

City of Delray Beach

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www.mydelraybeach.com



Minutes - Draft

Tuesday, February 7, 2017

6:00 PM

Regular Meeting at 6:00 PM

Delray Beach City Hall

City Commission

Rollcall

The Regular Meeting of the City Commission of the City of Delray Beach, Florida was called to order by Mayor Cary Glickstein in the Commission Chambers at City Hall at 6:00 p.m. on Tuesday, February 7, 2017.

Roll call showed:

Commissioner Shelly Petrolia
Deputy Vice Mayor Mitchell Katz
Vice Mayor Jordana Jarjura
Mayor Cary D. Glickstein

Absent:

None

Also present were:

Neal de Jesus, Interim City Manager
R. Max Lohman, Interim City Attorney
Chevelle D. Nubin, City Clerk

Present: 2 - Mayor Cary Glickstein, and Commissioner Mitchell Katz

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

Mr. de Jesus had no requested agenda changes.

Deputy Vice Mayor Katz asked that 6.M. become Item 7.A.A.

Mayor Glickstein asked that Item 6.S.B. be appealed to be heard at the next Commission meeting.
approved as amended

Yes: 3 - Mayor Glickstein, Jarjura, and Commissioner Katz

4. PRESENTATIONS:

4.A. [17-109](#) 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](#)

Ms. Tennille Decoste introduced this item. She gave a brief overview and introduced Mr. Keith Tomey, Interim Fire Chief.

Mr. Tomey introduced Mr. Chris Zidar who gave brief comments.

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

Chief de Jesus had no comments to report.

5.B. From the Public

Public Comment:

1. Ms. Pauline Moody congratulated City Clerk Nubin and stated she misses Rosanne Dechicchio and gave compliments. She commented regarding garbage cans.
2. Ms. Alice Finst read a statement into record regarding the beach master plan and the bench and plaque that she previously purchased in 2009.
3. Mr. Ian Headley, owns Epic Sports Performance, spoke regarding his program and commented regarding his 7 on 7 travel football team and upcoming tournaments. He asked for help from the city in terms of sponsorship.
4. Mr. Albert Richwagen commented regarding a business that was issued a landlord permit and about the bench he purchased on the beach in the past.
5. Mr. James Quillien spoke regarding his previous comments about trash cans and code enforcement for the alleyways of Osceola Park.

6. CONSENT AGENDA: City Manager Recommends Approval

approved as amended

Yes: 3 - Mayor Glickstein, Jarjura, and Commissioner Katz

6.A. [17-018](#) 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. [17-052](#) 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. [17-074](#) 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. [17-102](#) 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. [17-103](#) 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 913-47](#)
[West Construction, Inc. - ITBC No. 2017-012 Submittal](#)
[ITBC 2017-012 Tabulation Sheet - SW 10th Ave Sidewalk and Blocks 8 and 20 Alley Improvements Location - Layout](#)
[Executed Agreement by West Construction, Inc.](#)

6.F. [17-104](#) 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. [17-086](#) 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. [17-105](#) 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 CONTINUING GENERAL ARCH SERV - 12-08-16](#)
[BEA Architects, Delray Beach Continuing General Architectural Consulting Services](#)
[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. [17-107](#) APPROVAL OF SERVICE AUTHORIZATION NO. 16-02.1 WITH CALVIN, GIORDANO & ASSOCIATES, INC. FOR PROFESSIONAL SERVICES TO SUPPORT THE ENGINEERING REVIEW OF APPLICATIONS FOR DEVELOPMENT AND BUILDING PERMITS

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 professional services to support the engineering review of applications for development and building permits processed by the Planning, Zoning, and Building Department.

Sponsors: Environmental Services Department

Attachments: [CGA SA 16-02.1](#)
[Letter - Extension request Calvin Giordano. 11.22.16](#)
[Amendment 3 Calvin Giordano](#)
[CGA Amendment 4](#)

6.J. [17-118](#) 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. [17-111](#) 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 & Associates](#)

- 6.L. [17-112](#) 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](#)

- 7.A.A. [17-120](#) 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](#)

Deputy Vice Mayor Katz gave comments.

John Morgan, Environmental Services Director, spoke regarding the utility work.

Deputy Vice Mayor Katz made a motion to approve; seconded by Commissioner Petrolia. Upon roll call the Commission voted as follows: Mayor Glickstein - Yes; Commissioner Petrolia - Yes; Deputy Vice Mayor Katz - Yes; and Vice Mayor Jarjura - Yes. Said motion passed 4-0 **approved**

6.N. [17-119](#) 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. [17-033](#) 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. [17-032](#) 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. [17-151](#) 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. [17-117](#) 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](#)

Item 6.S.B. was moved to the February 21, 2017 Regular Meeting.

6.T. AWARD OF BIDS AND CONTRACTS:

6.T.1. None

7. REGULAR AGENDA:**7.A. [17-148](#) 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](#)

Mr. Max Lohman, City Attorney, asked that the City Commission take action to remove former employee Francine Ramaglia and to defer the appointment to the February 21, 2017 City Commission Meeting.

The City Commission voted to remove former employee Francine Ramaglia.

They also asked that the appointment be advertised.

Vice Mayor Jarjura made a motion to remove Ms. Francine Ramaglia from the board; seconded by Commissioner Katz. Upon roll call the Commission voted as follows: Commissioner Petrolia - Yes; Deputy Vice Mayor Katz - Yes; and Vice Mayor Jarjura - Yes; Mayor Glickstein - Yes. Said motion passed 4-0.

Further discussion ensued about this item.

8. PUBLIC HEARINGS:**8.A. [17-094](#) 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](#)

City Attorney Lohman read the caption of this ordinance and presented the item.

There was no one from the public who came up to speak.

Deputy Vice Mayor Katz asked a question.

Deputy Vice Mayor Katz made a motion to approve; seconded by Commissioner Petrolia. Upon roll call the Commission voted as follows: Deputy Vice Mayor Katz - Yes; and Vice Mayor Jarjura - Yes; Mayor Glickstein - Yes; Commissioner Petrolia - Yes. Said motion passed 4-0 adopted

8.B. [17-147](#) 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](#)

City Attorney Lohman read the caption of this ordinance.

Public Comment:

Ms. Christina Morrison spoke regarding this item and stated there was no information regarding the fees and gave other comments.

Interim City Manager, Chief de Jesus asked City Attorney Lohman to address the concerns.

Deputy Vice Mayor Katz discussed public notice for the ordinance and stated this is a second reading.

adopted

9. FIRST READINGS:

9.A. None

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

Chief de Jesus spoke regarding the February 14, 2017 Workshop Meeting and asked that the City Commission consider not having the workshop. He also asked the MPO item be scheduled for the February 21, 2017 Regular Meeting agenda.

The City Commission approved the cancellation of the workshop.

Chief de Jesus commended the ESD employees who deep cleaned the City Commission Chambers. He stated this will continue to be maintained.

He stated this will be Chevelle Nubin's last meeting.

10.B. City Attorney

City Attorney Lohman requested a shade/special meeting for February 21, 2017 to be held at 4:30 p.m.

The City Commission approved the special meeting.

City Attorney Lohman discussed the selling of surplus lots. He asked for City Commission approval to look into the properties/lots further.

10.C. City Commission

Commissioner Petrolia stated the ceremony held at the Fire House today was spectacular and beautiful. She commented about the Consent Agenda Item for architectural review and stated she sat with some of the builders in the area and commented about the submittal process. She also commented regarding the vacation rentals and

stated they are operating under a landlord permit and stated she does not know if they meet the requirements of what a residence would be. She commented about the leases.

Vice Mayor Jarjura spoke regarding a proclamation regarding Armenian Genocide which will come up on April 24, 2017. She also commented regarding Fashion Week and Savor the Avenue. She commented regarding the Pop Up Art Gallery and Better Boulder. She stated it was a great event. She asked if the videos from the Town Hall Lecture Series can be placed on the website.

Deputy Vice Mayor Katz stated the fire event this morning was neat. He also commented regarding the garbage cans and stated they he would like to see some placed in the business district in that area. He spoke regarding the phone system. He commended the DDA and spoke on the feedback for the events.

Mayor Glickstein stated the Carver Middle School Robotics Team is headed to the state finals. He stated there is a federal grant opportunity for a coastal link station and asked that staff submit an application. He spoke regarding the Christmas Tree and stated the city needs to move on this. He further spoke about design and fabrication. He asked for an RFQ. He thanked the DDA and stated the events were great. He asked that the "All America City" Sign on Federal Highway be look at and maintained. Mayor Glickstein commented regarding approval of a rezoning and the phone system. He spoke about the history of the benches on the beach. He stated the Library had a great event. He commented about builders and asked that they come in and discuss where the problems are.

Commissioner Petrolia stated there is a disconnect between when the permits are applied for and when the permits are received.

Chief de Jesus spoke regarding the permit process and the phone system.

Mayor Glickstein commented about communication regarding permits.

There being no further business, Mayor Glickstein adjourned the meeting at 7:32 a.m.