

City of Delray Beach

*100 NW 1st Avenue - Delray Beach, Florida 33444
Phone: (561) 243-7000 - Fax: (561) 243-3774
www.mydelraybeach.com*



Regular Commission Meeting

Regular Meeting at 6:00 PM

Tuesday, May 16, 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. PRESENTATION TO FIRE DEPARTMENT**

Sponsors: City Clerk Department

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 various sets of minutes.

Sponsors: City Clerk Department

Attachments: [01-10-2017 Regular Meeting Minutes](#)

6.B. 2017 LOCAL INITIATIVE (LI) AND TRANSPORTATION ALTERNATIVE PROGRAM (TAP) GRANT SUBMITTALS TO THE PALM BEACH COUNTY METROPOLITAN PLANNING ORGANIZATION (MPO)

Recommendation: Motion to Approve four (4) supporting resolutions for the grant applications submitted by the City of Delray Beach for the 2017 Local Initiative and Transportation Alternative Programs funded through the Palm Beach County Metropolitan Planning Organization.

Sponsors: Environmental Services Department

Attachments: [Resolution No. 34-17](#)
[Resolution No. 35-17](#)
[Resolution No. 36-17](#)
[Resolution No. 38-17](#)

6.C. APPROVAL OF AMENDMENT NO. 1 TO THE GAS, CARBON DIOXIDE, (FOOD GRADE) PURCHASE AND DELIVERY TERM CONTRACT WITH AIRGAS USA, LLC

Recommendation: Motion to Approve Amendment No. 1 to the Gas, Carbon Dioxide, (Food Grade) Purchase and Delivery Term Contract with Airgas USA, LLC in an amount not-to-exceed \$135,000 for the purchase and delivery of

carbon dioxide and oxygen.

Sponsors: Fire Rescue Department and Environmental Services Department

Attachments: [2014-22 Executed Agreement](#)
[2014-22 Assignment and Assumption Agreement](#)
[2014-22 Amend 1 SUPPLIER EXECUTED](#)

6.D. ACCEPTANCE OF WATER MAIN EASEMENT DEED GRANTED BY WALMART STORES EAST, LP.

Recommendation: Motion to Accept a Water Main Easement granted by Walmart Stores East, LP for the Walmart Liquor Box Store Expansion project at 16205 S. Military Trail.

Sponsors: Environmental Services Department

Attachments: [16205 S Military Tr Location Map](#)
[Water Main Easement Deed](#)

6.E. CHANGE ORDER NO. 2 TO THE PURCHASE AWARD WITH OVIVO USA, LLC. IN THE AMOUNT OF \$50,420 FOR ADDITIONAL WORK IN THE REPAIR OF THE WESTERN VACUUM FILTER UNIT AT THE WATER TREATMENT PLANT

Recommendation: Motion to Approve Change Order No. 2 to Purchase Award to Ovivo USA, LLC. in the amount of \$50,420 for additional work required in the repair of the western vacuum filter unit at the Water Treatment Plant.

Sponsors: Environmental Services Department

Attachments: [Sole Source Letter 20170324](#)
[Proposal C Additional work 2 20170409](#)
[Purchase Agreement Change Order](#)

6.F. SERVICE AUTHORIZATION NO.12-17 WITH WANTMAN GROUP, INC. IN THE AMOUNT OF \$163,748.35 FOR ENGINEERING SERVICES RELATED TO THE DESIGN FOR RECONSTRUCTION OF BARWICK ROAD FROM THE SOUTHERLY RIGHT-OF-WAY LINE OF LAKE IDA ROAD TO THE NORTHERLY RIGHT-OF-WAY LINE OF ATLANTIC AVENUE

Recommendation: Motion to Approve Service Authorization No.12-17 with Wantman Group, Inc. in the amount not to exceed of \$163,748.35 for the preparation of design documents for roadway reconstruction of Barwick Road from the southerly right-of-way line of Lake Ida Road to the northerly right-of-way line of Atlantic Avenue.

Sponsors: Environmental Services Department

Attachments: [Barwick Road Reconstruction Service Authorization](#)

6.G. APPROVAL OF CHANGE ORDER NO. 2 IN THE AMOUNT OF \$85,008 WITH MBR CONSTRUCTION INC FOR THE BEACH MASTER PLAN PROJECT

Recommendation: Motion to Approve Change Order No. 2 in the amount of \$85,008 with MBR Construction, Inc. for the Beach Master Plan (Project No. 15-008).

Sponsors: Environmental Services Department

Attachments: [Change Order No. 2](#)
 [MBR Construction Agreement](#)

**6.H. ACCEPTANCE OF A HOLD HARMLESS AGREEMENT FOR HESSLER PAINT
LOCATED AT 4591 WEST ATLANTIC AVENUE**

Recommendation: Motion to Approve and accept a Hold Harmless Agreement for Hessler Paint, 4591 West Atlantic Avenue.

Sponsors: Planning and Zoning Board

Attachments: [Hold Harmless Agreement](#)
 [FDOT Utility Permit](#)
 [Hessler Paint SPRAB Staff Report](#)

**6.I. SERVICE AUTHORIZATION NO. 12-20 WITH WANTMAN GROUP INC. IN A NOT
TO EXCEED AMOUNT OF \$5,341 FOR THE SURVEYING, ENGINEERING DESIGN,
AND PERMITTING SERVICES ASSOCIATED WITH THE CASON COTTAGE FRONT
LAWN BRICK PAVER INSTALLATION**

Recommendation: Motion to Approve Service Authorization No. 12-20 with Wantman Group Inc. in an amount not to exceed of \$5,341 for surveying, engineering design, and permitting services associated with the Cason Cottage front lawn brick paver installation.

Sponsors: Environmental Services Department

Attachments: [Wantman Group Service Authorization No. 16-04](#)
 [Engineering Agreement, Wantman](#)
 [Amendment No. 4 - Wantman Group Inc.](#)

6.J. RAILROAD CROSSING LIABILITY RENEWAL POLICY

Recommendation: Requesting prior approval of FY17 spending limit greater than \$25,000 with Employers Mutual Inc. d/b/a Ascension Benefits and Insurance Solutions and motion to approve renewal of Railroad Crossing Liability and Railroad Crossing Excess Liability policies in a not to exceed amount of \$28,000.

Sponsors: Finance Department

Attachments: [Premium Summary](#)
 [Market Summary](#)
 [Agreement 2006](#)

**6.K. PRIOR APPROVAL OF FISCAL YEAR 2017 SPENDING GREATER THAN \$25,000.
WITH ADAPT PHARMA INC.**

Recommendation: Motion to Approve multiple acquisitions of medicine and medical supplies from Adapt Pharma Inc. in a total not-to-exceed amount of \$84,000.00 for Fiscal Year 2017.

Sponsors: Fire Rescue Department

6.L. RETROACTIVE APPROVAL OF A SPENDING INCREASE WITH INTERLINE BRANDS, INC. DBA SUPPLYWORKS

Recommendation: Motion to retroactively approve an increase in spend with Interline Brands, Inc. DBA Supplyworks for janitorial supplies in a total not-to-exceed amount of \$70,000 for Fiscal Year 2017.

Sponsors: Purchasing Department

Attachments: [2016-014 Janitorial Supplies](#)
[2016-014 Attachment A](#)

6.M. FACILITY USE AGREEMENT FOR POLICE OFFICER TRAINING BETWEEN THE CITY OF DELRAY BEACH AND THE SCHOOL BOARD OF PALM BEACH COUNTY FOR THE USE OF FORMER PLUMOSA ELEMENTARY SCHOOL.

Recommendation: Motion to Approve an Agreement for Police Officer training between the City of Delray Beach and the School Board of Palm Beach County ("Board") to allow the use of former Plumosa Elementary school as a training facility.

Sponsors: Police Department

Attachments: [DBPD-Former Plumosa EL Training with Exhibits..final](#)

6.N. SETTLEMENT IN THE CASE OF GUY BUZZELLI V. CITY OF DELRAY BEACH

Recommendation: Motion to settle the case of Guy Buzzelli v. City of Delray Beach for the reasons discussed in the confidential memorandum previously distributed to the City Commission.

Sponsors: City Attorney Department

6.O. 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 the renewal of the agreements between Early Learning Coalition of Palm Beach County, Inc. and the City of Delray Beach.

Sponsors: Parks & Recreation Department

Attachments: [School Readiness -Pompey Park](#)
[School Readiness -Community Center](#)

6.P. CHILDREN'S SERVICES COUNCIL (CSC) SCHOLARSHIP PROGRAM FOR THE AFTERSCHOOL PROGRAM LOCATED AT POMPEY PARK AND THE COMMUNITY CENTER WITH THE EARLY LEARNING COALITION OR 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 Pompey Park](#)
 [CSC Scholarship Community Center](#)

6.Q. REQUEST FOR SUBORDINATION OF SECOND MORTGAGE FOR 218 SE 4th Avenue

Recommendation: Motion to Approve a request for the City of Delray Beach ("City") to subordinate its second mortgage position in the amount of \$32,241.05 for the property located at 218 SE 4th Avenue.

Sponsors: Community Improvement

Attachments: [Subordination Policy & Procedures](#)
 [Subordination Agreement](#)
 [Property Appraisal Report](#)
 [Title Insurance](#)
 [Supporting Documents](#)

6.R. PROCLAMATIONS:

6.R.1. Proclamation - Better Hearing Month - May 2017

Sponsors: City Clerk Department

Attachments: [Better Hearing Month May 2017](#)

6.R.2. Proclamation - National Safe Boating Week - May 20-26, 2017

Sponsors: City Clerk Department

Attachments: [National Safe Boating Week Proclamation](#)

6.R.3. Proclamation - Amateur Radio Week - June 19-25, 2017

Sponsors: City Clerk Department

Attachments: [Amateur Radio Week 2017](#)

6.S. REPORT OF APPEALABLE LAND USE ITEMS FROM APRIL 3, 2017 THROUGH APRIL 21, 2017

Recommendation: By motion, receive and file this report.

Sponsors: Planning and Zoning Board

Attachments: [Location Map](#)
 [Palm Trail Townhomes](#)
 [Schumacher Automotive Delray](#)
 [4 East Atlantic Avenue Color Change](#)
 [4 East Atlantic Avenue Sign Program](#)

6.T. AWARD OF BIDS AND CONTRACTS:

6.T.1. AWARD OF AN AGREEMENT WITH SIEMENS INDUSTRY, INC. IN THE AMOUNT

NOT TO EXCEED OF \$75,000 UTILIZING THE CITY OF CORAL SPRINGS,
FLORIDA CONTRACT

Recommendation: Motion to Approve an Agreement with Siemens Industry, Inc. utilizing the City of Coral Springs, Florida, Contract RFP 12C-068, in an amount not-to-exceed \$75,000 for HVAC Preventative Maintenance and Repair Services.

Sponsors: Environmental Services Department

Attachments: [RFP](#)
[HVAC Agreement](#)
[Second Amendment](#)
[Amendment](#)
[Agreement 4-19-17](#)

**6.T.2. AWARD OF AN AGREEMENT TO PFM FINANCIAL ADVISORS LLC FOR
FINANCIAL ADVISORY SERVICES IN A NOT-TO-EXCEED AMOUNT OF \$75,000.00**

Recommendation: Motion to Award a three year Agreement to PFM Financial Advisors LLC for financial advisory services in the not to exceed amount of \$75,000.00 for services not related to a bond issue for the Agreement term.

Sponsors: Finance Department

Attachments: [RFP 2017-025 Document Final](#)
[2017-025 - RFP RFQ Scoring Summary \(R1\)](#)
[Proposal for FA Services Submitted by PFM](#)
[Agreement-Final \(Reviewed CA\)](#)

**6.T.3. AWARD OF AN AGREEMENT TO LANIER PARKING METER SERVICES, LLC D/B/A
LANIER PARKING SOLUTIONS FOR COMPREHENSIVE PARKING MANAGEMENT
SERVICES IN AN ANNUAL NOT-TO-EXCEED AMOUNT OF \$656,308.84
(ADDENDUM)**

Recommendation: Motion to Award an agreement to Lanier Parking Meter Services, LLC d/b/a Lanier Parking Solutions in an annual not-to-exceed amount of \$656,308.84 for Comprehensive Parking Management Services.

Sponsors: Environmental Services Department

Attachments: [Lanier Parking Solutions, Inc.](#)
[2016-107 RFP \(Final\)](#)
[2016-107 Addendum 1](#)
[2016-107 Addendum 2](#)
[2016-107 Addendum 3 \(r1\)](#)
[Parking Management Agreement, Signed by Contractor](#)

7. REGULAR AGENDA:

7.A. REQUEST FOR A WAIVER TO LDR SECTION 4.6.7(E)(7) TO ALLOW A FLAT WALL

SIGN ON THE EAST ELEVATION WHICH DOES NOT FACE A DEDICATED STREET FRONTAGE FOR ROK BRGR LOCATED AT 4 E. ATLANTIC AVENUE. (QUASI-JUDICIAL HEARING)

Recommendation: Motion to Approve the waiver request to LDR Section 4.6.7(E)(7) for ROK BRGR located at 4 E. Atlantic Avenue, as presented.

Sponsors: Planning & Zoning Department

Attachments: [Rok BRGR Report](#)
[ROK BRGR Justification](#)
[ROK BRGR 03-03-2017](#)
[Rok BRGR Board Order](#)

7.B. RESOLUTION NO. 43-17 DECLARING THE CITY COMMISSION TO BE THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF DELRAY BEACH

Recommendation: Motion to approve Resolution No. 43-17.

Sponsors: City Attorney Department and Inglese

Attachments: [Resolution No. 43-17 Authorizing City to be CRA](#)

8. PUBLIC HEARINGS:

8.A. ORDINANCE NO. 07-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES; BY AMENDING SECTION 4.3.3, "SPECIAL REQUIREMENTS FOR SPECIFIC USES", BY REPEALING PARAGRAPH (D), "COMMUNITY GARDENS" IN ITS ENTIRETY AND ENACTING A NEW SECTION (D) ENTITLED, "URBAN AGRICULTURE"; AMENDING ARTICLE 4.4 TO REMOVE COMMUNITY GARDENS AND TO ALLOW URBAN AGRICULTURE IN CERTAIN ZONING DISTRICTS; AMENDING APPENDIX A "DEFINITIONS" TO PROVIDE FOR RELATED DEFINITIONS AND PROVIDE SPECIFIC DESIGN AND REVIEW CRITERIA, PARKING REQUIREMENTS, AND TO ADD URBAN AGRICULTURE AS AN ALLOWABLE OUTSIDE USE. (SECOND READING).

Recommendation: Motion to Approve Ordinance No. 07-17 on Second Reading for the amendments to Land Development Regulations as specified in attached Ordinance No. 07-17, as presented.

Sponsors: Planning and Zoning Board

Attachments: [Ordinance No. 07-17 Urban Agriculture](#)
[Map Showing Zoning Districts which allows Urban Agriculture](#)
[Urban Agriculture PZB Staff Report](#)
[Community Gardens Policy Final DRAFT 12-2016](#)
[Comparison of Existing and Proposed Community Garden Program](#)
[State Pre-emption memo](#)

8.A.1 RESOLUTION NO. 40-17 ADOPTING A COMMUNITY GARDENS POLICY

Recommendation: Motion to Approve Resolution No. 40-17 adopting a Community

Gardens Policy to provide guidelines and standards to encourage community gardens.

Sponsors: Environmental Services Department

Attachments: [Resolution No. 40-17 Community Gardens Policy](#)
[Community Gardens Policy \(Exhibit "A"\)](#)

9. FIRST READINGS:

- 9.A.** ORDINANCE NO. 17-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH ARTICLE 6.3 "USE AND WORK IN THE PUBLIC RIGHT OF WAY" BY AMENDING SECTION 6.3.3 "SIDEWALK CAFE" TO ELIMINATE REGULATIONS FOR SIDEWALK CAFES LOCATED ON PRIVATE PROPERTY; AMENDING SECTION 6.3.3 (A) "PERMIT AND FEES" TO ADD LEASING FEES; AMENDING SECTION 6.3.3 (F) "REGULATIONS GOVERNING THE USE, DESIGN, AND MAINTENANCE OF A SIDEWALK CAFE" TO CREATE TWO ZONES, PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Recommendation: Motion to Approve Ordinance No. 17-17 on First Reading.

Sponsors: Planning and Zoning Board

Attachments: [Ordinance No. 17-17 Sidewalk Cafe](#)
[P & Z Staff Report with Ord No. 17-1](#)

- 9.B.** ORDINANCE NO. 21-17

Recommendation: Motion to approve Ordinance No. 21-17.

Sponsors: City Attorney Department

Attachments: [Ordinance No. 21-17 Amending Chapter 36](#)
[Purchasing Policies and Procedures Manual](#)

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

10.B. City Attorney

10.C. City Commission