

City of Delray Beach

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Regular Commission Meeting

Regular Meeting at 4:00 PM

Thursday, January 16, 2020

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

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:

November 5, 2019 Regular Meeting Minutes

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[November 5, 2019 Regular Meeting Minutes](#)

6.B. APPROVAL TO ACCEPT THE FY 2018 ASSISTANCE TO FIREFIGHTERS GRANT (AFG) # EMW-2018-FO-05865 IN THE AMOUNT OF \$585,454.54 FROM THE DEPARTMENT OF HOMELAND SECURITY FOR THE FIRE RESCUE DEPARTMENT.

Recommendation: Staff recommends the approval to accept grant funding from the FY 2018 Assistance to Firefighters Grant.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)
[EMW-2018-FO-05865 - Award Package SCBA](#)

- 6.C.** RESOLUTION NO. 28-20 REPEALING RESOLUTION NO. 112-19, APPROVING THE UTILIZATION OF CONTRACT NO. 17-0606G BETWEEN LAKE COUNTY, FLORIDA AND MUNICIPAL EMERGENCY SERVICES, INC., TO OBTAIN EQUIPMENT FOR THE DELRAY BEACH FIRE RESCUE DEPARTMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE A MASTER EQUIPMENT LEASE PURCHASE AGREEMENT WITH COMMUNITY FIRST NATIONAL BANK; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommendation: Motion to approve Resolution No. 28-20 to appeal Resolution No. 112-19, to approve the utilization of Contract No. 17-0606G between Lake County, Florida and Municipal Emergency Services, Inc. (MES) to obtain equipment for the Delray Beach Fire Rescue Department and authorize the City Manager to execute a master equipment lease purchase agreement with Community First National Bank.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)
[Res 28-20 repealing 112-19](#)
[Sample Lease Agreement - CLP](#)
[Legal Review Checklist SCBA Master Equipment Lease Purchase Agreement](#)
[17-0606G Lake County Contract with MES](#)
[MES Quote SCBA Lake County Contract](#)
[EMW-2018-FO-05865 - Award Package SCBA](#)

- 6.D.** AMENDMENT NO. 1 TO MUTUAL AID AGREEMENT FOR EMERGENCY SERVICES

Recommendation: Motion to approve Amendment No. 1 to Mutual Aid Agreement for Emergency Services.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)
[Emerg Services Agreement](#)
[Legal Review Form 11-7-19 Mutual Aid Agreements Boca and Boynton](#)

6.E. 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 contract amount of \$3,104,616.

Sponsors: Public Works Department

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

6.F. APPROVAL OF AMENDMENT NO. 2 TO RENEW THE AGREEMENT WITH CJ CONTRACTING, LLC FOR ROOF MAINTENANCE AND REPAIR SERVICES - \$315,000

Recommendation: Motion to approve Amendment No. 2 with CJ Contracting, LLC to renew the Agreement, under the same terms and conditions, and authorize the City Manager to approve renewal options in amounts below, contingent upon appropriations of funds.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist Amd #2 to Roof Repair Agt with CJ Contracting Amendment No. 2](#)

6.G. PROCLAMATIONS:

6.G.1. MARTIN LUTHER KING, JR. DAY PROCLAMATION

Recommendation: Motion to proclaim January 20, 2020 as Dr. Martin Luther King, Jr. Day of Service

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[MARTIN LUTHER KING JR. DAY 2020](#)

6.G.2. NATIONAL MENTORING MONTH PROCLAMATION

Recommendation: Motion to proclaim the month of January as National Mentoring Month.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[National Mentoring Month](#)

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

6.H.1. REPORT OF APPEALABLE LAND USE ITEMS FROM DECEMBER 2, 2019, THROUGH JANUARY 3, 2020.

Recommendation: By motion, receive and file this report.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Appealable Items Map 1.16.20](#)
[A - Appealable Report: 40-44 E Atlantic Ave](#)
[B - Appealable Report: 1200 W. Linton Blvd - Target](#)
[C - Appealable Report: 100 Gleason Street](#)
[D - Appealable Report: 1205/1237 N. Federal Hwy - Delray Oasis Business Park](#)
[E - Appealable Report: 302 E. Atlantic Ave - Pierre Delray 1 \(SunTrust Bank\)](#)
[F - Appealable Report: Similarity of Use - CF Zoning District](#)
[G - Appealable Report: 25 NE 2nd Ave - Kasai & Koori](#)
[H - Appealable Report: 307 E Atlantic Ave - Lionfish](#)
[I - Appealable Report: 14470 E. Atlantic Ave - KFC](#)
[J - Appealable Report: 1800 S. Federal Hwy - Chick Fil A](#)
[K - Appealable Report: 354 SE 5th Avenue - 5th Avenue Square](#)

6.I. AWARD OF BIDS AND CONTRACTS:

6.I.1. APPROVAL OF RESOLUTION NO. 02-20 TO AWARD A SOLE SOURCE AGREEMENT WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. FOR AN ENTERPRISE SOFTWARE AGREEMENT - \$150,000

Recommendation: Motion to Approve Resolution No. 02-20 to award a sole source agreement with Environmental Systems Research Institute, Inc. (ESRI) for an enterprise software agreement in the estimated amount of \$150,000.

Sponsors: IT Department

Attachments: [Agenda Cover Report](#)
[Agreement - Esri](#)
[Res 02-20 ESRI Software Agreement legal review REV. 1.3.20](#)
[Legal Review Checklist- Environmental Systems Research Institute, Inc.](#)
[ESRI Sole Source Approval Request](#)

6.I.2. APPROVAL OF RESOLUTION NO. 20-20 TO AWARD AN AGREEMENT WITH MBGC, LLC. D/B/A MINERVA BUNKER GEAR CLEANERS FOR CLEAN, TEST AND MAINTAIN FIRE RESCUE BUNKER GEAR SERVICES; UTILIZING HILLSBOROUGH COUNTY SOLICITATION NO. 18849 - \$171,000

Recommendation: Motion to Approve Resolution No. 20-20 to award an Agreement with MBGC, LLC. d/b/a Minerva Bunker Gear Cleaners in the estimated amount of \$171,000 through November 30, 2022, utilizing the Hillsborough County Solicitation No. 18849, and authorize the City Manager to approve renewal options, in the amounts below, contingent upon appropriation of funds.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist MBGC, LLC](#)
[Resolution 20-20 Minerva Bunker Gear](#)
[MBGC.LLC](#)

6.I.3. APPROVAL OF RESOLUTION NO. 27-20 TO AWARD AN AGREEMENT WITH W. W. GRAINGER, INC. FOR MAINTENANCE REPAIR AND OPERATIONS (MRO) SUPPLIES, PARTS, EQUIPMENT AND MATERIALS; UTILIZING THE CITY OF TUCSON SOLICITATION NO. RFP 192163 - \$120,000

Recommendation: Motion to Approve Resolution No. 27-20 to award an Agreement with W. W. Grainger, Inc in the estimated amount of \$120,000 through December 31, 2022 utilizing the City of Tucson solicitation No. RFP 192163, 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](#)
[Resolution No. 27-20 Award of Agreement](#)
[Legal Review Checklist Piggyback with Grainger for MRO](#)
[Grainger Agreement](#)

7. REGULAR AGENDA:

7.A. RESOLUTION NO. 04-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF INTEREST OF SANITARY AND SEWER EASEMENTS.

Recommendation: Review and consider Resolution No. 04-20.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[AutoNation Land Rover Jaguar - Approved Site Plan \(2019-120\)](#)
[AutoNation Land Rover Jaguar - Resolution No. 04-20 \(2020-048\)](#)
[AutoNation Land Rover Jaguar - Survey](#)

7.B. RESOLUTION NO. 18-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, PROVIDING FOR THE ABANDONMENT OF A INGRESS AND EGRESS EASEMENT.

Recommendation: Review and consider Resolution No. 18-20.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[AutoNation Land Rover Jaguar - Site Plan Approval \(2019-120\)](#)
[AutoNation Land Rover Jaguar - Resolution 18-20 \(2020-048\)](#)
[AutoNation Land Rover Jaguar - Survey](#)

7.C. MINOR SUBDIVISION OF A REPLAT FOR AUTONATION LAND ROVER JAGUAR OF DELRAY BEACH, FLORIDA, AND THE CREATION OF A TEMPORARY CONSTRUCTION ACCESS EASEMENT AGREEMENT.

Recommendation: Review and consider a minor subdivision request and the creation of a temporary construction easement agreement.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[AutoNation Land Rover Jaguar - Proposed Plat \(2019-249\)](#)
[AutoNation Land Rover Jaguar - Construction Easement \(2019-249\)](#)
[AutoNation Land Rover Jaguar - Site Plan Approval \(2019-120\)](#)
[AutoNation Land Rover Jaguar - Survey](#)

7.D. RESOLUTION NO. 26-20: A RESOLUTION OF THE CITY OF DELRAY BEACH, FLORIDA, DECLARING THE INTENTION OF THE CITY TO CONSIDER ADOPTION OF AN ORDINANCE AMENDING THE CITY CODE RELATING TO THE REGULATION OF DOCKLESS MOBILITY DEVICES; INVOKING THE PENDING ORDINANCE DOCTRINE; PROVIDING THAT FROM JANUARY 16, 2020 AND DURING THE PENDENCY OF CONSIDERATION, THE CITY WILL CONTINUE TO DEFER THE PROCESSING AND APPROVAL OF ALL APPLICATIONS FOR DOCKLESS MOBILITY DEVICES INCONSISTENT WITH THE CODE OF ORDINANCES; DIRECTING THE CITY CLERK TO PUBLISH A NOTICE OF INTENT TO ADOPT SUCH ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommendation: Motion to Approve Resolution No. 26-20.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Resolution 26-20 invoking zoning in progress-Dockless Mobility extension \(003](#)

- 7.E.** RESOLUTION 37-20: A RESOLUTION OF THE CITY OF DELRAY BEACH, FLORIDA, DECLARING THE INTENTION OF THE CITY TO CONSIDER ADOPTION OF AN ORDINANCE AMENDING THE CITY CODE RELATING TO THE REGULATION OF APPURTENANCES; INVOKING THE PENDING ORDINANCE DOCTRINE; PROVIDING THAT FROM JANUARY 16, 2020 AND DURING THE PENDENCY OF CONSIDERATION, THE CITY WILL CONTINUE TO DEFER THE PROCESSING AND APPROVAL OF ALL APPLICATIONS FOR APPURTENANCES INCONSISTENT WITH THE CODE OF ORDINANCES; DIRECTING THE CITY CLERK TO PUBLISH A NOTICE OF INTENT TO ADOPT SUCH ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommendation: Motion to Approve Resolution 37-20.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Resolution 37-20](#)

- 7.F.** DISCUSSION REGARDING WAKE ZONE BETWEEN ATLANTIC AVENUE AND GEORGE BUSH BLVD

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[intracoastal speed doc](#)

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