

# City of Delray Beach

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## Minutes - Draft

**Tuesday, April 17, 2018**

**6:00 PM**

**Regular Meeting at 6:00 PM**

**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*

**1. ROLL CALL**

The Regular Commission meeting was called to order at 6:01 p.m.

The following were in attendance:

Mayor Shelly Petrolia  
Vice Mayor Adam Frankel  
Deputy Vice Mayor Shirley Ervin Johnson  
Commissioner Bill Bathurst  
Commissioner Ryan Boylston

Others present were:

Mark R. Lauzier, City Manager  
R. Max Lohman, City Attorney  
Katerri Johnson, City Clerk

**2. PLEDGE OF ALLEGIANCE TO THE FLAG****3. AGENDA APPROVAL**

Mayor Petrolia asked if there were any staff requested changes. City Manager asked that an item be added to the end of the agenda to appoint a primary and an alternate member to the TPA. That item will be 7.E. on the regular agenda. Mr. Lohman requested that an item be added to the agenda regarding Matchpoint. That item will be 7.F. on the regular agenda. There were requested changes by the Commission. Item 6.O. was pulled for discussion, it became 7.B.B on the regular agenda. Item 6.Y.5. was pulled for discussion. It became 7.A.A. on the regular agenda. There being no other agenda requested changes, a motion was made by Vice Mayor Adam Frankel to approve the agenda as amended. It was seconded by Commissioner Bathurst. The vote carried 5-0.

The first motion to approve the regular agenda was amended again by Vice Mayor Adam Frankel to add a discussion item about the Trolley Services which was brought forward by Mayor Petrolia. The amended motion was seconded again by Commissioner Bathurst. The vote carried 5-0.

**4. PRESENTATIONS:**

- 4.A.**     [18-169](#)     RESOLUTION NO. 43-18 RECOGNIZING MARIANNE ANDERSON FOR 30 YEARS OF SERVICE

**Recommendation:** Motion to Approve Resolution No. 43-18 honoring Marianne Anderson for 30 years of service.

**Sponsors:** Human Resources Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution Marianne Anderson.doc](#)

Police Chief Goldman introduced Ms. Marianne Anderson for serving 30 years as an employee. Mayor Petrolia then read a resolution into record recognizing Ms. Marianne Anderson for 30 years of service with the City of Delray Beach.

**approved**

**4.B.     [18-244](#)     FPL PRESENTATION BY SOPHIA ECCLESTON REGARDING R.O.W. EASEMENT AGREEMENT**

**Sponsors:** City Manager Department

**Attachments:** [Agenda Cover Report](#)  
[FPL Presentation - Delray Beach](#)  
[Hurricane Irma - 4-14](#)

Ms. Sophia Eccleston and other representatives from FPL gave a brief presentation about post hurricane Irma. She introduced Mr. Robert Weiss and Mr. David Diaz who spoke about the right of way easement agreement.

**4.C.     [18-245](#)     SOUTH FLORIDA WATER MANAGEMENT DISTRICT PRESENTATION CONCERNING C-15 CANAL RIGHT-OF-WAY CLEAN UP EFFORT**

**Sponsors:** Public Works Department

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

A presentation was given by Ms. Laura Corey with the South Florida Water Management District (SFWMD) regarding the C-15 Canal right of way clean-up effort.

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

No report at this time.

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

Mayor Petrolia would like to discuss the Trolley and requested it be added as Item # 7.G.

Vice Mayor Frankel made a motion to approve the agenda as amended. It was seconded by Commissioner Bathurst. A Roll Call vote was taken and all were in favor. The motion carried 5-0.

#### 5.B From the Public

Mayor Petrolia opened the meeting up for public comment.

Ms. Pauline Moody expressed that false accusations were made against her. She also commented about the Publix renovation construction leaving large potholes and they are getting bigger.

Mr. Bruce Leash of 335 S.E. 6th Avenue and the president of the Meridian expressed concerns about the wooden poles that are being replaced by concrete poles.

Ms. Sarah Ferrare of 105 S.W. 2nd Avenue handed out a spreadsheet to the City Commission and spoke about workforce housing.

Mr. Ralph Pocouri who resides in Boca expressed concerns about the C-15 Canal issue.

Mr. Gabe Ermand announced that he is running for Circuit Court Judge on August 28, 2018 and encouraged all to come out and vote.

Ms. Maxine Cheeseman announced that she is running for Circuit Court Judge, Group 18 on August 28, 2018 and encouraged all to come out and vote.

Ms. Carole Anderson spoke about the Crossings. She also commented about the Delray Affair event and expressed that she would like to see Atlantic Avenue close down to allow people to enjoy the area without having to worry about parking.

Mr. Ari Whiteman and Mr. Ron Galinski announced that they have come up with an idea to allow for a luncheon for all City Staff.

Mr. Irwin Nessi spoke about a posting that was placed on social media that was not intended to bring or cause any harm to anyone.

Ms. Clarissa Swatter followed by Ms. Aurora Siegel who are Boca Raton residents spoke about the SFWMD and the tree removal on the C-15 Canal. It was asked that Delray Beach post-pone the project.

Ernestine Holiday expressed her displeasure for disposing of the

Community Redevelopment Agency (CRA) board.

Ms. Yvonne Odom spoke about the disposing of the CRA Board and questioned the procedural process.

Mr. Dupree Jackson spoke about the community effort with the EDS Project and acknowledged several city staff for their support.

Mr. Tio Damsey, Boca Raton resident spoke about the C-15 Canal.

Ms. Evelyn Dobson asked about priorities for NW/SW neighborhood. She asked that they make it a priority being that the City Commission is now the governing body of the CRA board.

Mr. Barry Alexander spoke about the presentation done by the SFWMD and expressed that he feels it is misleading.

Mr. James Quinlan expressed concerns about several problems. He also had criticisms about a Commissioner for not having all the facts about the CRA.

Mr. Auguste who lives at 5032 NW 5th Street expressed concerns about hurricane season coming again and there is a large sink hole on 5th Street that needs to be fixed.

There being no further comments, Mayor Petrolia closed the public portion of the meeting.

## **6. CONSENT AGENDA: City Manager Recommends Approval**

Deputy Vice Mayor Johnson made a motion to approve the consent agenda as amended. It was seconded by Vice Mayor Frankel. A Roll Call vote was taken and all were in favor. The motion carried 5-0.

Mr. Lauzier, City Manager, asked the clerk to distribute a spreadsheet to the Commission regarding Item 6.Y.5. approving agreements with eight qualified consultants to provide general planning services with RFP-2017-075. Mr. Stillings, Planning Director, gave an explanation of why there is a need for this resolution.

Mayor Petrolia had concerns with approving a resolution with eight consultants for planning services. A Commission discussion ensued. Ms. Alvarez, Purchasing Director, was present to answer any questions.

Commissioner Boylston made a motion to approve Resolution No. 30-18. It was seconded by Commissioner Bathurst. A Roll Call vote was taken:

Vice Mayor Frankel- yes Commissioner Bathurst- yes Commissioner Bolyston- yes Deputy Vice Mayor Johnson- no Mayor Petrolia- no. The motion carried 3-2.

**6.A.**     [18-227](#)     APPROVAL OF MINUTES

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

February 21, 2017 - Regular Meeting  
March 1, 2017 - Regular Meeting  
November 14, 2017 - Joint CC/CRA Workshop

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[February 21, 2017 Meeting Minutes](#)  
[March 1, 2017 Meeting Minutes](#)  
[November 14, 2017 Meeting Minutes](#)

approved

**6.B.**     [18-189](#)     CONSIDERATION OF A FINAL PLAT FOR 7 ON 7TH, LOCATED ON THE WESTSIDE OF NE 7TH AVENUE, NORTH OF GEORGE BUSH BLVD.

**Recommendation:** Move approval for the Final Plat for 7 on 7th 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](#)  
[7on7 plat.pdf](#)  
[7 on 7th \\_plat file](#)  
[map](#)

approved

**6.C.**     [18-203](#)     FINAL (MINOR) SUBDIVISION (RE)PLAT OF LAKE IDA ESTATES LOCATED ON THE WEST END OF NW 13TH STREET, ADJACENT TO LAKE IDA.

**Recommendation:** Motion to approve the Final Plat for Lake Ida Estates, 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(K)(Minor Subdivisions) of the Land Development Regulations.

**Sponsors:** Planning & Zoning Department

**Attachments:** [Agenda Cover Report](#)  
[Lake Ida Estates Plat](#)

approved

- 6.D. [18-178](#) RETROACTIVE APPROVAL OF AMENDMENT NO. 1 WITH ZAMBELLI FIREWORKS MANUFACTURING CO. FOR THE PROVISION OF A FIREWORKS DISPLAY IN A TOTAL AGREEMENT VALUE NOT-TO-EXCEED \$38,000 THROUGH JULY 3, 2019

**Recommendation:** Motion to retroactively approve Amendment No. 1 with Zambelli Fireworks Manufacturing Co. for the provision of a fireworks display in a total agreement value not-to-exceed \$38,000 through July 3, 2019.

**Sponsors:** Parks & Recreation Department, Fire Rescue Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[2016-101 Amendment No. 1, Vendor Executed](#)  
[2016-101 Agreement](#)  
[Legal Review Checklist Amd NO. 1 to the RFP 2016-101 Fireworks JR](#)

approved

- 6.E. [18-207](#) ACCEPTANCE OF A RIGHT OF WAY DEED FOR 455 NW 9TH ST.

**Recommendation:** Motion to Approve and accept a 15' Right of Way Deed at 455 NW 9TH ST.

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

**Attachments:** [Agenda Cover Report](#)  
[Right of Way Deed 455 NW 9th St.](#)  
[Exhibit A-Sketch and Legal](#)  
[Survey 455 NW 9th St.](#)  
[PAPA Page 455 NW 9th St.](#)  
[PAPA Map Location 455 NW 9th St.](#)

approved

- 6.F. [18-221](#) ACCEPTANCE OF A RIGHT OF WAY DEED FOR 810 N. SWINTON AVE.

**Recommendation:** Motion to Approve and accept 10' of Right of Way Dedication on NW 9th St. and 5' of Right of Way Dedication on N. Swinton Ave. located at 810 N. Swinton Ave.

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

**Attachments:** [Agenda Cover Report](#)  
[810 N. Swinton Ave. Deed and Sketch Exhibit A](#)  
[810 N. Swinton Ave. Survey](#)  
[PAPA Map Location 810 N. Swinton Ave.](#)  
[PAPA Page 810 N. Swinton Ave.](#)  
[Sun Biz Page 810 N. Swinton Ave.](#)  
[810 N. Swinton Ave. Operating Agreement](#)  
[DSMG Agenda and Minutes 11.21.17](#)

approved

- 6.G.**     [18-167](#)     APPROVE AMENDMENT NO. 01 TO THE GRANT AGREEMENT WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT FOR PROVIDING SUPPLEMENTARY FUNDING FOR THE AREA 12C RECLAIMED WATER SYSTEM EXPANSION PROJECT, PROJECT NO. 2016-024, IN THE AMOUNT OF \$400,000, AS PART OF THEIR COOPERATIVE FUNDING PROGRAM FOR ALTERNATIVE WATER SUPPLY.

**Recommendation:** Motion to approve and execute Amendment No. 01 to the Grant Agreement No. 4600003488 with the South Florida Water Management District (SFWMD), for providing supplementary funding for the Area 12C Reclaimed Water System expansion project in the amount of \$400,000, Project No. 2016-024, as part of their Cooperative Funding Program for Alternative Water Supply (AWS).

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

**Indexes:** Capital Improvement Projects - City Wide

**Attachments:** [Agenda Cover Report](#)  
[Amendment No.1 to SFWMD Grant](#)  
[SFWMD Grant EXECUTED by District 20170222](#)  
[Legal Review Checklist Amd. #1 for SFWMD agt proposed](#)

approved

- 6.H.**     [18-226](#)     APPROVAL OF CHANGE ORDER NO.1 TO THE AGREEMENT WITH WEST CONSTRUCTION INC. FOR PURCHASE OF THE GREEN COLORED BIKE LANE MATERIAL FROM AN ALTERNATE SUPPLIER IN A NOT-TO-EXCEED AMOUNT OF \$25,000.

**Recommendation:** Motion to approve Change Order No. 1 to the agreement with West Construction Inc. (WEST) for the purchase of the green colored bike lane



material from an alternate supplier in an amount not to exceed \$25,000 for the NE 2nd Ave. / Seacrest Beautification Phase 1, project no. 17-008.

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

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

[Legal Review Checklist form v. 4 Change Order No. 1 West](#)

[Construction Seacrest Phase 1](#)

[Change Proposal Request No 1](#)

approved

- 6.I. [18-205](#) APPROVE RESOLUTION NO. 19-18 AUTHORIZING A GRANT AGREEMENT WITH FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION IN THE AMOUNT NOT-TO-EXCEED \$51,527 FOR MANAGEMENT OF THE CITY OF DELRAY BEACH'S (CITY) SHORE PROTECTION PROJECT (PROJECT NO.17-081)

**Recommendation:** Motion to approve Resolution No. 19-18 authorizing a Grant Agreement with the Florida Department of Environmental Protection (FDEP) for assistance with funding the City's Shore Protection Project (Project No. 17-018) in the not-to-exceed amount of \$51,527.

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

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

[Res 19-18 FDEP Grant Agreement 3.7.18 CAO review \(004\)](#)

[17PB2 Delray Beach Shore Protection Project](#)

[Legal Review Checklist DI DEP grant agreement](#)

approved

- 6.J. [18-241](#) APPROVE RESOLUTION NO. 39-18 IN SUPPORT OF THE GRANT APPLICATION FOR THE BRANT BRIDGE CONNECTOR LOOP EXTENSION ON CARL BOLTER AVENUE PROJECT WHICH HAS BEEN SUBMITTED TO THE PALM BEACH TRANSPORTATION PLANNING AGENCY (TPA) AS PART OF THE TRANSPORTATION ALTERNATIVES PROGRAM (TAP) FOR APPROVAL FOR FISCAL YEAR 2019.

**Recommendation:** Approve Resolution No. 39-18 in support of the City of Delray Beach (City) grant application submitted to Palm Beach Transportation Planning Agency (TPA) for the Transportation Alternatives Program grant application for the Brant Bridge Connection Loop Extension on Carl Bolter Drive (Blue Jay Turn to Lindell Boulevard).

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

**Attachments:** [Agenda Cover Report](#)  
[2018 Brant Bridge Res 39-18](#)  
[Brant Bridge 2018 Ap](#)

approved

- 6.K. [18-230](#) APPROVE RESOLUTION NO. 40-18 IN SUPPORT OF THE GRANT APPLICATION FOR THE PROJECT ON LINTON BOULEVARD FROM A1A TO FEDERAL HIGHWAY WHICH HAS BEEN SUBMITTED TO THE PALM BEACH TRANSPORTATION PLANNING AGENCY (TPA) AS PART OF THE LOCAL INITIATIVES (LI) PROGRAM AND TRANSPORTATION ALTERNATIVES PROGRAM (TAP) FOR APPROVAL FOR FISCAL YEAR 2019.

**Recommendation:** Motion to approve Resolution No. 40-18 in support of the Local Initiatives Program grant application submitted to the Palm Beach Transportation Planning Agency (TPA) for Linton Boulevard (A1A to U.S. 1) and Germantown Road (South Congress Avenue to Old Germantown Road).

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

**Indexes:** Capital Improvement Projects - City Wide

**Attachments:** [Agenda Cover Report](#)  
[RESOLUTION for 2018 Linton TPA grant](#)  
[Linton - Grant application files](#)

approved

- 6.L. [18-243](#) APPROVE RESOLUTION NO. 41-18 IN SUPPORT OF THE GRANT APPLICATION FOR THE PROJECT ON GERMANTOWN ROAD SOUTH OF CONGRESS AVENUE TO OLD GERMANTOWN ROAD WHICH HAS BEEN SUBMITTED TO THE PALM BEACH TRANSPORTATION PLANNING AGENCY (TPA) AS PART OF THE LOCAL INITIATIVES (LI) PROGRAM AND TRANSPORTATION ALTERNATIVES PROGRAM (TAP) FOR APPROVAL FOR FISCAL YEAR 2019.

**Recommendation:** Approve Resolution No. 41-18 in support of the City's grant application to the Palm Beach Transportation Planning Agency (TPA) for a Local Initiatives program grant for the Germantown Road (South Congress Avenue to Old Germantown Road) project.

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

**Attachments:** [Agenda Cover Report](#)  
[2018 Germantown Rd Res 41-18](#)  
[Germantown Rd 2018 Ap](#)

approved

- 6.M.**     [18-174](#)     APPROVAL OF CHANGE ORDER NO. 1 TO THE AGREEMENT WITH FLORIDA CDI, LLC FOR THE 100' CHRISTMAS TREE AND NORTH POLE VILLAGE ASSEMBLY AND DISASSEMBLY IN A NOT-TO-EXCEED AMOUNT OF \$55,549.

**Recommendation:** Motion to approve Change Order No. 1 to the agreement with Florida CDI, LLC (CDI) for the 100' Christmas tree and North Pole village assembly and disassembly in a not-to-exceed amount of \$55,549 (Project No. 17-062).

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

**Attachments:**   [Agenda Cover Report](#)  
                         [CDI CO 1](#)

approved

- 6.N.**     [18-195](#)     SERVICE AUTHORIZATION NO. 3 WITH CDM SMITH, INC. FOR DESIGN-BUILD CRITERIA PROFESSIONAL SERVICES FOR FIRE STATION No. 113 PROJECT.

**Recommendation:** Motion to Approve Service Authorization No. 3 with CDM Smith, Inc. (CDM) in the amount not to exceed \$147,248 for design-build criteria professional services for Fire Station No. 113 (Project No.16-012).

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

**Attachments:**   [Agenda Cover Report](#)  
                         [CDM Design Build Criteria SA 3 FS3](#)  
                         [CDM Master Contract](#)  
                         [Program FS 113 - 2.16.17](#)

approved

- 6.O.**     [18-200](#)     APPROVAL OF AMENDMENTS (NO. 1) TO THE CONTINUING ENGINEERING, LANDSCAPING ARCHITECTURE, AND/OR LAND SURVEYING CONSULTING SERVICES AGREEMENTS WITH 25 CONSULTANTS 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 Approve Amendments (No. 1) to the Agreements with A.D.A. Engineering, Inc., Aptim Environmental & Infrastructure, Inc., Avirom & Associates, Inc., Baxter & Woodman Inc., dba Mathews Consulting, Bermello Ajamil and Partners, Inc., Biscayne Engineering Company, Inc.,

Carollo Engineers, Inc., Calvin, Giordano & Associates, Inc., Carnahan Proctor and Cross, Inc., Chen Moore and Associates, Inc., Coastal Systems International, Inc., Craven, Thompson & Associates, Inc., EDSA, Inc., Engenuity Group, Inc., Erdman Anthony of Florida, Inc., GLE Associates, Inc., Gartek Engineering, Corp., Keith and Schnars, P.A., Marlin Engineering, Inc., Master Consulting Engineers, Inc., Michael B. Schorah and Associates, Inc., Pinnacle Ecological, Inc., SGM Engineering, Inc., T. Y. Lin International, and Wantman Group, Inc. for continuing engineering, landscaping architecture, and/or land surveying consulting services, and authorization to allow 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 and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[2017-048 Price Comparison](#)  
[2017-048 Amendment No. 1 CAO Checklist](#)  
[2017-048 Bermello Amendment No. 1, Vendor Executed](#)  
[2017-048 Carnahan Amendment No. 1, Vendor Executed](#)  
[2017-048 Carollo Amendment No. 1, Vendor Executed](#)  
[2017-048 Coastal Amendment No. 1, Vendor Executed](#)  
[2017-048 Gartek Amendment No. 1, Vendor Executed](#)  
[2017-048 GLE Consulting Amendment No. 1, Vendor Executed](#)  
[2017-048 Marlin Amendment No. 1, Vendor Executed](#)  
[2017-048 Master Consulting Amendment No. 1, Vendor Executed](#)  
[2017-048 Mathews Amendment No. 1, Vendor Executed](#)  
[2017-048 Michael B. Amendment No. 1, Vendor Executed](#)  
[2017-048 Pinnacle Amendment No. 1, Vendor Executed](#)  
[2017-048 SGM Amendment No. 1, Vendor Executed](#)  
[2017-048 TY Amendment No. 1, Vendor Executed](#)  
[2017-048 A.D.A. Amendment No. 1, Vendor Executed](#)  
[2017-048 Aptim \(CB&I\) Amendment No. 1, Vendor Executed](#)  
[2017-048 Engenuity Amendment No. 1, Vendor Executed](#)  
[2017-048 Erdman Amendment No. 1, Vendor Executed](#)  
[2017-048 Keith & Schnars Amendment No. 1, Vendor Executed](#)  
[2017-048 Wantman Amendment No. 1, Vendor Executed](#)  
[2017-048 Craven Amendment No. 1, Vendor Executed](#)  
[2017-048 EDSA Amendment No. 1, Vendor Executed](#)  
[2017-048 Calvin Amendment No. 1, Vendor Executed](#)  
[2017-048 Chen Amendment No. 1, Vendor Executed](#)  
[2017-048 Avirom Amendment No. 1, Vendor Executed](#)  
[2017-048 Biscayne Amendment No. 1, Vendor Executed](#)  
[2017-048 Agreement with Calvin, Giordano and Associates Inc.](#)  
[2017-048 Agreement with Carnahan, Proctor and Cross, Inc.](#)  
[2017-048 Agreement with Carollo Engineers, Inc.](#)  
[2017-048 Agreement with CB&I ENVIRONMENTAL & INFRASTRUCTURE, INC.](#)  
[2017-048 Agreement with Chen Moore and Associates, Inc.](#)  
[2017-048 Agreement with Coastal Systems International, Inc.](#)  
[2017-048 Agreement with Craven Thompson & Associates](#)  
[2017-048 Agreement with Edsa, Inc.](#)  
[2017-048 Agreement with ENGENUITY GROUP, INC.](#)  
[2017-048 Agreement with Erdman Anthony of Florida Inc.](#)

[2017-048 Agreement with Gartek Engineering Corporation](#)

[2017-048 Agreement with GLE ASSOCIATES, INC.](#)

[2017-048 Agreement with Keith and Schnars, P.A.](#)

[2017-048 Agreement with MARLIN ENGINEERING, INC.](#)

[2017-048 Agreement with MASTER CONSULTING ENGINEERS, INC.](#)

[2017-048 Agreement with MICHAEL B. SCHORAH AND ASSOCIATES, INC.](#)

[2017-048 Agreement with Pinnacle Ecological, Inc.](#)

[2017-048 Agreement with SGM ENGINEERING, INC.](#)

[2017-048 Agreement with T.Y. Lin International](#)

[2017-048 Agreement with Wantman Group](#)

[2017-047 Agreement with Baxter & Woodman, Inc DBA Mathews Consulting](#)

[2017-048 Agreement with A.D.A. Engineering](#)

[2017-048 Agreement with Avirom & Associates, Inc.](#)

[2017-048 Agreement with BERMELO, AJAMIL & PARTNERS, INC.](#)

[2017-048 Agreement with BISCAYNE ENGINEERING COMPANY, INC.](#)

Missie Barletto introduced this item. Ms. Alvarez, Purchasing Director was also present for questions. A lengthy discussion took place about the agreements. After further discussion a motion was made by Commissioner Boylston to approve the agreements. It was seconded by Commissioner Bathurst. The vote was taken and passed 3-2 with Mayor Petrolia and Deputy Vice Mayor Johnson dissenting.

**approved**

- 6.P.**     [18-171](#)     APPROVAL OF AMENDMENT NO. 2 TO THE GAS, CARBON DIOXIDE, (FOOD GRADE) PURCHASE AND DELIVERY TERM CONTRACT WITH AIRGAS USA, LLC

**Recommendation:** Motion to approve Amendment No. 2 to renew the Gas, Carbon Dioxide, (Food Grade) Purchase and Delivery Term Contract with Airgas USA, LLC in an amount not-to-exceed \$140,000 for the purchase and delivery of carbon dioxide and oxygen through June 16, 2019.

**Sponsors:** Utilities Department, Fire Rescue Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[2014-22 Amendment No. 2, Vendor Executed](#)  
[Legal Review Checklist form v. 4 Agreement for CO and Oxygen 2nd amendment](#)  
[2014-22 Amendment No. 1 FULLY EXECUTED](#)  
[2014-22 Executed Agreement](#)

approved

- 6.Q.**     [18-175](#)     APPROVAL OF AMENDMENT NO. 2 TO THE AGREEMENT WITH M & M ASPHALT MAINTENANCE, INC. D/B/A ALL COUNTY PAVING, INC. FOR ROAD RESTORATION SERVICES UTILIZING THE CITY OF SUNRISE CONTRACT C15-33-05-MS

**Recommendation:** Motion to approve Amendment No. 2 with M & M Asphalt Maintenance, Inc. d/b/a All County Paving, Inc. in a total agreement value not-to-exceed \$125,000 from June 1, 2018, through May 31, 2019, utilizing the City of Sunrise Contract C15-33-05-MS for roadway restoration services.

**Sponsors:** Utilities Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Amendment No. 2, Vendor Executed](#)  
[Amendment No. 1](#)  
[Master Contractor Services Agreement - M&M Asphalt Maintenance Inc. DBA All County Paving Inc.](#)  
[Legal Review Checklist form v. 4 Amend 2 to M&M Asphalt Piggyback](#)

approved

- 6.R.**     [18-190](#)     APPROVAL TO INCREASE THE APPROVED CONTRACT VALUE WITH SULLIVAN ELECTRIC & PUMP, INC. AND CONDO ELECTRIC MOTOR REPAIR CORP. FOR ELECTRIC PUMP REPAIRS

**Recommendation:** Motion to increase the approved contract value with Sullivan Electric & Pump, Inc. and Condo Electric Motor Repair Corp. to an amount not-to-exceed \$80,000 each, per fiscal year, for electric pump repairs.

**Sponsors:** Utilities Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[2015-77 Pump Repairs](#)  
[BID 2015-77 Award Posting](#)  
[BID No. 2015-77 Tab Sheet](#)  
[Legislation Text - 15-131](#)

approved

**6.S.     [18-220](#)     SETTLEMENT IN THE CASE OF NICHOLAS AND MICHAEL BASIAGA  
V. CITY OF DELRAY BEACH**

**Recommendation:** Motion to approve a settlement in the case of Nicholas and Michael Basiaga v. City of Delray Beach for reasons discussed in the confidential memorandum previously distributed to the City Commission.

**Sponsors:** City Attorney Department

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

approved

**6.T.     [18-237](#)     PROPOSED DEMAND FOR SETTLEMENT IN THE CASE OF ELOUIS  
BELORGE 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 dated April 5, 2018.

**Sponsors:** City Attorney Department

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

approved

**6.U.     [18-246](#)     PROPOSED SETTLEMENT IN THE CASE OF FOSTER MARINE  
CONTRACTOR'S INC. V. CITY OF DELRAY BEACH**

**Recommendation:** Motion to deny settlement offer for the reasons discussed in the confidential memorandum previously distributed to the City Commission dated April 9, 2018.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)  
[Foster Marine Settlement Offer](#)

approved

**6.V.     [18-223](#)     APPROVAL OF THE AMENDED AND RESTATED WORKFORCE**



HOUSING COVENANT BETWEEN THE CITY OF DELRAY BEACH,  
MENIN DEVELOPMENT, INC., AND DELRAY BEACH COMMUNITY  
LAND TRUST, INC.

**Recommendation:** Motion to approve an Amended and Restated Workforce Housing Covenant between the City, Menin Development and the Delray Beach Community Land Trust ("DBCLT") and a Partial Termination and Release Agreement.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)  
[Workforce Housing Covenant.pdf](#)  
[Partial termination and Release.pdf](#)

approved

## 6.W. PROCLAMATIONS:

### 6.W.1. [18-196](#) ARBOR DAY PROCLAMATION

**Recommendation:** Designate April 27, 2018 as Arbor Day in the City of Delray Beach.

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

**Attachments:** [Agenda Cover Report](#)  
[Arbor Day Proclamation 2018](#)

approved

### 6.X. [18-204](#) REPORT OF APPEALABLE LAND USE ITEMS FROM FEBRUARY 26, 2018 THROUGH MARCH 9, 2018

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

**Sponsors:** Planning & Zoning Department

**Attachments:** [Agenda Cover Report](#)  
[Map of Appealable Items - City Commission Map.pdf](#)  
[A- 321 N Cngress Avenue.pdf](#)  
[B- 204 E. Atlantic Avenue.pdf](#)  
[C - 4771 W. Atlantic Ave; Delray Square.pdf](#)  
[D- 4970 W. Atlantic Ave; Bed Bath Beyond Plaza for CVS.pdf](#)  
[E- 2501 S. Federal Hwy. - Delray Ford.pdf](#)  
[F- 32 E. Atlantic Ave.pdf](#)  
[G- 131 NE 1st Ave.pdf](#)

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

- 6.Y.1. [18-193](#)** APPROVAL OF A PURCHASE FROM ALAN JAY FORD LINCOLN MERCURY, INC. FOR THE PURCHASE OF FIFTEEN NEW VEHICLES IN AN AMOUNT NOT-TO-EXCEED \$520,000 UTILIZING THE FLORIDA SHERIFF'S ASSOCIATION CONTRACT NO. FSA17-VEL25.0

**Recommendation:** Motion to approve a purchase from Alan Jay Ford Lincoln Mercury, Inc. for the purchase of fifteen new vehicles in an amount not-to-exceed \$520,000 utilizing the Florida Sheriff's Association Contract No. FSA17-VEL25.0.

**Sponsors:** Public Works Department - Fleet Division and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[T&Cs FSA17-VEL25.0](#)  
[Pricing FSA17-VEL25.0](#)  
[Delray Beach Quote from FSA17-VEL25.0](#)

approved

- 6.Y.2. [18-229](#)** APPROVAL TO PURCHASE ONE NEW RESCUE TRANSPORT VEHICLE FROM REV RTC, INC. DBA HALL-MARK RTC IN AN AMOUNT NOT-TO-EXCEED \$535,000 UTILIZING THE FLORIDA SHERIFF'S ASSOCIATION CONTRACT NO. FSA16-VEF12.0

**Recommendation:** Motion to approve a purchase of one new rescue transport vehicle from Rev RTC, Inc. dba Hall-Mark RTC in an amount not-to-exceed \$535,000 utilizing the Florida Sheriff's Association Contract No. FSA16-VEF12.0.

**Sponsors:** Public Works Department - Fleet Division and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Delray Beach Horton Proposal 4-2-18 Final - With Performance Bond](#)  
[Equipment Replacement Report-V200865](#)  
[FSA 16-VEF12.0 Extension Through May 4, 2018](#)  
[FSA 16-VEF12.0 Initial Contract Pricing](#)  
[FSA 16-VEF12.0 Specs](#)  
[FSA 16-VEF12.0 Terms and Conditions](#)  
[REV RTC Penalty Clause](#)

approved

- 6.Y.3. [18-194](#)** RESOLUTION NO. 18-18 AWARD OF AGREEMENT WITH L.V. SUPERIOR LANDSCAPING, INC. FOR LANDSCAPE MAINTENANCE OF MARTIN LUTHER KING BLVD. IN A NOT-TO-EXCEED AMOUNT OF \$17,729 ANNUALLY

**Recommendation:** Motion to approve Resolution No. 18-18 to award a three year Agreement with two, one-year renewal options to L.V. Superior Landscaping, Inc. for Landscape Maintenance of Martin Luther King Blvd. in the not-to-exceed amount of \$17,729 and to authorize the City Manager to exercise any and all options to renew.

**Sponsors:** Public Works Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist form v. 4 Landscape Maintenance Services LV Superior](#)  
[2018-011 Resolution for Contracts lg rev](#)  
[2018-011 Agreement](#)

approved

- 6.Y.4. [18-176](#) APPROVAL OF RESOLUTION NO. 24-18 TO AWARD AN AGREEMENT WITH AQUIFER MAINTENANCE AND PERFORMANCE SYSTEMS, INC. FOR WELLFIELD MAINTENANCE SERVICES UTILIZING THE MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS SOLICITATION NO. RFB2017-2969, AND TO AUTHORIZE THE CITY MANAGER TO APPROVE AND EXECUTE AGREEMENT RENEWAL OPTIONS

**Recommendation:** Motion to approve Resolution No. 24-18 to award an agreement with Aquifer Maintenance and Performance Systems, Inc. for wellfield maintenance services for a total agreement value not-to-exceed \$525,000 through August 7, 2020, utilizing the Martin County Board of County Commissioners Solicitation No. RFB2017-2969.

**Sponsors:** Utilities Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist form v. 4 Aquifer Maintenance piggyback](#)  
[P2018-011 Agreement, Vendor Executed](#)  
[P2018-011 Resolution No. 24-18 for Well Rehab lg rev](#)  
[Martin County Contract](#)

approved

- 6.Y.5. [18-239](#) RESOLUTION NO. 30-18 APPROVING AGREEMENTS WITH EIGHT QUALIFIED CONSULTANTS TO PROVIDE GENERAL PLANNING SERVICES IN ACCORDANCE WITH RFP 2017-075

**Recommendation:** Motion to approve Resolution No. 30-18 and award contracts for five (5) years, with two (2) one-year renewal options to the following firms:

Bermello, Ajamil & Partners, Inc., EDSA, Inc., JMorton Planning & Landscape Architecture, Inc., Keith & Schnars, P.A., NZ Consultants, Inc., Redevelopment Management Associates, LLC d/b/a RMA, Schmidt Nichols, Inc., and The Mellgren Planning Group, Inc. and authorize the City Manager to exercise all renewal options. The value of the general planning services associated with the agreements shall not exceed \$500,000.

**Sponsors:** Planning & Zoning Department and Purchasing Department

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

[2017-075 General Planning Services RFP Final Approved](#)

[Legal Review Checklist Master for General Planning Services](#)

[Agreements \(RFP 2017-075\)](#)

[Resolution 30-18 General planning services 2017-075 cao revised](#)

[Bermelle, Ajamil & Partners Signed Agreement](#)

[EDSA Signed Agreement](#)

[JMorton Planning and Landscape Architecture Agreement](#)

[KS signed Delray Beach Planning Agreement \(2\)](#)

[NZ Consultants Agreement](#)

[RMA Agreement](#)

[Schmidt Nichols Agreement](#)

[The Mellgren Group Agreement \(2\)](#)

Tim Stillings introduced this item. After further discussion, it was decided that there would be a revision to the language in Resolution No. 30-18 to read per project.... Further discussion ensued. Commissioner Boylston made a motion to approve Resolution 30-18 as amended. It was seconded by Commissioner Bathurst. The vote was taken and passed 3-2 with Mayor Petrolia and Deputy Vice Mayor Johnson dissenting.

**approved**

**6.Y.6. [18-209](#)**

RESOLUTION NO. 37-18 AWARD OF AN AGREEMENT WITH SIEMENS INDUSTRY, INC. FOR ANNUAL INSTALLATION, SERVICE AND REPAIR OF HVAC SYSTEMS IN THE AMOUNT NOT TO EXCEED OF \$75,000 ANNUALLY UTILIZING THE NATIONAL JOINT POWERS ALLIANCE CONTRACT

**Recommendation:** Motion to approve Resolution No. 37-18 to award an Agreement to Siemens Industry, Inc. utilizing the existing contract prices provided to The National Joint Powers Alliance (NJPA), solicitation number 030817-SIE, in an amount not-to-exceed \$75,000 annually for HVAC Systems Installation and Service with Related Products and Supplies.

**Sponsors:** Public Works Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist Siemens HVAC master agt](#)  
[Resolution 37-18 for HVAC services agreement with Siemens](#)  
[Master Contractor Services Agreement\\_Siemens](#)  
[HVAC\\_RFP\\_030817](#)  
[Combined\\_Ads-030817\\_HVAC](#)  
[Comment\\_and\\_Review-HVAC\\_030817](#)  
[Proposal\\_Opening\\_Witness-030817\\_HVAC](#)  
[Form\\_G-Evaluation-HVAC\\_030817](#)  
[Acceptance\\_and\\_Award-Siemens\\_030817](#)  
[MINUTES\\_5-16-17\\_FINAL](#)

approved

## 7. REGULAR AGENDA:

Commissioner Boylston made a motion to approve the agreements. It was seconded by Commissioner Bathurst. The vote was taken and passed 3-2 with Mayor Petrolia and Deputy Vice Mayor Johnson dissenting.

- 7.A. [18-206](#) A WAIVER REQUEST TO LDR SECTION 4.6.9(d)(3)(c)(2), TO REDUCE THE REQUIRED STACKING DISTANCE IN ADVANCE OF GUARDBOUSES AND SECURITY GATES FROM 100 FEET TO 30 FEET FOR THE PALM TRAN SOUTH COUNTY FACILITY. (QUASI-JUDICIAL HEARING)

**Recommendation:** Move to approve the waiver to LDR Section 4.6.9(D)(3)(c)(2), which requires a minimum stacking distance of 100 feet from the security where 30 feet is proposed, based on positive findings with LDR Section 2.4.7(B)(5).

**Sponsors:** Planning & Zoning Department

**Attachments:** [Agenda Cover Report](#)  
[cc waiver board order](#)  
[Letter - Waiver Request REV 031318](#)  
[class III staff report](#)  
[addendum for waivers](#)

The City Clerk swore in all who were present to give testimony. Mr. Tim Stillings then introduced this item and entered File #2017-162 into the record. Ms. Colleen Walters presented the case asking for approval of the waiver request. Mr. Stillings then gave testimony in favor of approval. Public comment was then opened. Ms. Christina Morrison gave testimony

in favor of the project. City Attorney Lohman read the board order. The Commission voted yes to the Board order. A motion was made by Commissioner Bathurst to approve the waiver request. It was seconded by Vice Mayor Frankel. The vote was taken and passed unanimously 5-0.

approved

**7.B. [18-222](#) NOMINATION FOR APPOINTMENT TO THE EDUCATION BOARD**

**Recommendation:** Motion to approve nomination for appointment for one (1) regular member to serve an unexpired term ending July 31, 2019.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Memo](#)  
[Exhibit A](#)  
[Education Board Member List](#)  
[Education Board Attendance List](#)  
[Education Board Applications](#)

Commissioner Bathurst deferred his appointment to the Education Advisory Board until the next meeting.

continued

**7.C. [18-224](#) NOMINATION FOR APPOINTMENT TO THE HISTORIC PRESERVATION BOARD**

**Recommendation:** Motion to approve nomination for appointment for one (1) regular member to serve an unexpired term ending August 31, 2019.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Memo](#)  
[Exhibit A](#)  
[Historic Preservation Board Member List](#)  
[Historic Preservation Board Attendance List](#)  
[Historic Preservation Board Applications](#)

Vice Mayor Frankel deferred his appointment to the Historic Preservation Board until the next meeting.

continued

**7.D. [18-225](#) NOMINATION FOR APPOINTMENT TO THE PUBLIC ART ADVISORY BOARD**

**Recommendation:** Motion to approve nomination for appointment for one (1) regular member to serve an unexpired term ending July 31, 2019.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Memo](#)  
[Exhibit A](#)  
[Public Art Advisory Board Member List](#)  
[Public Art Advisory Board Attendance List](#)  
[Public Arts Advisory Boards Applications](#)

Deputy Vice Mayor Johnson deferred her appointment to the Public Arts Advisory Board until the next meeting.

**continued**

#### 7.E. DISCUSSION ON MATCHPOINT LEGAL COUNSEL REPLACEMENT

Commissioner Boylston expressed that he had a conflict of interest with this item and recused himself. He left the dais at 8:25 p.m. and returned to the dais at 8:38 p.m. when the discussion was complete and the item was voted on. Mr. Lohman gave a detailed explanation of why the item regarding Matchpoint needed to be brought forward. Further discussion ensued. A motion was made by Commissioner Bathurst to post-pone discussion for a later time at a Shade Meeting. It was seconded by Vice Mayor Frankel. The vote was taken and passed 4-0.

Commissioner Bathurst nominated Mayor Shelly Petrolia as the primary representative to serve on the Transportation Planning Agency (MPO/TPA). Commissioner Boylston seconded it. The vote carried 5-0. Vice Mayor Frankel nominated Commissioner Bathurst as the alternate representative to the Transportation Planning Agency (MPO/TPA). It was seconded by Commissioner Boylston. The vote carried 5-0.

#### 7.G. TROLLEY RECONSIDERATION

Mayor Petrolia commented that she had a conversation with Mr. Steven Murray regarding Trolley services reconsideration. Discussion ensued. There was consensus by the Commission to have a discussion about trolley services at the next workshop.

### 8. PUBLIC HEARINGS:

8.A. None

**9. FIRST READINGS:****9. FIRST READINGS:****9.A. ORDINANCE 05-18 REPEALING CHAPTER 8.1 - THE CRA OF THE LAND DEVELOPMENT REGULATIONS**

Mr. Lohman read Ordinance 05-18 into the record and gave a brief explanation of its action. Deputy Vice Mayor Johnson made a motion to approve the Ordinance on first reading. It was seconded by Commissioner Boylston. The vote carried 5-0.  
**approved on first reading**

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

City Manager Mark Lauzier updated the Commission that he sent them some information about the upcoming Goal Setting Session to be reviewed beforehand.

He also gave them a website update and asked the Commissioners if they have an email list to get the word out to the community for input on the new website.

Based on the nominations this evening, he will send a letter to the TPA informing them of the designation.

**10.B. City Attorney****10.C. City Commission**

Commissioner Bathurst commented that he went to the Police Awards ceremony that day and it was very nice.

He stated there was a bad accident on Thursday night at the Delray Affair Historical Society Booth and the off duty officer assisted in saving the life of the driver. He appreciated everyone coming together to put the booth back together. He also commented that we need to get the word out about Advisory Boards to get more applications for some upcoming appointments.

Vice Mayor Frankel received an email regarding having a Pickleball Open here in Delray. He said it could be beneficial for tourism. He also gave Mr. Lauzier an ordinance to amend height restrictions to our Land Development Regulations to review.



Commissioner Boylston asked that the residents email or call him with concerns because he doesn't follow Facebook. He stated that the Delray Affair was amazing. He would like to see Jazz on the Ave come back again. He attended the EJS Foundation event in town. He was concerned with the South Florida Management presentation. He recommended putting the information regarding this project on the City's website. He also reported that Community Greening has Arbor Day coming up, they will be handing out a couple hundred trees.

Mr. Lauzier recommended not getting involved and let the South Florida Water Management do their job.

Deputy Vice Mayor Johnson stated that we should not get involved in the South Florida Water Management issue. She received correspondence from the League of Cities about resilience and sustainability and hoped that the city becomes a front runner in this area.

Mayor Petrolia discussed the concrete poles that Florida Power and Light were installing. There is a need for a permitting process, especially in the historic districts. She enjoyed the Delray Affair. She is also in favor of a Pickleball Tournament. She mentioned changing the Shuffleboard courts at Veteran's Park to Pickleball courts.

There being no further business to discuss, Mayor Petrolia adjourned the meeting at 9:22 p.m.