

# City of Delray Beach

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[www.mydelraybeach.com](http://www.mydelraybeach.com)



## Regular Commission Meeting

Final Budget Hearing/Regular Meeting at 6:00 PM

Tuesday, September 25, 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. RESOLUTION NO. 58-18 RECOGNIZING MARGARITA CASTILLO FOR 30 YEARS OF SERVICE**

**Recommendation:** Motion to approve Resolution No. 58-18 honoring Margarita Castillo for 30 years of service.

**Sponsors:** Human Resources Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution 58-18 Margarita Castillo.doc](#)

**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:

September 4, 2018 City Commission Special Meeting Minutes (Closed Attorney/Client Session) 1:00 p.m.

September 4, 2018 City Commission Special Meeting Minutes (Closed Attorney/Client Session) 1:30 p.m.

September 6, 2018 City Commission Regular Meeting Minutes

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Minutes September 4, 2018 Special Meeting Closed Attorney Client Session #1](#)  
[Minutes September 4, 2018 Special Meeting Closed Attorney Client Session #2](#)  
[Minutes September 6, 2018 Regular City Commission Meeting](#)

**6.B. RESOLUTION NO. 119-18 NUISANCE ABATEMENT OF EIGHT (8) PROPERTIES THROUGHOUT THE CITY**

**Recommendation:** Motion to adopt Resolution No. 119-18 assessing costs for abatement action required to remove nuisances on eight (8) properties throughout the City.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Res No. 119-18 Nuisance Abatement](#)  
[RES NO. 119-18 - Exhibit A](#)

**6.C. RESOLUTION NO. 117-18: A RESOLUTION OF THE CITY OF DELRAY BEACH, FLORIDA APPROVING AN AGREEMENT WITH FLORIDA POWER AND LIGHT, CO. (FPL) FOR THE INSTALLATION OF UNDERGROUND FACILITIES IN THE CITY RIGHT-OF-WAY; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THIS AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**Recommendation:** Motion to approve an agreement with Florida Power and Light, Inc. ("FPL") to allow the installation of underground electrical utilities in City right-of-way to serve the iPic Theater Project, subject to the City's approval of Resolution 118-18.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution No 117-18 IPic undergrounding agreement with FPL](#)  
[City County Right of Way Agreement for Underground Facilities - Delray Beach](#)  
[Legal Review Checklist form v. 5 Undergrounding agreement with FPL](#)

**6.D. RESOLUTION NO. 118-18: A RESOLUTION OF THE CITY OF DELRAY BEACH, FLORIDA APPROVING AN AGREEMENT WITH DELRAY BEACH 4TH & 5TH AVENUE LLC ("DEVELOPER") TO ASSUME THE OBLIGATIONS OF THE "CITY/COUNTY RIGHT OF WAY AGREEMENT FOR UNDERGROUND FACILITIES" BETWEEN THE CITY AND FPL; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THIS AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**Recommendation:** Motion to approve an agreement with Delray Beach 4th and 5th Avenue LLC to assume the obligations of the City's agreement with FPL for the installation of underground electrical facilities in City right-of-way to serve the iPic Theater Project.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)  
[Agreement Between the City of Delray Beach and Delray Beach 4th and 5th Av](#)  
[Resolution No 118-18 Agreement to assume FPL obligations iPic](#)  
[Legal Review Checklist](#)

**6.E. AMENDMENT TO RESTRICTIVE COVENANT AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND LENNAR HOMES**

**Recommendation:** Motion to approve the Amendment to the Restrictive Covenant Agreement Between the City of Delray Beach and Lennar Homes

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)  
[Amendment to Restrictive Covenant with Lennar Homes LLC](#)

**6.F. RESOLUTION NO. 122-18 AGREEMENT BETWEEN THE GREATER DELRAY BEACH CHAMBER OF COMMERCE AND THE CITY OF DELRAY BEACH FOR A MAXIMUM OF ONE YEAR IN AN AMOUNT NOT TO EXCEED \$125,000 FOR HOMETOWN EVENT MARKETING, DESTINATION MARKETING AND ADMINISTRATIVE COSTS**

**Recommendation:** Motion to approve Resolution No. 122-18 for an Agreement between the Greater Delray Beach Chamber of Commerce and the City of Delray Beach for a maximum one year in an amount not to exceed \$125,000 for Hometown Marketing, Destination Marketing and Administrative Costs.

**Sponsors:** City Manager Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist form v. 5 Chamber of Commerce Funding agreement](#)  
[Chamber funding agreement 9-14-2018](#)  
[Reso 122-18 for Funding of Greater Delray Beach Chamber of Commerce](#)  
[Chamber letter to Mark Lauzier for funding](#)

**6.G. FIRST AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN CITY OF DELRAY BEACH (CITY) AND DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY (CRA) FOR DEMOLITION AND BOARDING UP OF BLIGHTED STRUCTURES AND ALLEYWAY CLEARANCE**

**Recommendation:** Motion to approve and execute the attached Interlocal Agreement.

**Sponsors:** Community Improvement

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist form v 5 ILA for demo of blighted structures](#)  
[First Amendment to ILA for BoardUp and Demolition \\$75,000 Rev1](#)  
[Fully Executed ILA with City-CRA for Demolition and Clearance FY16-17 \\$50,000](#)

**6.H. FLORIDA MUNICIPAL INSURANCE TRUST (FMIT) FOR RENEWAL OF PROPERTY INSURANCE POLICY**

**Recommendation:** Staff is requesting approval for renewal of Property, Excess Liability and Excess Workers' Compensation Insurance from the Florida Municipal Trust Fund (FMIT) for \$1,138,611 for the coverage period 10/1/2018 through 9/30/2019.

**Sponsors:** Finance Department

**Attachments:** [Agenda Cover Report](#)

[FMIT1](#)

[FMIT2](#)

[FMIT3](#)

**6.I. APPROVAL OF RESOLUTION NO. 68-18 AND RATIFICATION OF AN EMERGENCY PURCHASE TO INTERDEV, LLC FOR INFORMATION TECHNOLOGY SECURITY SERVICES IN AN AMOUNT NOT-TO-EXCEED \$128,000 FOR TEN MONTHS**

**Recommendation:** Motion to approve Resolution No. 68-18 and ratify an emergency purchase to Interdev, LLC for information technology security services in an amount not-to-exceed \$128,000 for ten months.

**Sponsors:** IT Department

**Attachments:** [Agenda Cover Report](#)

[Approved Emergency Acquisition Approval Memo - IT Security Services](#)

[Interdev Full Time Remote Person Quote](#)

[Resolution No. 68-18 for IT Security Services \(rev 1 CAO\)](#)

[Legal Review Checklist form v. 5 interdev proposal](#)

[Purchase Order 2018-00002788](#)

- 6.J.** ITEM (A)-ACCEPTANCE OF DRAINAGE EASEMENT FOR 714 SE 8TH CT.  
ITEM (B)-ACCEPTANCE OF PERPETUAL SIDEWALK EASEMENT AGREEMENT FOR 222 NW 18th St.  
ITEM (C)-ACCEPTANCE OF WATER EASEMENT FOR CVS LOCATED AT 4970 W. ATLANTIC AVE.

**Recommendation:** **Item (A)**-Motion to Approve and accept a drainage easement agreement on SE 8th Ct. located at 714 SE 8th Ct.

**Item (B)**-Motion to Approve and accept 5' of sidewalk easement on NW 18th St. located at 222 NW 18th St.

**Item (C)**-Motion to Approve and accept Water Easement Agreement for CVS located at 4970 W. Atlantic Ave.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)

[Item \(A\) Drainage Easement Agreement.pdf](#)

[Item \(A\) Exhibit \(A\) Sketch and Description 714 SE 8th Ct.pdf](#)

[Item \(A\) Survey 714 SE 8th Ct..pdf](#)

[Item \(A\) PAPA Map 714 SE 8th Ct.pdf](#)

[Item \(A\) PAPA Page 714 SE 8th Ct.pdf](#)

[Item \(B\) Perpetual Sidewalk Easement Agreement 222 NW 18th St..pdf](#)

[Item \(B\) Exhibit \(A\) Sketch and Description 222 NW 18th St..pdf](#)

[Item \(B\) Survey 222 NW 18th St..pdf](#)

[Item \(B\) PAPA Map Location 222 NW 18th St..pdf](#)

[Item \(B\) PAPA Page 222 NW 18th St..pdf](#)

[Item \(B\) Sunbiz Page 222 NW 18th St..pdf](#)

[Item \(C\) Easement Agreement 4970 W. Atlantic Ave..pdf](#)

[Item \(C\) Exhibit A Sketch and Description.pdf](#)

[Item \(C\) Exhibit B Sketch and Description.pdf](#)

[Item \(C\) Exhibit \(C\) Water Easement Plan 4970 W. Atlantic Ave..pdf](#)

[Item \(C\) Map Location 4970 W. Atlantic Ave..pdf](#)

[Item \(C\) PAPA Page 4970 W. Atlantic Ave..pdf](#)

- 6.K.** APPROVAL OF AMENDMENT NO. 2 WITH T2 SYSTEMS, INC. TO RENEW THE MULTI-SPACE SMART PARKING METERS AGREEMENT THROUGH DECEMBER 13, 2019 AND INCREASE THE NOT-TO-EXCEED AGREEMENT VALUE BY \$29,080

**Recommendation:** Motion to Approve Amendment No. 2 with T2 Systems, Inc. to renew the multi-space smart parking meters Agreement through December 13, 2019 and increase the not-to-exceed agreement value by \$29,080.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[2016-057L Amendment No. 2, Vendor Executed](#)  
[Legal Review Checklist form v. 5 Amend No 2 Multi Space Smart Parking Meter](#)  
[Multi-space Smart Parking Meters Agreement, Executed](#)  
[2016-057L Executed Amendment No. 1](#)

- 6.L.** MOTION TO APPROVE QUIT CLAIM DEED AND RESOLUTION FOR WALLACE FORD REPLAT

**Recommendation:** Motion to Approve Quit Claim Deed and Resolution for Wallace Ford Replat.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[City Quit Claim Deed Parcel B Wallace Ford Replat.pdf](#)  
[Resolution Wallace Ford Replat.pdf](#)  
[Wallace Ford Replat.pdf](#)

- 6.M.** APPROVAL OF A CONSENT TO ASSIGNMENT AND ASSUMPTION AGREEMENT FOR 169 NE 2nd d/b/a/ MAX'S HARVEST TO INTEGRAL HOSPITALITY GROUP HOLDINGS, LLC.

**Recommendation:** Motion to approve a Consent to Assignment and Assumption Agreement from 169 NE 2nd d/b/a/ Max's Harvest to Integral Hospitality Group Holdings, LLC.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[2018 Consent to assignment Max's Harvest valet agreement](#)  
[2018 Legal Review Checklist form v. 5 Parking License Agreement Integral Hos](#)



- 6.N.** APPROVING AMENDMENT #3 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 approve Amendment #3 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, 2018 until September 30, 2019.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[2018 32 East Agreement](#)  
[2018 32 East](#)  
[2018 Legal Review Checklist form v. 5 Parking License Agreement 32 East](#)

- 6.O.** APPROVING AMENDMENT #3 TO THE VALET PARKING LICENSE AGREEMENT WITH LSMS, INC. D/B/A TRAMONTI 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 approve Amendment #3 to the Valet Parking License Agreements with LSMS, Inc., D/B/A Tramonti providing valet parking services to extend the license from October 1, 2018 until September 30, 2019.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[2018 LSMS INC dba TRAMONTI'S VALET AGREEMENT](#)  
[2018 Tramonti Agreement](#)  
[2018 Legal Review Checklist form v. 5 Parking License Agreement Tramonti](#)

- 6.P.** APPROVING AMENDMENT #3 TO THE VALET PARKING LICENSE AGREEMENT WITH DELRAY TACO, LTD 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 approve Amendment #3 to the Valet Parking License Agreements with Delray Taco, LTD providing valet parking services to extend the license from October 1, 2018 until September 30, 2019.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[2018 Del Taco Agreement](#)  
[2018 Roccas Tacos](#)  
[2018 Legal Review Checklist form v. 5 Parking License Agreement Delray Taco](#)

**6.Q. APPROVING AMENDMENT #3 TO THE VALET PARKING LICENSE AGREEMENT WITH CUT 432 LLC 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 approve Amendment #3 to the Valet Parking License Agreement with CUT 432 LLC providing valet parking services to extend the license from October 1, 2018 until September 30, 2019.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[2018 Cut 432 Agreement](#)  
[2018 CUT 432](#)  
[2018 Legal Review Checklist form v. 5 Parking License Agreement Cut 432](#)

**6.R. APPROVING AMENDMENT #3 TO THE VALET PARKING LICENSE AGREEMENT WITH INTEGRAL HOSPITALITY GROUP (MAX HARVEST) 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 approve Amendment #3 to the Valet Parking License Agreement with Integral Hospitality Group (Max Harvest) providing valet parking services to extend the license from October 1, 2018 until September 30, 2019.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[2018 Legal Review Checklist form v. 5 Parking License Agreement Integral Hos](#)  
[2018 Amendment no. 3 to parking license agt with Integral-Max's harvest](#)  
[2018 Consent to assignment Max's Harvest valet agreement](#)  
[2018 Maxs Harvest](#)

**6.S. APPROVING AMENDMENT #3 TO THE VALET PARKING LICENSE AGREEMENT WITH CAFFE LUNA ROSA 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 approve Amendment #3 to the Valet Parking License Agreement with Caffe Luna Rosa providing valet parking services to extend the license from October 1, 2018 until September 30, 2019.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[2018 10-1-14 Cafe Luna Rosa- Parking](#)  
[2018 Caffe Luna Rosa Agreement](#)  
[2018 Legal Review Checklist form v. 5 Parking License Agreement Caffe Luna I](#)

**6.T. APPROVING AMENDMENT #3 TO THE VALET PARKING LICENSE AGREEMENT WITH TAVERNA OPA ATLANTIC, LLC 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 approve Amendment #3 to the Valet Parking License Agreement with Taverna Opa Atlantic, LLC providing valet parking services to extend the license from October 1, 2018 until September 30, 2019.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[2018 Legal Review Checklist form v. 5 Parking License Agreement Taverna Op.](#)  
[2018 Taverna Opa](#)  
[2018 TO Delray - Parking Agreement](#)

**6.U. PROCLAMATIONS:**

**6.U.1. PROCLAMATION DECLARING SEPTEMBER 24, 2018 - SEPTEMBER 30, 2018 AS DIAPER NEED ASSESSMENT WEEK.**

**Recommendation:** Proclaim September 24, 2018 - September 30, 2018 as Diaper Need Assessment Week

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Diaper Need Awareness Week 2018](#)

**6.V. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**

**6.V.1. REPORT OF APPEALABLE LAND USE ITEMS FROM AUGUST 6, 2018 THROUGH AUGUST 24, 2018.**

**Recommendation:** By motion, receive and file this report.

**Sponsors:** Planning & Zoning Department

**Attachments:** [Agenda Cover Report](#)  
[Appealable Items Map](#)  
[A. Villa D' Este - 125 Via D' Este](#)  
[B. 1045 E. Atlantic Ave](#)  
[C. Crane's Beach House - 82 Gleason St.](#)  
[D. Delray Health and Wellness - 2702 N. Federal Hwy](#)  
[E. Berkshire by the Sea - 126 N Ocean Blvd](#)  
[F. Atlantic Crossing -Between Veterans Park and NE 6th Avenue](#)  
[G. 200 NE 7th Avenue](#)

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

**6.W.1 RESOLUTION 46-18 : APPROVAL OF MAINTENANCE AND SUPPORT AGREEMENT WITH MOTOROLA SOLUTIONS, INC. FOR THE RADIO SYSTEM**

**Recommendation:** Motion to approve a one-year Motorola Maintenance and Support Agreement with Motorola Solutions, Inc., the sole source provider, for the current Motorola subscriber radios and system in the amount of \$100,255.

**Sponsors:** Police Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution 46-18 Approval of agreement with Motorola Solutions for annual mai](#)  
[Legal Review Checklist\\_LW 2018](#)  
[Motorola executed agreement](#)

**6.W.2 APPROVAL OF A RESOLUTION NO. 120-18 TO AWARD AN AGREEMENT WITH MERCURY ASSOCIATES, INC. TO PERFORM A COMPREHENSIVE FLEET ANALYSIS UTILIZING THE CITY OF BOYNTON BEACH SOLICITATION NO. 017-2510-18/IT**

**Recommendation:** Approval of a Resolution No. 120-18 to award an agreement with Mercury Associates, Inc. to perform a comprehensive fleet analysis utilizing the City of Boynton Beach solicitation No. 017-2510-18/IT

**Sponsors:** Public Works Department - Programs & Project Management

**Attachments:** [Agenda Cover Report](#)  
[Mercury Fleet Analysis Agreement](#)  
[Resolution Fleet Analysis Mercury 9.10.18](#)  
[Legal Review Checklist form v. 5 Mercury Fleet Analysis](#)  
[Mercury Piggyback Checklist](#)  
[RFP for COMPREHENSIVE ANALYSIS - FLEET OPS-FINAL](#)  
[Agreement - Comprehensive Analysis - Fleet Operations - Mercury Associ](#)

**7. REGULAR AGENDA:**

**7.A. APPROVAL OF A TEMPORARY USE PERMIT FOR A TEMPORARY PARKING LOT WITH WAIVERS FROM LDR SECTIONS 2.4.6.(F)(3)(e)1, 3, 4, 5, and 8, TO PERMIT A TEMPORARY USE OF A TEMPORARY PARKING LOT TO BE LOCATED ON VACANT PROPERTY SITUATED AT 601 SE 5TH AVE, 604 SE 6TH AVE, 630 SE 6TH AVE, 660 SE 6TH AVE, AND 666 SE 6TH AVE. (QUASI-JUDICIAL HEARING)**

**Recommendation:** Motion to Approve the Temporary Use Permit with associated waivers from Sections 2.4.6.(F)(3)(e)1, 3, 4, and 5, to permit a temporary parking lot by adopting the findings of fact and law presented and finding that the request and approval thereof is consistent with the criteria set forth in Section 2.4.7(B)(5) of the Land Development Regulations, subject to the following conditions of approval:

1. Applicant shall be required to obtain a building permit prior to improving the site and storing vehicles.
2. When placing a perimeter fence, sight visibility triangles shall comply with LDR Sec.4.6.14(B).
3. Applicant must coordinate with FDOT and either secure all permit(s) required or provide documentation that permits are not required for any improvements at the site.
4. If the site is not to be paved, the site shall be graded with gravel.
5. The Applicant shall be required to provide a Stormwater Pollution Prevention Plan demonstrating how tracking of dirt/dust off-site from the storage area will be accomplished if it is not paved or graded with gravel.
6. To screen the vehicles, provide a 6-foot high all-vinyl coated chain-link fence system (black or green) with windscreen (black or green) around the entire perimeter, including gates. If non-vinyl-coated fence is utilized then a hedge shall be installed per LDR 4.6.5(D).
7. The fence system shall be located on the property, not within the road right-of-ways. It shall be set back a minimum of 3' on the Federal Highway side to allow for the planting of a lawn grass. There is a requirement for lawns to be maintained. Note: if the area is to not be irrigated, then Bahia grass should be utilized.
8. To screen the vehicles from the upper floors of the existing multi-story condominiums east of Federal Highway, a row of Cabbage Palms (Sabal palmetto) shall be planted along that entire property line. The Palms shall be planted 10' on center. (From the northeast corner of the property, south approximately 100' to the existing building, then south of the building approximately 300' to the southeast corner of the property. Note: this will be approximately 40 trees/one truckload.) The height of the trees shall be a minimum of 12' to 16' clear trunk and shall be hand watered.
9. Security lighting shall be provided.
10. The gates will have to be well secured to avoid vandalism and theft from occurring on the property.
11. No parking, loading, or unloading of the vehicles shall be permitted within the adjacent right-of-ways or in areas outside of the property.

12. No sales activity shall be permitted on the property. No customers are permitted on the property.
13. Signage is not permitted around the property's perimeter.
14. Advertising is not permitted on or around the property's perimeter.
15. The temporary use permit for the temporary parking lot is valid until July 15, 2020. Extension requests shall be approved by the City Commission and must be requested 90 days prior to the expiration.
16. The applicant shall place a cash deposit of \$19,500.00 in escrow to be returned after the expiration of the permit when the site is vacated. If the permit is not extended by the City Commission, the City Commission may authorize a portion of the funds to be retained by the City based upon the amount of time the temporary parking lot use occupies the site beyond the expiration date.

Motion to Deny the waiver from Section 2.4.6.(F)(3)(e)8, to permit a temporary parking lot which does not comply with the specifications in subsections a through g by adopting the findings of fact and law presented and finding that the request and approval thereof is not consistent with the criteria set forth in Section 2.4.7(B)(5) of the Land Development Regulations.

**Sponsors:**

Planning & Zoning Department

**Attachments:**

[Agenda Cover Report](#)

[601 SE 5th Ave. Waiver Board Order](#)

[Location Map](#)

[Request Letter](#)

[Survey and sketch](#)

[Lease Agreement](#)

[Warranty Deed](#)

[Areas Designated for Temporary Parking lots as a temporary use](#)

**7.B. AMENDMENT NO. 2 TO THE SOLID WASTE AND RECYCLING COLLECTION FRANCHISE AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND WASTE MANAGEMENT INC. OF FLORIDA**

**Recommendation:** Motion to approve Amendment No. 2 to the Solid Waste and Recycling Collection Franchise Agreement dated March 9, 2015, between the City of Delray Beach and Southern Waste Systems, LLC and assigned to Waste Management Inc. of Florida (WMIF) on December 14, 2015.

**Sponsors:** Community Improvement

**Attachments:** [Agenda Cover Report](#)  
[WM Overage Insert Commercial 10inches 092518](#)  
[2nd Amend Delray Franchise 2018](#)  
[Legal Review Checklist form v. 5 Amend. No. 2 to Waste Management agreeme](#)  
[Clean Program 09252018 revised 2](#)

**7.C. APPROVAL OF COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE POLICE BENEVOLENT ASSOCIATION INC, (DELRAY BEACH OFFICERS AND SERGEANTS)**

**Recommendation:** Motion to approve the Collective Bargaining Agreement and Memo of Understanding (MOU) between the City of Delray Beach and the Police Benevolent Association Inc, (Delray Beach Officers and Sergeants)

**Sponsors:** Human Resources Department

**Attachments:** [Agenda Cover Report](#)  
[Memo to Mayor and Commission Officers and Sergeants.pdf](#)  
[Collective Bargaining Agreement Officers and Sergeants.pdf](#)

**7.D. APPROVAL OF COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE POLICE BENEVOLENT ASSOCIATION INC, (DELRAY BEACH LIEUTENANTS)**

**Recommendation:** Motion to approve the Collective Bargaining Agreement and Memo of Understanding (MOU) between the City of Delray Beach and the Police Benevolent Association Inc, (Delray Beach Lieutenants)

**Sponsors:** Human Resources Department

**Attachments:** [Agenda Cover Report](#)  
[Memo to CM Approval of Collective Bargaining Agreement PBA Lieutenants 20](#)  
[Collective Bargaining Agreement Police Lieutenants.pdf](#)

**7.E. APPROVAL OF 2019 THROUGH 2023 CAPITAL IMPROVEMENT PROGRAM BUDGET.**

**Recommendation:** Motion to approve Capital Improvement Program (CIP) Budget for 2019 through 2023.

**Sponsors:** Public Works Department - Programs & Project Management

**Attachments:** [Agenda Cover Report](#)  
[CIP\\_Final\\_FY19\\_23\\_book](#)

**7.F. WELCOMING CITY - WELCOMING DELRAY RESOLUTION NO. 121-18**

**Recommendation:** A resolution of the City Commission of the City of Delray Beach, Florida, approving the designation of the City of Delray Beach as a Welcoming City.

**Sponsors:** City Manager Department

**Attachments:** [Agenda Cover Report](#)  
[Res 121-18 Welcoming City](#)  
[Welcoming America- Cities Committment](#)

**7.G. NOMINATION FOR APPOINTMENT TO THE EDUCATION BOARD**

**Recommendation:** Motion to approve nomination for appointment for one (1) regular member to serve on the Education Board for unexpired terms ending July 31, 2019.

**Sponsors:** City Clerk Department

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

**7.H. NOMINATION FOR APPOINTMENT TO THE POLICE ADVISORY BOARD**

**Recommendation:** Motion to approve nomination for appointment for one (1) regular member to serve on the Police Advisory Board for an unexpired term ending July 31, 2019.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Exhibit A](#)  
[Police Advisory Board Member List](#)  
[Police Advisory Board Attendance List](#)  
[Police Advisory Board Applications](#)

**8. PUBLIC HEARINGS:**



**8.A. RESOLUTION NO. 106-18 FINAL MILLAGE LEVY FOR THE CITY OF DELRAY BEACH (CITY)**

**Recommendation:** Motion to approve Resolution No. 106-18 Final Millage Levy for FY 2019 for the City of Delray Beach.

**Sponsors:** City Manager Department

**Attachments:** [Agenda Cover Report](#)  
[Res 106-18 Millage Levy FY 2019](#)

**8.B. RESOLUTION NO. 107-18 FINAL MILLAGE LEVY FOR THE DOWNTOWN DEVELOPMENT AUTHORITY (DDA)**

**Recommendation:** Motion to approve Resolution No. 107-18 Final Millage Levy for the DDA.

**Sponsors:** City Manager Department

**Attachments:** [Agenda Cover Report](#)  
[Res 107-18 Tax Levy DDA FY 2019](#)  
[DDA Budget](#)

**8.C. RESOLUTION NO. 108-18 BUDGET ADOPTION FOR FY 2019**

**Recommendation:** Motion to approve Resolution No. 108-18 Final Budget Adoption for FY 2019 FOR THE CITY OF DELRAY BEACH (CITY).

**Sponsors:** City Manager Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution No. 108-18](#)  
[Exhibit A subtotals](#)

- 8.D.** ORDINANCE NO. 09-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND RE-DESIGNATING LAND PRESENTLY ZONED SINGLE FAMILY RESIDENTIAL (R-1-A) DISTRICT TO CENTRAL BUSINESS (CBD) DISTRICT, LOCATED WITHIN THE RAILROAD CORRIDOR SUB-DISTRICT; SAID LAND IS LOCATED ON THE WEST SIDE OF SE 3RD AVENUE, 137 FEET SOUTH OF SE 2ND STREET (206 SE 3RD AVENUE), AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING "CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017"; PROVIDING A CONFLICTS CLAUSE; AND A SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (SECOND READING)

**Recommendation:** Move to deny on First Reading, Ordinance No. 09-18, a privately-initiated rezoning from Single Family Residential (R-1-A) District to Central Business (CBD) District, within the Railroad Corridor Sub-District, for a parcel of land located on the west side of SE 3rd Avenue, 137 feet south of SE 2nd Street (206 SE 3rd Avenue), by adopting the findings of fact and law contained in the staff report, and finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria set forth in LDR Sections 2.4.5(D)(5), Findings, and 3.2.2(D), Standards for Rezoning Actions.

**Sponsors:** Planning & Zoning Department

**Attachments:** [Agenda Cover Report](#)  
[Ord. No. 09-18](#)  
[Location Map](#)  
[Detailed Aerial Location Map](#)  
[Planning and Zoning Board Staff Report](#)

- 8.E.** 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. (SECOND 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](#)  
[2018-07-16-PZB Staff Report Ordinance No 12-18-With Attachments](#)  
[ORD 12-18 LDR 4.5.1 REV-2018-09-14 FINAL](#)  
[ORD 12-18 LDR 4.5.1 Changes since 1st reading-REV-2018-09-14](#)

- 8.F.** 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. (SECOND 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-Changes since 1st Reading-2018-09-14](#)  
[ORD 13-18 Code of Ord-2018-09-14-FINAL](#)

- 8.G.** ORDINANCE NO. 19-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH BY AMENDING ALL SUBSECTIONS, EXCEPT SUBSECTION (H), OF SECTION 4.4.13. "CENTRAL BUSINESS (CBD) DISTRICT" AT ARTICLE 4.4, "BASE ZONING DISTRICT" OF CHAPTER 4, "ZONING REGULATIONS", IN ORDER TO MODIFY REGULATIONS, INCLUDING BUT NOT LIMITED TO, ALLOWABLE USES, RETAIL FRONTAGE, PARKING, BUILDING CONFIGURATIONS, FRONTAGE STANDARDS, STREET TREES, ARCHITECTURAL STANDARDS, CIVIC OPEN SPACES, TRAFFIC CIRCULATION AND APPLICATION REVIEW PROCESSES IN THE CBD DISTRICT, PROVIDING FOR NEW FIGURE 4.4.13-8A ALONG WITH REDESIGNATION OF OTHER TABLES OR FIGURES, PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (FIRST READING/FIRST PUBLIC HEARING)

**Recommendation:** Motion to Approve Ordinance No. 19-18 amending the Land Development Regulations at Section 4.4.13 "Central Business District (CBD)", as presented.

**Sponsors:** Planning & Zoning Department

**Attachments:** [Agenda Cover Report](#)  
[Ord 19-18 CBD Update](#)  
[PZB 082018 Ord No 19-18 CBD](#)

## **9. FIRST READINGS:**

- 9.A.** ORDINANCE NO. 25-18: 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 SECTION 4.4.13 "CENTRAL BUSINESS (CBD) DISTRICT", BY AMENDING SUB-SECTION (D), "CONFIGURATION OF BUILDINGS", SUB-SUB SECTION (1), "STANDARDS FOR CBD GENERALLY", PARAGRAPH (a), "BUILDING HEIGHT", TO DEFINE THE PROPERTIES LOCATED WITHIN THE ATLANTIC AVENUE HEIGHT LIMIT AREA; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

**Recommendation:** Motion to Approve Ordinance No. 25-18 amending the Land Development Regulations at Section 4.4.13(D)(1)(a) of the "Central Business District (CBD)", as presented.

**Sponsors:** Planning & Zoning Department

**Attachments:** [Agenda Cover Report](#)  
[Ord 25-18](#)  
[Exhibit A Ord 25-18](#)  
[Staff Report](#)

- 9.B.** ORDINANCE NO. 26-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 35, "EMPLOYEE POLICIES AND BENEFITS", BY REPEALING "PUBLIC EMPLOYEE RELATIONS", SECTIONS 35.030 THROUGH 35.041 IN ITS ENTIRETY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (FIRST READING)

**Recommendation:** Motion to approve Ordinance No. 26-18.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)  
[Ord 26-18](#)

## **10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:**

### **10.A. City Manager**

#### **10.A.1 Lobbyist contract renewal**

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**Sponsors:** City Manager Department

**Attachments:** [Amendment No. 2 Ballard Partners Lobbyist Agreement](#)

#### **10.A.2 City Commission Compensation**

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**Sponsors:** City Manager Department

**Attachments:** [Commissioner Compensation Memo](#)

#### **10.A.3 Downtown Trolley**

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**Sponsors:** City Manager Department

#### **10.A.4 Auto-pay Efficiency Improvement for City's Utilities Bills**

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**Sponsors:** City Manager Department

#### **10.A.5 Workshop Calendar**

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**Sponsors:** City Manager Department

**Attachments:** [2018-2019 City Commission Workshop Agenda Schedule rev. 9-10-18](#)

### **10.B. City Attorney**

### **10.C. City Commission**