

# City of Delray Beach

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## Minutes - Draft

**Tuesday, July 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

Mayor Petrolia called the Regular Commission Meeting 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:

Caryn Gardner-Young, Assistant City Manager  
R. Max Lohman, City Attorney  
Katerri Johnson, City Clerk

## 2. PLEDGE OF ALLEGIANCE TO THE FLAG

## 3. AGENDA APPROVAL

Mayor Petrolia requested the removal of Item 6.L. which will become 7.A. for discussion. Deputy Vice Mayor Johnson requested removal of Item 6.I. which will become 7.B.B.

Commissioner Boylston made a motion to approve the agenda as amended. It was seconded by Deputy Vice Mayor Johnson. A roll call vote was taken and all were in favor. The motion carried 5-0.

## 3. AGENDA APPROVAL

## 4. PRESENTATIONS:

### 4.A. [18-459](#)

Attachments: [Agenda Cover Report](#)

Suzanne Fisher, Director of Parks and Recreation introduced Cori "Coco" Gauff who just returned from the French Open.

Mayor Petrolia read the proclamation into the record and presented Coco with a "Key to the City" for her recent victory as the 2018 Junior Women's

Champion at the French Open.

- 4.B.**     [18-425](#)     FY 2017 COMPREHENSIVE ANNUAL FINANCIAL REPORT - CALER, DONTEN, LEVINE, PORTER & VEIL, P.A

**Sponsors:** Finance Department

**Attachments:**   [Agenda Cover Report](#)  
                         [City of Delray Beach 2017 CAFR \(1\)](#)  
                         [Delray Beach 2017 Commission Presentation](#)

Scott Porter of Caler, Donten, Levine, Porter & Veil, P.A. made a presentation concerning the the 2017 Comprehensive Annual Financial Report (CAFR) and responded to questions from the Mayor and City Commissioners.  
**approved**

**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

Andrea Weiss, League of Women Voters, invited all interested parties to participate in voting by learning about judicial candidates.

Joseph Mariuma of PO Box 23, West Palm Beach, who is a candidate for circuit court judge, provided a brief background of his professional experience.

Alice Finst, 707 Place Tavant, Delray Beach inquired about the status of the City's radio station and future plans to put the building back up.

Barbara Stark is President and CEO of the Milagro Center, located at 695 Auburn Avenue and she is also chair of the Education Board. Her company is celebrating twenty-one years in business. The Milagro Center has been providing after school programs and summer school programs for at-risk youth.

Jim Knight, 10 S.E.1st Avenue, Delray Beach conveyed a message from the owner of Ziree Restaurant who could not attend the Commission meeting due to her traveling. She is in favor of the city developing Atlantic Avenue west of I-95.

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

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

Vice Mayor Frankel made a motion to approve the Consent Agenda as amended. It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. The motion carried 5-0.

### **6.A. [18-403](#) MEETING MINUTES**

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

April 20, 2018- Goal Setting

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Minutes- April 20, 2018- Goal Setting](#)

**approved**

### **6.B. [18-394](#) FINAL SUBDIVISION PLAT FOR 1125 WALLACE DRIVE.**

**Recommendation:** Motion to approve and certify the Final Plat for 1125 Wallace Drive, by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations (LDR) Section 2.4.5(J), Major Subdivisions, LDR Section 3.2.3, Standards for Site Plan and/or Plat Actions, and LDR Section 3.1.1, Required Findings for Land Use and Land Development Applications.

**Sponsors:** Planning & Zoning Department

**Attachments:** [Agenda Cover Report](#)  
[1125 Wallace Drive Plat](#)  
[1125 Wallace Drive Plat PZB Staff Report 022717](#)  
[1125 Wallace Drive Location](#)

**approved**

### **6.C. [18-408](#) RESOLUTION 51-18 APPROVAL OF A TRIPARTY AGREEMENT BETWEEN THE CITY OF DELRAY BEACH, THE SCHOOL BOARD OF PALM BEACH COUNTY AND THE COMMUNITY CHILD CARE CENTER FOR FUNDING AND OPERATION OF AFTER SCHOOL PROGRAMS AT PINE GROVE ELEMENTARY AND VILLAGE ACADEMY**

**Recommendation:** Motion to approve Resolution 51-18, a Triparty Agreement between the City of Delray Beach, the School Board of Palm Beach County and the Community Child Care Center of Delray Beach, Inc. for funding and operation of after- school programs at Pine Grove Elementary and Village Academy.

**Sponsors:** Community Improvement

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

[CC 071718 Legal Review Checklist triparty agreement with school board and ACCF for...](#)

[CC 071718 Res 51-18 Triparty Agreement with School Board and ACCF for after...](#)

[TriParty Agreement School Bd CC071718](#)

approved

**6.D.**     [18-409](#)     RESOLUTION 52-18 APPROVAL OF AN AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE COMMUNITY CHILD CARE CENTER FOR FUNDING AND OPERATION OF AFTER SCHOOL PROGRAMS AT PINE GROVE ELEMENTARY AND VILLAGE ACADEMY

**Recommendation:** Motion to approve Resolution 52-18 Agreement between the City of Delray Beach and the Community Child Care Center of Delray Beach, Inc. for funding and operation of after school programs at Pine Grove Elementary and Village Academy.

**Sponsors:** Community Improvement

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

[CC 071718 Res 52-18 Legal Review Checklist Funding Agreement with ACCF for afterschool progr...](#)

[CC 071718 Resolution 52-18 Funding Agreement with ACCF for afterschool programs](#)

[Funding Agreement ACCF CC071718](#)

approved

**6.E.**     [18-407](#)     APPROVAL OF AMENDMENT NO. 1 TO FUNDING AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE COMMUNITY CHILD CARE CENTERS OF DELRAY BEACH, INC.

**Recommendation:** Motion to approve Amendment No. 1 Funding Agreement between the City of Delray Beach and the Community Child Care Center of Delray Beach, Inc. to dedicate \$52,000 of the previously approved \$77,000 to be used solely for funding and operation of programs at Pine Grove Elementary

school and Village Academy.

**Sponsors:** Community Improvement

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

[Legal Review Checklist Amd #1 to Funding Agreement with ACCF CC071718](#)  
[Funding Agreement for ACCF CC 071718](#)  
[Amendment 1 Funding Agreement ACCF 071718](#)

approved

- 6.F. [18-420](#) RESOLUTION NO. 74-18; EARLY LEARNING COALITION OF PALM BEACH COUNTY SCHOOL READINESS PROGRAM FOR THE AFTERSCHOOL PROGRAM LOCATED AT POMPEY PARK AND THE COMMUNITY CENTER

**Recommendation:** Motion to Approve renewal of the agreements between Early Learning Coalition of Palm Beach County, Inc. and the City of Delray Beach.

**Sponsors:** Parks & Recreation Department

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

[ATTACHMENT 1 - ELC PAYMENTS MADE TO PROVIDER DELRAY BEACH 2013-2018](#)  
[ATTACHMENT 2 - Legal Review Checklist form v. 5 Afetr school Program Provider-Pompey Park and Comm Ctr \(002\).pdf](#)  
[ATTACHMENT 3 - ELC school readiness\\_contract.pdf](#)  
[ATTACHMENT 4 -ELC resolution 74 18](#)

approved

- 6.G. [18-418](#) RESOLUTION NO. 81-18; CHILDREN'S SERVICES COUNCIL (CSC) SCHOLARSHIP PROGRAM FOR THE AFTERSCHOOL PROGRAM LOCATED AT THE POMPEY PARK COMMUNITY CENTER WITH THE EARLY LEARNING COALITION OR PALM BEACH COUNTY, INC.

**Recommendation:** Motion to Approve renewal of the agreements between Early Learning Coalition of Palm Beach County, Inc. and the City of Delray Beach.

**Sponsors:** Parks & Recreation Department

**Attachments:** [Agenda Cover Report](#)[ATTACHMENT 1 - ELC PAYMENTS MADE TO PROVIDER DELRAY BEACH 2013-2018](#)[ATTACHMENT 2 - Legal Review Checklist form v. 5 CSC Provider Contract Pompey Park](#)[ATTACHMENT 3 - Provider contract 2018 2019](#)[ATTACHMENT 4 - CSC ELC Resolution 81-18](#)

approved

- 6.H. [18-421](#) RESOLUTION 80-18; CHILDREN'S SERVICES COUNCIL (CSC) SCHOLARSHIP PROGRAM FOR THE AFTERSCHOOL PROGRAM LOCATED AT THE DELRAY BEACH COMMUNITY CENTER WITH THE EARLY LEARNING COALITION OR PALM BEACH COUNTY, INC.

**Recommendation:** Motion to Approve renewal of the agreements between Early Learning Coalition of Palm Beach County, Inc. and the City of Delray Beach.

**Sponsors:** Parks & Recreation Department

**Attachments:** [Agenda Cover Report](#)[ATTACHMENT 1 - ELC PAYMENTS MADE TO PROVIDER DELRAY BEACH 2013-2018](#)[ATTACHMENT2 - Legal Review Checklist form v. 5 CSC Provider Contract Community Center \(003\)](#)[ATTACHMENT 3 - Provider Contract Community Center 2018 2019](#)[ATTACHMENT 4 - ELC Resolution 80-18](#)

approved

- 6.I. [18-429](#) RESOLUTION NO. 89-18: LEASE AGREEMENT FOR THE CASON COTTAGE MUSEUM, 1926 HISTORICAL BUNGALOW AND THE HUNT HOUSE

**Recommendation:** Motion to approve a lease agreement with the Delray Beach Historical Society for the Cason Cottage Museum, the 1926 Historical Bungalow and the Hunt House ("Property")

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)[Legal Review Checklist Cason Cottage lease with DBHS](#)[Resolution No 89-18 for Cason Cottage lease](#)[Lease Agreement for the Cason Cottage Museum, 1926 Historical Bungalow and the Hunt House](#)

Deputy Vice Mayor Johnson had requested that Resolution No. 89-18 be pulled for discussion. She had safety concerns with the Spady Museum and inquired who is keeping up with the maintenance of city owned properties.

Caryn Gardner-Young reassured the Commission that there is a maintenance program in place and introduced Susan Goebel-Canning, Director of Public Works, to explain the process of the Work Order system that is currently in place for the City-owned properties.

Mayor Petrolia and the Commission had several comments regarding the City-owned properties.

Mr. Lohman, City Attorney, explained the importance of the maintenance of these buildings.

Commissioner Boylston made a motion to approve Resolution No. 89-18. It was seconded by Deputy Vice Mayor Johnson. A roll call vote was taken and all were in favor. The motion carried 5-0.  
**approved**

**6.J.     [18-458](#)     TERMINATION OF PARKING EASEMENT AGREEMENTS**

**Recommendation:** Motion to approve Termination of Parking Easement Agreements.

**Sponsors:** City Attorney Department

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

[Termination of Parking Easement Agreement \(terminating easement recorded in ORB 10926 Pg 529](#)

[Termination of Parking Easement Agreement \(terminating easement recorded in ORB 11707 Pg 504](#)

[Parking Easement Agt recorded in ORB 10926 Pg 529](#)

[Parking Easement Agreement recorded in ORB 1107 Pg 504](#)

[2018-02-14 L-Pape to Covelli encl Certified Site Plan](#)

**approved**

**6.K.     [18-443](#)     AWARD OF AN AGREEMENT WITH MUNICIPAL CODE CORPORATIoN FOR CODIFICATION SERVICES.**

**Recommendation:** Motion to approve a three (3) year Agreement with Municipal Code Corporation for the purchase of codification services in an amount not-to-exceed thirty-nine thousand dollars (\$39,000) for three (3) years.

**Sponsors:** City Clerk Department



**Attachments:** [Agenda Cover Report](#)  
[Memo Acquisition Approval - Municode](#)  
[Municode City Standard Memo](#)

approved

- 6.L. [18-444](#) RESOLUTION NO. 92-18: A RESOLUTION OF THE CITY OF DELRAY BEACH, FLORIDA APPROVING AN EXTENSION OF THE AGREEMENT WITH GRANICUS, INC. FOR AGENDA MANAGEMENT; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THIS AGREEMENT AND FOR OTHER PURPOSES.

**Recommendation:** Motion to approve a resolution with Granicus extension of its Agreement with the City of Delray Beach for agenda management and authorize the City Manager to execute the agreement to effectuate these services.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Res No. 92-18 Granicus draft](#)  
[Granicus- Agreement Cooperative Purchase \(Rev 1\)](#)  
[ExecutedContract \(draft\)](#)  
[Legal Review Checklist form v. 5 Granicus](#)  
[Piggyback Checklist](#)

Mayor Petrolia and the Commissioners had several questions and comments regarding this resolution and the streaming problems the city was having with Granicus. City Clerk Katerri Johnson gave a brief explanation and stated she is still monitoring the situation.

India Adams, Assistant City Manager, reported on the specifics of the live video streaming and the bandwidth.

Commissioner Bolyston made a motion to approve Resolution No. 92-18. It was seconded by Vice Mayor Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

approved

- 6.M. [18-446](#) AMENDMENT NO. 1 TO PURCHASE AGREEMENT NO. 2015-27 VIDEO/AUDIO STREAMING. PAPERLESS AGENDA, CIVIC ENGAGEMENT, FILE CONVERSION WITH GRANICUS, INC.

**Recommendation:** Motion to approve the purchase agreement to continue services provided by Granicus.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist form Granicus](#)  
[2015-27 - Agreement Amendment-Retro Renewal \(6-7-17\)](#)

approved

## 6.N. PROCLAMATIONS:

6.N.1. None

6.O. [18-413](#) REPORT OF APPEALABLE LAND USE ITEMS FROM JUNE 11, 2018 THROUGH JUNE 15, 2018

**Recommended Action:**

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

**Sponsors:** Planning & Zoning Department

**Attachments:** [Agenda Cover Report](#)  
[Appealable Items Map](#)  
[A - 8 East Atlantic Avenue](#)  
[B - 126 SE 7th Avenue](#)

approved

## 6.P. AWARD OF BIDS AND CONTRACTS:

6.P.1. [18-390](#) APPROVAL OF RESOLUTION NO. 50-18 TO AWARD A FIVE-YEAR AGREEMENT WITH DELRAY INTRACOASTAL CRUISES DBA DELRAY YACHT CRUISES FOR USE OF THE CITY DOCK AT VETERAN'S PARK IN A CONTRACT AMOUNT OF \$695,325 (REVENUE)

**Recommendation:** Motion to award a five (5) year revenue Agreement with Delray Intracoastal Cruises d/b/a Delray Yacht Cruises for Use of City Dock at Veteran's Park in the amount of \$695,325 and to authorize the City Manager to exercise any and all options to renew.

**Sponsors:** Parks & Recreation Department

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

[ATTACHMENT 1 -RFP 2018-031 License Agreement for Use of City Dock R3 CA rev comments 4-5-18 rev](#)

[ATTACHMENT 2 - Delray Yacht Cruises Revenue Proposal](#)

[ATTACHMENT 3 - 50-18 Resolution for License Agreement with Delray Intracoastal Cruises](#)

[ATTACHMENT 4 -Legal Review Checklist License Agreement for use of City Dock](#)

[ATTACHMENT 5 - RFP 2018-031 Agreement signed by Delray Yacht Cruises](#)

[ATTACHMENT 6 - 2018-031 - Tab Sheet](#)

[ATTACHMENT 7 - 2018-031 - RFP RFQ Scoring Summary \(R1\)](#)

approved

**6.P.2. [18-415](#)**

APPROVAL OF RESOLUTION NO. 82-18 APPROVING AMENDMENT #6 TO THE AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND SUPERION, LLC (FORMER SUNGARD PUBLIC SECTOR, INC)

**Recommendation:** Motion to approve sixth amendment to the agreement between the City of Delray Beach and Superion, LLC (Former Sungard Public Sector, Inc.) for purchases of additional software applications in the amount not to exceed \$160,000

**Sponsors:** Police Department

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

[Resolution 82-18 Approval of Amendment 6 with Superion LLC for purchases of additional software modules](#)

[Delray Beach FL- Amendment 6-07.06.2018-SUPERION SIGNED](#)

[Legal review Checklist LW F](#)

[Sole source Superion](#)

[Delray Beach Police \(PS\), FL - Freedom](#)

[Delray Beach Police \(PS\), FL - P&E Voucher](#)

[Delray Beach, FL- AVL](#)

[Delray Beach, FL-FTO](#)

approved

**6.P.3. [18-063](#)**

RESOLUTION NO. 86-18: APPROVAL TO UTILIZE NATIONAL ASSOCIATION OF STATE PROCUREMENT OFFICIALS (NASPO) MASTER AGREEMENT #2016-181 TO PURCHASE BODY ARMOR (PROTECTIVE VESTS) FROM FLORIDA EASTERN INTERNATIONAL

**Recommendation:** Motion to approve purchases of body armor from Florida Eastern International, an authorized distributor for manufacturer Point Blank Enterprises, Inc., utilizing National Association of State Procurement

Officials (NASPO) Master agreement # 2016-181 issued by the Colorado Department of Personnel & Administration State Purchasing Office as lead agency, in an amount not to exceed \$250,000 through the term of the contract of March 17, 2019.

**Sponsors:** Police Department

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

[Resolution 86-18 Approval to utilize NASPO Master Agreement 2016-181 for purchases of body armor](#)

[1453746020 BODY ARMOR RFP\(Released 9-21-15\)](#)

[1453746067 Body Armor RFP Amendment 1](#)

[1460646906 Point Blank Enterprises Master Agreement executed 03.25.2016](#)

[1460647150 Point Blank Proposal](#)

[1516240436 Point Blank Enterprises Master Agreement Amendment-1](#)

[1523318306 Point Blank Product and Price List effective 4.01.2018](#)

[1526432343 Point Blank Distributor List effective 05.15.2018](#)

[Body Armor Products \(Executed PA Renewals\)](#)

approved

**6.P.4. [18-438](#)**

RESOLUTION NO. 87-18: APPROVAL TO UTILIZE NATIONAL ASSOCIATION OF STATE PROCUREMENT OFFICIALS (NASPO) MASTER AGREEMENT #06913 TO PURCHASE PORTABLE RADIOS AND ACCESSORIES FROM MOTOROLA SOLUTIONS

**Sponsors:** Police Department

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

[Resolution 87-18 Approval to utilize NASPO Master Agreement 06913 for purchases of portable radios and accessories](#)

[1520898051 Public Safety Communicationa Motorola Master Agreement](#)

[1520898234 Motorola Amendment 1 4-19-16](#)

[1520898283 NVP-MA-Motorola-AMD2-Executed](#)

[1510887420 Public safety radios-Motorola-FL-2015-2020-PA-Executed](#)

[1520898408 Motorola Authorized Reseller List \(06-22-2016\)](#)

[APX 6000 Spec Sheet](#)

[H031518 QU0000434622 One APX6000 M 2.5 w Accessories w Programming](#)

[MSI VendorProcurement 1Pager 030118](#)

[1502120760 Motorola Pricing \(08.03.17\)](#)

[1457993692 Motorola Response Docs](#)

approved

## 7. REGULAR AGENDA:

### 7.A. [18-385](#) REQUEST THE SELECTION OF CANDIDATE TO FILL INTERNAL AUDITOR POSITION

**Recommendation:** Based upon the results of the interviews, City Staff recommends the selection of one of the proposed candidates to fill the Internal Auditor position.

Attachments: A. Position Description with Pay Range

B. Recruitment Brochure

C. Recruitment Timeline

**Sponsors:** Human Resources Department

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

[Attachment A- Position Description with Pay Range](#)

[Attachment B- Recruitment Brochure](#)

[Attachment C-Recruitment Timeline](#)

Sharon Liebowitz, Human Resource Director, explained the final process for hiring the Internal Auditor.

Mayor Petrolia commented that Ms. Liebowitz did a great job finding many good candidates. There was an agreement to rank the candidates for the Internal Auditor position.

The Mayor and Commission ranked each candidate and Dr. Julia Davidyon had the most votes.

City Clerk Johnson announced that Ms. Julia Davidyon had three first place votes and Mr. John Cashman received three second place votes.

Vice Mayor Frankel made a motion to approve negotiations with Dr. Julia Davidyon. It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. The motion carried 5-0.

approved

### 7.B. [18-441](#) RESOLUTION NO. 90-18: APPROVAL OF AGREEMENT BETWEEN THE SCHOOL BOARD OF PALM BEACH COUNTY AND THE CITY OF DELRAY BEACH TO PROVIDE SCHOOL SECURITY SERVICES TO NON-CHARTER DISTRICT-OPERATED SCHOOLS

**Recommendation:** Motion to approve agreement between the School Board of Palm Beach County and the City of Delray Beach to provide school security services to non-charter District-operated schools

**Sponsors:** Police Department

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

[Resolution 90-18 Approval of Agreement with School Board of Palm Beach County](#)

[Security Agreement LW review](#)

[Legal review Checklist LW F SB](#)

[EXHIBIT A - Rate Schedule School Board](#)

[PBSD FORM 2220](#)

Police Chief Goldman was present to answer questions regarding this agreement. The resolution states that the Police Department will provide school security services for all non-charter district operated schools. Vice Mayor Frankel recognized new members of the Police Department and also thanked the Citizens for Delray Beach Organization who donated funds for every Police Officer's child planning on attending college.

The City Attorney read Resolution No. 90-18 into the record.

Vice Mayor Frankel made a motion to approve Resolution No. 90-18. It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. The motion carried 5-0.  
**approved**

**7.C.     [18-426](#)**

AWARD OF AMENDMENT NO. 1 TO THE AGREEMENT WITH KEITH AND SCHNARS, P.A. FOR CONSTRUCTION, ENGINEERING, AND INSPECTION (CEI) SERVICES FOR PHASE 1 OF NE 2ND AVENUE/SEACREST BEAUTIFICATION PROJECT PHASE 1 IN A NOT-TO-EXCEED AMOUNT OF \$93,597.

**Recommendation:** Motion to Award an Amendment No. 1 to Agreement to Keith and Schnars, P.A. for construction, engineering, and inspection (CEI) services for Phase 1 of the NE 2nd Avenue / Seacrest Beautification in a total not-to-exceed amount of \$93,597 for the Agreement Term (Project No. 14-071).

**Sponsors:** Public Works Department

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

[NE 2th Avenue Scope and Fee Amendment 1 07\\_02\\_18](#)

[Keith & Schnars CEI Agreement](#)

[Keith and Schnars CEI Executed Agreement](#)

Susan Goebel-Canning, Director of Public Works, reported on Item 7.C. which is an award of Amendment No. 1 to the agreement with Keith and Schnars, P.A. for construction, engineering, and inspection (CEI) services for Phase I of NE 2nd Avenue/Seacrest Beautification Project Phase I in a not-to-exceed amount of \$93,597.00.

Mayor Petrolia had comments regarding the cost and the possibility of doing a lot of the work in-house.

Commissioner Boylston made a motion to approve Item 7.C. It was seconded by Vice Mayor Frankel. A Roll Call vote was taken and all were in favor. The motion carried 5-0.  
**approved**

**7.D.**     [18-389](#)     NOMINATIONS FOR APPOINTMENT TO THE BOARD OF  
ADJUSTMENT

**Recommendation:** Motion to approve nominations for appointment for three (3) regular members to serve two (2) year terms ending August 31, 2020.

**Sponsors:** City Clerk Department

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

Vice Mayor Frankel nominated Christopher Davey to the Board of Adjustment. It was seconded by Commissioner Bathurst. A roll call vote was taken and all were in favor. The motion carried 5-0.

Commissioner Bathurst nominated Ryan Nimca to the Board of Adjustment. It was seconded by Vice Mayor Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

Mayor Petrolia stated that the Commission would prefer to nominate board members that are living in Delray, not surrounding municipalities.

Commissioner Boylston nominated Bryce Sartory to the Board of Adjustment. It was seconded by Vice Mayor Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.  
**approved**

**7.E.**     [18-391](#)     NOMINATIONS FOR APPOINTMENT TO THE HISTORIC  
PRESERVATION BOARD

**Recommendation:** Motion to approve nominations for appointment for four (4) regular members to serve on the Historic Preservation Board for two (2) year terms ending July 31, 2020.

**Sponsors:** City Clerk Department

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

Commissioner Bathurst nominated Tracey Caruso to the Historic Preservation Board. It was seconded by Vice Mayor Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

Commissioner Boylston nominated Paula Newman Rocker to the Historic Preservation Board. It was seconded by Commissioner Bathurst. A roll call vote was taken and all were in favor. The motion carried 5-0.

Deputy Vice Mayor Johnson deferred her nomination.

Mayor Petrolia nominated Ben Baffer to the Historic Preservation Board. It was seconded by Vice Mayor Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

approved

**7.F.**     [18-398](#)     NOMINATIONS FOR APPOINTMENT TO THE PLANNING AND ZONING BOARD

**Recommendation:** Motion to approve nominations for appointment for four (4) regular members to serve two (2) year terms ending August 31, 2020.

**Sponsors:** City Clerk Department

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

[07172018 Exhibit A - Revised 07-16-18](#)[Planning & Zoning Board Member List](#)[Planning and Zoning Board Attendance List](#)[Planning & Zoning Applications](#)

Commissioner Bathurst nominated Jim Knight to the Planning and Zoning Board. It was seconded by Vice Mayor Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

Commissioner Boylston nominated Rob Long to the Planning and Zoning Board. It was seconded by Vice Mayor Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

Deputy Vice Mayor Johnson nominated Neal Jones to the Planning and Zoning Board. It was seconded by Vice Mayor Frankel. A roll call vote was



taken and all were in favor. The motion carried 5-0.

Mayor Petrolia nominated Kevin Osborn to the Planning and Zoning Board. It was seconded by Vice Mayor Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

**approved**

**7.G.     [18-399](#)     NOMINATIONS FOR APPOINTMENT TO THE SITE PLAN REVIEW AND APPEARANCE BOARD**

**Recommendation:** Motion to approve nominations for appointment for five (5) regular members to serve on the Site Plan Review and Appearance Board for two (2) year term ending August 31, 2020.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Exhibit A](#)  
[Site Plan Review and Appearance Member List](#)  
[Site Plan Review and Appearance Board Member List](#)  
[SPRAB Applications](#)

Deputy Vice Mayor Johnson deferred her nomination to the next meeting.

Mayor Petrolia nominated Price Patton to the Site Plan Review and Appearance Board. It was seconded by Vice Mayor Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

Vice Mayor Frankel nominated Roger Cope to the Site Plan Review and Appearance Board. It was seconded Commissioner Bathurst. A roll call vote was taken and all were in favor. The motion carried 5-0.

Commissioner Bathurst nominated John Brewer to the Site Plan Review and Appearance Board. It was seconded by Vice Mayor Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

Commissioner Boylston nominated Todd L'Herrou to the Site Plan Review and Appearance Board. It was seconded by Vice Mayor Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.  
**approved**

**7.H.     [18-445](#)     NOMINATIONS FOR APPOINTMENT TO THE PARKING MANAGEMENT ADVISORY BOARD**

**Recommendation:** Motion to approve nominations for appointment for two (2) regular members to serve on the Parking Management Advisory Board for two (2) year terms ending July 31, 2020.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Exhibit A](#)  
[Parking Management Advisory Board Attendance List](#)  
[Parking Management Advisory Board Applicants](#)

Commissioner Boylston nominated David Cook to the Parking Management Advisory Board. It was seconded by Commissioner Bathurst. A roll call vote was taken and all were in favor. The motion carried 5-0.

Deputy Vice Mayor Johnson nominated John Gergen to the Parking Management Advisory Board. It was seconded by Commissioner Bathurst. A roll call vote was taken and all were in favor. The motion carried 5-0.  
**approved**

## 8. PUBLIC HEARINGS:

### 8.A. [18-396](#) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN FY2018-2019 (PUBLIC HEARING)

**Recommendation:** Motion to approve and execute the attached Annual Action Plan.

**Sponsors:** Community Improvement

**Attachments:** [Agenda Cover Report](#)  
[SF424 FY1819](#)  
[Draft AP 18-19 61818](#)  
[Cert Non State 2018](#)

Michael Coleman, Director of Community Development presented this year's Annual Action Plan FY2018-2019 for the Community Development Block Grant (CDBG) (Public Hearing). It is a five year strategic plan created by the Federal Government. This year Community Development is receiving \$511,000 and \$162,000 for rehabing the community.

The breakdown is: \$102,000.00 Administrative costs  
\$332,000.00 Owner occupied housing  
\$ 76,000.00 Public Service outreach

Mayor Petrolia opened the meeting up for public comment. There being no one from the public who wished to speak, Mayor Petrolia closed the public portion of the meeting.

Vice Mayor Frankel made a motion to execute the Community Development Block Grant. It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. The motion carried 5-0.

approved

**8.B.**     [18-448](#)     RESOLUTION NO. 91-18: STORMWATER UTILITY ASSESSMENT (PUBLIC HEARING)

**Recommendation:** Motion to Approve Resolution No. 91-18 establishing a budget for the Stormwater Utility System, establishing the rates for FY 2018 /2019 Stormwater Management Assessments, and certifying and adopting the Stormwater Assessment Roll.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[Stormwater Taxes 2018 070318 final rev jn](#)

The City Attorney read Resolution No. 91-18 into the record. (Public Hearing) Susan Goebel-Canning, Director of Public Works, gave an overview of the Stormwater Utility Assessment.

Mayor Petrolia opened the meeting for public comment on this item. There being no public comment on Resolution No. 91-18, the public hearing was closed.

Deputy Vice Mayor Johnson had several questions on how the funds for the Stormwater Utility Assessment are being spent and would like to discuss this topic at a Workshop Meeting.

Mayor Petrolia suggested an Enterprise Fund allocated for this use and to work closely with our Sustainability Officer on the rising tide issue.

Vice Mayor Frankel made a motion to approve Resolution No. 91-18. It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. The motion carried 5-0.

approved

## **9. FIRST READINGS:**

**9.A.**     [18-401](#)     ORDINANCE NO. 08-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA ADOPTING A SMALL-SCALE FUTURE LAND USE MAP AMENDMENT DESIGNATING A PARCEL OF LAND APPROXIMATELY 0.137 ACRE IN SIZE FROM LD (LOW DENSITY RESIDENTIAL 0-5 DU/ACRE) TO CC (COMMERCIAL CORE), PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, FOR THE PROPERTY LOCATED ON THE WEST SIDE OF SE 3RD AVENUE, APPROXIMATELY 137 FEET SOUTH OF SE 2ND STREET (206 SE 3RD AVENUE), AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

## (FIRST READING)

**Recommendation:** Move to deny on First Reading, Ordinance No. 08-18, a small-scale Future Land Use Map amendment from LD to CC for the property located at 206 SE 3rd Avenue, by adopting the findings of fact and law contained in the staff report, and finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria set forth in LDR Section 3.1.1, Required Findings.

**Sponsors:** Planning & Zoning Department

**Attachments:** [Agenda Cover Report](#)  
[Aerial Location Map](#)  
[Detailed Aerial Location Map](#)  
[Ordinance No. 08-18](#)  
[Planning and Zoning Board Staff Report](#)

The City Attorney, read Ordinance No. 08-18 into the record.

Tim Stillings, Director of Planning and Zoning read the Planning and Zoning project file No. 2015-210 into the record. Tim Stillings gave an overview of the application in detail.

Mike Dutko of Conrad and Shear is representing the applicant and gave a presentation.

A discussion ensued by the Mayor and Commission.

Vice Mayor Frankel made a motion to approve Ordinance No. 08-18 on First Reading. It was seconded by Commissioner Bathurst. A roll call vote was taken and the motion carried a vote of 4-1 with Vice Mayor Johnson dissenting.

**approved on first reading**

**approved**

**9.B.     [18-440](#)**     ORDINANCE NO. 16-18 AMENDING CHAPTER 110 OF THE CODES OF ORDINANCES, LOCAL BUSINESS TAX SCHEDULE (FIRST READING)

**Recommendation:** Motion to Approve Ordinance No. 16-18 on first reading amending Chapter 110 of the Code of Ordinances to provide for an increase in the local business tax schedule.

**Sponsors:** Community Improvement

**Attachments:** [Agenda Cover Report](#)  
[Ord 16-18 Business Tax Schedule Increase](#)

The City Attorney read Ordinance No. 16-18 into the record on First Reading.

Michael Coleman, Director of Community Improvement, stated that his department would like to increase the Business Tax receipts by five percent. He researched other municipalities and discovered the City of Delray Beach was much lower.

Commissioner Bathurst made a motion to approve Ordinance No. 16-18 on First Reading. It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. The motion carried 5-0.

approved

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

### **10.A. City Manager**

Caryn Gardner-Young, Assistant City Manager, introduced Jennifer Alvarez, Purchasing Director, to provide a detailed explanation of the City's paperless bidding system that they plan to utilize soon. The program will send bids out nationwide and receive bids, as well as tabulate the bids. It will send addendas out also, so there will not be the back and forth with emails and the possibility of missing an item.

A television video was shown to the Commission and audience that was on Channel 12 news regarding mold and unhealthy living conditions in the Rainberry Woods community. Mr. Coleman, Director of Community Improvement and his staff provided an in-depth report regarding the need for extensive improvements to some units at Rainberry Woods. Assistant City Manager, Gardner-Young stated that City staff would continue to work with residents and landlords to improve conditions in the community.

A discussion ensued with the Mayor and Commissioners. The City Attorney stated that it is possible to fine the landlords who did not properly maintain their units.

### **10.B. City Attorney**

The City Attorney gave an explanation of how difficult it is to get an Administrative Warrant from a Judge to enter someone's home for inspection. He explained that the Fourth Amendment of the Constitution protects peoples rights from search and seizure and the City could be sued civilly if the proper warrant was not issued.

Deputy Vice Mayor Johnson suggested inspecting the properties annually when they renew their rental permits to avoid this problem in the future.

#### **10.C. City Commission**

Vice Mayor Frankel congratulated Delray Beach resident Kevin Anderson for finishing in second place at the recently completed Wimbledon Tennis Championship.

Commissioner Boylston said that he was pleased by the size and quality of applicant pools for appointments to advisory boards and committees.

Deputy Vice Mayor Johnson thanked the Mayor and her fellow Commissioners for the civility and comraderie on the dais. She also thanked Ms. Liebowitz for managing a very good hiring process for the position of Internal Auditor.

Mayor Petrolia mentioned a celebration at Pompey Park for the senoirs that got their lunch program back up and running. She met with Equity Uptown and had a very positive meeting. She wanted the Commissioners to enjoy their break for a few weeks and will see everyone back in August!

There being no further business to discuss, the meeting was adjourned at 8:43 p.m.