

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, May 7, 2019

**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. Presenting Stephanie Craney, Firefighter, with Employee of the Month for May 2019.**

Recommendation: Motion to present Stephanie Craney, Fire Fighter, with Employee of the Month for May 2019.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)

[Stephanie Craney Nomination Form](#)

4.B. RESOLUTION NO. 83-19 RECOGNIZING PHILIP DORFMAN FOR 30 YEARS OF SERVICE

Recommendation: Motion to Approve Resolution No. 83-19 honoring Philip Dorfman for 30 years of service.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)

[Resolution 83.19 Philip Dorfman 5.7.19](#)

4.C. RESOLUTION NO. 89-19 RECOGNIZING SUSAN MALONEY FOR 30 YEARS OF SERVICE

Recommendation: Motion to approve resolution No. 89-19 honoring Susan Maloney for 30 years of service.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)

[Resolution 89-19 Susan Maloney 5.7.19](#)

4.D. LEGISLATIVE POST SESSION UPDATE WITH STATE SENATOR LORI BERMAN

Attachments: [Agenda Cover Report](#)

4.E. 2019 We ♥ Small Biz Month Presentation and Proclamation

Recommendation: Presentation and Proclaim May 2019 as "We ♥ Small Biz" Month in Delray Beach, Florida

Sponsors: Economic Development Department

Attachments: [Agenda Cover Report](#)

[Proclamation - 2019 We Heart Small Biz Month](#)

4.F. Internal Auditor's Report

4.F.1. None

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

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

5.B. From the Public

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

April 2, 2019 City Commission Regular Meeting Minutes

April 9, 2019 City Commission Workshop Meeting Minutes

April 9, 2019 City Commission Special Meeting Minutes

April 15, 2019 City Commission Special Meeting (Closed Attorney/Client Session) Minutes

Sponsors: City Clerk Department and Maloney

Attachments: [Agenda Cover Report](#)

[April 2, 2019 City Commission Regular Minutes](#)

[April 9, 2019 City Commission Workshop Minutes](#)

[April 9, 2019 City Commission Special Minutes](#)

[April 15, 2019 Special \(Closed Attorney Client Session\) Minutes](#)

6.B. APPROVAL OF RESOLUTION NO. 87-19 TO AWARD AN AGREEMENT WITH EARTHLY DESIGNS AND RESOURCES INC. DBA MOBILE LAWN SERVICE FOR STORMWATER RETENTION AREAS AND LANDSCAPE MAINTENANCE, AND TO AUTHORIZE THE CITY MANAGER TO APPROVE AND EXECUTE AGREEMENT RENEWAL OPTIONS - \$97,906.

Recommendation: Motion to approve Resolution No. 87-19 and to award an agreement with Earthly Designs and Resources Inc. DBA Mobile Lawn Service for stormwater retention areas and landscaping maintenance for a total agreement value not-to-exceed \$97,906 and authorize the City Manager to approve renewal options, in the same amounts, contingent upon appropriation of funds.

Sponsors: Purchasing Department

Attachments: [Agenda Cover Report](#)

[2019-004 Agreement](#)

[Resolution 87-19](#)

[Legal Review Checklist Earthly Designs and Resources Storm Water Retention](#)

6.C. APPROVAL OF RESOLUTION NO 75-19 TO AWARD AN AGREEMENT WITH CONTINENTAL CONSTRUCTION FOR ALLEY CONSTRUCTION IN BLOCK 63 AND NW 5TH ALLEYS, MLK-LAKE IDA ROAD PURSUANT TO ITBC NO. 2019-005 - \$519,442.

Recommendation: Motion to adopt Resolution No. 75-19 to award an agreement with Continental Construction USA for alley construction in Blocks 63 and NW 5th Alleys- \$519,442.

Sponsors: Purchasing Department

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist 2019-005 Block 63 NW 5th Ave Alleys Continental Cons](#)

[Resolution for ITB 2019-005 Block 63](#)

[2019-005 ITBC Block 63 and NW 5th Avenue Alleys MLK to Lake Ida Road](#)

[Excel Tabulation for Bid 2019-005](#)

[ITBC 2019-005 Block 63 Agreement](#)

6.D. THIRD AMENDMENT TO THE INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY FOR FIBER TRANSPORTATION

Recommendation: Motion to Approve the modification to the Interlocal Agreement (Agreement) between the City of Delray Beach (City) and Palm Beach County which allows Palm Beach County to provide, and the City of Delray Beach to use, leased Multi-Protocol Label Switching (MPLS) and transport fiber between the City and the Disaster Recovery site at the Northwest Regional Data Center in Tallahassee, Florida. Item #3, Exhibit A, Section N of this agreement terminates the previous 5Gb data connection with the GoRACK Data Center in Jacksonville, Florida and increases the internet connection at City Hall from 50Mb to 1Gb.

Sponsors: IT Department and Marese

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist form v. 5 3d Amend to ILA between city and pbc re inter](#)

[City of Delray Beach R2014-1963 agreement and first amendment](#)

[Second Amendment \(2\)](#)

[City of Delray Beach 3rd Amendment to R2013-0308](#)

6.E. RESOLUTION NO. 82-19 TO APPROVE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) LOCAL AGENCY PROGRAM (LAP) SUPPLEMENTAL AGREEMENT NO. 6 (TIME EXTENSION REQUEST) FOR THE NE 2ND AVE. / SEACREST BEAUTIFICATION PROJECT PHASE 0.

Recommendation: Motion to approve Resolution No. 82-19 to approve FDOT LAP Supplemental Agreement No. 6 for a time extension to the completion date of the original LAP agreement for NE 2nd Ave / Seacrest Beautification project Phase 0 (PN 11-067).

Sponsors: Public Works Department and Kovner

Attachments: [Agenda Cover Report](#)

[82-19 Resolution for ILAP Agreement to extend deadline for Seacrest Beautifica](#)

[FDOT Supplemental Agreement 6 031419](#)

[Legal Review Checklist LAP Supplemental Agreement re Seacrest Beautificatio](#)

6.F. INTERLOCAL AGREEMENT BETWEEN THE CITY AND CRA FOR FY 2018-19 CURB APPEAL RESIDENTIAL IMPROVEMENT PROGRAM

Recommendation: Motion to Approve the Interlocal Agreement between the CRA and City for the Curb Appeal Residential Improvement Program.

Sponsors: Community Improvement and Mesidort

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist ILA with CRA for Curb Appeal and Rock the Block Prog](#)

[Exhibit A - 2018-19 - ILA - Curb Appeal Program Event February 122019](#)

[Agenda Cover Report ILA Curb Appeal Program Event 2122019](#)

6.G. FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY FOR FUNDING CONSTRUCTION/PROFESSIONAL SERVICES FOR FISCAL YEAR 2018/19

Recommendation: Approve the First Amendment to the Interlocal Agreement between the City of Delray Beach (City) and the Delray Beach Community Redevelopment Agency (CRA) to fund Fiscal Year 2018-19 Capital Projects as described in Exhibit A of the attached agreement, subject to approval of the City and CRA budgets for Fiscal Year 2018/19. This amendment adds funding for the construction of the mast arm at the intersection of S. Swinton Avenue and S. 1st Street and for completion of a sidewalk project in the SW Neighborhood.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[1st Amend ILA Construction](#)

6.H. APPROVAL OF RESOLUTION NO. 106-19 APPROVING AMENDMENT # 7 TO THE AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND SUPERION, LLC (FORMER SUNGARD PUBLIC SECTOR, INC.)

Recommendation: Motion to approve seventh amendment to the agreement between the City of Delray Beach and Superion, LLC (Former Sungard Public Sector, Inc.) to acquire professional services for server data migration in the amount not to exceed \$20,000

Attachments: [Agenda Cover Report](#)

[Resolution 106-19 Approval of Amendment 7 with Superion LLC to obtain prof:](#)

[Amendment No 7 with Superion - Vendor Executed 4-26-2019](#)

[Legal Review Checklist form v. 5 Superion Amendment # 7](#)

[Superion Delray Beach PD Sole Source Letter 04.29.19 SIGNED](#)

[Delray Beach Police \(PS\), FL - Server Migration Quote](#)

6.I. FINAL (MAJOR) REPLAT OF PORTIONS OF LOTS 15 AND 16, MODEL LAND COMPANY'S SUBDIVISION OF SECTION 20, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PLAT BOOK 1, PAGE 4, ALSO KNOW AS AUTONATION COLLISION CENTER-DELRAY BEACH

Recommendation: Motion to approve the Final Plat for the AutoNation Collision Center-Delray Beach by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations Section 2.4.5(J)(Major Subdivisions), Section 3.2.3 (Standards for Plat Actions) and Section 3.1.1 (Required Findings).

Attachments:

[Agenda Cover Report](#)
[Autonation Location Map](#)
[Autonation Plat](#)
[Autonation Plat PZ Staff Report](#)
[Autonation-Site Plan](#)

6.J. APPROVAL OF RESOLUTION NO. 94-19 FOR INDUSTRIAL PAINTING SERVICES FROM J & J, INC. DBA EAGLE PAINTING UTILITIZING THE CITY FORT LAUDERDALE CONTRACT NO. 12194-593 - \$100,000

Recommendation: Motion to approve Resolution No.94-19 for Industrial Painting Services from J & J, Inc. d/b/a Eagle Painting utilizing The City of Fort Lauderdale Contract No. 12194-593 - \$100,000 and authorize the City Manager to approve renewal options, in the amounts below, contingent upon appropriation of funds.

Sponsors: Public Works Department

Attachments:

[Agenda Cover Report](#)
[Legal Review Checklist Eagle Painting](#)
[94-19 - Reso for Eagle Painting Piggyback](#)
[J & J, Inc. dba Eagle Painting Agreement](#)

6.K. PROPOSED SETTLEMENT IN PALM BEACH COUNTY CASE NO. 50-2017-CA-011349-XXXX-MB

Recommendation: The City Attorney recommends denial of the settlement offer for the reasons discussed in the confidential memorandum previously distributed to the City Commission dated April 29, 2019.

Sponsors: City Attorney Department and Inglese

Attachments:

[Agenda Cover Report](#)

6.L. GRANT APPLICATION / DEPARTMENT OF JUSTICE BULLETPROOF VEST PARTNERSHIP

Recommendation: Motion to approve application to the Department of Justice's Bulletproof Vest Partnership program. If approved, this initiative would provide for the 50% of the cost of the bulletproof vest purchased for our Police officers, up to the amount not to exceed \$38,000.00

Attachments: [Agenda Cover Report](#)

6.M. PROCLAMATIONS:**6.M.1 NATIONAL SAFE BOATING WEEK PROCLAMATION**

Recommendation: Approval of a proclamation for National Safe Boating Week.

Attachments: [Agenda Cover Report](#)
[National Safe Boating Week Proclamation 2018](#)

6.M.2. INFRASTRUCTURE WEEK PROCLAMATION

Recommendation: Motion to proclaim May 13, 2019 - May 20, 2019 as National Infrastructure Week.

Attachments: [Agenda Cover Report](#)
[Infrastructure Week](#)

6.M.3. FLORIDA WATER REUSE WEEK PROCLAMATION

Recommendation: Motion to proclaim May 14-18, 2019 as Florida Water Reuse Week

Attachments: [Agenda Cover Report](#)
[Fla Water Reuse 2019](#)

6.M.4. OBSERVANCE OF MEMORIAL DAY

Recommendation: Motion to Observe Memorial Day on May 27, 2019 in the City of Delray Beach.

Attachments: [Agenda Cover Report](#)
[Memorial Day Observance](#)

6.M.5. OBSERVANCE OF HAITIAN HERITAGE MONTH

Recommendation: Proclaim the month of May as Haitian Heritage Month.

Attachments: [Agenda Cover Report](#)
[Haitian Heritage Month](#)

6.M.6. MUNICIPAL CLERKS WEEK PROCLAMATION**Recommendation:**

Recognizing all municipal clerks around the country and declaring May 5 - 11, 2019 as Municipal Clerks Week in the City of Delray Beach.

Attachments:[Agenda Cover Report](#)[Municipal Clerks Week Proclamation](#)**6.N. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:****6.N.1. REPORT OF APPEALABLE LAND USE ITEMS FROM MARCH 11, 2019, THROUGH APRIL 5, 2019.****Recommendation:** By motion, receive and file this report.**Sponsors:** Development Services Department**Attachments:**[Agenda Cover Report](#)[Appealable Items Map](#)[A - 2201 N. Federal Hwy. - Gunther Volvo](#)[B - 123 E. Atlantic Avenue](#)[C - 2700 Ponce De Leon - Imperial Villas](#)[D - 214 NE 4th St. - Townhomes at 214 4th](#)[E - 502 E. Atlantic Ave.](#)[F - 777 S. Congress Avenue - Collier Club](#)[G - 215 NE 7th Ave.](#)[H - 32 E. Atlantic Ave.](#)**6.O. AWARD OF BIDS AND CONTRACTS:****6.O.1. APPROVAL OF RESOLUTION NO. 78-19 TO AWARD A SOLE SOURCE AGREEMENT WITH TREKKER TRACTOR, LLC FOR SCHWARZE PARTS AND SERVICE - \$30,000****Recommendation:** Motion to approve Resolution No. 78-19 to award a sole source agreement with Trekker Tractor, LLC for Schwarze parts and service in an estimated cost of \$30,000 and authorize the City Manager to approve renewal options, in the same amounts, contingent upon appropriation of funds.**Sponsors:** Public Works Department - Fleet Division**Attachments:**[Agenda Cover Report](#)[SS2019-008 Agreement, vendor executed](#)[Res 78-19 Trekker Agreement re Schwarze parts service \(CA Rev\)](#)[Legal Review Checklist Trekker Tractor re Schwarze OEM equipment - sole sol](#)[Approved Schwarze OEM Sole Source Justification, Trekker](#)

7. REGULAR AGENDA:

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

Recommendation: Motion to approve Resolution No. 70-19 formally abandoning the City's interest of upland area located at the southwest corner of the Hungerford canal, perpendicular to the C-15 canal, abutting the south property line of Lot 14 (1300 Cormorant Road), as recorded in the replat of Tropic Palm Plat No. 2, Book 33, Pages 144 through 146 of the Official Records of Palm Beach County, Florida, and as more particularly described in exhibit "A".

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Location Map](#)

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

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

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

[1300 Cormorant Rd - Title Opinion](#)

[1300 Cormorant Rd - Title Opinion2](#)

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

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

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

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

7.B. APPEAL OF THE SITE PLAN REVIEW AND APPEARANCE BOARD (SPRAB) FINAL ACTION ON A CLASS V SITE PLAN, INTERNAL ADJUSTMENT, LANDSCAPE PLAN, AND ARCHITECTURAL ELEVATIONS FOR A THREE TOWNHOME DEVELOPMENT LOCATED AT 215 NE 7TH AVENUE. (QUASI-JUDICIAL HEARING)

Recommendation: Motion to Approve the Class V Site Plan , Internal Adjustment, Landscape Plan, and the revised Architectural Elevations for the three townhomes located at 215 NE 7th Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[215 NE 7th Avenue Board Order](#)

[215 NE 7th Avenue SPRAB Report February 27](#)

[215 NE 7th Avenue - architectural elevations 2/27/2019](#)

[215 NE 7th Avenue Approved archtictural elevations on March 27, 2019](#)

[215 NE 7th Avenue Justification Internal Adjustment](#)

[215 NE 7th Ave Survey](#)

[215 NE 7th Avenue SITE PLAN](#)

[215 NE 7th Avenue ELEVATION](#)

[215 NE 7th Avenue Landscape Plans](#)

7.C. ALWAYS DELRAY COMPREHENSIVE PLAN UPDATE: PRESENTATION OF THE MOBILITY ELEMENT AND THE NEIGHBORHOODS, DISTRICTS, AND CORRIDORS ELEMENT

Recommendation: Provide comment and direction regarding the proposed Mobility Element and Neighborhoods, Districts, and Corridors Element of the Always Delray Comprehensive Plan.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[MBL GOPs](#)

[MBL DIA](#)

[MBL Maps](#)

[MBL PZB Staff Report](#)

[Current Transportation Element](#)

[NDC GOPs](#)

[NDC DIA](#)

[NDC Maps](#)

[NDC PZB Staff Report](#)

[Current Future Land Use Element](#)

8. PUBLIC HEARINGS:

8.A. None

9. FIRST READINGS:

9,A. None

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

10.B. City Attorney

10.C. City Commission