

City of Delray Beach

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Minutes - Final

Tuesday, April 16, 2019

4:00 PM

Regular Meeting at 4:00 PM

Delray Beach City Hall

City Commission

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

1. ROLL CALL

Mayor Petrolia called the Regular City Commission Meeting to order at 4:00 p.m.

The roll call was taken by the City Clerk.

The following were in attendance:

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

Others present were:

Neal de Jesus, Interim City Manager
Lynn Gelin, City Attorney
Katerri Johnson, City Clerk
approved

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

The City Attorney requested that **Item 6.C. be removed from the agenda, Item 6.E. be moved to the regular agenda as Item 7.A.A., and that Item 9.A. be removed.**

Commissioner 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 4-0.

4. PRESENTATIONS:

- 4.A. [19-409](#) PRESENTING CHARLES PEELE, CREW LEADER AND GABRIEL RIJO, STREET MAINTENANCE WORKER WITH EMPLOYEE OF THE MONTH FOR APRIL 2019.

Recommendation: Motion to present Charles Peele, Crew Leader and Gabriel Rijo, Street Maintenance Worker with Employee of the Month for April 2019.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[NOMINATION FORM PEELE/RIJO EMPLOYEE OF THE MONTH](#)
[NOMINATION FORM APRIL 2019](#)

Duane D'Andre, Human Resources Director, introduced Joe Frantz, Deputy Director of Public Works.

Joe Frantz, Deputy Director of Public Works recognized Charles Peele, Crew Leader and Gabriel Rijo, Street Maintenance Worker with Employee of the Month for April 2019 for helping a woman who dropped her keys down an eight foot storm drain.

On behalf of the Mayor and City Commission, Mr. D'Andre presented Charles Peele, Crew Leader and Gabriel Rijo, Street Maintenance Worker with Employee of the Month for April 2019 with a plaque and a certificate for 8 hours off with pay.

4.B. [19-448](#) FY 2018 COMPREHENSIVE ANNUAL FINANCIAL REPORT - CALER, DONTEN, LEVINE, PORTER & VEIL, P.A

Attachments: [Agenda Cover Report](#)
 [City of Delray Beach 2018 CAFR](#)
 [Delray Beach 2018 Financial Highlights](#)

Interim City Manager de Jesus reiterated that this fiscal year is ending September 30, 2018 and stated from the previous audit there were a significant amount of comments that needed to be addressed. Mr. de Jesus stated former Finance Director Kimberly Ferrell and the Finance staff worked very hard throughout the year to get those management items off the list.

Scott L. Porter, Caler, Donten, Levin, Porter & Veil, P.A., Certified Public Accountants, briefly reviewed the Delray Beach 2018 Comprehensive Annual Financial Report (CAFR) highlights.

Mr. Porter stated the Auditor General provides benchmarks on an annual basis for municipalities that they are required to look at in various areas and one of those is the proportion of expenditures to fund balance and revenues to fund balance. Mr. Porter stated the average as it relates to expenditures is 30.44%; the City of Delray Beach for 2017 was 41.76% and this year is 36.45%. He stated there is no best practice as it relates to fund balance and noted that the Government Finance Officers Association (GFOA) recommends that every municipality analyze their own situation in terms of the risk that they face outside the City as well as internally. In South Florida, the biggest risk arises from annual hurricanes. Mr. Porter suggested that the City have a study done or work with the Solid Waste Authority (SWA) to determine how much a different category storm would cost the City in terms of debris cleanup.

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

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

Patrick Halliday, 1071 Delray Lakes Drive, Delray Beach, stated he is a member of the League of American Bicyclists and every year in Washington, D.C. they meet for three days and participants include engineers from the Federal Government, Highway Department, local officials, city managers, and members of the Bicycle Manufacturer Association. He distributed a copy of a policy explaining that electric bicycles are not scooters and there was no element of danger to public safety, and the only two things they found were two models of the electric bicycle that are used for off-road use. He urged the City to remove the word "electric bicycles" from any future discussion that has to do with bans or regulations because they do not apply.

Pauline Moody, 624 N.E. 8th Avenue, Boynton Beach, commented about the Internal Auditor's Report. She feels that Atlantic Avenue has not improved and commented about the debris in the road, construction problems, and developers with large sums of money building whatever they want to and feels this is creating a legal problem. Ms. Moody stated she feels it is the public's right to know how much the City is paying the firm to do the audit.

Secondly, Ms. Moody expressed concern that Delray Beach has no City Manager and the former City Manager is suing in the State courts for \$500,000.00. In her opinion, Ms. Moody stated it is not a good idea to have the Fire Chief in the City Manager position. Ms. Moody commented about the City Attorney's previous position as the Public Defender for Broward County. Ms. Moody expressed concern that all this is a waste of taxpayer dollars and nothing has changed.

Tom Carney, 135 S.E. 5th Avenue, Delray Beach, expressed concern over a glitch in the LDRs as it relates to businesses establishing east of the Intracoastal and he urged the City to look into the definition. Mr. Carney stated they are trying to establish a showroom at this location which is going to showcase the project and he was informed by the City that this

does not qualify as retail. He stated there are six retail spots next to this which all close at 6:00 p.m. and his business will be opened until 9:00 p.m. Mr. Carney stated this will be a design office where people can come in off the street to see what is going to be featured in a new development and noted no contracts will be done at this location.

Kiki Welter, 6th grader at Carver Middle School, member of the Sustainability Club sponsored by Wise Tribers, gave a few brief comments.

Kenya Madison, 301 N.W. 7th Avenue, Delray Beach, Senior Director for Healthier Delray Beach, gave a few brief comments and accepted a proclamation for this cause.

Amy Nelson, 725 Palm Trail, Delray Beach, speaking on behalf of her sister who has lived here for forty years, stated her sister's only means of transportation is an electric scooter.

Gabriel Edwards, Green Revs Electric Bikes & Solar Tech, 125 N. Congress Avenue #9, Delray Beach, stated he found out about the proposed ban on all electric mobility transportation devices from a customer who saw it on the news. He stated some elderly people have a disability where they cannot drive a car so this is a necessary product. Mr. Edwards stated bicycles will decrease, and electric bicycles are safe, eco-friendly, a benefit to all, and will help ease the congestion downtown.

Joe Perry, 1137-C South Drive, Delray Beach, expressed concern over the electric bicycles and stated as an employee of Publix Supermarkets it is an affordable means of transportation. In addition, Mr. Perry stated he is involved with the programs at Delray Central House.

Jeff Krader, 1340 N.W. 19th Terrace #102, Delray Beach, stated he has utilized the electric bikes for over a year and urged the City to make Delray Beach an e-bike friendly town. Mr. Krader believes this is a trend for the future and is a great mode of transportation.

Leanne Griffith, Director of Events/House Manager with Old School Square, commented about the following events coming to Old School Square: the grand opening of the new exhibit at the Cornell Museum, Beatles on the Beach Festival, Beer Fest, a free concert on May 31st, and the Taste of Recovery.

There being no one else from the public who wished to address the City Commission, the public comment was closed.

6. CONSENT AGENDA: City Manager Recommends Approval

Commissioner 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 4-0.

6.A. [19-291](#) CITY COMMISSION MINUTES

Recommendation: Motion to approve meeting minutes for the following dates:

March 12, 2019 City Commission Regular Meeting Minutes
March 28, 2019 City Commission Workshop Meeting Minutes
March 28, 2019 City Commission Annual Organizational/Regular Meeting Minutes

Sponsors: City Clerk Department and Maloney

Attachments: [Agenda Cover Report](#)

[March 12, 2019 City Commission Regular Mtg. Minutes](#)

[March 28, 2019 City Commission Workshop Mtg. Minutes](#)

[March 28, 2019 City Commission Annual Organizational Regular Mtg. Minutes](#)

approved

6.B. [19-332](#) APPROVAL OF THE PUBLIC ART ADVISORY BOARD BYLAWS ESTABLISHING THE RULES OF PROCEDURES

Recommendation: Motion to approve the Public Art Advisory Board Bylaws as presented establishing the rules of procedures.

Sponsors: Parks & Recreation Department and Fisher

Attachments: [Agenda Cover Report](#)

[Attachment 1: 2019 Board Rules signed by Chairwoman Akins](#)

[Attachment 2: PAAB Minutes 2019 JANUARY](#)

[Attachment 3: PAAB 2019 February Minutes](#)

[Master](#)

[Master](#)

[Master](#)

approved

6.C. [19-355](#) ITEM (A) - ACCEPTANCE OF A UTILITY EASEMENT AGREEMENT FOR 2605 S. FEDERAL HWY.

Recommendation: **Item A**

Motion to approve and accept variable width easement for 2605 S. Federal Hwy.

Attachments: [Agenda Cover Report](#)
[Utility Agreement for 2605 S Federal](#)
[PAPA MAP for 2605 S Federal](#)
[PAPA Page for 2605 S Federal](#)
[Sketch and Legal for 2605 S Federal](#)
[Sunbiz Page for 2605 S Federal](#)

This item has been removed from the agenda.

- 6.D.** [19-370](#) APPROVAL OF RESOLUTION NO. 68-19 FOR TEMPORARY STAFF FROM GUIDESOFT, INC. DBA KNOWLEDGE SERVICES UTILIZING STATE OF FLORIDA, DEPARTMENT OF MANAGEMENT SERVICES CONTRACT NO. 3141800-14-ACS - \$119,000

Recommendation: Motion to approve Resolution No. 68-19 for Temporary Administrative and Light Industrial Staff from Guidesoft, Inc. dba Knowledge Services Utilizing State of Florida, Department of Management Services Contract No. 3141800-14-ACS - \$119,000 and authorize the City Manager to approve renewal options, in the amounts below, contingent upon appropriation of funds.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist Piggyback of State of Florida and Guidesoft for placement of Temp Employees](#)
[Amendment 1 Temp. Employ. Staffing Serv.](#)
[Participating Addenda](#)

approved

- 6.E.** [19-373](#) APPROVAL OF AN ACCESS EASEMENT AGREEMENT AND TERMINATION OF EASEMENT FOR AZURE DELRAY LOCATED AT 116 MARINE WAY

Recommendation: Motion to approve Access Easement Agreement and Termination of Easement for Azure Delray.

Sponsors: City Attorney Department and Inglese

Attachments: [Agenda Cover Report](#)[Doc - Limited Access Easement form v.01 \(116 Marine Way\)](#)[Sketch & Legal - 116 Marine Way Easement - both pages](#)[Doc - Termination of Access Easement form v.01 \(116 Marine Way\)](#)

This item was removed from the consent agenda and moved to the regular agenda as Item 7.A.A.

Commissioner Boylston recused himself from the discussion and stepped away from the dais.

The City Attorney stated this involves two items; one is a termination of an easement and the other is approval of an access easement. The City Attorney stated Azure is located at 116 Marine Way and in between the property and Marine Way there is a strip that is vested to the city, but it is not considered a part of Marine Way and does not belong to Azure. Therefore, they needed an access easement and although one was previously granted to them, but with the construction, the driveways had to be moved and thus the reason they need a new access easement.

Commissioner Frankel moved to approve **Item 7.A.A. (formerly Item 6.E.)**. It was seconded by Deputy Vice Mayor Bathurst. A roll call vote was taken and all were in favor. The motion carried 3-0.

At this point, Commissioner Boylston returned to the dais.

6.F. [19-385](#) AGREEMENT WITH THE STATE OF FLORIDA EMERGENCY
MANAGEMENT ACT, CHAPTER 252

Recommendation: ENTER INTO AN AGREEMENT WITH THE STATE OF FLORIDA
EMERGENCY MANAGMENT

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)

[Statewide Mutual Aid Information Sheet](#)[Statewide Mutual Aid Information Sheet](#)[19-385 Resolution](#)[Legal Review Checklist form v. 5 FI DEM Statewide Mutual Aid
Agreement](#)[State of Florida Emergency Management Act, Chapter 252-Agenda
Cover Memo](#)

approved

- 6.G. [19-389](#) APPROVAL OF AMENDMENT NO. 1 WITH M & M ASPHALT MAINTENANCE, INC. D/B/A ALL COUNTY PAVING FOR GENERAL ROADWAY AND MISCELLANEOUS CONSTRUCTION SERVICES UTILIZING THE CITY OF WEST PALM BEACH SOLICITATION NO. ITB 14-15-134, AND TO INCREASE THE NOT-TO-EXCEED AMOUNT OF \$300,000 TO \$560,000.

Recommendation: Motion to approve Amendment No. 1 with M & M Asphalt Maintenance, Inc. d/b/a All County Paving for General Roadway and Miscellaneous Construction Services for a total agreement value not-to-exceed \$560,000 and authorize the City Manager to approve and execute agreement renewal options, in the amounts listed below, contingent upon appropriation of funds.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist All County Paving Amendment No 1](#)

approved

- 6.H. [19-412](#) APPROVAL OF RESOLUTION NO. 85-19 , APPROVING HURRICANE IRMA (FEMA - DR 4337 FL) FEDERALLY-FUNDED SUBAWARD AND GRANT AGREEMENTS BETWEEN THE CITY OF DELRAY BEACH AND THE FLORIDA DEPARTMENT OF EMERGENCY MANAGEMENT AND APPROVAL TO DELEGATE AUTHORITY TO THE MAYOR TO APPROVE MODIFICATIONS TO ATTACHMENT A OF THE AGREEMENT IN ACCORDANCE WITH SECTION TO INCLUDE ADDITIONAL PROJECTS.

Recommendation: It is recommended that City Commission adopt Resolution No. 85-19 approving the Form of the Federally-Funded Subaward and Grant Agreements with Florida Department of Emergency Management and authorize the Mayor to execute these agreements related to Hurricane Irma on behalf of the City.

Attachments: [Agenda Cover Report](#)
[Resolution 85-19](#)
[Attachment A](#)
[File Summary](#)

approved

- 6.I. [19-414](#) INTERLOCAL AGREEMENT - 2019 PALM BEACH COUNTY DROWNING PREVENTION COALITION LEARN TO SWIM REIMBURSEMENT PROGRAM

Recommendation: Motion to enter into an Interlocal Agreement with the Palm Beach County Drowning Prevention Coalition ("DPC") for payment of swimming classes/lessons to the City of Delray Beach, FL ("City,") for the provision of swimming classes/lessons to individuals who present vouchers issued by the DPC Learn to Swim Program.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[Attach1_DPC_Interlocal Agreement 2019](#)
[Attach2_Legal Review Checklist](#)
[Attach3_Pool Operating Permits DOH](#)
[Attach4_Pool Inspection reports DOH](#)
[Attach5 Exhibit A Pool Services](#)
[Attach6_COI](#)

approved

6.J. [19-417](#) RESOLUTION NO. 92-19: HISTORIC PROPERTY TAX EXEMPTION REQUEST FOR 231 NE 1st AVENUE

Recommendation: Motion to Adopt Resolution No. 92-19; approving a historic property tax exemption request for improvements to the contributing structure and property located at 231 NE 1st Avenue, based upon positive findings with respect to LDR Section 4.5.1(J).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[231 NE 1st Avenue-HPB SR-2019-02-06](#)
[231 NE 1st Avenue-Attachments](#)
[Resolution 92-19](#)

approved

6.K. [19-423](#) APPROVAL OF RESOLUTION NO. 84-19 TO CONTINUE WITH THE COMMERCIAL PURCHASING CARD PROGRAM TO CONDUCT CITY BUSINESS FOR APPROXIMATELY \$2,000,000.00 ANNUALLY AND RETROACTIVE APPROVAL OF BANK OF AMERICA UTILIZING STATE OF FLORIDA CONTRACT NO. 84121500-15-01 FOR PURCHASING CARD SERVICES IN THE AMOUNT OF \$4,077,000.00

Recommendation: Motion to approve Resolution No. 84-19 to award an agreement with Bank of America for commercial purchasing card services utilizing the State of Florida Contract No. 84121500-15-01 in an estimated maximum amount of \$2,000,000.00, and retroactive approval with Bank of America to continue

with the commercial purchasing card program in an amount of \$4,007,000.00, and authorize the City Manager to approve renewal options, utilizing the balance of the budgeted amount in each department, contingent upon appropriation of funds.

Sponsors: Purchasing Department

Attachments: [Agenda Cover Report](#)

[84121500-15-01 Purchasing Card Services \(Amendment No 4\)](#)

[Amendment No. 1](#)

[Amendment No. 2 State of Florida](#)

[84-19 Resolution Piggyback for BOA purchase cards](#)

[Legal Review Checklist piggyback of Florida Department of](#)

[Management Services and BOA for purchase cards \(2\)](#)

[BOA - Agreement Gov Contract - 1](#)

approved

- 6.L. [19-433](#) APPROVAL OF RESOLUTION NO. 95-19 TO AWARD AN AGREEMENT WITH PROLIME CORPORATION FOR WET LIME SLUDGE HAULING BY UTILIZING COLLIER COUNTY CONTRACT ITB NO. 160478/AB - \$490,833

Recommendation: Motion to approve Resolution No. 95-19 to award an agreement with Prolime Corporation for wet lime sludge hauling utilizing Collier County ITB No. 160478/AB in an estimated amount of \$490,833 for the agreement term and authorizing the City Manager to approve renewal options, in the amounts below, contingent upon appropriation of funds.

Sponsors: Purchasing Department

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist Prolime Piggyback](#)

[092518 CONTRACT NO 18-7416](#)

[Prolime Piggyback Agreement Vendor](#)

[Resolution Prolime](#)

approved

- 6.M. [19-445](#) STATE HOUSING INITIATIVES PARTNERSHIP LOCAL HOUSING ASSISTANCE PLAN (LHAP) FY2019-2022

Recommendation: Motion to authorize and approve the Local Housing Assistance Plan (LHAP) for Fiscal Years 2019-2022, by adopting Resolution #88-19, pursuant to Title 67-37 of the Florida Administrative Code.

Sponsors: Community Improvement and Mesidort

Attachments: [Agenda Cover Report](#)
[2019 LHAP FINAL FY19-22](#)
[2019 Exhibit A - Administrative Budget](#)
[2019 Exhibit B - Timeline Expenditures](#)
[2019 Exhibit C - Housing Delivery Goals Chart](#)
[2019 Exhibit D - Certification](#)
[Res 88-19](#)
[Legal Approval](#)

approved

6.N. PROCLAMATIONS:

6.N.1. [19-358](#) MAY 2019 MENTAL HEALTH AWARENESS MONTH PROCLAMATION

Recommendation: Motion to...

Sponsors: Community Improvement and Quinlan

Attachments: [Agenda Cover Report](#)
[May 2019 Mental Health Awareness Month Proclamation](#)

approved

6.N.2. [19-382](#) ARBOR DAY PROCLAMATION

Recommendation: Designate April 26, 2019 as Arbor Day in the City of Delray Beach.

Attachments: [Agenda Cover Report](#)
[Arbor Day Proclamation 2019](#)

approved

6.N.3. [19-430](#) ADMINISTRATIVE PROFESSIONALS WEEK

Recommendation: Motion to proclaim April 21-27, 2019 Administrative Professionals Week in Delray Beach, Florida and April 24, 2019, as Administrative Professionals Day and encourage all citizens to recognize the contributions of these dedicated professionals.

Attachments: [Agenda Cover Report](#)
[Administrative Professionals Week 2019](#)

approved

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

6.O.1. None

6.P. AWARD OF BIDS AND CONTRACTS:

6.P.1. [19-346](#) APPROVAL OF RESOLUTION NO. 65-19 TO AWARD AN AGREEMENT WITH FLORIDATOURS.COM FOR CHARTER BUS SERVICES FOR THE PARKS AND RECREATION DEPARTMENT (ITB NO. 2019-018) - \$267,724.00

Recommendation: Motion to approve Resolution No. 65-19 to award an agreement with FloridaTours.com for Charter Bus Services for the Parks and Recreation Department (ITB No. 2019-018) - \$267,724.00 for the Agreement term and authorize the City Manager to approve renewal options, in the same amounts below, contingent upon appropriations of funds .

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist 2019-018 Agreement ITB Charter Bus Services FloridaTours.com](#)
[Resolution 65-19 Contract with FloridaTours](#)
[Floridatours.com Agreement](#)

approved

6.P.2. [19-305](#) APPROVAL OF RESOLUTION NO. 73-19 TO AWARD AN AGREEMENT WITH MBR CONSTRUCTION, INC. FOR CONSTRUCTION OF THE BEACH MASTER PLAN PHASE 2 (PROJECT NO. 15-008 (2)) PURSUANT TO ITBC. NO. 2019-023 - \$3,313,767

Recommendation: Motion to approve Resolution No. 73-19 to award an Agreement with MBR Construction, Inc. for construction of the Beach Master Plan Phase 2 (Project No. 15-008 (2)) pursuant to ITBC No. 2019-023 in an estimated amount of \$3,313,767.

Sponsors: Public Works Department - Programs & Project Management

Attachments: [Agenda Cover Report](#)
[2019-023 Agreement, vendor executed](#)
[Legal Review Checklist form v. 5 MBR Beach Master Plan Phase 2](#)
[Resolution No. 73-19 Beach Master Plan Phase 2](#)
[2019-023 Beach Master Plan, Phase 2 Construction \(rev 2\)](#)
[Exhibit A, Drawings](#)
[2019-023 Exhibit B, Specifications \(rev 2\)](#)
[2019-023 Addendum No. 1](#)
[2019-023 Addendum No. 2](#)
[2019-023 Addendum No. 3](#)
[MBR Construction Response](#)
[2019-023 Non-Responsible Letter to WCI](#)

approved

- 6.P.3.** [19-394](#) APPROVAL OF RESOLUTION NO. 74-19 AWARD OF AGREEMENT WITH STO LANDSCAPE SERVICES, INC. FOR POMPEY PARK BASEBALL FIELD MAINTENANCE - \$126,480.

Recommendation: Motion to approve Resolution No.74-19 award of Agreement with STO Landscape Services, Inc. for Pompey Park Baseball Field Maintenance \$126,480 for the Agreement term and to authorize the City Manager to exercise any and all renewal options in the amounts below, contingent upon appropriation of funds.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist ITB 2019-025 maintenance of Baseball fields at Pompey Park STO Landscape](#)
[Res 74-19 STO Landscape Pompey Baseball Field](#)
[STO Agreement](#)

approved

- 6.P.4.** [19-380](#) APPROVAL OF RESOLUTION NO. 76-19 TO AWARD AN AGREEMENT WITH WANTMAN GROUP, INC. FOR CONSTRUCTION, ENGINEERING, AND INSPECTION SERVICES FOR THE CITY MARINA IMPROVEMENTS PROJECT PURSUANT TO RFQ NO. 2019-020 (PROJECT NO. 16-098) - \$350,000

Recommendation: Motion to approve Resolution No. 76-19 to award an agreement with Wantman Group, Inc. for construction, engineering, and inspection (CEI) services for the City Marina Improvements project pursuant to RFQ No. 2019-020 in an estimated amount of \$350,000 (Project No. 16-098).

Sponsors: Public Works Department and Kovner

Attachments: [Agenda Cover Report](#)
[2019-020 Agreement vendor executed](#)
[Res 76-19 Solicitation 2019-020 Wantman Group engineering \(CA Rev\)](#)
[Legal Review Checklist Wantman re Marina Improvement](#)
[RFQ 2019-020 CEI Services for City Marina JA](#)
[2019-020 Addendum No. 1](#)
[Wantman Group Proposal](#)
[2019-020 Scoring Summary after Final Evals](#)

approved

6.P.5. [19-381](#) APPROVAL OF RESOLUTION NO. 77-19 TO AWARD AN AGREEMENT WITH BAXTER & WOODMAN, INC. D/B/A MATHEWS CONSULTING, A BAXTER & WOODMAN COMPANY, FOR CONSTRUCTION, ENGINEERING, AND INSPECTION SERVICES FOR THE BEACH MASTER PLAN, PHASE 2 CONSTRUCTION PROJECT PURSUANT TO RFQ NO. 2019-021 (PROJECT NO. 15-008(2)) - \$256,000

Recommendation: Motion to approve Resolution No. 77-19 to award an agreement with Baxter & Woodman, Inc. d/b/a Mathews Consulting, a Baxter & Woodman Company for construction, engineering, and inspection (CEI) services for the Beach Master Plan, Phase 2 construction project pursuant to RFQ No. 2019-021 in an estimated amount of \$256,000 (Project No. 15-008(2)).

Sponsors: Public Works Department and Kovner

Attachments: [Agenda Cover Report](#)
[2019-021 Agreement, vendor executed](#)
[Res 77-19 RFQ 2019-021 Matthews Consulting Master Beach Plan Phase 2 \(CA Rev\)](#)
[Legal Review Checklist Matthew Consulting re Master Beach Plan Phase 2](#)
[RFQ 2019-021 CEI Services for Beach Master Plan, Phase 2 JA](#)
[2019-021 Addendum No. 1](#)
[Proposal - Baxter & Woodman dba Mathews Consulting](#)
[2019-021 Scoring Summary after Final Evals](#)

approved

- 6.P.6.** [19-429](#) APPROVAL OF RESOLUTION NOS. 80-19 AND 81-19 TO AWARD AN AGREEMENT WITH BOUND TREE MEDICAL, LLC AND CONCORDANCE HEALTHCARE SOLUTIONS, LLC FOR THE PURCHASE OF MEDICAL SUPPLIES UTILIZING THE VOLUSIA COUNTY ITB NO. 18-B-43AK - \$400,000

Recommendation: Motion to approve Resolution Nos. 80-19 and 81-19 to award an agreement with Bound Tree Medical, LLC and Concordance Healthcare Solutions, LLC for the purchase of medical supplies utilizing the Volusia County ITB No. 18-B-43AK in an estimated amount of \$400,000 collectively between suppliers through July 12, 2021 and authorize the City Manager to approve renewal options, in an estimated of \$200,000 collectively per renewal term, contingent upon appropriation of funds.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)

[P2019-040 Agreement with Bound Tree](#)

[P2019-040 Agreement with Concordance, vendor executed](#)

[Legal Review Checklist Bound Tree for medical supplies Fire](#)

[Legal Review Checklist Concordance Healthcare for medical supplies for Fire](#)

[Res 80-19 with Bound Tree P2019-040](#)

[Res 81-19 regarding agreement with Concordance P2019-040](#)

[Medical Supplies ITB 18-B-43AK All Vendors Piggyback Package](#)

approved

7. REGULAR AGENDA:

approved

- 7.A.** [19-379](#) RESOLUTION NO. 70-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF INTEREST OF A SOUTHWEST PORTION OF THE HUNGERFORD CANAL TOTALING APPROXIMATELY THREE THOUSAND EIGHT HUNDRED AND FORTY-NINE (3,849) SQUARE FEET, LOCATED PERPENDICULAR TO THE C-15 CANAL, ABUTTING THE SOUTH PROPERTY LINE OF LOT 14, AS RECORDED IN THE REPLAT OF TROPIC PALM PLAT NO. 2, BOOK 33, PAGES 144 THROUGH 146 OF THE OFFICIAL RECORDS OF PALM BEACH COUNTY.

Recommendation: Motion to approve Resolution No. 70-19 formally abandoning the City's interest of upland area located at the southwest corner of the Hungerford canal, perpendicular to the C-15 canal, abutting the south property line of

Lot 14 (1300 Cormorant Road), as recorded in the replat of Tropic Palm Plat No. 2, Book 33, Pages 144 through 146 of the Official Records of Palm Beach County, Florida, and as more particularly described in exhibit "A".

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Location Map](#)

[Resolution 70-19 - 1300 Cormorant Abandonment w. easement](#)

[Exhibit A - Sketch and Legal description w. easement - 04-12-19](#)

[1300 Cormorant Rd - P&Z Staff Report](#)

[1300 Cormorant Rd - Title Opinion](#)

[1300 Cormorant Rd - Title Opinion2](#)

[Affidavit Res. #70-19 Notice of Abandonment of Interest 3-14-19](#)

[Letters of no objection from Neighbors from the applicant](#)

[Easement Deed 1300 Cormorant \(002\)](#)

[Exhibit A -Sketch and Legal - For Private Easement](#)

The City Attorney stated this item is an abandonment and was noticed in the newspaper and requested that the City Commission postpone this item to a date certain because it is not ready for City Commission approval at this time.

Mayor Petrolia stated if anyone from the public would like to speak on Resolution No. 70-19, to step forward. There being no one from the public who wished to address the City Commission regarding Resolution No. 70-19, the public comment was closed.

Commissioner Frankel moved to **postpone Item 7.A.** to a date certain of May 7, 2019. It was seconded by Deputy Vice Mayor Bathurst. A roll call vote was taken and all were in favor. The motion carried 3-0.

Commissioner Boylston returned to the dais.

7.B. [19-467](#)

APPROVE THE SECOND AMENDMENT TO THE FISCAL YEAR 2018/19 INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY FOR FUNDING TRANSPORTATION SERVICES FOR APRIL 30, 2019 UP TO JUNE 30, 2019 IN THE AMOUNT OF \$80,000

Recommendation: Motion to approve the Second Amendment to the Interlocal Agreement (ILA) between the City of Delray Beach (City) and the Delray Beach Community Redevelopment Agency (CRA) for Funding of Transportation Services for operations of the Downtown Roundabout for up to two months in the amount of \$80,000 beginning on May 1, 2019 and ending on June

30, 2019.

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist form v. 5 Amend No 2 to ILA for Transportation](#)

[Services Funding with CRA](#)

[2nd Amend ILA Transportation FINAL](#)

Caryn Gardner-Young, Assistant City Manager, stated staff brought this item forward because the City presently has the contract with the existing operator and staff was not sure if they could complete this by May 1st. She noted since the existing contract is with the existing operator with the City, the Interlocal Agreement (ILA) was first approved by the CRA Board, and then it has to be approved by the City Commission to make sure that if the City needs to continue their contract after May 1st, then the City has the option to do that with this approval.

Commissioner Boylston moved to approve Item 7.B. It was seconded by Deputy Vice Mayor Bathurst. A roll call vote was taken and all were in favor and the motion carried with a vote of 3-1, with Commissioner Frankel dissenting.

approved

8. PUBLIC HEARINGS:

- 8.A.** [19-447](#) ORDINANCE NO. 02-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES BY AMENDING SECTION 4.3.4 "BASE DISTRICT DEVELOPMENT STANDARDS", BY AMENDING PARAGRAPH 4.3.4(J) "HEIGHT", TO AMEND THE BASIS FOR BUILDING HEIGHT MEASUREMENT; AMENDING SECTION 4.6.2 "DISTANCE BETWEEN RESIDENTIAL BUILDINGS" TO AMEND THE BASIS FOR BUILDING HEIGHT MEASUREMENT; AND AMENDING APPENDIX A "DEFINITIONS" OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES TO ADD DEFINITIONS FOR "BASE FLOOD ELEVATION", "BASE BUILDING ELEVATION", AND "FREEBOARD", AND TO REMOVE THE DEFINITION OF "GRADE"; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

Recommendation: Motion to approve Ordinance No. 02-19, a City-initiated amendment Land Development Regulations, Section 4.3.4 "Base District Development Standards" and Section 4.6.2 "Distance between Residential Buildings" to amend the basis for building height measurement; and, amending Appendix A "Definitions" to add definitions for "Base Flood Elevation,"

"Finished Grade Elevation," and "Freeboard," and to remove the definition of "Grade," by adopting the findings of fact and law contained in the staff report and finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ordinance 02-19 Building Height Measure](#)
[02-19 PZB Staff Report](#)

The City Attorney read the title of Ordinance No. 02-19 into the record.

Tim Stillings, Development Services Director, stated one modification to the ordinance is to the graphic on page 4 which references the "lowest horizontal structural member" and noted this is dependent on what zone someone is in. Therefore, Mr. Stillings requested that this be removed from the ordinance to avoid any confusion; however, everything else remains the same.

Mayor Petrolia declared the public hearing open. There being no one from the public who wished to address the City Commission regarding Ordinance No. 02-19, the public hearing was closed.

Commissioner Boylston moved to approve Ordinance No. 02-19 on Second and Final Reading. It was seconded by Commissioner Frankel. A roll call vote was taken and all were in favor. The motion carried 4-0.

continued

8.B. [19-427](#)

ORDINANCE NO. 14-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES BY AMENDING CHAPTER 4, "ZONING REGULATIONS", SECTION 4.4, "BASE ZONING DISTRICT", SECTION 4.4.25, "SPECIAL ACTIVITIES DISTRICT (SAD)", SUBSECTION 4.4.25(H), "S.A.Ds", TO ADD A SPECIAL ACTIVITIES DISTRICT FOR THE PROPERTY LOCATED AT 777 CONGRESS SOUTH CONGRESS AVENUE BY CREATING THE "COLLIER CAR CLUB SAD"; AMENDING THE "CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017"; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

Recommendation: Motion to approve Ordinance No. 14-19 on First Reading for a privately-initiated rezoning from Mixed Residential, Office, and Commercial (MROC) to Special Activities District (SAD) for the Collier Car Club SAD located at 777 South Congress Avenue by adopting the findings of fact and

law contained in the staff report, finding that the request and approval thereof is consistent with the Comprehensive Plan, and meets the criteria set forth in LDR Sections 2.4.5(D)(5), 3.1.1, and 3.2.2.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ord No 14-19 Collier Car Club SAD 1st Reading Draft](#)

[Ord No 14-19 Collier Car Club SAD Planning Board Staff Report](#)

[Ord No 14-19 Collier Car Club SAD Rezoning Justification](#)

[Ord No 14-19 Collier Car Club SAD Plans](#)

[Ord No 14-19 Collier Car Club SAD Rezoning Objection Letter](#)

[Legal Review Ordinance 14-19 SAD Collier Car Club with P&Z Edits](#)

[Congress Avenue Delray Beach's Next Great Street 091616](#)

The City Attorney read the title of Ordinance No. 14-19 into the record.

Tim Stillings, Development Services Director, entered the project file #2019-060 into the record.

Michael Weiner, Attorney representing the applicant, stated the presentation is the same as it was previously presented to the City Commission and noted they received Site Plan Review and Appearance Board (SPRAB) approval without any additional conditions.

Mr. Stillings stated this is a proposed Special Activities District (SAD) for Collier Car Club and it meets the requirements, purpose and intent of an SAD. Positive findings can be made for all of those that are applicable related to a rezoning as well as to the findings in Section 3.1.1. regarding the Future Land Use Map (FLUM), Concurrency, Consistency, and Compliance with the LDRs, it is compatible with adjacent land uses and meets the intent of the Future Land Use Element of the Comprehensive Plan. Staff recommends approval.

Mayor Petrolia declared the public hearing open. There being no one from the public who would like to address the City Commission regarding Ordinance No. 14-19, the public hearing was closed.

Commissioner Boylston moved to approve Ordinance No. 14-19 on Second and Final Reading. It was seconded by Deputy Vice Mayor Bathurst. A roll call vote was taken and all were in favor. The motion carried 4-0.

approved

8.C. [19-428](#) ORDINANCE NO. 15-19: INDIVIDUALLY DESIGNATING "THE

HARDEN-HART HOUSE" AT 516 NORTH SWINTON AVENUE ON THE LOCAL REGISTER OF HISTORIC PLACES (SECOND READING)

Recommendation: Approve Ordinance No. 15-19 on First Reading for the Individual Designation of The Harden-Hart House at 516 North Swinton Avenue on the Local Register of Historic Places.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ordinance 15-19 Harden-Hart House Designation](#)

[1 Harden-Hart House-Designation Report](#)

[2 Harden-Hart House-Survey](#)

[3 Harden-Hart House-WPB Sanborn Maps](#)

[4 Harden-Hart House-David Harden Bio](#)

[5 Harden-Hart House-Harden Newspaper Articles](#)

[6 Harden-Hart House-Hart US Census Information](#)

[7 Harden-Hart House-Hart Newspaper Articles](#)

[HPB SR Harden-Hart House-516 N Swinton Avenue](#)

The City Attorney read the title of Ordinance No. 15-19 into the record.

Tim Stillings, Development Services Director, stated this is individually designating the Harden-Hart House at 516 N. Swinton Avenue on the Local Register of Historic Places and noted this home was moved from West Palm Beach to Delray Beach. Staff recommends approval.

Mayor Petrolia declared the public hearing open. There being no one from the public who wished to address the City Commission regarding Ordinance No. 15-19, the public hearing was closed.

Deputy Vice Mayor Bathurst moved to approve Ordinance No. 15-19 on Second and Final Reading. It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. The motion carried 4-0.

approved

8.D. [19-401](#)

RESOLUTION NO. 43-19, HOUSING DISPOSITION/CONTRACT FOR SALE AND PURCHASE/DELRAY BEACH COMMUNITY LAND TRUST (DBCLT)/108 NW 12TH AVENUE, DELRAY BEACH, FLORIDA

Recommendation: Motion to approve transfer property 108 NW 12TH Avenue, Delray Beach, 33444 to the Delray Beach Community Land Trust for the benefit and development of affordable housing to a household at or below 120% Area Median Income (AMI) as determined by HUD .

Sponsors: Community Improvement and Mesidort

Attachments: [Agenda Cover Report](#)[Legal Review Checklist for DB Community Land Trust Property Transfer](#)[As Is Contract Delray Beach Community Land Trust](#)[Addendum to K for Sale-Purchase with DB Community Land Trust-108 Partially Executed](#)[Quit Claim Deed-Delray Beach Community Land Trust-108](#)[Resolution 43-19 Transfer of Property located at 108 pka101-18](#)[Location Map 108 NW 12th Ave](#)

The City Attorney read the title of Resolution No. 43-19 into the record.

Jamael Stewart, Assistant Director of Community Improvement, stated this is a transfer of property to 108 N.W. 12th Avenue to the Delray Beach Community Land Trust (CLT) for the benefit of development of affordable housing. Mr. Stewart stated this is the fourth house for the Eagle Nest Project that has to be transferred to the CLT.

Mayor Petrolia declared the public hearing open. There being no one from the public who wished to address the City Commission regarding Resolution No. 43-19, the public hearing was closed.

Commissioner Boylston moved to approve Resolution No. 43-19. It was seconded by Deputy Vice Mayor Bathurst. A roll call vote was taken and all were in favor. The motion carried 4-0.

approved

9. FIRST READINGS:**9.A.** [19-452](#)

ORDINANCE 18-19 AMENDING TITLE 7, "TRAFFIC CODE", OF THE CODE OF ORDINANCES BY ADDING A NEW CHAPTER 73, "MOTORIZED SCOOTERS, ELECTRIC BICYCLES AND GO-PEDS," PROHIBITING THE OPERATION OF MOTORIZED SCOOTERS, ELECTRIC BICYCLES AND GO-PEDS; AMENDING TITLE 11, "BUSINESS REGULATIONS", BY ADDING A NEW CHAPTER 121, "RENTALS OR LEASES OF MOTORIZED SCOOTERS, ELECTRIC BICYCLES AND GO-PEDS", TO PROHIBIT THE SALE, RENTAL, OR LEASING OF MOTORIZED SCOOTERS, ELECTRIC BICYCLES AND GO-PEDS. (FIRST READING)

Recommendation: Motion to approve Ordinance 18-19.

Sponsors: City Attorney Department and Inglese

Attachments: [Agenda Cover Report](#)
[Ordinance 18-19](#)
[JAMA study](#)

This item has been removed from the agenda.

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

None.

10.B. City Attorney

The City Attorney stated Ms. Warren and Mr. Bennett are in trial and noted the jury is "out" on a case involving one of the members of the Delray Beach Police Department. The City Attorney stated if the City receives a verdict, she will inform the City Commission.

10.C. City Commission

Commissioner Boylston thanked Kenya from Healthier Delray Beach and stated Leadership Palm Beach had their Health and Wellness Day in South County. Commissioner Boylston stated he is part of the Leadership of Palm Beach this year and every month they have a different day in the County. He commented that they ended the class in Delray Beach and he appreciates Mayor Petrolia stopping by.

Secondly, Commissioner Boylston announced that the Plastic Planet Town Hall Meeting will be held on Monday, April 29, 2019 at 6:00 p.m. at the Old School Square Park and reminded the public to attend.

Deputy Vice Mayor Bathurst thanked Mr. and Mrs. Harden for designating their home for historic preservation.

Secondly, Deputy Vice Mayor Bathurst stated the Delray Affair was great.

On behalf of the City Commission, Commissioner Frankel wished Vice Mayor Johnson a speedy recovery from her surgery and hopes to see her back here soon.

Mayor Petrolia stated Vice Mayor Johnson's surgery today was a success and the City Commission wishes her a speedy recovery.

Secondly, Mayor Petrolia wished everyone a Happy Passover and a Happy Easter.

There being no further business to discuss, Mayor Petrolia adjourned the regular meeting at 5:06 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 April 16, 2019 Regular Meeting held on April 16, 2019, which Minutes were formally approved and adopted by the City Commission on May 21, 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.