

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 4:00 PM

Tuesday, March 3, 2020

**Commission Chambers
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

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. PRESENTATION PROVIDING AN UPDATE ON OPIOID LITIGATION**

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

5. COMMENTS AND INQUIRIES ON AGENDA AND NON-AGENDA ITEMS FROM THE PUBLIC- IMMEDIATELY FOLLOWING PRESENTATIONS:

A. City Manager's response to prior public comments and inquiries

B. From the Public

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

Recommendation: Motion to approve meeting minutes as listed below:

October 15, 2019 Special Meeting Attorney/Client Session Minutes

December 10, 2019 Regular City Commission Meeting Minutes

January 16, 2020 Regular City Commission Meeting Minutes

January 21, 2020 Regular City Commission Meeting Minutes

February 4, 2020 Special Meeting Attorney/Client Session Minutes

February 4, 2020 Regular City Commission Meeting Minutes

February 11, 2020 Regular City Commission Meeting Minutes

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[October 15, 2019 Special Meeting Attorney-Client Session](#)

[December 10, 2019 Regular Meeting Minutes_DRAFT](#)

[January 16, 2020 Regular City Commission Meeting Minutes_DRAFT](#)

[January 21, 2020 Regular City Commission Meeting Minutes](#)

[February 4 2020 Special Meeting Attorney - Client Session Draft](#)

[February 4, 2020 Regular City Commission Meeting Minutes_DRAFT](#)

[February 11, 2020 Regular City Commission Meeting Minutes_DRAFT](#)

6.B. SETTLEMENT IN THE CASE OF DEPOT WAREHOUSE LLC V. CITY OF DELRAY BEACH

Recommendation: Motion to approve settlement in the case of *Depot Warehouse, LLC, v. 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 Report](#)

6.C. FINAL PLAT FOR 912 PALM TRAIL.

Recommendation: Review and consider Final Plat for 912 Palm Trail.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[PALM TRAIL PLAT SHEET 1](#)

[PALM TRAIL PLAT SHEET 2](#)

[912 Palm Trail PZB Report](#)

[16-51 SURVEY](#)

6.D. ACCEPTANCE OF A TOTAL 597.97 SQUARE FOOT PERPETUAL PEDESTRIAN CLEAR ZONE EASEMENT, A 197.97 SQUARE FOOT CORNER CLIP DEDICATION LOCATED AT PORTIONS OF LOT 1, BLOCK 93, OF THE RE-SUBDIVISION OF BLOCK 93, AS RECORDED IN PLAT BOOK 10, PAGE 53, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, FROM PIERRE DELRAY ONE LLC, "THE GRANTOR", A HOLD HARMLESS AGREEMENT, AND A BICYCLE PARKING MAINTENANCE AGREEMENT FOR THE SUBJECT PROPERTY LOCATED AT 302 E. ATLANTIC AVENUE (PROJECT APPROVED AS "PIERRE DELRAY I").

Recommendation: Review and consider acceptance of a perpetual pedestrian clear zone easement, a corner clip dedication, a hold harmless agreement, and a bicycle parking maintenance agreement for the Pierre Delray 1 building located at 302 E. Atlantic Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Agreements - Location Map - Pierre Delray I](#)

[Agreements - Corner Clip Dedication - Pierre Delray I](#)

[Agreements - Hold Harmless - Pierre Delray I](#)

[Agreements - Pedestrian Clear Zone Easement - Pierre Delray I](#)

[Agreements - Bike Parking Maintenance - Pierre Delray I](#)

[Agreements - Legal Review Form - Pierre Delray I](#)

6.E. ACCEPTANCE OF A PEDESTRIAN CLEAR ZONE EASEMENT AND ASSOCIATED FINAL (MAJOR) SUBDIVISION REPLAT OF LOTS 27 AND 28, BLOCK 81, SUBDIVISION OF BLOCK 81, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 11, PAGE 32 (P.R.P.B.CO.), ALSO KNOWN AS TOWNHOMES AT 214 4TH.

Recommendation: Review and consider the Easement Agreement for the Pedestrian Clear Zone, as presented, with consideration of the Final (Major) Plat for Townhomes at 214 4th, located at the southwest corner of the intersection of NE 3rd Avenue and NE 4th Street, by adopting that the request and approval thereof is consistent with the criteria set forth in the Land Development Regulations Section 2.4.5(J)(Major Subdivisions).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Townhomes at 214 4th Location Map](#)

[Townhomes at 214 4th Plat](#)

[Townhomes at 214 4th Site Plan](#)

[Townhomes at 214 4th executed PCZ Agreement](#)

[Townhomes at 214 4th PZ Plat Staff Report 5-20-19](#)

[Legal Review Pedestrian Clear Zone Easement for 214 4th Townhomes.docx](#)

6.F. APPROVAL TO SUBMIT FOR SEVERAL DIFFERENT GRANTS UNDER THE FY 2019 ASSISTANCE TO FIREFIGHTERS GRANT (AFG) IN THE ESTIMATED TOTAL AMOUNT OF \$ 1,585,300 FOR THE FIRE-RESCUE DEPARTMENT.

Recommendation: Staff recommends the approval to submit for several different grants under the FY 2019 Assistance to Firefighters Grant (AFG).

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)

[AFG Grant Submittal Descriptions](#)

[AFG Grant-Fire Training Trailer](#)

[AFG Grant - Air Light Trailer](#)

6.G. APPROVAL OF AMENDMENT NO. 1 WITH RELATION INSURANCE SERVICES OF FLORIDA, INC RENEWING THE CITY'S AGREEMENT FOR PROPERTY AND CASUALTY BROKER SERVICES (RFP 2016-129) - \$40,000

Recommendation: Motion to Approve Amendment No. 1 with Relation Insurance Services of Florida to renew the Agreement under the same terms and conditions in the amount of \$40,000 and authorize the City Manager to approve renewal options, in the same amounts, contingent on appropriations of funds.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist Amendment-Renewal No. 1 Relations Insurance Service](#)

[RFP 2016-129 Amendment No. 1](#)

6.H. APPROVAL OF RESOLUTION NO. 52-20 APPROVING THE LOCAL AGENCY PROGRAM AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION REGARDING RECEIPT OF GRANT FUNDS FOR THE LOWSON BOULEVARD PROJECT FROM DOVER ROAD TO US-1/SE 5TH AVENUE; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND DIRECTING AND AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY ACTIONS TO EFFECTUATE SAME; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Recommendation: Motion to approve Resolution No. 52-20 to approve the Local Agency Program agreement with the Florida Department of Transportation regarding receipt of grant funds for the Lowson Boulevard Project from Dover Road to US-1/SE 5th Avenue in the amount of \$4,463,000.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist](#)

[Resolution No. 52-20 FDOT LAP Agreement - Lowson Blvd.](#)

[Project Location Map - Lowson Boulevard Project](#)

[436896-1-58-01 Unexecuted LAP Agreement](#)

6.I. APPROVING AMENDMENT #1 TO THE OCTOBER 1, 2019 VALET PARKING LICENSE AGREEMENT WITH TAVERNA OPA ATLANTIC, LLC PROVIDING VALET PARKING SERVICES TO EXTEND FOR SIX MONTHS THE LICENSE TO PROVIDE VALET PARKING SERVICES IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF DELRAY BEACH (CITY)

Recommendation: Motion to approve Amendment #1 to the October 1, 2019 Valet Parking License Agreement with Taverna Opa Atlantic, LLC providing valet parking services to extend the license from April 1, 2020 until September 30, 2020.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Taverna Opa](#)

[Legal Review Checklist form v. 6 Valet Parking Agreement-Amend No 1](#)

6.J. APPROVING AMENDMENT #1 TO THE OCTOBER 1, 2019 VALET PARKING LICENSE AGREEMENT WITH LSMS, INC. d/b/a TRAMONTI RESTAURANT PROVIDING VALET PARKING SERVICES TO EXTEND FOR SIX MONTHS THE LICENSE TO PROVIDE VALET PARKING SERVICES IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF DELRAY BEACH (CITY)

Recommendation: Motion to approve Amendment #1 to the October 1, 2019 Valet Parking License Agreement with LSMS, Inc. d/b/a/ Tramonti Restaurant providing valet parking services to extend the license from April 1, 2020 until September 30, 2020.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Tramonti Agreement](#)

[Legal Review Checklist form v. 6 Valet Parking Agreement-Amend No 1](#)

6.K. APPROVING AMENDMENT #1 TO THE OCTOBER 1, 2019 VALET PARKING LICENSE AGREEMENT WITH THE GROVE HOSPITALITY GROUP, LLC, PROVIDING VALET PARKING SERVICES TO EXTEND FOR SIX MONTHS THE LICENSE TO PROVIDE VALET PARKING SERVICES IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF DELRAY BEACH (CITY)

Recommendation: Motion to approve Amendment #1 to the October 1, 2019 Valet Parking License Agreement with The Grove Hospitality Group, LLC, providing valet parking services to extend the license from April 1, 2020 until September 30, 2020.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[The Grove](#)

[Legal Review Checklist form v. 6 Valet Parking Agreement-Amend No 1](#)

6.L. APPROVING AMENDMENT #1 TO THE OCTOBER 1, 2019 VALET PARKING LICENSE AGREEMENT WITH DELRAY TACO, LLC, d/b/a ROCCO'S TACOS PROVIDING VALET PARKING SERVICES TO EXTEND FOR SIX MONTHS THE LICENSE TO PROVIDE VALET PARKING SERVICES IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF DELRAY BEACH (CITY)

Recommendation: Motion to approve Amendment #1 to the October 1, 2019 Valet Parking License Agreement with Delray Taco, LLC, d/b/a Rocco's Tacos providing valet parking services to extend the license from April 1, 2020 until September 30, 2020.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Delray Taco](#)

[Legal Review Checklist form v. 6 Valet Parking Agreement-Amend No 1](#)

6.M. APPROVING AMENDMENT #1 TO THE OCTOBER 1, 2019 VALET PARKING LICENSE AGREEMENT WITH OSTERIA NUMERO UNO, LTD d/b/a ELISABETTA'S PROVIDING VALET PARKING SERVICES TO EXTEND FOR SIX MONTHS THE LICENSE TO PROVIDE VALET PARKING SERVICES IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF DELRAY BEACH (CITY)

Recommendation: Motion to approve Amendment #1 to the October 1, 2019 Valet Parking License Agreement with Osteria Numero Uno, LTD d/b/a Elisabetta's providing valet parking services to extend the license from April 1, 2020 until September 30, 2020.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Elisabetta's](#)

[Legal Review Checklist form v. 6 Valet Parking Agreement-Amend No 1](#)

6.N. APPROVING AMENDMENT #1 TO THE OCTOBER 1, 2019 VALET PARKING LICENSE AGREEMENT WITH CUT 432, LLC, d/b/a CUT 432 PROVIDING VALET PARKING SERVICES TO EXTEND FOR SIX MONTHS THE LICENSE TO PROVIDE VALET PARKING SERVICES IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF DELRAY BEACH (CITY)

Recommendation: Motion to approve Amendment #1 to the October 1, 2019 Valet Parking License Agreement with Cut 432, LLC, d/b/a Cut 432 providing valet parking services to extend the license from April 1, 2020 until September 30, 2020.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Cut 432](#)

[Legal Review Checklist form v. 6 Valet Parking Agreement-Amend No 1](#)

6.O. APPROVING AMENDMENT #1 TO THE OCTOBER 1, 2019 VALET PARKING LICENSE AGREEMENT WITH CAFFE LUNA ROSA, INC. d/b/a CAFFE LUNA ROSA PROVIDING VALET PARKING SERVICES TO EXTEND FOR SIX MONTHS THE LICENSE TO PROVIDE VALET PARKING SERVICES IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF DELRAY BEACH (CITY)

Recommendation: Motion to approve Amendment #1 to the October 1, 2019 Valet Parking License Agreement with Caffe Luna Rosa, Inc. d/b/a Caffe Luna Rosa providing valet parking services to extend the license from April 1, 2020 until September 30, 2020.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Caffe Luna Rosa](#)

[Legal Review Checklist form v. 6 Valet Parking Agreement-Amend No 1](#)

6.P. APPROVING A VALET PARKING LICENSE AGREEMENT WITH ROSEBUD 307, LLC, d/b/a/ LIONFISH PROVIDING VALET PARKING SERVICES TO EXTEND FOR SIX MONTHS THE LICENSE TO PROVIDE VALET PARKING SERVICES IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF DELRAY BEACH (CITY)

Recommendation: Motion to approve a Valet Parking License Agreement with Rosebud 307, LLC, d/b/a Lionfish providing valet parking services to extend the license from April 1, 2020 until September 30, 2020.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[LionfishValet License Agreement_final Signed](#)

[NE 3rd Avenue Proposed Valet Ramping Area](#)

[Lionfish final valet path map](#)

[Lionfish Valet Que Location Map final](#)

[Legal Review Checklist form v. 6 Valet Parking Agreement-Lionfish](#)

6.Q. INTERLOCAL AGREEMENT BETWEEN THE CITY AND CRA FOR FUNDING THE NE 3RD AVENUE/STREET STREETSCAPE PROJECT- FY 2019-2020

Recommendation: Approve the Interlocal Agreement (ILA) between the City of Delray Beach (City) and the Delray Beach Community Redevelopment Agency (CRA) for funding of the NE 3rd Avenue/Street Streetscape Project within the CRA District for Fiscal Year 2019-2020.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Exhibit A - Revised ILA NE 3rd Avenue Street Project CA rev](#)

[Legal Review Checklist form v. 5 ILA for Construction-Professional Services 2-1](#)

6.R. APPROVE A GRANT AGREEMENT WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT FOR PROVIDING SUPPLEMENTARY FUNDING FOR THE CONSTRUCTION OF RECLAIMED WATER MAINS WITHIN THE SW NEIGHBORHOOD IMPROVEMENTS PROJECT, ALONG SW 4TH ST, INCLUDING SW 6TH ST, SW 7TH AVE, AND SW 3RD COURT AND NE 2ND STREET FROM NE 4TH AVE TO NW 2ND AVE, IN THE AMOUNT NOT TO EXCEED \$450,000, AS PART OF THEIR COOPERATIVE FUNDING PROGRAM FOR ALTERNATIVE WATER SUPPLY.

Recommendation: Staff is requesting City Commission to approve and execute grant agreement No. 4600004144 with the South Florida Water Management District (SFWMD) for providing supplementary funding for construction of reclaimed water mains within the SW neighborhood improvements project, along SW 4th Street, including SW 6th Street, SW 7th Avenue and SW 3rd Court (considered Reclaimed Area 14), as well as NE 2nd Street from NE 4th Avenue to NW 2nd Avenue (considered Phase 1 of Reclaimed Area 10), by means of cost reimbursement in the amount not to exceed \$450,000, as part of their Cooperative Funding Program for Alternative Water Supply (AWS).

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)

[SFWMD Agreemrnt 4600004144 v2-AWS_ReclaimedPipeLines](#)

[DelrayBch_RWMaInSW4thSt_AwardLtr_r1](#)

[Legal Review Checklist SFWMD re Construction of Relcaimed Water Main](#)

6.S. APPROVE A GRANT AGREEMENT WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT FOR PROVIDING SUPPLEMENTARY FUNDING FOR THE PURCHASE AND INSTALLATION OF AUTOMATIC LINE FLUSHERS, IN THE AMOUNT NOT TO EXCCED \$40,000, AS PART OF THEIR COOPERATIVE FUNDING PROGRAM FOR WATER CONSERVATION.

Recommendation: Staff is requesting City Commission to approve and execute grant agreement No. 4600004187 with the South Florida Water Management District (SFWMD) for providing supplementary funding for the purchase and installation of automatic water line flushers by means of cost reimbursement in the amount not to exceed \$40,000, as part of their Cooperative Funding Program for Water Conservation.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)

[SFWMD Agreement 4600004187 - Water Conservation - Automatic Line Flushir](#)

[Legal Review Checklist SFWMD re Automatic Flushers](#)

6.T. PROCLAMATIONS:

6.T.1. PROCLAMATION DESIGNATING THE MONTH OF MARCH AS FLORIDA BIKE MONTH IN DELRAY BEACH

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Bike Month Proclamation](#)

6.T.2. ALL PEOPLE'S DAY PROCLAMATION - MARCH 22, 2020

Recommendation: Motion to declare All People's Day on March 22, 2020.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[All People's Day Proclamation](#)

6.U. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**6.U.1. REPORT OF APPEALABLE LAND USE ITEMS FROM JANUARY 20, THROUGH FEBRUARY 14, 2020.**

Recommendation: By motion, receive and file this report.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Appealable Items Map - 3.3.2020](#)

[A - Tropic Bay Condo.; 2801 Florida Blvd.](#)

[B - 52 N. Swinton Ave.](#)

[C - 131 SE 7th Ave.](#)

[D - Proper Ice Cream; 75 SE 4th Ave.](#)

[E - Seed Word Space; 925 Linton Blvd.](#)

[F - Tzikas Medical Center; 518/526 SE 5th Ave.](#)

6.V. AWARD OF BIDS AND CONTRACTS:

6.V.1. APPROVAL OF RESOLUTION NO. 40-20 TO APPROVE AN AGREEMENT WITH BAXTER AND WOODMAN, INC. FOR CONSTRUCTION, ENGINEERING AND INSPECTION SERVICES FOR OSCEOLA PARK NEIGHBORHOOD IMPROVEMENTS PURSUANT TO RFQ NO. 2019-051 (PROJECT NO. 16-095) - \$495,953

Recommendation: Motion to Approve Resolution No. 40-20 to award an Agreement with Baxter and Woodman, Inc. for Construction, Engineering and Inspection Services for the Osceola Park Neighborhood Improvements project pursuant to RFQ No. 2019-051 (Project No. 16-095) - \$495,953.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Executed Agreement - CEI Osceola Park](#)

[Exhibit A - Project Description](#)

[Exhibit B - Fee Estimate](#)

[Resolution No. 40-20 CEI Osceola Park BW](#)

[Legal Review Checklist CEI Services](#)

[Proposal Submitted - Baxter and Woodman](#)

[2019-051 Scoring Summary after Technical Evals final ranking](#)

6.V.2. APPROVAL OF RESOLUTION NO. 41-20 TO APPROVE AN AGREEMENT WITH RIC-MAN CONSTRUCTION, INC. FOR OSCEOLA PARK NEIGHBORHOOD IMPROVEMENTS PURSUANT TO ITBC NO. 2020-004 (PROJECT NO. 16-095) - \$4,056,327

Recommendation: Motion to Approve Resolution No. 41-20 to award an Agreement with Ric-Man Construction, Inc. for Osceola Park Neighborhood Improvements project pursuant to ITBC No. 2020-004 (Project No. 16-095) - \$4,056,327.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Agreement Executed and Price Submittal - Osceola Park Construction - Ric-Ma](#)

[Res 41-20 Ric-Man Constr Inc \(1\)](#)

[Legal Review Checklist Ric-Man Construction Agreement Osceola Park](#)

[Ric-Man Construction Submittal Pkg](#)

[BidSync Bid Tabulation Report](#)

**6.V.3. APPROVAL OF RESOLUTION NO. 44-20 TO APPROVE AN AGREEMENT WITH
INTERCOUNTY ENGINEERING, INC. FOR WATER MAIN SUBAQUEOUS CROSSINGS
PURSUANT TO ITBC NO. 2020-005 (PROJECT NO. 17-156) - \$1,799,866**

Recommendation: Motion to Approve Resolution No. 44-20 to award an Agreement with Intercounty Engineering, Inc. for Water Main Subaqueous Crossings pursuant to ITBC No. 2020-005 (Project No. 17-156) - \$1,799,866.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Executed Agrmt - Water Main Subaqueous Construction - Intercounty](#)

[Exhibit A - Complete Submittal - Intercounty ITBC 2020-005](#)

[Exhibit B - Price Schedule](#)

[Res 44-20 Intercounty Engineering](#)

[Legal Review Checklist Intercounty Engineering](#)

[Complete Submittal - Intercounty ITBC 2020-005](#)

[Tabulation Sheet](#)

**6.V.4. APPROVAL OF RESOLUTION NO. 58-20 TO APPROVE THE PURCHASE OF A NEW
VAC-CON SEWER TRUCK FROM LOU BACHRODT FREIGHTLINER UTILIZING THE
FLORIDA SHERIFF'S CONTRACT NO. FSA18 VEH-16.0 - \$484,327.00**

Recommendation: Motion to approve Resolution No. 58-20 for the purchase of a new Vac-Con Sewer Truck from Lou Bachrodt Freightliner in an amount not to exceed \$484,327.00 utilizing the Florida Sheriff's Contract No. FSA18 VEH-16.0.

Sponsors: Purchasing Department

Attachments: [Agenda Cover Report](#)

[FSA18 VEH-16.0 Terms and Conditions](#)

[VacCon Quote-Lou Bachrodt Freightliner 1-13-20](#)

[Resolution No. 58-20](#)

7. REGULAR AGENDA:

7.A. RESOLUTION NO. 21-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A REQUEST TO ESTABLISH A CONDITIONAL USE PURSUANT TO LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, AND THE COMPREHENSIVE PLAN, TO AUTHORIZE A CONVENIENCE MART (GASOLINE STATION WITH FOOD SALES), KNOWN AS "7-ELEVEN AT VIA DELRAY" AT 13555 SOUTH MILITARY TRAIL, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES (QUASI-JUDICIAL).

Recommendation: Review and consider Resolution No. 21-20, a request for Conditional Use approval for a gasoline station for a 7-Eleven located at 13555 South Military Trail.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Resolution 21-20 - 7-Eleven Conditional Use \(Gasoline Station w/Convenience\)](#)

[PZB Staff Report - 7-Eleven Conditional Use](#)

[Location Map - 7-Eleven at Via Delray](#)

[Legal Review - Res 21-20 - 7-Eleven at Via Delray](#)

7.B. RESOLUTION NO. 22-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A REQUEST FOR A CONDITIONAL USE PURSUANT TO LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, AND THE COMPREHENSIVE PLAN, TO AUTHORIZE 24-HOUR OPERATIONS AT A CONVENIENCE MART (GASOLINE STATION WITH FOOD SALES), KNOWN AS 7-ELEVEN AT VIA DELRAY, RELATED TO THE DEVELOPMENT OF A CONVENIENCE MART (GASOLINE STATION WITH FOOD SALES) AT 13555 SOUTH MILITARY TRAIL, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI-JUDICIAL).

Recommendation: Review and consider Resolution No. 22-20, a request for Conditional Use approval for a 24-hour or late night business for a proposed 7-Eleven located at 13555 South Military Trail.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Resolution 22-20 7-Eleven Conditional Use \(24-hour\)](#)

[Location Map - 7-Eleven at Via Delray](#)

[PZB Staff Report - 7-Eleven Conditional Use \(Gas Station & 24-Hour\)](#)

[Legal Review Resolution 22-20 - 7-Eleven at Via Delray](#)

7.C. RESOLUTION NO. 32-20: A RESOLUTION OF THE CITY COMMISSION OF THE OF THE CITY OF DELRAY BEACH APPROVING A TEMPORARY USE PERMIT REQUEST FOR A TEMPORARY PARKING LOT WITH WAIVERS TO LDR SECTIONS 2.4.6(F)(3)(e)1, 3, 4, 7, AND 8 AT 541-571 W. LINTON BLVD (PCN 12-43-46-20-80-001-0000); PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES (QUASI-JUDICIAL).

Recommendation: Review and consider Resolution No. 32-20, approving a temporary use permit for a temporary parking lot with waivers to Sections 2.4.6(F)(3)(e) 1, 3, 4, 7, and 8 of the Land Development Regulations for 541-571 W Linton Blvd.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Res 32-20 541-571 W Linton Blvd](#)

["Exhibit A" survey](#)

[Approved AND Proposed TempParking](#)

[Justification letter](#)

[PropertyDetail](#)

[Location Map](#)

[Simple Legal Review Approval 32-20](#)

7.D. RESOLUTION NO. 33-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH APPROVING A TEMPORARY USE PERMIT REQUEST FOR A TEMPORARY PARKING LOT WITH WAIVERS TO LDR SECTIONS 2.4.6(F)(3)(e)1, 3, 4, 5, 7 AND 8 AT 2419, 2507, 2515, 2519, 2601, 2605 N. FEDERAL HWY (PCN 12-43-46-04-08-000-0310, 12-43-46-04-08-000-0320, 12-43-46-08-000-0330, 12-43-46-08-000-0340, 12-43-46-04-08-000-0352, 12-43-46-04-08-000-0351); PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES (QUASI-JUDICIAL).

Recommendation: Review and consider Resolution No. 33-20, approving a temporary use permit for a temporary parking lot with waivers at 2419, 2507, 2515, 2519, 2601, and 2605 N. Federal Hwy.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Res. No. 33-20](#)

[Survey "Exhibit A"](#)

[Approved AND Proposed TempParking](#)

[Justification letter](#)

[Location Map](#)

[Adoodleoo Warrenty Deed](#)

[Simple Legal Review Approval 33-20](#)

7.E. RESOLUTION NO. 35-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH GRANTING A WAIVER REQUEST FOR THE SETBACK REQUIREMENTS OF A MONUMENT SIGN TO LAND DEVELOPMENT REGULATIONS SECTION 4.6.7(E)(3)(a) PURSUANT TO LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, AND THE COMPREHENSIVE PLAN, FOR THE MONUMENT SIGN AT 1660 S. CONGRESS AVENUE (PCN 12-43-46-19-36-001-0000); PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (QUASI-JUDICIAL)

Recommendation: Review and consider Resolution No. 35-20, granting a waiver to the setback requirements in Section 4.6.7(E)(3)(a) of the Land Development Regulations for the monument sign at 1660 S. Congress Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Res No. 35-20 1660 S. Congress Ave Sign Waiver](#)

[Res No. 35-20 Justification Statement](#)

[1660 S Congress Ave Survey](#)

[1660 S Congress Site Plan](#)

[Simple Legal Review Res 35-20](#)

7.F. RESOLUTION NO. 36-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA GRANTING A WAIVER REQUEST FOR TO LAND DEVELOPMENT REGULATIONS 4.3.4(H)(6)(B)(4) AND (5) PURSUANT TO LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, AND THE COMPREHENSIVE PLAN, FOR THE SPECIAL LANDSCAPE SETBACK ALONG LINTON BOULEVARD AND CONGRESS AVENUE AT 1660 S. CONGRESS AVENUE (PCN 12-43-46-19-36-001-0000); PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES (QUASI-JUDICIAL).

Recommendation: Review and consider Resolution No. 36-20, granting a waiver to the Special Landscape Setback at 1660 S. Congress Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Res 36-20 1660 S Congress Ave Landscape Resolution Final](#)

[2019 12 23 Justification Statement](#)

[Survey](#)

[Site Plan](#)

[Landscape Plan](#)

[Simple Legal Review Res 36-20](#)

7.G. RECOMMENDATION FOR APPOINTMENT TO THE DELRAY BEACH HOUSING AUTHORITY BOARD

Recommendation: Motion to recommend for appointment one (1) regular member to serve on the Delray Beach Housing Authority Board for an unexpired term ending July 14, 2021.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Delray Beach Housing Authority](#)

[Exhibit A](#)

[1. Abramson](#)

[2. Harold](#)

[3. McGinnis](#)

[4. Rainey](#)

[5. Townsend](#)

7.H. NOMINATION FOR APPOINTMENT TO THE BOARD OF ADJUSTMENT

Recommendation: Motion to approve nomination for appointment of one (1) alternate member to serve an unexpired term ending August 31, 2021.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Board of Adjustment](#)

[Exhibit A](#)

[1. Cullinan](#)

[2. Evans](#)

7.I. CITY ATTORNEY'S MERIT INCREASE

Recommendation: Motion to consider the City Attorney's salary review.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)

8. PUBLIC HEARINGS:

8.A. ORDINANCE NO. 18-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING ARTICLE V, "ELECTIONS," SECTION 5.02, "TYPES OF ELECTIONS," OF THE CITY OF DELRAY BEACH CHARTER PURSUANT TO SECTION 100.3605, FLORIDA STATUTES, TO AMEND THE DATE ON WHICH ELECTIONS FOR MUNICIPAL NONPARTISAN ELECTIONS MAY BE HELD FOR THE CITY OF DELRAY BEACH; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF ARTICLE V SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; 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. 18-20.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Ord 18-20 Elections](#)

9. FIRST READINGS:

9.A. ORDINANCE NO. 07-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES, BY AMENDING CHAPTER FOUR, "ZONING REGULATIONS", ARTICLE 4.4, "BASE ZONING DISTRICT", SECTION 4.4.13, "CENTRAL BUSINESS DISTRICT (CBD)", BY AMENDING SUBSECTION 4.4.13(B)(4), "REGULATING PLANS", "LIMITED HEIGHT AREAS"; AND, AMENDING FIGURE 4.4.13-A-2, "WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT REGULATING PLAN", TO LIMIT THE HEIGHT OF PROPERTIES REZONED TO CENTRAL BUSINESS DISTRICT (CBD) FROM SINGLE-FAMILY RESIDENTIAL (R-1-A) WITHIN THE WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

Recommendation: Review and consider Ordinance No. 07-20 on First Reading, amendments to the Land Development Regulations Section 4.4.13, Central Business District (CBD), to establish a Limited Height Area and require lower height for properties that are rezoned to Central Business District (CBD) from Single-family Residential (R-1-A) within the West Atlantic Neighborhood Sub-district.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ord No 07-20 WAN Limited Height Area](#)

[Ord No 07-20 PZB Staff Report](#)

[Legal Review Ord 07-20.docx](#)

9.B. ORDINANCE NO. 08-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA ADOPTING A SMALL SCALE FUTURE LAND USE MAP AMENDMENT RE-DESIGNATING LAND APPROXIMATELY 0.752± ACRES IN SIZE FROM LOW DENSITY (LD) TO COMMERCIAL CORE (CC), PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, FOR THE PROPERTIES LOCATED AT 26 NORTHWEST 6TH AVENUE, 32 NORTHWEST 6TH AVENUE, 34 NORTHWEST 6TH AVENUE, 27 NORTHWEST 7TH AVENUE, AND 31 NORTHWEST 7TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Recommendation: Review and consider Ordinance No. 08-20 on First Reading, a Future Land Use Map amendment to redesignate approximately 0.752 acres of land from Low Density to Commercial Core, for the properties located at 26 NW 6th Avenue, 32 NW 6th Avenue, 34 NW 6th Avenue, 27 NW 7th Avenue, and 31 NW 7th Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ordinance 08-20 600 Block W Atlantic Ave FLUM](#)

[Ord No. 08-20 PZB Staff Report](#)

[Ord No. 08-20 Location Map](#)

[Ord No. 08-20 FLUM Maps \(Existing & Proposed\)](#)

[Ord No. 08-20 Applicant Justification Statement](#)

[Legal Review Ord 08-20 FLUM Amendment](#)

9.C. ORDINANCE NO. 09-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH BY REZONING AND RE-DESIGNATING LAND APPROXIMATELY 0.752± ACRES IN SIZE PRESENTLY ZONED SINGLE-FAMILY RESIDENTIAL (R-1-A) TO CENTRAL BUSINESS DISTRICT (CBD), WITHIN THE WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT; FOR THE PROPERTIES LOCATED AT 26 NORTHWEST 6TH AVENUE, 32 NORTHWEST 6TH AVENUE, 34 NORTHWEST 6TH AVENUE, 27 NORTHWEST 7TH AVENUE, AND 31 NORTHWEST 7TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING "CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017" AND FURTHER AMENDING FIGURE 4.4.13-6, "WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT REGULATING PLAN" AND REGULATING MAP IN SECTION 4.4.13, LAND DEVELOPMENT REGULATIONS ACCORDINGLY; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Recommendation: Review and consider Ordinance No. 09-20 on First Reading, to change the zoning designation of approximately 0.752 acres of land from Single-family Residential (R-1-A) to Central Business District (CBD), for the properties located at 26 NW 6th Avenue, 32 NW 6th Avenue, 34 NW 6th Avenue, 27 NW 7th Avenue, and 31 NW 7th Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ordinance 09-20 NW 600 Block Redevelopment Rezoning](#)

[Ord No. 09-20 Location Map](#)

[Ord No. 09-20 PZB Staff Report](#)

[Ord No. 09-20 Justification Statements](#)

[Ord No. 09-20 Zoning Maps \(Existing & Proposed\)](#)

[Legal Review Ord 09-20 Zoning Classification Amendment](#)

9.D. ORDINANCE NO. 16-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, BY AMENDING CHAPTER 57. RIGHT-OF-WAY APPLICATION PROCESS FOR COMMUNICATIONS FACILITIES BY AMENDING SUB-SECTION Q OF SECTION 57.05; UPDATING SECTION 57.02 DEFINITIONS; AMENDING SECTION 57.12 CONSTRUCTION BOND; REPEALING SECTION 57.13 SECURITY FUND; AND AMENDING THE CODE OF ORDINANCES BY ADOPTING AN ENTIRELY NEW CHAPTER 58. TO BE ENTITLED "RIGHT-OF-WAY APPLICATION PROCESS FOR SMALL WIRELESS FACILITIES" TO IMPLEMENT REGULATIONS SET FORTH IN THE "ADVANCED WIRELESS INFRASTRUCTURE DEPLOYMENT ACT", CODIFIED AT SECTION 337.401(7), FLORIDA STATUTES; PROVIDING FOR A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Recommendation: Review and consider Ordinance No. 16-20 on First Reading.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Delray Beach Ord 16-20 Final Regarding Wireless Facilities in RoW](#)

[Legal Review Ord 16-20 Small Cell Towers](#)

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

B. City Attorney

C. City Commission