

# City of Delray Beach

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[www.mydelraybeach.com](http://www.mydelraybeach.com)



## Regular Commission Meeting

Regular Meeting at 6:00 PM

Tuesday, February 6, 2018

Commission Chambers  
Delray Beach City Hall

### City Commission

*Mayor Cary Glickstein*

*Vice Mayor Jim Chard*

*Deputy Vice Mayor Shirley Ervin Johnson*

*Commissioner Shelly Petrolia*

*Commissioner Mitchell Katz*

## **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. 03-18 RECOGNIZING JAMES W. WINTEMUTE FOR 30 YEARS OF SERVICE**

**Recommendation:** Motion to Approve Resolution No. 03-18 honoring James W. Wintemute for 30 years of service.

**Sponsors:** Human Resources Department

**Attachments:** [Cover Memo - James W. Wintemute Resolution](#)  
[James Wintemute 30 year resolution](#)

**4.B. PRESENTING CURTIS DUNCAN, BUILDING MAINTENANCE WORKER II, WITH EMPLOYEE OF THE MONTH FOR FEBRUARY 2018.**

**Recommendation:** Motion to approve Curtis Duncan as Employee of the Month for February 2018.

**Sponsors:** Human Resources Department

**Attachments:** [Cover Memo- Employee of the Month Curtis Duncan](#)  
[Curtis Duncan Nomination form](#)

**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**

- Brightline Quiet Zone
- Drumline Discussion

**5.B. From the Public****6. CONSENT AGENDA: City Manager Recommends Approval****6.A. ADDENDUM TO AGREEMENT WITH MT CAUSLEY, INC. TO INCREASE SPENDING LIMIT AND EXECUTE THE FIRST OF TWO ONE-YEAR EXTENSIONS TO EXTEND THE CONTRACT UNTIL AUGUST 17, 2019**

**Recommendation:** Motion to authorize the Mayor to execute the addendum.

**Sponsors:** Planning & Zoning Department

**Attachments:**     [Agenda Cover Memo](#)  
                          [Addendum signed by MT Causley](#)  
                          [Signed Agreement - With M.T. Causley Inc.](#)  
                          [Legal Review Checklist Amd No. 1 MT Causley Inc](#)

**6.B. CONTRACT RENEWAL WITH DB ECOLOGICAL SERVICES, INC. FOR MARINE TURTLE MONITORING SERVICES DURING THE 2018 SEA TURTLE NESTING SEASON**

**Recommendation:** Motion to renew the marine turtle monitoring services contract with DB Ecological Services, Inc. in the amount of \$40,081 for the Marine Turtle Monitoring Services during the 2018 sea turtle nesting season; Project No. 2017-081.

**Sponsors:**       Public Works Department

**Attachments:**     [Agenda Cover Memo](#)  
                          [Sea Turtle Monitoring Contact](#)  
                          [Amendment 1 2017 season](#)  
                          [Amendment 2 - 2018 Season CAO rev](#)  
                          [Legal Review Checklist Amd No 2 with DB ecological for sea turtles.pdf](#)

**6.C. SERVICE AUTHORIZATION NO. 12-26.1 TO MATHEWS CONSULTING INC. DBA BAXTER AND WOODMAN COMPANY IN THE AMOUNT NOT-TO-EXCEED \$32,844 FOR PROFESSIONAL ENGINEERING CONSTRUCTION ADMINISTRATION AND INSPECTION SERVICES RELATED TO THE MASTER LIFT STATION NO.1 REHABILITATION (PROJECT NO. 16-030).**

**Recommendation:** Motion to Approve Service Authorization No. 12-26.1 with Mathews Consulting, Inc. in the amount not-to-exceed \$32,844 for construction administration and inspection services related to the reconstruction of the Master Lift Station No.1 project (Project No. 16-030).

**Sponsors:**       Utilities Department and Public Works Department - Programs & Project Management

**Attachments:**     [Cover Memo](#)  
                          [SA 12-26.1 Delray MLS#1 12-19-17](#)  
                          [SA 12-26 Master Lift Station No.1 Executed 12.22.2016](#)  
                          [Mathews Engr Executed Agmt](#)  
                          [Amendment No. 4 to General Consulting Services Agreement - Baxter & Wood.](#)  
                          [Letter - Extension request Mathews Consulting, 11-22-16](#)

**6.D. ACCEPTANCE OF A HOLD HARMLESS AGREEMENT WITH EDWARDS ATLANTIC AVENUE, LLC FOR ATLANTIC CROSSING FOR WORK PERFORMED WITHIN FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY.**

**Recommendation:** Motion to consider acceptance of a Hold Harmless Agreement for work performed by Atlantic Crossing in Florida Department of Transportation (FDOT) right-of-way.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Memo](#)  
[Hold Harmless agt](#)  
[FDOT Utility Permit Application](#)  
[Location Map](#)  
[1629-07 Elec Panel Relocation 1-17-18](#)  
[Legal Review Checklist Hold harmless in state ROW Edwards Atlantic Ave](#)

**6.E. CHENEY BROTHERS: FOOD PRODUCTS FOR RE-SALE AT THE DELRAY BEACH GOLF CLUB**

**Recommendation:** Motion to approve a cumulative spending total in an amount not to exceed \$110,000.00 to Cheney Brothers for food products for re-sale at the Delray Beach Golf Club.

**Sponsors:** Parks & Recreation Department

**Attachments:** [Agenda COver - Cheney \(2\)](#)  
[Cheney 5 Year spending history.pdf](#)

**6.F. RESOLUTION NO. 07-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING RESOLUTION NO. 50-12 AND APPROVING THE ATTACHED UPDATED RULES AND REGULATIONS FOR THE DELRAY BEACH MEMORIAL GARDENS MUNICIPAL CEMETERY.**

**Recommendation:** Motion to approve Resolution No. 07-18 and the attached updated Rules and Regulations for the Delray Beach Memorial Gardens Municipal Cemetery.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Memo rev 02-06-18](#)  
[Res 07-18 Adopting Updated Cemetery Rules Regulations and Fees](#)  
[Administrative Policies & Procedures - Cemetery](#)  
[Cemetery Rules and Regulations 2017-Draft lg rev](#)

**6.G. APPROVAL OF AMENDMENT NO. 2 WITH HART HALSEY LLC FOR ADMINISTRATION OF OFF DUTY POLICE DETAILS**

**Recommendation:** Motion to approve Amendment No. 2 with Hart Halsey LLC to add a third rate type to the existing Agreement for administration of off duty police details. Existing Agreement runs from November 3, 2017 through November 2, 2018.

**Sponsors:** Police Department

**Attachments:** [Agenda Cover Memo](#)  
[Form 6 Schedule of Pricing 1-2018](#)  
[DRB Hart Halsey agreement](#)  
[Legal Review Checklist Amendment 2 1-17-2018](#)  
[Hart Halsey Original Agreement](#)

**6.H. SETTLEMENT IN THE CASE OF CURTIS JONES, III V. CITY OF DELRAY BEACH**

**Recommendation:** Motion to settle the case of Curtis Jones, III v. and City of Delray Beach for the reasons discussed in the confidential memorandum previously distributed to the City Commission.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Memo 2-06-18 Legal](#)

**6.I. PROCLAMATIONS:**

6.I.1. None

**6.J. AWARD OF BIDS AND CONTRACTS:**

6.J.1. None

**7. REGULAR AGENDA:****7.A. RESOLUTION NO. 09-18: ABANDONMENT OF AN IMPROVED PUBLIC ALLEY WITHIN BLOCK 69 ASSOCIATED WITH MIDTOWN DELRAY (fka SWINTON COMMONS)**

**Recommendation:** Motion to Approve Resolution No. 09-18 for the abandonment of the east-west portion of the alley right-of-way located within Block 69, associated with the Midtown Delray development, 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 criteria set forth in Section 2.4.6(M)(5) of the Land Development Regulations, subject to the following conditions:

1. That the abandonment is not effective until:
  - a. The 20' right-of-way dedication to extend the north/south alley to SE 1st Street is recorded; and,
  - b. That the replacement alley (condition #1) is paved to SE 1st Street.
2. That an associated site plan is approved and certified within one year of the approval of the alley abandonment. If the associated site plan is not approved, then the abandonment, if recorded, shall revert to the City, and if not yet recorded, then the abandonment approval shall be void.

**Sponsors:** Planning & Zoning Department

**Attachments:**     [Agenda Cover Memo](#)  
                          [Resolution No 09-18 Block 69 Abandonment](#)  
                          [Midtown Delray \(fka Swinton Commons\) block 69 Planning and Zoning Board S](#)  
                          [BLOCK 69 APPLICATION AND ATTACHMENTS](#)  
                          [BLOCK 69 SURVEY](#)

**7.B.** RESOLUTION NO. 10-18: ABANDONMENT OF THE ALLEY IN BLOCK 61, TOWN OF LINTON, ASSOCIATED WITH THE PROPOSED MIDTOWN DELRAY DEVELOPMENT, LOCATED ON THE SOUTH SIDE OF WEST ATLANTIC AVENUE BETWEEN SOUTH SWINTON AVENUE AND SW 1ST AVENUE.

**Recommendation:** Motion to Approve Resolution No. 10-18 to abandon the alley right-of-way within Block 61 of the Town of Linton Plat, 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 criteria set forth in Section 2.4.6(M)(5) of the Land Development Regulations, subject to the following conditions:

1. A Unity of Title for Block 61 be recorded and a certified copy be submitted to the Planning, Zoning, and Building Director within 60 days of this action;
2. A Pedestrian Easement for the north/south portion of the alley right-of-way within Block 61 be accepted by the City Commission prior to site plan certification;
3. A Vehicular Easement for the east/west portion of the alley right-of-way within Block 61 be accepted by the City Commission prior to site plan certification.
4. The alley abandonment shall not be recorded until an associated site plan for the entire block is approved and certified, the unity of title is recorded, and the referenced easements are recorded.

**Sponsors:**           Planning & Zoning Department

**Attachments:**     [Agenda Cover Memo](#)  
                          [Resolution No 10-18 Block 61 Abandonment](#)  
                          [Midtown Delray Block 61 Alley Abandonment -10/17/16 PZB Staff Report](#)  
                          [Block 61 Application and Attachments](#)  
                          [Block 61 Survey](#)  
                          [Vehicular Easement Deed Draft](#)  
                          [Pedestrian Ingress and Egress Easement Deed Draft](#)

**7.C.** WAIVER REQUESTS TO LDR SECTION 4.4.24(F)(4) TO ALLOW BUILDING WIDTHS OF 164', 156' 4", 71' 6", and 81' 4" ASSOCIATED WITH THE MIDTOWN DELRAY PROJECT WHERE A MAXIMUM WIDTH OF 60' FEET IS PERMITTED IN THE OLD SCHOOL SQUARE HISTORIC ARTS DISTRICT (OSSHAD) AND A WAIVER TO LDR SECTION 4.6.4(A)(1)(a)(ii) TO REDUCE THE REAR SETBACK FOR THE PORTION OF

BUILDING #1 GREATER THAN THREE STORIES FROM 30' TO 19' . (QUASI-JUDICIAL HEARING)

**Recommendation:** Motion to approve the waiver to LDR Section 4.4.24(F)(4) to allow building widths of 164', 156' 4", 71' 4", and 81' 4", where a maximum width of 60' is permitted in the Old School Square Historic Arts District (OSSHAD), for three buildings associated with the Midtown Delray project, based on a positive finding with respect to LDR Section 2.4.7(B)(5).

Motion to approve the waiver to LDR Section 4.6.4(A)(1)(a)(ii) to reduce the rear setback for portion of Building #1 greater than three stories from 30' to 19' associated with the Midtown Delray project, based on a positive finding with respect to LDR Section 2.4.7(B)(5).

**Sponsors:** Planning & Zoning Department

**Attachments:** [Agenda Cover Memo](#)  
[Class V HPB Staff Report](#)  
[Waiver Board Order](#)

**7.D.** CONDITIONAL USE REQUEST FOR 39 RESIDENTIAL-TYPE INN UNITS IN THE OLD SCHOOL SQUARE HISTORIC ARTS DISTRICT FOR SWINTON COMMONS AT THE SUNDY HOUSE AND ON BLOCKS 61 AND 70. (QUASI-JUDICIAL HEARING)

**Recommendation:** Motion to Approve the Conditional Use request to increase the Residential-type Inn use to 39 units with one additional unit at the Sundy House, 24 new units on Block 61, and 14 new units on Block 70 for Swinton Commons 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 criteria set forth in Sections 2.4.5(E)(5), and Chapter 3 of the Land Development Regulations, subject to the following conditions:

1. That Class V Site Plan and Certificate of Appropriateness for the respective project be approved.
2. That Palm Beach County Traffic Engineering Division provide a determination that the proposal meets the Traffic Performance Standards of Palm Beach County.
3. That the plat for the complete development be approved and recorded prior to the issuance of a building permit.
4. That the applicant provide significant evidence that the use operates as a residential-type inn.

**Sponsors:** Planning & Zoning Department



**Attachments:**      [Agenda Cover Memo](#)  
[Midtown \(fka Swinton Commons\) PZBoard Cond Use Report](#)  
[Swinton Commons superseded concept plan \(July 2017\)](#)  
[Midtown Delray revised concept plan \(Dec 2017\)](#)  
[City Commission conditional use board order - Midtown](#)

**7.E. CITY COMMISSION APPEAL OF THE HISTORIC PRESERVATION BOARD APPROVALS OF CERTIFICATES OF APPROPRIATENESS FOR THREE RELOCATIONS AND SEVEN DEMOLITIONS ASSOCIATED WITH THE MIDTOWN DELRAY (FORMERLY KNOWN AS SWINTON COMMONS) PROJECT GENERALLY LOCATED AT THE SOUTHWEST CORNER OF ATLANTIC AND SWINTON AVENUES (QUASI-JUDICIAL HEARING)**

**Recommendation:** The recommendation is to confirm the Historic Preservation Board (HPB) Certificates of Appropriateness (COA) for Buildings D, G, H, T, U, V, W, X, Y, and Z, more specifically described below.

**RELOCATIONS:**

Approve the COA (2016-072) for the relocation of the contributing structure on the property located at 21 SW 1st Avenue (Building 'D') in the Old School Square Historic Arts District (OSSHAD) to the property located at southwest section of the Sundry Block (address to be determined) 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 the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Approve the COA (2016-061), a.k.a. Yellow House, for the relocation of the contributing structure on the property located at 44 South Swinton Avenue (Building 'G') in OSSHAD to the property located south central on the Sundry Block (address to be determined) 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 the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Approve the COA (2016-057), a.k.a. White House, for the demolition/relocation/reconstruction of the contributing structure on the property located at 10 SE 1st Street on Block 70 (Building 'H'), to same property located slightly north of its current site on Block 70 facing SE 1st Street., OSSHAD (address likely to be the same) 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 the Land Development Regulations, and the Secretary

of the Interior's Standards for Rehabilitation.

DEMOLITIONS:

Approve the COA (2016-065) for the demolition of a non-contributing structure (Building 'T') located at 52 W. Atlantic Avenue Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is consistent with LDR Sections 4.5.1(E)(5) and 4.5.1(F), Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Approve the COA (2016-068) built in 2001 for the demolition of a non-contributing structure (Building 'U') located at 20 W Atlantic Avenue, Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is consistent with LDR Sections 4.5.1(E)(5) and 4.5.1(F), Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Approve the COA (2016-058) for the demolition of a contributing structure/accessory structure (Building 'V') located at 35½ SW 1st Avenue, Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is consistent with LDR Sections 4.5.1(E)(5) and 4.5.1(F), Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Approve the COA (2016-062) for the demolition of a contributing structure (Building "W") located at 14 SE 1st Street, Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is consistent with LDR Sections 4.5.1 (E)(5) and 4.5.1(F), Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Approve the COA (2016-06)6 for the demolition of a contributing structure (Building' X') that has lost its character defining features of its Mission Revival style located at 18 SE 1st St, Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is not consistent with LDR Sections 4.5.1 (E)(5) and 4.5.1(F), Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Approve the COA 2016-067 for the demolition of a contributing

structure/accessory structure (Building 'Y') located at 18½ SE 1st Street, Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is not consistent with LDR Sections 4.5.1 (E)(5) and 4.5.1(F), Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Approve the COA 2016-059 for the demolition of a contributing structure (Building 'Z') located at 48 SE 1st Avenue, Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is not consistent with LDR Sections 4.5.1 (E) (5) and 4.5.1(F), Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

**Sponsors:** Planning & Zoning Department

**Attachments:** [Agenda Cover Memo](#)  
[Appeal Request Withdrawal Letter 10-4-17](#)  
[Swinton Commons Class V Staff Report 10.17.17](#)  
[Relocation-Demolition Location Map 10.17.17](#)  
[Relocation Report Building 'D' FINAL](#)  
[Relocation Report Building 'G' FINAL](#)  
[Relocation Report Building 'H' FINAL](#)  
[Demolition Report Building T FINAL](#)  
[Demolition Report Building U FINAL](#)  
[Demolition Report Building V FINAL](#)  
[Demolition Report Building W FINAL](#)  
[Demolition Report Building X FINAL](#)  
[Demolition Report Building Y FINAL](#)  
[Demolition Report Building Z FINAL](#)  
[cc order on appeal of HPB approval](#)

- 7.F.** APPLICANT APPEAL OF THE HISTORIC PRESERVATION BOARD DENIALS OF APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS, CLASS V SITE PLAN, LANDSCAPE PLAN, ARCHITECTURAL ELEVATIONS, FIVE RELOCATIONS AND TWO DEMOLITIONS ASSOCIATED WITH THE MIDTOWN DELRAY PROJECT WHICH INCLUDES 39,396 SQUARE FEET OF RETAIL; 11,117 SQUARE FEET OF RESTAURANT; 55,218 SQUARE FEET OF OFFICE; 45 DWELLING UNITS AND 39 RESIDENTIAL-TYPE INN UNITS. (QUASI-JUDICIAL HEARING)

**Recommendation:**

**Site Plan Modification:**

Motion to approve COA 2017-284-SPM-HPB-CL5 and associated Class V site plan for Midtown Delray, by adopting the findings of fact and law contained in the staff report, and finding that the request, and approval

thereof, meets criteria set forth in Chapter 3, Section 2.4.5(F)(5), and Section 2.4.6(H)(5) of the Land Development Regulations and Comprehensive Plan, subject to the following conditions of approval.

1. That the locations of the generators are provided on the plans together with the source of fuel prior to certification of the site plan.
2. That the site plan be revised to correctly note the required parking of 379 parking spaces prior to certification of the site plan.
3. That the waivers regarding building length and setback are approved by the City Commission.

**Landscape Plan:**

Motion to approve COA 2017-284-SPM-HPB-CL5 and associated landscape plan for Midtown Delray, based on positive findings with respect to LDR Section 4.6.16 and Section 2.4.5(H)(5), subject to the condition that a payment of \$139,800 to the Delray Beach Tree Trust Fund for remediation of the trees to be removed.

**Elevations:**

Motion to approve COA-2017-284-SPM-HPB-CL5 and associated design elements for Midtown Delray, based on positive findings with respect to LDR Section 4.6.18 and Section 2.4.5(I)(5).

**Relocations:**

Move approval of COA 2016-069 (Rectory, Building 'A'), 14 S. South Swinton for the relocation of the contributing structure on the property located at 20 W Atlantic Avenue, Block 61 to the property located at further south on Block 61 fronting on South Swinton Avenue (address to be determined) OSSHAD 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 the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Move approval of COA 2016-070 (Rectory, Building 'B') for the relocation of the contributing structure on the property located at 20 W Atlantic Avenue, OSSHAD to the property located at southwest section of Block 70 (address to be determined) OSSHAD 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 the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Move approval of COA 2016-071 (Building 'C') for the relocation of the contributing structure on the property located at 22 South Swinton Avenue, OSSHAD to the property located at north section of Block 70 (address to be determined) OSSHAD 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 the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Move approval of COA 2016-063 (Building 'E'), a.k.a. Cathcart House for the relocation of the contributing structure on the property located at 38 South Swinton Avenue, OSSHAD to be relocated back to its current location 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 the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Move approval of COA 2016-060 (Building 'F'), a.k.a. Peach House for the relocation of the contributing structure on the property located at 40 South Swinton Avenue, OSSHAD to property located on the Sundry Block, OSSHAD (address to be determined) 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 the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

**Demolitions:**

Move approval of COA 2016-064 (Building 'E-1') for the demolition of a contributing structure located at 38½ South Swinton Avenue, Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is consistent with LDR Sections 4.5.1 (E)(5) and 4.5.1(F), Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Move approval of the COA 2016-061 (Building 'G-ACC') for the demolition of a (contributing structure/accessory structure secondary building to Building 'G' a contributing structure) located at 44½ South Swinton Avenue, Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is consistent with LDR Sections 4.5.1 (E)(5) and 4.5.1(F).

**Sponsors:**

Planning & Zoning Department

**Attachments:** [Agenda Cover Memo](#)  
[CC Board Order on appeal of HPB denial Midtown Delray](#)  
[Class V with demo and relo reports](#)  
[Building A.pdf](#)  
[building B.pdf](#)  
[building C.pdf](#)  
[building E.pdf](#)  
[building F.pdf](#)  
[building E1.pdf](#)  
[building G-ACC.pdf](#)

**7.G. LEASE AWARD TO ENTERPRISE FLEET MANAGEMENT, INC. FOR VOLUNTEER PROGRAM VEHICLES IN THE AMOUNT NOT TO EXCEED \$120,000**

**Recommendation:** Motion to approve lease award to Enterprise Fleet Management, Inc. for Volunteer Program vehicles in the amount not to exceed \$120,000 for twelve (12) vehicles over the thirty-six (36) month lease term.  
Motion to allow the City Manager to execute all necessary documents related to the lease award.

**Sponsors:** Police Department

**Attachments:** [Agenda Cover Memo](#)  
[ITB 2018-019 Lease Agreement; PD Volunteers Final](#)  
[City of Delray Beach RFP - Enterprise Fleet Management final](#)  
[Cover letter and attachments - Enterprise Fleet Management](#)  
[ITB 2018-019 Tabulation Sheet](#)  
[2018-019 - Client Reference Check Summary](#)  
[Legal Review Checklist LW \(3\) Volunteer vehicles bid 1-16-2018](#)  
[2018-019 Vehicle Lease Police Departmentn Volunteers 1-16-2018](#)  
[Partially executed agreement between City and Enterprise Fleet](#)

**7.H. NOMINATION FOR APPOINTMENT TO THE SITE PLAN REVIEW AND APPEARANCE BOARD**

**Recommendation:** Motion to approve nomination for appointment for one (1) regular member to serve on the Site Plan Review and Appearance Board for an unexpired term ending August 31, 2019.

**Sponsors:** City Clerk Department

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

**8. PUBLIC HEARINGS:**

- 8.A.** ORDINANCE NO. 01-18: 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 4.6.9 “OFF-STREET PARKING REGULATIONS”, SUBSECTION 4.6.9(C)(2) “REQUIREMENTS FOR RESIDENTIAL USES”, TO PERMIT ONE PARKING SPACE TO BE LOCATED IN EITHER THE FRONT SETBACK AREA OR SIDE STREET SETBACK AREA FOR LOTS LESS THAN 60 FEET WIDE AND DO NOT HAVE ALLEY ACCESS; 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. 01-18 amending Land Development Regulations Section 4.6.9(c)(2), as presented.

**Sponsors:** Planning & Zoning Department

**Attachments:** [Agenda Cover Memo](#)  
[PZB Report--ORD 40-17 Parking Setbacks Final](#)  
[Ordinance No 01-18 Parking Setbacks REVISED 1.23.2018](#)

## **9. FIRST READINGS:**

- 9.A.** ORDINANCE NO. 03-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 37, “DELRAY BEACH CODE ENFORCEMENT GENERAL PROVISIONS”, BY REPEALING SECTIONS 37.01 THROUGH 37.46 AND READOPTING SAME, AS REVISED IN ORDER TO AMEND AND REVISE THE CITY’S CODE ENFORCEMENT PROCEDURES IN ACCORDANCE WITH CHAPTER 162, FLORIDA STATUTES; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES (FIRST READING)

**Recommendation:** Motion to approve Ordinance 03-18 amending Chapter 37 to conform to the requirements of Chapter 162, Fla. Stat. and allowing the City Manager to appoint a Code Enforcement Board attorney.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Memo](#)  
[Ord 03-18 Revising Chapter 37 Code Enforcement.docx](#)  
[Ord. 03-18 Exhibit A.docx](#)

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

**10.A. City Manager**

**10.B. City Attorney**

**10.C. City Commission**

