

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, December 4, 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. LIVE FRESH SHOWER TRUCK**

Recommendation: Motion to approve the Live Fresh Shower Truck ("Truck") to be located on the St. Matthews Episcopal Church site for a six-month pilot program.

Sponsors: Community Improvement

Attachments: [Agenda Cover Report](#)
[Live Fresh Shower Truck PowerPoint Presentation](#)

4.B. HOME RULE EDUCATIONAL VIDEO**4.C. Internal Auditor's Report****4.C.1. None****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.

November 06, 2018 City Commission Regular Meeting Minutes
November 13, 2018 City Commission Special Meeting Minutes

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[11-06-18 City Commission Regular Meeting Minutes](#)
[11-13-18 City Commission Special Meeting Minutes](#)

6.B. FINAL (MAJOR) SUBDIVISION REPLAT AND ASSOCIATED LANDSCAPE MAINTAINENCE AGREEMENT FOR LOTS 101 AND 102, TROPIC ISLE, PLAT BOOK 24, PAGE 235, ALSO KNOWN AS DELRAY 7 TOWNHOMES.

Recommendation: Move approval for the Final (Major) Plat for Delray 7 Townhomes by adopting the findings of fact and law contained in the staff report and finding that the request and approval thereof is consistent with the criteria set forth in Section 2.4.5(J), Major Subdivision, of the Land Development Regulations along with approval of a Landscape Maintenance Agreement pursuant to Sec. 4.4.16 of the LDRs.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Location Map-CC](#)
[Plat 1](#)
[Plat 2](#)
[A-1SITE PLAN](#)
[LMA- Applicant signed](#)
[PZB 101518 Delray 7 Staff Report Final](#)
[Legal Review Form-LandscapeMA-Delray7Townhomes-10-16-18](#)

6.C. GRANT AWARD / FLORIDA DEPARTMENT OF HEALTH / EMERGENCY OPIOID ANTAGONISTS

Recommendation: Motion to accept an award of emergency opioid antagonists through the Helping Emergency Responders Obtain Support (HEROS) Program from Florida Department of Health.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)
[DBFR MMCAP Agreement Executed.pdf](#)
[DBFR HEROS Narcan Program Acceptance Letter.pdf](#)
[DBPD Fully Executed ODMAP Agreement.pdf](#)
[Legal Review Form_LW.pdf](#)

6.D. CHENEY BROTHERS: FOOD PRODUCTS FOR RE-SALE AT THE DELRAY BEACH GOLF CLUB

Recommendation: Motion to approve an increase in the amount of \$50,000 for the purchase of food products for resale at Delray Beach Golf Club bringing the total amount to \$110,000.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)

6.E. APPROVAL OF RESOLUTION NO. 124-18 FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FUNDING OF \$300,000 THROUGH A LEGISLATIVE APPROPRIATION FOR THE ATLANTIC DUNES PARK PROJECT PHASE 1 (CITY PROJECT NO 17-096)

Recommendation: Motion to approve City of Delray Beach (City) Resolution No. 124-18 authorizing and directing the City Manager to request and accept funding from a Legislative Appropriation for the Atlantic Dunes Park Project (City Project #17-096) through the State of Florida Department of Environmental Protection

Sponsors: Public Works Department - Programs & Project Management

Attachments: [Agenda Cover Report](#)
[FDEP Atlantic Dunes Park Resolution 11.19.18](#)
[Delray Beach Atlantic Dunes Park Phase 1 - Grant Agreement 11.19.18](#)
[Atlantic Dunes Legal Review Approval](#)
[Pages 251-252 from HB5001 FY18-19](#)
[Delray Beach Atlantic Dunes Project Information Package 10.3.18](#)

6.F. APPROVAL OF A RESOLUTION NO. 145-18 TO AWARD A SERVICE AUTHORIZATION AGREEMENT NO. 5 TO APTIM ENVIRONMENTAL & INFRASTRUCTURE, INC. IN THE AMOUNT NOT-TO-EXCEED \$989,428 FOR COASTAL ENGINEERING CONSULTING SERVICES INCLUDING A SAND SEARCH INVESTIGATION, ENGINEERING, PERMITTING AND MONITORING FOR THE CITY OF DELRAY BEACH'S BEACH NOURISHMENT PROGRAM (PROJECT NO.17-081)

Recommendation: Approval of a Resolution No. 145-18 to award Service Authorization No.5 with Aptim Environmental & Infrastructure, Inc. in the amount not-to-exceed \$989,428 for Coastal Engineering Consulting Services including a sand search investigation, engineering, permitting and monitoring for the City of Delray Beach's Nourishment Program. (Project No. 17-081)

Sponsors: Public Works Department - Programs & Project Management

Attachments: [Agenda Cover Report](#)
[Resolution Aptim Sand Search 11.6.18Legal](#)
[Legal Review Checklist Coastal Eng Aptim](#)
[SA_2018-19 Coastal Engineering ServicesREV](#)

6.G. PROCLAMATIONS:

6.G.1. None

6.H. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:

6.H.1. REPORT OF APPEALABLE LAND USE ITEMS FROM OCTOBER 22, 2018 THROUGH NOVEMBER 4, 2018.

Recommendation: By motion, receive and file this report.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Appealable Items Map -11.07.18](#)
[A - Alta Congress Apartments](#)
[B - Best Florida Detox](#)
[C - Brook Haven Condos](#)
[D - AT&T](#)
[E - 701 SW 2nd CT](#)
[F - Delray City Market](#)
[G - 142 NE 7th Ave](#)
[H - Delray Chevrolet](#)

6.I. AWARD OF BIDS AND CONTRACTS:

6.I.1. APPROVAL OF RESOLUTION NO. 127-18 TO AWARD AN AGREEMENT WITH PARK ASSIST, LLC FOR A PARKING COUNT AND GUIDANCE SYSTEM IN THE OLD SCHOOL SQUARE PARKING GARAGE IN A NOT-TO-EXCEED AMOUNT OF \$260,000

Recommendation: Motion to approve Resolution No. 127-18 to award an agreement with Park Assist, LLC for a parking count and guidance system in the Old School Square Parking Garage in a total amount not-to-exceed \$260,000.

Sponsors: Public Works Department - Programs & Project Management

Attachments: [Agenda Cover Report](#)
[2018-033 Agreement for Parking Count and Guidance System, vendor executed](#)
[Resolution No. 127-18 with Park Assist CA rev](#)
[Legal Review Checklist form v. 5 Park Assist agreement](#)
[2018-033 Parking Count and Guidance System \(rev 2\)](#)
[2018-033 Addendum No. 1](#)
[2018-033 Addendum No. 2](#)
[2018-033 Addendum No. 3](#)
[2018-033 Addendum No. 4](#)
[2018-033 Addendum No. 5](#)
[Park Assist](#)
[2018-033 RFP Scoring Summary After Final Evaluations](#)

7. REGULAR AGENDA:

- 7.A.** RESOLUTION NO. 126-18 OF AWARD OF A FIVE-YEAR AGREEMENT WITH OCEANSIDE BEACH SERVICES, INC. FOR BEACH EQUIPMENT RENTAL CONCESSIONS IN A CONTRACT AMOUNT NOT-TO-EXCEED AMOUNT OF \$2,055,000 (REVENUE).

Recommendation: Motion to award a five (5) year revenue Agreement with Oceanside Beach Services, Inc. for Beach Equipment Rental Concessions in the amount of \$2,055,000 (revenue).

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[ATTACHMENT 1: RFP 2018-046 Final](#)
[ATTACHMENT 2: Oceanside Beach Service Proposal](#)
[ATTACHMENT 3: RFP 2018-046 Tab Sheet](#)
[ATTACHMENT 4: RFP2018-046 - Scoring Summary](#)
[ATTACHMENT 5: Legal Review Checklist Beach Equipment Rental Concessior](#)
[ATTACHMENT 6: OBS_Res126-18](#)
[ATTACHMENT 7: OBS Agreement](#)
[ATTACHMENT 8: Oceanside Beach Service equipment](#)

- 7.B.** A WAIVER REQUEST TO LDR SECTION 4.6.7(F)(i)(1), TEMPORARY IDENTIFICATION SIGNS, TO ALLOW SIGNAGE TO BE PLACED ON THE SCREENING FENCE LOCATED ON THE SE 4TH AVENUE AND SE 5TH AVENUE ON THE 4TH AND 5TH DELRAY (AKA IPIC). (QUASI-JUDICIAL HEARING)

Recommendation: Motion to Approve the waiver to Land Development Regulation Section 4.6.7(F)(i)(1), Temporary Identification Signs, to allow signage to be placed on the screenig fence along sections of SE 5th Avenue and SE 4th Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Justification Letter](#)
[Existing Conditions](#)
[Site Plans](#)
[Proposed signage](#)
[Fourth and Fifth Board Order](#)

7.C. IN LIEU OF PARKING FEE REQUEST FOR 1 SPACE FOR HNM OFFICE LOCATED AT 143 SOUTH SWINTON AVENUE. (QUASI-JUDICIAL HEARING)

Recommendation: Motion to Approve the in lieu of parking fee request in the amount of \$10,140 for 1 parking space for HNM Office, located at 143 South 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 prior to issuance of a building permit and that applicant construct three additional on-street parking spaces adjacent to the subject property within the Swinton Avenue and SE 2nd Street rights-of-way.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[2018-12-04-CC-Board Order-In Lieu Parking-143 S Swinton Ave](#)
[Survey-143 South Swinton Avenue](#)
[SitePlan-143 South Swinton Avenue](#)
[Vicinity Map-143 South Swinton Avenue](#)

7.D. ALWAYS DELRAY COMPREHENSIVE PLAN UPDATE: PRESENTATION OF THE HEALTHY COMMUNITY ELEMENT

Recommendation: Provide comment and direction regarding the proposed Healthy Community Element of the Always Delray Comprehensive Plan.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[HCE-DIA 12-4-18](#)
[HCE GOP 12-4-18](#)
[MAP HCE1 Health Centers](#)
[MAP HCE2 Food Markets](#)

7.E. ALWAYS DELRAY COMPREHENSIVE PLAN UPDATE: PRESENTATION OF THE EDUCATION ELEMENT

Recommendation: Provide comment and direction regarding the proposed Education Element of the Always Delray Comprehensive Plan.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[EDU DIA CC 12042018](#)
[EDU GOP CC 120418](#)
[EPS Maps_041118](#)
[EDU 2018 Statutes Chart](#)

8. PUBLIC HEARINGS:

8.A. None

9. FIRST READINGS:

9.A. None

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

10.A.1. City Beautification Project

10.B. City Attorney

10.C. City Commission