

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, January 24, 2017

Public Hearings 7:00 p.m.

Commission Chambers
Delray Beach City Hall

City Commission

Mayor Cary Glickstein
Vice Mayor Jordana Jarjura
Deputy Vice Mayor 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. AGENDA APPROVAL****4. PRESENTATIONS:****4.A. RETIREMENT PRESENTATION AND CELEBRATION OF 100TH BIRTHDAY - FRED SERGIO**

Recommendation: Motion to recognize Fred Sergio for his service to the City of Delray Beach Parks and Recreation department for 55 years and to congratulate him on his 100th birthday.

Sponsors: Parks & Recreation Department

Attachments: [FredSergiobaseballnight2016collage](#)
[Fred Sergio resignation](#)

4.B. SPOTLIGHT ON EDUCATION - TOUSSAINT L'OVERTURE HIGH SCHOOL

Sponsors: Community Improvement

4.C. TEAM OF THE MONTH FOR JANUARY 2017

Recommendation: Present employees in Environmental Services with Team of the Month for January 2017.

Sponsors: Human Resources Department

Attachments: [ESD TEAM OF THE MONTH](#)

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. APPROVAL OF MINUTES**

Recommendation: Motion to approve various sets of minutes as listed below:

January 17, 2017 Joint Session with the City Commission and the
Community Redevelopment Agency (CRA)
January 17, 2017 Workshop/Special Meeting

Attachments: [January 17, 2017 Joint Session Workshop Meeting Minutes.pdf](#)
[January 17, 2017 Workshop and Special Meeting Minutes Draft.pdf](#)

6.B. LEASE RENEWAL FOR THE PINEAPPLE GROVE PROFESSIONAL CENTER FOR THE EMPLOYEE HEALTH AND WELLNESS CENTER

Recommendation: Motion to Approve the lease renewal for the Pineapple Grove Professional Center for the Employee Health and Wellness Center.

Sponsors: Human Resources Department

Attachments: [MEMO Lease Renewal Pineapple Grove WC](#)
[Amendment No.1 To the Lease Agreement Between The City of Delray Beach](#)
[Pineapple Grove Professional Center Lease WC](#)
[Area Facility Lease Costs January 2017](#)
[Current Cost](#)

6.C. EXECUTION OF THE FEMA FEDERALLY FUNDED PUBLIC ASSISTANCE FUNDING AGREEMENT FOR THE CITY OF DELRAY BEACH, FLORIDA

Recommendation: Motion to Approve the execution of the FEMA Federally Funded Public Assistance Funding Agreement as the Subgrantee/Subrecipient and authorize the Mayor to sign the agreement.

Sponsors: Finance Department

Attachments: [Memorandum to Cooper EXECUTE FLPA AGREEMENT - HURRICANE MATI](#)
[FEMA PA Agreement - Matthew Draft 2016](#)

6.D. AWARD OF AN AGREEMENT TO GARLAND/DBS, INC. IN THE AMOUNT OF \$1,205,703 FOR THE REPAIRS OF THE ROOFS AND EXTERIOR WALLS AT CITY HALL AND THE COMMUNITY CENTER BUILDINGS

Recommendation: Motion to Award an Agreement to Garland/DBS, Inc. for the replacement of the roofs at City Hall and the Community Center utilizing the U.S. Communities Governmental Purchasing Alliance Cooperative Contract Number 14-5903 for a guaranteed maximum not-to-exceed price of \$1,205,703 (Project No. 16-097).

Sponsors: Environmental Services Department

Attachments: [USC Proposal - City of Delray Beach Community Center City Hall \(2017 Pricing](#)
[Garland-DBS Inc. - City of Delray Beach Guaranteed Price Letter](#)
[Master Intergovernmental Cooperative](#)
[Master Agreement Garland](#)
[Contract Amendments Garland](#)
[ITB Garland](#)
[Addendum 1 Garland](#)
[Addendum 2 Garland](#)
[Roofing Postings Garland](#)
[Attachment B Garland](#)
[US Communities Agreement Garland](#)

6.E. CONTRACT CLOSEOUT (CHANGE ORDER NO. 1/FINAL) WITH FOSTER MARINE CONTRACTORS FOR THE SW 10TH/9TH AVENUE IMPROVEMENTS AND SW 2ND TERRACE IMPROVEMENTS PROJECT

Recommendation: Motion to Approve Contract Closeout (Change Order No. 1/Final) to Foster Marine Contractors Inc., in the net contract reduction amount of (\$46,254.00) and approve final payment in the amount of \$15,094.30 for the SW 10th/9th Avenue Improvements and SW 2nd Terrace Improvements Project; No.'s 2014-023 & 2014-024.

Sponsors: Environmental Services Department

Attachments: [CO 1 Final](#)

6.F. CONTRACT CLOSEOUT (CHANGE ORDER NO. 1/FINAL) WITH DP DEVELOPMENT OF THE TREASURE COAST, LLC FOR THE BLOCK 32 ALLEY IMPROVEMENT PROJECT

Recommendation: Motion to Approve the Contract Closeout (Change Order No. 1/Final) with DP Development of the Treasure Coast, LLC in the net contract reduction amount of (\$70,107.08), by motion to approve a final payment in the amount of \$18,923.87 to DP Development for completion of the Block 32 Alley Improvements Project; P/N No. 2011-009.

Sponsors: Environmental Services Department

Attachments: [Change Order No.1 Final](#)

6.G. SERVICE AUTHORIZATION NO. 12-27 WITH KIMLEY-HORN AND ASSOCIATES IN THE AMOUNT NOT TO EXCEED \$16,000 TO DESIGN THE STRUCTURAL CONCRETE FOUNDATION AND ELECTRICAL SERVICE FOR THE CITY 100' CHRISTMAS TREE

Recommendation: Motion to Approve Service Authorization No. 12-27 with Kimley-Horn and Associates (KHA) in the amount not to exceed \$16,000 for the professional engineering services related to the structural foundation design and electrical service for the City's 100' Christmas Tree (Project

No. 17-062).

Sponsors: Environmental Services Department

Attachments: [KHA SA 12-27](#)
[EXHIBIT A](#)
[DDA Supplemental report 02192015](#)
[DDA Christmas Tree Evaluation 02022015](#)
[OSS Lease Agreement](#)
[Breakeven Analysis](#)
[Christmas Tree Location Map](#)

6.H. RATIFY AMENDMENT NO. 1 AND APPROVAL OF AMENDMENT NO. 2 WITH IMPERIAL ELECTRICAL, INC. AND UNIVERSAL ELECTRIC, INC. FOR ELECTRICAL SERVICES AND REPAIRS

Recommendation: Motion to Approve Amendments No. 1 with Imperial Electrical, Inc. and Universal Electric, Inc. and Approve Amendments No. 2 with Imperial Electrical, Inc. and Universal Electric, Inc. in an amount not-to-exceed \$25,000 for each firm.

Sponsors: Purchasing Department

Attachments: [Agreement, Imperial](#)
[Agreement, Universal](#)
[City Manager Approval 12-14-14](#)
[Letter - Notice of Administrative Error, Universal](#)
[Amendment No. 1 Imperial 1st Renewal FINAL](#)
[Amendment No. 2 Imperial 2nd Renewal FINAL](#)
[Amendment No. 1 Universal 1st Renewal FINAL](#)
[Amendment No. 2 Universal 2nd Renewal FINAL](#)

6.I. AMENDMENT TO EXTEND THE AGREEMENT WITH BJCE, INC. FOR MUNICIPAL GOLF CLUB AND LAKEVIEW GOLF CLUB MANAGEMENT

Recommendation: Motion to Approve an amendment to extend the Agreement with BJCE, Inc. for Municipal Golf Club and Lakeview Golf Club Management Agreement for ninety days through April 30, 2017.

Sponsors: Purchasing Department

Attachments: [Agreement for Management Services - Lakeview Golf Club](#)
[BJCE entesnion Memo - January 2017](#)
[Agreement Amendment No 5 - BJCE INC FINAL](#)

6.J. PURCHASE AWARDS TO STINGRAY CHEVROLET, LLC, DUVAL FORD, LLC, AND HUB CITY FORD-MERCURY, INC. FOR THE PURCHASE OF TWO CHEVY TAHOE PPV UTILITY VEHICLES, ONE FORD T-250 CARGO VAN, TWO FORD UTILITY INTERCEPTOR VEHICLES AND ONE FORD TRANSIT CONNECT 7 PASSENGER VAN IN A TOTAL AMOUNT OF \$192,189.

Recommendation: Motion to approve purchase awards to Stingray Chevrolet, LLC for two 2017 Chevy Tahoe PPV Utility vehicles (specification #8), to Duval Ford, LLC for one 2017 Ford T-250 Transit Cargo Van (specification #37), and to Hub City Ford-Mercury, Inc. for two 2017 Ford Utility Interceptor Vehicles (specification #6) and one Ford Connect passenger van (specification #38) for the Fire-Rescue Department in the amount of \$192,189 utilizing the Florida Sheriff's Association Contract #FSA16-VEH24.0.

Sponsors: Purchasing Department

Attachments: [Chevy Tahoe PPV Quote-Stingray 12-28-16](#)
[Transit Connect Quote-Hub City 12-28-16](#)
[FD Interceptor Quote 12-29-17](#)
[T-250 Cargo Van Quote-Duval 12-29-16](#)
[FSA 2017 Vehicle Bid Award System - Light Bid Award Summary](#)
[FSA16-VEH24.0 Spec 38](#)
[FSA16-VEH24.0 Spec 8](#)
[FSA16-VEH24.0 Spec 37](#)
[FSA16-VEH24.0 Spec 6](#)
[FSA16-VEL24.0 Bid Document_9-30-162](#)
[Vehicles Pricing Table](#)

6.K. RATIFICATION OF APPOINTMENT TO THE BOARD OF TRUSTEES FOR THE POLICE OFFICERS' RETIREMENT SYSTEM.

Recommendation: Motion to Ratify the appointed member to the Board of Trustees for the Police Officers' Retirement System.

Sponsors: City Clerk Department

6.L. PROCLAMATIONS:

6.L.1. BLACK HISTORY MONTH PROCLAMATION

Sponsors: City Clerk Department

Attachments: [Black History Month Feb 2017](#)

6.M. REPORT OF APPEALABLE LAND USE ITEMS DECEMBER 12, 2016 THROUGH DECEMBER 30, 2016

Recommendation: By motion, receive and file this report.

Sponsors: Planning and Zoning Board

Attachments: [Location Map.pdf](#)
[Caliber Collision.pdf](#)
[801-815 George Bush Boulevard.pdf](#)
[Downtown Delray Professional Center.pdf](#)
[1020 Langer Way.pdf](#)

6.N. AWARD OF BIDS AND CONTRACTS:

6.N.1. None

7. REGULAR AGENDA:**7.A. ATLANTIC CROSSING WAIVERS (QUASI-JUDICIAL HEARING)****Recommendation:**

1. Move approval of a waiver to LDR Section 5.3.1(D)(2), which requires a minimum right-of-way width of 60 feet for the new east/west road between NE 6th Avenue and NE 7th Avenue, based on positive findings with LDR Section 2.4.7(B)(5) with the condition that a public roadway easement be dedicated for the roadway.
2. Move approval of a waiver to LDR Section 6.1.3(B)(1)(f), which requires an 8-foot wide sidewalk where 6 feet is proposed along the north side of the new east/west road between NE 6th Avenue and NE 7th Avenue, based on positive findings with LDR Section 2.4.7(B)(5).
3. Move approval of a waiver to LDR Section 4.4.13(F)(4), which requires minimum and maximum building setbacks for the buildings and frontage along the new east/west road between NE 6th Avenue and NE 7th Avenue, based on positive findings with LDR Section 2.4.7(B)(5).
4. Move approval of a waiver to LDR Section 4.6.18(B)(14)(iv)(2), which requires a minimum wall transparency on the ground floor of 75% where 37.5% is proposed for the building on the south side of the new east/west road between NE 6th Avenue and NE 7th Avenue, based on positive findings with LDR Section 2.4.7(B)(5).

Attachments:

[Atlantic Crossing location map](#)

[Mid-Block Access Plan](#)

[Waiver request letter](#)

[waiver board order for City Commission](#)

7.B. ATLANTIC CROSSING SETTLEMENT AGREEMENT - EDWARDS CDS, LLC VS. THE CITY OF DELRAY BEACH

Recommendation: Motion to Approve the omnibus settlement agreement between Edwards CDS, LLC and the City of Delray Beach related to the Atlantic Crossing development.

Sponsors: City Attorney Department and Inglesse

Attachments: [Settlement Agreement signed by Edwards](#)

- 7.C.** APPEAL OF THE OCTOBER 26, 2016, SITE PLAN REVIEW AND APPEARANCE BOARD (SPRAB) ACTIONS ASSOCIATED WITH DELRAY PLACE SOUTH, LOCATED AT 1911 SOUTH FEDERAL HIGHWAY, SPECIFICALLY THE CLASS III SITE PLAN MODIFICATION, SPECIAL ACTION PARKING REDUCTION REQUEST, LANDSCAPE PLAN WITH LANDSCAPE ISLAND SHADE TREE WAIVER AND SPECIAL LANDSCAPE AREA WAIVER, AND ARCHITECTURAL ELEVATIONS (QUASI-JUDICIAL HEARING)

Recommendation: Motion to Approve the Class III Site Plan Modification, Special Action Parking Reduction, Landscape Plan with Landscape Island Shade Tree Waiver and Special Landscape Buffer Waiver, and Architectural Elevations with conditions for Delray Place South, located at 1911 South Federal Highway, as presented.

Sponsors: Planning & Zoning Department

Attachments: [Staff Report-Delray Place South-SPRAB Meeting 10-26-16 with All Exhibits](#)
[Board Order by SPRAB from 10-26-16 SPRAB Hearing of Delray Place South](#)
[10-26-16 SPRAB Minutes - APPROVED](#)
[Delray Place South - SPRAB APPROVAL LETTER - 10-26-16 - LETTERHEAD](#)
[Delray Place South - Appeal Letter 11.4.16](#)
[Delray Place South Appeal Board Order](#)

- 7.D.** APPEAL OF THE HISTORIC PRESERVATION BOARD (HPB) DENIAL OF THE CERTIFICATE OF APPROPRIATENESS TO DEMOLISH A CONTRIBUTING STRUCTURE A 218 NE 5TH COURT, WITHIN THE DEL-IDA PARK HISTORIC DISTRICT (QUASI-JUDICIAL HEARING)

Recommendation: Motion to Deny the Certificate of Appropriateness for the demolition of the contributing structure located at 218 NE 5th Court.

Sponsors: Planning & Zoning Department

Attachments: [Appeal Request Letter](#)
[HPB Staff Report 120716](#)
[Letter from McCarty re: Structural Soundness](#)
[Plan Review Comments for Additions](#)
[218 NE 5th Court Demolition Appeal Board Order 012417](#)

8. PUBLIC HEARINGS:

- 8.A.** ORDINANCE NO. 02-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS, BY AMENDING APPENDIX "A", "DEFINITIONS", TO PROVIDE UPDATED DEFINITIONS FOR "MEDICAL OFFICE", "NON-RESIDENTIAL LICENSED SERVICE PROVIDER", "RESIDENTIAL LICENSED SERVICE PROVIDER", AND DELETING THE OBSOLETE DEFINITION OF "SUBSTANCE ABUSE"; PROVIDING A

SAVING CLAUSE, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE.
(SECOND READING)

Recommendation: Motion to Approve Ordinance No. 02-17 on Second Reading, as presented.

Sponsors: Planning & Zoning Department

Attachments: [Ordinance No. 02-17](#)
[PZB staff report Dec 19 2016 - Definitions Update](#)

- 8.B.** ORDINANCE NO. 03-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS, BY AMENDING SECTION 2.4.7(G), "REQUESTS FOR ACCOMMODATION"; SUBSECTIONS (1), "PURPOSE", (5), "NOTICE OF PROPOSED DECISION", (6), "APPEAL", AND (8), "REQUEST FORM FOR REASONABLE ACCOMMODATION", TO UPDATE AND CLARIFY SAME; ENACTING A NEW SUBSECTION 2.4.7(G)(10), "RECERTIFICATION" TO PROVIDE FOR ANNUAL RECERTIFICATION OF REASONABLE ACCOMMODATIONS; ENACTING A NEW SUBSECTION 2.4.7(G)(11), "SEVERABILITY" TO PROVIDE FOR SEVERABILITY; PROVIDING A SAVING CLAUSE, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE.(SECOND READING)

Recommendation: Motion to Approve Ordinance No. 03-17 on Second Reading, as presented.

Sponsors: Planning & Zoning Department

Attachments: [Ord 03-17 re Reasonable Accommodation Request Process 1.11.17](#)
[Reasonable Accommodation Request Form-revised with owners consent 12.20](#)
[RAR Plan Zoning Brd staff report Dec 2016 Final 12-9](#)

- 8.C.** RESOLUTION NO. 03-17: CONTRACT FOR SALE AND PURCHASE BETWEEN GRAV INC AND THE CITY OF DELRAY BEACH

Recommendation: Motion to Approve Resolution No. 03-17.

Sponsors: Finance Department

Attachments: [Notice of Intent to Sell-1015 Mango Dr 12.28.17](#)
[Quit Claim Deed for 1015 Mango Drive 12.28.16 rev JR](#)
[Res No 03-17 - 1015 Mango Drive 01.04.17](#)
[Vacant Land Contract- 1015 Mango Drive Grav Inc \(buyer executed\)](#)

- 8.D.** RESOLUTION NO. 04-17: CONTRACT FOR SALE AND PURCHASE BETWEEN MICHAEL KERN, OR NOMINEE AND THE CITY OF DELRAY BEACH

Recommendation: Motion to Approve Resolution No. 04-17.

Sponsors: Finance Department

Attachments: [Notice of Intent to Sell-NW Ninth Avenue 01.04.17 \(2\)](#)
[Quit Claim Deed for NW Ninth Avenue 01.04.17 rev JR](#)
[Res No 04-17 - NW Ninth Avenue 01.04.17](#)
[Vacant Land Contract- NW 9th Ave- Michael Kern 01.06.17](#)

9. FIRST READINGS:

- 9.A.** ORDINANCE NO. 04-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 96, "FIRE SAFETY AND EMERGENCY SERVICES", BY RENAMING AND AMENDING SECTION 96.02, "INSPECTIONS REQUIRED" TO PROVIDE A SCHEDULE FOR FIRE SAFETY INSPECTIONS AND RELATED FEES (FIRST READING)

Recommendation: Motion to Approve Ordinance No. 04-17 amending Chapter 96, "Fire Safety and Emergency Services", by renaming and amending section 96.02, "Inspections Required" to provide a schedule for Fire Safety Inspections and related fees.

Sponsors: Fire Rescue Department

Attachments: [fire safety ordinance](#)

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

10.B. City Attorney

10.C. City Commission