

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, July 5, 2016

Public Hearings 7:00 p.m.

Commission Chambers
Delray Beach City Hall

City Commission

Mayor Cary Glickstein
Vice Mayor Al Jacquet
Deputy Vice Mayor Jordana Jarjura
Commissioner Mitchell Katz
Commissioner Shelly Petrolia

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. PRESENTATIONS:****3.A. PUBLIC ART ADVISORY BOARD ANNUAL PRESENTATION TO COMMISSION**

Recommendation: Motion to approve Public Art Advisory Board pending projects and 2016-2017 Work Plan.

Sponsors: Parks & Recreation Department

Attachments: [PAAB Presentation](#)

3.B. PRESENTING VERNA HARRIS, RECREATION SUPERVISOR I & DARCY TYSON CODE ENFORCEMENT OFFICER WITH EMPLOYEE OF THE MONTH FOR MAY 2016

Recommendation: Motion to approve Verna Harris & Darcy Tyson for employee of the month for May 2016

Sponsors: Human Resources Department

Attachments: [Verna & Darcy Employee of the Month May 2016](#)

3.C. PARKS AND RECREATION PRESENTATION

Attachments: [parks and rec month](#)

4. COMMENTS AND INQUIRIES ON AGENDA AND NON-AGENDA ITEMS FROM THE PUBLIC- IMMEDIATELY FOLLOWING PRESENTATIONS:**5. AGENDA APPROVAL****6. CONSENT AGENDA: City Manager Recommends Approval****6.A. SAMAR MIXED-USE DEVELOPMENT HOLD HARMLESS AGREEMENT FOR WORK PERFORMED WITHIN THE STATE RIGHT-OF-WAY**

Recommendation: Motion to consider acceptance of a Hold Harmless Agreement for work in Florida Department Of Transportation's (FDOT) right-of-way.

Sponsors: Environmental Services Department

Attachments: [Hold Harmless Agreement - Samar Mixed Use](#)
[Location Map](#)
[FDOT Permit Application](#)

6.B. APPROVAL OF SPENDING INCREASE WITH OFFICE DEPOT INC.

Recommendation: Motion to approve a spending increase with Office Depot Inc. in a not-to-exceed amount of \$25,000.

Attachments: [November 3, 2015 Agenda](#)

6.C. TERMINATION OF THE CONTRACT FOR AIR CONDITIONING SERVICE, REPAIR AND PREVENTATIVE MAINTENANCE WITH GLOBAL GREEN REJUVENATION, LLC dba AIR REVIVE

Recommendation: Motion to terminate the contract with Global Green Rejuvenation, LLC dba Air Revive effective on July 6, 2016.

Sponsors: Purchasing Department

Attachments: [Notice of Termination](#)
 [2016-045 Agreement-Fully Executed](#)

6.D. RESOLUTION NO. 27-16, APPROVING A SPECIAL CATEGORY GRANT APPLICATION TO THE FLORIDA DIVISION OF HISTORICAL RESOURCES FOR THE REHABILITATION OF THE SEABOARD AIR LINES RAILROAD STATION AT 80 DEPOT AVENUE

Recommendation: Motion to Approve Resolution No. 27-16 in support of submitting a Special Grant Application to the Florida Division of Historical Resources for the rehabilitation of the Seaboard Air Lines Railroad Station at 80 Depot Avenue.

Sponsors: Planning & Zoning Department

Attachments: [Photographs-80 Depot Avenue](#)
 [Resolution No. 27-16](#)

6.E. RIGHT-OF-WAY DEED FOR FLOSSY BUILDING

Recommendation: Motion to accept the right-of-way deed agreement for the Flossy Building.

Sponsors: Planning & Zoning Department

Attachments: [Flossy Building R-O-W Deed](#)
 [Flossy Building - Staff Report from March 9, 2016](#)
 [Flossy Building Consent Form](#)

6.F. AGREEMENT FOR PAAB CREATIVE ARTIST IN RESIDENCEY PROJECT TO AGATA REN AND MARK FULLER

Recommendation: 1. Motion to approve artist services agreement to Agata Ren for the Public Art Advisory Board Creative ART Delray Beach Artist in Residency Project.
 2. Motion to approve artist services agreement to Mark Fuller for the Public Art Advisory Board Creative ART Delray Beach Artist in Residency Project.

Sponsors: Parks & Recreation Department

Attachments: [Signed Artist Agreement 2016 Agata Ren](#)
 [Signed Artist Agreement 2016 Mark Fuller](#)

6.G. FIRST AMENDMENT TO SERVICE AUTHORIZATION NO. 12-19 WITH

KIMLEY-HORN AND ASSOCIATES, INC. FOR DESIGN SERVICES FOR SIDEWALK IMPROVEMENTS WITHIN THE CRA BOUNDARIES (PROJECT NO. 16-002).

Recommendation: Motion to approve the First Amendment to Service Authorization No. 12-19 to Kimley-Horn and Associates, Inc. in the amount not to exceed \$6,326.36 for professional design services for sidewalk improvements within the Community Redevelopment Agency (CRA) associated with Project No. 16-002/CRA Sidewalks FY 2016.

Sponsors: Environmental Services Department

Attachments: [Amendment No. 1 to S.A.12-19](#)
[Location Map](#)

6.H. SERVICE AUTHORIZATION NO. 12-15 WITH WANTMAN GROUP, INC. FOR THE DESIGN AND CONSTRUCTION ADMINISTRATION FOR THE VETERAN'S PARK SEAWALL AND PUBLIC DOCK IMPROVEMENTS.

Recommendation: Motion to approve Service Authorization No. 12-15 with Wantman Group, Inc. in the amount not to exceed \$57,565.34 for the professional engineering and construction administration services related to the structural repairs for Veteran's Park seawall and replacement of the public docks along the Intracoastal Waterway (Project No. 16-096).

Sponsors: Environmental Services Department

Attachments: [Wantman Group Inc., Service Authorization #12-15 .pdf](#)
[Veterans Park Location Map](#)

6.I. CONTRACT AWARD TO STROBES-R-US TO PROVIDE AND INSTALL EMERGENCY LIGHTS AND EQUIPMENT

Recommendation: Motion to approve an award to Strobes-R-Us, utilizing Broward County Sheriff's Office Contract # 13104030, for multiple purchases and installations of emergency lights and equipment, for an amount not to exceed \$180,000

Sponsors: Purchasing Department

Attachments: [BSO Contract 13104030 Renewal](#)
[BSO Contract Award 13104030](#)
[Best Price Statement](#)
[BSO Bid](#)
[Strobes D-Bureau Quote 10952 4-15-16](#)
[Strobes Utility Interceptor Quote 10937 4-12-16](#)
[Strobes-R-Us Quote 11219 FD Tahoe 6-16-16](#)

6.J. PRIOR APPROVAL OF FISCAL YEAR 2016 SPENDING GREATER THAN \$25,000 WITH SUNSTATE METER & SUPPLY, INC.

Recommendation: Motion to approve multiple acquisitions of water meters and required fittings from Sunstate Meter & Supply, Inc. in a total not-to-exceed amount of \$50,000 for Fiscal Year 2016.

Sponsors: Purchasing Department

6.K. PURCHASE AWARD TO DUVAL FORD, LLC, FOR THE PURCHASE OF FOUR NEW POLICE PATROL VEHICLES

Recommendation: Motion to Approve an award to Duval Ford, LLC, for the purchase of four police patrol vehicles for a total of \$131,872.00, utilizing Florida Sheriff's Association Contract #15-23-0904

Sponsors: Purchasing Department

Attachments: [Utility Interceptor Quote-Duval 4-12-16](#)
[Duval Ford Letter 3-31-16](#)
[15-23-0904 Bid Award Document](#)

6.L. REQUEST FOR SUBORDINATION OF SECOND MORTGAGE FOR 2115 SW 13TH STREET

Recommendation: Motion to Approve a request for the City to subordinate its second mortgage position in the amount of \$8,344.95 for the property located at 2115 SW 13th Street.

Sponsors: Community Improvement

Attachments: [Subordination Agreement](#)

6.M. LICENSE AGREEMENT WITH PALM BEACH COUNTY FOR THE USE OF THE SOUTH COUNTY COURTHOUSE PARKING GARAGE FOR A DOWNTOWN BUSINESS EMPLOYEE PARKING PROGRAM

Recommendation: Motion to approve a License Agreement with Palm Beach County for use of the South County Courthouse Garage for a Downtown Business Employee Parking Program.

Sponsors: Environmental Services Department

Attachments: [Delray Beach Employee Parking Program License for South County Garage 2016](#)
[DDA Parking Recommendation Letter 4.2016](#)
[Downtown Employee Parking Program PPT.pptx](#)

6.N. AMENDMENT NO. 4 TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE SCHOOL BOARD OF PALM BEACH COUNTY

Recommendation: Motion to Approve Amendment No. 4 to the interlocal Agreement between the City of Delray Beach and the School Board of Palm Beach County to share student information as part of the Campaign for Grade Level Reading initiative

Sponsors: Community Improvement

Attachments: [Amendment No 4 to Interlocal w School Board re Data Sharing](#)

6.O. PROPOSED OFFER OF SETTLEMENT IN THE CASE OF TIMOTHY BELANGER V. CITY OF DELRAY BEACH

Recommendation: Motion to deny of the settlement offer for the reasons discussed in the confidential memorandum previously distributed to the City Commission.

Sponsors: City Attorney Department and Inglesse

6.P. PREPETITION BANKRUPTCY LEGAL FEES INCURRED BY IBERIA BANK

Recommendation: Motion to approve the settlement offer for the reasons discussed in the confidential memorandum previously distributed to the City Commission.

Sponsors: City Attorney Department

6.Q. PROCLAMATIONS:**6.Q.1. RECOGNITION OF DELRAY AMERICAN LITTLE LEAGUE FOR 45 YEARS OF CONTINUOUS EXCELLENCE IN ATHLETIC SERVICE TO THE YOUTH OF DELRAY BEACH**

Recommendation: Motion to recognize the Delray Beach American Little League for forty-five (45) years of continuous supreme excellence in athletic service to the youth of Delray Beach.

Sponsors: Parks & Recreation Department

Attachments: [Proclamation](#)

6.Q.2. PROCLAMATION RECOGNIZING JULY 14, 2016 AS SUMMER LEARNING DAY

Sponsors: Community Improvement

Attachments: [Proclamation - Summer Learning Day 2016 CC070516](#)

REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**6.R. REPORT OF APPEALABLE LAND USE ITEMS MAY 30, 2016 THROUGH JUNE 17, 2016**

Recommendation: By motion, receive and file this report.

Sponsors: Planning and Zoning Board

Attachments: [Location Map](#)
[106 SE 7th Avenue Appealable](#)
[Seagate Towers Appealable Report](#)
[Weekes and Callaway Appealables Report](#)
[405 North Appealables Report](#)

6.S. AWARD OF BIDS AND CONTRACTS:**7. REGULAR AGENDA:****7.A. CONDITIONAL USE EXTENSION TO PERMIT OUTDOOR DINING AT NIGHT AT 27-43 SOUTH SWINTON AVENUE, SWINTON SOCIAL, LOCATED WITHIN THE OLD SCHOOL SQUARE HISTORIC DISTRICT. (QUASI-JUDICIAL HEARING)**

Recommendation: Move a recommendation of approval for the request of a Conditional Use associated with outdoor dining at night for **Swinton Social** located at **27 - 43 South Swinton Avenue, Old School Square Historic District**, and finding that the request, and approval meets criteria set

forth in Section 2.4.4(F)(1) & (3) of the Land Development Regulations to be valid an additional 18 months until January 15, 2018, subject to the following conditions:

1. That the Outdoor Dining seating not be expanded in quantity or floor area from what is indicated on the submitted plan;
2. That a Sidewalk Café permit be obtained which indicates no more than the 12 seating areas and 42 seats as indicated on the submitted plans;
3. That the Valet Parking Agreement be accepted by the City Commission prior to issuance of a Building Permit;
4. That a Parking Management Plan be submitted which indicates all travel routes for the valet services to and from the subject location; and,
5. That all outside seating areas subject to this approval shall have hours of operation not exceeding 12am, Sunday through Thursday, and 2am, Friday and Saturday.

Sponsors: Planning & Zoning Department

Attachments: [Swinton Social Extension Request Letter](#)
[Swinton Social Conditional Use Plan](#)
[Swinton Social Planning & Zoning Board Report 012312](#)
[Board Order](#)

7.B. REQUEST FOR A WAIVER OF LDR SECTION 4.6.7(E)(7) TO ALLOW TWO FLAT WALL SIGNS (NORTH AND SOUTH ELEVATIONS) NOT FACING A DEDICATED STREET FRONTAGE FOR DELRAY BEACH BOXING LOCATED AT 2455 OLD DIXIE HIGHWAY. (QUASI-JUDICIAL HEARING)

Recommendation: Motion to approve the waiver request to LDR Section 4.6.7(E)(7) to allow two flat wall signs that do not face a dedicated street frontage located at 2455 Old Dixie Highway, with the condition the north elevation signage will not be installed until the new use has been approved for a Class III.

Sponsors: Planning & Zoning Department

Attachments: [Delray Boxing](#)
[Delray Beach Boxing Justification](#)
[Delray Beach Boxing Location Map](#)
[Delray Beach Boxing Board Order](#)
[Delray Beach Boxing sign elevations](#)
[06-08-16 SPRAB Minutes - Draft](#)

7.C. APPLICANT APPEAL OF THE JUNE 8, 2016 SITE PLAN REVIEW APPEARANCE BOARD'S (SPRAB) DENIAL OF 405 NORTH (QUASI-JUDICIAL HEARING)

Recommendation: Motion to Approve the appeal and reverse the original Site Plan Review and Appearance Board (SPRAB) denial of the Class V Site Plan, Landscape Plan, Terminal Landscape Island Waiver and Perimeter Landscape Island Buffer Waiver as presented with the staff

recommended conditions made on June 8, 2016 for the 405 North development proposal.

Sponsors: Planning & Zoning Department

Attachments: [Stephen Albanese Appeal Letter](#)
[405 North - SPRAB Report from June 8, 2016](#)
[Draft SPRAB Minutes from June 8, 2016](#)
[Board Order](#)

7.D. ROUTINE BUSINESS: (All Items Under this Subsection to be Approved by one Motion. Any Item Under Routine Business May Be Moved by Commission for Separate Consideration)

Sponsors: City Clerk Department

7.D.1. AWARD OF AN AGREEMENT TO TYLER TECHNOLOGIES FOR THE ENTERPRISE RESOURCE PLANNING SOLUTION IN A NOT-TO-EXCEED AMOUNT OF \$2,600,000

Recommendation: Motion to award an Agreement to Tyler Technologies in an amount not to exceed amount of \$2,600,000 for an Enterprise Resource Planning Solution.

Sponsors: Purchasing Department

Attachments: [Executive Summary of Negotiations](#)
[Full Contract Package - 06.24.2016 Signed](#)

7.D.2. AWARD TO CALVIN GIORDANO & ASSOCIATES, INC. FOR COMPREHENSIVE PLAN CONSULTANT IN A NOT-TO-EXCEED AMOUNT OF \$250,000.

Recommendation: Motion to Award an agreement with Calvin Giordano & Associates, Inc. for professional planning services for the Comprehensive Plan update in an amount not to exceed \$250,000.

Sponsors: Planning & Zoning Department

Attachments: [Delray Contact Scope Comparison](#)
[Delray CGA Scope Final](#)
[Calvin Giordano Comprehensive Plan Contract](#)

7.E. INTER-LOCAL AGREEMENT BETWEEN THE TOWN OF HIGHLAND BEACH AND THE CITY OF DELRAY BEACH FOR FIRE AND EMERGENCY MEDICAL SERVICES.

Recommendation: Motion to Approve the inter-local agreement with the Town of Highland Beach and the City of Delray for Fire Suppression and Emergency Medical Services

Sponsors: City Manager Department

Attachments: [Highland Beach Agreement](#)

7.F. PRESENTATION OF THE ARCHITECTURAL DESIGN FOR BEACH AREA MASTER PLAN

Recommendation: Motion to approve the design for the Beach Area Master Plan, as presented or with modifications as directed by the City Commission,

providing authorization to the consultant to proceed with preparing final design documents and required permit applications.

Sponsors: Environmental Services Department

Attachments: [Beach Master Plan Conceptual Plan Presentation](#)

7.G. RENEWAL OF AGREEMENT WITH UNIQUE TRANSPORTATION FOR PROVISION OF SERVICE OPERATIONS FOR THE DOWNTOWN ROUNDABOUT FREE TROLLEY.

Recommendation: Motion to ratify the February 8, 2016 action of City Staff and to approve the renewal of a one-year agreement with Unique Transportation for the provision of trolley service operations in an amount not to exceed \$400,000.

Sponsors: Environmental Services Department

Attachments: [Unique Transportation, Agreement 2013Jun11](#)
[Unique Transportation, Amendment No. 1 to Agreement](#)
[2013-22 Executed Renewal Letter](#)
[1st Amendment ILA City Funding of Trolley Service 2-16-16 fullyexe](#)

7.H. 2017 GARLIC FESTIVAL/APPEAL VOTE

Recommendation: Motion to Approve or Deny the waiver request regarding the 2017 Garlic Festival.

Sponsors: City Clerk Department

7.I. INTERIM CITY ATTORNEY LEGAL SERVICES FROM CONRAD & SCHERER LLP

Recommendation: Motion to accept or deny proposal for City Attorney Legal Services from Conrad & Scherer, LLP 633 S. Federal Highway, Ft. Lauderdale, FL.

Sponsors: City Manager Department

Attachments: [Legal Services Agreement](#)

7.J. NOMINATIONS FOR APPOINTMENT TO THE PARKING MANAGEMENT ADVISORY BOARD

Recommendation: Recommend nominations for appointment for two (2) regular members to serve on the Parking Management Advisory Board for two (2) year terms ending July 31, 2018.

Sponsors: City Clerk Department

Attachments: [Parking Management Advisory Board Member List](#)
[Parking Management Advisory Board Attendance List](#)

7.K. NOMINATIONS FOR APPOINTMENT TO THE GREEN IMPLEMENTATION ADVANCEMENT BOARD

Recommendation: Recommend nominations for appointment for three (3) regular members to serve on the Green Implementation Advancement Board for two (2) year terms ending July 31, 2018.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)
[Green Implementation Advancement Board Member List](#)
[Green Implementation Advancement Board Attendance List](#)

7.L. NOMINATION FOR APPOINTMENT TO THE DOWNTOWN DEVELOPMENT AUTHORITY BOARD.

Recommendation: Recommend nomination for appointment for one (1) regular member to serve on the Downtown Development Authority Board for three (3) year terms ending July 1, 2019.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)
[Downtown Development Authority Board Members List](#)
[Downtown Development Authority Board Attendance List](#)
[Downtown Development Authority \(D.D.A.\) Boundary Map](#)

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

Recommendation: Recommendation for appointment for one (1) regular member to serve on the Delray Beach Housing Authority Board for a four (4) year term ending July 14, 2020.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)
[Delray Beach Housing Authority Board Member List](#)
[Delray Beach Housing Authority Attendance List](#)

8. PUBLIC HEARINGS:

8.A. ORDINANCE NO. 15-16, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES BY AMENDING SECTION 4.3.3, SPECIAL REQUIREMENTS FOR SPECIFIC USES, SUBSECTION (A), SELF-SERVICE STORAGE FACILITIES, TO REVISE THE ASSOCIATED SPECIAL REQUIREMENTS; AMEND SECTION 4.4.26 LIGHT INDUSTRIAL (LI) DISTRICT, SUBSECTION (B), PRINCIPAL USES AND STRUCTURES PERMITTED, TO LIST SELF-SERVICE STORAGE FACILITIES AS A PERMITTED USE; AND SUBSECTION (D), CONDITIONAL USES AND STRUCTURES ALLOWED, TO REMOVE SELF-SERVICE STORAGE FACILITIES AS A CONDITIONAL USE. (FIRST READING/ FIRST PUBLIC HEARING)

Recommendation: Approve Ordinance No. 15-16 on First Reading/First Public Hearing for the amendments to Land Development Regulation Sections 4.3.3(A), Self-Service Storage Facilities, and 4.4.26, Light Industrial District, as presented.

Sponsors: Planning & Zoning Department

Attachments: [Ordinance No. 15-16](#)
 [LI Zoning Locations](#)
 [LI Self-Service Storage Facilities PZSR051616](#)

9. FIRST READINGS:

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

10.A.1 CITY MANAGER'S REPORT

.

Recommendation:

1. RFP For City Attorney Services
2. Street Lights in Rain Berry Woods

Sponsors: City Manager Department

Attachments: [06272016 - City Manager's Report \(3\)](#)

10.B. City Attorney

10.C. City Commission