

# **City of Delray Beach**

*100 NW 1st Avenue - Delray Beach, Florida 33444*

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*www.mydelraybeach.com*



## **Regular Commission Meeting**

**Tentative Budget Hearing/Regular Meeting at 4:00 PM**

**Thursday, September 5, 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. PRESENTING NAN KRUSHINSKI, SPECIAL EVENTS ADMINISTRATOR AND DANIELLE BEARDSLEY, SPECIAL EVENTS COORDINATOR WITH EMPLOYEE OF THE MONTH FOR AUGUST 2019**

**Recommendation:** Motion to present Nan Krushinski and Danielle Beardsley with Employees of the Month for August 2019.

**Sponsors:** Human Resources Department

**Attachments:** [Agenda Cover Report](#)  
[NOMINATION FORM NAN KRUSHINSKI AND DANIELLE BEARDSLEY](#)

**4.B. DELRAY BEACH WATER SUPPLY AND TREATMENT FEASIBILITY STUDY, FOLLOW-UP ON SITE LOCATION FOR FUTURE TREATMENT PROCESS COMPONENTS**

**Recommendation:** Presentation follow up on the site location for building the future water treatment plant process components.

**Sponsors:** Utilities Department

**Attachments:** [Agenda Cover Report](#)  
[WTP Options\\_StaffRecommendation\\_8-21-19\\_rev3](#)

**4.C. TREE CITY USA COMMUNITY STANDARDS AND TREE PRESERVATION TRUST FUND**

**Recommendation:** Presentation Only.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Tree Preservation Trust Fund Balance 8-22-2019](#)

**4.D. SWINTON AVENUE DESIGN STANDARDS**

**Recommendation:** Presentation Only.

**Sponsors:** Development Services Department

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

**5. COMMENTS AND INQUIRIES ON AGENDA AND NON-AGENDA ITEMS FROM THE PUBLIC- IMMEDIATELY FOLLOWING PRESENTATIONS:**

A. City Manager's response to prior public comments and inquiries

B. From the Public

## **6. CONSENT AGENDA: City Manager Recommends Approval**

### **6.A. CITY COMMISSION MINUTES**

**Recommendation:** Motion to approve meeting minutes as listed below:

August 13, 2019 Budget Workshop Meeting Minutes

August 20, 2019 Special Meeting Minutes

**Sponsors:** City Clerk Department

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

[August 13, 2019 Budget Workshop City Commission Minutes\\_DRAFT](#)

[August 20, 2019 Special City Commission Minutes\\_DRAFT](#)

- 6.B.** RESOLUTION NO. 132-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING THE ABANDONMENT OF RIGHT-OF-WAY OF A PORTION OF A 12 FOOT PLATTED ALLEY TOTALING APPROXIMATELY ONE-THOUSAND FIVE-HUNDRED AND NINETY (1,590) SQUARE FEET LYING NORTH OF LOT 15, OF BLOCK 87, AND SOUTH OF LOTS 2, 3, AND 4 OF BLOCK 87 OF THE PLAT OF LINNS ADDITION TO OSCEOLA PARK, AS RECORDED IN PLAT BOOK 1 PAGE 133 OF THE OFFICIAL RECORDS OF PALM BEACH COUNTY, FLORIDA, AND AS MORE PARTICULARLY DESCRIBED HEREIN; RETAINING A GENERAL UTILITY EASEMENT ENCOMPASSING THE SUBJECT AREA AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Recommendation:** Consider Resolution No. 132-19 approving the abandonment of right-of-way of a portion of a 12-foot wide platted alley totaling approximately 1,590 square feet located approximately 125' south of the intersection of SE 2nd Street and SE 3rd Avenue, and lying north of Lot 15, and south of Lots 2,3 and 4 of block 87, of the Linns Addition to Osceola Park plat book 1, page 133 of the Official Records of Palm Beach County, Florida, and as more particularly described in exhibit "A".

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Abandonment of ROW Location Map](#)  
[Resolution 132-19 Abandonment of ROW \(Alley\)](#)  
[Abandonment of ROW \(Alley\) P&Z Staff Report](#)  
[Abandonment of ROW \(Alley\) Engineering Comments](#)  
[Abandonment of ROW \(Alley\) Survey](#)  
[Abandonment of ROW \(Alley\) Advertisement Tear Sheet](#)  
[Linns Addition to Osceola Park plat](#)  
[Osceola Park plat](#)  
[Legal Review Approval for Res 132-19](#)

- 6.C.** RATIFICATION OF SOUTH CENTRAL REGIONAL WASTEWATER TREATMENT & DISPOSAL BOARD ACTION OF JULY 22, 2019 AND APPROVAL OF THEIR 2019/2020 PROPOSED BUDGET.

**Recommendation:** Motion to ratify actions approved by the South Central Regional Wastewater Treatment Treatment and Disposal Board (Board) at their meeting of July 22, 2019.

**Sponsors:** Utilities Department

**Attachments:** [Agenda Cover Report](#)  
[SCRWTP Board Ratification](#)  
[BOARD APPROVED BUDGET \(8 22 19\)FISCAL YEAR 10 1 2019 - 9 30 2020](#)

**6.D. RETROACTIVE APPROVAL FOR TEMPORARY SERVICES WITH K-FORCE  
NOT-TO-EXCEED TOTAL AMOUNT OF \$5,934.00.**

**Recommendation:** Motion to Retroactively approve an increase in the amount of \$5,934 for temporary services, in the total amount of \$70,934, that have cumulatively exceeded the City of Delray Beach (City) Manager's approval authority of \$65,000.

**Sponsors:** Finance Department

**Attachments:** [Agenda Cover Report](#)  
[PO 2019-00000481](#)

**6.E. PROCLAMATIONS:**

**6.E.1. HISPANIC HERITAGE MONTH PROCLAMATION**

**Recommendation:** Observance of Hispanic Heritage Month from September 15, 2019 to October 15, 2019.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Hispanic Heritage Month Proclamation](#)

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

**6.F.1. REPORT OF APPEALABLE LAND USE ITEMS FROM AUGUST 5, 2019, THROUGH  
AUGUST 23, 2019.**

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

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Appealable Items Map 9.5.19](#)  
[A - 219 DIXIE BLVD - APPEALABLE REPORT](#)  
[B - 106 SE 5TH AVE - APPEALABLE REPORT](#)  
[C - 1120 NASSAU ST - APPEALABLE REPORT](#)  
[D - 143 S. SWINTON AVE - APPEALABLE REPORT.](#)  
[E - 347 NE 5TH AVE - APPEALABLE REPORT](#)  
[F - 102 NE 6TH AVE - APPEALABLE REPORT](#)  
[G - 4801 S. CITATION CLUB - APPEALABLE REPORT](#)  
[H - 660 W. LINTON BLVD - APPEALABLE REPORT](#)  
[I - 1911 S. FEDERAL HWY - APPEALABLE REPORT.](#)  
[J - 14802 S. MILITARY TRL - APPEALABLE REPORT](#)  
[K - 217 E. ATLANTIC AVE - APPEALABLE REPORT](#)

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

**6.G.1. APPROVAL OF RESOLUTION NOS. 97-19 THROUGH 99-19 TO AWARD AGREEMENTS WITH COLD AIR DISTRIBUTORS WAREHOUSE OF FLORIDA, INC., TPH HOLDINGS, LLC D/B/A THE PARTS HOUSE, AND TOTAL TRUCK PARTS, INC. FOR THE PURCHASE OF AUTOMOTIVE PARTS AND SUPPLIES UTILIZING THE SEMINOLE COUNTY RFP NO. RFP-602971-17/BJC - \$182,000**

**Recommendation:** Motion to approve of Resolution Nos. 97-19 through 99-19 to award agreements with Cold Air Distributors Warehouse of Florida, Inc., TPH Holdings, LLC d/b/a The Parts House, and Total Truck Parts, Inc. for the purchase of automotive parts and supplies utilizing the Seminole County RFP No. RFP-602971-17/BJC in an estimated amount of \$182,000 collectively between suppliers through November 30, 2020 and authorize the City Manager to approve renewal options, in an estimated amount of \$115,000 collectively per renewal term, contingent upon appropriation of funds.

**Sponsors:** Public Works Department - Fleet Division

**Attachments:** [Agenda Cover Report](#)  
[P2019-043 Agreement, executed by Cold Air only](#)  
[P2019-043 Agreement, executed by TPH only](#)  
[P2019-043 Agreement, executed by Total Truck Parts only](#)  
[Legal Review Checklist P2019 043 Cold Air Distributer](#)  
[Legal Review Checklist P2019 043 TPH Holdings](#)  
[Legal Review Checklist P2019 043 Total Truck Parts](#)  
[rfp-602971-17](#)  
[Resolution No. 97-19 with Cold Air](#)  
[Resolution No. 98-19 with TPH](#)  
[Resolution No. 99-19 with Total Truck Parts](#)

**6.G.2. RESOLUTION NO. 151-19 TO APPROVE UTILIZING OMNIA PARTNERS COOPERATIVE CONTRACT NO. 4400006644 WITH INSIGHT PUBLIC SECTOR, INC. FOR MICROSOFT ENTERPRISE AGREEMENT - \$1,151,063**

**Recommendation:** Motion to Approve Resolution No. 151-19 to approve an Agreement based upon Contract No. 4400006644 between Omnia Partners (formerly known as U.S. Communities) and Insight Public Sector, Inc. for a Microsoft Enterprise Program Agreement in the estimated amount of \$1,151,063 for the Agreement term, and authorize the City Manager to approve renewal options, in the amounts indicated below, contingent upon appropriation of funds.

**Sponsors:** IT Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution No.151-19 Insight Public Sector Inc - Microsoft](#)  
[Legal Review Checklist Microsoft Omnia Insight](#)  
[Updated-City of Delray Beach PA - Microsoft Enterprise Program Agreement - I](#)

**6.G.3. APPROVAL OF RESOLUTION NO. 161-19 WITH GULF BUILDING, LLC. FOR FIRE STATION 113 AND EMERGENCY OPERATIONS CENTER DESIGN BUILD PROJECT**

**Recommendation:** Motion to Approve Resolution No. 161-19 to accept the City Manager's recommendation of award and to authorize staff to negotiate an agreement with Gulf Building, LLC. for Fire Station 113 and Emergency Operations Center design build project pursuant to RFP No. 2019-008.

**Sponsors:** Fire Rescue Department

**Attachments:** [Agenda Cover Report](#)  
[RFP 2019-008 Fire Station 113 & EOC](#)  
[Resolution for Fire Station Design Build](#)

**7. REGULAR AGENDA:****7.A. NOMINATION FOR APPOINTMENT TO THE PLANNING AND ZONING BOARD**

**Recommendation:** Motion to approve nomination for appointment for one (1) regular member to serve on the Planning and Zoning Board for an unexpired term ending August 31, 2020.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Agenda Memo 2](#)  
[Planning & Zoning Board Roster](#)  
[07022019 Exhibit A 5](#)  
[Planning & Zoning Applications](#)

**8. PUBLIC HEARINGS:****8.A. RESOLUTION NO. 153-19: TENTATIVE MILLAGE LEVY**

**Recommendation:** Motion to approve Resolution No. 153-19 Tentative Millage Levy for FY 2020.

**Sponsors:** Finance Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution 153-19 Millage](#)

**8.B. RESOLUTION NO. 154-19: TENTATIVE MILLAGE LEVY/DDA**

**Recommendation:** Motion to approve Resolution No. 154-19 Tentative DDA Millage Rate for FY 2020.

**Sponsors:** Finance Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution 154-19 Millage- DDA](#)  
[DDA Draft 2019\\_20 Budget for City Commission Mtg 9.5.19V2](#)  
[DDA FY19-20 Budget & Priority Review memo 9.5.19 City Commission Mtg V2](#)  
[Delray Beach DDA FY19-20 Millage Final Memo for 9.5.19 Meeting](#)

**8.C. RESOLUTION NO. 155-19: TENTATIVE BUDGET ADOPTION FOR FY 2020**

**Recommendation:** Motion to approve Resolution No. 155-19 Tentative Budget Adoption for FY 2020.

**Sponsors:** Finance Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution 155-19 Budget Adoption](#)  
[FY 2020 - Exhibit A](#)  
[FY 2020 City Of Delray Beach Budget Workshop Presentation - Revised](#)  
[FY 2020 City of Delray Beach Budget at a Glance](#)

- 8.D.** ORDINANCE NO. 24-19: AN 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 0.33± ACRES IN SIZE FROM LOW DENSITY (LD) TO MEDIUM DENSITY (MD), PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, FOR THE PROPERTY LOCATED AT 1060 DEL HARBOUR DRIVE, AT THE SOUTHWEST CORNER OF DEL HARBOUR DRIVE AND SOUTH OCEAN BOULEVARD, AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

**Recommendation:** Review and consider Ordinance 24-19 on Second Reading, a small-scale Future Land Use Map amendment to re-designate the property at 1060 Del Harbour Drive from Low Density (LD) to Medium Density (MD).

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Ord No 24-19 1060 Del Harbour Drive FLUM Amendment](#)  
[1060 Del Harbour Drive Aerial Location Map](#)  
[1060 Del Harbour Drive Future Land Use Designation Maps](#)  
[1060 Del Harbour Drive FLUM Justification Statement](#)  
[1060 Del Harbor Drive Future Land Use Map Amendment PZB Staff Report](#)  
[Future Land Use Element Table L-6](#)

## **9. FIRST READINGS:**

- 9.A.** ORDINANCE NO. 20-19: 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 SECTION 4.4.3. "SINGLE FAMILY (R-1) DISTRICTS," TO DELETE SUBSECTION I(10), AMEND SUBSECTIONS I(11) AND (12); AND, ADDING SECTION 7.1.8. "CONSTRUCTION PARKING" TO ESTABLISH REGULATIONS FOR ON-SITE AND OFF-SITE CONSTRUCTION PARKING; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (FIRST READING)

**Recommendation:** Review and consider Ordinance No. 20-19 on first reading, a City-initiated amendment to the Land Development Regulations, Section 4.4.3 "Single Family (R-1) Districts," to delete Subsection I(10), amend Subsections I(11) and (12); and, adding Section 7.1.8. "Construction Parking" to establish regulations for on-site and off-site construction parking.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Ordinance No. 20-19](#)  
[PZB Staff Report Construction Parking](#)

- 9.B.** ORDINANCE NO. 30-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA ADOPTING A SMALL SCALE FUTURE LAND USE MAP AMENDMENT RE-DESIGNATING LAND APPROXIMATELY 0.957± ACRES IN SIZE FROM MEDIUM DENSITY (MD) TO COMMERCIAL CORE (CC), PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, FOR THE PROPERTIES LOCATED AT 36 SOUTHWEST 6TH AVENUE, 40 SOUTHWEST 6TH AVENUE, 46 SOUTHWEST 6TH AVENUE, 48 SOUTHWEST 6TH AVENUE, 41 SOUTHWEST 7TH AVENUE, AND 37 SOUTHWEST 7TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

**Recommendation:** Review and Consider Ordinance No. 30-19 on First Reading.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Ordinance No. 30-19](#)  
[Ordinance No. 30-19 Current FLUM](#)  
[Ordinance No. 30-19 Proposed FLUM](#)  
[PZB Staff Report Frog Alley-BH3](#)

- 9.C.** ORDINANCE NO. 31-19: 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 REZONING AND RE-DESIGNATING LAND PRESENTLY ZONED MULTIPLE FAMILY RESIDENTIAL - MEDIUM DENSITY (RM) DISTRICT TO CENTRAL BUSINESS (CBD) DISTRICT, WITHIN THE WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT; FOR THE PROPERTIES LOCATED AT 36 SOUTHWEST 6TH AVENUE, 40 SOUTHWEST 6TH AVENUE, 46 SOUTHWEST 6TH AVENUE, 48 SOUTHWEST 6TH AVENUE, 41 SOUTHWEST 7TH AVENUE, AND 37 SOUTHWEST 7TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING "CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017" AND FURTHER AMENDING THE WEST ATLANTIC NEIGHBORHOOD 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. (FIRST READING)

**Recommendation:** Review and Consider Ordinance No. 31-19 on First Reading.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Ordinance No. 31-19](#)  
[Ordinance No. 31-19 Current Zoning](#)  
[Ordinance No. 31-19 Proposed Zoning](#)  
[Ordinance No. 31-19 PZB Staff Report](#)

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

**A. City Manager**

**B. City Attorney**

**C. City Commission**