

# City of Delray Beach

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[www.mydelraybeach.com](http://www.mydelraybeach.com)



## Regular Commission Meeting

Regular Meeting at 6:00 PM

Monday, November 20, 2017

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 CHIEF NEAL DE JESUS ACKNOWLEDGING HIS ROLE AS INTERIM CITY MANAGER**

**Sponsors:** City Clerk Department

**4.B. PRESENTING SHERRY DUNGEY, PAYROLL ADMINISTRATOR, WITH EMPLOYEE OF THE MONTH FOR NOVEMBER 2017.**

**Recommendation:** Motion to approve Sherry Dungey as Employee of the Month for November 2017.

**Sponsors:** Human Resources Department

**Attachments:** [Sherry Dungey Nomination form](#)

**4.C. PRESENTATION TO RETIRING GENERAL EMPLOYEES PENSION BOARDMEMBER, MR. STEPHEN SWANK.**

**Sponsors:** City Clerk Department

**4.D. PRESENTATION - HOMELESS TASK FORCE**

**Sponsors:** Community Improvement

**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 minutes as listed below:

October 10, 2017 Special Meeting

**Sponsors:** City Clerk Department

**Attachments:** [October 10, 2017 Special Meeting Minutes](#)

**6.B.** APPROVAL OF AMENDMENT NO. 1 TO THE AGREEMENT WITH T2 SYSTEMS, INC. FOR MULTI-SPACE SMART PARKING METERS, METER EQUIPMENT AND METER SERVICES IN A NOT-TO-EXCEED AMOUNT OF \$725,000

**Recommendation:** Motion to approve Amendment No. 1 to the Agreement with T2 Systems, Inc. for multi-space smart parking meters in an amount not-to-exceed \$725,000 through December 13, 2018.

**Sponsors:** Environmental Services Department

**Attachments:** [2016-057L Amendment No. 1 signed by T2 Systems 10-11-17](#)  
[Legal Review Checklist form Amendment #1 for T2 systems](#)  
[Multi-space Smart Parking Meters Agreement, Executed](#)

**6.C.** APPROVAL OF AN EXTENSION OF THE CONTRACT BETWEEN LHOIST NORTH AMERICA OF ALABAMA, LLC AND THE CITY OF DELRAY BEACH THROUGH DECEMBER 15, 2017 FOR QUICKLIME FOR WATER TREATMENT.

**Recommendation:** Motion to approve an extension of the contract between LHoist North America of Alabama, LLC and the City of Delray Beach (City) for the purchase of bulk quicklime in a not-to-exceed amount of \$920,000 through December 15, 2017, using the Boynton Beach, Delray Beach, Lake Worth Cooperative Purchase Bid No. 009-2821-13/JMA.

**Sponsors:** Environmental Services Department

**Attachments:** [17-22B - Furnish, Deliver and Discharge of Quicklime FINAL](#)  
[Co-op Award Package R-2017-87](#)

**6.D.** SERVICE AUTHORIZATION NO. 17-01 WITH CARNAHAN PROCTOR AND CROSS, INC. FOR THE CONCEPTUAL DESIGN AND NEEDS ANALYSIS FOR THE POLICE HEADQUARTERS RENOVATIONS IN A NOT-TO- EXCEED AMOUNT OF \$150,000.

**Recommendation:** Motion to Approve Service Authorization No. 17-01 with Carnahan Proctor and Cross, Inc. (CPC) in a not-to-exceed amount of \$150,000 for the City of Delray Beach (City) Police Headquarters Renovations (Project No. 17-080).

**Sponsors:** Environmental Services Department

**Attachments:** [CPC Annual Contract 2017](#)  
[CPC Delray Beach Police Station SA 17-01](#)

**6.E. ACCEPTANCE OF UTILITY AND ACCESSWAY EASEMENT TO THE CITY OF DELRAY BEACH (CITY) FOR 1031 BAY STREET.**

**Recommendation:** Motion to Approve and accept a five-foot Utility and Accessway Easement at 1031 Bay Street.

**Sponsors:** Environmental Services Department

**Attachments:** [Utility and Accessway Easement 1031 Bay St.](#)

[Exhibit A \\_Legal Sketch and Description](#)

[Survey 1031 Bay St.](#)

[Map Location 1031 Bay St.](#)

[PAPA Page 1031 Bay St.](#)

**6.F. TERMINATION AGREEMENT AND MUTUAL RELEASE FOR 124 SW 8th AVENUE BETWEEN THE CITY OF DELRAY BEACH AND ROI CONSTRUCTION, LLC AND MATTIE OWENS**

**Recommendation:** Motion to terminate a Housing Rehabilitation Grant Agreement with ROI Construction, LLC and Mattie Owens in the amount of \$40,090.45 for a housing rehabilitation for the property located at 124 SW 8TH Avenue, Delray Beach, FL.

**Sponsors:** Community Improvement

**Attachments:** [Legal Review Checklist form v. 3 ROI Construction Termination Owens](#)

[Termination and Release between the City and ROI Owens](#)

[Contract Docs - Owens](#)

**6.G. APPROVAL OF AMENDMENT NO. 1 WITH L. V. SUPERIOR LANDSCAPING, INC. FOR LANDSCAPE MAINTENANCE LAKE IDA MEDIANS & GEORGE BUSH BLVD TO EXTEND AGREEMENT FOR TWO YEARS TO APRIL 7, 2018**

**Recommendation:** Motion to Approve Amendment No. 1 with L. V. Superior Landscaping, Inc. for two years until April 7, 2018 in an amount not-to-exceed \$48,022.

**Sponsors:** Parks & Recreation Department

**Attachments:** [2015-20 Agreement](#)

[Legal Review Checklist landscape maintenance lake ida](#)

[2015-20](#)

**6.H. PAYMENTUS UTILITY BILL PAYMENT SYSTEM**

**Recommendation:** Motion to approve Paymentus Corporation as a City Standard for Utility Bill payments in an amount not to exceed \$150,000 per year for five (5) years.

**Sponsors:** IT Department

**Attachments:** [Legal Review Checklist paymentus master services agreement](#)

[Paymentus Master Services Agreement Delray Beach Fl 11-3-17 Final - Payme](#)

**6.I. AGREEMENT FOR VOTE PROCESSING EQUIPMENT USE AND ELECTION SERVICES BY AND BETWEEN THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS AND THE CITY OF DELRAY BEACH.**

**Recommendation:** Recommend approval of the attached agreement.

**Sponsors:** City Clerk Department

**Attachments:** [Municipal Election Agreement as amended for 2018](#)  
[Copy of Municipal Election Costs Exhibit A -- 2018](#)  
[Copy of Municipal Election Costs Exhibit B -- 2018](#)  
[Legal Review Checklist form v. 3 SOE agreement for voting equipment and elec](#)

**6.J. RESOLUTION NO. 78-17: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, CALLING FOR A NONPARTISAN ELECTION TO BE HELD ON TUESDAY, MARCH 13, 2018; AND A SECOND NONPARTISAN ELECTION, IF NECESSARY, ON TUESDAY, MARCH 27, 2018; SUCH ELECTIONS TO BE HELD FOR THE ELECTION OF FOUR CITY COMMISSIONERS; APPOINTING THE CITY CLERK AND THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS, OR DESIGNEE, AS ADDITIONAL MEMBERS OF THE CITY OF DELRAY BEACH CANVASSING BOARD TO CANVASS ALL ABSENTEE BALLOTS; TO CANVASS THE MUNICIPAL ELECTION, ALONG WITH THE CITY'S CANVASSING BOARD; AND TO CONDUCT THE LOGIC AND ACCURACY TESTING FOR ALL ELECTION MACHINERY; AUTHORIZING THE CITY CLERK TO DO ALL THINGS NECESSARY TO CONDUCT THE NONPARTISAN ELECTION; PROVIDING THE TIME, MANNER AND MEANS OF HOLDING SAID ELECTION, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**Recommendation:** Motion to approve Resolution No. 78-17.

**Sponsors:** City Clerk Department

**Attachments:** [Resolution No. 78-17 Calling for Election 03-13-2018](#)

**6.K. PROCLAMATIONS:**

6.K.1. None

**6.L. REPORT OF APPEALABLE LAND USE ITEMS FROM OCTOBER 9, 2017 THROUGH OCTOBER 20, 2017**

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

**Sponsors:** Planning & Zoning Department

**Attachments:** [City Commission Map 11-20-17.pdf](#)  
[A - 110 E. Atlantic Blanket Sign Program SPRAB .pdf](#)  
[B - 209 E. Atlantic Ave SPRAB.pdf](#)  
[C - Guitar Center SPRAB .pdf](#)  
[D - Dr. Doodles SPRAB .pdf](#)  
[E - 123 E. Atlantic Ave SPRAB .pdf](#)  
[F - 111 First Delray SPRAB](#)  
[G - Paradise Sports Lounge SPRAB .pdf](#)  
[H -Palm Court Plaza Temp. Radiation SPRAB 1.pdf](#)  
[I -Delray Square SPRAB.pdf](#)  
[J - Delray Square Chilis SPRAB .pdf](#)  
[K - 246 NE 6th Ave SPRAB .pdf](#)

**6.M. AWARD OF BIDS AND CONTRACTS:**

**6.M.1. AWARD OF AN AGREEMENT WITH WEST CONSTRUCTION, INC. FOR PHASE 1 CONSTRUCTION OF THE SEACREST BEAUTIFICATION PROJECT IN A NOT-TO-EXCEED AMOUNT OF \$834,247.70**

**Recommendation:** Motion to award an Agreement with West Construction, Inc. for Phase 1 construction of the Seacrest Beautification Project in a total amount not-to-exceed \$834,247.70 for the Agreement term.

**Sponsors:** Environmental Services Department

**Attachments:** [Legal Review Checklist form v. 3 phase 1 seacrest beautification](#)  
[2017-065-2 Contractor Executed Phase 1 of Seacrest Beautification Agreement](#)  
[2017-065-2 Phase 1 of Seacrest Beautification with Exhibits](#)  
[2017-065-2 Addendum No. 1](#)  
[2017-065-2 Addendum No. 2](#)  
[2017-065-2 Addendum No. 3](#)  
[2017-065-2 Addendum No. 4](#)  
[2017-065-2 Addendum No. 5](#)  
[2017-065-2 Addendum No. 6](#)  
[2017-065-2 Addendum No. 7](#)

**7. REGULAR AGENDA:**

**7.A. PRESENTATION REGARDING THE COMPONENTS OF THE OLD SCHOOL SQUARE MASTER PLAN**

**Recommendation:** City Commission to provide direction on which components of the Old School Square Master Plan they recommend.

**Sponsors:** City Manager Department

**Attachments:** [2017-10-24 OSS Public Meeting-2](#)

**7.B. APPROVE TWO AGREEMENTS FOR UNDERGROUND UTILITIES INCLUDING ONE BETWEEN THE CITY OF DELRAY BEACH (CITY) AND EDWARDS ATLANTIC AVENUE, LLC, EDWARDS INTRACOASTAL, LLC AND EDWARDS CDS, LLC (DEVELOPER), AND A SECOND AGREEMENT FOR UNDERGROUND CONVERSIONS BETWEEN THE CITY AND FLORIDA POWER & LIGHT COMPANY (FPL) FOR THE ATLANTIC CROSSING DEVELOPMENT.**

**Recommendation:** Motion to Approve an Agreement for Underground Utilities between the City of Delray Beach (City) and Edwards Atlantic Avenue, LLC, Edwards Intracoastal, LLC and Edwards CDS, LLC and also an agreement between the City and Florida Power & Light Company (FPL) for an underground conversion, or installation, of electric utilities. Separate motions are required to approve each of two agreements to allow the installation of underground utilities at the Atlantic Crossing Development.

**Sponsors:** Environmental Services Department

**Attachments:** [Undergrounding Agreement PE by Edwards \(002\).pdf](#)  
[Legal Review Checklist AC Underground Facilities agreement.pdf](#)  
[Legal Review Checklist City ROW facilities underground conversion with FPL at](#)  
[Conversion Agreement with FPL for Atlantic Crossing revised .pdf](#)

**7.C. RATIFICATIONS OF APPOINTMENT TO THE KIDS AND COPS COMMITTEE**

**Recommendation:** Recommend City Commission approves and ratifies the appointed members to the Kids and Cops Committee for two (2) year terms ending November 30, 2019.

**Sponsors:** City Clerk Department

**7.D. NOMINATION FOR APPOINTMENT TO THE PUBLIC ART ADVISORY BOARD**

**Recommendation:** Motion to approve nomination for appointment for one (1) regular member to serve on the Public Art Advisory Board for an unexpired term ending July 31, 2018.

**Sponsors:** City Clerk Department

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



**7.E. NOMINATION FOR APPOINTMENT TO THE GREEN IMPLEMENTATION ADVANCEMENT BOARD**

**Recommendation:** Motion to approve nomination for appointment for one (1) regular member to serve on the Green Implementation Advancement Board for an unexpired term ending July 31, 2018.

**Sponsors:** City Clerk Department

**Attachments:** [Exhibit A](#)  
[Green Implementation Advancement Board Member List](#)  
[Green Implementation Advancement Board.3](#)

**8. PUBLIC HEARINGS:****8.A. ORDINANCE NO. 42-17 AMENDING CHAPTER 37, "DELRAY BEACH CODE ENFORCEMENT GENERAL PROVISIONS", BY REPEALING SECTIONS 37.01 THROUGH 37.46 AND READOPTING SAME, AS REVISED IN ORDER TO AMEND AND REVISE THE CITY'S CODE ENFORCEMENT PROCEDURES IN ACCORDANCE WITH CHAPTER 162, FLORIDA STATUTES. (SECOND READING)**

**Recommendation:** Motion to approve Ordinance No. 42-17.

**Sponsors:** City Attorney Department

**Attachments:** [Ord 42-17 Revising Chapter 37 Code Enforcement](#)  
[Ord. 42-17 Exhibit A](#)

**8.B. ORDINANCE NO. 43-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 96 "FIRE SAFETY AND EMERGENCY SERVICES", BY AMENDING 96.16, "CERTAIN CODES ADOPTED BY REFERENCE", TO COMPLY WITH THE STATE OF FLORIDA'S UPDATED CHANGES IN THE FIRE PREVENTION CODE STANDARDS; PROVIDING A SAVING CLAUSE, A GENERAL REPEALER CLAUSE AND AN EFFECTIVE DATE. (SECOND READING)**

**Recommendation:** Motion to approve Ordinance No. 43-17 on second reading.

**Sponsors:** Fire Rescue Department

**Attachments:** [Ord 43-17 Amending Ch 96 Fire Safety final LG REV 10-20-17](#)

**8.C. ORDINANCE NO. 44-17 OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING ARTICLE III, "LEGISLATIVE," SECTION 3.03, "QUALIFICATIONS OF CANDIDATES; ELECTION", OF THE CITY OF DELRAY BEACH CHARTER, TO AMEND THE QUALIFYING DATES FOR THE CITY OF DELRAY BEACH'S GENERAL ELECTION AT THE REQUEST OF THE SUPERVISOR OF ELECTIONS. (SECOND READING)**

**Recommendation:** Motion to approve Ordinance No. 44-17.

**Sponsors:** City Attorney Department

**Attachments:** [Ord 44-17 amending section 3.03 of charter](#)

**9. FIRST READINGS:**

- 9.A.** ORDINANCE NO. 45-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 35, "EMPLOYEE POLICIES AND BENEFITS," SECTION 35.089, "DEFINITIONS"; AMENDING SECTION 35.093, "CREDITED SERVICE FOR FORMER EMPLOYEES AND EMPLOYEES WHO WERE EXCLUDED FROM PARTICIPATION IN THE PLAN"; AMENDING SECTION 35.094, "PURCHASE OF ADDITIONAL CREDITED SERVICE FOR PRIOR MILITARY OR GOVERNMENT EMPLOYMENT"; AMENDING SECTION 35.095, "CONTRIBUTIONS OF PARTICIPANT AND CITY"; AMENDING SECTION 35.096, "EXPENSES OF ADMINISTRATION"; AMENDING SECTION 35.097, "RETIREMENT INCOME; BASIS, AMOUNT, AND PAYMENT"; AMENDING SECTION 35.101, "BENEFITS NONASSIGNABLE"; AMENDING SECTION 35.102, "BENEFITS PAYABLE TO MINORS AND INCOMPETENTS"; AMENDING SECTION 35.103, "ABANDONMENT OF BENEFITS"; AMENDING SECTION 35.105, "ADMINISTRATION BY RETIREMENT COMMITTEE"; AMENDING SECTION 35.1051, "CLAIMS PROCEDURE"; AMENDING SECTION 35.106, "TRUST FUND AND TRUSTEE"; AMENDING SECTION 35.108, "AMENDMENT OF PLAN"; AMENDING SECTION 35.109, "TERMINATION OF PLAN"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (FIRST READING)

**Recommendation:** Motion to approve Ordinance No. 45-17.

**Sponsors:** City Attorney Department

**Attachments:** [Ord 45-17 Delray Beach General Employees' Retirement Plan Revision 11.14.1](#)

**9.B.** ORDINANCE NO. 46-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 71, "PARKING REGULATIONS", BY AMENDING SECTION 71.005, "ENFORCEMENT BY POLICE DEPARTMENT" TO ALLOW ENFORCEMENT BY DESIGNEE; BY AMENDING SECTION 71.018, "PARKING IN ALLEYS" AND SECTION 71.025, "OBSTRUCTION OF TRAFFIC" TO INCREASE AVAILABLE WIDTH FROM TEN FEET TO TWELVE FEET; BY AMENDING SECTION 71.022, "PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS" AND "SECTION 71.023, "LIMITING PARKING TIME ON CERTAIN STREETS" TO ALLOW TIMES TO BE SET BY RESOLUTION; AMENDING SUBCHAPTER "PARKING METERS" BY AMENDING SECTION 71.055, "DEFINITIONS", SECTION 71.056, "DESIGNATION OF SPACES; INSTALLATION OF METERS", SECTION 71.057, "OPERATION OF PARKING METERS", AND SECTION 71.058, "COST OF PARKING OR STANDING VEHICLE IN CERTAIN METERED SPACES" TO PROVIDE FOR THE USE OF PARKING METER TECHNOLOGY AND TO ALLOW TIMES AND FEES TO BE SET BY RESOLUTION; BY AMENDING SECTION 71.060, "PARKING METER PERMITS" TO PROVIDE FOR EMPLOYEE PARKING PERMITS; AND BY REPEALING SECTION 71.063. "LIMITED TIME PARKING ZONES" AND SECTION 71.064 "PARKING METER ZONES" TO MAKE CONSISTENT WITH AFOREMENTIONED CHANGES; AMENDING SUBCHAPTER "IMPOUNDMENT" BY AMENDING SECTIONS 71.070 THROUGH 71.073 TO RELOCATE IMPOUNDMENT REGULATIONS FROM CHAPTER 73; AMENDING 71.999 "PENALTY" TO ALLOW PENALTY BE SET BY RESOLUTION; REPEALING CHAPTER 73 IN ITS ENTIRETY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.. (FIRST READING)

**Recommendation:** Recommend approval of Ordinance No. 46-17 on First Reading for the changes to Chapters 71 and 73 of the City of Delray Beach (City) Code of Ordinances as specified in attached Ordinance No. 46-17, as presented.

**Sponsors:** Environmental Services Department

**Attachments:** [Ord 46-17 amending parking regulations final for first reading.docx](#)  
[Res 80-17 Time Limited Parking with Exhibits.pdf](#)  
[Res 81-17 Parking Meter Zones.docx](#)  
[Res 82-17 Fees for meters, permits and penalties.docx](#)

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

**10.A. City Manager**

**10.B. City Attorney**

**10.C. City Commission**

