

City of Delray Beach

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www.mydelraybeach.com



Regular Commission Meeting

Regular Meeting at 4:00 P.M.

Tuesday, February 12, 2019

**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. PROCLAMATION AND PRESENTATION TO PROCLAIM FEBRUARY AS 2-1-1 AWARENESS MONTH**

Recommendation: Motion to Proclaim February as 2-1-1 Awareness Month

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[2-1-1_AwarenessProclamation2019-DelrayBch](#)

4.B. POMPEY PARK MASTER PLAN UPDATE

Recommendation: Motion to authorize Wannamacher Jensen to proceed with Master Plan based on Concept 2, as presented.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[ATTACHMENT 1: \(1\)Pompey Park Master Plan - Phase III EVALUATION REI](#)
[ATTACHMENT 2: 1737 - REC BUILDING MODERATE_OPTION UPDATED 20](#)
[ATTACHMENT 3: SITE PLAN MODERATE OPTION UPDATED 2019 01 30 -R](#)

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. REVISIONS TO THE GENERAL RULES OF PROCEDURE: CODE ENFORCEMENT BOARD

Recommendation: Motion to approve revisions made by the Code Enforcement Board to their General Rules of Procedure.

Sponsors: Community Improvement

Attachments: [Agenda Cover Report](#)
[Signed Rules and Procedures for CEB Board 011019](#)

6.B. RESOLUTION NO. 53-19 TO ADOPT OF THE STORMWATER MASTER PLAN UPDATE FOR ITS USE AS A TOOL FOR PLANNING AND IMPLEMENTING CAPITAL IMPROVEMENT PROJECTS (CIP) TO IMPROVE FLOOD PROTECTION IN THE CITY AND ADAPT THE CITY'S INFRASTRUCTURE TO RISING SEA LEVELS.

Recommendation: Approval of Resolution No. 53-19 to adopt of the Stormwater Master Plan Update for its use as a tool for planning and implementing Capital Improvement Projects (CIP) to improve flood protection in the City and adapt the City's infrastructure to rising sea levels.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Resolution Stormwater Master Plan Update 2.12.19](#)
[Commission Workshop Seawall study & SWMP 02 12 2019 -combined](#)

6.C. 2019 PALM BEACH COUNTY EMS GRANT

Recommendation: Approval for Fire Rescue to submit a 2019 EMS Grant through Palm Beach County.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)
[2019 EMS GRANT](#)
[Legal Review Checklist form ILA for EMS grant agreement with PBC](#)

6.D. PROCLAMATIONS:**6.D.1. FLORIDA HIGHWAYMEN PROCLAMATION**

Recommendation: Motion to approve the proclamation declaring the 23rd and 24th of February 2019 as Florida Highwaymen Days

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Florida Highwaymen](#)

6.D.2. EATING DISORDERS AWARENESS WEEK PROCLAMATION

Recommendation: Motion to Proclaim February 25, 2019 - March 3, 2019 as Eating Disorders Awareness Week

Attachments: [Agenda Cover Report](#)
[Eating Disorder Awareness Week](#)

6.E. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**6.E.1. REPORT OF APPEALABLE LAND USE ITEMS FROM JANUARY 7, 2019 THROUGH JANUARY 18, 2019.**

Recommendation: By motion, receive and file this report.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Appealable Items Map](#)
[A - St. Vincent Ferrer](#)
[B - Fourth and Fifth](#)
[C - Wineroom Sign](#)
[D- Wineroom - CL I](#)
[E - The Heart of Delray Beach](#)
[F - Delray Oasis Business Center](#)
[G - Taco Bell](#)

6.F. AWARD OF BIDS AND CONTRACTS:

6.F.1. APPROVAL OF RESOLUTION NO. 35-19 TO AWARD AN AGREEMENT WITH THE GOODYEAR TIRE & RUBBER COMPANY FOR TIRES AND RELATED EQUIPMENT, SUPPLIES, AND SERVICES UTILIZING SOURCEWELL CONTRACT NO. 102517-GTC - \$510,000

Recommendation: Motion to approve Resolution No. 35-19 to award an agreement with The Goodyear Tire & Rubber Company for tires and related equipment, supplies, and services utilizing Sourcewell Contract No. 102517-GTC for an estimated cost of \$510,000 through November 27, 2021 and authorize the City Manager to approve the renewal option in an estimated cost of \$180,000, contingent upon appropriation of funds.

Sponsors: Public Works Department - Fleet Division

Attachments: [Agenda Cover Report](#)
[Resolution No. 35-19](#)
[Legal Review Checklist NJPA Sourcewell with Goodyear Tire and Rubber master](#)
[RFP #102517](#)
[RFP #102517 Goodyear Response](#)
[RFP #102517 Award Letter](#)

6.F.2. APPROVAL OF RESOLUTION NO. 37-19 WITH LANZO TRENCHLESS TECHNOLOGIES INC. SOUTH AND GPE ENGINEERING & GENERAL CONTRACTOR CORP. FOR STORMWATER LINING, CCTV AND TRENCHLESS TECHNOLOGIES SERVICES - \$450,000

Recommendation: Motion to adopt and approve Resolution No. 37-19 to award an agreement with Lanzo Trenchless Technologies, Inc. South and GPE Engineering & General Contractor Corp for stormwater pipe lining, CCTV and trenchless technologies services utilizing the City of Fort Lauderdale Solicitation No. ITB No. 673-11892 at an estimated cost of \$450,000 and authorize the City Manager to approve renewal options, in the same amounts, contingent upon appropriation of funds.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[CIPP Resolution 37-19](#)
[Legal Review Checklist Lanzo Agreement](#)
[Lanzo Agreement](#)
[LanzoTrenchless11892F Stormwater Lining Contract](#)
[Legal Review Checklist GPE Agreement](#)
[GPE Agreement](#)
[GPEEngineering11097FullyEx](#)
[Solicitation 673-11892 StormwaterLiningCCTVT](#)

6.F.3. APPROVAL OF RESOLUTION NO. 49-19 WITH KONE INC.FOR MODERNIZATION OF BOTH ELEVATORS AT THE OLD SCHOOL SQUARE PARKING GARAGE - \$338,267

Recommendation: Motion to adopt Resolution No. 49-19 and approve an agreement with Kone Inc. for an estimated cost of \$338,267 and authorize the City Manager to approve renewal options, in the same amounts.

Sponsors: Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist form v. 5 Kone Master Services Agreement](#)
[Resolution 49-19 ca rev](#)
[US Communities Contract](#)
[OSS Garage Kone Proposal REV 2. 1.19](#)

6.F.4. APPROVAL OF RESOLUTION NO. 50-19 WITH WATER TREATMENT & CONTROLS COMPANY FOR THE REPLACEMENT OF A LIME SLAKER UNIT AT THE WATER TREATMENT PLANT IN AN AMOUNT NOT TO EXCEED \$182,147.

Recommendation: **Recommended Action:**
Motion to adopt Resolution No. 50-19 and approve an agreement with Water Treatment & Controls Company in an amount not to exceed \$182,147 and authorize the City Manager to approve renewal options, in the same amounts, contingent upon appropriation of funds.

Sponsors: Purchasing Department

Attachments: [Agenda Cover Report](#)
[reso 50-19 rev](#)
[Lime Slacker Sole Source Approval](#)
[Lime Slaker Quote](#)

6.F.5. APPROVAL OF A CONSENT TO ASSIGNMENT AND ASSUMPTION AGREEMENT FOR MUNICODE CORPORATION TO ENCO UTILITY SERVICES FLORIDA, LLC.

Recommendation: Motion to approve a Consent to Assignment and Assumption Agreement from Municode Corporation to ENCO Utility Services Florida, LLC, and authorize the City Manager to execute any other actions necessary to effectuate this Agreement.

Sponsors: Purchasing Department

Attachments: [Agenda Cover Report](#)
[Delray Beach Assignment Ltr](#)
[Enco Assignment](#)
[ENCO Assign & Assumption Agreement](#)

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 PARKING LOT LOCATED ON VACANT LAND SITUATED AT 2501 S. FEDERAL HWY. (QUASI-JUDICIAL HEARING)

Recommendation: Motion to approve the Temporary Use Permit for a temporary parking at 2501 S. Federal Hwy. with waivers from the following sections of the Land Development Regulations (LDRs) 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 2.4.7(B)(5) of the Land Development Regulations, subject to the conditions of approval:

Waivers from the following sections:

- ☐ Section 2.4.6.(F)(3)(e)1. to allow a temporary parking lot outside of the designated areas.
- ☐ Section 2.4.6.(F)(3)(e)3., a requirement to submit a site plan.
- ☐ Section 2.4.6.(F)(3)(e)4., a requirement that the City Engineer shall approve the grading plan for the parking lot.
- ☐ Section 2.4.6.(F)(3)(e)5. to allow a temporary parking lot for the period exceeding one year.
- ☐ Section 2.4.6.(F)(3)(e)8. to allow a temporary parking lot that does not meet some of the LDR construction specifications.

Conditions of approval:

1. Applicant shall be required to obtain building permits prior to improving the site and storing vehicles or within 90 calendar days of the approval date.
2. The existing landscaping shall be maintained and irrigated until the temporary use vacates the property. A confirmation that the existing irrigation system is functioning properly shall be provided prior to storing vehicles on site or within 90 calendar days of the approval date.
3. Adequate and functioning security lighting shall be provided until the temporary use vacates the property. A certified statement from an Electrical Engineer shall be provided indicating that the existing site lighting functions properly prior to storing vehicles on site or within 90 calendar days of the approval date.

4. The property shall be maintained in clean and orderly manner. Debris and trash shall be removed regularly.
5. No parking, loading, or unloading of the vehicles outside the property.
6. No sales activity on the property.
7. No signage around the property's perimeter.
8. No advertising on or around the property's perimeter.
9. The temporary use permit is valid for a period of two (2) years with an expiration date of February 12, 2021. Extension requests shall be approved by the City Commission and must be requested 90 days prior to the expiration.
10. The applicant shall place a cash deposit of \$19,500.00 in escrow prior to issuance of a building permit associated with the temporary parking lot or within 90 calendar days of the approval date. The deposit is to be returned after the temporary use vacates the site if vacated prior to or on the expiration date and upon confirmation by the Development Services Director that all conditions of approval were met. If the permit is not extended by the City Commission and the use is not vacated on time and/or does not comply with all the conditions of approval, the City Commission may authorize a portion or the full amount of the funds to be retained by the City.

Sponsors:

Development Services Department

Attachments:[Agenda Cover Report](#)[Board Order - Waiver request for 2501 S. Federal Hwy](#)[Request Letter - Waiver request for 2501 S. Federal Hwy.](#)[Location Map - Waiver request for 2501 S. Federal Hwy](#)[Location Map/ Temp. Parking Lot Designated Area - Waiver Request for 2501 S](#)[Survey - Waiver request for 2501 S. Federal Hwy](#)[Warranty Deed - Waiver request for 2501 S. Federal Hwy](#)

7.B. AMERICANS WITH DISABILITIES (ADA) SELF EVALUATION AND TRANSITION PLAN: PRESENTATION OF FINDINGS AND RECOMMENDATIONS

Recommendation: Provide comment regarding implementation of the Americans with Disabilities (ADA) Self-Evaluation and Transition Plan.

Sponsors: Public Works Department - Programs & Project Management

Attachments: [Agenda Cover Report](#)
[ada presentation](#)
[ada transition plan](#)

8. PUBLIC HEARINGS:

8.A. ORDINANCE NO. 05-19: ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL SCALE FUTURE LAND USE MAP AMENDMENT RE-DESIGNATING A PARCEL OF LAND APPROXIMATELY 0.433± ACRE IN SIZE FROM COMMUNITY FACILITIES (CF) TO COMMERCIAL CORE (CC), PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, FOR THE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF EAST ATLANTIC AVENUE AND SE 3RD AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING/PUBLIC HEARING)

Recommendation: Motion to approve Ordinance No. 05-19, a small-scale Future Land Use Map amendment from Community Facilities (CF) to Commercial Core (CC) for the property which measures approximately 0.433 acres, and is located at the southwest corner of East Atlantic Avenue and SE 3rd 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 LDR Section 3.1.1, Required Findings.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ordinance 05-19](#)
[Current FLUM Map](#)
[Proposed FLUM Map](#)
[PZB Staff Report 121718](#)
[Public Notice Provided with PZB action](#)

- 8.B.** ORDINANCE NO. 06-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND RE-DESIGNATING LAND PRESENTLY ZONED COMMUNITY FACILITIES (CF) DISTRICT TO CENTRAL BUSINESS (CBD) DISTRICT, WITHIN THE CENTRAL CORE SUB-DISTRICT; SAID LAND IS LOCATED AT THE SOUTHWEST CORNER OF EAST ATLANTIC AVENUE AND SE 3RD AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING "CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017" AND FURTHER AMENDING THE CENTRAL CORE SUB-DISTRICT AND REGULATING MAPS IN SECTION 4.4.13, LAND DEVELOPMENT REGULATIONS ACCORDINGLY; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING/PUBLIC HEARING)

Recommendation: Motion to approve Ordinance No. 06-19, rezoning from Community Facilities (CF) to Central Business (CBD) District a 0.433± acre parcel of land located at the southwest corner of East Atlantic Avenue and SE 3rd Avenue, 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 Comprehensive Plan and meets the criteria set forth in Sections 2.4.5(D)(5), 3.1.1 and 3.2.2 of the Land Development Regulations.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Current Zoning Map](#)
[Proposed Zoning Map](#)
[PZB Staff Report](#)
[Public Notice Provided with PZB action](#)
[Ord 06-19](#)

9. FIRST READINGS:

- 9.A.** ORDINANCE NO. 08-19: 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 4.5, "OVERLAY AND ENVIRONMENTAL MANAGEMENT DISTRICT", SECTION 4.5.13, "NORTH BEACH/SEAGATE AND OCEAN NEIGHBORHOOD OVERLAY DISTRICTS", TO ADOPT THE UPDATED BEACH PROPERTY OWNERS DESIGN MANUAL AND TO SPECIFY THAT THE REGULATIONS AND GUIDELINES OF THE BEACH PROPERTY OWNERS MANUAL ARE NOT APPLICABLE TO THOSE PROPERTIES LOCATED WITHIN A DESIGNATED HISTORIC DISTRICT OR WHICH ARE INDIVIDUALLY LISTED ON THE LOCAL REGISTER OF HISTORIC PLACES, PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (FIRST READING)

Recommendation: Motion to approve Ordinance No. 08-19 to amend Land Development Regulations Section 4.5.13 to adopt the updated Beach Property Owners Design Manual and to specify that the regulations and guidelines of the Beach Property Owners Manual are not applicable to those properties located within a designated historic district or which are individually listed on the Local Register of Historic Places by adopting the findings of fact and law contained in the staff report and finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M), as presented.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ord 08-19](#)
[Beach Property Owners Design Manual 2019 Update](#)
[Ordinance 08-19 Planning and Zoning Board SR 01282019](#)

- 9.B.** ORDINANCE 09-19 (FIRST READING)

Recommendation: Motion to approve Ordinance 09-19 amending Section 4.4.13 (K), "CBD Review and Approval Process," and Section 4.5.6, "The West Atlantic Avenue Overlay District," of the Land Development Regulations.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Ordinance 09-19](#)

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

10.B. City Attorney

10.C. City Commission

10.C. Discussion of start times for Commission Meetings

1.