

# City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

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



## Regular Commission Meeting

Regular Meeting at 4:00 PM

Tuesday, May 5, 2020

Commission Chambers  
Delray Beach City Hall

### City Commission

*Mayor Shelly Petrolia*

*Vice Mayor Ryan Boylston*

*Deputy Vice Mayor Shirley Ervin Johnson*

*Commissioner Adam Frankel*

*Commissioner Juli Casale*

## **VIRTUAL COMMISSION MEETING RULES FOR PUBLIC PARTICIPATION**

Pursuant to Executive Order 20-69, during the COVID-19 State of Emergency, City Commission meetings may be held virtually. Members of the public wishing to view City Commission meetings should log into the City's website, <https://www.delraybeachfl.gov/i-want-to/watch/city-meetings>, where the meeting will be live-streamed for the public.

Due to the closure of City Hall, members of the public wishing to participate may do so by submitting their comments via voicemail. Any member of the public wishing to comment publicly on any matter, including public comment or public hearing items, may submit their comments by dialing **(561) 243 - 7555** and leaving a voicemail message that will be played during the City Commission meeting and made a part of the public record:

1. State your full name
2. State your address
3. Leave a comment no longer than 3 minutes.

### **Comments and Inquiries on Non-Agenda and Agenda Items (Excluding Quasi-Judicial Hearing and Public Hearing Items) from the Public:**

Public comments will be accepted until 3:00 p.m. on the day of the meeting.

### **Quasi-Judicial and Public Hearing Items:**

Public comment on quasi-judicial items and items that have been set for a formal public hearing shall only be made during the presentation of the item. After the Commission has heard from both the applicant and the City, the Commission will take a recess in order to afford the public an opportunity to comment on the specific agenda item. After the recess, comments from the public will be played into the record for the Commission's consideration.

### **General Rules:**

All public comments must be addressed to the Commission as a body and not to individual Commissioners or staff. Personal verbal attacks upon Commissioners and/or staff will not be tolerated. Members of the public shall refrain from making comments that are impertinent, obscene, personally insulting, defamatory, or slanderous remarks. If any member of the public requires additional information about making public comments, please contact:

Katerri Johnson, City Clerk  
City of Delray Beach  
100 NW 1st Avenue  
Delray Beach, FL 33444  
561-243-7051  
[ckagendacomments@mydelraybeach.com](mailto:ckagendacomments@mydelraybeach.com)

**1. ROLL CALL****2. PLEDGE OF ALLEGIANCE TO THE FLAG****3. CITY COMMISSION MEETING PROCEDURES UTILIZING COMMUNICATIONS MEDIA TECHNOLOGY (CMT)****3.A. REVIEW AND ADOPTION OF DELRAY BEACH CITY COMMISSION MEETING PROCEDURES UTILIZING COMMUNICATIONS MEDIA TECHNOLOGY (CMT)**

**Recommendation:** Motion to approve and adopt the meeting procedures utilizing Communications Media Technology.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)  
[City Commission Local Rules - CMT meetings pursuant to EO 20-69 \(002\) final](#)

**4. AGENDA APPROVAL****5. PRESENTATIONS:**

5.A. None

**6. 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

**7. CONSENT AGENDA: City Manager Recommends Approval**

**7.A. CITY COMMISSION MEETING MINUTES**

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

March 3, 2020 Regular City Commission Meeting Minutes  
March 13, 2020 Emergency City Commission Special Meeting-COVID 19 Minutes  
March 31, 2020 Election Results Special Meeting Minutes  
March 31, 2020 Annual Organizational/Regular City Commission Meeting Minutes

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[March 3, 2020 Regular City Commission Minutes DRAFT](#)  
[March 13, 2020 Emergency COVID-19 Special City Commission Meeting Minutes DRAFT](#)  
[March 31, 2020 Election Results Special Meeting Minutes DRAFT](#)  
[March 31, 2020 Annual Organizational-Regular City Commission Meeting Minutes DRAFT](#)

**7.B. REQUEST FOR SUBORDINATION OF SECOND MORTGAGE FOR 49 NW 13th AVENUE**

**Recommendation:** Motion to Approve a request for the City to subordinate its second mortgage position in the amount of \$23,100 for the property located at 49 NW 13th Avenue.

**Sponsors:** Community Improvement

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Subordination Agreement Jackson Edmond](#)  
[Subordination Agreement for Refinance -Edmond G. DRAFT](#)  
[G. Edmond Interest Loan Term Analysis](#)

**7.C. ACCEPTANCE OF A TOTAL OF 623 SQUARE FOOT EASEMENT DEED FOR PEDESTRIAN CLEAR ZONE LOCATED AT A PORTION OF LOTS 15, 16, 17, BLOCK 117 MAP OF THE TOWN OF LINTON, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 3, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, FROM PR-RE I, LLC, "THE GRANTOR", FOR THE SUBJECT PROPERTY LOCATED AT 640 E. ATLANTIC AVENUE (PROJECT APPROVED AS "HAWKERS ASIAN STREET FARE)**

**Recommendation:** Acceptance of a Easement Deed for Pedestrian Clear Zone for Hawkers Asian Street Fare located at 640 E. Atlantic Avenue.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Easement Deed for Pedestrian Clear Zone - 640 E. Atlantic Avenue](#)  
[Simple Legal Review PSE PR RE I LLC](#)

- 7.D.** ACCEPTANCE OF A TOTAL OF A 74 SQUARE FOOT EASEMENT DEED FOR A PEDESTRIAN CLEAR ZONE, 116 SQUARE FOOT RIGHT OF WAY DEDICATION TO THE ALLEY AND A LANDSCAPE MAINTENANCE AGREEMENT FOR THE TREES LOCATED ON SE 2ND AVENUE OF THE PROPERTY LOCATED AT LOT 14, BLOCK 78, MAP OF THE TOWN OF LINTON (KNOWN AS DELRAY BEACH), ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 3, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA FROM BROSEN 1 DELRAY LLC "THE GRANTOR" FOR THE SUBJECT PROPERTY LOCATED AT 166 SE 2ND AVE.

**Recommendation:** Acceptance of an Easement Deed for a Pedestrian Clear Zone, Right-of-Way Dedication, and Landscape Maintenance Agreement for 166 SE 2nd Avenue.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Landscape Maintenance Agreement](#)  
[Legal Review Landscape Maintenance Agreement Brosen 1 Delray](#)  
[Pedestrian Clear Zone Easement Deed](#)  
[Legal Review Pedestrian Clear Zone Easment Brosen 1 Delray](#)  
[Right of Way Deed](#)  
[Legal Review Right of Way Deed Bronsen I Delray ROW](#)

- 7.E.** APPROVAL TO ACCEPT THE FY 2018 STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) # EMW-2018-FH-00601 IN THE AMOUNT OF \$1,639,040.80 IN FEDERAL FUNDING FROM THE DEPARTMENT OF HOMELAND SECURITY.

**Recommendation:** Staff recommends the approval to accept grant funding from the FY 2018 Staffing for Adequate Fire and Emergency Response.

**Sponsors:** Fire Rescue Department

**Attachments:** [Agenda Cover Report](#)  
[EMW-2018-FH-00601 - Award Package \(3\) - Revised 11-8-19](#)  
[Simple Legal Review Approval -SAFER approval](#)

**7.F.** APPROVAL TO SUBMIT APPLICATION FOR FLORIDA DEPARTMENT OF LAW ENFORCEMENT FY 2019 FIBRS IMPLEMENTATION ASSISTANCE PROGRAM

**Recommendation:** Motion to approve application for Florida Department of Law Enforcement FY 2019 FIBRS Implementation Assistance Program

**Sponsors:** Police Department

**Attachments:** [Agenda Cover Report](#)  
[FDLE CJIS FIBRS Grant Solicitation](#)  
[FDLE Risk Assessment](#)  
[Central Square cost estimates for FL UCR to FIBRS transition](#)  
[Central Square 4-14-2020 Delray Beach PD FIBRS PM - FIBRS LINX PROJEC](#)  
[Legal Review Form\\_FDLE FIBRS Grant](#)

**7.G.** APPROVAL TO SUBMIT APPLICATION UNDER THE FY 2020 LAW ENFORCEMENT MENTAL HEALTH AND WELLNESS ACT (LEMHWA) PROGRAM

**Recommendation:** Motion to approve application under the FY 2020 Law Enforcement Mental Health and Wellness Act (LEMHWA) Program

**Sponsors:** Police Department

**Attachments:** [Agenda Cover Report](#)  
[WS00429498-COPS\\_Sh\\_ApplicationAttachment\\_2\\_5-V2.5](#)  
[WS00429498-SF424\\_2\\_1-V2.1 LEMHWA](#)  
[Legal Review Form\\_LEMHWA Program Grant Application](#)

- 7.H. ITEMS A1, B1,C1, D1,- ACCEPTANCE OF RIGHT OF WAY DEDICATIONS FOR 1021 NW 5TH AVE AND 166 SE 2ND AVE, AGREEMENT FOR SIDEWALK IMPROVEMENT AND REFUND RELEASE FOR 1031 WHITE DRIVE, STREETLIGHT MAINTENANCE AGREEMENT FOR 202 SE 5TH AVE, AND A HOLD HARMLESS AGREEMENT FOR 901 SE 4TH AVE.

**Recommendation:** Consideration of the following items:

**RIGHT OF WAY DEED(S)**

**Items A**

(A1) Motion to approve and accept a 25' Radial Right of Way dedication by the owner(s) of 1021 NW 5th Ave. to the City of Delray Beach.

**AGREEMENT FOR SIDEWALK IMPROVEMENT, IN LIEU FEE RELEASE, AND REFUND TO BARRY AND ANN CHODASH**

**Items B**

(B1) Motion to approve and accept an Agreement for sidewalk improvements and the refund of a Sidewalk in lieu fee of \$3,024.00, to the owner(s) of 1031 White Drive to the City of Delray Beach.

**STREETLIGHT MAINTENANCE AGREEMENT**

**Items C**

(C1) Motion to approve and accept a Streetlight Maintenance Agreement with owner(s), Samar 202 LLC, to install, operate and maintain streetlights bordering the property located at 202 SE 5TH Ave. within the rights-of-way of SE 5th Avenue, SE 2nd St. and SE 3rd St.

**HOLD HARMLESS AGREEMENT**

**Items D**

(D1) Motion to approve and accept a Hold Harmless Agreement between the owner, Albert D. Thorp, Jr. and the City of Delray Beach, for the encroachment of an existing structure located at 901 SE 4th Ave into the City's

right-of-way.

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

**Attachments:** [Agenda Cover Report](#)  
[Item \(1\)1 Legal Review Forms Attached](#)  
[Item \(A1a\) ROW Deed - 1021 NW 5th Ave.](#)  
[Item \(A1b\) Exhibit A Sketch - 1021 NW 5th Ave.](#)  
[Item \(B1a\) 2020 Notarized Sidewalk Agreement](#)  
[Item \(B1b\) Sufficient to Proceed - City Att- 1031 White Dr.](#)  
[Item \(B1c\) Refund Account Number - 1031 White Dr.](#)  
[Item \(B1d\) Sidewalk Refund Doc Backup. - 1031 White Dr.](#)  
[Item \(C1a\) SE 5th Ave,2nd St, SE 3rd St. SMAgreement](#)  
[Item \(C1b\) Legal Review Form for StreetMaint.Agreement](#)  
[Item \(C1c\) Exhibit A Sketch StreetLight Maint. Agreement](#)  
[Item \(D1a\)Hold Harmless Agreement - 901 SE 4th Ave.](#)  
[Item \(D1b\) Simple Legal Review Approval- 901 SE 4th Ave.](#)  
[Item \(D1c\) Exhibit A Sketch - 901 SE 4th Ave.](#)

**7.I. APPROVAL OF AMENDMENT NO. 1 WITH ALEXIS KNIGHT ARCHITECT, INC. RENEWING THE CITY'S AGREEMENT FOR ARCHITECTURAL COMPLIANCE REVIEW SERVICES (RFQ 2017-054) - \$48,000**

**Recommendation:** Motion to Approve Amendment No. 1 with Alexis Knight Architect, Inc. to renew the Agreement under the same terms and conditions in the amount of \$48,000.

**Sponsors:** Development Services Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist Alexis Knight](#)  
[2017-054- AS Amendment Renewal - Executed](#)

**7.J. PROCLAMATIONS:**

7.J.1. None

**7.K. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**



**7.K.1. REPORT OF APPEALABLE LAND USE ITEMS FROM FEBRUARY 17, THROUGH MAY 1, 2020.**

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

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Appealable Items Map](#)  
[A - Appealable Report: PHG Delray; 200 NE 5th Avenue](#)  
[B - Appealable Report: 150 Marine Way](#)  
[C - Appealable Report: 1300 NW 17th Avenue](#)  
[D - Appealable Report: 453 Canal PT S 1420](#)  
[E - Appealable Report: Taquiza:166 SE 2nd Avenue](#)

**7.L. AWARD OF BIDS AND CONTRACTS:**

**7.L.1. APPROVAL OF RESOLUTION NO. 12-20 A BID WAIVER TO AWARD AN AGREEMENT AND RETROACTIVE APPROVAL OF INVOICE # 11154 IN THE AMOUNT OF \$26,458 WITH GOVERNMENTJOBS.COM, INC. DBA NEOGOV FOR THE ONLINE RECRUITMENT AND PERFORMANCE MANAGEMENT SERVICES FOR THE HUMAN RESOURCES DEPARTMENT.**

**Recommendation:** Motion to approve Resolution No. 12-20 a Bid Waiver to award an Agreement and retroactive approval of invoice #11154 in the amount of \$26,458 with Government jobs.com dba NeoGov for Online Recruitment and Performance Management Services for the Human Resources Department for the agreement term and authorize the City Manager to exercise renewal options, in the amounts below, contingent upon appropriation of funds.

**Sponsors:** Human Resources Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist NeoGov 2020](#)  
[Resolution 12-20 NEOGOV Agreement](#)  
[NeoGov Vendor Executed Agreement](#)  
[NeoGOV- Memo Bid Waiver Acquisition LF](#)

**7.L.2. APPROVAL OF RESOLUTION NO. 62-20 TO AWARD AN AGREEMENT WITH CANON SOLUTIONS AMERICA, INC. FOR REPLACEMENT, MAINTENANCE, AND REPAIRS OF MULTIFUNCTION DEVICES; UTILIZING COUNTY OF DUPAGE, IL / OMNIA PARTNERS COOPERATIVE CONTRACT NO. 18-020-LG - \$130,000**

**Recommendation:** Motion to Approve Resolution No. 62-20 to award an Agreement with Canon Solutions America, Inc., in the estimated amount of \$130,000 through September 30, 2020, utilizing the County of DuPage, IL / Omnia Partners Cooperative Contract No. 18-020-LG, and authorize the City Manager to exercise a one-year renewal option, in the amount below, contingent upon appropriation of funds.

**Sponsors:** IT Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist Canon updated](#)  
[Res. 62-20 Canon Omnia Piggyback rev.](#)  
[Delray Beach City of Master Contractor Services Agreement CSA signed \(04.06](#)  
[Executive Summary Canon](#)

**7.L.3. APPROVAL OF RESOLUTION NO. 69-20 TO AWARD AN AGREEMENT WITH AKTIV CONSTRUCTION, INC. FOR DELRAY BEACH MEMORIAL GARDENS FENCE - \$179,739**

**Recommendation:** Motion to Approve Resolution No. 69-20 to award an Agreement with Aktiv Construction, Inc. for Delray Beach Memorial Gardens Fence pursuant to ITB no. 2020-014 in the amount of \$179,739.

**Sponsors:** Community Improvement and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Aktiv](#)  
[Resolution No. 69- 20](#)  
[2020-014- Agreement with Aktiv Construction for Fence Installation](#)  
[Exhibit B - Style B 24Ft](#)

- 7.L.4.** APPROVAL OF RESOLUTION NO. 59-20 TO AWARD AN AGREEMENT WITH WYNN & SONS ENVIRONMENTAL CONSTRUCTION CO., INC. TO PURCHASE CONSTRUCTION SERVICES RELATED TO ANNUAL PATHWAYS AND MINOR CONSTRUCTION UTILIZING THE PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS SOLICITATION NO. 2017055- \$750,000

**Recommendation:**

Motion to Approve Resolution No. 59-20 to award an Agreement with Wynn & Sons Environmental Construction Co., Inc. utilizing the Palm Beach County Board of County Commissioners Solicitation No. 2017055 to purchase construction services related to annual pathways and minor construction in the estimated amount of \$750,000 through January 22, 2021, and authorize the City Manager to approve renewal options, in the amounts below, contingent upon appropriation of funds.

**Sponsors:**

Public Works Department and Purchasing Department

**Attachments:**

[Agenda Cover Report](#)

[Executed Agrmt - Wynn & Sons](#)

[Res 59-20 Wynn Sons](#)

[Legal Review Checklist Wynn & Sons](#)

## **8. REGULAR AGENDA:**

- 8.A.** DISCUSSION AND DIRECTION REGARDING THE HANDLING OF REQUESTS RECEIVED FOR EXCUSAL OF PAYMENTS BASED ON INVOCATION OF FORCE MAJEURE CONTRACTUAL PROVISIONS

**Recommendation:** Staff seeks direction regarding the handling of requests received for excusal of payments based on invocation of force majeure contractual provisions.

**Sponsors:**

Finance Department

**Attachments:**

[Agenda Cover Report](#)

[Delray IntraCoastal Cruises Executed Agreement 2018-031](#)

[Delray Intracoastal Cruises Relief Request Letter 3.24.20](#)

[RFP 2018-031 - Delray IntraCoastal Cruises](#)

[Creative City Collaborative - Arts Garage Agreement](#)

[Arts Garage Relief Request 3.31.20](#)

[Taverna Opa Parking License Agreement 10.29.19](#)

[Taverna Opa Atlantic LLC Amendment No. 1 to the Parking License Agreement](#)

[Taverna Opa Relief Request Letter 3.6.20](#)

[Cut 432 Parking License Agreement 10.29.19](#)

[Cut 432 LLC Amendment No. 1 to the Parking License Agreement](#)

[Cut 432 Relief Request Letter 4.15.20](#)

**8.B. RATIFICATION OF EMERGENCY REGULATIONS RELATED TO COVID-19  
ACTIVATED UNDER CHAPTER 95 OF THE DELRAY BEACH CODE OF  
ORDINANCES**

**Recommendation:** Motion to Ratify 3rd , 4th and 5th Extensions of State of Emergency, 1st Extension of Emergency Declaration dated March 28, 2020, Emergency Declaration dated April 9, 2020, Resolution 79-20.

**Sponsors:** City Attorney Department

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

[3rd Emergency Declaration Extention - COVID-19](#)

[4th Emergency Declaration Extention - COVID-19](#)

[5th Emergency Declaration Extention - COVID-19](#)

[6th Emergency Declaration Extention - COVID-19](#)

[1st Ext. Emergency Declaration COVID-19 \(Stay at Home Order\)](#)

[Emergency Declaration COVID-19 \(Use of Masks\)](#)

[Resolution No. 79-20 - COVID -19](#)

[Resolution No. 81-20 COVID-19](#)

**9. PUBLIC HEARINGS:**

9.A. None

**10. FIRST READINGS:**

10.A. None

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

**A. City Manager**

**B. City Attorney**

**C. City Commission**