

# City of Delray Beach

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## Minutes - Draft

Tuesday, October 18, 2016

6:00 PM

Regular Meeting at 6:00 PM

Delray Beach City Hall

**City Commission**

**1. ROLL CALL****2. PLEDGE OF ALLEGIANCE TO THE FLAG****3. PRESENTATIONS:****3.A. [16-1036](#) SISTER CITIES' PRESENTATION**

**Recommendation:** The students who participated in the Sister Cities' Program will conduct a presentation.

Mr. David Schmidt introduced the students who attended the 2016 Youth Cultural Exchange Trip to Miyazu, Japan. The students conducted a PowerPoint presentation regarding their trip.

Reverend Tony Durante gave brief comments regarding the trip and thanked the City Commission and community.

Mayor Glickstein gave comments regarding the trip and the commitment to the students.

**3.B. [16-1015](#) Presenting sergeant terance scott, police officer, with Employee of the Month for SEPTEMBER 2016.**

**Sponsors:** Human Resources Department

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

Tennille Decoste, Human Resources Director, presented a certificate to Sergeant Terrance Scott. Chief Javaro Sims discussed what Sergeant Scott did to receive the Employee of the Month for September 2016.

The City Commission provided comments.

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

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

4.B. From the Public

Public Comments:

Patrick Halliday spoke regarding the Delray Beach Bicycle Club and discussed giving back to Delray. He discussed the bike/ped position in

engineering. He asked the City Commission to look into this and ask questions.

Peter Humanik stated he bought a pet and stated he had a good experience in town hall. He also thanked Commissioner Jacquet for all of his years of service and stated he represented those who voted for him very well. He also discussed residents being on the advisory boards.

## 5. AGENDA APPROVAL

There were no requested agenda changes.

**approved**

**Yes:** 5 - Mayor Glickstein, Petrolia, Vice-Mayor Jacquet, Jarjura, and Katz

## 6. CONSENT AGENDA: City Manager Recommends Approval

**approved**

**Yes:** 5 - Mayor Glickstein, Petrolia, Vice-Mayor Jacquet, Jarjura, and Katz

### 6.A. [16-727](#) CERTIFICATION OF THE FINAL PLAT FOR OCEANVIEW TOWNHOMES PLAT

**Recommendation:** Motion to certify the Final Plat for the Oceanview Plat, 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 criteria set forth in Land Development Regulations Section 2.4.5(J)(Major Subdivisions), Section 3.2.3 (Standards for Plat Actions) and Section 3.1.1 (Required Findings).

**Sponsors:** Planning & Zoning Department

**Attachments:** [Oceanview Townhomes Plat - PZB Staff Report](#)  
[Oceanview Townhomes Plat - consent form signed](#)

### 6.B. [16-1010](#) AMENDMENT TO SERVICE AUTHORIZATION NO. 12-08 WITH WANTMAN GROUP, INC. FOR THE BLOCK 63 ALLEY PROJECT

**Recommendation:** Motion to Approve Amendment 12-08.1 to Service Authorization No. 12-08 with the Wantman Group, Inc. in an amount not to exceed \$6,405 for professional design services related to the improvements within the Community Redevelopment Agency (CRA) associated with the Block 63 Alley Project No. 15-001

**Sponsors:** Environmental Services Department

**Attachments:** [Service Authorization No. 12-08](#)  
[Location Map](#)

### 6.C. [16-956](#) REVOCABLE LICENSE AGREEMENT - WAVES SURF ACADEMY

**Recommendation:** Motion to Approve revocable license agreement between the City of Delray Beach and Waves Surfing Academy for a twelve (12) month term at a total compensation to the City of Delray Beach of \$8000, payable in quarterly installments.

**Sponsors:** Parks & Recreation Department

**Attachments:** [WAVES SURF ACADEMY AGREEMENT](#)  
[WAVES-Digital Brochure](#)  
[Dates Wave Delray](#)

**6.D.**     [16-1016](#)     GRANT APPLICATION AND AWARD/FDOT PEDESTRIAN & BICYCLE SAFETY

**Recommendation:** Motion to approve application and acceptance of award from the Florida Department of Transportation (FDOT) in the amount not to exceed \$35,000.00 for the pedestrian and bicycle safety education and enforcement program.

**Sponsors:** Police Department

**Attachments:** [Letter of Agreement and Contract Bicycle and Pedestrian Safety](#)

**6.E.**     [16-984](#)     APPROVAL OF ASSIGNMENT AND ASSUMPTION CONTRACT BETWEEN MATHEWS CONSULTING, INC. AND BAXTER & WOODMAN, INC.

**Recommendation:** Motion to Approve an Assignment and Assumption Agreement from Mathews Consulting, Inc. and Baxter & Woodman, Inc. for consulting services.

**Sponsors:** Purchasing Department

**Attachments:** [Mathews Consulting Agreement, 2012 Engineering RFQ](#)  
[Executed Assignment and Assumption Agreement between Mathews and Baxter & Woodman](#)  
[Signed Corp Cert](#)

**6.F.**     [16-994](#)     APPROVAL OF AN ASSIGNMENT AND ASSUMPTION AGREEMENT FOR CORPORATE COACHES, INC. AND ACADEMY BUS LLC

**Recommendation:** Motion to Approve an Assignment and Assumption Agreement from Corporate Coaches, Inc. to Franmar Leasing LLC and Academy Bus LLC for bus rental and driver services in an annual amount not-to-exceed \$46,000.

**Sponsors:** Purchasing Department

**Attachments:** [Assignment and Assumption Contract - Corporate Coaches, Inc. and Academy Bus LLC Contract](#)  
[Bid 2015-10 Renewal Letter](#)  
[Bill-of-Sale-Corporate-Coaches](#)  
[Academy Presentation Sheet](#)

## 6.G. PROCLAMATIONS:

6.G.1 None

6.H. [16-1020](#) REPORT OF APPEALABLE LAND USE ITEMS SEPTEMBER 12, 2016 THROUGH SEPTEMBER 16, 2016

**Recommendation:** By motion, receive and file this report.

**Sponsors:** Planning and Zoning Board

**Attachments:** [Location Map](#)  
[Congress Warehouse - Appealable Report](#)  
[Congress Warehouse - SPRAB Staff Report](#)  
[215 MacFarlane - Appealable & SPRAB Staff Report](#)  
[Sofa District Offices - Appealable & SPRAB Staff Report](#)

## 6.I. AWARD OF BIDS AND CONTRACTS:

6.I.1. None

## 7. REGULAR AGENDA:

7.A. [16-993](#) SOFA DISTRICT OFFICES WAIVERS TO THE LOWER AND UPPER LEVEL FRONT SETBACK REQUIREMENTS ALONG SE 1ST AVENUE AND SE 1ST STREET (*QUASI-JUDICIAL HEARING*)

**Recommendation:** Motion to Approve the waivers to the lower and upper level front setback requirements along SE 1st Avenue and SE 1st Street.

**Sponsors:** Planning & Zoning Department

**Attachments:** [Sofa District Offices - SPRAB Report - 9-14-16](#)  
[Board Order Lower Level](#)  
[Board Order Upper Level](#)

Mayor Glickstein read the Quasi-Judicial Hearing rules into the record and the City Clerk swore in those individuals who wished to speak on this item.

Mayor Glickstein asked the City Commission to disclose their ex-parte communications. Commissioner Katz stated he spoke with the applicant

and Jim Knight and made a site visit. Deputy Vice Mayor Jarjura stated she had a phone conversation with Jim Knight. Commissioner Petrolia, Vice Mayor Jacquet and Mayor Glickstein stated they had no ex-parte communications to disclose.

Tim Stillings, Planning, Zoning and Building Director, presented this item.

Joe White, Applicant, discussed the project.

Richard Jones, Architect, stated they concur with Mr. Stillings' narrative regarding the waiver.

There was no cross-examination or rebuttal from staff or the applicant.

Deputy Vice Mayor Jarjura asked Mr. Stillings to explain why staff was supporting the waivers.

Mr. Stillings provided the explanation regarding setback, additional footage and floors.

Discussion ensued regarding streetscape design and sidewalk.

Mayor Glickstein asked questions regarding waivers and sidewalks under the new code.

Deputy Vice Mayor Jarjura discussed the code and stated she believes the waivers should be granted based on the code. She stated she will support the waivers.

Janice Rustin, Interim City Attorney, reviewed the board orders with the City Commission.

The City Commission approved both waivers.

A motion was made by Commissioner Katz, seconded by Deputy Vice Mayor Jarjura to approve Board Order Lower Level. The motion carried by the following vote 5-0:

**Yes:** 5 - Mayor Glickstein, Commissioner Petrolia, Vice Mayor Jacquet, Deputy Vice Mayor Jarjura, Commissioner Katz

A motion was made by Commissioner Katz, seconded by Deputy Vice Mayor Jarjura to approve Board Order Upper Level. The motion carried by the following vote 5-0:

**Yes:** 5 - Mayor Glickstein, Commissioner Petrolia, Vice Mayor Jacquet, Commissioner Katz, Deputy Vice Mayor Jarjura

**approved**

**Yes:** 5 - Mayor Glickstein, Petrolia, Vice-Mayor Jacquet, Jarjura, and Katz

**7.B.** [16-1044](#)

Items 7.B.3, 7.B.8 & 7.B.9 was pulled from Routine Business for discussion. A motion was made by Commissioner Katz to approve all remaining items under Routine Business. It was seconded by Commissioner Petrolia. The motion carried the following vote:

**Yes:** 5 - Petrolia, Jacquet, Katz, Glickstein, Jarjura

**7.B.1** [16-1029](#)

FOURTH AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE COMMUNITY REDEVELOPMENT AGENCY PROVIDING FOR FUNDING THE IRRIGATION AND MAINTENANCE OF LANDSCAPING ASSOCIATED WITH CERTAIN STREETScape BEAUTIFICATION PROJECTS

**Recommendation:** Motion to Approve the fourth amendment to the Interlocal Agreement between the City of Delray Beach and the Community Redevelopment Agency providing funding for the irrigation and maintenance of landscaping associated with certain streetscape beautification projects.

**Sponsors:** Environmental Services Department

**Attachments:** [4th Amndmnt ILA Fund Irrig & Mntnc Streetscape Beautif par exec 9-9-16](#)

**7.B.2** [16-1013](#)

INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE COMMUNITY REDEVELOPMENT AGENCY FOR FUNDING CONSTRUCTION AND PROFESSIONAL SERVICES FOR CAPITAL IMPROVEMENT PROJECTS DURING FY 2016 - 2017

**Recommendation:** Motion to Approve the Interlocal Agreement between the City of Delray Beach and the Community Redevelopment Agency providing funding during Fiscal Year 2016 - 2017 for Capital Improvement Projects.

**Sponsors:** Environmental Services Department

**Attachments:** [FY 2016 - 2017 Interlocal Agreement](#)

**7.B.3** [16-989](#)

INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE CRA TO BE A CO-TITLE SPONSOR FOR THE 2017 DELRAY BEACH OPEN TENNIS TOURNAMENT (ATP CHAMPIONS TOUR & ATP

WORLD TOUR)

**Recommendation:** Motion to Approve Interlocal Agreement between the City of Delray Beach and the CRA for the CRA to be a co-title sponsor along with the City of the 2017 Delray Beach Open Tennis Tournament (ATP Champions Tour & ATP World Tour) at the Municipal Tennis Center for the amount of \$993,780.

**Sponsors:** Parks & Recreation Department and Fisher

**Attachments:** [ILA Tennis Tournament 9-22-16 Par Exec \(2\)](#)

DVM Jarjura asked has this been reviewed with outside counsel.

Ms. Rustin stated it had not and provided language for the motion.

A motion was made by Katz, seconded by Petrolia, that this Agreement be approved. The motion carried by the following vote:  
**approved**

**Yes:** 4 - Mayor Glickstein, Petrolia, Vice-Mayor Jacquet, and Katz

**No:** 1 - Jarjura

**7.B.4** [16-1012](#) AWARD OF CONTRACT TO LINE-TEC, INC. IN AN AMOUNT NOT TO EXCEED \$180,000 UTILIZING AN ACTIVE CONTRACT WITH THE CITY OF BOYNTON BEACH, FOR SERVICES RELATED TO FLUSHING FIRE HYDRANTS FOR MAINTAINING WATER QUALITY, FOR FISCAL YEAR 2016 - 2017

**Recommendation:** Motion to Award a contract to Line-Tec, Inc. in an amount not to exceed \$180,000 utilizing an active contract with the City of Boynton Beach, for services related to flushing fire hydrants for maintaining water quality, for fiscal year 2016 - 2017.

**Sponsors:** Environmental Services Department

**Attachments:** [Line Tec Quote for Flushing Hydrants](#)  
[Line-Tec Boynton Bid 2013 -2017](#)  
[Line Tec Best Pricing Letter 20160930](#)

**7.B.5** [16-985](#) APPROVE ENGINEERING SPECIFICATIONS FOR BENCHES, TRASH/RECYCLING RECEPTACLES, AND BICYCLE RACKS AS THE CITY STANDARD

**Recommendation:** Motion to Approve engineering specifications for benches, trash/recycling receptacles, and bicycle racks as the City Standard.

**Sponsors:** Environmental Services Department and Kovner



**Attachments:** [City Standard Benches and Trash/Recycling Receptacles](#)  
[City Standard Bike Rack Inverted U](#)  
[City Standard Bike Rack Photo](#)

- 7.B.6**    [16-1033](#)    APPROVE A PURCHASE OF BENCHES, TRASH/RECYCLING RECEPTACLES, AND BIKE RACKS TO RLS LIGHTING, INC. FOR THE BEACH MASTER PLAN PROJECT IN AN AMOUNT NOT TO EXCEED \$225,000

**Recommendation:** Motion to Approve a purchase of benches, trash/recycling receptacles, and bicycle racks to RLS Lighting, Inc. in an amount not to exceed \$225,000 for the Beach Master Plan Project (Project No. 15-008).

**Sponsors:** Purchasing Department and Webb

**Attachments:** [RLS Site Furniture SOLE SOURCE LETTERS \(City of Delray Beach\)](#)  
[RLS Site Furniture Quote](#)  
[Benches & Trash Receptacles](#)  
[Bike Rack](#)

- 7.B.7**    [16-987](#)    APPROVAL OF RANKING AND AUTHORIZATION TO ENTER INTO NEGOTIATIONS FOR CITY-WIDE PROJECT MANAGEMENT SERVICES

**Recommendation:** Motion to Approve ranking of responses for City-wide Project Management Services and authorize staff to enter into negotiations for a contract.

**Sponsors:** Purchasing Department

**Attachments:** [AGREEMENT](#)  
[2016-111C Committee Eval Scoring Form](#)

- 7.B.8**    [16-990](#)    REQUEST TO CO-SPONSOR 2016 BOYNTON BEACH & DELRAY BEACH HOLIDAY BOAT PARADE IN THE AMOUNT OF \$4,897.75

**Recommendation:** Motion to Approve co-sponsorship of the 2016 Boynton Beach - Delray Beach Holiday Boat Parade in the amount of \$4,897.75 to be funded from the City Manager's contingency fund.

**Sponsors:** Parks & Recreation Department and Fisher

**Attachments:** [BBDB Holiday Boat Parade Shared Expenses \(2\)](#)  
[2015Boynton Beach Boat Parade Cert. Ltrs-MoschetteM](#)

Commissioner Petrolia questioned the benefits to Delray Beach.

Discussion ensued as to why this item was placed on Routine Business and regarding funds being utilized from contingency. The City Commission discussed their prior decision regarding funding for special events.

The City Commission asked that another source of funding be identified rather than contingency.

A motion was made by Katz, seconded by Petrolia, that this request be approved. The motion carried by the following vote:

**approved**

**Yes:** 5 - Mayor Glickstein, Petrolia, Vice-Mayor Jacquet, Jarjura, and Katz

**7.B.9**    [16-1025](#)    ENTERPRISE LICENSING AGREEMENT WITH ESRI FOR GEOGRAPHIC INFORMATION SYSTEMS (GIS)

**Recommendation:** Motion to approve the purchase of an Enterprise Licensing Agreement over a three year period through ESRI, as the city standard for ArcGIS Software in an amount not to exceed \$407,550.00.

**Sponsors:** IT Department

**Attachments:** [ESRI Enterprise Licensing Agreement](#)

Gwendolyn Spencer presented this item.

Commissioner Petrolia asked Ms. Spencer to show the City Commission how the city's costs are going down.

Discussion ensued regarding the system, training, costs and the licensing.

A motion was made by Katz, seconded by Petrolia, that this Agreement be approved. The motion carried by the following vote:

**approved**

**Yes:** 5 - Mayor Glickstein, Petrolia, Vice-Mayor Jacquet, Jarjura, and Katz

**7.B.10**    [16-1034](#)    MOTION TO APPROVE THE PURCHASE OF AN ENTERPRISE ADVANTAGE PROGRAM AGREEMENT OVER A THREE YEAR PERIOD THROUGH ESRI

**Recommendation:** Motion to approve the purchase of an Enterprise Advantage Program Agreement over a three year period through ESRI.

**Sponsors:** IT Department

**Attachments:** [ESRI Enterprise Advantage Program Agreement](#)

**7.C.**    [16-1026](#)    NOMINATION FOR APPOINTMENT TO THE BOARD OF TRUSTEES FOR THE POLICE OFFICERS' RETIREMENT SYSTEM

**Recommendation:** Recommend nomination for appointment for one (1) regular member to serve on the Board of Trustees for the Police Officers' Retirement System

for a four (4) year term.

**Sponsors:** City Clerk Department

**Attachments:** [Exhibit A](#)

Vice Mayor Jacquet nominated Barry Feldman.

Discussion ensued regarding Mr. Feldman's background and his email response back to Commissioner Petrolia.

A motion was made by Vice-Mayor Jacquet, seconded by Jarjura, that this Appointment be approved. The motion carried by the following vote:  
**approved**

**Yes:** 5 - Mayor Glickstein, Petrolia, Vice-Mayor Jacquet, Jarjura, and Katz

## 8. PUBLIC HEARINGS:

8.A. None

## 9. FIRST READINGS:

**9.A.**     [16-1021](#)     ORDINANCE NO. 30-16: CITY-INITIATED AMENDMENT TO THE FUTURE LAND USE MAP FROM TRN (TRANSITIONAL) TO GC (GENERAL COMMERCIAL) AND REZONING FROM NC (NEIGHBORHOOD COMMERCIAL) TO GC (GENERAL COMMERCIAL) FOR THE PROPERTIES LOCATED AT 4591 AND 4561 WEST ATLANTIC AVENUE. (FIRST READING)

**Recommendation:** Motion to Approve on First Reading, Ordinance No. 30-16, a City-initiated Future Land Use Map amendment from TRN to GC and rezoning from NC to GC for the properties located at 4591 and 4561 West Atlantic Avenue, 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 Sections 2.4.5(D)(5), 3.1.1 and 3.2.2 of the Land Development Regulations.

**Sponsors:** Planning and Zoning Board

**Attachments:** [Ordinance No. 30-16](#)  
[Planning and Zoning Board Staff Report](#)  
[Planning and Zoning Board Minutes, September 26, 2016](#)

Mr. Stillings presented this item.

Vice Mayor Jacquet stepped away from the dais.  
**approved**

**Yes:** 4 - Mayor Glickstein, Petrolia, Jarjura, and Katz

**Absent:** 1 - Vice-Mayor Jacquet

## **10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:**

### **10.A. City Manager**

Assistant City Manager Ramaglia had no comments.

### **10.B. City Attorney**

Ms. Rustin thanked the City Commission for making an excellent selection tonight.

### **10.C. City Commission**

Commissioner Petrolia discussed a water main break.

Commissioner Katz discussed the penny sales tax and discussed how to look up information on the county's website.

Vice Mayor Jacquet stated he was fortunate enough to be invited to visit Haiti and stated the situation in the southern part of the country is unexplainable. He discussed other officials he traveled with and gave a brief recap of his meetings there. He congratulated Chief Neal deJesus for offering the fire station as a donation drop off site. He discussed ways to assist Haiti and stated he is planning another trip there in early December. He thanked the City Commission for the Sister City relationship and for their leadership.

Mayor Glickstein asked about notices for advisory boards being advertised in the newspaper. He also discussed parking and no parking signs. He thanked everyone who helped to organize and participated in the King Tide event. Mayor Glickstein stated someone asked him to have the city to ask the Bridge Tenders to advise the boats to slow down. He commented regarding purchasing and asked Jeff Snyder to figure out a way to deal with things that come up and reiterated that the City Commission is not approving events coming out of the Contingency Fund. He also referenced the Ballard Memo in terms of the legislative update and asked if this information is being given to staff to identify what may be available to the city. Mayor Glickstein asked what is going on regarding sponsorships. He asked that someone come in and explain this to the City Commission. Lastly, he stated the Beach Master Plan came in over budget and asked staff to explain why.

John Morgan stated the bid had not been value engineered. He stated staff expects to get results from the bidder regarding costs and stated

they are expecting a decrease in the amount.

Mayor Glickstein asked about the scheduling of the project.

Further discussion ensued regarding rebidding the project and reviewing the prequalification requirements in the code.

It was the City Commission's direction to wait until after season regarding the project.

Commissioner Katz asked about the pavilion and the bond regarding financing. He also commented regarding the meters.

Mayor Glickstein reiterated that the beach master plan project has an early April date with a 150 day completion. He also commended the City Commission for their objectivity today.

Commissioner Katz stated he met with Mr. Stillings and Ms. Rustin today regarding board orders, waivers and appeals. Deputy Vice Mayor Jarjura stated the process is confusing to boards and applicants, etc. and stated Mr. Stillings indicated the entire Article II needs to be rewritten.

**7.A.**     [16-993](#)     SOFA DISTRICT OFFICES WAIVERS TO THE LOWER AND UPPER LEVEL FRONT SETBACK REQUIREMENTS ALONG SE 1ST AVENUE AND SE 1ST STREET (*QUASI-JUDICIAL HEARING*)

**Recommendation:** Motion to Approve the waivers to the lower and upper level front setback requirements along SE 1st Avenue and SE 1st Street.

**Sponsors:** Planning & Zoning Department

**Attachments:** [Sofa District Offices - SPRAB Report - 9-14-16](#)

[Board Order Lower Level](#)

[Board Order Upper Level](#)

**approved**

**Yes:** 5 - Mayor Glickstein, Petrolia, Vice-Mayor Jacquet, Jarjura, and Katz