2016 LOCAL INITIATIVE (LI) AND TRANSPORTATION ALTERNATIVE PROGRAM (TAP) GRANT SUBMITTALS TO THE PALM BEACH COUNTY METROPOLITAN PLANNING ORGANIZATION (MPO)

Recommendation: Motion to submit four (4) grant applications and approve four (4) supporting resolutions for the 2016 Local Initiative and Transportation Alternative Programs funded through the Palm Beach County Metropolitan Planning Organization:

- 1) Alley Upgrades (Local Initiative) Resolution No. 19-16
- 2) Brant Bridge Improvements (Local Initiative) Resolution No. 20-16
- 3) Congress Avenue Complete Street (Local Initiative) Resolution No. 21-16
- 4) Delray Beach Greenway (Transportation Alternative Program) Resolution No.22-16

Sponsors: Environmental Services Department and Kovner

Attachments: [Local Initiative \(Aerial\) - AlleyAtlantic / Lake Ida](#)
[Local Initiative \(Aerial\) - Alley 10th/ Atlantic](#)
[Cost Estimated - Alley Signed](#)
[LI Aerial Bridge](#)
[Cost Est - Brant Bridge - Signed](#)
[LI Aerial Congress](#)
[Cost Est - Comp St - Signed](#)
[TA Aerial Greenway-2](#)
[Cost Est - Greenway - Signed](#)
[Alley Upgrades Resolution No. 19-16](#)
[Brant Bridge Resolution No. 20-16](#)
[Congress Avenue Resolution No.21-16](#)
[E 4 Greenway Resolution No.22-16](#)

6.E LEASE AGREEMENT & ADDENDUM FOR SIDEWALK CAFES ON ATLANTIC AVENUE WITHIN THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) RIGHT-OF-WAY

Recommendation: Motion to approve the Lease Agreement and Addendum for sidewalk cafes on Atlantic Avenue within the Florida Department of Transportation's (FDOT) right-of-way with a one time payment of \$7,950 for the appraisal fee incurred by the FDOT, and not to exceed annual payments of \$14,400.00 for the term of the agreement.

Sponsors: Environmental Services Department

Attachments: [SR 806 Atlantic Avenue ROW](#)

[Location Map](#)

[Delray Beach Sidewalk Cafe Lease Revised 042516](#)

[Delray Beach Sidewalk Cafes - Addendum 2nd 042516](#)

6.F CONTRACT CLOSEOUT (CHANGE ORDER NO. 1/FINAL PAYMENT) WITH B&B UNDERGROUND CONTRACTORS INC. FOR THE ALLEN AVENUE DRAINAGE PROJECT (BID NO. 2015-46)

Recommendation: Motion to approve Contract Closeout Change Order No. 1 to B&B Underground Contractors, Inc., in the net contract deductive amount of (\$15,577.75) and approve a final payment, in the amount of \$13,390.16, to B&B Underground Contractors, Inc., for completion of the Allen Avenue Drainage Improvements Project No. 2009-015.

Sponsors: Environmental Services Department

Attachments: [Change Order No 1. Final](#)

6.G REVOCABLE LICENSE AGREEMENT WITH KNIGHT OF PYTHAGORAS MENTORING NETWORK, INC A FLORIDA NOT-FOR-PROFIT CORPORATION

Recommendation: Motion to Approve a revocable license agreement between the City of Delray Beach and Knights of Pythagoras Mentoring Network INC.

Sponsors: Parks & Recreation Department

Attachments: [Revocable License Agreement For Kinghts of P. And Delray Beach](#)

6.H SCHOOL READINESS PROGRAM FOR THE AFTERSCHOOL PROGRAM LOCATED AT POMPEY PARK AND THE COMMUNITY CENTER WITH THE EARLY LEARNING COALITION OF PALM BEACH COUNTY, INC.

Recommendation: Motion to Approve Renewal of the agreements between Early Learning Coalition of Palm Beach County, Inc. and the City of Delray Beach.

Sponsors: Parks & Recreation Department

Attachments: [CSC SCHOLARSHIP PROVIDER CONTRACT 1](#)

[CSC SCHOLARSHIP PROVIDER CON.](#)

6.I AFTERSCHOOL PROGRAM PROVIDER AGREEMENT/EARLY LEARNING COALITION OF PALM BEACH COUNTY, INC. FOR POMPEY PARK AND THE COMMUNITY CENTER

Recommendation: Motion to Approve Afterschool Program Provider Agreement/Early Learning Coalition of Palm Beach County, Inc.

Sponsors: Parks & Recreation Department

Attachments: [STATEWIDE SCHOOL READINESS PROVIDER CONTRACT](#)
[STATEWIDE SCHOOL READINESS PROVIDER CONTRACT 2](#)

**6.J COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF DELRAY AND
IAFF LOCAL 2928**

Recommendation: Motion to Approve City Of Delray and IAFF Local 2928 agreed to Collectively Bargain three (3) contract articles in order to clean -up administrative language that had no economic impact to either the City or the members of IAFF Local 2928.

Sponsors: Human Resources Department

Attachments: [Articles 11,26,49 TA'd 4-1-16](#)
[Collective Bargaining IAFF Articles, 11, 26, 49](#)

6.K. PROPOSED OFFER OF SETTLEMENT IN THE CASE OF TIMOTHY BELANGER V. CITY OF DELRAY BEACH

Recommendation:

Motion to deny the settlement offer for the reasons discussed in the confidential memorandum previously distributed to the City Commission.

Sponsors: City Attorney Department and Ingles

6.L. RESOLUTION NO. 18-16- NUISANCE ABATEMENT OF TWENTY- NINE PROPERTIES (29) THROUGH OUT THE CITY

Recommendation: Motion to Adopt Resolution No. 18-16 assessing costs for abatement action required to remove nuisances on twenty-nine (29) properties throughout the City.

Sponsors: City Clerk Department

Attachments: [Resolution No. 18-16](#)
Exhibit A

6.M. SISTER CITY AGREEMENT BETWEEN CITY OF DELRAY BEACH AND AQUIN, HAITI

Recommendation: Motion to Approve an Agreement between the City of Delray Beach and the City of Aquin, Haiti to join their respective cities in a Sister Cities partnership.

Sponsors: City Manager Department

Attachments: Sister City Agreement draft 5-17-16

6.N. PROCLAMATIONS:

6.N.1 WATER REUSE WEEK MAY 15 - 21, 2016 - PROCLAMATION

Sponsors: City Clerk Department

Attachments: [Water Reuse Week May 15 - 21 2016](#)

6.N.2 LADIES OF DISTINCTION DAY - MAY 7, 2016

Sponsors: City Clerk Department

Attachments: [Proclamation](#)

6.O. REPORT OF APPEALABLE LAND USE ITEMS APRIL 11, 2016 THROUGH APRIL 22, 2016

Recommendation: By motion, receive and file this report.

Sponsors: Planning and Zoning Board

Attachments: [Location Map](#)
[Ligotti Medical Center](#)
[Dunkin Donuts](#)
[Auto Zone Delray](#)
[Kelly Building](#)

6.P. AWARD OF BIDS AND CONTRACTS:

6.P.1. PURCHASE AWARD TO STINGRAY CHEVROLET FOR ONE (1) 2016 CHEVROLET TAHOE POLICE RATED UTILITY VEHICLE

Recommendation: Motion to award a purchase to Stingray Chevrolet, utilizing Florida Sheriff's Association contract # 15-23-0904, in the amount of \$39,519.00 to purchase one (1) 2016 Chevrolet Tahoe Police Rated Utility Vehicle.

Sponsors: Purchasing Department

Attachments: [Purchasing Checklist](#)
[15-23-0904 Bid Award Document](#)
[Stingray Letter 5-2-16](#)
[Chevy Tahoe PPV Quote-Stingray](#)

7. REGULAR AGENDA:

7.A. CITY COMMISSION APPEAL OF THE MARCH 21, 2016 PLANNING & ZONING BOARD SIMILARITY OF USE DETERMINATION FOR TATTOO ESTABLISHMENTS (QUASI-JUDICIAL HEARING)

Recommendation: Consideration of appeal of the March 21, 2016 Planning & Zoning Board Similarity of Use Determination for Tattoo Establishments.

Sponsors: Planning & Zoning Department

Attachments: [Planning & Zoning Board Staff Report](#)
[March 21, 2016 Tattoo](#)
[Letter to Tim Stillings re Adminin Similarity of Use Determination. Stamped. Feb](#)
[Letter to Tim Stillings and Mark McDonnell re Tatoo Studio 3.4.16](#)
[Letter to Tim Stillings re Presentation to City Commission 4.27.16](#)
[Article re Tattoo Artists - Provided by Agent](#)
[Letter with Transcript 5.5.16](#)

- 7.B.** 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)

Sponsors: City Clerk Department

- 7.B.1.** SERVICE AUTHORIZATION NO. 12-22 WITH MATHEWS CONSULTING, INC. FOR GENERAL CONSTRUCTION ADMINISTRATION AND INSPECTION SERVICES RELATED TO THE AREA 12B RECLAIMED WATER EXPANSION PROJECT

Recommendation: Motion to approve Service Authorization No. 12-22 with Mathews Consulting, Incorporated in the amount not to exceed \$115,685 for construction administration support services, specialty inspection services, and part-time inspection services for the Area 12B Reclaimed Water Expansion Project for a construction duration of 300 days. (Project No. 2012-009).

Sponsors: Environmental Services Department

Attachments: [Current Consultant Agreements](#)
[Service Authorization 12-22](#)
[Location Map](#)

- 7.B.2** SERVICE AUTHORIZATION NO. 12-21 TO KIMLEY HORN AND ASSOCIATES, INC. IN THE AMOUNT OF \$123, 269.00 FOR PROFESSIONAL SERVICES IN PERFORMING A STUDY OF THE WATER DISTRIBUTION SYSTEM TO ADDRESS CHLORINE RESIDUAL DEPLETION

Recommendation: Motion to Approve Service Authorization No. 12-21 to Kimley Horn and Associates, Inc. in the amount of \$123,269.00 for providing professional engineering services in performing a analysis and study of the water distribution system to address chlorine residual depletion.

Attachments: [Service Authorization No. 12-21](#)
[Location Map](#)
[Current Consultant CIP Projects](#)

- 7.B.3.** AWARD OF CONTRACT TO JMW CONSTRUCTION, INC. IN THE AMOUNT OF \$564,000 TO THE SECOND LOWEST BIDDER FOR THE FENWAY PARK CONCESSION STAND AND RESTROOMS PROJECT - (BID NO. 2016-064C)

Recommendation: Motion to Award a contract in the amount of \$564,000.00 to JMW Construction, Incorporated, the lowest responsible and responsive bidder for the Fenway Park Concession Stand and Restroom Project (Project No. 2010-100).

Sponsors: Environmental Services Department

Attachments: [Copy of Buyer's Tab Sheet](#)
[Miller Park Location Maps](#)
[2016-064C - Hartzell - Ltr of Non-responsive](#)

- 7.B.4.** CONTRACT AWARD TO TV DIVERSIFIED, LLC TO REHABILITATE FOUR CITY LIFT STATIONS

Recommendation: Motion to approve an award to TV Diversified, LLC, utilizing City of West

Palm Beach Contract # 13-14-129, for rehabilitation of four City lift stations, at a cost not to exceed \$127,433.30.

Sponsors: Purchasing Department

Attachments: [Purchasing Checklist](#)
[1452 FE CONTRACT](#)
[Best Price Letter](#)
[Main Proposal PDF II](#)

7.B.5. CONTRACT AWARD TO EDSA, INC. FOR PROFESSIONAL DESIGN ENGINEERING AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE BEACH MASTER PLAN (RFQ 2016-056) IN A NOT TO EXCEED AMOUNT OF \$464,350.

Recommendation: Motion to Approve an Agreement between the City of Delray Beach and EDSA, Inc. for professional design engineering and construction administration services for the Beach Master Plan in an amount not to exceed \$464,350 (Project No. 2015-008).

Sponsors: Environmental Services Department

Attachments: [Beach Area Master Plan](#)
[EDSA Contract](#)

7.C. NOMINATION FOR APPOINTMENT TO THE PUBLIC ART ADVISORY BOARD

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)
[Public Art Advisory Board Member List](#)
[Public Art Advisory Board Members Attendance List](#)

7.D. NOMINATION FOR APPOINTMENT TO THE EDUCATION BOARD

Sponsors: City Clerk Department

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

7.E. NOMINATION FOR APPOINTMENT TO THE SITE PLAN REVIEW AND APPEARANCE BOARD

Sponsors: City Clerk Department

Attachments: [05172016 Exhibit A](#)
[Site Plan Review and Appearance Board Member List](#)
[Site Plan Review and Appearance Board Member Attendance List](#)

7.F. PALM BEACH COUNTY ILA INFRASTRUCTURE SURTAX

Attachments: [Interlocal Agreement ONE CENT 13](#)

7.G. CITY MANAGER PERFORMANCE AND SALARY REVIEW; DISCUSSION REGARDING THE APPOINTMENT OF AN INTERIM CITY ATTORNEY.

Recommendation: Motion to Consider the City Manager performance and salary review and discussion regarding the appointment of an interim City Attorney.

Sponsors: Human Resources Department

8. PUBLIC HEARINGS:

8.A. ORDINANCE NO. 11-16; A PRIVATELY-INITIATED AMENDMENT TO LDR SECTION 4.5.6, FENCES, WALLS, AND HEDGES, TO PERMIT AND PROVIDE REGULATIONS FOR ELECTRIFIED FENCES. (SECOND READING) (THE APPLICANT HAS REQUESTED THAT THIS ITEM BE POSTPONED TO THE JUNE 7, 2016 REGULAR MEETING)

Sponsors: Planning & Zoning Department

9. FIRST READINGS:

9.A. ORDINANCE NO. 13-16, AMENDMENT TO LDR SECTION 4.4.13(B), FIGURE 4.4.13-5, "CENTRAL CORE & BEACH SUB-DISTRICTS REGULATING PLAN TO CORRECT AN OMISSION WITH RESPECT TO PRIMARY STREET DESIGNATIONS (FIRST READING)

Recommendation: Motion to approve of the amendment to the Land Development Regulations Section 4.4.13, by adopting the findings of fact and law contained in the staff report, and finding that the amendments and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M).

Attachments: [Ordinance 13-16, CBD Regulating Plan](#)
[PZB Staff Report 041816](#)

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

10.A.1 CITY MANAGER'S REPORT

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Sponsors: City Manager Department

Attachments: [05112016 City Manager Report](#)
[05112016 - City Manager's Report Attachments](#)

10.B. City Attorney

10.C. City Commission