

# **City of Delray Beach**

*100 NW 1st Avenue - Delray Beach, Florida 33444*

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## **Regular Commission Meeting**

**Regular Meeting at 6:00 PM**

**Tuesday, October 3, 2017**

**Commission Chambers  
Delray Beach City Hall**

### **City Commission**

*Mayor Cary Glickstein*

*Vice Mayor Jim Chard*

*Deputy Vice Mayor Shirley Ervin Johnson*

*Commissioner Shelly Petrolia*

*Commissioner Mitchell Katz*

## **RULES FOR PUBLIC PARTICIPATION**

**PUBLIC COMMENT:** City Commission meetings are business meetings and the right to limit discussion rests with the Commission. **Generally, remarks by an individual will be limited to three minutes or less.** The Mayor, presiding officer or a consensus of the City Commission has discretion to adjust the amount of time allocated.

### **Public comment shall be allowed as follows:**

- A.** Comments and Inquiries on Non-Agenda and Agenda Items (excluding public hearing or quasi-judicial hearing items) from the Public: Any citizen is entitled to be heard concerning any matter within the scope of jurisdiction of the Commission under this section. The Commission may withhold comment or direct the City Manager to take action on requests or comments.
- B.** Public Hearings/Quasi-Judicial Hearings: Any citizen is entitled to speak on items under these sections at the time these items are heard by the Commission.
- C.** All persons desiring to do a presentation on agenda or non-agenda items that are on a portable flash drive device or a CD/DVD, must provide their media to the City Clerk no later than 12:00 p.m. one day prior to the meeting where they wish to present.

**SIGN IN SHEET:** Prior to the start of the Commission Meeting, individuals wishing to address the Commission should sign in on the sheet located on the right side of the dais. If you are not able to do so prior to the start of the meeting, you may still address the Commission. The primary purpose of the sign-in sheet is to assist staff with record keeping. Therefore, when you come up to the to speak, please complete the sign-in sheet if you have not already done so.

**ADDRESSING THE COMMISSION:** At the appropriate time, please step up to the lectern and state your name and address for the record. All comments must be addressed to the Commission as a body and not to individuals. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the Commission shall be barred by the presiding officer from speaking further, unless permission to continue or again address the Commission is granted by a majority vote of the Commission members present.

## **APPELLATE PROCEDURES**

Please be advised that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is based. The City neither provides nor prepares such record.

**1. ROLL CALL****2. PLEDGE OF ALLEGIANCE TO THE FLAG****3. AGENDA APPROVAL****4. PRESENTATIONS:****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.

**Sponsors:** City Clerk Department

**Attachments:** [June 21, 2016 Regular Meeting Minutes - Draft](#)  
[July 5, 2016 Regular Meeting Minutes - Draft](#)  
[October 18, 2016 Regular Meeting Minutes - Draft](#)  
[November 9, 2016 Workshop Meeting - Goal Setting Session Minutes - Draft](#)

**6.B. APPROVAL OF AMENDMENT NO. 1 WITH RIGHT CHOICE VENDING FOR VENDING MACHINE SERVICES**

**Recommendation:** Motion to Approve Amendment No. 1 to the Agreement with Right Choice Vending for vending machine services.

**Sponsors:** Parks & Recreation Department and Purchasing Department

**Attachments:** [Legal Review Checklist form v. 3 Right Choice Vending Amendment](#)  
[Right Choice Vending Amend No 1 CA rev](#)  
[EXHIBIT A \(updated\)](#)

**6.C. RESOLUTION NO. 70-17: LOCAL AGENCY PROGRAM AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE NE 2ND AVENUE / SEACREST BEAUTIFICATION PHASE 2 (NE 13TH STREET TO NE 22ND STREET) PROJECT.**

**Recommendation:** Motion to adopt Resolution No. 70-17; and consider approval to execute the Local Agency Program (LAP) Agreement with the Florida Department of Transportation (FDOT) for the funding of the NE 2nd Avenue

Beautification Phase 2 (Project No. 16-032).

**Sponsors:** Environmental Services Department

**Attachments:** [LOCATION MAP](#)

[Legal Review Checklist FDOT LAP NE 2nd ave](#)

[LAP agt](#)

[Exhibit A](#)

[Exhibit B](#)

[Exhibit C](#)

[Exhibit E](#)

[Exhibit F](#)

[Exhibit 1](#)

[Resolution 70-17 LAP Agt - FDOT](#)

- 6.D.** APPROVING AMENDMENT #2 TO THE VALET PARKING LICENSE AGREEMENT WITH THE AVENUE BAR & GRILL, INC, D/B/A 32 EAST PROVIDING VALET PARKING SERVICES TO EXTEND FOR ONE YEAR THE LICENSE TO PROVIDE VALET PARKING SERVICES IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF DELRAY BEACH (CITY)

**Recommendation:** Motion to retroactively approve Amendment #2 to the Valet Parking License Agreements with The Avenue Bar & Grill, Inc, D/B/A 32 East providing valet parking services to extend the license from October 1, 2017 until September 30, 2018.

**Sponsors:** Environmental Services Department

**Attachments:** [Amendment no. 2 to parking license agt with 32 east.docx](#)  
[32 East.pdf](#)

- 6.E.** APPROVING AMENDMENT #2 TO THE VALET PARKING LICENSE AGREEMENT WITH CAFFE LUNA ROSA TO EXTEND FOR ONE YEAR THE LICENSE TO PROVIDE VALET PARKING SERVICES IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF DELRAY BEACH (CITY)

**Recommendation:** Motion to retroactively approve Amendment #2 to the Valet Parking License Agreements with Caffe Luna Rosa to extend the license from October 1, 2017 until September 30, 2018.

**Sponsors:** Environmental Services Department

**Attachments:** [Amendment no. 2 to parking license agt with Cafe Luna Rosa.docx](#)  
[Caffe Luna Rosa original.pdf](#)

- 6.F.** APPROVING AMENDMENT #2 TO THE VALET PARKING LICENSE AGREEMENT WITH CUT 42 LLC TO EXTEND FOR ONE YEAR THE LICENSE TO PROVIDE VALET PARKING SERVICES IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF DELRAY BEACH (CITY)

**Recommendation:** Motion to retroactively approve Amendment #2 to the Valet Parking License Agreements with Cut 42 LLC to extend the license from October

1, 2017 to September 30, 2018.

**Sponsors:** Environmental Services Department

**Attachments:** [Amendment no. 2 to parking license agt with Cut 432.docx](#)  
[CUT 432.pdf](#)

**6.G. APPROVING AMENDMENT #2 TO THE VALET PARKING LICENSE AGREEMENT WITH DELRAY TACO, LTD, TO EXTEND FOR ONE YEAR THE LICENSE TO PROVIDE VALET PARKING SERVICES IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF DELRAY BEACH (CITY)**

**Recommendation:** Motion to retroactively approve Amendment #2 to the Valet Parking License Agreements with Delray Taco, LTD, to extend the license from October 1, 2017 to September 30, 2018.

**Sponsors:** Environmental Services Department

**Attachments:** [Amendment no. 2 to parking license agt with Delray Taco.docx](#)  
[Roccas Tacos.pdf](#)

**6.H. APPROVING AMENDMENT #2 TO THE VALET PARKING LICENSE AGREEMENT WITH 169 NE 2nd, LLC, D/B/A MAX'S HARVEST TO EXTEND FOR ONE YEAR THE LICENSE TO PROVIDE VALET PARKING SERVICES IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF DELRAY BEACH (CITY)**

**Recommendation:** Motion to retroactively approve Amendment #2 to the Valet Parking License Agreement with 169 NE 2nd, LLC, D/B/A Max's Harvest, to extend the license from October 1, 2017 to September 30, 2018.

**Sponsors:** Environmental Services Department

**Attachments:** [Amendment no. 2 to parking license agt with Max's harvest.docx](#)  
[Maxs Harvest](#)

**6.I. APPROVING AMENDMENT #2 TO THE VALET PARKING LICENSE AGREEMENT WITH TAVERNA OPA, LLC, TO EXTEND FOR ONE YEAR THE LICENSE TO PROVIDE VALET PARKING SERVICES IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF DELRAY BEACH (CITY)**

**Recommendation:** Motion to retroactively approve Amendment #2 to the Valet Parking License Agreement with Taverna Opa, LLC, to extend the license from October 1, 2017 to September 30, 2018.

**Sponsors:** Environmental Services Department

**Attachments:** [Amendment no. 2 to parking license agt with Taverna Opa.docx](#)  
[Taverna Opa.pdf](#)

**6.J. APPROVING AMENDMENT #2 TO THE VALET PARKING LICENSE AGREEMENT WITH LSMS, INC, D/B/A TRAMONTI TO EXTEND FOR ONE YEAR THE LICENSE TO PROVIDE VALET PARKING SERVICES IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF DELRAY BEACH (CITY)**

**Recommendation:** Motion to retroactively approve Amendment #2 to the Valet Parking License Agreement with LSMS, Inc., D/B/A Tramonti, to extend the license

from October 1, 2017 to September 30, 2018.

**Attachments:**     [Amendment no. 2 to parking license agt with Tramonti.docx](#)  
                              [LSMS INC dba TRAMONTI'S VALET AGREEMENT.pdf](#)

**6.K.    TERMINATION OF THE AGREEMENT FOR DATA CENTER COLOCATION AND FIBER TRANSPORT SERVICES WITH GORACK, LLC**

**Recommendation:**   Motion to terminate the Agreement for data center colocation and fiber transport services with GoRack, LLC, in Jacksonville, Florida, effective November 5, 2017.

**Sponsors:**            IT Department

**Attachments:**        [Agenda Item - GoRack DR Site Cancellation](#)  
                              [GO RACK LLC Agreement](#)

**6.L.    INTERLOCAL AGREEMENT FOR LICENSE PLATE RECOGNITION DATA SHARING**

**Recommendation:**   Motion to Approve an Agreement between the City of Delray Beach Police Department and the Town of Highland Beach Police Department to share access to their respective License Plate Recognition Camera System (LPR) data for law enforcement purposes.

**Sponsors:**            Police Department

**Attachments:**        [Interlocal Agreement for License Plate Recognition Data Sharing](#)  
                              [Legal checklist](#)

**6.M.    PROPOSED OFFER OF SETTLEMENT IN THE CASE OF PHYLLIS SMITH V. CITY OF DELRAY BEACH**

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

**Sponsors:**            City Attorney Department

**6.N. PROCLAMATIONS:**

6.N.1. None

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

**6.O.1. AWARD OF AN AGREEMENT TO BAXTER & WOODMAN, INC. DBA MATHEWS CONSULTING, A BAXTER & WOODMAN COMPANY FOR CONSTRUCTION ENGINEERING AND INSPECTION SERVICES FOR AREA 12C RECLAIMED WATER, PROJECT 16-024 IN A NOT-TO-EXCEED AMOUNT OF \$275,025.**

**Recommendation:**   Motion to Award an Agreement to Baxter & Woodman, Inc. DBA Mathews Consulting, a Baxter & Woodman Company, in the amount not-to-exceed \$275,025 for Construction Engineering and Inspection (CEI) Services related to the construction of the Area 12C Reclaimed Water System Expansion Project, consisting of reclaimed water mains, potable water mains, sewer mains and storm water improvements along Lewis Cove,

Brooks Lane, White Drive, Rhodes Villa Avenue, Del Haven Drive and S.R. A.1.A (from Linton Boulevard to Casuarina Road) in a not-to-exceed amount of \$275,025.

**Sponsors:** Purchasing Department and Environmental Services Department

**Attachments:** [Mathews Consulting, a Baxter and Woodman Company Submittal](#)  
[2017-042 RFQ Document \(Final\) per Addendum No. 2](#)  
[2017-042 Scoring Summary](#)  
[Agreement RFQ 2017-042](#)  
[Legal Review Checklist form v. 3 matthews reclaimed water](#)  
[Project Location Map](#)

**6.O.2. AWARD OF AN AGREEMENT TO FLORIDA CDI, LLC FOR THE 100' CHRISTMAS TREE AND NORTH POLE VILLAGE ASSEMBLY AND DISASSEMBLY IN AN ANNUAL NOT-TO-EXCEED AMOUNT OF \$121,700.**

**Recommendation:** Motion to Award a five-year agreement to Florida CDI, LLC for the 100' Christmas Tree and North Pole Village Assembly and Disassembly in an annual not-to-exceed amount of \$121,700 (Project No. 17-062) and authorize City Manager to exercise renewal options.

**Sponsors:** Purchasing Department and Environmental Services Department

**Attachments:** [ITB 2017-058 - Final](#)  
[Florida CDI LLC Christmas Designers - ITB 2017-058](#)  
[ITB 2017-058 Tabulation Sheet](#)  
[Final Agreement - Florida CDI LLC \(002\) CAO rev \(2\).docx](#)  
[Exhibits 1-11](#)  
[Addendum 1 \(Rev 1\) Final](#)  
[Addendum 2](#)

**7. REGULAR AGENDA:**

**7.A. REQUEST FOR A WAIVER TO LDR SECTION 4.6.7(E)(7) TO ALLOW A WALL SIGN ON THE WEST ELEVATION WHICH DOES NOT FACE A DEDICATED STREET FRONTAGE FOR CUBESMART SELF-STORAGE LOCATED AT 3185 S. CONGRESS AVENUE. (QUASI-JUDICIAL HEARING)**

**Recommendation:** Motion to Approve the waiver request to LDR Section 4.6.7(E)(7) for CubeSmart located at 3185 S. Congress Avenue, as presented.

**Sponsors:** Planning & Zoning Department

**Attachments:** [Justification letter](#)  
[Sign One, Two, and Three](#)  
[Sign Three - Requested Waiver](#)  
[3185 S. Congress Board Order](#)

**8. PUBLIC HEARINGS:**

**8.A. ORDINANCE NO. 22-17: AMENDING CHAPTER 10 OF THE LAND DEVELOPMENT REGULATIONS TO UPDATE THE FLOOD INSURANCE STUDY DATE AND FLOOD INSURANCE RATE MAPS. (SECOND READING)**

**Recommendation:** Motion to Approve Ordinance No. 22-17, amending Chapter 10 of the Land Development Regulations, "Flood Damage Control Districts and Coastal Construction" Section 10.1.2, "Applicability"; Paragraph (C), "Basis for Establishing Flood Hazard Areas", to update the Flood Insurance Study Date and Flood Insurance Rate Maps.

**Sponsors:** Planning & Zoning Department

**Attachments:** [Ordinance No. 22-17 amending Flood Hazard Areas of the LDRs](#)  
[PZ Staff Report Ord 22-17 Flood Hazard Areas](#)

**8.B. ORDINANCE NO. 29-17: SANITATION RATES FOR FY2018 (SECOND READING)**

**Recommendation:** Motion to consider an amendment to the City Code of Ordinances, Chapter 51, "GARBAGE AND TRASH", Section 51.70, "REGULAR CHARGES LEVIED", to provide for new residential and commercial collection service rates for fiscal year 2018.

**Sponsors:** Finance Department

**Attachments:** [SWS Delray Franchise Agreement FINAL-2-20-15 \(3\)](#)  
[Assignment of Exclusive Franchise Agreement 12-14-15](#)  
[WM Acknowledgement Letter for Delray Beach 10-01-17 A](#)  
[FINAL City of Delray Beach CPI Adj to Waste Collection Eff October 2017](#)  
[Ord 29-17 Solid Waste Collection Fees - CityAtty Rev](#)  
[Res 65-17 Solid Waste Charges and Fees](#)

**8.B.1. RESOLUTION NO. 65-17: SANITATION RATES FOR FY2018**

**Sponsors:** Finance Department

**Attachments:** [Res 65-17 Solid Waste Charges and Fees](#)

☐ **PURSUANT TO CHAPTER 166.041(3)(B), F.S., ORDINANCE 22-17 AND ORDINANCE 29-17 ARE DEEMED EMERGENCY ORDINANCES.**

**8.C. RESOLUTION NO. 71-17 TERMINATION OF 2011 ATLANTIC CROSSING DEVELOPMENT AGREEMENT**

**Recommendation:** Motion to approve Termination of 2011 Atlantic Crossing Development Agreement.

Announce October 19, 2017 at 6:00 p.m. as the date for the second public hearing and consideration of Resolution No. 71-17 to terminate the Development Agreement.

**Sponsors:** City Attorney Department



**Attachments:**      [Resolution 71-17](#)  
[Termination of Development t Agreement](#)  
[Executed Development Agreement](#)  
[Settlement Addendum Executed](#)

**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**