

# City of Delray Beach

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



## Regular Commission Meeting

Regular Meeting at 4:00 PM

Tuesday, June 4, 2019

Commission Chambers  
Delray Beach City Hall

### City Commission

*Mayor Shelly Petrolia*  
*Vice Mayor Shirley Ervin Johnson*  
*Deputy Vice Mayor Bill Bathurst*  
*Commissioner Adam Frankel*  
*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. None

**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:

May 14, 2019 City Commission Workshop Meeting Minutes  
May 15, 2019 City Commission Special Closed Attorney/Client Session  
Minutes

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[May 14, 2019 City Commission Workshop Meeting Minutes DRAFT](#)  
[05-15-2019 City Commission Special Closed Attorney Client Session Draft](#)

**6.B. LANDSCAPE MAINTENANCE AGREEMENT FOR THE PROJECT "405 SOUTH" LOCATED AT 405 SE 6TH AVENUE**

**Recommendation:** Accept the Landscape Maintenance Agreement for the project "405 South" located at 405 SE 6th Avenue.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[405 SE 6th Avenue Location Map](#)  
[405 South Landscape Maintenance Agreement](#)  
[405 South Legal Review](#)  
[405 South Site Plan](#)  
[405 South Landscape Plan](#)

**6.C. LANDSCAPE MAINTENANCE AGREEMENT FOR THE PROJECT "TOWNHOMES AT 214 4TH" LOCATED AT 214 NE 4TH STREET**

**Recommendation:** Accept the Landscape Maintenance Agreement for the project "Townhomes at 214 4th" located at 214 NE 4th Street.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Townhomes at 214 4th Location Map](#)  
[Townhomes at 214 4th Landscape Maintenance Agreement](#)  
[Townhomes at 214 4th Simple Legal Review -LMA](#)  
[Townhomes at 214 4th Landscape Plan](#)  
[Townhomes at 214 4th Site Plan](#)

**6.D. AMENDMENT NO. 2 TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE TOWN OF GULFSTREAM FOR FIRE RESCUE SERVICES**

**Recommendation:** Motion to Approve Amendment No. 2 to the Interlocal Agreement between the City of Delray Beach and the Town of Gulfstream for fire-rescue services.

**Sponsors:** Fire Rescue Department

**Attachments:** [Agenda Cover Report](#)  
[Amendment No 2. To the Interlocal Agreement Between The City of Delray Bea](#)  
[Legal Review Checklist ILA Gulf Stream for Fire](#)

**6.E. INTERLOCAL AGREEMENT - MODIFIED DATES - 2019 PALM BEACH COUNTY DROWNING PREVENTION COALITION LEARN TO SWIM REIMBURSEMENT PROGRAM**

**Recommendation:** Motion to enter into an Interlocal Agreement with the Palm Beach County Drowning Prevention Coalition (DPC) Learn to Swim Program for payment of swimming classes/lessons to the City of Delray Beach, FL (City), for the provision of swimming classes/lessons to individuals who present vouchers issued by the DPC Learn to Swim Program. The County did not execute the original agreement as the dates needed to be modified on exhibit A.

**Sponsors:** Parks & Recreation Department

**Attachments:** [Agenda Cover Report](#)  
[Attach 1 Legal Review Checklist Amended Interlocal Agreement for Swimming I](#)  
[Attach 2 DrowningPrevention 2019](#)  
[Attach 3 ModifiedDates\\_DrowningPrevention\\_Exhibit A](#)  
[Attach 4 COI Palm Beach County.Drowning Prevention](#)

**6.F. APPROVAL OF AMENDMENT NO. 2 WITH DELRAY AUTO MALL, INC. TO RENEW AGREEMENT FOR UNDERCOVER VEHICLES LEASE FOR THE POLICE DEPARTMENT (ITB 2015-54) -\$65,000**

**Recommendation:** Motion to approve Amendment No. 2 with Delray Auto Mall, Inc. to extend the Agreement, under the same terms and conditions, for the period of September 15, 2019 through September 14, 2020- \$65,000

**Sponsors:** Police Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist LW amend 2 updated](#)  
[ITB 2015-54 Amendment No. 2](#)

**6.G. ITEM (A)- ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT FOR MULTIPLE CRA PROPERTIES ALONG SW 4TH STREET AND SW 7TH AVENUE**

ITEM (B)-(C) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT AND RIGHT OF WAY DEED FOR 110 SW 12TH AVE.

ITEM (D)-(E) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT AND RIGHT OF WAY DEED FOR 125 SW 5TH AVE.

ITEM (F)-(G) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT AND RIGHT OF WAY DEED FOR 233 NE 7th Ave.

ITEM (H) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT FOR 412 SE 4th Ave.

**Recommendation: Item A**

(A) Motion to approve and accept a variable width sidewalk easement on SW4th Street and SW 7th Avenue located on Lots 26-37.

**Item B-C**

(B) Motion to approve and accept 5' of sidewalk easement on SW 12th Ave. located at 110 SW 12th Ave.

(C) Motion to approve and accept 2' of alleyway dedication on SW 12th Ave. located at 110 SW 12th Ave.

**Item D-E**

(D) Motion to approve and accept 5' of sidewalk easement on SW 5th Ave. located at 125 SW 5th Ave.

(E) Motion to approve and accept 2' of alleyway dedication on SW 5th Ave. located at 125 SW 5th Ave.

**Item F-G**

(F) Motion to approve and accept 5' of sidewalk easement on NE 7th Ave. located at 233 NE 7th Ave.

(G) Motion to approve and accept 5' of right of way dedication on NE 7th Ave. located at 233 NE 7th Ave.

**Item H**

Motion to approve and accept 5' of sidewalk easement on SE 4th Ave. located at 412 SE 4th Ave.

**Sponsors:**

Public Works Department - Programs & Project Management

**Attachments:**

[Agenda Cover Report](#)  
[Legal Checklist.pdf](#)  
[Item \(A\) PSE CRA Lots 26-37.pdf](#)  
[Item \(A\) Exhibit \(A\) Sketch and Description CRA Lots 26-37.pdf](#)  
[Item \(A\) PAPA Map for Lot 26, 29, 30.png](#)  
[Item \(A\) PAPA Map for Lot 27 and 28.png](#)  
[Item \(A\) PAPA Map for Lot 31.png](#)  
[Item \(A\) PAPA Map for Lot 32.png](#)  
[Item \(A\) PAPA Map for Lot 33.png](#)  
[Item \(A\) PAPA Map for Lot 34.png](#)  
[Item \(A\) PAPA Maps for Lot 35 and 36.png](#)  
[Item \(A\) PAPA Map for Lot 37.png](#)  
[Item \(B\) PSE 110 SW 12th Ave.pdf](#)  
[Item \(C\) ROWD 110 SW 12th Ave.pdf](#)  
[Item \(B\) Exhibit \(A\) Sketch and Description 110 SW 12th Ave.pdf](#)  
[Item \(C\) Exhibit \(A\) Sketch and Description 110 SW 12th Ave.pdf](#)  
[Item \(B-C\) Survey 110 SW 12th Ave.PDF](#)  
[Item \(B-C\) PAPA Page 110 SW 12th Ave.pdf](#)  
[Item \(B-C\) PAPA Map Location 110 SW 12th Ave.pdf](#)  
[Item \(B-C\) Sun Biz Page 110 SW 12th Ave.pdf](#)  
[Item \(D\) PSE 125 SW 5th Ave.pdf](#)  
[Item \(E\) ROWD 125 SW 5th Ave.pdf](#)  
[Item \(D\) Exhibit \(A\) Sketch and Description 125 SW 5th Ave.pdf](#)  
[Item \(E\) Exhibit \(A\) Sketch and Description 125 SW 5th Ave.pdf](#)  
[Item \(D\)-\(E\) Survey 125 SW 5th Ave.PDF](#)  
[Item \(D\)-\(E\) PAPA Page 125 SW 5th Ave.pdf](#)  
[Item \(D\)-\(E\) PAPA Map Location 125 SW 5th Ave.pdf](#)  
[Item \(D\)-\(E\) Sun Biz Page 125 SW 5th Ave.pdf](#)  
[Item \(F\) PSE 233 NE 7th Ave.pdf](#)  
[Item \(G\) ROWD 233 NE 7th Ave.pdf](#)  
[Item \(F\) Exhibit \(A\) Sketch and Description 233 NE 7th Ave.pdf](#)  
[Item \(G\) Exhibit \(A\) Sketch and Description 233 NE 7th Ave.pdf](#)  
[Item \(F\)-\(G\) Survey 233 NE 7th Ave.PDF](#)  
[Item \(F\)-\(G\) PAPA Page 233 NE 7th Ave.pdf](#)  
[Item \(F\)-\(G\) PAPA Map Location 233 NE 7th Ave.pdf](#)  
[Item \(F\)-\(G\) Sun Biz Page 233 NE 7th Ave.pdf](#)  
[Item \(H\) PSE 412 SE 4th Ave.pdf](#)  
[Item \(H\) Exhibit \(A\) Sketch and Description 412 SE 4th Ave.pdf](#)

[Item \(H\) Survey 412 SE 4th Ave.pdf](#)

[Item \(H\) PAPA Page 412 SE 4th Ave.pdf](#)

[Item \(H\) PAPA Map Location 412 SE 4th Ave.pdf](#)

## 6.H. PROCLAMATIONS:

### 6.H.1. OBSERVANCE OF JUNETEENTH

**Recommendation:** Motion to observe Juneteenth on June 19th as the celebration commemorating the ending of slavery in the United States.

**Sponsors:** City Clerk Department

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

### 6.H.2. GUN VIOLENCE AWARENESS DAY PROCLAMATION

**Recommendation:** Motion to declare the first Friday in June to be National Gun Violence Awareness Day in the City of Delray Beach.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Gun Violence Awareness](#)

### 6.H.3. OBSERVANCE OF LGBTQ PRIDE MONTH

**Recommendation:** Motion to declare June as LGBTQ Pride Month.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[LGBTQ Pride Month](#)

## 6.I. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:

### 6.I.1. REPORT OF APPEALABLE LAND USE ITEMS FROM APRIL 29, 2019, THROUGH MAY 10, 2019.

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

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Appealable Items Map](#)  
[A - 701 N. Swinton Ave - Appealable Report](#)  
[B - 132 N. Swinton Ave - Appealable Report](#)  
[C - 212 Seabreeze Ave - Appealable Report](#)  
[D - 5070 W. Atlantic Ave \(Taco Bell\) - Appealable Report](#)  
[E - 2501 S Federal Hwy \(Ford\) - Appealable Report 1](#)

## 6.J. AWARD OF BIDS AND CONTRACTS:



**6.J.1. APPROVAL OF RESOLUTION NO. 102-19 FOR STORM SHUTTER PREVENTIVE MAINTENANCE AND REPAIR SERVICES FROM ADFS, LLC UTILIZING THE COLLIER COUNTY CONTRACT NO. 18-7418 - \$250,000**

**Recommendation:** Motion to approve Resolution No. 102-19 for Storm Shutter Preventive Maintenance from ADFS, LLC utilizing the Collier County Contract No. 18-7418 - \$250,000 and authorize the City Manager to approve renewal options, in the amounts below, contingent upon appropriation of funds.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[Attachment 1: Legal Review Checklist Storm Shutter ADFS LLC](#)  
[Attachment 2: Resolution No. 102-19 ADFS Storm Shutter](#)  
[Attachment 3: ADFS Agreement](#)

**6.J.2. APPROVAL OF RESOLUTION NO. 103-19 TO AWARD AN AGREEMENT WITH BAXTER & WOODMAN, INC. D/B/A MATHEWS CONSULTING, A BAXTER & WOODMAN COMPANY FOR CONSTRUCTION, ENGINEERING, AND INSPECTION SERVICES FOR THE SEACREST BLVD. FROM NE 22 STREET TO GULFSTREAM BLVD. PHASE 3 CONSTRUCTION PROJECT PURSUANT TO RFQ NO. 2019-029 (PROJECT NO. 17-010(16-095)) - \$242,108**

**Recommendation:** Motion to approve Resolution No. 103-19 to award an Agreement with Baxter & Woodman, Inc. d/b/a Mathews Consulting, a Baxter & Woodman Company for construction, engineering, and inspection services for the Seacrest Blvd. from NE 22 Street to Gulfstream Blvd., Phase 3 construction project pursuant to RFQ No. 2019-029 in an estimated amount of \$242,108 (Project No. 17-010(16-095)).

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

**Attachments:** [Agenda Cover Report](#)  
[Executed Agreement - CEI Seacrest - Mathews](#)  
[Resolution No. 103-19 CEI Seacrest Phase 3](#)  
[Legal Review Checklist Baxter Mathews CEI Services for Seacrest Phase 3](#)  
[2019-029 CEI Services for Phase 3 Seacrest Beautification \(rev 1\)](#)  
[2019-029 Addendum No. 1](#)  
[Mathews Consulting Proposal](#)  
[2019-029 Scoring Summary after Final Evals](#)

**6.J.3. APPROVAL OF RESOLUTION NO. 115-19 TO AWARD AN AGREEMENT WITH ZAMBELLI FIREWORKS MFG. CO. FOR JULY 4TH CELEBRATION FIREWORKS DISPLAY FOR THE PARKS AND RECREATION DEPARTMENT (RFP NO. 2019-032) - \$204,000**

**Recommendation:** Motion to approve Resolution No. 115-19 to award an agreement with Zambelli Fireworks Mfg. Co. for July 4TH Celebration Fireworks Display for the Parks and Recreation Department (RFP No. 2019-032) - \$204,000 for the Agreement term and authorize the City Manager to approve renewal options in the amounts below, contingent upon appropriation of funds.

**Sponsors:** Parks & Recreation Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist Solicitation 2019-32 July 4th Fireworks Display](#)  
[Resolution No. 115-19](#)  
[Zambelli Fireworks Mfg. Co. Agreement for Solicitation No. 2019-032](#)

**7. REGULAR AGENDA:**

**7.A. RESOLUTION NO. 110-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH FOR A TEMPORARY USE PERMIT REQUEST FOR A TEMPORARY PARKING LOT WITH WAIVERS FROM LDR SECTION 2.4.6(F)(3) (e)1,3,4, 5 AND 8 TO PERMIT A TEMPORARY PARKING LOT WHICH IS PURSUANT TO LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, AND THE COMPREHENSIVE PLAN, AT 101 NW 18TH AVENUE (PCN 12-43-46-18-00-000-1120 & 12-43-46-18-00-000-1141); PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES (2019-154-WAI-CCA). (QUASI-JUDICIAL HEARING)**

**Recommendation:** Review and consider Resolution No. 110-19, for the temporary use permit for a temporary parking lot located at 101 NW 18th Avenue, with waivers to Land Development Regulations (LDR) Sections 2.4.6(3)(e)1, 3, 4, 5, and 8.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution 110 - 19 101 NW 18th Ave Temp Parking Lot Revised 05.24.19](#)  
[Survey 101 NW 18th Ave](#)  
[site plan 101 NW 18th Ave](#)  
[request letter 101 NW 18th Ave](#)  
[warrenty deed 101 NW 18th Ave](#)  
[location map 101 NW 18th Ave](#)  
[101 NE 18 AVE TempParking](#)

**7.B. NOMINATION FOR APPOINTMENT TO THE DOWNTOWN DEVELOPMENT AUTHORITY BOARD**

**Recommendation:** Motion to approve nomination for appointment for one (1) regular member to serve on the Downtown Development Authority Board for a three (3) year term ending July 1, 2022.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[06042019 Exhibit - Revised](#)  
[Downtown Development Authority Board Member List](#)  
[Downtown Development Authority Board Attendance List](#)  
[Downtown Development Authority Map](#)  
[DDA Applications](#)

**7.C. NOMINATIONS FOR APPOINTMENT TO THE EDUCATION BOARD**

**Recommendation:** Motion to approve nominations for appointment for six (6) regular members to serve on the Education Board for two year terms ending July 31, 2021.

**Sponsors:** City Clerk Department

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

**7.D. NOMINATIONS FOR APPOINTMENT TO THE GREEN IMPLEMENTATION ADVANCEMENT BOARD**

**Recommendation:** Motion to approve nominations for appointment for one (1) regular member and one (1) alternate member to serve on the Green Implementation Advancement Board for two year terms 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](#)

**8. PUBLIC HEARINGS:**

8.A. None

**9. FIRST READINGS:**

9.A. None

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

**A. City Manager**

**B. City Attorney**

**C. City Commission**