

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, December 3, 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. RESOLUTION NO. 202-19 RECOGNIZING JOSEPH J. HART FOR 30 YEARS OF SERVICE**

Recommendation: Motion to Approve Resolution No. 202-19 honoring Joseph J. Hart for 30 years of service.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Resolution 202.19 Joseph Hart 12.03.19](#)

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 MEETING MINUTES**

Recommendation: Motion to approve meeting minutes as listed below:

September 10, 2019 Special Commission Meeting
October 1, 2019 Special Commission Meeting
October 1, 2019 Regular Commission Meeting
November 21, 2019 Attorney/Client Closed Door Session

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[September 10, 2019 City Commission Special Meeting Minutes_DRAFT](#)
[October 1, 2019 Special Meeting Draft](#)
[October 1, 2019 City Commission Regular Meeting Draft rev](#)
[November 21, 2019 Special Meeting - Attorney Client Session](#)

6.B. APPROVAL OF AMENDMENT 1 FOR RETROACTIVE APPROVAL WITH LANIER PARKING SOLUTIONS FOR COMPREHENSIVE PARKING MANAGEMENT SERVICES IN THE AMOUNT OF \$240,000 AND APPROVAL TO INCREASE THE CONTRACT VALUE - \$3,104,616

Recommendation: Motion to approve Amendment 1, for retroactive approval with Lanier Parking Solutions, in the amount of \$240,000, for a total annual amount of \$896,000, and authorize the City Manager to approve renewal options, in the amounts listed below, contingent upon appropriation of funds.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Comprehensive Parking Management Services Agreement FULLY EXECUTED](#)
[Amendment 1](#)
[Legal Review Checklist Lanier Parking Amendment No 1](#)

6.C. ITEMS (C-I) - ACCEPTANCE OF PERPETUAL SIDEWALK EASEMENT DEDICATIONS FOR MULTIPLE PROPERTIES

Recommendation: PERPETUAL SIDEWALK EASEMENTS

Item C

(C) Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 408 SW 4th St., to the City of Delray Beach.

Item D

(D) Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 238 SE 4TH Ave. to the City of Delray Beach.

Item E

(E) Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 106 SW 14th Ave. to the City of Delray Beach.

Item F

(F) Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 760 Lake Trail, lot #20 to the City of Delray Beach.

Item G

(G) Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 768 Lake Trail, lot #18 to the City of Delray Beach.

Item H

(H) Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 764 Lake Trail, lot #19 to the City of Delray Beach.

Item I

(I) Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 1011 Beach Drive to the City of Delray Beach.

Sponsors:

Public Works Department

Attachments: [Agenda Cover Report](#)
[Simple Legal Review Approval- pse agreements \(002\)](#)
[\(Item C\) Exhibit A - 408 SW 4th St.](#)
[\(Item C\) PSE Agreement - 408 SW 4th St. Redacted](#)
[\(Item D\) Exhibit A - 238 SE 4th Ave.](#)
[\(Item D\) PSE Agreement - 238 SE 4th Ave.](#)
[\(Item E\) PSE Agreement - 106 SW 14th Ave.](#)
[\(Item E\) Exhibit A Sketch -106 SW 14th Ave.](#)
[\(Item E\) Legal Description - 106 SW 14th Ave.](#)
[\(Item F\) PSE Agreement - 760 Lake Trail](#)
[\(Item F\) Exhibit A -760 Lake Trail](#)
[\(Item G\) PSE Agreement - 768 Lake Trail](#)
[\(Item G\) Exhibit A -768 Lake Trl](#)
[\(Item H\) PSE Agreement - 764 Lake Trail](#)
[\(Item H\) Exhibit A Sketch - 764 Lake Trail](#)
[\(Item I\) PSE Agreement - 1011 Beach Dr.](#)
[\(Item I\) Exhibit A Sketch - 1011 Beach Dr.](#)

6.D. PROCLAMATIONS:

6.D.1. PROCLAMATION RECOGNIZING THE TOWN OF HIGHLAND BEACH 70TH ANNIVERSARY

Recommendation: Motion to declare and join neighboring municipalities in the recognizing December 5, 2019 as the Town of Highland Beach Day.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Highland Beach 70th Anniversary](#)

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

6.E.1. REPORT OF APPEALABLE LAND USE ITEMS FROM NOVEMBER 4, 2019, THROUGH NOVEMBER 15, 2019.

Recommendation: By motion, receive and file this report.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Appealable Items Map](#)
[A - 201 NE 5th Court - Appealable Report](#)
[B -131 NW 1st Ave- Appealable Report](#)
[C - 110 Marine Way - Appealable Report](#)
[D - 103 SE 4th Ave; Downtown Lofts Condominium Association - Appealable Report](#)
[E - 53 SE 4th Ave ; Fourth and Fifth \(IPIC\) - Appealable Report](#)
[F -530 SE 6th Ave; KHO Space - Appealable Report](#)
[G -615 E. Atlantic Ave; Atlantic Crossing - Appealable Report](#)
[H - 398 NE 5th Ave; Gasland - Appealable Report](#)
[I -4575 Linton Blvd; Florida Medical Center - Appealable Report](#)

6.F. AWARD OF BIDS AND CONTRACTS:

6.F.1. RESOLUTION NO. 194-19 TO APPROVE AN AGREEMENT WITH OFFICE DEPOT FOR OFFICE SUPPLIES, PRODUCTS AND RELATED SERVICES; UTILIZING THE CITY OF TAMARAC SOLICITATION 19-12R - \$800,000

Recommendation: Motion to Approve Resolution No. 194-19 to award an agreement with Office Depot, Inc. for citywide office supplies utilizing the City of Tamarac Contract No. 19-12R in the estimated amount of \$800,000, and authorize the City Manager to approve renewal options, in the amounts below, contingent upon appropriation of funds.

Sponsors: Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist P2020-1 Office Depot](#)
[19-12R Office Depot Executed Agreement with Tamarac](#)
[19-12R Office Depot PRICING](#)
[19-12R Tamarac Addendum 1](#)
[AZ Compliance Questionnaire](#)
[Department expense](#)
[P2020-01 Master Service Agreement Office Depot \(CA Approved\)](#)
[CityofDelrayBeach.ParticipationAgreement.Bennett.CDMslgRev.11.20.19 \(1\) File](#)
[Res 194-19 Office Depot](#)
[Vendor Signed Agreement](#)

7. REGULAR AGENDA:

7.A. RECOMMENDATION FOR APPOINTMENT TO THE BOARD OF TRUSTEES FOR THE POLICE OFFICERS' RETIREMENT SYSTEM

Recommendation: Recommendation for appointment of one (1) regular member to serve an unexpired term ending October 4, 2020.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Exhibit A](#)

[Applicant #1](#)

[Applicant #2](#)

[Board of Trustees for the Police Officers' Retirement System 3](#)

[Police Officers' Retirement System Attendance](#)

8. PUBLIC HEARINGS:

8.A. ORDINANCE NO. 33-19: 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 4.4.13. "CENTRAL BUSINESS (CBD) DISTRICT," SUBSECTION (H)(1) "RESIDENTIAL INCENTIVES", TO ALLOW CERTAIN LOTS LOCATED WITHIN THE WEST SETTLERS HISTORIC DISTRICT TO PARTICIPATE IN THE RESIDENTIAL INCENTIVE PROGRAM; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

Recommendation: Review and consider Ordinance No. 33-19 on Second Reading, a privately-initiated amendment to the Land Development Regulations Section 4.4.13(H)(1), "Residential Incentives," to allow residential incentives in the form of increased density on certain lots that do not contain contributing historic structures or non-contributing structures that are more than 30 years old within the West Settlers Historic District portion of the West Atlantic Neighborhood Sub-district.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ord No 33-19 West Settlers Residential Incentive, 1st Reading](#)

[Ord No 33-19 PZB Staff Report](#)

[Ord No 33-19 Justification Request Letter](#)

9. FIRST READINGS:

9.A. None.

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

B. City Attorney

C. City Commission