

# City of Delray Beach

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



## Regular Commission Meeting

Regular Meeting at 4:00 PM

Tuesday, December 10, 2019

Commission Chambers  
Delray Beach City Hall

### City Commission

*Mayor Shelly Petrolia*  
*Vice Mayor Shirley Ervin Johnson*  
*Deputy Vice Mayor Bill Bathurst*  
*Commissioner Adam Frankel*  
*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. PRESENTING MIGUEL CATALASAN, SENIOR SOFTWARE ENGINEER, WITH EMPLOYEE OF THE MONTH FOR DECEMBER 2019.**

**Recommendation:** Motion to present Miguel Catalasan, Senior Software Engineer, with Employee of the Month for December 2019.

**Sponsors:** Human Resources Department

**Attachments:** [Agenda Cover Report](#)  
[Miguel Catalasan Employee of the Month](#)

**5. COMMENTS AND INQUIRIES ON AGENDA AND NON-AGENDA ITEMS FROM THE PUBLIC- IMMEDIATELY FOLLOWING PRESENTATIONS:**

A. City Manager's response to prior public comments and inquiries

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.

September 17, 2019 Final Budget Hearing/Regular Meeting Minutes

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[September 17, 2019 Final Budget Hearing Regular Meeting Minutes DRAFT](#)

- 6.B.** APPROVE UTILIZING SOURCEWELL EZIQC CONTRACT NO. FL-SEA-GC02-041019-SCD WITH SHIFF CONSTRUCTION AND DEVELOPMENT, INC. FOR RENOVATIONS TO THE PARKS AND RECREATION MAINTENANCE FACILITY, BUILDING E, AT THE SWINTON OPERATIONS COMPLEX IN AN AMOUNT NOT-TO-EXCEED \$249,808.60 IN COMPLIANCE WITH RESOLUTION 124-19 ADOPTED BY COMMISSION ON AUGUST 20, 2019.

**Recommendation:** Motion to approve expenditure in an amount not to exceed \$249,808.60 in compliance with Resolution No. 124-19 adopted by the City of Delray Beach (City) City Commission on August 20, 2019 to utilize Sourcewell (formerly known as National Joint Powers Alliance) ezIQC Contract No. FL-SEA-GC02-041019-SCD with Shiff Construction and Development, Inc. for required renovations to the Parks and Recreation Maintenance Facility, Building E, located at the Swinton Operations Complex.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[Res No. 124-19 executed](#)  
[Sourcewell Award - Shiff](#)  
[Sourcewell JOC Solicitation](#)  
[Delray Beach Parks and Rec HVAC Replacement Revised Proposal](#)  
[Delray Beach Parks and Rec Interior Remodel Revised Proposal](#)  
[Delray Beach Parks and Rec Re Roof Proposal](#)  
[Gordian ezIQC Overview](#)  
[Gordian JOC FAQs](#)

**6.C. ITEMS (A - L) - ACCEPTANCE OF A RIGHT OF WAY EASEMENT AND PERPETUAL SIDEWALK EASEMENT DEDICATIONS FOR MULTIPLE PROPERTIES**

**Recommendation: RIGHT OF WAY DEDICATION(S)**

**Item A**

- (A) Motion to approve and accept a 5' Right of Way dedication by the owner(s) of 1102 Coconut Row to the City of Delray Beach.

**PERPETUAL SIDEWALK EASEMENT(S)**

**Item B**

- (B) Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 1127 Miami Blvd. to the City of Delray Beach.

**Item C**

- (C) Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 215 SE 5th St. to the City of Delray Beach.

**Item D**

- (D) Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 238 SE 1st Ave. to the City of Delray Beach.

**Item E**

- (E) Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 127 NW 9th Ave. to the City of Delray Beach.

**Item F**

- (F) Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 270 NE 16th St. to the City of Delray Beach.

**Item G**

- (G) Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 1621 N. Swinton Ave. to the City of Delray Beach.

**Item H**

- (H) Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 634 SW 7th Ave. to the City of Delray Beach.

**Item I**

- (I) Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 830 N. Lake Ave. to the City of Delray Beach.

**Item J**

- (J) Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 402 NW 17th St. to the City of Delray Beach.

**Item K**

- (K) Motion to approve and accept dedication of a 5' of sidewalk easement by the owner(s) of 749 S. Lake Ave.

**Item L**

- (L) Motion to approve and accept dedication of a 5' of sidewalk easement by the owner(s) of 309 SW 5th Ave.

**Sponsors:**

Public Works Department

**Attachments:**      [Agenda Cover Report](#)  
[Simple Legal Review Approval- PSE Agreements](#)  
[Item \(A\) Exhibit A - 1102 Coconut Row](#)  
[Item \(A\) ROW Deed - 1102 Coconut Row](#)  
[Item \(B\) Exhibit A Sketch](#)  
[Item \(B\) PSE Agreement - 1127 Miami Blvd.](#)  
[Item \(C\) Exhibit A Sketch - 215 SE 5th St.](#)  
[Item \(C\) PSE Agreement - 215 SE 5th St.](#)  
[Item \(D\) Exhibit A Sketch - 238 SE 1st Ave.](#)  
[Item \(D\) PSE Agreement - 238 SE 1st Ave.](#)  
[Item \(E\) Exhibit A Sketch - 127 NW 9th Ave.](#)  
[Item \(E\) -PSE Agreement - 127 NW 9th Ave.](#)  
[Item \(F\) Exhibit A Sketch - 270 NE 16th St.](#)  
[Item \(F\) PSE Agreement - 270 NE 16th St.](#)  
[Item \(G\) Exhibit A Sketch - 1621 N. Swinton Ave.](#)  
[Item \(G\) PSE Agreement - 1621 N. Swinton Ave.](#)  
[Item \(H\) Exhibit A Sketch - 634 SW 7th Ave.](#)  
[Item \(H\) PSE Agreement - 634 SW 7th Ave.](#)  
[Item \(I\) Exhibit A Sketch-N. Lake Ave.](#)  
[Item \(I\) PSE Agreement - 830 N. Lake Ave.](#)  
[Item \(J\) Exhibit A Sketch 402 NW 17th St.](#)  
[Item \(J\) PSE Agreement - 402 NW 17th St.](#)  
[Item \(K\) Exhibit A - S. Lake Ave.](#)  
[Item \(K\) PSE Agreement - 749 S. Lake Ave.](#)  
[Item \(L\) Exhibit A Sketch - 309 SW 5th Ave.](#)  
[Item \(L\) PSE Agreement - 309 SW 5th Ave.](#)

## **6.D. PROCLAMATIONS:**

6.D.1. None.

## **6.E. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**

**6.E.1. REPORT OF APPEALABLE LAND USE ITEMS FROM NOVEMBER 18, 2019, THROUGH NOVEMBER 29, 2019.**

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

**Sponsors:** Development Services Department

**Attachments:**      [Agenda Cover Report](#)  
[Appealable Report and Supporting Documents Similarity of Use \(Scooter Scale](#)

**6.F. AWARD OF BIDS AND CONTRACTS:****6.F.1. RESOLUTION NO. 206-19 TO APPROVE AN AGREEMENT WITH BENNETT FIRE PRODUCTS COMPANY, INC. FOR FIRE EQUIPMENT PARTS AND SUPPLIES; UTILIZING LAKE COUNTY SOLICITATION 17-0606B - \$25,000**

**Recommendation:** Motion to Approve Resolution No. 206-19 to approve an Agreement based upon Contract No. 17-0606B between Lake County and Bennett Fire Company Inc., for fire equipment parts, supplies, and services and authorize the City Manager to approve renewal options, in the amounts below, contingent upon renewal by Lake County.

**Sponsors:** Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist form v. 6 - Fire Equipment](#)  
[Lake County Contract 17-0606B Bennett Fire](#)  
[17-0606B Bennett Fire Products](#)  
[Vendor Executed Agreement](#)  
[Resolution Fire \(KWB\)2](#)

**6.F.2. APPROVAL OF RESOLUTION NO. 209-19 AND APPROVAL OF AN AGREEMENT WITH CARUS LLC F/K/A CARUS CORPORATION FOR POLY PHOSPHATE SUPPLY AND DELIVERY - \$450,000**

**Recommendation:** Motion to approve Resolution No. 209-19, and approval of an agreement with Carus LLC f/k/a Carus Corporation for \$450,000, and authorize the City Manager to approve renewal options, in the amounts listed below, contingent upon appropriation of funds.

**Sponsors:** Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist- Carus](#)  
[Resolution 209-19 \(KWB\)](#)  
[ITB 2019-047 Poly Phosphate Supply and Delivery](#)  
[Bid Tabulation](#)  
[Carus Agreement](#)



**6.F.3. APPROVAL OF RESOLUTION NO. 210-19 TO AWARD AN AGREEMENT WITH HINTERLAND GROUP, INC. FOR LIFT STATION AND MANHOLE REHABILITATION SERVICES UTILIZING INDIAN RIVER COUNTY SOLICITATION NO. 2019047 - \$2,100,000**

**Recommendation:** Motion to approve Resolution No. 210-19 to award an agreement with Hinterland for lift station and manhole rehabilitation utilizing Indian River County solicitation No. 2019047, in the amount of \$1,260,000, and authorize the City Manager to approve renewal options, in the amounts listed below, contingent upon appropriation of funds.

**Sponsors:** Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist- Hinterland Lift Station](#)  
[Hinterland MSA for lift station rehab](#)  
[Resolution 210-19](#)  
[2019047 Annual Lift Station Rehabilitation](#)

**7. REGULAR AGENDA:**

**7.A. RESOLUTION NO. 203-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE GRANTING OF A WAIVER REQUEST TO LDR SECTION 4.4.13 (E)(4)(e)1., a., TABLE 4.4.13 (I) "DIMENSIONAL REQUIREMENTS FOR STOREFRONTS", A, WHICH SETS FORTH A MINIMUM 10' SETBACK REQUIREMENT FOR STOREFRONTS IN THE CENTRAL BUSINESS DISTRICT, WHEREAS A 7'-10" FRONT SETBACK IS BEING PROPOSED FOR THE PIERRE DELRAY I BUILDING LOCATED AT 302 E. ATLANTIC AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI-JUDICIAL HEARING).**

**Recommendation:** Review and consider Resolution No. 203-19.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Pierre Delray I \(Waiver\) - Location Map](#)  
[Pierre Delray I \(Waiver\) - Resolution 203-19](#)  
[Pierre Delray I \(Waiver\) - Applicant Request Letter](#)  
[Pierre Delray I \(Waiver\) - Waiver Request and Justification](#)  
[Pierre Delray I \(Waiver\) - Site Exhibit](#)  
[Pierre Delray I \(Waiver\) - Architectural \(Reference Only\)](#)  
[Pierre Delray I \(Waiver\) - CLIII Civil Plans \(Reference Only\)](#)  
[Pierre Delray I \(Waiver\) - Staff Report \(Reference Only\)](#)

- 7.B.** RESOLUTION NO. 213-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO LAND DEVELOPMENT REGULATIONS SECTION 4.4.13(D)(2)(A), WHICH SETS FORTH A MINIMUM 10' SETBACK FOR BUILDING FRONTS AND REARS, TO ALLOW FOR THE FRONT SETBACK OF PHG DELRAY LOCATED AT 200 NE 5TH AVENUE TO ENCROACH 9' ALONG NE 2ND STREET, 8'-2.5" ALONG NE 5TH AVENUE, AND 9.51' ALONG THE WEST SIDE OF THE PROPERTY, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI-JUDICIAL HEARING).

**Recommendation:** Review and consider Resolution No. 213-19.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Res. No. 213-19 PHG Delray Waiver](#)  
[PHG Delray Waiver Request](#)  
[PHG Delray Waiver Construction explanation.pdf](#)  
[PHG Delray Waiver Staff Report](#)  
[PHG Delray Waiver Site Plan](#)  
[PHG Delray Arch Set.pdf](#)  
[PHG Delray ENG-SET](#)

- 7.C.** DISCUSSION OF THE WEST ATLANTIC REDEVELOPMENT PLAN UPDATE

**Recommendation:** Discuss and provide direction.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[West Atlantic Redevelopment Plan Update101419 SM2.pdf](#)

**7.D. RATIFICATION AND NOMINATIONS OF APPOINTMENT TO THE KIDS AND COPS COMMITTEE**

**Recommendation:** 1). Recommend City Commission to nominate two (2) At-Large Representatives to the Kids and Cops Committee for an expired term ending July 31, 2021.

2). Approve and ratify the appointed members to the Kids and Cops Committee for an expired term ending November 30, 2021.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[12022019 Exhibit A](#)  
[Kids and Cops Attendance](#)  
[#1](#)  
[#2](#)  
[#3](#)  
[#4](#)  
[#5](#)  
[#6](#)  
[#7](#)  
[#8](#)

**7.E. MOTION TO APPROVE CHOICE OF DELRAY CONNECT VEHICLE STYLE TO BE PURCHASED WITH FUNDING FROM A PALM BEACH TRANSPORTATION PLANNING AGENCY (TPA) GRANT AWARD.**

**Recommendation:** Motion to approve the choice of a vehicle to be utilized by the Delray Connect fixed route transportation services operated by the Delray Beach Community Redevelopment Agency (CRA) to be purchased with funding from a Palm Beach Transportation Planning Agency (TPA) grant award.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[2015 - Trolleys](#)  
[Vehicle PurchaseTimeline 2019-11-22](#)  
[Pictures Starcraft and Transit](#)

**7.F. DISCUSSION OF THE NE 3RD STREET / NE 3RD AVENUE STREETSCAPE PROJECT**

**Recommendation:** Discuss and provide direction.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[325 Lofts](#)  
[2019-11-15 Cost Estimate \(NE 3rd Ave, NE 3rd St\) \(1\)](#)  
[PMP\\_NE 3rd St](#)  
[Scope of Work for Project Mgt Services NE 3rd Ave CDM Smith](#)

**7.G. LEASE RENEWAL PINEAPPLE GROVE PROFESSIONAL CENTER FOR THE EMPLOYEE HEALTH AND WELLNESS CENTER**

**Recommendation:** Motion to Approve the lease renewal for the Pineapple Grove Center for the Employee Health and Wellness Center.

**Sponsors:** Human Resources Department

**Attachments:** [Agenda Cover Report](#)  
[Lease Renewal Memo](#)  
[2015-16 Pineapple Grove Professional Center Lease - final executed \(002\)](#)  
[Pineapple Grove Holdings - Amendment No 1 to lease agreement](#)  
[City Attorney Office - Legal Review Checklist](#)  
[Amemdment No. 2 to the Lease Agreement Between the City of Delray BEach &](#)

**7.H. REQUEST FOR ADDITIONAL STAFFING EMPLOYEE HEALTH AND WELLNESS CENTER**

**Recommendation:** Motion to Approve additional staffing for the Employee Health and Wellness Center.

**Sponsors:** Human Resources Department

**Attachments:** [Agenda Cover Report](#)  
[Request for Additional Staffing memo](#)  
[12-18-2012 City of Delray Beach FULLY EXECUTED](#)  
[04 23 2013 City of Delray Beach AMD 1 FULLY EXECUTED](#)  
[Concentra Amendment No 2 Signed](#)  
[City Attorney Office - Legal Review Checklist](#)  
[City of DelRay \(AMD\) Additional Staffing](#)

**7.I. DISCUSSION OF GREEN IMPLEMENTATION ADVISORY BOARD RECOMMENDATIONS**

**7.J. SETTLEMENT IN THE CASE OF DELRAY BEACH V. MATCH POINT, INC.**

**Recommendation:** Motion to approve settlement in the case of Delray Beach v. Match Point, Inc. for the reasons discussed in the confidential memorandum previously distributed to the City Commission.

**Sponsors:** City Attorney Department

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

**7.K. APPROVAL OF RESOLUTION 215-19 OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING AMENDMENT NO. 6 TO THE AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND MATCH POINT, INC.**

**Recommendation:** Motion to Approve Resolution 215-19 approving Amendment No. 6 to the Agreement between the City of Delray Beach and Match Point, Inc., finding that approval of said Amendment is in the best interests of the City and that waiver of competitive requirements is appropriate.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)  
[Match Point Agreement Amend No 6](#)  
[Res 215-19 Amendment No 6 to MP Agreement](#)

**7.L. APPROVAL OF RESOLUTION 216-19 OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING AMENDMENT NO. 4 TO THE AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND PLAYERS INTERNATIONAL MANAGEMENT, INC.**

**Recommendation:** Motion to Approve Resolution 216-19 approving Amendment No. 4 to the Agreement between the City of Delray Beach and Players International Management, Inc., finding that approval of said Amendment is in the best interests of the City and that waiver of competitive requirements is appropriate.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)  
[Amendment 4 to the PIM agreement](#)  
[Res 216-19 Amendment No 4 to PIM Agreement](#)

**8. PUBLIC HEARINGS:**

**8.A. APPROVAL OF FY18-19 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT(CAPER)**

**Recommendation:** Motion to approve the 2018-2019 Consolidated Annual Performance and Evaluation Report required by the United States Housing and Urban Development (HUD) for utilization of federal grant funds.

**Sponsors:** Community Improvement

**Attachments:** [Agenda Cover Report](#)  
[CAPER FINAL 121019](#)  
[IDIS Generated Reports](#)

**9. FIRST READINGS:**

9.A. None.

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

**A. City Manager**

**B. City Attorney**

**C. City Commission**