

# **City of Delray Beach**

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## **Minutes - Final**

**Tuesday, April 4, 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

The Regular Meeting of the City Commission of the City of Delray Beach, Florida was called to order by Mayor Cary Glickstein in the Commission Chambers at City Hall at 6:20 p.m. on Tuesday, April 4, 2017.

Roll call showed  
Commissioner Shelly Petrolia  
Vice Mayor James Chard  
Deputy Vice Mayor Shirley Ervin Johnson  
Mayor Cary D. Glickstein

Absent:  
Commissioner Mitchell Katz

Also present were:  
Neal de Jesus, Interim City Manager  
R. Max Lohman, Interim City Attorney  
Kimberly Wynn, Acting City Clerk

**Present:** 4 - Mayor Cary Glickstein, Vice-Mayor James Chard, Deputy Vice Mayor Shirley Ervin Johnson, and Commissioner Shelly Petrolia

**Absent:** 1 - Commissioner Mitchell Katz

## 2. PLEDGE OF ALLEGIANCE TO THE FLAG

## 3. AGENDA APPROVAL

Mr. de Jesus requested that Items 7.A. and 9.A be removed. Item 7.A., was withdrawn at the Applicant's request. Item 9.A. was moved to the May 2, 2017 Regular Meeting.

Vice Mayor Chard requested that Item 6.F. be moved to the Regular Agenda as Item 7.A.A.  
**approved as amended**

**Present:** 4 - Mayor Cary Glickstein, Vice-Mayor James Chard, Deputy Vice Mayor Shirley Ervin Johnson, and Commissioner Shelly Petrolia

**Absent:** 1 - Commissioner Mitchell Katz

## 4. PRESENTATIONS:

### 4.A. [17-241](#) PRESENTING PARKS AND RECREATION WITH TEAM OF THE MONTH FOR APRIL 2017

**Recommendation:** Motion to Approve Parks and Recreation as Team of the Month for April 2017.

**Sponsors:** Human Resources Department

**Attachments:** [EMPLOYEES OF THE MONTH NOMINATION - SAMANTHA ROLAND TASHEENA JOHNSON AND LLOYD \(TONY CHIN\)](#)

Ms. Tennille Decoste, Direct of Human Resources, and Ms. Suzanne Fisher, Director of Parks and Recreation, introduced this item. Ms. Fisher congratulated the Parks & Recreation Department for being Employee Team of the Month.

**4.B.     [17-242](#)**     RESOLUTION NO. 13-17 RECOGNIZING BEVERLY WRIGHT FOR 30 YEARS OF SERVICE

**Recommendation:** Motion to Approve Resolution No. 13-17 honoring Beverly Wright 30 years of service.

**Sponsors:** Human Resources Department

**Attachments:** [13-17 Resolution Beverly Wright 4.4.17](#)

Mayor Glickstein read Resolution No. 13-17 into record. He recognized Ms. Beverly Wright for 30 years of service and presented her with a plaque and resolution.

Mr. Jeffrey Goldman, Police Chief, gave comments.

**4.C.     [17-243](#)**     RESOLUTION NO. 14-17 RECOGNIZING JACQUELYN BROWN FOR 30 YEARS OF SERVICE

**Recommendation:** Motion to Approve Resolution No. 14-17 honoring Jacquelyn Brown for 30 years of service.

**Sponsors:** Human Resources Department

**Attachments:** [14-17 Resolution Jacquelyn Brown 4.4.17](#)

Ms. Jacqueline Brown was commended for 30 years of service. She was presented with a plaque and resolution for her years of service by Mayor Glickstein. Chief Goldman gave comments. Ms. Brown gave comments about her years of service. Mr. de Jesus read comments from Commissioner Katz into record.

**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

Ms. Pauline Moody stated that she is missing her garbage can. She stated there are no garbage can signs posted at the bus shelters. She asked if cigarette smoking can be banned at the bus stops.

Ms. Alice Finst talked about the beach bench plaques. She requested a

resolution to have the bench plaques remounted.

Mr. Mario Daneilli, Owner of Royal Atlantic Condominium II. He advised there was an issue with lack of signage for no parking or loitering and garbage has also created more of a nuisance.

Ms. Eileen Konicksberg discussed the noise ordinance and code violations and traffic control in the alley.

Ms. Linda Walsh discussed the Cool Clothes Boutique and their contribution.

Ms. Yvonne Odom welcomed the new commissioners and congratulated Delray Beach on the appointment of a new head coach, Derrick Kruder in Palm Beach County. She asked about the Tennis Center study that was conducted.

Ms. Karen Grainger talked about the Delray Affair. She gave a gift basket filled with goodies that she gave to the Commissioners. She discussed "Delray Affair After Dark", a new event and other events.

Mr. Kevin Warner discussed Item 7.B. He advised that the Community Redevelopment Agency (CRA) needs work (regarding the condition of the RFPs). He gave suggestions on how to improve the CRA Board.

Mr. Alan Slossberg commented on the Community Redevelopment Agency (CRA) and how oversight needs to be provided. He discussed how the process was circumvented with the agreement.

There being no further requests, Mayor Glicktein closed public comments.

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

**approved as amended**

**Yes:** 4 - Mayor Glickstein, Vice-Mayor Chard, Deputy Vice Mayor Ervin Johnson, and Commissioner Petrolia

**Absent:** 1 - Commissioner Katz

### **6.A. [17-328](#) APPROVAL OF MINUTES**

**Recommendation:** Motion to Approve City Commission Meeting Minutes.

**Sponsors:** City Clerk Department

**Attachments:** [March 15, 2016 Regular City Commission Meeting](#)  
[May 3, 2016 Regular Meeting Minutes](#)

**6.B.     [17-317](#)**           (RE)CERTIFICATION OF THE FINAL PLAT FOR BEACON PLAT DUE TO MINOR CHANGES IN THE DEDICATION DESCRIPTIONS

**Recommendation:** Motion to certify the Final Plat for the **Beacon Plat**, due to minor changes in the dedication description by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in Land Development Regulations Section 2.4.5(J)(Major Subdivisions), Section 3.2.3 (Standards for Plat Actions) and Section 3.1.1 (Required Findings)

**Sponsors:** Planning & Zoning Department

**Attachments:** [BEACON PLAT SHEET 1 - commission approved](#)  
[BEACON PLAT SHEET 2 - commission approved](#)  
[BEACON PLAT SHEET 1 - updated](#)  
[BEACON PLAT SHEET 2 - updated](#)

**6.C.     [17-091](#)**           PUBLIC ART ADVISORY BOARD ART CITYWIDE - ART CHAIR PROJECT - REQUEST APPROVAL FOR LOCATIONS

**Recommendation:** Motion to Approve the locations for the Art Citywide Project as noted in Attachment A - Proposed Locations - Art Citywide.

**Sponsors:** Parks & Recreation Department

**Attachments:** [ATTACHMENT A 2017-091](#)  
[10 Chair Designs](#)  
[5 art chairs](#)  
[Art Chairs - Proposed Sites 2017](#)  
[July 2016 Commission Presentation](#)  
[agata agreement](#)  
[mark fuller agreement](#)

**6.D.     [17-253](#)**           INTERLOCAL AGREEMENT - 2017 PALM BEACH COUNTY/DROWNING PREVENTION COALITION LEARN TO SWIM REIMBURSEMENT PROGRAM

**Sponsors:** Parks & Recreation Department

**Attachments:** [2017 Interlocal Agreement for Swimming Lessons with the Drowning Prevention Coalition](#)  
[DPC Exhibit A - fees and Swim Lesson Schedule 2017](#)

**6.E.     [17-265](#)**           REVOCABLE LICENSE AGREEMENT - DELRAY STUDENTS FIRST

**Recommendation:** Motion to Approve Revocable License Agreement with Delray Students First, Inc. to provide a mentoring, tutoring, and guidance program at

Catherine Strong Park for the term of one year with an option for one additional year.

**Sponsors:** Parks & Recreation Department

**Attachments:** [Revocable License and Insurance 2017](#)

**6.F. [17-290](#) REVOCABLE LICENSE AGREEMENT - COMMUNITY GREENING**

**Recommendation:** Motion to Approve a revocable license agreement with Community Greening for use of classroom No. 4 at Catherine Strong Park for staff preparations in support of environmental programming sponsored by Delray Parks and Recreation and Community Greening.

**Sponsors:** Parks & Recreation Department

**Attachments:** [COMMUNITY GREENING CORP - REVOCABLE LICENSE AGREEMENT](#)  
[PARTNERSHIP AGREEMENT-CONSULTANT TO MANAGE INVASIVE SPECIES IN PARKS](#)

Vice Mayor Chard declared a Conflict of Interest and left the dais.  
**approved**

**Yes:** 3 - Mayor Glickstein, Deputy Vice Mayor Ervin Johnson, and Commissioner Petrolia

**Absent:** 1 - Commissioner Katz

**Recused:** 1 - Vice-Mayor Chard

**6.G. [17-266](#) BARWICK FITNESS PARK/UPDATE AND FUNDING REQUEST**

**Recommendation:** Motion to Approve a budget reallocation in the amount of \$51,936.33 from Regular Salaries to cover the remaining balance, not funded through the donations received, to purchase fitness equipment for Barwick Park.

**Sponsors:** Parks & Recreation Department

**Attachments:** [Barwick Donations](#)  
[Gametime Design - Placement of Equipment](#)  
[Commission Presentation - Barwick](#)  
[Fundraising Goals - Barwick - Talia and Christelle](#)  
[Barwick Fitness Park - Mission](#)  
[Barwick Park Commitment Letter](#)

**6.H. [17-289](#) AMENDMENT NO. 1 TO RENEW THE AGREEMENT WITH DEV-LAND DEMOLITION & SITE, INC. FOR LIME SLUDGE REMOVAL IN AN AMOUNT NOT TO EXCEED \$210,000.00**

**Recommendation:** Motion to Approve Amendment No. 1 to renew the Agreement with Dev-land Demolition & Site, Inc. for Lime Sludge Removal and Disposal in

an annual not-to-exceed amount of \$210,000.

**Sponsors:** Purchasing Department

**Attachments:** [Bid #2015-32 Lime Sludge Contract](#)  
[Bid #2015-32 Award Upload](#)  
[04-06-15 Agenda Results Regular Meeting](#)  
[Amendment No. 1 to renew contract 2017-2018](#)  
[Renewal Letter](#)  
[City's Proposal](#)  
[Bureau of Labor Statistics Data](#)

- 6.I. [17-077](#) AMENDMENT TO THE AGREEMENT WITH INNOVATIVE METERING SOLUTIONS, INC. FOR AS-NEEDED PURCHASES OF WATER METERS FOR "ON HAND" INVENTORY FOR THE CENTRAL WAREHOUSE FOR NEW CONNECTIONS AND REPLACING BROKEN METERS NOT COVERED BY WARRANTY

**Recommendation:** Motion to Approve an amendment to the Agreement with Innovative Metering Solutions, Inc. to purchase water meters for "on hand" inventory in the City's Central Warehouse to be used for establishing new connections (potable and reclaimed) and replacing broken meters not covered by warranty in a not-to-exceed amount of \$195,000.

**Sponsors:** Purchasing Department

**Attachments:** [Agreement with Innovative for Meters](#)  
[CC Approval - Change Order No. 1](#)  
[Amendment-1](#)

- 6.J. [17-287](#) RETROACTIVE APPROVAL OF AMENDMENT NO. 1 WITH BALLARD PARTNERS, INC. FOR STATE LEGISLATIVE LOBBYIST SERVICES

**Recommendation:** Motion to retroactively approve Amendment No. 1 with Ballard Partners, Inc. in an annual not-to-exceed amount of \$45,000 through October 5, 2018.

**Attachments:** [2015-76 Amendment No. 1](#)  
[Ballard Partners Executed Contract](#)

- 6.K. [17-316](#) RESOLUTION NO. 20-17

**Recommendation:** Motion to Approve Resolution No. 20-17.

**Sponsors:** City Attorney Department

**Attachments:** [Res 20-17 Opposing SB 596 Preempting Gov Local Control of Public ROW in Connection with Installation of Small Wireless Communications Infrastructure](#)

**6.L.     [17-303](#)         RESOLUTION NO. 23-17**

**Recommendation:** Motion to Approve Resolution No. 23-17 supporting the recent efforts by federal agencies, to help reduce opioid misuse, addiction, and overdose, and directing City officials and City staff to take any and all actions necessary to effectuate the intent of this Resolution.

**Sponsors:** City Attorney Department

**Attachments:** [Resolution 23-17 Support of Federal efforts to reduce Opioid misuse](#)

**6.M.     [17-304](#)         RESOLUTION NO. 24-17**

**Recommendation:** Motion to Approve Resolution No. 24-17 asserting opposition to HB 7063.

**Sponsors:** City Attorney Department

**Attachments:** [Res 24-17 Opposing hb 7063](#)  
[HB 7063](#)

**6.N. AWARD OF BIDS AND CONTRACTS:****6.N.1    [17-288](#)         AWARD OF AN AGREEMENT TO SHENANDOAH GENERAL  
CONSTRUCTION COMPANY FOR VIDEO AND CLEANING SERVICES  
FOR SANITARY/STORMWATER SEWER SYSTEMS UTILIZING THE  
CITY OF WEST PALM BEACH CONTRACT**

**Recommendation:** Award of an Agreement to Shenandoah General Construction Company in an annual not-to-exceed amount of \$620,000, utilizing the City of West Palm Beach Contract No. 16299 for televising and cleaning sanitary and stormwater sewer systems, and associated components through September 20, 2018.

**Sponsors:** Environmental Services Department

**Attachments:** [WPB Master Contract 1415119 2015](#)  
[Agreement , Shenandoah \(Rev 1\)](#)

**6.N.2.   [17-299](#)         APPROVAL OF AGREEMENT WITH OFFICE DEPOT, INC. UTILIZING  
THE CITY OF TAMARAC'S OFFICE SUPPLY NEEDS AGREEMENT**

**Recommendation:** Motion to Approve an Agreement with Office Depot, Inc. for office supplies through October 17, 2019 in an annual amount not-to-exceed \$130,000 utilizing the City of Tamarac's Office Supply Needs Agreement (RFP 13-23R)

**Sponsors:** Purchasing Department



**Attachments:** [Office Supplies Agreement, Office Depot](#)  
[Tamarac Agreement](#)  
[Tamarac Agreement Renewal](#)  
[Tamarac RFP](#)

## 7. REGULAR AGENDA:

- 7.A. [17-261](#) CONDITIONAL USE REQUEST FOR CONTINUING CARE ROOMS FOR TZIKAS MEDICAL CENTER LOCATED AT 526 & 542 SE 5TH AVENUE (QUASI-JUDICIAL HEARING)

Recommended Action:

**Recommendation:** Motion to Approve the conditional use request to permit four continuing care rooms at the Tzikas Medical Center located at 526 & 542 SE 5th Avenue, pursuant to Land Development Regulations Section 2.4.5(E) and 4.4.9(D)(19).

**Sponsors:** Planning & Zoning Department

**Attachments:** [Tzikas Medical Center location map](#)  
[Tzikas Medical Center Expansion Staff Report 2-17-17](#)  
[Tzikas Plans 8x11](#)  
[Board Order Tzikas](#)

- 7.B. [17-273](#) BEST INTEREST RESOLUTION NO. 26-17 AND WAIVER OF THE CITY CODE OF ORDINANCES, CHAPTER 36, SECTION 36.02 (C)(7) FOR FITNESS EQUIPMENT FOR BARWICK PARK

**Recommendation:** Motion to Approve a Best Interest Resolution No. 26-17 and enter into an agreement for purchase and installation of fitness equipment at Barwick Park, from PlayCore Wisconsin, Inc. dba GameTime by authorizing the use of the U.S. Communities Contract Number 110179 issued by City of Charlotte as the lead agency in a not-to-exceed maximum amount of \$90,000 and declaring by a four-fifths affirmative vote that the City sealed competitive method or written quotations method is not in the best interest of the City.

**Sponsors:** Parks & Recreation Department

**Attachments:** [Best Interest Resolution Playground Equipment version 2](#)  
[Gametime Price Estimate - Barwick](#)  
[Gametime 4 Section Design](#)  
[Gametime Design - Placement of Equipment](#)  
[Barwick Aerial Map](#)  
[USC Gametime Price List 1700.Small](#)  
[USC 2017 Installation Charges-2](#)  
[GameTimeContract](#)  
[Amendments-Gametime-122716](#)  
[Piggyback Agreement \(City-GameTime\)](#)

Ms. Suzanne Fisher discussed this item She introduced two students from Atlantic High School to discuss this project further.

**approved**

**7.C.**     [17-330](#)     BEST INTEREST RESOLUTION NO. 29-17 AND WAIVER OF THE CITY CODE OF ORDINANCES, CHAPTER 36, SECTION 36.2 (C)(7) FOR INFORMATION MONITORING SERVICES TO BE PROVIDED BY LEGAL SHIELD

**Recommendation:** Motion to Approve a Best Interest Resolution No. 29-17 and retroactively approve an agreement with Legal Shield to provide personal information monitoring for twelve months in a not-to-exceed amount of \$49,000.

**Sponsors:** Human Resources Department

**Attachments:** [Final Agreement](#)  
[ID Shield Flyer](#)  
[Res 29-17 Legal Shield \(CA reviewed\)](#)

Ms. Tennille Decoste introduced this item. She introduced Kelly Rolle (?) from Legal Shield to present this item.

Mr. Neal de Jesus and Mr. Lohman went into further discussion about the dissemination of information.

Vice Mayor Chard talked about an employee going through possible identity theft.

Mr. de Jesus talked about the information being released a while back.

Mr. Lohman went into further discussion.

Vice Mayor talked about the encryption of social security numbers and advised that this company does not prevent identity theft.

Ms .Rolle talked about how her company works.

Discussion continued to ensue amongst Commissioners about the Legal Shield product. Mr. de Jesus clarified that Legal Shield is only doing the monitoring of services.

Deputy Vice Mayor Johnson asked about the length of time for the service. It was state that it would be one year.

Commissioner Petrolia questioned the cost. She discussed how the city is looking to resolve this issue.

**adopted**

**Yes:** 4 - Mayor Glickstein, Vice-Mayor Chard, Deputy Vice Mayor Ervin Johnson, and Commissioner Petrolia

**Absent:** 1 - Commissioner Katz

## **8. PUBLIC HEARINGS:**

### **8.A. [17-327](#) RESOLUTION NO. 28-17**

**Recommendation:** Motion to Approve Resolution No. 28-17.

**Sponsors:** City Attorney Department

**Attachments:** [Resolution 28-17](#)

Mr. Max Lohman read the caption into record.

Mr. Timothy Stillings presented this item.

Doctor Stewart Packard talked about how the fence encroached his property. He discussed how he had tried to contact the owner. He discussed some of the alterations to the property.

Commissioner Petrolia questioned retroactive tax benefit for this property.

Mr. Lohman asked about tax benefit and its origination. Further discussion ensued amongst the Commissioners regarding the tax benefit. Mr. Lohman advised that he will be look into the tax benefit.

Vice Mayor talked about the grandfathering of this benefit.

**adopted**

**Yes:** 4 - Mayor Glickstein, Vice-Mayor Chard, Deputy Vice Mayor Ervin Johnson, and Commissioner Petrolia

**Absent:** 1 - Commissioner Katz

- 8.B.**     [17-324](#)     ORDINANCE NO. 05-17: TO INDIVIDUALLY DESIGNATE "THE CLINT MOORE HOUSE" AT 1420 NORTH SWINTON AVENUE ON THE LOCAL REGISTER OF HISTORIC PLACES (SECOND READING)

**Recommendation:** Approve Ordinance No. 05-17 on Second Reading for the Individual Designation of The Clint Moore House on the Local Register of Historic Places.

**Sponsors:** Planning & Zoning Department

**Attachments:** [Ordinance 05-17 Clint Moore House Designation](#)  
[HPB Staff Report 080316](#)  
[1420 N Swinton Avenue Designation Report](#)

**adopted**

**Yes:** 4 - Mayor Glickstein, Vice-Mayor Chard, Deputy Vice Mayor Ervin Johnson, and Commissioner Petrolia

**Absent:** 1 - Commissioner Katz

- 8.C.**     [17-325](#)     ORDINANCE NO. 10-17: AMENDING CHAPTER 118, "SOLICITORS AND PEDDLERS AND DISTRIBUTION OF HANDBILLS" (SECOND READING)

**Recommendation:** Motion to Approve Ordinance 10-17 on second reading.

**Sponsors:** City Attorney Department

**Attachments:** [Ord 10-17 hours of solicitation ordinance](#)

Mr. Lohman read the Ordinance into record. There were no public comments.

**adopted**

**Yes:** 4 - Mayor Glickstein, Vice-Mayor Chard, Deputy Vice Mayor Ervin Johnson, and Commissioner Petrolia

**Absent:** 1 - Commissioner Katz

- 8.D.**     [17-326](#)     ORDINANCE NO. 11-17: AMENDING CHAPTER 31, "CITY OFFICIALS AND EMPLOYEES," SECTION 31.17, "INDEMNIFICATION" (SECOND READING)

**Recommendation:** Motion to Approve Ordinance No. 11-17 on second reading.

**Sponsors:** City Attorney Department

**Attachments:** [Ord 11-17 amending Indemnification](#)

Mayor Glickstein read the Ordinance into record. Mr. Lohman gave a brief overview of this ordinances. He explained the purpose of this ordinance

and the origination.

Vice Mayor Chard questioned the origination of this ordinance.  
**adopted**

**Yes:** 4 - Mayor Glickstein, Vice-Mayor Chard, Deputy Vice Mayor Ervin Johnson, and  
Commissioner Petrolia

**Absent:** 1 - Commissioner Katz

## **9. FIRST READINGS:**

- 9.A.**     [17-333](#)     ORDINANCE NO. 13-17: ESTABLISHING REQUIREMENTS FOR THE CITY OF DELRAY BEACH'S PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM PROVIDING FOR MULTIPLE, NON-EXCLUSIVE PACE PROGRAMS IN ORDER TO ALLOW FOR THIRD-PARTY ADMINISTRATORS, EITHER FOR-PROFIT OR NOT-FOR-PROFIT, TO ADMINISTER THE PACE PROGRAM WITHIN THE CITY (FIRST READING)

**Sponsors:** Environmental Services Department

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

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

Mr. de Jesus discussed the Tennis Center and the study that was conducted.

Mr. de Jesus asked for Commission approval and direction from the Commissioners. Mayor Glickstein advised that he did not support a study the CRA in the amount of \$75,000.

Deputy Vice Mayor talked about this being a multi use structure. She stated that the center should be there for youth sports.

Commissioner Petrolia advised he did not support this project. It was the consensus of the Commission to not do a study.

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

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

Deputy Vice Mayor Johnson advised that the process must be respected. She talked about where improvements were needed.

Vice Mayor Chard talked about the golf course and the condition. He talked about some of the complaints. Discussion ensued among the Commissioners about the golf course. Mr. de Jesus talked about the

new Management Agreement and how it was being monitored. Vice Mayor request reports of Master Plan Golf Course. Ms. Fisher advised that she had the Master Plan for the Golf Course. She talked about new events that we provided.

Commissioner Petrolia commended Mr. de Jesus on how he handled issues. She requested more documentation.

Mayor Glickstein talked about past experiences and how he commended Mr. de Jesus for his work. He talked about the corporate culture.

Mr. de Jesus advised that the changes were not done overnight. He asked for patience.

Mayor Glickstein talked about the Delray Affair on Friday, Saturday and Sunday this weekend. He talked about the passing of Ms. Virginia Snyder and read her obituary into record. He read a poem that Ms. Snyder wrote.

There being no further business, Mayor Glickstein adjourned the meeting at 8:33 p.m.