

City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444
Phone: (561) 243-7000 - Fax: (561) 243-3774
www.mydelraybeach.com



Regular Commission Meeting

Regular Meeting at 6:00 PM

Tuesday, February 20, 2018

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:****4.A. RESOLUTION NO. 02-18 RECOGNIZING MARGO MURPHY FOR 30 YEARS OF SERVICE**

Recommendation: Motion to Approve Resolution No. 02-18 honoring Margo Murphy for 30 years of service.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Memo](#)
[Resolution 02-18 Margo Murphy](#)

4.B. 211 AWARENESS MONTH PRESENTATION & PROCLAMATION

Sponsors: City Clerk Department

Attachments: [Agenda Cover Memo](#)
[211 Awareness Delray](#)

4.C. DOWNTOWN DELRAY BEACH SHOPABILITY ANALYSIS PRESENTED BY GIBBS PLANNING GROUP

Recommendation: No recommendation required. Presentation by Gibbs Planning Group only.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Memo](#)
[City Commission Meeting 2.20.18 Memo - Downtown Shop Ability Study Preser](#)
[Delray Shopability Feb 2018 City Council](#)

4.D. CRA MONTHLY REPORT - JANUARY 2018

Recommendation: No action required. CRA Board Update only.

Sponsors: Community Redevelopment Agency

Attachments: [Agenda Cover Memo](#)
[CRA ED Memo Project Updates January - 2-7-18](#)
[7B Financial Rpt Dec](#)
[7C Monthly Work Plan January](#)

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.** APPROVE STAFF PREPARATION AND SUBMITTAL OF THREE GRANT APPLICATIONS AS PART OF THE LOCAL INITIATIVES (LI) PROGRAM AND TRANSPORTATION ALTERNATIVES (TA) PROGRAM FOR PROJECTS TO BE SUBMITTED TO THE PALM BEACH TRANSPORTATION PLANNING AGENCY (TPA) FOR APPROVAL DURING FISCAL YEAR 2018.

Recommendation: Motion to allow City staff to proceed with the submittal of the grant applications for Linton Boulevard (US 1 to A1A) and SW Germantown (S Congress Ave to Old Germantown Road, Orchard View Elementary School) for the Local Initiatives Program, and Carl Bolter Drive (Lindell Boulevard to Avocet Road) for the Transportation Alternatives Program.

Sponsors: Public Works Department

Attachments: [Agenda Cover Memo](#)
[80' and 60' ROW Typical Proposed Design](#)
[TABLE PROJECT NAME AND LIMITS.docx](#)

- 6.B.** APPROVAL OF A CONSENT TO ASSIGNMENT AND ASSUMPTION AGREEMENT FOR CB&I ENVIRONMENTAL & INFRASTRUCTURE, INC. TO APTIM ENVIRONMENTAL & INFRASTRUCTURE, INC.

Recommendation: Motion to approve a Consent to Assignment and Assumption Agreement from CB&I Environmental & Infrastructure, Inc. to Aptim Environmental & Infrastructure, Inc.

Sponsors: Public Works Department - Programs & Project Management

Attachments: [Agenda Cover Memo](#)
[PL Updated to Aptim Exp. 06-18.pdf](#)
[Master AGMT 8.26.15.pdf](#)
[Consent to Assignment signed by Aptim.pdf](#)
[CGL Updated to Aptim Exp. 06-18.pdf](#)

- 6.C.** CHANGE ORDER NO. 1 TO RFQ NO. 2017-032 TO BAXTER & WOODMAN, INC. DBA MATHEWS CONSULTING, A BAXTER & WOODMAN COMPANY, TO ADD THE DESIGN OF A RECLAIMED WATERMAIN TO THE SW 4TH STREET, SW 6TH STREET AND SW 7TH AVENUE PROJECT IN A NOT-TO-EXCEED AMOUNT OF \$48,988.

Recommendation: Motion to approve the Change Order No. 1 to RFQ No. 2017-032 to Baxter & Woodman, Inc. DBA Mathews Consulting, a Baxter & Woodman Company, to add the design of a reclaimed watermain to the SW 4th Street, SW 6th Street and SW 7th Avenue project in a not-to-exceed amount of \$48,988.

Sponsors: Public Works Department - Programs & Project Management

Attachments: [Agenda Cover Memo](#)
[Executed Agreement.pdf](#)
[Service Authorization RV.pdf](#)
[CHANGE ORDER1.doc](#)

6.D. REVOCABLE LICENSE AGREEMENT WITH THE DOWNTOWN DEVELOPMENT AUTHORITY (DDA) TO USE THE DELRAY BEACH VISITOR INFORMATION CENTER

Recommendation: Motion to approve a Revocable License Agreement with the Downtown Development Authority (DDA) to use of the Delray Beach Visitor Information Center to provide information about downtown business and programs to visitors and residents of the City.

Sponsors: Public Works Department - Programs & Project Management

Attachments: [Agenda Cover Memo](#)
[Revocable license agreement Visitor Center final with ex A.pdf](#)
[Legal Review Checklist Revocable License Agreement with DDA for visitor cent](#)

6.E. AMENDMENT 3 TO THE AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND PLAYERS INTERNATIONAL MANAGEMENT, INC.

Recommendation: **Recommended Action:**
Motion to approve Amendment 3 to the Agreement between the City of Delray Beach and Players International Management, Inc.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Memo](#)
[Legal Review Checklist PIM amendment No. 3 1-25-18](#)
[Amendment 3 to the PIM Agreement - 2-6-18](#)
[Amendment 1 Amendment 2 Original PIM Agreement](#)
[2018 PIM Event overview](#)
[2018 Delray Beach Economic USTA ITF Events \(002\)](#)

6.F. INTERLOCAL AGREEMENT - 2018 PALM BEACH COUNTY DROWNING PREVENTION COALITION LEARN TO SWIM REIMBURSEMENT PROGRAM

Recommendation: Motion to enter into an Interlocal Agreement with the Palm Beach County Drowning Prevention Coalition ("DPC") for payment of swimming classes to the City of Delray Beach, FL ("City,") for the provision of swimming classes/lessons to individuals who present vouchers issued by the DPC Learn to Swim Program.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Memo](#)
[Legal Checklist and Agreement - Drowning Prevention](#)

6.G. APPROVAL OF FISCAL YEAR 2018 SPENDING GREATER THAN \$65,000 WITH CANON SOLUTIONS AMERICA INC FOR REPLACEMENT, MAINTENANCE, AND REPAIRS OF MULTIFUNCTION DEVICES (COPIERS) AND AUTHORIZE FUTURE

PURCHASES THROUGH RESOLUTION NO. 13-18.

Recommendation: **Recommended Action:**

Motion for retroactive approval of \$103,000 for Fiscal Year 2017 and to approve future payment to Canon Solutions America, Inc. for replacement, maintenance, and repairs of multifunction devices in an amount not to exceed \$200,000 per fiscal year, and to authorize the City of Delray Beach (City) Manager to exercise any and all renewal options through Resolution No. 13-18.

Sponsors: IT Department**Attachments:** [Agenda Cover Memo](#)
[FLStateCopierContract-11-29-17](#)
[DelrayPrintLeases-1-16-18](#)
[Delray Report for FY16-17](#)
[Resolution 13-18 Canon copy leases](#)**6.H. THIRD AMENDMENT TO THE INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY FOR FIBER TRANSPORTATION****Recommendation:** **Recommended Action:**

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 #4, 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**Attachments:** [Agenda Cover Memo](#)
[Delray Beach Second Amendment](#)
[Delray Beach Third Amendment](#)
[Palm Beach County Agenda Item for City of Delray R2014-1963 12-16-14 \(2\)](#)
[Legal Review Checklist Amendment No. 3 for ILA for PBC for fiber transportatio](#)**6.I. TERMINATION AND ACCEPTANCE OF WATER MAIN EASEMENT DEED GRANTED BY WALMART STORES EAST, LP****Recommendation:** Motion to Terminate and Accept a Water Main Easement granted by Walmart Stores East, LP for the Walmart Liquor Box Store Expansion project at 16205 S. Military Trail.**Sponsors:** City Attorney Department

Attachments: [Agenda Cover Memo](#)
 [Water Main Easement Deed](#)
 [Termination of Water Main Easement Deed](#)
 [16205 South Military Trail Location Map](#)

6.J. PROCLAMATIONS:

6.J.1. PROCLAMATION IN RECOGNITION OF MR. FRANK VARGA FOR HIS LIFE'S WORK IN PUBLIC AND PRIVATE ART

Sponsors: City Clerk Department

Attachments: [Agenda Cover Memo](#)
 [Frank Varga Proclamation](#)

6.J.2. EATING DISORDERS AWARENESS WEEK

Sponsors: City Clerk Department

Attachments: [Agenda Cover Memo](#)
 [Proclamation for State of FL EDAW 2018](#)

6.K. REPORT OF APPEALABLE LAND USE ITEMS FROM DECEMBER 21, 2017 THROUGH JANUARY 19, 2018

Recommendation: By motion, receive and file this report.

Sponsors: Planning & Zoning Department

Attachments: [Agenda Cover Memo](#)
 [City Commission Map 02-20-18.pdf](#)
 [A. Delray Verana](#)
 [B. 234 Warehouse Renovation](#)
 [C. Delray 7 Townhomes](#)
 [D. 50 SE 4th Avenue](#)
 [E. 232 SE 7th Avenue](#)

6.L. AWARD OF BIDS AND CONTRACTS:

6.L.1. AWARD OF AN AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND SOUTHEASTERN ENGINEERING CONTRACTORS, INC. FOR MASTER LIFT STATION NO. 1 REHABILITATION (PROJECT NO. 16-030) IN A NOT-TO-EXCEED AMOUNT OF \$1,323,689.

Recommendation: Motion to award an Agreement with Southeastern Engineering Contractors, Inc. for Master Lift Station No. 1 Rehabilitation (Project No. 16-030) in a total not-to-exceed amount of \$1,323,689.

Sponsors: Public Works Department - Programs & Project Management

Attachments: [Agenda Cover Memo](#)
[2018-004 Delray MLS No.1 Bid Recommendation.pdf](#)
[2018-004 Due Diligence1.xls](#)
[MASTER LIFT STATION NO.1 REHAB S.E.C. Proposal \(2\).pdf](#)
[Legal Review Checklist form v. 4 Agreement with Southeasten Engineeringp](#)
[2018-004 signed agreement](#)

7. REGULAR AGENDA:

- 7.A.** REQUEST OF A WAIVER FROM LDR SECTION 4.3.3(ZB)(6) REQUIRING A MINIMUM SEPARATION OF 750' FROM PROPERTY LINE TO PROPERTY LINE FOR A TATTOO ESTABLISHMENT, SOLID IMAGE TATTOO CO LOCATED AT 306 NE 4TH ST.
(QUASI-JUDICIAL HEARING)

Recommendation: Motion to approve the waiver to LDR section 4.3.3(ZB)(6) requiring a minimum 750 ft. separation for a tattoo establishment, Solid Image Tattoo Co. located at 306 NE 4th St.

Sponsors: Planning & Zoning Department

Attachments: [Agenda Cover Memo](#)
[306 NE 4th St Board Order](#)
[Justification letter](#)
[Distance Map](#)
[Vatican Tattoo 325 NE 2nd Avenue](#)

- 7.B.** OSTERIA BOSSI, LOCATED AT 32 E. ATLANTIC AVENUE, IN LIEU OF PARKING FEE REQUEST FOR 2 SPACES (QUASI-JUDICIAL HEARING)

Recommendation: Motion to approve the in lieu of parking fee request in the amount of \$47,320 for 2 parking spaces for Osteria Bossi, located at 32 E. Atlantic Avenue, 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 the criteria set forth in Section 4.6.9(E) of the Land Development Regulations, subject to the condition that full payment be paid upon issuance of a building permit.

Sponsors: Planning & Zoning Department

Attachments: [Agenda Cover Memo](#)
[1740 - A101 SITE PLAN-A-101](#)
[2018-02-20-Board Order-In Lieu Parking-32 E Atlantic Ave](#)

- 7.C.** NOMINATION FOR APPOINTMENT TO THE PARKING MANAGEMENT ADVISORY BOARD

Recommendation: Recommend nomination for appointment for one (1) regular member (Citizen-at-Large) to serve on the Parking Management Advisory Board for an unexpired term ending July 31, 2019.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Memo](#)
 [Exhibit A](#)
 [Parking Management Advisory Board Member List](#)
 [Parking Management Advisory Board Attendance List](#)

7.D. AWARD OF AN AGREEMENT WITH UNIVERSAL BEACH SERVICES CORP FOR BEACH CLEANING MAINTENANCE AND BEAUTIFICATION SERVICES IN A NOT-TO-EXCEED AMOUNT OF \$79,000

Recommendation: Motion to award a (3) three year Agreement with Universal Beach Services Corp. for Beach Cleaning Maintenance And Beautification Services in a total amount not to exceed amount of \$237,000 for the Agreement term and authorize the City Manager to exercise any and all renewal options.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Memo](#)
 [RFP NO 2018-020 Universal Beach Services - Additional Information](#)
 [Universal Beach Service Corp Proposal RFP 2018-020](#)
 [2018-020 - Submittal Log](#)
 [2018-020 - RFP Due Diligence](#)
 [2018-020- Client Reference Check Summary](#)
 [Copy of 2018-020 - RFP Scoring Summary](#)
 [Legal Review Checklist form v. 4 Universal Beach Services Corp](#)
 [2018-020 signed agreement](#)

8. PUBLIC HEARINGS:

8.A. RESOLUTION NO. 11-18, CONTRACT FOR SALE AND PURCHASE BETWEEN WILLIAM BONNER AND THE CITY (PUBLIC HEARING)

Recommendation: Motion to approve Resolution No. 11-18.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Memo](#)
 [Resolution No. 11-18](#)

8.B. ORDINANCE NO. 03-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 37, "DELRAY BEACH CODE ENFORCEMENT GENERAL PROVISIONS", BY REPEALING SECTIONS 37.01 THROUGH 37.46 AND READOPTING SAME, AS REVISED IN ORDER TO AMEND AND REVISE THE CITY'S CODE ENFORCEMENT PROCEDURES IN ACCORDANCE WITH CHAPTER 162, FLORIDA STATUTES; 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 03-18 amending Chapter 37 to conform to the requirements of Chapter 162, Fla. Stat. and allowing the City Manager to appoint a Code Enforcement Board attorney.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Memo](#)
[Ord 03-18 Revising Chapter 37 Code Enforcement.docx](#)
[Ord. 03-18 Exhibit A.docx](#)

9. FIRST READINGS:

- 9.A.** ORDINANCE NO. 02-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, BY AMENDING CHAPTER 4, "ZONING REGULATIONS", ARTICLE 4.4, "BASE ZONING DISTRICT", SECTION 4.4.13, "CENTRAL BUSINESS DISTRICT (CBD)", BY ADDING SUBSECTION 4.4.13(I)(2)(j) "CBD PARKING STANDARDS", "MINIMUM NUMBER OF OFF-STREET PARKING SPACES" TO NOT REQUIRE ADDITIONAL PARKING FOR CHANGES IN USE IN EXISTING BUILDINGS WITHIN THE CBD RAILROAD CORRIDOR SUB-DISTRICT LYING SOUTH OF SE 2ND STREET, PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE (FIRST READING)

Recommendation: Approve Ordinance No. 02-18 on First Reading for the amendments to Land Development Regulations as specified in attached Ordinance No. 02-18, as presented.

Sponsors: Planning & Zoning Department

Attachments: [Agenda Cover Memo](#)
[Ord. No. 02-18](#)
[P&Z Board Staff Report](#)

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

10.B. City Attorney

10.C. City Commission