

City of Delray Beach

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Regular Commission Meeting

Regular Meeting at 6:00 PM

Tuesday, April 4, 2017

Public Hearings 7:00 p.m.

Commission Chambers
Delray Beach City Hall

City Commission

Mayor Cary Glickstein
Vice Mayor Jim Chard
Deputy Vice Mayor Shirley Ervin Johnson
Commissioner Shelly Petrolia
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. AGENDA APPROVAL****4. PRESENTATIONS:****4.A. PRESENTING PARKS AND RECREATION WITH TEAM OF THE MONTH FOR APRIL 2017**

Recommendation: Motion to Approve Parks and Recreation as Team of the Month for April 2017.

Sponsors: Human Resources Department

Attachments: [EMPLOYEES OF THE MONTH NOMINATION - SAMANTHA ROLAND TASHE](#)

4.B. RESOLUTION NO. 13-17 RECOGNIZING BEVERLY WRIGHT FOR 30 YEARS OF SERVICE

Recommendation: Motion to Approve Resolution No. 13-17 honoring Beverly Wright 30 years of service.

Sponsors: Human Resources Department

Attachments: [13-17 Resolution Beverly Wright 4.4.17](#)

4.C. RESOLUTION NO. 14-17 RECOGNIZING JACQUELYN BROWN FOR 30 YEARS OF SERVICE

Recommendation: Motion to Approve Resolution No. 14-17 honoring Jacquelyn Brown for 30 years of service.

Sponsors: Human Resources Department

Attachments: [14-17 Resolution Jacquelyn Brown 4.4.17](#)

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. APPROVAL OF MINUTES**

Recommendation: Motion to Approve City Commission Meeting Minutes.

Sponsors: City Clerk Department

Attachments: [March 15, 2016 Regular City Commission Meeting](#)
[May 3, 2016 Regular Meeting Minutes](#)

6.B. (RE)CERTIFICATION OF THE FINAL PLAT FOR BEACON PLAT DUE TO MINOR CHANGES IN THE DEDICATION DESCRIPTIONS

Recommendation: Motion to certify the Final Plat for the **Beacon Plat**, due to minor changes in the dedication description by 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: [BEACON PLAT SHEET 1 - commission approved](#)
[BEACON PLAT SHEET 2 - commission approved](#)
[BEACON PLAT SHEET 1 - updated](#)
[BEACON PLAT SHEET 2 - updated](#)

6.C. PUBLIC ART ADVISORY BOARD ART CITYWIDE - ART CHAIR PROJECT - REQUEST APPROVAL FOR LOCATIONS

Recommendation: Motion to Approve the locations for the Art Citywide Project as noted in Attachment A - Proposed Locations - Art Citywide.

Sponsors: Parks & Recreation Department

Attachments: [ATTACHMENT A 2017-091](#)
[10 Chair Designs](#)
[5 art chairs](#)
[Art Chairs - Proposed Sites 2017](#)
[July 2016 Commission Presentation](#)
[agata agreement](#)
[mark fuller agreement](#)

6.D. INTERLOCAL AGREEMENT - 2017 PALM BEACH COUNTY/DROWNING PREVENTION COALITION LEARN TO SWIM REIMBURSEMENT PROGRAM

Sponsors: Parks & Recreation Department

Attachments: [2017 Interlocal Agreement for Swimming Lessons with the Drowning Prevention](#)
[DPC Exhibit A - fees and Swim Lesson Schedule 2017](#)

6.E. REVOCABLE LICENSE AGREEMENT - DELRAY STUDENTS FIRST

Recommendation: Motion to Approve Revocable License Agreement with Delray Students First, Inc. to provide a mentoring, tutoring, and guidance program at Catherine Strong Park for the term of one year with an option for one additional year.

Sponsors: Parks & Recreation Department

Attachments: [Revocable License and Insurance 2017](#)

6.F. REVOCABLE LICENSE AGREEMENT - COMMUNITY GREENING

Recommendation: Motion to Approve a revocable license agreement with Community Greening for use of classroom No. 4 at Catherine Strong Park for staff preparations in support of environmental programming sponsored by Delray Parks and Recreation and Community Greening.

Sponsors: Parks & Recreation Department

Attachments: [COMMUNITY GREENING CORP - REVOCABLE LICENSE AGREEMENT](#)
[PARTNERSHIP AGREEMENT-CONSULTANT TO MANAGE INVASIVE SPECI](#)

6.G. BARWICK FITNESS PARK/UPDATE AND FUNDING REQUEST

Recommendation: Motion to Approve a budget reallocation in the amount of \$51,936.33 from Regular Salaries to cover the remaining balance, not funded through the donations received, to purchase fitness equipment for Barwick Park.

Sponsors: Parks & Recreation Department

Attachments: [Barwick Donations](#)
[Gametime Design - Placement of Equipment](#)
[Commission Presentation - Barwick](#)
[Fundraising Goals - Barwick - Talia and Christelle](#)
[Barwick Fitness Park - Mission](#)
[Barwick Park Commitment Letter](#)

6.H. AMENDMENT NO. 1 TO RENEW THE AGREEMENT WITH DEV-LAND DEMOLITION & SITE, INC. FOR LIME SLUDGE REMOVAL IN AN AMOUNT NOT TO EXCEED \$210,000.00

Recommendation: Motion to Approve Amendment No. 1 to renew the Agreement with Dev-land Demolition & Site, Inc. for Lime Sludge Removal and Disposal in an annual not-to-exceed amount of \$210,000.

Sponsors: Purchasing Department

Attachments: [Bid #2015-32 Lime Sludge Contract](#)
[Bid #2015-32 Award Upload](#)
[04-06-15 Agenda Results Regular Meeting](#)
[Amendment No. 1 to renew contract 2017-2018](#)
[Renewal Letter](#)
[City's Proposal](#)
[Bureau of Labor Statistics Data](#)

6.I. AMENDMENT TO THE AGREEMENT WITH INNOVATIVE METERING SOLUTIONS, INC. FOR AS-NEEDED PURCHASES OF WATER METERS FOR "ON HAND" INVENTORY FOR THE CENTRAL WAREHOUSE FOR NEW CONNECTIONS AND

REPLACING BROKEN METERS NOT COVERED BY WARRANTY

Recommendation: Motion to Approve an amendment to the Agreement with Innovative Metering Solutions, Inc. to purchase water meters for "on hand" inventory in the City's Central Warehouse to be used for establishing new connections (potable and reclaimed) and replacing broken meters not covered by warranty in a not-to-exceed amount of \$195,000.

Sponsors: Purchasing Department

Attachments: [Agreement with Innovative for Meters](#)
[CC Approval - Change Order No. 1](#)
[Amendment-1](#)

6.J. RETROACTIVE APPROVAL OF AMENDMENT NO. 1 WITH BALLARD PARTNERS, INC. FOR STATE LEGISLATIVE LOBBYIST SERVICES

Recommendation: Motion to retroactively approve Amendment No. 1 with Ballard Partners, Inc. in an annual not-to-exceed amount of \$45,000 through October 5, 2018.

Attachments: [2015-76 Amendment No. 1](#)
[Ballard Partners Executed Contract](#)

6.K. RESOLUTION NO. 20-17

Recommendation: Motion to Approve Resolution No. 20-17.

Sponsors: City Attorney Department

Attachments: [Res 20-17 Opposing SB 596 Preempting Gov Local Control of Public ROW in C](#)

6.L. RESOLUTION NO. 23-17

Recommendation: Motion to Approve Resolution No. 23-17 supporting the recent efforts by federal agencies, to help reduce opioid misuse, addiction, and overdose, and directing City officials and City staff to take any and all actions necessary to effectuate the intent of this Resolution.

Sponsors: City Attorney Department

Attachments: [Resolution 23-17 Support of Federal efforts to reduce Opioid misuse](#)

6.M. RESOLUTION NO. 24-17

Recommendation: Motion to Approve Resolution No. 24-17 asserting opposition to HB 7063.

Sponsors: City Attorney Department

Attachments: [Res 24-17 Opposing hb 7063](#)
[HB 7063](#)

6.N. AWARD OF BIDS AND CONTRACTS:

6.N.1 AWARD OF AN AGREEMENT TO SHENANDOAH GENERAL CONSTRUCTION COMPANY FOR VIDEO AND CLEANING SERVICES FOR SANITARY/STORMWATER SEWER SYSTEMS UTILIZING THE CITY OF WEST PALM BEACH CONTRACT

Recommendation: Award of an Agreement to Shenandoah General Construction Company in an annual not-to-exceed amount of \$620,000, utilizing the City of West Palm Beach Contract No. 16299 for televising and cleaning sanitary and stormwater sewer systems, and associated components through September 20, 2018.

Sponsors: Environmental Services Department

Attachments: [WPB Master Contract 1415119 2015 Agreement , Shenandoah \(Rev 1\)](#)

6.N.2. APPROVAL OF AGREEMENT WITH OFFICE DEPOT, INC. UTILIZING THE CITY OF TAMARAC'S OFFICE SUPPLY NEEDS AGREEMENT

Recommendation: Motion to Approve an Agreement with Office Depot, Inc. for office supplies through October 17, 2019 in an annual amount not-to-exceed \$130,000 utilizing the City of Tamarac's Office Supply Needs Agreement (RFP 13-23R)

Sponsors: Purchasing Department

Attachments: [Office Supplies Agreement, Office Depot Tamarac Agreement](#)
[Tamarac Agreement Renewal](#)
[Tamarac RFP](#)

7. REGULAR AGENDA:

7.A. CONDITIONAL USE REQUEST FOR CONTINUING CARE ROOMS FOR TZIKAS MEDICAL CENTER LOCATED AT 526 & 542 SE 5TH AVENUE (QUASI-JUDICIAL HEARING)

Recommended Action:

Recommendation: Motion to Approve the conditional use request to permit four continuing care rooms at the Tzikas Medical Center located at 526 & 542 SE 5th Avenue, pursuant to Land Development Regulations Section 2.4.5(E) and 4.4.9(D) (19).

Sponsors: Planning & Zoning Department

Attachments: [Tzikas Medical Center location map](#)
[Tzikas Medical Center Expansion Staff Report 2-17-17](#)
[Tzikas Plans 8x11](#)
[Board Order Tzikas](#)

7.B. BEST INTEREST RESOLUTION NO. 26-17 AND WAIVER OF THE CITY CODE OF

ORDINANCES, CHAPTER 36, SECTION 36.02 (C)(7) FOR FITNESS EQUIPMENT FOR BARWICK PARK

Recommendation: Motion to Approve a Best Interest Resolution No. 26-17 and enter into an agreement for purchase and installation of fitness equipment at Barwick Park, from PlayCore Wisconsin, Inc. dba GameTime by authorizing the use of the U.S. Communities Contract Number 110179 issued by City of Charlotte as the lead agency in a not-to-exceed maximum amount of \$90,000 and declaring by a four-fifths affirmative vote that the City sealed competitive method or written quotations method is not in the best interest of the City.

Sponsors: Parks & Recreation Department

Attachments: [Best Interest Resolution Playground Equipment version 2](#)
[Gametime Price Estimate - Barwick](#)
[Gametime 4 Section Design](#)
[Gametime Design - Placement of Equipment](#)
[Barwick Aerial Map](#)
[USC Gametime Price List 1700.Small](#)
[USC 2017 Installation Charges-2](#)
[GameTimeContract](#)
[Amendments-Gametime-122716](#)
[Piggyback Agreement \(City-GameTime\)](#)

7.C. BEST INTEREST RESOLUTION NO. 29-17 AND WAIVER OF THE CITY CODE OF ORDINANCES, CHAPTER 36, SECTION 36.2 (C)(7) FOR INFORMATION MONITORING SERVICES TO BE PROVIDED BY LEGAL SHIELD

Recommendation: Motion to Approve a Best Interest Resolution No. 29-17 and retroactively approve an agreement with Legal Shield to provide personal information monitoring for twelve months in a not-to-exceed amount of \$49,000.

Sponsors: Human Resources Department

Attachments: [Final Agreement](#)
[ID Shield Flyer](#)
[Res 29-17 Legal Shield \(CA reviewed\)](#)

8. PUBLIC HEARINGS:

8.A. RESOLUTION NO. 28-17

Recommendation: Motion to Approve Resolution No. 28-17.

Sponsors: City Attorney Department

Attachments: [Resolution 28-17](#)

8.B. ORDINANCE NO. 05-17: TO INDIVIDUALLY DESIGNATE "THE CLINT MOORE

HOUSE" AT 1420 NORTH SWINTON AVENUE ON THE LOCAL REGISTER OF HISTORIC PLACES (SECOND READING)

Recommendation: Approve Ordinance No. 05-17 on Second Reading for the Individual Designation of The Clint Moore House on the Local Register of Historic Places.

Sponsors: Planning & Zoning Department

Attachments: [Ordinance 05-17 Clint Moore House Designation](#)
[HPB Staff Report 080316](#)
[1420 N Swinton Avenue Designation Report](#)

8.C. ORDINANCE NO. 10-17: AMENDING CHAPTER 118, "SOLICITORS AND PEDDLERS AND DISTRIBUTION OF HANDBILLS" (SECOND READING)

Recommendation: Motion to Approve Ordinance 10-17 on second reading.

Sponsors: City Attorney Department

Attachments: [Ord 10-17 hours of solicitation ordinance](#)

8.D. ORDINANCE NO. 11-17: AMENDING CHAPTER 31, "CITY OFFICIALS AND EMPLOYEES," SECTION 31.17, "INDEMNIFICATION" (SECOND READING)

Recommendation: Motion to Approve Ordinance No. 11-17 on second reading.

Sponsors: City Attorney Department

Attachments: [Ord 11-17 amending Indemnification](#)

9. FIRST READINGS:

9.A. ORDINANCE NO. 13-17: ESTABLISHING REQUIREMENTS FOR THE CITY OF DELRAY BEACH'S PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM PROVIDING FOR MULTIPLE, NON-EXCLUSIVE PACE PROGRAMS IN ORDER TO ALLOW FOR THIRD-PARTY ADMINISTRATORS, EITHER FOR-PROFIT OR NOT-FOR-PROFIT, TO ADMINISTER THE PACE PROGRAM WITHIN THE CITY (FIRST READING)

Sponsors: Environmental Services Department

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

10.B. City Attorney

10.C. City Commission