

City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

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www.mydelraybeach.com



Regular Commission Meeting

Regular Meeting at 6:00 PM

Tuesday, December 11, 2018

Commission Chambers
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

RULES FOR PUBLIC PARTICIPATION

PUBLIC COMMENT: City Commission meetings are business meetings and the right to limit discussion rests with the Commission. **Generally, remarks by an individual will be limited to three minutes or less.** The Mayor, presiding officer or a consensus of the City Commission has discretion to adjust the amount of time allocated.

Public comment shall be allowed as follows:

- A.** Comments and Inquiries on Non-Agenda and Agenda Items (excluding public hearing or quasi-judicial hearing items) from the Public: Any citizen is entitled to be heard concerning any matter within the scope of jurisdiction of the Commission under this section. The Commission may withhold comment or direct the City Manager to take action on requests or comments.
- B.** Public Hearings/Quasi-Judicial Hearings: Any citizen is entitled to speak on items under these sections at the time these items are heard by the Commission.
- C.** All persons desiring to do a presentation on agenda or non-agenda items that are on a portable flash drive device or a CD/DVD, must provide their media to the City Clerk no later than 12:00 p.m. one day prior to the meeting where they wish to present.

SIGN IN SHEET: Prior to the start of the Commission Meeting, individuals wishing to address the Commission should sign in on the sheet located on the right side of the dais. If you are not able to do so prior to the start of the meeting, you may still address the Commission. The primary purpose of the sign-in sheet is to assist staff with record keeping. Therefore, when you come up to the to speak, please complete the sign-in sheet if you have not already done so.

ADDRESSING THE COMMISSION: At the appropriate time, please step up to the lectern and state your name and address for the record. All comments must be addressed to the Commission as a body and not to individuals. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the Commission shall be barred by the presiding officer from speaking further, unless permission to continue or again address the Commission is granted by a majority vote of the Commission members present.

APPELLATE PROCEDURES

Please be advised that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is based. The City neither provides nor prepares such record.

1. ROLL CALL**2. PLEDGE OF ALLEGIANCE TO THE FLAG****3. AGENDA APPROVAL****4. PRESENTATIONS:****4.A. RESOLUTION NO. 154-18: PRESENTING JASMIN ALLEN, SENIOR PLANNER, WITH RECOGNITION AND COMMENDATION FOR NEARLY 35 YEARS OF DEDICATED SERVICE TO THE CITY OF DELRAY BEACH**

Recommendation: Motion to approve Resolution No. 154-18, recognizing and commending Jasmin Allen, Senior Planner, for nearly 35 years of dedicated service to the City of Delray Beach.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Resolution 154-18_Jasmin Allen](#)

4.B. PRESENTING DAVID ALMODOVAR AND OCCIDENT BLEUS, ELECTRICIANS, WITH EMPLOYEES OF THE MONTH FOR DECEMBER 2018

Recommendation: Motion to present David Almodovar and Occident Bleus, Electricians, with Employees of the Month for December 2018.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[NOMINATION FORM FOR ALMODOVAR AND BLEUS](#)

4.C. PRESENTATION RECOGNIZING DR. DUFFY, CLINIC PHYSICIAN, FOR SERVICE AT THE CITY OF DELRAY BEACH EMPLOYEE HEALTH AND WELLNESS CENTER

Recommendation: Motion to recognition of Dr. Jamira Duffy for her dedication to the employees and City of Delray Beach from May 2015 through January 2019.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)

4.D. Internal Auditor's Report**4.D.1. FY2019 DRAFT INTERNAL AUDIT PLAN**

Recommendation: Motion to approve the FY2019 Draft Internal Audit Plan.

Attachments: [Agenda Cover Report](#)
[FY2019_Internal_Audit_Plan](#)

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

6. CONSENT AGENDA: City Manager Recommends Approval**6.A. MEETING MINUTES**

Recommendation: Motion to approve meeting minutes as listed below.

November 13, 2018 City Commission Workshop Meeting Minutes

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[11-13-18 City Commission Workshop Meeting Minutes](#)

6.B. RESOLUTION NO. 155-18: SUPPORTING MUNICIPAL HOME RULE POWERS

Recommendation: Motion to adopt Resolution No. 155-18; opposing legislative efforts to impede the constitutional right Florida's citizens have enjoyed for nearly 50 years to govern themselves under municipal home rule powers. Opposing the legislature's persistent intrusion into local finances, which are necessary to provide financial stability and essential services uniquely required by municipal residents and local businesses; directing city administration to transmit a certified copy of this resolution to the Palm Beach County League of Cities, the Florida League of Cities and the Palm Beach County Legislative Delegation.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 155-18 Home Rule](#)

6.C. RESOLUTION NO. 156-18: HISTORIC PROPERTY TAX EXEMPTION REQUEST FOR 106 SE 7th AVENUE

Recommendation: Motion to Adopt Resolution No. 156-18; approving a historic property tax exemption request for improvements to the contributing structure and property located at 106 SE 7th Avenue, based upon positive findings with respect to LDR Section 4.5.1(J).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Resolution 156-18-Tax Exemption-106 SE 7th Avenue](#)
[2018-12-05-HPB SR-106 SE 7th Avenue](#)

6.D. ITEM (A)-(B) – ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT AND RIGHT OF WAY DEED FOR 450 N. SWINTON AVE.

ITEM (C-D) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT AND ALLEYWAY DEDICATION FOR 138 SW 11th AVE.

ITEM (E) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT FOR 114 NE 9TH ST.

ITEM (F) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT FOR 509 OLEANDER LANE.

ITEM (G) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT FOR 1021 BROOKS LANE.

ITEM (H) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENTS FOR 880 NE 7th AVE., 870 NE 7th AVE., 860 NE 7th AVE., 850 NE 7th AVE., 840 NE 7th AVE., 830 NE 7th AVE., AND 816 NE 7th AVE.

ITEM (I) - ACCEPTANCE OF ALLEYWAY DEDICATION FOR 131 NE 1ST AVE.

Recommendation: Item A-B

(A) Motion to approve and accept 4' of sidewalk easement on N. Swinton Ave. located at 450 N. Swinton Ave.

(B) Motion to approve and accept 5' of right of way dedication on N. Swinton Ave. located at 450 N. Swinton Ave.

Items C-D

(C) Motion to approve and accept 5' of sidewalk easement on SW 11th Ave. located at 138 SW 11th Ave.

(D) Motion to approve and accept 2' of alleyway dedication on SW 11th Ave. located at 138 SW 11th Ave.

Item E

(E) Motion to approve and accept 5' of sidewalk easement on NE 9th St. located at 114 NE 9th St.

Item F Motion to approve and accept 5' of sidewalk easement on Oleander Lane located at 509 Oleander Lane.

Item G

Motion to approve and accept 5' of sidewalk easement on Brooks Lane located at 1021 Brooks Lane.

Item H

Motion to approve and accept 5' of sidewalk easements on NE 7th Ave.

located at 880 NE 7th Ave., 870 NE 7th Ave., 860 NE 7th Ave., 850 NE 7th Ave., 840 NE 7th Ave., 830 NE 7th Ave., and 816 NE 7th Ave.

Item I

Motion to approve and accept 2' of alleyway dedication on NE 1st Ave.
located at 131 NE 1st Ave.

Item J

Motion to approve and accept 5' of sidewalk easement on Lake Dr.
located at 512 Lake Dr.

Sponsors:

Public Works Department

Attachments:

[Agenda Cover Report](#)

[Item \(A\) PSE 450 N. Swinton Ave.pdf](#)

[Item \(B\)-Right of Way Deed 450 N. Swinton Ave.pdf](#)

[Item \(A-B\)-Exhibit \(A\) Sketch and Description 450 N. Swinton Ave.pdf](#)

[Item \(A-B\)-Survey 450 N. Swinton Ave.PDF](#)

[Item \(A-B\)-PAPA Page 450 N. Swinton Ave..pdf](#)

[Item \(A-B\)-PAPA Maps 450 N. Swinton Ave..pdf](#)

[Item \(C\)-PSE 138 SW 11th Ave..pdf](#)

[Item \(C\)-Exhibit \(A\) PSE Sketch and Description 138 SW 11th Ave..pdf](#)

[Item \(D\) R.O.W Deed 138 SW 11th Ave..pdf](#)

[Item \(D\) Exhibit \(A\) Sketch and Description 138 SW 11th Ave..pdf](#)

[Item \(C-D\)-Survey 138 SW 11th Ave..PDF](#)

[Item \(C-D\)-PAPA Page 138 SW 11th Ave..pdf](#)

[Item \(C-D\)-PAPA Maps 138 SW 11th Ave..pdf](#)

[Item \(C-D\)-SunBiz Page 138 SW 11th Ave..pdf](#)

[Item \(E\)-PSE 114 NE 9th St.pdf](#)

[Item \(E\)-Exhibit \(A\) Sketch and Description 114 NE 9th St.pdf](#)

[Item \(E\)-Survey 114 NE 9th St..pdf](#)

[Item \(E\)-PAPA Page 114 NE 9th St..pdf](#)

[Item \(E\)-PAPA Maps 114 NE 9th St.pdf](#)

[Item \(E\)-SunBiz Page 114 NE 9th St..pdf](#)

[Item \(F\)-PSE 509 Oleander Lane.pdf](#)

[Item \(F\)-Exhibit \(A\) Sketch and Description 509 Oleander Lane.pdf](#)

[Item \(F\)-Survey 509 Oleander Lane.PDF](#)

[Item \(F\)-PAPA Page 509 Oleander Lane.pdf](#)

[Item \(F\)-PAPA Maps 509 Oleander Lane.pdf](#)

[Item \(F\)-SunBiz Page 509 Oleander Lane.pdf](#)

[Item \(G\)-PSE 1021 Brooks Lane.pdf](#)

[Item \(G\)-Exhibit \(A\) Sketch and Description 1021 Brooks Lane.pdf](#)

[Item \(G\)-Survey 1021 Brooks Lane.pdf](#)

[Item \(G\)-PAPA Page 1021 Brooks Lane.pdf](#)

[Item \(G\)-PAPA Maps 1021 Brooks Lane.pdf](#)

[Item \(G\)-SunBiz Page 1021 Brooks Lane.pdf](#)

[Item \(H\)-PSE's 880, 870, 860, 850, 840, 830, and 816 NE 7th Ave..pdf](#)

[Item \(H\)-Exhibit \(A\) Sketch and Description 880, 870, 860, 850, 840, 830, and 816 NE 7th Ave..pdf](#)

[Item \(H\)-Survey 7 on 7th.PDF](#)

[Item \(H\)-PAPA Page 880, 870, 860, 850, 840, 830, and 816 NE 7th Ave..pdf](#)

[Item \(H\)-PAPA Maps 880, 870, 860, 850, 840, 830, and 816 NE 7th Ave..pdf](#)

[Item \(H\)-SunBiz Page 880, 870, 860, 850, 840, 830, and 816 NE 7th Ave..pdf](#)

[Item \(I\)-Right of Way Deed 131 NE 1st Ave..pdf](#)

[Item \(I\)-Exhibit \(A\) Sketch and Description 131 NE 1st Ave..pdf](#)

[Item \(I\)-Survey 131 NE 1st Ave.pdf](#)

[Item \(I\)-PAPA Page 131 NE 1st Ave.pdf](#)

[Item \(I\)-PAPA Maps 131 NE 1st Ave..pdf](#)

[Item \(I\)-SunBiz Page 131 NE 1st Ave.pdf](#)

[Item \(J\) PSE 512 Lake Dr.pdf](#)

[Item \(J\) Exhibit \(A\) Sketch and Legal Description 512 Lake Dr..pdf](#)

[Item \(J\) Survey 512 Lake Dr.pdf](#)

[Item \(J\) PAPA Page 512 Lake Dr.pdf](#)

[Item \(J\) PAPA Maps 512 Lake Dr.pdf](#)

6.E. INTERLOCAL AGREEMENT BETWEEN THE CITY AND CRA FOR THE FIRE PREVENTION & LIFE SAFETY CAPTAIN POSITION

Recommendation: Approve the Interlocal Agreement between the City and CRA to fund 100% of the actual amount expended for the Fire Prevention & Life Safety Captain position up to \$184,061, subject to approval of the City and CRA budgets for Fiscal Year 2018-19.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)

[20181128175817](#)

[ILA Fire Prevention Life Safety Captain Position 18-19](#)

[Legal Review Checklist form v. 5 ILA with CRA for Fire Prevention and Life Safe](#)

6.F. PROCLAMATIONS:

6.F.1. A PROCLAMATION OF THE HEALTH CARE DISTRICT BOARD OF COMMISSIONERS TO RECOGNIZE THE THIRTIETH ANNIVERSARY OF THE ESTABLISHMENT OF THE HEALTH CARE DISTRICT OF PALM BEACH COUNTY.

Recommendation: Motion to proclaim November 8, 2018 as the 30th Anniversary of the Health Care District of Palm Beach County.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[30th Anniversary of the Health Care District Proclamation 12-11-18](#)

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

6.G.1. REPORT OF APPEALABLE LAND USE ITEMS FROM NOVEMBER 5, 2018 THROUGH NOVEMBER 9, 2018.

Recommendation: By motion, receive and file this report.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Appealable Items Map 18-828](#)
[A - 23 S Swinton Ave](#)
[B - 8 E. Atlantic Ave - Tin roof](#)
[C - 126 SE 7th Ave](#)
[D -201 NE 5th Ct](#)

6.H. AWARD OF BIDS AND CONTRACTS:**6.H.1. APPROVAL OF RESOLUTION NO. 140-18 TO AWARD AN AGREEMENT WITH FORTILINE, INC. AND RESOLUTION NO. 141-18 TO AWARD AN AGREEMENT WITH FERGUSON ENTERPRISES, INC. FOR PIPE FITTINGS AND ACCESSORIES UTILIZING CITY OF BOYNTON BEACH SOLICITATION NO. 037-1412-18/MFD FOR A TOTAL AGREEMENT VALUE NOT-TO-EXCEED \$62,500 THROUGH OCTOBER 2, 2019**

Recommendation: Motion to approve Resolution No. 140-18 to award an agreement with Fortiline, Inc. and Resolution No. 141-18 to award an agreement with Ferguson Enterprises, Inc. for pipe fittings and accessories utilizing City of Boynton Beach Solicitation No. 037-1412-18/MFD for a total agreement value not-to-exceed \$62,500 through October 2, 2019.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)
[P2019-002 Agreement with Fortiline, vendor executed](#)
[P2019-002 Agreement with Ferguson, vendor executed](#)
[Resolution No. 140-18 with Fortiline CA rev](#)
[Resolution No. 141-18 with Ferguson CA rev](#)
[Legal Review Checklist form v. 5 Fortiline](#)
[Legal Review Checklist form v. 5 Ferguson](#)
[037-1412-18MFD Bid](#)
[037-1412-18MFD Fortiline Bid Response](#)
[037-1412-18MFD Ferguson Bid Response](#)
[037-1412-18MFD Boynton Award Letter to Fortiline](#)
[037-1412-18MFD Boynton Award Letter to Ferguson](#)

6.H.2. APPROVAL OF RESOLUTION NO. 142-18 TO AWARD AN AGREEMENT WITH FORTILINE, INC. AND RESOLUTION NO. 143-18 TO AWARD AN AGREEMENT WITH FERGUSON ENTERPRISES, INC. FOR BRASS FITTINGS AND ACCESSORIES UTILIZING CITY OF BOYNTON BEACH SOLICITATION NO. 040-1412-18/MFD FOR A TOTAL AGREEMENT VALUE NOT-TO-EXCEED \$19,500 THROUGH OCTOBER 16, 2019

Recommendation: Motion to approve Resolution No. 142-18 to award an agreement with Fortiline, Inc. and Resolution No. 143-18 to award an agreement with Ferguson Enterprises, Inc. for brass fittings and accessories utilizing City of Boynton Beach Solicitation No. 040-1412-18/MFD for a total agreement value not-to-exceed \$19,500 through October 16, 2019.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)
[P2019-003 Agreement with Ferguson, vendor executed](#)
[P2019-003 Agreement with Fortiline, vendor executed](#)
[Resolution No. 142-18 with Fortiline CA rev](#)
[Resolution No. 143-18 with Ferguson CA rev](#)
[Legal Review Checklist form v. 5 Fortiline brass](#)
[Legal Review Checklist form v. 5 Ferguson brass](#)
[040-1412-18MFD Bid](#)
[040-1412-18MFD Fortiline Response](#)
[040-1412-18MFD Ferguson Response](#)
[040-1412-18MFD Boynton Award Letter to Fortiline](#)
[040-1412-18MFD Boynton Award Letter to Ferguson](#)

6.H.3. APPROVAL OF RESOLUTION NO. 144-18 TO AWARD AN AGREEMENT WITH PRECISION CONTRACTING SERVICES, INC. FOR FIBER OPTIC ENGINEERING, DESIGN, MATERIAL SUPPLIES AND INSTALLATION UTILIZING PALM BEACH COUNTY SOLICITATION NO. 18-055/HS FOR A TOTAL AGREEMENT VALUE NOT-TO-EXCEED \$160,000 THROUGH AUGUST 20, 2019

Recommendation: Motion to approve Resolution No. 144-18 to award an agreement with Precision Contracting Services, Inc. for fiber optic engineering, design, material supplies and installation utilizing Palm Beach County Solicitation No. 18-055/HS for a total agreement value not-to-exceed \$160,000 through August 20, 2019.

Sponsors: IT Department

Attachments: [Agenda Cover Report](#)
[P2019-004 Agreement, Vendor Executed](#)
[Resolution 144-18 Precision Contraction Services - Fiber Cable](#)
[Legal Review Checklist Precision Contracting Services - Fiber Cable](#)
[18-055HS Bid](#)
[18-055HS Addendum No. 1](#)
[18-055HS PCS Response](#)
[18-055HS Award Letter](#)

6.H.4. APPROVAL OF RESOLUTION NO. 147-18 TO AWARD A CITY STANDARD AGREEMENT WITH CITIES DIGITAL, INC. FOR LASERFICHE PRODUCTS AND SERVICES IN A TOTAL AGREEMENT VALUE NOT-TO-EXCEED \$120,000 THROUGH JUNE 24, 2020

Recommendation: Motion to approve Resolution No. 147-18 to award a city standard agreement with Cities Digital, Inc. for Laserfiche products and services in a total agreement value not-to-exceed \$120,000 through June 24, 2020.

Sponsors: IT Department

Attachments: [Agenda Cover Report](#)
[CS2019-002 Agreement with Cities Digital, vendor executed](#)
[Resolution No. 147-18 with Cities Digital CA rev](#)
[Legal Review Checklist form v. 5 Cities Digital agreement Laserfiche](#)
[City Standard Approval - Cities Digital Through June 24, 2020](#)

6.H.5. APPROVAL OF RESOLUTION NO. 148-18 AWARD OF AGREEMENT WITH BLUE MARLINS INVESTMENTS, INC. d/b/a CAYCO Landscaping FOR LANDSCAPE MAINTENANCE IN A NOT-TO-EXCEED AMOUNT OF \$123,003 PER CONTRACT TERM

Recommendation: Motion to award a three year Agreement with Blue Marlins Investments, Inc. d/b/a Cayco Landscaping for Landscaping Maintenance Bid No. 2018-052 in the not-to-exceed amount of \$123,003 for the Agreement term and to authorize the City Manager to exercise any and all renewal options.

Sponsors: Purchasing Department and Public Works Department

Attachments: [Agenda Cover Report](#)
[ITB 2018-052 Landscape Maintenance - revised 9.11.18](#)
[ITB 2018-052 Cayco Landscaping Proposal](#)
[Legal Review Checklist form v. 5 Blue Marlins Investments](#)
[Resolution No. 148-18 CA rev](#)
[Blue Marlins Investments, Inc Agreement](#)

6.H.6 RESOLUTION NO. 149-18 TO APPROVE A PIGGYBACK AGREEMENT WITH ADVANCED DATA SOLUTIONS, INC. UTILIZING THE CITY OF FORT LAUDEDALE AGREEMENT FOR SCANNING, INDEXING, IMAGING AND MEDIA CONVERSION SERVICES. FOR A NOT-TO-EXCEED AMOUNT OF \$219,000

Recommendation: Motion to approve Resolution No. 149-18 for a not-to-exceed amount \$219,000 to Advanced Data Solutions, Inc. utilizing the City of Fort Lauderdale Agreement for scanning, indexing, imaging and media conversion and to authorize the City Manager to exercise any and all renewal options.

Sponsors: Purchasing Department and City Clerk Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 149-18 Advanced Data Solutions, Inc. CA rev](#)
[Exhibit 3 - Advanced Data Solutions Proposal](#)
[Legal Review Checklist form v. 5 Advanced Data Solutions](#)
[Advanced Data Solutions, Inc. Agreement](#)

- 6.H.7.** APPROVAL OF RESOLUTION NO. 151-18 TO AWARD AN AGREEMENT TO DP DEVELOPMENT OF THE TREASURE COAST, LLC TO PERFORM STORMWATER INFRASTRUCTURE CONSTRUCTION UTILIZING THE CITY OF WEST PALM BEACH AWARDED CONTRACT FROM ITB NO. 13-14-407 IN A NOT-TO-EXCEED AMOUNT OF \$300,000.

Recommendation: Motion to approve Resolution No. 151-18 to award an agreement to DP Development of the Treasure Coast, LLC to perform stormwater infrastructure construction utilizing the City of West Palm Beach contract ITB Solicitation No. 13-14-407 in a not-to-exceed amount of \$300,000.

Sponsors: Purchasing Department and Public Works Department

Attachments: [Agenda Cover Report](#)
[DP Development CAO Legal Review Checklist](#)
[DP Development Resolution](#)
[DP Development Piggyback CAO](#)
[DP Development CWPB Master Contract for Utility Construction.. \(2\)](#)

- 6.H.8.** APPROVAL OF RESOLUTION NO. 152-18 WITH SPATIAL FOCUS, LLC, AS A SOLE SOURCE PROVIDER TO PERFORM SPECIALIZED SERVICES REGARDING DEVELOPMENT OF A FUNCTIONAL MASTER ADDRESS REPOSITORY (MAR) IN A NOT-TO-EXCEED AMOUNT OF \$86,750.

Recommendation: Motion to approve Resolution No. 152-18 to award an agreement to Spatial Focus, LLC, to perform specialized services regarding addressing and development of a functional Master Address Repository (MAR) in a not-to-exceed amount of \$86,750.

Sponsors: Purchasing Department and Planning & Zoning Department

Attachments: [Agenda Cover Report](#)
[Spatial Focus LLC Legal Review Checklist](#)
[Spatial Focus Proposal](#)
[Spatial Focus Resolution](#)
[Spatial Focus Purchase Agreement](#)

7. REGULAR AGENDA:

- 7.A.** DISCUSSION REGARDING AGREEMENT WITH OUTFRONT MEDIA, INC.

Recommendation: Motion to authorize the City Manager to execute an agreement between Outfront Media, Inc. and the City of Delray Beach, to relocate billboards pursuant to the direction provided by the City Commission and to take all actions necessary to effectuate the agreement.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Outfront Media Delray Proposal to Delray Beach - September 2018](#)

7.B. ALWAYS DELRAY COMPREHENSIVE PLAN UPDATE: PRESENTATION OF THE COASTAL MANAGEMENT ELEMENT

Recommendation: Provide comment and direction regarding the proposed Coastal Management Element of the Always Delray Comprehensive Plan.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[CME DIA](#)
[CME GOPS](#)
[MAP_CME-1_Coastal_High_Hazard_Area](#)
[MAP_CME-2_CHHA_EXLU](#)
[MAP_CME-3_FEMA_Flood_Zones](#)
[MAP_CME-4_WaterRelatedUses](#)
[MAP_CME-5_CHHA_and_Historic](#)
[MAP_CME-6_CHHA_and_Evac_Routes](#)
[MAP_CME-7_Sea_Level_Rise](#)
[Current Coastal Management Element](#)

7.C. ALWAYS DELRAY COMPREHENSIVE PLAN UPDATE: PRESENTATION OF THE CONSERVATION, SUSTAINABILITY AND RESILIENCY ELEMENT

Recommendation: Provide comment and direction regarding the proposed Conservation Resiliency and Sustainability Element of the Always Delray Comprehensive Plan.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[DIA -CSR](#)
[CSR GOPS](#)
[MAP_CSR-1_Conservation_Areas](#)
[MAP_CSR-2_Flood_Zones](#)
[MAP_CSR-3_Sea_Level_Rise](#)
[MAP_CSR-4_Wellfield_Protection_Areas](#)
[CSR_2018_Statutes_Chart](#)

7.D. NOMINATIONS FOR APPOINTMENT TO THE CODE ENFORCEMENT BOARD

Recommendation: Motion to approve nominations for appointment of two (2) regular members to serve on the Code Enforcement Board for three (3) year terms ending January 14, 2022 and one (1) alternate member to serve an unexpired term ending January 14, 2022.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Code Enforcement Board Member List](#)
[Code Enforcement Board Attendance List](#)
[Code Enforcement Board Applications](#)

7.E. NOMINATION FOR APPOINTMENT TO THE PLANNING AND ZONING BOARD

Recommendation: Motion to approve nomination for appointment of one (1) regular member to serve an unexpired term ending August 31, 2020.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A - Revised](#)
[Planning & Zoning Board Member List](#)
[Planning and Zoning Board Attendance List](#)
[Planning & Zoning Board Applications](#)

8. PUBLIC HEARINGS:**8.A. RESOLUTION NO. 150-18/FIRE ASSESSMENT FEE**

Recommendation: Motion to approve Resolution No. 150-18

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)
[Res 150-18 re collection of non advalorem assessments](#)
[FY 2020 Fire Assessment Study - Draft Report](#)
[Fire Protection Assessment Preliminary Results Presentation](#)

8.B. APPROVAL OF FY17-18 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT

Recommendation: Motion to approve the 2017-2018 Consolidated Annual Performance and Evaluation Report required by the United States Housing and Urban Development (HUD) for utilization of federal grant funds.

Sponsors: Community Improvement

Attachments: [Agenda Cover Report](#)
[CAPER 111918](#)
[IDIS Generated Reports](#)

8.C. ORDINANCE NO. 30-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND PLACING LAND PRESENTLY ZONED MIXED RESIDENTIAL, OFFICE AND COMMERCIAL (MROC) DISTRICT TO SPECIAL ACTIVITIES DISTRICT (SAD) DISTRICT; AMENDING SECTION 4.4.25 (H) OF THE LAND DEVELOPMENT REGULATIONS TO ADD THE 1690-2350 SOUTH CONGRESS AVENUE SAD; SAID LAND LYING GENERALLY ON THE WEST SIDE OF CONGRESS AVENUE BETWEEN OLD GERMAN TOWN ROAD AND THE DELRAY OAKS NATURAL AREA TO THE SOUTH; AS MORE PARTICULARLY DESCRIBED HEREIN; 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/SECOND PUBLIC HEARING)

ALONG WITH A WAIVER FROM LAND DEVELOPMENT REGULATION 4.4.25(D) TO WAIVE THE REQUIREMENT THAT A SITE PLAN BE PROCESS CONCURRENTLY WITH THE SAD ORDINANCE. (QUASI-JUDICIAL - TO BE CONSIDERED PRIOR TO 2ND READING AND ADOPTION OF ORDINANCE NO. 30-18)

Recommendation: Move to approve Ordinance No. 30-18 for the privately-initiated rezoning from MROC (Mixed Residential Office and Commercial) to SAD (Special Activities District) with a Master Development Plan (MDP) for 1690-2350 South Congress Avenue, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Sections 3.1.1 (Required Findings), 3.2.2 (Standards for Rezoning Actions), 2.4.5(F)(6), and 2.4.5(D)(5)(Rezoning Findings), subject to the following conditions:

1. That the traffic issues identified by the Palm Beach County Traffic Engineering Division are addressed and a finding of concurrency be provided prior to consideration of the rezoning request by the City Commission.
(Condition satisfied, Letter from Palm Beach Co Traffic attached; recommend revising condition to require conditions outlined in PBC Traffic letter)
2. That the sewer capacity issue be resolved prior to consideration of the rezoning request by the City Commission.
(Status of the condition will be reported at the meeting)
3. That the proposed development standards be revised to require the tandem parking spaces be attended by a valet operator during the hours of operation of the commercial components only.
(Condition satisfied)
4. That the Master Development Plan be revised to include an internal

road (one-way or two-way) between the residential apartments and “The Annex” park or an expanded sidewalk that accommodates emergency services. At a minimum the sidewalk must be one-way, nine feet wide to accommodate emergency vehicle access and multi-modal pathway.

(If approved and adopted by the City Commission, the MDP will be modified to reflect the referenced road.)

Move to approve the waiver to LDR Section 4.4.25(D), which requires a SAD rezoning be accompanied by a site development plan to be approved by the SPRAB (Site Plan Review and Appearance Board) prior to adoption of the rezoning, based on positive findings with LDR Section 2.4.7(B)(5), to allow the Master Development Plan (MDP) to be approved by the City Commission and subsequent site plans, consistent with the adopted MDP, to be approved by SPRAB. Please note that this action needs to occur prior to action on the second reading of the SAD rezoning ordinance.

Sponsors:

Development Services Department

Attachments:

[Agenda Cover Report](#)

[Clean-10-24-2018-Ord 30-18](#)

[1690-2350 South Congress Avenue Site Final Staff Report for P&Z meeting 10](#)

[180616 - 1690-2350 South Congress Avenue 10-18-18](#)

[Waiver Board Order City Commission](#)

- 8.D.** ORDINANCE NO. 31-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH BY AMENDING CHAPTER 4, "ZONING REGULATIONS", ARTICLE 4.4, "BASE ZONING DISTRICT", SECTION 4.4.13, "CENTRAL BUSINESS DISTRICT", TABLE 4.4.13(A), "ALLOWABLE USES AND STRUCTURES IN THE CBD SUB-DISTRICTS", TO ALLOW AUTOMATED PARKING GARAGES AS A SECONDARY STREET USE IN THE RAILROAD CORRIDOR SUB-DISTRICT OF THE CENTRAL BUSINESS DISTRICT; AMENDING SUBSECTION 4.4.14(C)(4), "SUPPLEMENTAL USE STANDARDS", BY ADDING STANDARDS AND REGULATIONS FOR AUTOMATED PARKING GARAGES; AND, AMENDING APPENDIX A, "DEFINITIONS", BY ADDING A DEFINITION FOR "PARKING GARAGE, AUTOMATED"; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (1st READING/PUBLIC HEARING)

Recommendation: Motion to approve Ordinance No. 31-18, a privately-initiated amendment to the Land Development Regulations amending Section 4.4.13, "Central Business District, Table 4.4.13 (A), "Allowable Uses and Structures in the CBD Sub-Districts", to allow Automated Parking Garages as a secondary street use in the Railroad Corridor Sub-District of the CBD; amending Subsection 4.4.14(c)(4), "Supplemental Use Standards", by adding standards and regulations for Automated Parking Garages; and, amending Appendix A, "Definitions", by adding a definition for "Parking Garage, Automated." 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](#)
[PZB Staff Report_Ord No 31-18](#)
[09-14-18 Submitted Request](#)
[Renderings of Proposed Garage](#)
[Ord No 31-18 Automated Parking](#)

- 8.E.** ORDINANCE NO. 27-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ANNEXING INTO THE CITY OF DELRAY BEACH, THREE (3) PARCELS OF LAND LOCATED ON THE EAST SIDE OF BARWICK ROAD IMMEDIATELY SOUTH OF LAKE WORTH DRAINAGE DISTRICT L-30 CANAL, INFORMALLY KNOWN AS BANYAN COVE, WITH THE SAME BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS HEREIN, COMPRISING APPROXIMATELY 6.68± ACRES IN SIZE AND SITUATED CONTIGUOUS TO THE EXISTING MUNICIPAL LIMITS OF THE CITY OF DELRAY BEACH; PROVIDING FOR INCLUSION OF THESE THREE (3) PARCELS INTO THE CITY AND A REDEFINITION OF THE CITY BOUNDARIES PURSUANT TO SUB-SECTION 171.044(2), FLORIDA STATUTES; PROVIDING FOR CONFORMANCE WITH ALL VOLUNTARY ANNEXATION PROCEDURES AS SET FORTH IN SECTION 171.044, FLORIDA STATUTES; PROVIDING FOR FILING WITH PALM BEACH COUNTY AND THE DEPARTMENT OF STATE; PROVIDING A CONFLICTS CLAUSE; AND A SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING/PUBLIC HEARING)

Recommendation: Move to approve on First Reading, Ordinance No. 27-18, annexing three parcels of land located on the east side of Barwick Road, immediately south of the Lake Worth Drainage District L-30 Canal, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with F.S. 171.044, in that the property is contiguous to the City, reasonably compact and does not create an enclave; consistent with the Comprehensive Plan, and meets the criteria set forth in Sections 2.4.5 (C) of the Land Development Regulations.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Annexation Ordinance No. 27-18](#)
[BanyanCove-Aerial Map](#)
[Survey](#)
[Planning Area Map](#)
[PZ Board Staff Report](#)
[Letters of Opposition](#)
[City Attorney's Office Approval Memorandum](#)

9. FIRST READINGS:

9.A ORDINANCE NO. 28-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE FUTURE LAND USE MAP AMENDMENT FOR THREE (3) PARCELS OF LAND KNOWN AS BANYAN COVE, AND RE-DESIGNATING SAID LAND FROM PALM BEACH COUNTY MEDIUM DENSITY RESIDENTIAL 5 UNITS PER ACRE (MR-5) TO CITY OF DELRAY BEACH MEDIUM DENSITY RESIDENTIAL 5-12 DU/AC (MD), PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT", FLORIDA STATUTES SECTION 163.3187, SAID LAND IS LOCATED ON THE EAST SIDE OF BARWICK ROAD, AND IMMEDIATELY SOUTH OF LAKE WORTH DRAINAGE DISTRICT L-30 CANAL, AND WHICH MEASURES APPROXIMATELY 6.68± ACRES, AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Recommendation: Move to approve on First Reading, Ordinance No. 28-18, for the small scale Future Land Use Map (FLUM) Amendment re-designating from Palm Beach County Medium Density Residential 5 du/ac (MR-5) to City Medium Density Residential 5-12 du/ac (MD); for the subject property, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Sections 2.5.5(A) and 3.1.1 of the Land Development Regulations.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ord. No. 28-18](#)
[Banyan Cove Aerial Map](#)
[Banyan Cove FLUM Map](#)
[PZB Staff Report - Banyan Cove](#)
[Planning Area Map](#)
[Neighborhood Categorization Map](#)
[Table L-6 Land Use Designation/Zoning Matrix](#)
[Palm Beach County Traffic Performance Standard letter](#)
[Survey](#)
[Public Comments 11-30-18](#)

- 9.B.** ORDINANCE NO. 29-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND RE-DESIGNATING PORTIONS OF LAND PRESENTLY ZONED PALM BEACH COUNTY AGRICULTURAL RESIDENTIAL (AR) DISTRICT, IN PART, AND RESIDENTIAL HIGH (RH) DISTRICT, IN PART, TO CITY OF DELRAY BEACH MEDIUM DENSITY RESIDENTIAL DISTRICT (RM-8), FOR ALL THREE (3) PARCELS OF LAND KNOWN AS BANYAN COVE, LOCATED ON THE EAST SIDE OF BARWICK ROAD, IMMEDIATELY SOUTH OF LAKE WORTH DRAINAGE DISTRICT L-30 CANAL, AND WHICH MEASURES APPROXIMATELY 6.68± ACRES, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING "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. (FIRST READING)

Recommendation: Move to approve on First Reading, Ordinance No. 29-18, re-designating the zoning district from Palm Beach County Agricultural Residential (AR) in part and Residential High (RH) in part and establishing a City zoning of Medium Density (RM-6) Residential 6 units per acre, for the subject property, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Sections 2.4.5(D)(5), 3.1.1, and 3.2.2 of the Land Development Regulations.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Banyan Cove Aerial](#)
[Ord. No. 29-18](#)
[Banyan Cove Zoning Map](#)
[PZB Staff Report - Banyan Cove](#)
[Neighborhood Categorization Map](#)
[Table L-6 Land Use Designation/Zoning Matrix](#)
[Palm Beach County Traffic Performance Standard letter](#)
[Survey](#)
[Public Comments 11-30-18](#)

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

10.B. City Attorney

10.C. City Commission