

City of Delray Beach

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Minutes - Draft

Monday, November 20, 2017

6:00 PM

Regular Meeting at 6:00 PM

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

1. ROLL CALL

November 20, 2017 Regular Commission Meeting Minutes

The Regular City Commission Meeting was called to order at 6:00 p.m.

Members Present were:

Mayor Glickstein
Vice Mayor Chard
Commissioner Petrolia
Commissioner Katz
Deputy Vice Mayor Johnson

Other members present were:
City Manager, Mark R. Lauzier
City Attorney, R. Max Lohman
City Clerk, Katerri Johnson

Neither Mr. Lauzier nor Mr. Lohman had any staff requested changes.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

A motion was made by Commissioner Katz to approve the agenda. It was seconded by Commissioner Petrolia. The motion carried 5-0.

approved

4. PRESENTATIONS:

4.A. [17-919](#) PRESENTATION TO CHIEF NEAL DE JESUS ACKNOWLEDGING HIS ROLE AS INTERIM CITY MANAGER

Sponsors: City Clerk Department

Mayor Glickstein read into the record a few words of appreciation and presented a plaque to Chief Neal de Jesus thanking him for his service as the Interim City Manager.

4.B. [17-862](#) Presenting sherry dungey, PAYROLL ADMINISTRATOR, with Employee of the Month for NOVEMBER 2017.

Sponsors: Human Resources Department

Attachments: [Sherry Dungey Nomination form](#)

Duane D'Andre from Human Resources introduced Ms. Kim Farrell, Finance Director who presented Ms. Sherry Dungey as the "Employee of the Month" for the month of November, 2017. Duane D'Andre presented Ms. Dungey with a certificate and eight (8) hours off with pay.

Mayor Glickstein introduced the new Finance Director, Ms. Kim Farrell, she gave an overview of her background to the Mayor and Council.

4.C. [17-885](#) PRESENTATION TO RETIRING GENERAL EMPLOYEES PENSION BOARDMEMBER, MR. STEPHEN SWANK.

Sponsors: City Clerk Department

Mayor Glickstein read into record the recognition of Mr. Stephen Swank and presented him with a plaque and a gavel. Mr. Swank then gave a few words of gratitude and appreciation.

4.D. [17-876](#) PRESENTATION - HOMELESS TASK FORCE

Sponsors: Community Improvement

Mr. Ezra Krieg gave a presentation and update on the Homeless Task Force initiatives.

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

A motion was made by Commissioner Katz to approve the consent agenda. It was seconded by Commissioner Petrolia. The motion carried 5-0.

approved

6.A. [17-892](#) APPROVAL OF MINUTES

Sponsors: City Clerk Department

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

approved

- 6.B. [17-812](#) 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

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. [17-907](#) 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.

Sponsors: Environmental Services Department

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

- 6.D. [17-882](#) 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.

Sponsors: Environmental Services Department

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

- 6.E. [17-868](#) ACCEPTANCE OF UTILITY AND ACCESSWAY EASEMENT TO THE CITY OF DELRAY BEACH (CITY) FOR 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. [17-861](#) TERMINATION AGREEMENT AND MUTUAL RELEASE FOR 124 SW 8th AVENUE BETWEEN THE CITY OF DELRAY BEACH AND ROI CONSTRUCTION, LLC AND MATTIE OWENS

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. [17-866](#) 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

Sponsors: Parks & Recreation Department

Attachments: [2015-20 Agreement](#)
[Legal Review Checklist landscape maintenance lake ida](#)
[2015-20](#)

- 6.H. [17-886](#) PAYMENTUS UTILITY BILL PAYMENT SYSTEM

Sponsors: IT Department

Attachments: [Legal Review Checklist paymentus master services agreement](#)
[Paymentus Master Services Agreement Delray Beach FI 11-3-17](#)
[Final - Paymentus Executed](#)

- 6.I. [17-890](#) 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.

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 election services](#)

- 6.J. [17-891](#) 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.

Sponsors: City Clerk Department

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

6.K. PROCLAMATIONS:

6.K.1. None

6.L. [17-875](#) REPORT OF APPEALABLE LAND USE ITEMS FROM OCTOBER 9, 2017 THROUGH OCTOBER 20, 2017

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. [17-881](#) 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

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. [17-864](#) MOTION TO APPROVE COMPONENTS OF THE OLD SCHOOL SQUARE MASTER PLAN

Sponsors: City Manager Department

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

A motion was made by Commissioner Petrolia. It was carried by Vice Mayor Chard. The motion carried 5-0.

7.B. [17-916](#) 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.

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 agreement.pdf](#)
[Conversion Agreement with FPL for Atlantic Crossing revised .pdf](#)

A motion was made by Commissioner Petrolia to approve one agreement for underground utilities between the City of Delray Beach and Edwards Atlantic Avenue, LLC, Edwards Intracoastal, LLC, and Edwards CDS, LLC. and a second agreement for underground conversions between the City of Delray Beach and FPL for the Atlantic Crossing Development. The motion was seconded by Vice Mayor Chard. The vote carried 5-0.

Commissioner Petrolia made a motion to approve the second agreement, seconded by Vice Mayor Chard. The vote carried 5-0.

7.C. [17-833](#) RATIFICATIONS OF APPOINTMENT TO THE KIDS AND COPS COMMITTEE

Sponsors: City Clerk Department

A motion was made by Commissioner Petrolia to ratify the appointment to the Kids and Cops Committee. It was seconded by Vice Mayor Chard. The motion carried 5-0.

approved

7.D. [17-869](#) NOMINATION FOR APPOINTMENT TO THE PUBLIC ART ADVISORY BOARD

Sponsors: City Clerk Department

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

Commissioner Katz nominated Peter Pezario to the Public Art Advisory Board. It was seconded by Commissioner Petrolia. The nomination carried a vote of 5-0.

approved

7.E. [17-911](#) NOMINATION FOR APPOINTMENT TO THE GREEN IMPLEMENTATION ADVANCEMENT BOARD

Sponsors: City Clerk Department

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

Commissioner Katz nominated Sandy Trent to serve on the Green Implementation Advancement Board. It was seconded by Commissioner Petrolia. The nomination carried a vote of 5-0.

approved

8. PUBLIC HEARINGS:

8.A. [17-893](#) 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)

Sponsors: City Attorney Department

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

Commissioner Katz made a motion to adopt Ordinance No 42-17.
Discussion ensued. Mr. Lohman commented that corrections needed to
be made and that it would have to be brought back.

Public Comments were opened. The following persons stated they were
sworn in:

Robert Resnick
Carol Anderson
Alice Spence
Kevin Homer
Ray Simon

With no further comments from the public, public comment was closed.

- 8.B. [17-894](#) 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)

Sponsors: Fire Rescue Department

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

Commissioner Katz made a motion to approve Ordinance No. 43-17
Amending Chapter 96 "Fire Safety and Emergency Services" by amending
96.16. It was seconded by Commissioner Petrolia. The motion carried
5-0.

- 8.C. [17-895](#) 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)

Sponsors: City Attorney Department

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

Commissioner Petrolia made a motion to approve Ordinance 44-17 amending Article III, Legislative, Section 3.03 "... to amend the qualifying dates for the City of Delray Beach's general election at the request of the Supervisor of Election. The motion was seconded by Commissioner Katz. The vote was taken and passed 4-0. Vice Mayor Johnson left the dais at 9:01 p.m. and returned at 9:08 p.m. She was not present for the vote.

9. FIRST READINGS:

approved

9.A. [17-878](#) Amendment to the Code of Ordinances Relating to General Employee Retirement Plan to Comply with State and Federal Law

Sponsors: City Attorney Department

Attachments: [Ord 45-17 Delray Beach General Employees' Retirement Plan Revision 11.14.17 - Final](#)

City Attorney Lohman read Ordinance No. 45-17 amending Chapter 35, Employee Policies and Benefits into the record in its entirety. A motion was made by Vice Mayor Chard to approve Ordinance 45-17 on first reading. It was seconded by Commissioner Petrolia. The vote carried 5-0.

9.B. [17-879](#) 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)

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](#)

Mr. Lohman read into record in its entirety Ordinance No. 46-17. There was a discussion to change some language to Section 71-030. A motion was made by Commissioner Petrolia and seconded by Deputy Vice Mayor Johnson. The motion was later withdrawn to allow for public comment. Public comment was opened and Mr. Roy Simon spoke. With no others present to speak, public comment was closed.

A motion was made by Commissioner Katz as amended. It was seconded by Commissioner Petrolia. The vote was taken and the amended motion carried 5-0.

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

City Manager Comments:

There were none.

10.B. City Attorney

City Attorney Comments:

There were none.

10.C. City Commission

Commission Comments

Vice Mayor Chard commented about the following:

- an email about the Bike Share Program
- thanked the City Manager for the Management Report
- RFP for the historic train station
- Historic Preservation Task Force Ordinance
- Renovation of NE 3rd
- Removing pylons on marginal docks
- Looking for a finance report

Commissioner Petrolia commented about the following:

- Requested a workshop meeting to discuss the Rising Tide
- Requested a workshop to discuss the Congress Avenue Corridor

Deputy Vice Mayor Johnson commented about the following:

- Commended the City Manager on his monthly report
- She expressed that Delray Read was a wonderful event - she went to Spady for that event.
- The veterans were honored on November 11, 2017
- She thanked Parks and Recreation on the Thanksgiving luncheon for the seniors
- She thanked Mr. Michael Coleman and others for the annual turkey giveaway and giftbaskets.
- She commented about the CRA Workshop and suggested that the meeting be held at the Fairfield Inn Hotel.

Commissioner Katz commented about the following:

- December 7, 2017 he was hosting a breakfast and invited all business leaders to attend.
- He wished everyone a Happy Thanksgiving

Mayor Glickstein commented about the following:

- He explained that the Publix item was placed on the agenda at the CRA meeting to allow the DBA to explain and to inform the Commission about the status.
- He thanked Parks and Recreation for the Veteran's Day event
- He announced that the Atlantic High School district game was the upcoming Friday, 2/23/17.

- He announced that the annual Surf Festival was upcoming on Saturday, 2/24/17.
- He commented that the beach pavilion was not supposed to be any painted wood.
- Commented about the digital sign ordinance.

With no further business to discuss, the meeting was adjourned at 10:13 p.m.