

# City of Delray Beach

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



## Regular Commission Meeting

Regular Meeting at 6:00 PM

Tuesday, July 10, 2018

Commission Chambers  
Delray Beach City Hall

### City Commission

*Mayor Shelly Petrolia*

*Vice Mayor Adam Frankel*

*Deputy Vice Mayor Shirley Ervin Johnson*

*Commissioner Bill Bathurst*

*Commissioner Ryan Boylston*

## **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. NEXT GENERATION INITIATIVES**

**Recommendation:** Motion to proclaim July 10th, 2018 as Next Generation Initiatives Day in the City of Delray Beach.

**Sponsors:** City Manager Department, Human Resources Department, Community Improvement and Economic Development Department

**Attachments:** [Agenda Cover Report](#)  
[Next Generation Initiatives Day Proclamation](#)  
[Next Generation Initiatives\\_20180610](#)

**4.B. PRESENTING NORA EMMANUEL, PUBLIC INFORMATION COORDINATOR, WITH EMPLOYEE OF THE MONTH FOR JULY 2018.**

**Recommendation:** Motion to present Nora Emmanuel, Public Information Coordinator, with Employee of the Month for July 2018.

**Sponsors:** Human Resources Department

**Attachments:** [Agenda Cover Report](#)  
[Nora Emmanuel July 2018.pdf](#)

**4.C. FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) PRESENTATION ON THE CONSTRUCTION OF INTERCHANGE IMPROVEMENTS INCLUDING TURBO LANES AT I-95 AND ATLANTIC AVENUE AND AT I-95 AND LINTON BOULEVARD.**

**Recommendation:** Receive presentation from Thuc Le, P.E., project manager with the Florida Department of Transportation (FDOT) concerning the interchange improvements including turbo lanes at I-95 and Atlantic Avenue at I-95 and Linton Boulevard.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[I-95 Atlantic NTP Letter](#)  
[SR806 Public Mtg Delray Final](#)

**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. MEETING MINUTES

**Recommendation:** Motion to approve meeting minutes as listed below.

April 17, 2018 - Regular Meeting

May 1, 2018 - Regular Meeting

May 8, 2018 - Workshop Meeting

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Minutes- April 17, 2018](#)  
[Minutes- May 1-2018](#)  
[Minutes- May 8, 2018](#)

### 6.B. CONSIDERATION OF A FINAL PLAT FOR 1107 WALLACE DRIVE

**Recommendation:** Motion to Approve the Final Plat for 1107 Wallace Drive, by adopting the findings of fact and law contained in the staff report and finding that the request and approval thereof is consistent with the criteria set forth in Section 2.4.5(J), Major Subdivision of the Land Development Regulations.

**Sponsors:** Planning & Zoning Department

**Attachments:** [Agenda Cover Report](#)  
[Aerial Location Map](#)  
[1107 Wallace Drive Final Plat & Engineering Plans](#)  
[Planning and Zoning Board Staff Report](#)

### 6.C. APPROVAL OF THE CHANGE ORDER NO.2 TO RFQ NO. 2017-032 TO BAXTER & WOODMAN, INC. DBA MATHEWS CONSULTING, A BAXTER & WOODMAN COMPANY, FOR ENGINEERING DESIGN SERVICES FOR DELRAY BEACH SW 4th STREET, SW 6TH STREET, AND SW 7TH AVENUE IN A NOT-TO-EXCEED AMOUNT OF \$39,306.00

**Recommendation:** Motion to approve the Change order No. 2 to RFQ No. 2017-032 to Baxter & Woodman, Inc. DBA Mathews Consulting, a Baxter & Woodman Company, for Engineering Design Services for SW 4th Street, SW 6th Street, and SW 7th Avenue in a not-to-exceed amount of \$39,306.00.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[RE Review for Amendment NO 2 for Project SW 4th Street SW 6th Street and SW4TH CHANGE ORDER2 LANDSCPE LIGHTING 2018-04-27.pdf](#)

**6.D. RESOLUTION NO. 49-18 BEACH RENOURISHMENT PROGRAM**

**Recommendation:** Motion to Approve Resolution No. 49-18 in support of the City of Delray Beach Renourishment Program. This resolution supports the beach and coastal management programs of the Florida Department of Environmental Protection (FDEP), advising the State of Florida that the City of Delray Beach (City) will consider participation and will provide the local funding share necessary to implement any State beach and coastal management program approved by the City Commission for participation.

**Sponsors:** Public Works Department - Programs & Project Management

**Attachments:** [Agenda Cover Report](#)  
[Beach Nourishment Resolution 6.15.18CF CAO rev](#)  
[Legal Ok Email](#)

**6.E. RESOLUTION NO. 64-18: APPROVAL OF AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE TOWN OF HIGHLAND BEACH FOR POLICE DISPATCH AND COMMUNICATIONS SERVICES**

**Recommendation:** Motion to approve Resolution No. 64-18 approving agreement between the City of Delray Beach and the Town of Highland Beach for police dispatch and communications services

**Sponsors:** Police Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist - Contract between the City of Delray Beach and the To Partially Executed Contract between the City of Delray Beach and the Town of Highland Beach](#)  
[Resolution 64-18 - Town of Highland Beach police dispatch and communication](#)

**6.F. AMENDMENT NO. 2 TO AT&T LEASE AGREEMENT**

**Recommendation:** Motion to approve Amendment No. 2 to AT&T Lease Agreement.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist form v. 5 Amend to ATT Police Tower Lease Agreement](#)  
[Amendment No. 2 to ATT Lease Agreement](#)  
[First Amendment to Lease Agreement](#)  
[Lease Agreement with AT&T](#)

**6.G. MOTION TO APPROVE RESOLUTION NO. 79-18 TO ESTABLISH SETTLEMENT AUTHORITY LIMITS FOR ALL PROPERTY DAMAGE, BODILY INJURY AND OTHER CLAIMS AND LITIGATION AND APPROVE SPECIAL COUNSEL TO BE RESPONSIBLE FOR LEGAL MATTERS RELATED TO WORKERS' COMPENSATION CLAIMS**

**Recommendation:** Motion to approve Resolution 79-18.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)  
[Res 79-18 Settlement Authority and Workers Comp Attorneys](#)  
[Administrative Policies and Procedures Manual RM-2, Rev. 3](#)  
[Rate Sheet 1](#)  
[Rate Sheet 2](#)

**6.H. PROPOSAL FOR SETTLEMENT IN THE CASE OF JANET GOLDSTEIN V. CITY OF DELRAY BEACH**

**Recommendation:** Motion to deny the settlement offer for the reasons discussed in the confidential memorandum previously distributed to the City Commission.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)

**6.I. PROPOSAL OF SETTLEMENT IN THE CASE OF PATRICIA KELLY-HECHT V. CITY OF DELRAY BEACH ET AL**

**Recommendation:** Motion to deny the settlement offer for the reasons discussed in the confidential memorandum previously distributed to the City Commission.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)

**6.J. PROCLAMATIONS:**

**6.J.1. PARKS AND RECREATION MONTH PROCLAMATION - JULY 2018**

**Recommendation:** Motion to recognize July as Parks and Recreation Month in Delray Beach, Florida.

**Sponsors:** Parks & Recreation Department

**Attachments:** [Agenda Cover Report](#)  
[Park & Recreation Month](#)  
[july 2018calendar](#)

**6.K. REPORT OF APPEALABLE LAND USE ITEMS FROM MAY 21, 2018 THROUGH JUNE 8, 2018**

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

**Sponsors:** Planning & Zoning Department

**Attachments:** [Agenda Cover Report](#)  
[Appealable Items Map](#)  
[A - Delray Estuary, 1550 Estuary Trail](#)  
[B - 110 Building, 110 E. Atlantic Ave](#)  
[C - Delray Verana, 1495 Spring Harbor Dr.](#)  
[D- 105 NE 1st Street](#)

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

**6.L.1. APPROVAL OF RESOLUTION NO. 16-18 TO AWARD A THREE (3) YEAR AGREEMENT WITH TWO ONE YEAR EXTENSION WITH SELECTRON TECHNOLOGIES INC. FOR THE PROCUREMENT OF BUILDING DEPARTMENT PERMIT AND UTILITY BILLING MANAGED SERVICES IN THE SELECTRON CLOUD ENVIRONMENT FOR BILLING AND INSPECTIONS IN AN AMOUNT NOT-TO-EXCEED \$390,000**

**Recommendation:** **Recommended Action:**

Motion to approve Resolution No. 16-18 to award a three (3) year with two one year extension agreement with Selectron Technologies Inc. (Selectron) for the procurement of Building Department Permit and Utility Billing Managed Services in the Selectron Cloud Environment for billing and inspections in an amount not-to-exceed \$390,000.

**Sponsors:** IT Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution No 16-18 for Selectron cao review](#)  
[2018 Delray Beach STI Master Services and Hosting Agreement, Vendor Execu](#)  
[Legal Review Checklist Selectron](#)  
[City Standard Approval - Selectron](#)  
[Delray Beach FL Managed Services Quote\\_EE5442](#)  
[Support and Maintenance Agreement - Executed 2004](#)  
[Delray Beach Letter of Understanding 2005](#)

**6.L.2. AWARD OF AN AGREEMENT TO KIMLEY-HORN AND ASSOCIATES, INC. FOR CONTINUING ENGINEERING AND LANDSCAPING ARCHITECTURE CONSULTING SERVICES AND AUTHORIZE THE CITY MANAGER TO EXECUTE RELATED SERVICE AUTHORIZATIONS FOR CAPITAL IMPROVEMENT PROJECTS PREVIOUSLY APPROVED BY THE CITY COMMISSION THROUGH THE BUDGET APPROVAL PROCESS**

**Recommendation:** Motion to award an agreement to Kimley-Horn and Associates, Inc. for continuing engineering and landscaping architecture consulting services and authorize the City Manager to execute related Service Authorizations for Capital Improvement Projects previously approved by the City Commission through the budget approval process.

**Sponsors:** Public Works Department - Programs & Project Management

**Attachments:** [Agenda Cover Report](#)  
[2017-048 Agreement with Kimley-Horn, Vendor Executed](#)  
[Legal Review Checklist Agreement with Kimley Horn 2017-048](#)  
[2017-048 Scoring Summary](#)  
[RFQ 2017-048 Final](#)  
[Addendum No. 1 - RFQ 2017-048](#)  
[Addendum No. 2 - RFQ 2017-048](#)  
[Addendum No. 3 - RFQ 2017-048](#)  
[Addendum No. 4 - RFQ 2017-048](#)  
[Addendum No. 5 - RFQ 2017-048](#)  
[Addendum No. 6 - RFQ 2017-048](#)  
[Addendum No. 7 - RFQ 2017-048 Final](#)  
[Addendum No. 8 - Sample Agreement](#)

**7. REGULAR AGENDA:**



**7.A. WAIVER REQUEST TO REDUCE THE MINIMUM REQUIRED FLOOR AREA OF 6,000 SQUARE FEET FOR TRACT C, LINTON OAKS SQUARE PLAT, LOCATED AT 16000 SOUTH MILITARY TRAIL. (QUASI-JUDICIAL HEARING)**

**Recommendation:** Motion to approve the waiver request to reduce the minimum floor area for a gasoline station with convenience mart on Tract C from 6,000 square feet to 2,538 square feet by finding that the request is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations Section 2.4.7(B)(5).

**Sponsors:** Planning & Zoning Department

**Attachments:** [Agenda Cover Report](#)  
[16000 S Military Tr - Location](#)  
[16000 S. Military Trail Waiver Request](#)  
[16000 S. Military Trail Survey \(Existing Conditions\)](#)  
[16000 S. Military Trail Site Plan](#)  
[16000 S. Military Trail Waiver Board Order 071018](#)

**7.B. PROPOSED MILLAGE RATE/DOWNTOWN DEVELOPMENT AUTHORITY (DDA)**

**Recommendation:** Motion to approve staff's recommendation that the City Commission approve the DDA millage rate at 1.0000 for FY 2019.

**Sponsors:** City Manager Department

**Attachments:** [Agenda Cover Report](#)  
[Letter 2018 1 mill request 6.11.2018](#)  
[2018-Preliminary-Tax-Roll July 1st](#)  
[Copy of DDA 2017 18 MayBudg Rep](#)  
[DDA Request](#)  
[July 10 City Commission DDA Millage Presentation - V3pptx](#)

**7.C. FISCAL YEAR 2019 PROPOSED MILLAGE RATE**

**Recommendation:** Motion to approve staff's recommendation that the City Commission set a total millage of X.XXXX for FY 2019 (X.XXXX for operating and 0.2108 for Debt Service).

**Sponsors:** City Manager Department

**Attachments:** [Agenda Cover Report](#)  
[City Comm July 10 2018 Millage Setting Item](#)  
[Millage Rate Presentation Final 20180705](#)

**7.D. RECOMMENDATIONS FOR APPOINTMENT TO THE DELRAY BEACH HOUSING AUTHORITY BOARD**

**Recommendation:** Motion to recommend for appointment three (3) regular members to serve on the Delray Beach Housing Authority Board for four (4) year terms ending July 14, 2022.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Exhibit A](#)  
[Delray Beach Housing Authority Board Member List](#)  
[Delray Beach Housing Authority Attendance List](#)  
[Delray Beach Housing Authority Board Applications](#)

**7.E. NOMINATION FOR APPOINTMENT TO THE CODE ENFORCEMENT BOARD**

**Recommendation:** Motion to approve nomination for appointment for one (1) regular member to serve on the Code Enforcement Board for an unexpired term ending January 14, 2022.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Exhibit A](#)  
[Code Enforcement Board Member List](#)  
[Code Enforcement Board Attendance List](#)  
[Code Enforcement Board Applications](#)

**7.F. NOMINATION FOR APPOINTMENT TO THE POLICE ADVISORY BOARD**

**Recommendation:** Motion to approve nomination for appointment for one (1) regular member to serve on the Police Advisory Board for a two (2) year term ending July 31, 2020.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Exhibit A](#)  
[Police Advisory Board Member List](#)  
[Police Advisory Board Attendance List](#)  
[Police Advisory Board Applications](#)

**8. PUBLIC HEARINGS:**

**8.A. RESOLUTION 84-18: QUIT-CLAIM DEED TO TRANSFER A PORTION OF RIGHT-OF-WAY AT 998 PELICAN LANE TO DOUGLAS AND EMILY BOWRING IN EXCHANGE FOR A RIGHT-OF-WAY EASEMENT IN FAVOR OF THE TOWN OF GULFSTREAM (PUBLIC HEARING)**

**Recommendation:** Motion to approve Resolution 84-18 authorizing the City to execute a quit claim deed to transfer a portion of right-of-way at 998 Pelican Lane to Douglas and Emily Bowring subject to the condition that the Town of Gulfstream accept a right-of-way easement over the same area.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution 84-18](#)  
[BOWRING Quit Claim Deed for Pelican Lane final \(4\)](#)  
[Map of Area](#)  
[Easement in favor of the town of Gulstream](#)

**9. FIRST READINGS:**

9.A. None

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

**10.A. City Manager**

**10.A.1. Davis Cup Sponsorship Package**

**10.A.2. Atlantic Community High School Football Program Support**

**10.A.3. Parking Policy Update**

**10.B. City Attorney**

**10.C. City Commission**