

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 4:00 PM

Tuesday, March 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. PRESENTING ZORAIDA ESCALONA, JUNIOR CHEMIST, WITH EMPLOYEE OF THE MONTH FOR MARCH 2019.**

Recommendation: Motion to present Zoraida Escalona, Junior Chemist, with Employee of the Month for March 2019.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Zoraida Escalona Employee of the Month Nomination form](#)

4.B. Internal Auditor's Report

4.B.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. CITY COMMISSION MEETING MINUTES

Recommendation: Motion to approve meeting minutes as listed below.

January 22, 2019 City Commission Workshop Meeting Minutes
February 5, 2019 City Commission Regular Meeting Minutes
February 12, 2019 City Commission Workshop Meeting Minutes
February 12, 2019 City Commission Regular Meeting Minutes
March 1, 2019 City Commission Special Meeting Minutes

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[January 22, 2019 City Commission Workshop Meeting Minutes](#)
[February 5, 2019 Regular City Commission Meeting Minutes](#)
[February 12, 2019 Workshop Meeting Minutes](#)
[February 12, 2019 Regular City Commission Minutes](#)
[March 1, 2019 City Commission Special Meeting Minutes](#)

6.B. FINAL PLAT FOR 912 PALM TRAIL, LOCATED ON THE WEST SIDE OF PALM TRAIL

Recommendation: Move approval of the Final Plat for 912 Palm Trail 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.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[912 Palm Trail final.pdf](#)
[PALM TRAIL ESTATES PLAT SURVEY.pdf](#)
[PALM TRAIL ESTATES PLAT SHEET 1.pdf](#)
[PALM TRAIL ESTATES PLAT SHEET 2.pdf](#)

6.C. ACCEPTANCE OF A PEDESTRIAN INGRESS AND EGRESS EASEMENT AND A VEHICULAR EASEMENT FOR MIDTOWN DELRAY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF SWINTON AND ATLANTIC AVENUES

Recommendation: Motion to approve and accept the pedestrian ingress and egress and vehicular easements for Midtown as a condition of approval of the alley abandonment approved by Resolution No. 10-18.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[executed easement block 61](#)
[executed easement Deed](#)
[Agenda Cover Memo Res no 10-18](#)
[Res No. 10-18](#)

6.D. APPROVAL OF THE PLANNING AND ZONING BOARD, HISTORIC PRESERVATION BOARD, SITE PLAN REVIEW AND APPEARANCE BOARD, AND THE BOARD OF ADJUSTMENT BYLAWS ESTABLISHING THE RULES OF PROCEDURE

Recommendation: Motion to Approve the referenced Boards' bylaws adopted by the respective boards.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[PZB Rules 12.12.18](#)

[HPB Rules 12.5.8](#)

[SPRAB By Laws 02-13-19](#)

[BOA By laws 2018](#)

6.E. FIRST AMENDMENT TO CRA/CITY INTERLOCAL AGREEMENT FOR FUNDING CONSTRUCTION/PROFESSIONAL SERVICES FY 2018-2019

Recommendation: Approve the First Amendment to the Community Redevelopment Agency (CRA) Interlocal Agreement (ILA) with the City of Delray Beach (City) for funding of Construction/Professional Services for Fiscal Year 2018-19 to include the addition of \$250,000 for the S. Swinton Avenue and SW/SE 1st Street Mast Arm Traffic Signal Project.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[First Amend ILA City FY18-19 Construction Professional Services 1-9-19](#)

[Legal Review Checklist form v. 5 Amend to ILA bet City and CRA to add project](#)

6.F. APPROVAL OF AMENDMENT NO. 2 WITH UNITED STATES SERVICE, INC FOR JANITORIAL SERVICES FOR AN ADDITIONAL NINETY (90) DAYS FROM MARCH 30, 2019 - \$66,392

Recommendation: Motion to approve Amendment No. 2, with United States Service, Incorporated (USSI) to extend the agreement for up to an additional ninety (90) days for Janitorial Services in an amount not-to-exceed \$66,392.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Attachment No. 1: Legal Review Checklist form v. 5 Amend No 2 to USSI Janito](#)

[Attachment No. 2 - Amendment No. 2 updated](#)

6.G. ITEM (A)-(B) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT AND RIGHT OF WAY DEED FOR 309 SE 4TH AVE.

ITEM (C) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT FOR 229 NE 9TH ST.

ITEM (D) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT FOR 1007 N. VISTA DEL MAR DR.

ITEM (E) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT FOR 940 MCCLEARY ST.

ITEM (F) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT FOR 955 PALM TRAIL.

ITEM (G) - ACCEPTANCE OF DRAINAGE EASEMENT FOR 711 SE 8TH CT.

Recommendation: Item A-B

(A) Motion to approve and accept 5' of sidewalk easement on SE 4th Ave. located at 309 SE 4th Ave.

(B) Motion to approve and accept 2' of alleyway dedication on SE 4th Ave. located at 309 SE 4th Ave.

Item C

Motion to approve and accept 5' of sidewalk easement on NE 9th St. located at 229 NE 9th St.

Item D

Motion to approve and accept 5' of sidewalk easement on N. Vista Del Mar Dr. located at 1007 N. Vista Del Mar Dr.

Item E

Motion to approve and accept 5' of sidewalk easement on McCleary St. located at 940 McCleary St.

Item F

Motion to approve and accept 5' of sidewalk easement on Palm Trail located at 955 Palm Trail.

Item (G)

Motion to Approve and accept a drainage easement agreement on SE 8th Ct. located at 711 SE 8th Ct.

Sponsors: Public Works Department

Attachments:

[Agenda Cover Report](#)

[Item \(A\) PSE 309 SE 4th Ave.pdf](#)

[Item \(B\) ROWD 309 SE 4th Ave.pdf](#)

[Item \(A-B\) Exhibit \(A\) Sketch and Description 309 SE 4th Ave.pdf](#)

[Item \(A-B\) Survey 309 SE 4th Ave.pdf](#)

[Item \(A-B\) PAPA Page 309 SE 4th Ave.pdf](#)

[Item \(A-B\) PAPA Map 309 SE 4th Ave.pdf](#)

[Item \(C\) PSE 229 NE 9th St.pdf](#)

[Item \(C\) Exhibit \(A\) Sketch and Description 229 NE 9th St.pdf](#)

[Item \(C\) Survey 229 NE 9th St.pdf](#)

[Item \(C\) PAPA Page 229 NE 9th St.pdf](#)

[Item \(C\) PAPA Map 229 NE 9th St.pdf](#)

[Item \(D\) PSE 1007 N. Vista Del Mar.pdf](#)

[Item \(D\) Exhibit \(A\) Sketch and Description 1007 N. Vista Del Mar.pdf](#)

[Item \(D\) Survey 1007 N. Vista Del Mar Dr.pdf](#)

[Item \(D\) PAPA Page 1007 N. Vista Del Mar.pdf](#)

[Item \(D\) PAPA Map 1007 N. Vista Del Mar.pdf](#)

[Item \(E\) PSE 940 McCleary St.pdf](#)

[Item \(E\) Exhibit \(A\) Sketch and Description 940 McCleary St..pdf](#)

[Item \(E\) Survey 940 McCleary St..pdf](#)

[Item \(E\) PAPA Page 940 McCleary St.pdf](#)

[Item \(E\) PAPA Map 940 McCleary St.pdf](#)

[Item \(F\) PSE 955 Palm Trail.pdf](#)

[Item \(F\) Exhibit \(A\) Sketch and Description 955 Plam Trail.pdf](#)

[Item \(F\) Survey 955 Palm Trail.PDF](#)

[Item \(F\) PAPA Page 955 PalmTrail.pdf](#)

[Item \(F\) PAPA Map 955 Palm Trail.pdf](#)

[Item \(G\) DEA 711 SE 8th Ct.pdf](#)

[Item \(G\) Exhibit \(A\) Sketch and Description 711 SE 8th Ct.pdf](#)

[Item \(G\) Survey 711 SE 8th Ct.PDF](#)

[Item \(G\) PAPA Page 711 SE 8th Ct.pdf](#)

[Item \(G\) PAPA Map 711 SE 8th Ct.pdf](#)

6.H. APPROVAL OF AMENDMENT NO.10 TO THE MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION

Recommendation: Motion to approve Amendment No. 10 to the Maintenance Memorandum of Agreement (MMA) with the Florida Department of Transportation (FDOT).

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Legal Review Form Amend No 10 to FDOT Landscape Memo of Agreement.pdf](#)
[Landscape MMA Amendment #10 \(Permit #2018-L-496-00018\).pdf](#)
[Delray Incl. MMA-Exec 8.31.12..pdf](#)

6.I. APPROVAL OF AMENDMENT NO. 1 WITH A-EXCELLENT SERVICE, INC. FOR AIR CONDITIONING MAINTENANCE AND REPAIR SERVICES - \$250,000

Recommendation: Motion to approve Amendment No. 1 with A-Excellent Services, for air conditioning maintenance and repair services, as needed at City-owned facilities in an estimated amount of \$250,000.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist HVAC Cooperative Purchase](#)
[Attachment 2: A-Excellent Agreement](#)

6.J. APPROVAL OF AMENDMENT NO. 2 WITH GREEN TEAM PLUMBING, LLC D/B/A GREEN TEAM SERVICE CORP FOR PLUMBING MAINTENANCE AND REPAIR SERVICES - \$150,000

Recommendation: Motion to approve Amendment No. 2, with Green Team Plumbing to extend the Agreement, under the same terms and conditions, for the period of March 30, 2019 through April 30, 2020 - \$150,000 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](#)
[Attachment 1: Legal Review Checklist Green Team Plumbing](#)
[Attachment 2: Amendment #2 Green Team Plumbing](#)

- 6.K.** AWARD OF AMENDMENT NO. 2 TO THE AGREEMENT WITH KEITH AND SCHNARS, P.A. FOR CONSTRUCTION, ENGINEERING, AND INSPECTION (CEI) SERVICES FOR PHASE 1 OF NE 2ND AVENUE/SEACREST BEAUTIFICATION PROJECT PHASE 1 IN AN AMOUNT NOT-TO-EXCEED \$36,200.

Recommendation: Motion to Award an Amendment No. 2 to Agreement to Keith and Schnars, P.A. for construction, engineering, and inspection (CEI) services for Phase 1 of the NE 2nd Avenue / Seacrest Beautification in an amount not-to-exceed \$36,200 for the Agreement Term (Project No. 14-071).

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[CA Checklist](#)
[KS Amendment 2](#)
[Budget Transfer](#)

- 6.L.** ACCEPTANCE OF A HOLD HARMLESS AGREEMENT FOR 2605 S. FEDERAL HWY.

Recommendation: Motion to approve and accept Hold Harmless Agreement located at 2605 S. Federal Hwy.

Sponsors: Public Works Department and Utilities Department

Attachments: [Agenda Cover Report](#)
[Hold Harmless Agreement for 2605 S Federal](#)
[Exhibit A Civil Drawings for 2605 S Federal](#)
[PAPA Page for 2605 S Federal](#)
[PAPA MAP for 2605 S Federal](#)
[Sunbiz Page for 2605 S Federal](#)

- 6.M.** APPROVAL OF CHANGE ORDER NO. 3 WITH BAXTER & WOODMAN FOR ENGINEERING DESIGN SERVICES, FOR CAPITAL IMPROVEMENT PROJECT ON SW 3rd CT., SW 4TH STREET, SW 6TH STREET, AND SW 7TH AVENUE FOR RECLAIMED WATER RESIDENTIAL SERVICES, IN AN AMOUNT NOT TO EXCEED \$6,100.

Recommendation: Motion to approve Change Order No. 3 Engineering Design Services, for Capital Improvement Project (CIP) on SW 3rd Court, SW 4th Street, SW 6th Street, and SW 7th Avenue to provide reclaimed water residential services, in an amount not to exceed \$6,100.

Sponsors: Purchasing Department, Public Works Department and Utilities Department

Attachments: [Agenda Cover Report](#)
[Change Order No. 1 SW 4th Street, SW 6th Stret, SW 7th Avenue](#)
[Change Order No. 2 SW 4th Street, SW 6th Street, SW 7th Avenue](#)
[Change Order No.3 SW 4th Street SW 6th Street SW 7th Avenue](#)
[Change Order No. 3 Legal Review Checklist](#)

6.N. RESOLUTION NO. 60-19: REPEALING RESOLUTION NO. 150-18 LEVYING A FIRE ASSESSMENT FEE

Recommendation: Motion to approve Resolution 60-19 repealing Resolution 150-18 levying a fire assessment fee.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Resolution 60-19](#)

6.O. APPROVAL OF AMENDMENT NO. 2 TO RENEW THE PURCHASE AGREEMENT WITH BENNETT FIRE PRODUCTS COMPANY, INC. FOR PURCHASE OF FIREFIGHTER BUNKER GEAR - \$200,000

Recommendation: Motion to approve Amendment No. 2 to renew the purchase agreement with Bennett Fire Products Company, Inc. for firefighter bunker gear at an amount not-to-exceed \$200,000.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)
[2017-007 Amendment No. 2, vendor executed](#)
[Legal Review Checklist form v. 5 Amend No 2 to Bunker Gear agreement](#)
[2017-007 Amendment No. 1, Executed](#)
[Signed Agreement with Bennett Fire Products Company Inc.](#)
[2017-007 ITB Bunker Gear \(R2\)](#)

6.P. 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: Police Department

Attachments: [Agenda Cover Report](#)
[Florida Department of Health Naloxone Award Letter dated 2-14-2019](#)
[Fully Executed ODMAP Agreement](#)
[Fully Executed MMCAP Agreement](#)

6.Q. PROCLAMATIONS:

6.Q.1. DECLARING MARCH 2019 AS FLORIDA BICYCLE MONTH

Recommendation: Motion to support declaring March 2019, Florida Bicycle Month.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Florida Bicycle Month](#)

6.Q.2. "HOLI" - INDIAN FESTIVAL OF COLORS PROCLAMATION

Recommendation: Motion to declare March 21, 2019 as "Holi" Festival

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Holi Indian Festival of Colors](#)

6.Q.3. ALL PEOPLE'S DAY DIVERSITY FESTIVAL PROCLAMATION

Recommendation: Motion to declare All People's Day Diversity Festival on March 23, 2019.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[All People's Day 2019](#)

6.R. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**6.R.1. REPORT OF APPEALABLE LAND USE ITEMS FROM JANUARY 21, 2019 THROUGH FEBRUARY 8, 2019.**

Recommendation: By motion, receive and file this report.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Appealable Items Map - March 12 2019](#)
[A - 201 NE 5th Ct - Appelable Report](#)
[B - 143 S Swinton Avenue - Appealable Report](#)

6.S. AWARD OF BIDS AND CONTRACTS:

- 6.S.1.** APPROVAL OF RESOLUTION NO. 39-19 TO AWARD AN AGREEMENT WITH FIVE VENDORS: DP DEVELOPMENT, GEN - EX BUILDERS, R&D PAVING, SHAMUS PAVING, AND WYNN AND SONS FOR MILLING AND PAVING SERVICES UTILIZING THE CITY OF WEST PALM BEACH SOLICITATION NO. ITB 17-18-121, AND TO AUTHORIZE THE CITY MANAGER TO APPROVE AND EXECUTE AGREEMENT RENEWAL OPTIONS IN A NOT-TO-EXCEED AMOUNT OF \$1,600,000.

Recommendation: Motion to approve Resolution No. 39-19 to award an agreement with five vendors: DP Development, Gen - X Builders, R&D Paving, Shamus Paving, and Wynn and Sons for Milling and Paving Services for a total agreement value not-to-exceed \$1,600,000 through September 30, 2021, utilizing the City of West Palm Beach Solicitation No. ITB 17-18-121.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[39-19 - Resolution Template for Contracts](#)
[Legal Review Checklist DP Development](#)
[Legal Review Checklist Gen-Ex Builders](#)
[Legal Review Checklist RD Paving](#)
[Legal Review Checklist Shamus Paving](#)
[Legal Review Checklist Wynn & Sons](#)
[Gen Ex Builders Agreement](#)
[R&D Paving Agreement](#)
[Wynn & Sons Agreement](#)

- 6.S.2.** APPROVAL OF RESOLUTION NO. 42-19 FOR PEST CONTROL SERVICES FROM ORANGE PEST CONTROL & SERVICES, INC UTILIZING THE CITY OF DEERFIELD CONTRACT NO. 2017-18/62 - \$100,000

Recommendation: Motion to approve Resolution No.42-19 for Pest Control Services from Orange Pest Control & Services, Inc utilizing the City of Deerfield Beach ITB Solicitation No. 2017-18-62- \$100,000 and authorize the City Manager to approve renewal options, contingent upon appropriation of funds

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[42-19 - Resolution Template for Contracts \(CA 3-23-18\).pdf](#)
[Orange Pest Control Agreement.pdf](#)
[1862 Awarded Contract \(2\).pdf](#)
[Legal Review Checklist form v. 5 Orange Pest Control Services](#)

6.S.3. APPROVAL OF RESOLUTION NO. 47-19 FOR PURCHASE OF LOCKSMITH HARDWARE PARTS AND EQUIPMENT FROM ELECTRONIC ACCESS SPECIALISTS UTILIZING THE COLLIER COUNTY CONTRACT NO.18-7340 - \$100,000

Recommendation: Motion to approve Resolution No 47-19 for purchase of locksmith hardware parts and equipment from Electronic Access Specialists d/b/a Southern Lock & Supply, Inc utilizing the Collier County Contract No. 18-7340 in the estimated amount of \$100,000 and authorize the City Manager to approve renewal options, contingent upon appropriation of funds.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Attachment 1: 47-19 Resolution Award of Agreement Ca rev](#)

[Attachment 2: Agreement.pdf](#)

[Attachment 3: Legal Review Checklist form v. 5 Southern lock and supply](#)

6.S.4. APPROVAL OF RESOLUTION NO. 55-19 TO CINTAS CORPORATION NO. 2 FOR CITYWIDE FACILITIES MANAGEMENT PRODUCTS AND SOLUTIONS: FIRE PROTECTION SERVICES - \$250,000

Recommendation: Motion to approval of Resolution No. 55-19 with Cintas Corporation No. 2 at an estimated cost of \$250,000 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](#)

[55-19 - Resolution Template for Cintas Corp No 2 Agreement](#)

[Legal Review Checklist Cintas Corp No 2](#)

[Cintas Agreement](#)

6.S.5. APPROVAL OF RESOLUTION NO. 67-19 FOR THE PURCHASE OF CARDIAC MONITORS AND CARDIAC MONITOR PREVENTATIVE MAINTENANCE FROM ZOLL MEDICAL CORPORATION UTILIZING THE VOLUSIA COUNTY CONTRACT NO. RFP 16-P-64AK - \$525,000

Recommendation: Motion to approve Resolution No. 67-19 for the purchase of cardiac monitors and cardiac monitor preventative maintenance from Zoll Medical Corporation utilizing the Volusia County Contract No. RFP 16-P-64AK for an estimated cost of \$525,000.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)
[P2019-038 Resolution No. 67-19 CA Rev](#)
[Simple Legal Review Approval for Volusia Piggyback re Cardiac Monitors 16-P-64AK](#)
[04. Addendum No 1](#)
[05. Addendum No 2](#)
[06. Addendum No. 3](#)
[07. Addendum No. 4](#)
[11. Volusia County Contract Cardiac Monitors- ful](#)
[Delray Beach Fire Rescue 299518 V2 Quote](#)

7. REGULAR AGENDA:

7.A. WAIVER REQUEST TO INCREASE THE WIDTH OF THE BUILDING FRONTING A STREET (SOUTH SWINTON AVENUE) FROM THE MAXIMUM ALLOWABLE OF 60' TO 64' 3½" FOR PROPERTY LOCATED AT 143 SOUTH SWINTON AVENUE IN THE OLD SCHOOL SQUARE HISTORIC DISTRICT (QUASI-JUDICIAL HEARING)

Recommendation: Approve the Waiver to increase the width of a building fronting a street (South Swinton Avenue) from the maximum allowable of 60' to 64' 3½" for property located at 143 South Swinton Avenue in the Old School Square Historic District.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[2019-02-06-HPB SR Class V COA Waiver Variances-143 S. Swinton Ave](#)
[Combined Plans](#)
[Attachment - Justification Statements](#)
[2019-03-12-CC Board Order-143 S Swinton Ave-Waiver](#)

- 7.B.** APPEAL OF THE HISTORIC PRESERVATION BOARD (HPB) DENIALS OF A CLASS V SITE PLAN, CERTIFICATE OF APPROPRIATENESS 2018-155, LANDSCAPE PLAN, ARCHITECTURAL ELEVATIONS, SETBACK VARIANCE, AND LANDSCAPE VARIANCE FOR THE CONVERSION OF AN EXISTING SINGLE-FAMILY RESIDENCE TO AN OFFICE AND ASSOCIATED 2,789 SQUARE FOOT ADDITION FOR PROPERTY LOCATED AT 143 SOUTH SWINTON AVENUE IN THE OLD SCHOOL SQUARE HISTORIC DISTRICT. (QUASI-JUDICIAL HEARING)

Recommendation: Approve the Class V Site Plan, Certificate of Appropriateness 2018-155, Landscape Plan, Architectural Elevations, and Landscape Variance for the conversion of the existing 1,571 sq. ft. single-family residence to office and associated 2,789 square foot 1-story addition for property located at 143 South Swinton Avenue, subject to conditions.

Deny the Setback Variance to reduce the side setback (north) from 7.5' to 5'.

Sponsors: Development Services Department

Attachments:

[Agenda Cover Report](#)

[Attachment - Plans-143 S Swinton Ave](#)

[Attachment - Justification Statements-143 S Swinton Ave](#)

[2019-02-14-Applicant Appeal Letter](#)

[2019-02-06-HPB SR Class V COA Waiver Variances-143 S. Swinton Ave](#)

[2019-03-12-CC Board Order-143 S Swinton Ave-Site Plan COA LP AE Var](#)

- 7.C.** A WAIVER REQUEST TO LDR SECTION 4.1.4(B) and (D) USE OF LOTS OR RECORD TO PERMIT "MARKET RATE" RESIDENTIAL STRUCTURES ON LOTS WHICH HAVE FRONTAGE OF LESS THAN 50 FEET. (QUASI-JUDICIAL HEARING)

Recommendation: Motion to approve the waiver request to LDR Section 4.1.4(B) and (D) to permit "market rate" residential structures on lots which have frontage of less than 50 feet based on positive findings per LDR Section 2.4.7(B)(5).

Sponsors: Development Services Department

Attachments:

[Agenda Cover Report](#)

[302 SE 5th Street - Applicant's Justification Letter](#)

[302 SE 5th Street - Board Order \(Waiver Request\)](#)

[302 SE 5th Street - Survey](#)

7.D. A TEMPORARY USE PERMIT REQUEST 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 1314 N. FEDERAL HWY. (QUASI-JUDICIAL HEARING)

Recommendation:

Motion to approve the Temporary Use Permit for a temporary parking at 1314 N. 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 a building permit associated with the temporary use prior to improving the site to store vehicles.
2. When placing a perimeter fence, sight visibility triangles shall comply with LDR Section 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. The unpaved areas to be used for storage of vehicles shall be graded with gravel if not sodded with Bahia grass or weed and/or the grass is not maintained in good condition.
5. The Applicant shall secure a portion of the site where the previous building was partially located and ensure that there shall be no access to that portion of the site. The subject location shall be depicted on the fence permit for review.
6. The Applicant shall at all times comply with the rules regarding monitoring the wells on the site and shall provide appropriate

- access to agencies when required.
7. 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, maintained as sod in good condition, or graded with gravel.
 8. To screen the site, a 6-foot high, chain-link fence system with windscreen installed on the outside of the fence (black or green) shall be placed around the interior perimeter of the property on all sides, including gates.
 9. Nuisance tree species located on properties, to be identified by the Senior Landscape Planner per LDR Section 4.6.19(E)(6), shall be removed prior to storing cars on site. A building permit shall be submitted prior to removal.
 10. The existing landscape barrier (hedge) along the east property line, adjacent to North Federal Highway, shall be maintained per LDR 4.6.16(H)(3)(a).
 11. The gates shall be locked and well secured to avoid vandalism and theft from occurring on the properties.
 12. There shall be no gates on the east side of the property facing Federal Hwy. Access to the site shall be taken from Old Dixie Hwy.
 13. The property shall be maintained in clean and orderly manner. Debris and trash shall be removed regularly. The property shall be returned to its current conditions, in accordance with the Land Development Regulations, prior to expiration of the temporary use permit (fencing and other temporary improvements associated with the request shall be removed).
 14. Adequate and functioning security lighting shall be installed/provided throughout the entire site prior to storing vehicles on the properties.
 15. No parking, loading, or unloading of the vehicles shall be permitted within the adjacent right-of-way or in areas outside of the property.
 16. No sales activity shall be permitted on the property. No customers are permitted on the property.
 17. Signage is not permitted around the property's perimeter.
 18. Advertising is not permitted on or around the property's perimeter.
 19. The temporary use permit for the temporary parking lot is valid until March 12, 2021. Extension requests shall be approved by the City Commission and must be requested 90 days prior to the expiration.
 20. 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. 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 temporary use 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](#)

[1314 N Federal Hwy. Waiver - Request Letter](#)

[1314 N Federal Hwy. Waiver - Survey](#)

[1314 N Federal Hwy. Waiver - Location Map](#)

[1314 N. Federal Hwy. Waiver - Location Map for Temp. Parking Lot Designated](#)

[1314 N. Federal Hwy. Waiver - Warranty Deed](#)

[1314 N. Federal Hwy. - Board Order](#)

7.E. APPROVE RESOLUTION NO. 58-19 APPROVING A HIGHWAY MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION TO CONSTRUCT IMPROVEMENTS TO SWINTON AVENUE FROM S. 10 STREET TO N. 4 STREET

Recommendation: Motion to approve Resolution No.128-18 approving a Highway Maintenance Memorandum of Agreement (HMMA) with the State of Florida Department of Transportation (FDOT) for construction of improvements on Swinton Avenue from S 10 Street to N 4 Street , FDOT Financial Project ID No. 438389-1

Sponsors: Public Works Department - Programs & Project Management

Attachments: [Agenda Cover Report](#)

[58-19 - Resolution for Swinton Improvements HMOA 2.25.19](#)

[HMOA Swinton 7 24 18 revised 2 5 19](#)

[Legal Review Approval for Highway Maintenance Agreement with FDOT re Swi](#)

7.F. APPROVAL OF RESOLUTION NO. 63-19 TO AWARD AN AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR THE DESIGN AND ENGINEERING PROFESSIONAL SERVICES FOR THE LOWSON BOULEVARD ROADWAY IMPROVEMENTS PURSUANT TO RFQ NO. 2019-013 - \$857,560

Recommendation: Motion to approve Resolution No. 63-19 to award an agreement with Kimley-Horn and Associates, Inc. (KHA) for design and engineering professional services for the Lowson Boulevard Roadway Improvements pursuant to RFQ No. 2019-013 in an estimated amount of \$857,560 (Project No. 17-004).

Sponsors: Public Works Department - Programs & Project Management

Attachments: [Agenda Cover Report](#)
[RFQ 2019-013 Agreement, vendor executed](#)
[2019-013 Resolution No. 63-19](#)
[Legal Review Checklist RFQ 2019-013](#)
[2019-013 RFQ Document \(rev 1\)](#)
[2019-013 KHA Proposal](#)
[2019-013 Scoring Summary Final](#)

7.G. REQUEST TO INCREASE LIEN SEARCH FEES

Recommendation: Staff recommends the City of Delray Beach remove its regular fee of \$65 and the express fee of \$100 and increase the fee to a flat rate of \$115 as the new rate for municipal lien searches.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Lien Historical Analysis updated 03-06-19](#)
[Lien Search Fees of Municipalities](#)

7.H. APPROVAL OF RESOLUTION NO. 54-19, AWARD OF AGREEMENT FOR LIEN SEARCH SERVICE WITH ORANGE LIEN DATA, LLC.

Recommendation: Motion to approve Resolution No. 54-19 for Lien Search Services with Orange Lien Data, LLC and award a revenue Agreement and to authorize the City Manager to exercise any and all options to renew.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[legal review checklist](#)
[Reso 54-19](#)
[Agreement For Lien Search Services](#)

7.I. NOMINATION FOR APPOINTMENT TO THE GREEN IMPLEMENTATION ADVANCEMENT BOARD

Recommendation: Motion to approve nomination for appointment for one (1) alternate member to serve on the Green Implementation Advancement Board for an unexpired term ending July 31, 2021.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Green Implementation Advancement Board Member List](#)
[Green Implementation Advancement Board Attendance List](#)
[GIAB Applications](#)

7.J. NOMINATIONS FOR APPOINTMENT TO THE PARKING MANAGEMENT ADVISORY BOARD

Recommendation: Motion to approve nominations for appointment for two (2) regular member (Citizen-at-Large) to serve on the Parking Management Advisory Board for a one (1) year terms ending July 31, 2020 and two (2) regular member (Citizen-at-Large) to serve for a two (2) year terms ending July 31, 2021.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[PMAB Applications](#)

8. PUBLIC HEARINGS:

8.A. RESOLUTION NO. 51-19, HOUSING DISPOSITION/CONTRACT FOR SALE AND PURCHASE/HABITAT FOR HUMANITY PALM BEACH COUNTY INC./133 SW 12TH AVENUE, DELRAY BEACH, FLORIDA

Recommendation: Motion to approve transfer property 133 SW 12TH Avenue, Delray Beach, 33444 to the Habitat for Humanity South Palm Beach County Inc. for the benefit and development of affordable housing to a household at or below 120% Area Median Income (AMI) as determined by HUD.

Sponsors: Community Improvement

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist Habitat for Humanity Property Transfer](#)
[As Is Contract](#)
[Addendum to Contract for Sale and Purchase](#)
[Res 51-19 Transfer of Property located at 133](#)
[Quit Claim Deed-HFH 133](#)
[Location Map 133 SW 12th Ave](#)
[Letter for Request to Transfer - 133](#)

- 8.B.** 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. (SECOND READING/PUBLIC HEARING)

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](#)

- 8.C.** 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. (SECOND 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_revised](#)

9. FIRST READINGS:

- 9.A.** ORDINANCE NO. 14-19: 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", SECTION 4.4, "BASE ZONING DISTRICT", SECTION 4.4.25, "SPECIAL ACTIVITIES DISTRICT (SAD)", SUBSECTION 4.4.25(H), "S.A.Ds", TO ADD A SPECIAL ACTIVITIES DISTRICT FOR THE PROPERTY LOCATED AT 777 CONGRESS SOUTH CONGRESS AVENUE BY CREATING THE "COLLIER CAR CLUB SAD"; AMENDING THE "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. (FIRST READING/QUASI-JUDICIAL)

Recommendation: Motion to approve Ordinance No. 14-19 on First Reading for a privately-initiated rezoning from Mixed Residential, Office, and Commercial (MROC) to Special Activities District (SAD) for the Collier Car Club SAD located at 777 South Congress Avenue by adopting the findings of fact and law contained in the staff report, finding that the request and approval thereof is consistent with the Comprehensive Plan, and meets the criteria set forth in LDR Sections 2.4.5(D)(5), 3.1.1, and 3.2.2.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ord No 14-19 Collier Car Club SAD 1st Reading Draft](#)
[Ord No 14-19 Collier Car Club SAD Planning Board Staff Report](#)
[Ord No 14-19 Collier Car Club SAD Rezoning Justification](#)
[Ord No 14-19 Collier Car Club SAD Plans](#)
[Ord No 14-19 Collier Car Club SAD Rezoning Objection Letter](#)
[Legal Review Ordinance 14-19 SAD Collier Car Club with P&Z Edits](#)
[Congress Avenue_Delray Beach's Next Great Street 091616](#)

9.B. ORDINANCE NO. 15-19: INDIVIDUALLY DESIGNATING “THE HARDEN-HART HOUSE” AT 516 NORTH SWINTON AVENUE ON THE LOCAL REGISTER OF HISTORIC PLACES (FIRST READING)

Recommendation: Approve Ordinance No. 15-19 on First Reading for the Individual Designation of The Harden-Hart House at 516 North Swinton Avenue on the Local Register of Historic Places.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ordinance 15-19 Harden-Hart House Designation](#)
[1 Harden-Hart House-Designation Report](#)
[2 Harden-Hart House-Survey](#)
[3 Harden-Hart House-WPB Sanborn Maps](#)
[4 Harden-Hart House-David Harden Bio](#)
[5 Harden-Hart House-Harden Newspaper Articles](#)
[6 Harden-Hart House-Hart US Census Information](#)
[7 Harden-Hart House-Hart Newspaper Articles](#)
[HPB SR Harden-Hart House-516 N Swinton Avenue](#)

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

10.B. City Attorney

10.C. City Commission