

City of Delray Beach

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www.mydelraybeach.com



Regular Commission Meeting

Regular Meeting at 4:00 PM

Tuesday, February 5, 2019

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. RESOLUTION NO. 28-19 RECOGNIZING REGINA HART FOR 30 YEARS OF SERVICE**

Recommendation: Motion to approve Resolution No. 28-19 honoring Regina Hart for 30 years of service.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Resolution 28-19 Regina Hart](#)

4.B. PRESENTING DEIRDRA THOMAS, ADMINISTRATIVE ASSISTANT, WITH EMPLOYEE OF THE MONTH FOR FEBRUARY 2019

Recommendation: Present Deirdra Thomas, Administrative Assistant, with Employee of the Month for February 2019.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Deirdra Thomas Employee of the month nomination Form](#)

4.C. Internal Auditor's Report

4.C.1. None

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. CITY COMMISSION MEETING MINUTES

Recommendation: Motion to approve meeting minutes as listed below.

December 11, 2018 Regular City Commission Minutes
January 15, 2019 Regular City Commission Minutes

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[December 11, 2018 Regular Minutes with signature page added](#)
[January 15, 2019 Regular City Commission Minutes with signed page](#)

6.B. APPROVE RESOLUTION NO. 17-19 ENDORSING THE COMPLETE CLOSURE OF THE BRANT DRIVE BRIDGE DURING THE BRANT DRIVE BRIDGE REPLACEMENT PROJECT BY THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT).

Recommendation: Motion to approve Resolution No. 17-19 endorsing the FDOT with the complete closure of the Brant Drive Bridge to pedestrian and vehicular traffic during the Brant Drive Bridge Replacement Project (P/N 15-064) and authorization of the Mayor or City Manager to execute all necessary documents.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 17-19 Brant Bridge Closure CA rev 123118](#)
[Resolution 04-18](#)

6.C. RESOLUTION NO. 45-19 IN OPPOSITION TO OFFSHORE DRILLING ACTIVITIES, INCLUDING SEISMIC AIRGUN BLASTING, DUE TO NEGATIVE ENVIRONMENTAL AND ECONOMIC IMPACTS.

Recommendation: Motion to approve resolution opposing offshore drilling activities and seismic air gun blasts and direct the City Clerk to submit copies of the Resolution to Senators Rubio and Scott, Governor DeSantis and President Donald Trump.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Res 45-19 Opposition to Offshore Drilling Activites](#)
[Seismic Blast Fact Sheet](#)
[Oil and Tourism Don't Mix Fact Sheet](#)
[Clean Coast Economy Florida Fact Sheet](#)

6.D. RESOLUTION NO. 48-19 AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS FOR THE DELRAY BEACH NEIGHBORHOOD RESOURCE CENTER

Recommendation: Motion to Adopt Resolution No. 48-19; authorizing the City Manager to execute agreements and take all actions necessary to effectuate agreements with the Delray Beach Community Land Trust, Christians Reaching Out to Society, Inc., Faith-Hope-Love-Charity, Inc, Legal Aid of Palm Beach County, Inc., Urban League of Palm Beach County, Inc., Palm Beach County Food Banks, Inc., and Eckerd Youth Alternatives, Inc.

Sponsors: Community Improvement

Attachments: [Agenda Cover Report](#)
[Resolution 48-19 To Allow CM to Execute NRC Agreements CC 020519](#)

6.E. PROCLAMATIONS:

6.E.1. PROCLAMATION PROCLAIMING JANUARY 26, 2019 AS "Go4it Youth Entrepreneurship Summit Day"

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Proclamation 2019 Go4it Teen Entrepreneurship Summit Delray](#)

6.E.2. BLACK HISTORY MONTH PROCLAMATION

Recommendation: Motion to approve the proclamation declaring February as Black History Month

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Black History Month Proclamation 2019](#)

6.F. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:

6.F.1. None

6.G. AWARD OF BIDS AND CONTRACTS:

6.G.1. APPROVAL OF RESOLUTION NO. 40-19 TO AWARD AN AGREEMENT WITH PRO-GLOBAL PRESSURE CLEANING SERVICE BY JACKIE; AND APPROVAL OF RESOLUTION NO. 41-19 TO AWARD AN AGREEMENT WITH TOTAL PRESSURE CLEANING SERVICES, FOR PRESSURE CLEANING SERVICES - \$120,000

Recommendation: Motion to approve Resolutions 40-19 and 41-19 and award of agreements to Pro-Global Pressure Cleaning Service by Jackie and Total Pressure Cleaning Service, at an estimated cost of \$120,000 and authorize the City Manager to approve renewal options, in the same amounts, contingent upon appropriation of funds.

Sponsors: Community Improvement

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist form v. 5 Proglobal](#)
[Proglobal Reso CA rev](#)
[Signed Agreement Pro-Global](#)
[Legal Review Checklist form v. 5 Total Pressure Cleaning](#)
[Total Pressure Cleaning Reso CA review](#)
[Total Pressure Cleaning agreement CA rev](#)
[ITB 2019-017 Pressure Cleaning](#)
[Copy of Excel Tabulation for Bid ITB 2019-017](#)

6.G.2. APPROVAL OF RESOLUTION NOS. 21-19 WITH DS EAKINS CONSTRUCTION CORP., 23-19 WITH HINTERLAND GROUP, INC., AND 24-19 WITH MURRAY LOGAN CONSTRUCTION, INC., FOR STORMWATER INFRASTRUCTURE CONSTRUCTION - \$300,000

Recommendation: Motion to adopt Resolution Nos. 21-19, 23-19, 24-19 and approve agreements with DS Eakins Construction Corp., Hinterland Group, Inc., and Murray Logan Construction, Inc., at an estimated cost of \$300,000 and authorize the City Manager to approve renewal options, in the same amounts, contingent upon appropriation of funds.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist DS Eakins Construction](#)
[DS Eakins Resolution](#)
[DS Eakins Agreement](#)
[Legal Review Checklist Hinterland Group](#)
[Hinterland Resolution](#)
[Hinterland Agreement](#)
[Legal Review Checklist Murray Logan](#)
[Murray Logan Resolution](#)
[Murray Logan Agreement](#)
[RFQ 13-14-407 Utility Construction Services Final Form](#)

6.G.3. APPROVAL OF RESOLUTION NO. 27-19 TO AWARD A SOLE SOURCE AGREEMENT WITH SOUTHERN SEWER EQUIPMENT SALES AND SERVICE, INC. FOR VAC-CON AND SCHWARZE PARTS AND SERVICES - \$50,000

Recommendation: Motion to approve Resolution No. 27-19 to award a sole source agreement with Southern Sewer Equipment Sales and Service, Inc. for Vac-Con and Schwarze parts and services at an estimated cost of \$50,000 and authorize the City Manager to approve renewal options, in the same amounts, contingent upon appropriation of funds.

Sponsors: Public Works Department - Fleet Division

Attachments: [Agenda Cover Report](#)
[SS2019-001 Agreement for Vac-Con and Schwarze Parts and Service, vendor](#)
[Res 27-19](#)
[Legal Review Checklist Vac Con and Schwarze Parts and Service](#)
[Sole Source Approval - Vac-Con and Schwarze](#)

6.G.4. APPROVAL OF RESOLUTION NO. 32-19, RETROACTIVE APPROVAL WITH DEAN MITCHELL GROUP FOR INDOOR AIR QUALITY AND INFECTIOUS DISEASE SERVICES IN THE AMOUNT OF \$112,955.81 AND APPROVAL TO CONTINUE WITH REMEDIATION WORK - \$375,000

Recommendation: Motion to approve Resolution No. 32-19, retroactive approval with Dean Mitchell Group, for the total amount of \$112,955.81 and approval to continue with remediation work utilizing the balance of the budgeted amount for F/Y 2019 \$262,044.19 for estimated cost total of \$375,000, and authorize the City Manager to approve renewal options, in the same amounts, contingent upon appropriation of funds.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[CAO Checklist](#)
[Resolution No 32-19](#)
[Scan McAden, Ja'Anal 10 27 23-01-2019](#)

6.G.5. APPROVAL OF RESOLUTION NO. 37-19 WITH LANZO TRENCHLESS TECHNOLOGIES INC. SOUTH AND GPE ENGINEERING & GENERAL CONTRACTOR CORP. FOR STORMWATER LINING, CCTV AND TRENCHLESS TECHNOLOGIES SERVICES - \$450,000

Recommendation: Motion to adopt and approve Resolution No. 37-19 to award an agreement with Lanzo Trenchless Technologies, Inc. South and GPE Engineering & General Contractor Corp for stormwater pipe lining, CCTV and trenchless technologies services utilizing the City of Fort Lauderdale Solicitation No. ITB No. 673-11892 at an estimated cost of \$450,000 and authorize the City Manager to approve renewal options, in the same amounts, contingent upon appropriation of funds.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[CIPP Resolution 37-19](#)
[Legal Review Checklist Lanzo Agreement](#)
[Lanzo Agreement](#)
[LanzoTrenchless11892F Stormwater Lining Contract](#)
[Legal Review Checklist GPE Agreement](#)
[GPE Agreement](#)
[GPEEngineering11097FullyEx](#)
[Solicitation 673-11892 StormwaterLiningCCTVT](#)

6.G.6. APPROVAL OF RESOLUTION NO. 31-19 FOR VEHICLE PURCHASES FROM COGGIN FORD AND DUVAL FORD UTILIZING THE FLORIDA SHERIFF'S ASSOCIATION CONTRACT NO FSA-18-VEL26.016.0 AND FSA18-VEH16.0.

Recommendation: Motion to approve Resolution No. 31-19 for the purchase of two Ford F-150 Regular Cab 4x2 pick-up trucks and two Ford F-550 Cab and Chassis 4x2 F5G pick-up trucks utilizing the Florida Sheriff's Association Contract No. FSA-18-VEL26.016 and FSA18-VEH16.0.

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Florida Sherifs Contract FSA18-VEL26.0](#)
[FSA18-VEH16.0 Terms and Conditions](#)
[F-550 Quote-Duval 12-7-18](#)
[F150 REG CAB PU QOUTE \(2\) UNITS 11-16-18](#)
[Resolution 31-19 Florida Sheriff's Association No. FSA-18-VEL26.016.0 and FS](#)

6.G.7. APPROVAL OF RESOLUTION NO. 34-19 WITH SOUTHERN STAR CONTRACTORS, INC., FOR WATER TREATMENT PLANT UPGRADES AND IMPROVEMENTS - \$864,110

Recommendation: Motion to adopt Resolution No. 34-19 and approve an agreement with Southern Star Contractors, Inc. for an estimated cost of \$864,110.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist 2018-049 WTP Upgrades and Improvements](#)
[Resolution for WTP Improvements](#)
[2018-049 WTP Upgrades and Improvements Agreement](#)
[ITBC 2018-049 Water Treatment Plant Upgrades Improvements](#)
[Tabulation Sheet ITBC 2018-049](#)
[Sign Agreement Southern Star Contractors](#)

6.G.8. APPROVAL OF RESOLUTION 36-19 WITH SHENANDOAH GENERAL CONSTRUCTION COMPANY FOR SANITARY SEWER REHABILITATION AND INFRASTRUCTURE REPAIRS ESTIMATED AT \$620,000, UTILIZING THE CITY OF WEST PALM BEACH'S CONTRACT NO. 16299.

Recommendation: Motion to adopt Resolution No. 36-19 and approve an award of an agreement to Shenandoah General Construction Company for sanitary sewer rehabilitation and infrastructure repair for an estimated cost of \$620,000, utilizing the City of West Palm Beach's Contract No 16200, and authorize the City Manager to approve renewal options, in the same amount, contingent upon appropriation of funds.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist Shenandoah Piggyback](#)
[Shenandoah Agreement](#)
[Shenandoah Resolution](#)
[Signed Agreement](#)

6.G.9. APPROVAL OF RESOLUTION NO. 38-19: AWARD OF AN AGREEMENT WITH JOHNSON-DAVIS, INC., FOR THE LAKE IDA ROAD FORCE MAIN AIR RELEASE VALVE (ARV) REPLACEMENT PROJECT - \$179,300

Recommendation: Motion to approve Resolution No. 38-19 award of an agreement with Johnson-Davis, Inc., for the Lake Ida Road Force Main Air Release Valve (ARV) replacement project - \$179,300.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 38-19.docx](#)
[Johnson-Davis](#)
[Legal Review Checklist ITB 2018-057 Johnson Davis](#)

6.G.1 0. APPROVAL OF RESOLUTION NO. 46-19 WITH SOUTHEASTERN PUMP FOR SUBMERSIBLE WASTEWATER PUMPS - \$78,837

Recommendation: Motion to adopt Resolution No. 46-19 and approve an agreement with Southeastern Pump for an estimated cost of \$78,837 and authorize the City Manager to approve renewal options, in the same amounts, contingent upon appropriation of funds.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)
[Resolution](#)
[AGREEMENT](#)
[ITB 2019-009 Submersible Wastewater Pumps](#)
[Tabulation for Bid ITB 2019-009](#)

7. REGULAR AGENDA:

- 7.A.** A WAIVER REQUEST TO LDR SECTION 4.3.4(H)(6)(b)(4), SPECIAL LANDSCAPE SETBACKS: ALONG LINTON BOULEVARD; FROM A-1-A TO THE WESTERN CITY LIMITS, A SPECIAL LANDSCAPE AREA SHALL BE PROVIDED. THIS LANDSCAPE AREA SHALL BE THE SMALLER DISTANCE OF EITHER 30 FEET OR 10 PERCENT OF THE AVERAGE DEPTH OF THE PROPERTY; HOWEVER, IN NO CASE SHALL THE LANDSCAPE AREA BE LESS THAN 10 FEET, FOR THE PROPERTY LOCATED AT 1000, 1220, AND 1350 LINTON BLVD DUE TO AN EMINENT DOMAIN RIGHT-OF-WAY TAKING BY THE FLORIDA DEPT OF TRANSPORTATION. (QUASI-JUDICIAL HEARING)

Recommendation: Motion to approve the waiver request to LDR Section 4.3.4(H)(6)(b)(4) special landscape setbacks, to reduce the landscape setback to 12'4" along the northern frontage of the existing McDonalds located at the eastside of Waterford Place, 8'9" and 5'7" along the northeast portion of the property on (parcel 112 of Waterford Place), and to reduce the landscape setback along the northern frontage of Outback and Homegoods located at the westside of Waterford Place, to 8'6" starting at its most western portion of the northern frontage and extending to 14' at its most eastern portion of the northern frontage.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Delray Crossing Board Order](#)
[Justification Waiver](#)
[18133_01 Survey](#)
[Survey 2](#)
[Site plan 605A200](#)
[Site plan 605A201](#)

- 7.B.** 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 an unexpired terms ending November 30, 2019.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

7.C. 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 an unexpired 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](#)

7.D. 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 unexpired terms ending July 31, 2021.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Green Implementation Advancement Board Member List](#)
[Green Implementation Advancement Board Attendance List](#)
[GIAB Applications](#)

7.E. ADOPTION OF RESOLUTION 44-19

Recommendation: Motion to approve Resolution 44-19.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Resolution 44-19](#)

7.F. APPROVAL OF RESOLUTION NO. 33-19 TO AWARD AN AGREEMENT WITH R.J. HEISENBOTTLE ARCHITECTS, PA FOR DESIGN AND ENGINEERING PROFESSIONAL SERVICES FOR THE DELRAY BEACH SEABOARD AIR LINE RAILWAY STATION PURSUANT TO RFQ NO. 2018-048 - \$325,712.40

Recommendation: Motion to approve Resolution No. 33-19 to award an agreement with R.J. Heisenbottle Architects, PA for design and engineering professional services for the Delray Beach Seaboard Air Line Railway Station pursuant to RFQ No. 2018-048 at a cost of \$325,712.40.

Sponsors: Public Works Department - Programs & Project Management

Attachments: [Agenda Cover Report](#)
[2018-048 Agreement, vendor executed](#)
[Resolution No. 33-19 CA rev](#)
[Legal Review Checklist form v. 5 RJ Heisenbottle Agreement](#)
[2018-048 Design Eng. Prof Srvs for DB Seaboard Air Line Railway Station FINA](#)
[2018-048 Addendum No. 1](#)
[2018-048 Addendum No. 2](#)
[2018-048 Addendum No. 3](#)
[2018-048 Addendum No. 4](#)
[R.J. Heisenbottle Architects Responce](#)
[2018-048 Scoring Summary](#)

7.G. RESOLUTIONS NO. 18-19 AND 52-19: RESOLUTIONS OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ESTABLISHING THE PARKING TECHNICAL ADVISORY COMMITTEE TO PROVIDE RECOMMENDATIONS TO THE CITY MANAGER CONCERNING PARKING REGULATIONS OR, IN THE ALTERNATIVE, AMENDING THE COMPOSITION AND SCOPE OF THE PARKING MANAGEMENT ADVISORY BOARD.

Recommendation: Motion to approve Resolution No. 18-19 or Resolution No. 52-19.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Resolution 18-19 Establish PTAC](#)
[Res 52-19 PMAB amend](#)

8. PUBLIC HEARINGS:

- 8.A.** ORDINANCE NO. 07-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH BY AMENDING ARTICLE 2.4, "GENERAL PROCEDURES", SECTION 2.4.5, "PROCEDURES FOR OBTAINING DEVELOPMENT APPROVALS", PARAGRAPH (O), "IN-LIEU OF PARKING AND PUBLIC PARKING FEE REQUEST", BY REMOVING THE PARKING MANAGEMENT ADVISORY BOARD; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (SECOND READING/PUBLIC HEARING)

Recommendation: Motion to approve Ordinance No. 07-19 on second reading.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ord 07-19 replace PMAB w PTAC 12.26.18](#)

- 8.B.** ORDINANCE NO. 10-19 PROHIBITION OF SINGLE-USE PLASTIC STRAWS (SECOND READING)

Recommendation: Motion to approve Ordinance 10-19 placing prohibitions on the distribution of plastic straws.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Ord - Plastic Straws Final](#)
[Skip the Straw Memo \(9/11 Workshop\)](#)
[Letter of Support- Chamber of Commerce \(Skip the Straw\)](#)
[Powerpoint -Skip the Straw Campaign](#)

9. FIRST READINGS:

9.A. None

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

10.A.1 Golf Course Improvement and Financing

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Sponsors: City Manager Department

10.B. City Attorney

10.C. City Commission