

City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

Phone: (561) 243-7000 - Fax: (561) 243-3774

www.mydelraybeach.com



Minutes - Final

Tuesday, February 5, 2019

4:00 PM

Regular Meeting at 4:00 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 City Commission Meeting to order at 4:01 p.m.

The roll call was taken by the City Clerk.

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
Lynn Gelin, City Attorney
Katerri Johnson, City Clerk

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

The City Manager stated staff has requested to remove Item 4.A., Resolution No. 28-19 Recognizing Regina Hart for 30 years of service as Item 6.A.A. to the consent agenda. Also, the City Manager requested that Item 6.G.5. be deferred to the meeting of February 12, 2019 and that Item 6.G.2. be approved without DS Eakins.

Vice Mayor Frankel moved to approve the 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.

4. PRESENTATIONS:

4.A. [19-011](#) RESOLUTION NO. 28-19 RECOGNIZING REGINA HART FOR 30 YEARS OF SERVICE

Recommendation: Motion to approve Resolution No. 28-19 honoring Regina Hart for 30 years of service.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Resolution 28-19 Regina Hart](#)

This item was moved to the consent agenda as Item 6.A.A.

- 4.B.** [19-012](#) Presenting deirdra thomas, Administrative assistant, WITH employee of the month for february 2019.

Recommendation: Present Deirdra Thomas, Administrative Assistant, with Employee of the Month for February 2019.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Deirdra Thomas Employee of the month nomination Form](#)

Suzanne Fisher, Parks and Recreation Director, gave a few brief comments and recognized Ms. Deirdra Thomas, Administrative Assistant/Parks and Recreation with the Employee of the Month for February 2019.

Duane D'Andre, Interim Human Resources Director on behalf of the City Commission, presented Ms. Deirdra Thomas, Administrative Assistant with a plaque and a paid personal day off.

4.C. Internal Auditor's Report

4.C.1. None

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

None.

-5.B. From the Public

Pauline Moody, 614 N.E. 8th Avenue, Boynton Beach, expressed concern about the land on Atlantic Avenue by Shuler's Memorial Chapel and she feels there is no room for a Publix or a parking garage. Ms. Moody stated she would like Shuler's Funeral Home to remain where it is. Secondly, Ms. Moody commented about the Waste Management contract.

Alice Finst, 707 Place Tavant, Delray Beach, expressed concern over a parcel of land on the extension of Lake Ida Road heading east after the I-95 overpass on the south side of the road (the sign says "The Train Station"). Ms. Finst stated the most amazing property has been built there.

Charlene Farrington, Spady Cultural Arts Museum, 170 N.E. 5th Avenue, Delray Beach, stated the Spady Museum is excited to collaborate with the Arts Garage for the Florida Highwaymen Renaissance Art Exhibit in Delray Beach hosted by Deputy Vice Mayor Johnson on February 23-24, 2019 from 10:00 a.m. until 5:00 p.m. Ms. Farrington invited everyone to attend and learn about the heritage of artists in Florida during the 1940's and 1950's when these men were supporting themselves with their artwork.

There being no one else from the public who wished to address the City Commission, Mayor Petrolia closed the public comments.

6. CONSENT AGENDA: City Manager Recommends Approval

Mayor Petrolia requested a modification with the removal of DS Eakins from Item 6.G.2. and the removal of Item 6.G.5.

Vice Mayor Frankel moved 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. [19-101](#) CITY COMMISSION MEETING MINUTES

Recommendation: Motion to approve meeting minutes as listed below.

December 11, 2018 Regular City Commission Minutes
January 15, 2019 Regular City Commission Minutes

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[December 11, 2018 Regular Minutes with signature page added](#)

[January 15, 2019 Regular City Commission Minutes with signed page](#)

approved

6.B. [19-027](#) APPROVE RESOLUTION NO. 17-19 ENDORSING THE COMPLETE CLOSURE OF THE BRANT DRIVE BRIDGE DURING THE BRANT DRIVE BRIDGE REPLACEMENT PROJECT BY THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT).

Recommendation: Motion to approve Resolution No. 17-19 endorsing the FDOT with the complete closure of the Brant Drive Bridge to pedestrian and vehicular traffic during the Brant Drive Bridge Replacement Project (P/N 15-064) and authorization of the Mayor or City Manager to execute all necessary documents.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 17-19 Brant Bridge Closure CA rev 123118](#)
[Resolution 04-18](#)

approved

- 6.C.** [19-116](#) RESOLUTION NO. 45-19 IN OPPOSITION TO OFFSHORE DRILLING ACTIVITIES, INCLUDING SEISMIC AIRGUN BLASTING, DUE TO NEGATIVE ENVIRONMENTAL AND ECONOMIC IMPACTS.

Recommendation: Motion to approve resolution opposing offshore drilling activities and seismic air gun blasts and direct the City Clerk to submit copies of the Resolution to Senators Rubio and Scott, Governor DeSantis and President Donald Trump.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Res 45-19 Opposition to Offshore Drilling Activites](#)
[Seismic Blast Fact Sheet](#)
[Oil and Tourism Don't Mix Fact Sheet](#)
[Clean Coast Economy Florida Fact Sheet](#)

approved

- 6.D.** [19-124](#) RESOLUTION NO. 48-19 AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS FOR THE DELRAY BEACH NEIGHBORHOOD RESOURCE CENTER

Recommendation: Motion to Adopt Resolution No. 48-19; authorizing the City Manager to execute agreements and take all actions necessary to effectuate agreements with the Delray Beach Community Land Trust, Christians Reaching Out to Society, Inc., Faith-Hope-Love-Charity, Inc, Legal Aid of Palm Beach County, Inc., Urban League of Palm Beach County, Inc., Palm Beach County Food Banks, Inc., and Eckerd Youth Alternatives, Inc.

Sponsors: Community Improvement

Attachments: [Agenda Cover Report](#)
[Resolution 48-19 To Allow CM to Execute NRC Agreements CC 020519](#)

approved

6.E. PROCLAMATIONS:

6.E.1. [19-097](#) PROCLAMATION PROCLAIMING JANUARY 26, 2019 AS "Go4it Youth Entrepreneurship Summit Day"

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Proclamation 2019 Go4it Teen Entrepreneurship Summit Delray](#)

approved

6.E.2. [19-134](#) BLACK HISTORY MONTH PROCLAMATION

Recommendation: Motion to approve the proclamation declaring February as Black History Month

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Black History Month Proclamation 2019](#)

approved

6.F. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:

6.F.1. None

6.G. AWARD OF BIDS AND CONTRACTS:

6.G.1. [19-111](#) APPROVAL OF RESOLUTION NO. 40-19 TO AWARD AN AGREEMENT WITH PRO-GLOBAL PRESSURE CLEANING SERVICE BY JACKIE; AND APPROVAL OF RESOLUTION NO. 41-19 TO AWARD AN AGREEMENT WITH TOTAL PRESSURE CLEANING SERVICES, FOR PRESSURE CLEANING SERVICES - \$120,000

Recommendation: Motion to approve Resolutions 40-19 and 41-19 and award of agreements to Pro-Global Pressure Cleaning Service by Jackie and Total Pressure Cleaning Service, at an estimated cost of \$120,000 and authorize the City Manager to approve renewal options, in the same amounts, contingent upon appropriation of funds.

Sponsors: Community Improvement

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist form v. 5 Proglobal](#)
[Proglobal Reso CA rev](#)
[Signed Agreement Pro-Global](#)
[Legal Review Checklist form v. 5 Total Pressure Cleaning](#)
[Total Pressure Cleaning Reso CA review](#)
[Total Pressure Cleaning agreement CA rev](#)
[ITB 2019-017 Pressure Cleaning](#)
[Copy of Excel Tabulation for Bid ITB 2019-017](#)

approved

- 6.G.2. [19-115](#)** APPROVAL OF RESOLUTION NOS. 21-19 WITH DS EAKINS CONSTRUCTION CORP., 23-19 WITH HINTERLAND GROUP, INC., AND 24-19 WITH MURRAY LOGAN CONSTRUCTION, INC., FOR STORMWATER INFRASTRUCTURE CONSTRUCTION - \$300,000

Recommendation: Motion to adopt Resolution Nos. 21-19, 23-19, 24-19 and approve agreements with DS Eakins Construction Corp., Hinterland Group, Inc., and Murray Logan Construction, Inc., at an estimated cost of \$300,000 and authorize the City Manager to approve renewal options, in the same amounts, contingent upon appropriation of funds.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist DS Eakins Construction](#)
[DS Eakins Resolution](#)
[DS Eakins Agreement](#)
[Legal Review Checklist Hinterland Group](#)
[Hinterland Resolution](#)
[Hinterland Agreement](#)
[Legal Review Checklist Murray Logan](#)
[Murray Logan Resolution](#)
[Murray Logan Agreement](#)
[RFQ 13-14-407 Utility Construction Services Final Form](#)

This item has been approved without DS Eakins.

- 6.G.3. [19-046](#)** APPROVAL OF RESOLUTION NO. 27-19 TO AWARD A SOLE SOURCE AGREEMENT WITH SOUTHERN SEWER EQUIPMENT SALES AND SERVICE, INC. FOR VAC-CON AND SCHWARZE PARTS AND SERVICES - \$50,000

Recommendation: Motion to approve Resolution No. 27-19 to award a sole source agreement

with Southern Sewer Equipment Sales and Service, Inc. for Vac-Con and Schwarze parts and services at an estimated cost of \$50,000 and authorize the City Manager to approve renewal options, in the same amounts, contingent upon appropriation of funds.

Sponsors: Public Works Department - Fleet Division

Attachments: [Agenda Cover Report](#)

[SS2019-001 Agreement for Vac-Con and Schwarze Parts and Service, vendor executed](#)
[Res 27-19](#)

[Legal Review Checklist Vac Con and Schwarze Parts and Service](#)

[Sole Source Approval - Vac-Con and Schwarze](#)

approved

6.G.4. [19-106](#)

APPROVAL OF RESOLUTION NO. 32-19, RETROACTIVE APPROVAL WITH DEAN MITCHELL GROUP FOR INDOOR AIR QUALITY AND INFECTIOUS DISEASE SERVICES IN THE AMOUNT OF \$112,955.81 AND APPROVAL TO CONTINUE WITH REMEDIATION WORK - \$375,000

Recommendation: Motion to approve Resolution No. 32-19, retroactive approval with Dean Mitchell Group, for the total amount of \$112,955.81 and approval to continue with remediation work utilizing the balance of the budgeted amount for F/Y 2019 \$262,044.19 for estimated cost total of \$375,000, and authorize the City Manager to approve renewal options, in the same amounts, contingent upon appropriation of funds.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[CAO Checklist](#)

[Resolution No 32-19](#)

[Scan McAden, Ja'Anal 10 27 23-01-2019](#)

approved

6.G.5. [19-114](#)

APPROVAL OF RESOLUTION NO. 37-19 WITH LANZO TRENCHLESS TECHNOLOGIES INC. SOUTH AND GPE ENGINEERING & GENERAL CONTRACTOR CORP. FOR STORMWATER LINING, CCTV AND TRENCHLESS TECHNOLOGIES SERVICES - \$450,000

Recommendation: Motion to adopt and approve Resolution No. 37-19 to award an agreement with Lanzo Trenchless Technologies, Inc. South and GPE Engineering & General Contractor Corp for stormwater pipe lining, CCTV and trenchless technologies services utilizing the City of Fort Lauderdale Solicitation No.

ITB No. 673-11892 at an estimated cost of \$450,000 and authorize the City Manager to approve renewal options, in the same amounts, contingent upon appropriation of funds.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[CIPP Resolution 37-19](#)
[Legal Review Checklist Lanzo Agreement](#)
[Lanzo Agreement](#)
[LanzoTrenchless11892F Stormwater Lining Contract](#)
[Legal Review Checklist GPE Agreement](#)
[GPE Agreement](#)
[GPEEngineering11097FullyEx](#)
[Solitication 673-11892 StormwaterLiningCCTVT](#)

This item has been deferred to the regular meeting of February 12, 2019.

6.G.6. [19-017](#)

APPROVAL OF RESOLUTION NO. 31-19 FOR VEHICLE PURCHASES FROM COGGIN FORD AND DUVAL FORD UTILIZING THE FLORIDA SHERIFF'S ASSOCIATION CONTRACT NO FSA-18-VEL26.016.0 AND FSA18-VEH16.0.

Recommendation: Motion to approve Resolution No. 31-19 for the purchase of two Ford F-150 Regular Cab 4x2 pick-up trucks and two Ford F-550 Cab and Chassis 4x2 F5G pick-up trucks utilizing the Florida Sheriff's Association Contract No. FSA-18-VEL26.016 and FSA18-VEH16.0.

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Florida Sherifs Contract FSA18-VEL26.0](#)
[FSA18-VEH16.0 Terms and Conditions](#)
[F-550 Quote-Duval 12-7-18](#)
[F150 REG CAB PU QOUTE \(2\) UNITS 11-16-18](#)
[Resolution 31-19 Florida Sheriff's Association No. FSA-18-VEL26.016.0 and FSA18-VEH16.0](#)

approved

6.G.7. [19-113](#)

APPROVAL OF RESOLUTION NO. 34-19 WITH SOUTHERN STAR CONTRACTORS, INC., FOR WATER TREATMENT PLANT UPGRADES AND IMPROVEMENTS - \$864,110

Recommendation: Motion to adopt Resolution No. 34-19 and approve an agreement with Southern Star Contractors, Inc. for an estimated cost of \$864,110.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist 2018-049 WTP Upgrades and Improvements](#)
[Resolution for WTP Improvements](#)
[2018-049 WTP Upgrades and Improvements Agreement](#)
[ITBC 2018-049 Water Treatment Plant Upgrades Improvements](#)
[Tabulation Sheet ITBC 2018-049](#)
[Sign Agreement Southern Star Contractors](#)

approved

- 6.G.8. [19-112](#)** APPROVAL OF RESOLUTION 36-19 WITH SHENANDOAH GENERAL CONSTRUCTION COMPANY FOR SANITARY SEWER REHABILITATION AND INFRASTRUCTURE REPAIRS ESTIMATED AT \$620,000, UTILIZING THE CITY OF WEST PALM BEACH'S CONTRACT NO. 16299.

Recommendation: Motion to adopt Resolution No. 36-19 and approve an award of an agreement to Shenandoah General Construction Company for sanitary sewer rehabilitation and infrastructure repair for an estimated cost of \$620,000, utilizing the City of West Palm Beach's Contract No 16200, and authorize the City Manager to approve renewal options, in the same amount, contingent upon appropriation of funds.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist Shenandoah Piggyback](#)
[Shenandoah Agreement](#)
[Shenandoah Resolution](#)
[Signed Agreement](#)

approved

- 6.G.9. [19-109](#)** APPROVAL OF RESOLUTION NO. 38-19: AWARD OF AN AGREEMENT WITH JOHNSON-DAVIS, INC., FOR THE LAKE IDA ROAD FORCE MAIN AIR RELEASE VALVE (ARV) REPLACEMENT PROJECT - \$179,300

Recommendation: Motion to approve Resolution No. 38-19 award of an agreement with Johnson-Davis, Inc., for the Lake Ida Road Force Main Air Release Valve (ARV) replacement project - \$179,300.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 38-19.docx](#)
[Johnson-Davis](#)
[Legal Review Checklist ITB 2018-057 Johnson Davis](#)

approved

6.G.10 [19-119](#)

APPROVAL OF RESOLUTION NO. 46-19 WITH SOUTHEASTERN PUMP FOR SUBMERSIBLE WASTEWATER PUMPS - \$78,837

Recommendation: Motion to adopt Resolution No. 46-19 and approve an agreement with Southeastern Pump for an estimated cost of \$78,837 and authorize the City Manager to approve renewal options, in the same amounts, contingent upon appropriation of funds.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)
[Resolution](#)
[AGREEMENT](#)
[ITB 2019-009 Submersible Wastewater Pumps](#)
[Tabulation for Bid ITB 2019-009](#)

approved

7. REGULAR AGENDA:

7.A. [18-839](#)

A WAIVER REQUEST TO LDR SECTION 4.3.4(H)(6)(b)(4), SPECIAL LANDSCAPE SETBACKS: ALONG LINTON BOULEVARD; FROM A-1-A TO THE WESTERN CITY LIMITS, A SPECIAL LANDSCAPE AREA SHALL BE PROVIDED. THIS LANDSCAPE AREA SHALL BE THE SMALLER DISTANCE OF EITHER 30 FEET OR 10 PERCENT OF THE AVERAGE DEPTH OF THE PROPERTY; HOWEVER, IN NO CASE SHALL THE LANDSCAPE AREA BE LESS THAN 10 FEET, FOR THE PROPERTY LOCATED AT 1000, 1220, AND 1350 LINTON BLVD DUE TO AN EMINENT DOMAIN RIGHT-OF-WAY TAKING BY THE FLORIDA DEPT OF TRANSPORTATION. (QUASI-JUDICIAL HEARING)

Recommendation: Motion to approve the waiver request to LDR Section 4.3.4(H)(6)(b)(4) special landscape setbacks, to reduce the landscape setback to 12'4" along the northern frontage of the existing McDonalds located at the eastside of Waterford Place, 8'9" and 5'7" along the northeast portion of the property on (parcel 112 of Waterford Place), and to reduce the landscape setback along the northern frontage of Outback and Homegoods located at the westside of Waterford Place, to 8'6" starting at its most western portion of the northern frontage and extending to 14' at its most eastern portion of the northern frontage.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Delray Crossing Board Order](#)
[Justification Waiver](#)
[18133_01 Survey](#)
[Survey 2](#)
[Site plan 605A200](#)
[Site plan 605A201](#)

Mayor Petrolia read the City of Delray Beach Quasi-Judicial rules into the record.

The City Clerk swore in those individuals who wished to give testimony on this item.

Mayor Peterolia asked the City Commission to disclose their ex parte communications. The City Commission had no ex parte communications to disclose.

Gary Eliopoulos, 1045 E. Atlantic Avenue, Delray Beach, gave a few brief comments regarding the waiver request.

Tim Stillings, Development Services Director, entered project file #2019-043 into the record and gave a brief presentation. He stated staff recommends approval.

Mayor Petrolia asked if anyone from the public would like to speak in favor or in opposition of the waiver request, to come forward. There being no one from the public who wished to address the City Commission, public comment was closed.

There was no cross-examination or rebuttal.

A brief discussion between Deputy Vice Mayor Johnson and Mr. Stillings ensued.

The City Attorney reviewed the Board Order with the City Commission.

Vice Mayor Frankel made a motion to approve the Board Order. 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. [19-090](#)

**RATIFICATIONS OF APPOINTMENT TO THE KIDS AND COPS
COMMITTEE**

Recommendation: Recommend City Commission approves and ratifies the appointed members to the Kids and Cops Committee for an unexpired terms ending November 30, 2019.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

Vice Mayor Frankel moved to approve the ratifications of appointment to the Kids and Cops Committee. It was seconded by Commissioner Bathurst. The roll call vote was taken and all were in favor. The motion carried 5-0.
approved

7.C. [19-091](#) NOMINATION FOR APPOINTMENT TO THE POLICE ADVISORY BOARD

Recommendation: Motion to approve nomination for appointment for one (1) regular member to serve on the Police Advisory Board for an unexpired term ending July 31, 2020.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Exhibit A](#)

[Police Advisory Board Member List](#)

[Police Advisory Board Attendance List](#)

[Police Advisory Board Applications](#)

Commissioner Bathurst nominated Robert Safranski to the Police Advisory 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.D. [19-105](#) NOMINATION FOR APPOINTMENT TO THE GREEN IMPLEMENTATION ADVANCEMENT BOARD

Recommendation: Motion to approve nomination for appointment for one (1) regular member to serve on the Green Implementation Advancement Board for unexpired terms ending July 31, 2021.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Exhibit A](#)

[Green Implementation Advancement Board Member List](#)

[Green Implementation Advancement Board Attendance List](#)

[GIAB Applications](#)

Commissioner Boylston nominated Sarah Lucas to the Green Implementation Advancement Board (GIAB). 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. [19-118](#) ADOPTION OF RESOLUTION 44-19

Recommendation: Motion to approve Resolution 44-19.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Resolution 44-19](#)

Lynn Gelin, Interim City Attorney, read the title of Resolution No. 44-19 into the record.

A brief discussion between Ms. Gelin and the City Commission followed.

Commissioner Boylston moved to approve Resolution No. 44-19. 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

7.F. [19-107](#) APPROVAL OF RESOLUTION NO. 33-19 TO AWARD AN AGREEMENT WITH R.J. HEISENBOTTLE ARCHITECTS, PA FOR DESIGN AND ENGINEERING PROFESSIONAL SERVICES FOR THE DELRAY BEACH SEABOARD AIR LINE RAILWAY STATION PURSUANT TO RFQ NO. 2018-048 - \$325,712.40

Recommendation: Motion to approve Resolution No. 33-19 to award an agreement with R.J. Heisenbottle Architects, PA for design and engineering professional services for the Delray Beach Seaboard Air Line Railway Station pursuant to RFQ No. 2018-048 at a cost of \$325,712.40.

Sponsors: Public Works Department - Programs & Project Management

Attachments: [Agenda Cover Report](#)
[2018-048 Agreement, vendor executed](#)
[Resolution No. 33-19 CA rev](#)
[Legal Review Checklist form v. 5 RJ Heisenbottle Agreement](#)
[2018-048 Design Eng. Prof Srvs for DB Seaboard Air Line Railway Station FINAL](#)
[2018-048 Addendum No. 1](#)
[2018-048 Addendum No. 2](#)
[2018-048 Addendum No. 3](#)
[2018-048 Addendum No. 4](#)
[R.J. Heisenbottle Architects Responce](#)
[2018-048 Scoring Summary](#)

Lynn Gelin, Interim City Attorney, read the title of Resolution No. 33-19 into the record.

Jennifer Alvarez, Purchasing Director, gave a brief overview of this item.

The City Manager gave a few brief comments.

Roger Cope, Architect for the project, gave a few brief comments.

A brief discussion between Mr. Cope and Mayor Petrolia ensued.

Commissioner Boylston stated he would like to see a better gateway to getting off I-95 into Delray Beach.

Mayor Petrolia concurred with Commissioner Boylston and commented that she would like to make sure that if the City is investing this type of money into it, that there is actually a plan going forward rather than letting it just sit.

Commissioner Bathurst concurred with comments expressed by Commissioner Boylston and Mayor Petrolia.

Commissioner Boylston moved to approve Resolution No. 33-19 to award an agreement with R.J. Heisenbottle Architects, P.A. for the design and engineering for the Delray Beach Seaboard Air Line Railway Station. It was seconded by Commissioner Bathurst. A roll call vote was taken and all were in favor. The motion carried 5-0.

approved

7.G. [19-100](#)

RESOLUTIONS NO. 18-19 AND 52-19: RESOLUTIONS OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ESTABLISHING THE PARKING TECHNICAL ADVISORY COMMITTEE TO PROVIDE RECOMMENDATIONS TO THE CITY MANAGER CONCERNING PARKING REGULATIONS OR, IN THE ALTERNATIVE, AMENDING THE COMPOSITION AND SCOPE OF THE PARKING MANAGEMENT ADVISORY BOARD.

Recommendation: Motion to approve Resolution No. 18-19 or Resolution No. 52-19.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Resolution 18-19 Establish PTAC](#)
[Res 52-19 PMAB amend](#)

Lynn Gelin, Interim City Attorney, read the title of Resolution No. 18-19 and Resolution No. 52-19 into the record and gave a brief explanation of each resolution.

Ms. Gelin briefly explained three (3) options for the City Commission to consider.

A brief discussion between Ms. Gelin and the City Commission followed regarding the composition of the board and she explained that the original resolution limited the scope of the Parking Management Advisory Board (PMAB); however, in Resolution No. 52-19 the scope is now expanded citywide. Ms. Gelin noted that the City Commission can direct the City Manager how often the board should meet. It was the consensus of the City Commission that the PMAB meet once a month and if there is not enough business, that the board meet once every two months.

Commissioner Bathurst made a motion to approve Resolution No. 52-19. It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. The motion carried 5-0.

8. PUBLIC HEARINGS:

- 8.A. [19-102](#) ORDINANCE NO. 07-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH BY AMENDING ARTICLE 2.4, "GENERAL PROCEDURES", SECTION 2.4.5, "PROCEDURES FOR OBTAINING DEVELOPMENT APPROVALS", PARAGRAPH (O), "IN-LIEU OF PARKING AND PUBLIC PARKING FEE REQUEST", BY REMOVING THE PARKING MANAGEMENT ADVISORY BOARD; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (SECOND READING/PUBLIC HEARING)

Recommendation: Motion to approve Ordinance No. 07-19 on second reading.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ord 07-19 replace PMAB w PTAC 12.26.18](#)

The City Attorney read the title of Ordinance No. 07-19 into the record.

Mayor Petrolia declared the public hearing open. There being no one from the public who wished to address the City Commission regarding Ordinance No. 07-19, the public hearing was closed.

Commissioner Bathurst made a motion to **deny** Ordinance No. 07-19 on second and final reading. It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor to **deny** this ordinance. The motion carried 5-0.

denied

8.B. [19-099](#) ORDINANCE NO. 10-19 PROHIBITION OF SINGLE-USE PLASTIC STRAWS (SECOND READING)

Recommendation: Motion to approve Ordinance 10-19 placing prohibitions on the distribution of plastic straws.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Ord - Plastic Straws Final](#)
[Skip the Straw Memo \(9/11 Workshop\)](#)
[Letter of Support- Chamber of Commerce \(Skip the Straw\)](#)
[Powerpoint -Skip the Straw Campaign](#)

The City Attorney read the title of Ordinance No. 10-19 into the record and noted the only change to the ordinance was Vice Mayor Frankel's request that the ordinance would be enforced January 2020.

A brief discussion between the City Commission and Dr. Anna Puskin-Chelvin ensued.

Mayor Petrolia declared the public hearing open. There being no one from the public who wished to address the City Commission regarding Ordinance No. 10-19, the public hearing was closed.

Vice Mayor Frankel made a motion to approve Ordinance No. 10-19. 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. None

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

10.A.1. [19-126](#) Golf Course Improvement and Financing

Sponsors: City Manager Department

The City Manager gave a few comments regarding the Golf Course Improvement and Financing.

A brief discussion by the City Commission followed.

It was the consensus of the City Commission to direct the City Manager to move forward with pursuing a land lease.

Secondly, the City Manager stated there is another Transportation Planning Association (TPA) project which involves mobility, sidewalks, and bicycles. He stated there is an Informational Open House Meeting from 5:30-7:00 p.m. tomorrow evening at the Swinton Operation Complex (SOC). The project is Lowson Boulevard from Military Trail to Federal Highway and 10th Street. The City Manager explained that this is a city-managed project where the city controls the narrative and input from the citizens. The City Manager stated there is \$4.6 million grant.

The City Manager gave a brief presentation with respect to the Organizational Chart.

10.B. City Attorney

Lynn Gelin, Interim City Attorney, stated Ms. Johnson, Ms. Adams, and herself will be doing Board Liaison training for all the board liaisons to empower them on how the boards should be governed (i.e. the Sunshine Law and Public Records). Ms. Gelin stated they will create a manual to disburse to board members and create some cohesiveness throughout the boards and how they operate.

10.C. City Commission

Commissioner Boylston stated he was invited to the Sherwood Park Civic Association Meeting on Monday. Secondly, Commissioner Boylston asked if there is any other place to store the Santa Village other than its current location.

Missie Barletto, Deputy Director of Public Works, stated the company that puts the Christmas Tree up and takes it down every year has acquired a massive indoor storage facility to store the Christmas Tree and Santa's Village and staff is working with them on this.

Commissioner Boylston stepped away from the dais at 5:38 p.m. and returned at 5:40 p.m.

Deputy Vice Mayor Johnson congratulated the Community

Redevelopment Agency (CRA) Board with moving forward. Secondly, Deputy Vice Mayor Johnson stated she spoke with some residents who expressed their opposition regarding the fire assessment fee study and asked if the study can be placed on hold. She commented about the Commission's desire for a planning session in order to come up with a date for the City Manager's evaluations and contract.

Ms. Gelin explained that the City Commission will discuss the date for the City Manager annual performance evaluation and his contract at the March 28, 2019 Annual Organizational Meeting.

Deputy Vice Mayor Johnson also commented that the City Manager's updated Organizational Chart be discussed at the March 28, 2019 Annual Organizational Meeting as well.

Deputy Vice Mayor Johnson made a motion to appoint Ms. Lynn Gelin as the City Attorney and direct the City Manager to work out the details of the salary package (equal to former City Attorney Mr. Noel Pfeffer's salary) and that this appointment be brought back to ratify on a future agenda. It was seconded by Vice Mayor Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

Commissioner Bathurst suggested that the Internal Auditor have a more professional office space. Secondly, Commissioner Bathurst commented about the Swinton historic overlay. Finally, he congratulated the CRA Board for moving forward.

Vice Mayor Frankel had no comments.

Mayor Petrolia reiterated that on Atlantic Avenue and Swinton Avenue, traffic heading east blocks the intersection/square and the issue is where the two lanes on East Atlantic Avenue merge into one lane. In addition, Mayor Petrolia stated there are areas on Linton Boulevard that are also cross blocked. Mayor Petrolia suggested that there be signage installed to keep people from pulling up and blocking the square because the north/south traffic on Swinton Avenue cannot cross, and the same goes for 4th and Linton Boulevard, and 10th and Linton Boulevard. She noted that people pull into the intersection in hopes of being able to proceed as soon as traffic lets up, however, it constantly blocks the cross section of traffic and that traffic ends up having a double light to go through. Secondly, Mayor Petrolia commented about the double increase charge to the Green Market from Waste Management. Mayor Petrolia asked the City Manager to meet at least once a month with the Internal Auditor. Mayor Petrolia stated the City is off to a good start with the budget. She would like to discuss the time of

the City Commission Meetings at the March 28, 2019 Annual Organizational Meeting (i.e. being at 5:00 p.m. versus 4:00 p.m.). Lastly, Mayor Petrolia gave the City Manager direction to follow through with Deputy Vice Mayor Johnson's comments to see if there is any way to halt moving forward with the fire assessment fee, or if the City has already paid it, then move forward with it.

There being no further business to discuss, Mayor Petrolia adjourned the meeting at 5:59 p.m.



City Clerk

ATTEST:



MAYOR

The undersigned is the City Clerk of the City of Delray Beach, Florida, and the information provided herein is the Minutes of the Regular City Commission Meeting held on February 5, 2019, which Minutes were formally approved and adopted by the City Commission on March 12, 2019.



City Clerk

NOTE TO READER:

If the Minutes you have received are not completed as indicated above, this means they are not the official Minutes of the City Commission. They will become the official Minutes only after review and approval which may involve some amendments, additions or deletions as set forth above.