

City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

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www.mydelraybeach.com



Regular Commission Meeting

Budget Hearing/Regular Meeting at 6:00 PM

Thursday, September 6, 2018

**Commission Chambers
Delray Beach City Hall**

City Commission

Mayor Shelly Petrolia

Vice Mayor Adam Frankel

Deputy Vice Mayor Shirley Ervin Johnson

Commissioner Bill Bathurst

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 CORY DUNCAN, CODE ENFORCEMENT OFFICER, WITH EMPLOYEE OF THE MONTH FOR SEPTEMBER 2018.**

Recommendation: Motion to present Cory Duncan, Code Enforcement Officer, with Employee of the Month for September 2018

Sponsors: Human Resources Department

Attachments: [Cover Letter Cory Duncan Employee of the Month.pdf](#)
[Cory Duncan Nomination form.pdf](#)

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. MEETING MINUTES**

Recommendation: Motion to approve meeting minutes as listed below.
Meeting Minutes - August 14, 2018 Executive Session
Meeting Minutes - August 14, 2018 Workshop Meeting
Meeting Minutes - August 21, 2018 Regular Meeting

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Minutes August 14, 2018 City Commission Executive Session](#)
[Minutes August 14, 2018 City Commission Workshop Meeting](#)
[Minutes August 21, 2018 Regular Meeting](#)

6.B. RESOLUTION NO. 110-18: A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE TREASURE COAST REGIONAL PLANNING COUNCIL FOR PLANNING SERVICES.

Recommendation: Motion to Approve Resolution No. 110-18.

Sponsors: Planning & Zoning Department

Attachments: [Agenda Cover Report](#)
[Res 110-18](#)
[ILA-TCRPC-Attachment A-Res110-18](#)
[Res 110-18-LegalReviewForm-Aug21](#)

6.C. INTERLOCAL AGREEMENT BETWEEN CITY OF DELRAY BEACH AND COMMUNITY REDEVELOPMENT AGENCY(CRA) FOR HOUSING NEEDS ASSESSMENT

Recommendation: Motion to approve and execute the attached ILA for funding the Housing Study.

Sponsors: Community Improvement

Attachments: [Legal Review Checklist form v. 5 ILA for housing study](#)
[ILA for Funding Housing Study](#)
[Agenda Cover Report](#)
[Agenda Cover Report 71218](#)
[Exhibit A - City Housing Needs Assessment Request CRA 061318](#)

6.D. RESOLUTION NO. 96-18: ADULT DAY HEALTH CARE SERVICES FOR CITY RESIDENTS AND PUBLIC AT CITY OWNED BUILDING LOCATED AT 850 NORTH CONGRESS AVENUE (WESTERN COMMUNITY CENTER) WITH THE MAE VOLEN SENIOR CENTER INC.

Recommendation: Motion to Approve renewal of the revocable license agreement between Mae Volen Senior Center Inc. and the City of Delray Beach.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[Attachment 1 - Legal Review Checklist form v. 5 Mae Volen License Agreement](#)
[Attachment 2 - Signed agreement for legal review](#)
[Attachment 3 - Resolution for Mae Volen](#)

- 6.E.** APPROVAL OF THE CHANGE ORDER NO. 1 TO AN AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND SOUTHEASTERN ENGINEERING CONTRACTORS, INC. FOR THE MASTER LIFT STATION NO. 1 REHABILITATION (PROJECT NO. 16-030) IN A NOT-TO-EXCEED AMOUNT OF \$63,732.48 AND FOR AN ADDITIONAL 45 DAYS.

Recommendation: Motion to approve Change Order No. 1 with Southeastern Engineering Contractors, Inc. for the Master Lift Station No. 1 Rehabilitation and Upgrade (Project No. 16-030) in a total not-to-exceed amount of \$63,732.48 and for an additional 45 days.

Sponsors: Public Works Department - Programs & Project Management

Attachments: [Agenda Cover Report](#)
[Change Order No. 1 Contractor & CEI Signed 8.2.18](#)
[MC CO#01 Recommendation Letter](#)
[Legal Review Checklist form v. 5 change order no 1 master lift station rehab](#)
[Southeastern Engineering Contractors - purchase award for 2018-004 agree...](#)

- 6.F.** GRANT UTILITY EASEMENT TO FLORIDA POWER AND LIGHT TO INSTALL A BURIED POWER LINE AND A PAD MOUNTED TRANSFORMER

Recommendation: Motion to grant a utility easement to Florida Power and Light to install a buried power line and a pad mounted transformer to provide electrical service to the City's Master Lift Station #1 facility that is presently under construction for upgrades (Project No. 16-030) at 430 SE 6th Avenue.

Sponsors: Public Works Department - Programs & Project Management

Attachments: [Agenda Cover Report](#)
[EASMENT PACKAGE](#)
[Legal OK Email](#)

- 6.G.** RESOLUTION NO. 88-18: APPROVAL TO TERMINATE EXISTING AGREEMENT WITH AXON ENTERPRISE, INC. FOR BODY WORN CAMERAS AND TASERS AND APPROVAL TO ENTER INTO A NEW AGREEMENT WITH AXON ENTERPRISE INC. FOR BODY WORN CAMERAS, TASERS, INTERVIEW ROOM CAMERAS, IN-CAR VIDEO, BATTERIES, CARTRIDGES, RELATED EQUIPMENT AND ACCESSORIES, LICENSING, MAINTENANCE, AND WARRANTY.

Recommendation: Motion to approve to terminate existing Master Services and Purchasing Agreement with Axon Enterprise, Inc. for body worn cameras and Tasers
Motion to approve new agreement with Axon Enterprise, Inc. for body worn cameras, Tasers, interview room cameras, in-car video, batteries, cartridges, related equipment and accessories, licensing, maintenance and warranty in the total amount not to exceed \$2,510,000 over the next five (5) years.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[Resolution 88-18 Approval of termination of existing and entering into a new agr](#)
[AXON - FINANCIAL IMPACT PER FISCAL YEAR F](#)
[0517_DelrayOSP](#)
[0517_DelrayOSPCombined](#)
[0517_DelrayInterview](#)
[0517_DelrayPhasedFleet120USE](#)
[Axon Fleet vs Panasonic Arbitrator comparison](#)
[DelrayBeach_OriginalMSPASigned](#)
[Sole Source Letter Agency-Specific CEW and Axon](#)
[Legal Review Checklist_LW](#)
[2018 Axon Agreement final with quotes](#)

- 6.H.** GRANT APPLICATION AND APPROVAL/FDOT PEDESTRIAN & BICYCLE SAFETY

Recommendation: Motion to approve the application and award from the Florida Department of Transportation (FDOT) in the amount not to exceed \$65,000.00 for the pedestrian and bicycle safety education and enforcement program.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[Town of Delray Beach Contract Approval 6Aug2018](#)
[Legal Review Checklist_LW review - Legistar item 18-518](#)
[433144-1-8404 Grant Award 2July2018 - Legistar item 18-518](#)

6.I. PROCLAMATIONS:

6.I.1. PROCLAMATION - DELRAY BEACH FIRE RESCUE APPRECIATION MONTH ON BEHALF OF MDA

Recommendation: Proclaim the month of September as Delray Beach Fire-Rescue Appreciation Month

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Delray Beach Fire Rescue - MDA](#)

6.J. REPORT OF APPEALABLE LAND USE ITEMS FROM JULY 23, 2018 THROUGH AUGUST 3, 2018.

Recommendation: By motion, receive and file this report.

Sponsors: Planning & Zoning Department

Attachments: [Agenda Cover Report](#)
[Appealable Items Map](#)
[A. 75 SW 5th Avenue](#)
[B. Jardin Del Mar - 200 S. Ocean Blvd](#)
[C. The 301 Building - 301 SE 1st Avenue](#)
[D. Delray Square II - 14530 South Military Trail](#)
[E. Delray Beach Public Library - 100 W. Atlantic Avenue](#)
[F. Central Park Taekwondo - 215 NE 5th Avenue](#)
[G. 777 North Ocean Blvd](#)

6.K. AWARD OF BIDS AND CONTRACTS:**6.K.1. APPROVAL OF RESOLUTION NO 94-18 AWARD OF AN AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND GREEN INDUSTRY LANDSCAPING CORPORATION FOR LANDSCAPE MAINTENANCE IN A NOT-TO-EXCEED AMOUNT OF \$141,000 PER CONTRACT TERM**

Recommendation: Motion to award a three-year Agreement with Green Industry Landscaping Corporation, for landscape maintenance in an amount not-to-exceed of \$141,000 for the Agreement term and authorize the City Manager to exercise any and all renewal options.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist Green Industry for landscaping ITB 2018-040](#)
[94-18- Resolution Template for Contracts \(CA 3-23-18\)](#)
[ITB 2018-40 Agreement](#)
[Green Industry](#)

- 6.K.2.** APPROVAL OF RESOLUTION NO. 111-18 TO AWARD AN AGREEMENT WITH M & M ASPHALT MAINTENANCE, INC. D/B/A ALL COUNTY PAVING FOR GENERAL ROADWAY AND MISCELLANEOUS CONSTRUCTION SERVICES UTILIZING THE CITY OF WEST PALM BEACH SOLICITATION NO. ITB 14-15-134, AND TO AUTHORIZE THE CITY MANAGER TO APPROVE AND EXECUTE AGREEMENT RENEWAL OPTIONS IN A NOT-TO-EXCEED AMOUNT OF \$300,000.

Recommendation: Motion to approve Resolution No. 111-18 to award an agreement with M & M Asphalt Maintenance, Inc. d/b/a All County Paving (ACP) for General Roadway and Miscellaneous Construction Services for a total agreement value not-to-exceed \$300,000 through October 15, 2018, utilizing the City of West Palm Beach Solicitation No. ITB 14-15-134. The City of West Palm Beach Annual Contract expires on October 15, 2018.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 111-18 Annual Paving](#)
[All County WPB Master Contract](#)
[NW Section Location Map](#)
[SE 10th St Location Map](#)
[Legal Review Checklist form v. 5 All county paving piggyback](#)
[City of Delray Beach Piggyback Signed Agreement 8-21-18](#)
[list of roads](#)

7. REGULAR AGENDA:

- 7.A.** REQUEST FOR A WAIVER TO LDR SECTION 4.6.5(C) TO ALLOW THE INCREASE IN HEIGHT OF PROPOSED FENCE ON THE OUTSIDE COURTYARD TO 12 FEET LOCATED AT 5440 LINTON BLVD. (QUASI-JUDICIAL HEARING)

Recommendation: Motion to approve the waiver request to LDR Section 4.6.5(C)) to increase the maximum fence height from eight to 12 feet for Tenet Healthcare Corporation (Delray Medical Center) which is located at 5440 Linton Blvd, as presented.

Sponsors: Planning & Zoning Department

Attachments: [Agenda Cover Report](#)
[Board Order - Delray Medical Waiver](#)
[Justification Letter](#)
[Survey](#)
[Images](#)

7.B. APPROVAL TO INCREASE THE APPROVED AGREEMENT VALUE BY \$228,848 FOR VOIP PHONE SYSTEM SUPPORT, MAINTENANCE AND SERVICES WITH MAX-IS, INC. THROUGH SEPTEMBER 2019

Recommendation: Motion to approve an increase in the approved agreement value by \$228,848 with Max-IS, Inc. for VoIP phone system support, maintenance and services through September 2019.

Sponsors: IT Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Executed Maxis360 VOIP contract](#)
[MaxIS payments](#)

7.C. RESOLUTION NO. 77-18: A RESOLUTION OF THE CITY OF DELRAY BEACH, FLORIDA AUTHORIZING PAYMENT OF PER CAPITA MEMBER DUES TO THE PALM BEACH TRANSPORTATION PLANNING AGENCY COMMENCING IN FISCAL YEAR 2019 AND EVERY YEAR THEREAFTER, PROVIDING AN EFFECTIVE DATE.

Recommendation: Motion to approve Resolution No. 77-18 to pay City of Delray Beach (City) member dues to the Palm Beach Transportation Agency (TPA) beginning Fiscal year 2019.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[FW Agenda Item for Legal Review](#)
[Res 77-18 TPA Member Dues Resolution Final](#)

7.D. NOMINATION FOR APPOINTMENT TO THE BOARD OF ADJUSTMENT

Recommendation: Motion to approve nomination for appointment for one (1) alternate member to serve on the Board of Adjustment for an unexpired term ending August 31, 2019.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Board of Adjustment Member List](#)
[Board of Adjustment Attendance List](#)
[Board of Adjustment Applications](#)

7.E. APPOINTMENT OF ASSISTANT CITY ATTORNEY

Recommendation: Motion to approve the appointment of William Bennett as Assistant City Attorney.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

8. PUBLIC HEARINGS:

8.A. RESOLUTION NO. 103-18: TENTATIVE MILLAGE LEVY

Recommendation: Motion to approve Resolution No. 103-18 Tentative Millage Levy for FY 2019.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Res 103-18 Tentative Millage Levy FY 2019](#)

8.B. RESOLUTION NO. 104-18: TENTATIVE MILLAGE LEVY/DDA

Recommendation: Motion to approve Resolution No. 104-18 Tentative DDA Millage Rate for FY 2019.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Res 104-18 Tentative Tax Levy DDA FY 2019](#)
[Approved DDA FY 2018 - 19 Budg Rev. CC - 9.6.18](#)
[DDA FY18-19 Budget Detail Memo 9.6.18 City Commission Mtg](#)
[Delray Beach DDA FY18-19 Millage Approval Memo 9.6.18](#)
[Sept. 6 City Commission Meeting - DDA Millage Presentation - V1](#)

8.C. RESOLUTION NO. 105-18: TENTATIVE BUDGET ADOPTION FOR FY 2019

Recommendation: Motion to approve Resolution No. 105-18 Tentative Budget Adoption for FY 2019

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 105-18](#)
[Tentative Exhibit A 17.18](#)
[Tentative Exhibit A 16.17](#)
[Exhibit A Comparisons](#)
[Town Hall Budget Questions Comments](#)
[Commission Budget Comments](#)
[City Commission Millage and Budget Presentation 20180828 \(002\)](#)
[The Greater Delray Beach Chamber of Commerce](#)

**8.D. ORDINANCE NO. 14-18: COLLECTION OF EMERGENCY MEDICAL SERVICE FEES
ORDINANCE AMENDMENT (SECOND READING)**

Recommendation: Motion to update the ordinance "Collection of Emergency Medical Service Fees" and strike the below noted verbiage.

Any bill remaining unpaid for a period of ninety (90) days shall be considered delinquent. Any delinquent bill shall incur interest at a rate determined by the City Manager. The notice of an interest charge shall be included on the initial bill mailed to the patient.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[Ord 14-18 rev collection of EMS fees](#)

8.E. ORDINANCE NO. 17-18: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING CHAPTER 33 "POLICE AND FIRE-RESCUE DEPARTMENTS" BY AMENDING PROVISIONS OF THE POLICE OFFICERS' RETIREMENT SYSTEM; AMENDING SECTION 33.65 "ADMINISTRATION"; AMENDING SECTION 33.67, "OTHER PROVISIONS"; CREATING A NEW SECTION 33.725, "SHARE PLAN"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (SECOND READING)

Recommendation: Motion to approve Ordinance 17-18 in order to correct three items that were inadvertently left out of Ordinance 17-16.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Ord 17-18 Delray Beach Police Pension Ordinance Final for first reading](#)

8.F. ORDINANCE NO. 18-18: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING CHAPTER 33 "POLICE AND FIRE-RESCUE DEPARTMENTS" BY AMENDING PROVISIONS OF THE FIREFIGHTERS' RETIREMENT SYSTEM; AMENDING SECTION 33.76, "BENEFIT AMOUNTS AND ELIGIBILITY"; AMENDING SECTION 33.79, ADMINISTRATION"; AMENDING SECTION 33.81, "OTHER PROVISIONS"; CREATING A NEW SECTION 33.92, "SHARE PLAN"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (SECOND READING)

Recommendation: Motion to approve Ordinance 18-18 in order to correct three items that were inadvertently left out of Ordinance 17-16.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Ord 18-18 Delray Beach Fire Pension Ordinance Final for first reading](#)

9. FIRST READINGS:

- 9.A. ORDINANCE NO. 12-18: A CITY-INITIATED AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS TO CREATE AN ENTIRELY NEW SUBSECTION REGARDING HISTORIC SITE AND BUILDINGS MAINTENANCE REGULATIONS, TO REVISE PROCEDURES FOR CERTIFICATES OF ECONOMIC HARDSHIP, AND TO REVISE REGULATIONS REGARDING TAX EXEMPTION REVOCATION PROCEEDINGS WITHIN LDR SECTION 4.5.1. (FIRST READING)**

Recommendation: Motion to Approve Ordinance No. 12-18 adopting the City-initiated amendment to Land Development Regulation Article 4.5 “Overlay and Environmental Management Districts”, Section 4.5.1 “Historic Preservation: Designated Districts, Sites and Buildings” to create an entirely new subsection regarding Historic Site and Buildings Maintenance Regulations, to revise procedures for Certificates of Economic Hardship, and to revise regulations regarding Tax Exemption Revocation Proceedings, by adopting the findings of fact and law contained in the staff report, and finding that the text amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in pursuant to LDR Section 2.4.5(M).

Sponsors: Planning & Zoning Department

Attachments: [Agenda Cover Report](#)
[ORD 12-18 LDR 4.5.1 NewSubsect9-Maintenance-Penalties-HPB REVIEW-201](#)
[2018-07-16-PZB Staff Report Ordinance No 12-18-With Attachments](#)

- 9.B. ORDINANCE NO. 13-18: A CITY-INITIATED AMENDMENT TO THE CODE OF ORDINANCES TO AMEND CHAPTER 100, “NUISANCES”, AT TITLE 9. “GENERAL REGULATIONS” BY REPEALING SECTION 100.10 AND READOPTING IT WITH NEW TITLE, “BOARDING CERTIFICATE; REQUIREMENTS”, TO PROVIDE FOR REGULATIONS REGARDING THE BOARDING AND SECURING OF VACANT BUILDINGS, STRUCTURES, OR DWELLINGS IN THE CITY. (FIRST READING)**

Recommendation: Motion to approve Ordinance No. 13-18 amending the Code of Ordinances to create new requirements and regulations regarding the boarding and securing of vacant buildings, structures, or dwellings in the City, by adopting the findings of fact and law and finding that the text amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in pursuant to LDR Section 2.4.5(M).

Sponsors: Planning & Zoning Department

Attachments: [Agenda Cover Report](#)
[ORD 13-18 Code of Ord-NewSec 100.10](#)

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

10.B. City Attorney

10.C. City Commission