

City of Delray Beach

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Minutes - Draft

Tuesday, December 11, 2018

6:00 PM

Regular Meeting at 6:00 PM

Delray Beach City Hall

City Commission

Mayor Shelly Petrolia
Vice Mayor Adam Frankel
Deputy Vice Mayor Shirley Ervin Johnson
Commissioner Bill Bathurst
Commissioner Ryan Boylston

1. ROLL CALL

Mayor Petrolia called the Regular City Commission Meeting to order at 6:00 p.m.

The roll call was taken by the City Clerk.

The following were in attendance:

Mayor Shelly Petrolia
Vice Mayor Adam Frankel
Deputy Vice Mayor Shirley Ervin Johnson
Commissioner Bill Bathurst
Commissioner Ryan Boylston

Others present were:

Mark R. Lauzier, City Manager
Lynn Gelin, Interim City Attorney
Katerri Johnson, City Clerk

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

Lynn Gelin, Interim City Attorney, stated the applicant has requested a postponement on Item 8.E., Item 9.A., and Item 9.B., the Banyan Cove matter. Ms. Gelin stated there will be no date certain and the applicant will have to petition the city when to replace this on the agenda and the applicant has indicated that any requirements for notice will be paid for by them.

Deputy Vice Mayor Johnson made a motion to approve the agenda as amended. It was seconded by Vice Mayor Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

4. PRESENTATIONS:

- 4.A. [18-841](#) RESOLUTION NO. 154-18: PRESENTING JASMIN ALLEN, SENIOR PLANNER, WITH RECOGNITION AND COMMENDATION FOR NEARLY 35 YEARS OF DEDICATED SERVICE TO THE CITY OF DELRAY BEACH

Recommendation: Motion to approve Resolution No. 154-18, recognizing and commending Jasmin Allen, Senior Planner, for nearly 35 years of dedicated service to

the City of Delray Beach.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Resolution 154-18_Jasmin Allen](#)

Tim Stillings, Director of Development Services, recognized and commended Jasmin Allen, Senior Planner for 35 years of dedicated service to the City of Delray Beach and presented her with a plaque. Ms. Allen came forward to accept the plaque and gave a few brief comments.

Mayor Petrolia read Resolution No. 154-18 into the record recognizing and commending Jasmin Allen, Senior Planner for 35 years of dedicated service to the City of Delray Beach.

4.B. [18-809](#) PRESENTING DAVID ALMODOVAR AND OCCIDENT BLEUS, ELECTRICIANS, WITH EMPLOYEES OF THE MONTH FOR DECEMBER 2018

Recommendation: Motion to present David Almodovar and Occident Bleus, Electricians, with Employees of the Month for December 2018.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)

[NOMINATION FORM FOR ALMODOVAR AND BLEUS](#)

Sharon Liebowitz, Human Resources Director, stated David Almodovar and Occident Bleus, were both being recognized for Employee of the Month for December 2018.

Jamael Stewart, Assistant Director of Neighborhood and Community Services, gave a few brief comments. Occident Bleus, Electrician came forward to accept this recognition and gave a few brief comments. David Almodovar, Electrician was not present.

Mayor Petrolia announced that if anyone from the public was here for the Banyan Cove issue, it has been removed from the agenda.

4.C. [18-808](#) PRESENTATION RECOGNIZING DR. DUFFY, CLINIC PHYSICIAN, FOR SERVICE AT THE CITY OF DELRAY BEACH EMPLOYEE HEALTH AND WELLNESS CENTER

Recommendation: Motion to recognition of Dr. Jamira Duffy for her dedication to the employees and City of Delray Beach from May 2015 through January 2019.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)

Sharon Liebowitz, Human Resources Director, introduced Dr. Jamira Duffy, Clinic Physician and presented her with a plaque for her service at the Delray Beach Employee Health and Wellness Center. Ms. Liebowitz stated there will be an Open House for Dr. Duffy on Thursday, December 13, 2018 from 10:00 a.m. until 2:00 p.m. in the First Floor Conference Room. Dr. Duffy came forward to accept the plaque and gave a few brief comments.

4.D. Internal Auditor's Report

Julia Davidyan, Internal Auditor, gave a brief presentation regarding the highlights of the City of Delray Beach Internal Audit Plan for fiscal year 2019.

Commissioner Boylston made a motion to approve the City of Delray Beach Draft Internal Audit Plan for 2019. It was seconded by Deputy Vice Mayor Johnson. A roll call vote was taken and all were in favor. The motion carried 5-0.

4.D.1. [18-829](#) FY2019 DRAFT INTERNAL AUDIT PLAN

Recommendation: Motion to approve the FY2019 Draft Internal Audit Plan.

Attachments: [Agenda Cover Report](#)
[FY2019 Internal Audit Plan](#)

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

The City Manager commented about the boil water precautionary advisory that occurred Friday and over the weekend. The City Manager stated he is confident that the utilities department has a good plan and they are working with the Health Department. He stated staff will address the communications issues and require maps for these type of things in the future.

Secondly, the City Manager stated he sent the City Commission a Workshop schedule for January 2019 and the following items will be discussed: (1) Transportation Planning Agency Projects, (2) Swinton Avenue Project, and (3) Trees.

The City Manager reported that staff followed-up with Ms. Gunn's roof issue.

5.B. From the Public

6. CONSENT AGENDA: City Manager Recommends Approval

Deputy Vice Mayor Johnson requested that Item 6.B. Resolution No. 155-18 be pulled for discussion. It will become Item 7.A.A. on the regular agenda.

Mayor Petrolia requested that Item 6.E. and Item 6.G.1.B. be pulled for discussion. They will be Items 7.B.B. and 7.C.C. on the regular agenda.

Commissioner Boylston made a motion to approve the Consent Agenda as amended. It was seconded by Commissioner Bathurst. A roll call vote was taken and all were in favor. The motion carried 5-0.

6.A. [18-834](#) MEETING MINUTES

Recommendation: Motion to approve meeting minutes as listed below.

November 13, 2018 City Commission Workshop Meeting Minutes

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[11-13-18 City Commission Workshop Meeting Minutes](#)

6.B. [18-836](#) RESOLUTION NO. 155-18: SUPPORTING MUNICIPAL HOME RULE POWERS

Recommendation: Motion to adopt Resolution No. 155-18; opposing legislative efforts to impede the constitutional right Florida's citizens have enjoyed for nearly 50 years to govern themselves under municipal home rule powers. Opposing the legislature's persistent intrusion into local finances, which are necessary to provide financial stability and essential services uniquely required by municipal residents and local businesses; directing city administration to transmit a certified copy of this resolution to the Palm Beach County League of Cities, the Florida League of Cities and the Palm Beach County Legislative Delegation.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 155-18 Home Rule](#)

Lynn Gelin, Interim City Attorney, read the title of Resolution No. 155-18 into the record.

Deputy Vice Mayor Johnson is specializing in supporting municipal home rule and thus the reason she is bringing this resolution forward to support

local rule.

Commissioner Boylston made a motion to approve Item 7.A.A. (formerly Item 6.B.). It was seconded by Commissioner Bathurst. The motion carried 5-0.

approved

6.C. [18-842](#) RESOLUTION NO. 156-18: HISTORIC PROPERTY TAX EXEMPTION REQUEST FOR 106 SE 7th AVENUE

Recommendation: Motion to Adopt Resolution No. 156-18; approving a historic property tax exemption request for improvements to the contributing structure and property located at 106 SE 7th Avenue, based upon positive findings with respect to LDR Section 4.5.1(J).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
 [Resolution 156-18-Tax Exemption-106 SE 7th Avenue](#)
 [2018-12-05-HPB SR-106 SE 7th Avenue](#)

approved

6.D. [18-799](#) ITEM (A)-(B) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT AND RIGHT OF WAY DEED FOR 450 N. SWINTON AVE.

ITEM (C-D) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT AND ALLEYWAY DEDICATION FOR 138 SW 11th AVE.

ITEM (E) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT FOR 114 NE 9TH ST.

ITEM (F) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT FOR 509 OLEANDER LANE.

ITEM (G) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT FOR 1021 BROOKS LANE.

ITEM (H) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENTS FOR 880 NE 7th AVE., 870 NE 7th AVE., 860 NE 7th AVE., 850 NE 7th AVE., 840 NE 7th AVE., 830 NE 7th AVE., AND 816 NE 7th AVE.

ITEM (I) - ACCEPTANCE OF ALLEYWAY DEDICATION FOR 131 NE 1ST AVE.

ITEM (J) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT FOR 512 LAKE DR.

Recommendation: **Item A-B**

(A) Motion to approve and accept 4' of sidewalk easement on N. Swinton Ave. located at 450 N. Swinton Ave.

(B) Motion to approve and accept 5' of right of way dedication on N. Swinton Ave. located at 450 N. Swinton Ave.

Items C-D

(C) Motion to approve and accept 5' of sidewalk easement on SW 11th Ave. located at 138 SW 11th Ave.

(D) Motion to approve and accept 2' of alleyway dedication on SW 11th Ave. located at 138 SW 11th Ave.

Item E

(E) Motion to approve and accept 5' of sidewalk easement on NE 9th St. located at 114 NE 9th St.

Item F Motion to approve and accept 5' of sidewalk easement on Oleander Lane located at 509 Oleander Lane.

Item G

Motion to approve and accept 5' of sidewalk easement on Brooks Lane located at 1021 Brooks Lane.

Item H

Motion to approve and accept 5' of sidewalk easements on NE 7th Ave. located at 880 NE 7th Ave., 870 NE 7th Ave., 860 NE 7th Ave., 850 NE 7th Ave., 840 NE 7th Ave., 830 NE 7th Ave., and 816 NE 7th Ave.

Item I

Motion to approve and accept 2' of alleyway dedication on NE 1st Ave. located at 131 NE 1st Ave.

Item J

Motion to approve and accept 5' of sidewalk easement on Lake Dr. located at 512 Lake Dr.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)[Item \(A\) PSE 450 N. Swinton Ave.pdf](#)[Item \(B\)-Right of Way Deed 450 N. Swinton Ave.pdf](#)[Item \(A-B\)-Exhibit \(A\) Sketch and Description 450 N. Swinton Ave.pdf](#)[Item \(A-B\)-Survey 450 N. Swinton Ave.PDF](#)[Item \(A-B\)-PAPA Page 450 N. Swinton Ave..pdf](#)[Item \(A-B\)-PAPA Maps 450 N. Swinton Ave..pdf](#)[Item \(C\)-PSE 138 SW 11th Ave..pdf](#)[Item \(C\)-Exhibit \(A\) PSE Sketch and Description 138 SW 11th Ave..pdf](#)[Item \(D\) R.O.W Deed 138 SW 11th Ave..pdf](#)[Item \(D\) Exhibit \(A\) Sketch and Description 138 SW 11th Ave..pdf](#)[Item \(C-D\)-Survey 138 SW 11th Ave..PDF](#)[Item \(C-D\)-PAPA Page 138 SW 11th Ave..pdf](#)[Item \(C-D\)-PAPA Maps 138 SW 11th Ave..pdf](#)[Item \(C-D\)-SunBiz Page 138 SW 11th Ave..pdf](#)[Item \(E\)-PSE 114 NE 9th St.pdf](#)[Item \(E\)-Exhibit \(A\) Sketch and Description 114 NE 9th St.pdf](#)[Item \(E\)-Survey 114 NE 9th St..pdf](#)[Item \(E\)-PAPA Page 114 NE 9th St..pdf](#)[Item \(E\)-PAPA Maps 114 NE 9th St.pdf](#)[Item \(E\)-SunBiz Page 114 NE 9th St..pdf](#)[Item \(F\)-PSE 509 Oleander Lane.pdf](#)[Item \(F\)-Exhibit \(A\) Sketch and Description 509 Oleander Lane.pdf](#)[Item \(F\)-Survey 509 Oleander Lane.PDF](#)[Item \(F\)-PAPA Page 509 Oleander Lane.pdf](#)[Item \(F\)-PAPA Maps 509 Oleander Lane.pdf](#)[Item \(F\)-SunBiz Page 509 Oleander Lane.pdf](#)[Item \(G\)-PSE 1021 Brooks Lane.pdf](#)[Item \(G\)-Exhibit \(A\) Sketch and Description 1021 Brooks Lane.pdf](#)[Item \(G\)-Survey 1021 Brooks Lane.pdf](#)[Item \(G\)-PAPA Page 1021 Brooks Lane.pdf](#)[Item \(G\)-PAPA Maps 1021 Brooks Lane.pdf](#)[Item \(G\)-SunBiz Page 1021 Brooks Lane.pdf](#)[Item \(H\)-PSE's 880, 870, 860, 850, 840, 830, and 816 NE 7th Ave..pdf](#)[Item \(H\)-Exhibit \(A\) Sketch and Description 880, 870, 860, 850, 840, 830, and 816 NE 7th Ave..pdf](#)[Item \(H\)-Survey 7 on 7th.PDF](#)[Item \(H\)-PAPA Page 880, 870, 860, 850, 840, 830, and 816 NE 7th Ave..pdf](#)

[Item \(H\)-PAPA Maps 880, 870, 860, 850, 840, 830, and 816 NE 7th Ave..pdf](#)
[Item \(H\)-SunBiz Page 880, 870, 860, 850, 840, 830, and 816 NE 7th Ave..pdf](#)
[Item \(I\)-Right of Way Deed 131 NE 1st Ave..pdf](#)
[Item \(I\)-Exhibit \(A\) Sketch and Description 131 NE 1st Ave..pdf](#)
[Item \(I\)-Survey 131 NE 1st Ave.pdf](#)
[Item \(I\)-PAPA Page 131 NE 1st Ave.pdf](#)
[Item \(I\)-PAPA Maps 131 NE 1st Ave..pdf](#)
[Item \(I\)-SunBiz Page 131 NE 1st Ave.pdf](#)
[Item \(J\) PSE 512 Lake Dr.pdf](#)
[Item \(J\) Exhibit \(A\) Sketch and Legal Description 512 Lake Dr..pdf](#)
[Item \(J\) Survey 512 Lake Dr.pdf](#)
[Item \(J\) PAPA Page 512 Lake Dr.pdf](#)
[Item \(J\) PAPA Maps 512 Lake Dr.pdf](#)

6.E. [18-838](#)

INTERLOCAL AGREEMENT BETWEEN THE CITY AND CRA FOR THE FIRE PREVENTION & LIFE SAFETY CAPTAIN POSITION

Recommendation: Approve the Interlocal Agreement between the City and CRA to fund 100% of the actual amount expended for the Fire Prevention & Life Safety Captain position up to \$184,061, subject to approval of the City and CRA budgets for Fiscal Year 2018-19.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)

[20181128175817](#)

[ILA Fire Prevention Life Safety Captain Position 18-19](#)

[Legal Review Checklist form v. 5 ILA with CRA for Fire Prevention and Life Safety Captain Position](#)

Neal de Jesus, Fire Chief, explained that the Fire Prevention and Life Safety Captain position is an existing position approved last year; however, that contract did not come before the City Commission until this year.

Vice Mayor Frankel made a motion to approve Item 7.B.B. (formerly Item 6.E.). It was seconded by Deputy Vice Mayor Johnson. A roll call vote was taken and all were in favor. The motion carried 5-0.

6.F. PROCLAMATIONS:

6.F.1. [18-791](#)

A PROCLAMATION OF THE HEALTH CARE DISTRICT BOARD OF COMMISSIONERS TO RECOGNIZE THE THIRTIETH ANNIVERSARY OF THE ESTABLISHMENT OF THE HEALTH CARE DISTRICT OF PALM

BEACH COUNTY.

Recommendation: Motion to proclaim November 8, 2018 as the 30th Anniversary of the Health Care District of Palm Beach County.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[30th Anniversary of the Health Care District Proclamation 12-11-18](#)

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

6.G.1. [18-828](#) REPORT OF APPEALABLE LAND USE ITEMS FROM NOVEMBER 5, 2018 THROUGH NOVEMBER 9, 2018.

Recommendation: By motion, receive and file this report.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Appealable Items Map 18-828](#)
[A - 23 S Swinton Ave](#)
[B - 8 E. Atlantic Ave - Tin roof](#)
[C - 126 SE 7th Ave](#)
[D -201 NE 5th Ct](#)

Mayor Petrolia stated she is okay with the sign on the side of the building; however, she expressed concern over the sign on the awning.

Vice Mayor Frankel made a motion to appeal Item 7.C.C. (Item B - 8 E. Atlantic Ave/Tin roof only) for a future agenda. It was seconded by Deputy Vice Mayor Johnson. A roll call vote was taken and all were in favor. The motion carried 5-0.

6.H. AWARD OF BIDS AND CONTRACTS:

6.H.1. [18-811](#) APPROVAL OF RESOLUTION NO. 140-18 TO AWARD AN AGREEMENT WITH FORTILINE, INC. AND RESOLUTION NO. 141-18 TO AWARD AN AGREEMENT WITH FERGUSON ENTERPRISES, INC. FOR PIPE FITTINGS AND ACCESSORIES UTILIZING CITY OF BOYNTON BEACH SOLICITATION NO. 037-1412-18/MFD FOR A TOTAL AGREEMENT VALUE NOT-TO-EXCEED \$62,500 THROUGH OCTOBER 2, 2019

Recommendation: Motion to approve Resolution No. 140-18 to award an agreement with Fortiline, Inc. and Resolution No. 141-18 to award an agreement with Ferguson Enterprises, Inc. for pipe fittings and accessories utilizing City of Boynton Beach Solicitation No. 037-1412-18/MFD for a total agreement value not-to-exceed \$62,500 through October 2, 2019.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)
[P2019-002 Agreement with Fortiline, vendor executed](#)
[P2019-002 Agreement with Ferguson, vendor executed](#)
[Resolution No. 140-18 with Fortiline CA rev](#)
[Resolution No. 141-18 with Ferguson CA rev](#)
[Legal Review Checklist form v. 5 Fortiline](#)
[Legal Review Checklist form v. 5 Ferguson](#)
[037-1412-18MFD Bid](#)
[037-1412-18MFD Fortiline Bid Response](#)
[037-1412-18MFD Ferguson Bid Response](#)
[037-1412-18MFD Boynton Award Letter to Fortiline](#)
[037-1412-18MFD Boynton Award Letter to Ferguson](#)

6.H.2. [18-816](#) APPROVAL OF RESOLUTION NO. 142-18 TO AWARD AN AGREEMENT WITH FORTILINE, INC. AND RESOLUTION NO. 143-18 TO AWARD AN AGREEMENT WITH FERGUSON ENTERPRISES, INC. FOR BRASS FITTINGS AND ACCESSORIES UTILIZING CITY OF BOYNTON BEACH SOLICITATION NO. 040-1412-18/MFD FOR A TOTAL AGREEMENT VALUE NOT-TO-EXCEED \$19,500 THROUGH OCTOBER 16, 2019

Recommendation: Motion to approve Resolution No. 142-18 to award an agreement with Fortiline, Inc. and Resolution No. 143-18 to award an agreement with Ferguson Enterprises, Inc. for brass fittings and accessories utilizing City of Boynton Beach Solicitation No. 040-1412-18/MFD for a total agreement value not-to-exceed \$19,500 through October 16, 2019.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)
[P2019-003 Agreement with Ferguson, vendor executed](#)
[P2019-003 Agreement with Fortiline, vendor executed](#)
[Resolution No. 142-18 with Fortiline CA rev](#)
[Resolution No. 143-18 with Ferguson CA rev](#)
[Legal Review Checklist form v. 5 Fortiline brass](#)
[Legal Review Checklist form v. 5 Ferguson brass](#)
[040-1412-18MFD Bid](#)
[040-1412-18MFD Fortiline Response](#)
[040-1412-18MFD Ferguson Response](#)
[040-1412-18MFD Boynton Award Letter to Fortiline](#)
[040-1412-18MFD Boynton Award Letter to Ferguson](#)

- 6.H.3. [18-801](#)** APPROVAL OF RESOLUTION NO. 144-18 TO AWARD AN AGREEMENT WITH PRECISION CONTRACTING SERVICES, INC. FOR FIBER OPTIC ENGINEERING, DESIGN, MATERIAL SUPPLIES AND INSTALLATION UTILIZING PALM BEACH COUNTY SOLICITATION NO. 18-055/HS FOR A TOTAL AGREEMENT VALUE NOT-TO-EXCEED \$160,000 THROUGH AUGUST 20, 2019

Recommendation: Motion to approve Resolution No. 144-18 to award an agreement with Precision Contracting Services, Inc. for fiber optic engineering, design, material supplies and installation utilizing Palm Beach County Solicitation No. 18-055/HS for a total agreement value not-to-exceed \$160,000 through August 20, 2019.

Sponsors: IT Department

Attachments: [Agenda Cover Report](#)
[P2019-004 Agreement, Vendor Executed](#)
[Resolution 144-18 Precision Contraction Services - Fiber Cable](#)
[Legal Review Checklist Precision Contracting Services - Fiber Cable](#)
[18-055HS Bid](#)
[18-055HS Addendum No. 1](#)
[18-055HS PCS Response](#)
[18-055HS Award Letter](#)

- 6.H.4. [18-812](#)** APPROVAL OF RESOLUTION NO. 147-18 TO AWARD A CITY STANDARD AGREEMENT WITH CITIES DIGITAL, INC. FOR LASERFICHE PRODUCTS AND SERVICES IN A TOTAL AGREEMENT VALUE NOT-TO-EXCEED \$120,000 THROUGH JUNE 24, 2020

Recommendation: Motion to approve Resolution No. 147-18 to award a city standard agreement with Cities Digital, Inc. for Laserfiche products and services in a total agreement value not-to-exceed \$120,000 through June 24, 2020.

Sponsors: IT Department

Attachments: [Agenda Cover Report](#)
[CS2019-002 Agreement with Cities Digital, vendor executed](#)
[Resolution No. 147-18 with Cities Digital CA rev](#)
[Legal Review Checklist form v. 5 Cities Digital agreement Laserfiche](#)
[City Standard Approval - Cities Digital Through June 24, 2020](#)

- 6.H.5. [18-790](#)** APPROVAL OF RESOLUTION NO. 148-18 AWARD OF AGREEMENT WITH BLUE MARLINS INVESTMENTS, INC. d/b/a CAYCO Landscaping FOR LANDSCAPE MAINTENANCE IN A NOT-TO-EXCEED AMOUNT

OF \$123,003 PER CONTRACT TERM

Recommendation: Motion to award a three year Agreement with Blue Marlins Investments, Inc. d/b/a Cayco Landscaping for Landscaping Maintenance Bid No. 2018-052 in the not-to-exceed amount of \$123,003 for the Agreement term and to authorize the City Manager to exercise any and all renewal options.

Sponsors: Purchasing Department and Public Works Department

Attachments: [Agenda Cover Report](#)

[ITB 2018-052 Landscape Maintenance - revised 9.11.18](#)

[ITB 2018-052 Cayco Landscaping Proposal](#)

[Legal Review Checklist form v. 5 Blue Marlins Investments](#)

[Resolution No. 148-18 CA rev](#)

[Blue Marlins Investments, Inc Agreement](#)

6.H.6 [18-796](#) RESOLUTION NO. 149-18 TO APPROVE A PIGGYBACK AGREEMENT WITH ADVANCED DATA SOLUTIONS, INC. UTILIZING THE CITY OF FORT LAUDEDALE AGREEMENT FOR SCANNING, INDEXING, IMAGING AND MEDIA CONVERSION SERVICES. FOR A NOT-TO-EXCEED AMOUNT OF \$219,000

Recommendation: Motion to approve Resolution No. 149-18 for a not-to-exceed amount \$219,000 to Advanced Data Solutions, Inc. utilizing the City of Fort Lauderdale Agreement for scanning, indexing, imaging and media conversion and to authorize the City Manager to exercise any and all renewal options.

Sponsors: Purchasing Department and City Clerk Department

Attachments: [Agenda Cover Report](#)

[Resolution No. 149-18 Advanced Data Solutions, Inc. CA rev](#)

[Exhibit 3 - Advanced Data Solutions Proposal](#)

[Legal Review Checklist form v. 5 Advanced Data Solutions](#)

[Advanced Data Solutions, Inc. Agreement](#)

6.H.7. [18-824](#) APPROVAL OF RESOLUTION NO. 151-18 TO AWARD AN AGREEMENT TO DP DEVELOPMENT OF THE TREASURE COAST, LLC TO PERFORM STORMWATER INFRASTRUCTURE CONSTRUCTION UTILIZING THE CITY OF WEST PALM BEACH AWARDED CONTRACT FROM ITB NO. 13-14-407 IN A NOT-TO-EXCEED AMOUNT OF \$300,000.

Recommendation: Motion to approve Resolution No. 151-18 to award an agreement to DP Development of the Treasure Coast, LLC to perform stormwater infrastructure construction utilizing the City of West Palm Beach contract ITB Solicitation No. 13-14-407 in a not-to-exceed amount of \$300,000.

Sponsors: Purchasing Department and Public Works Department

Attachments: [Agenda Cover Report](#)
[DP Development CAO Legal Review Checklist](#)
[DP Development Resolution](#)
[DP Development Piggyback CAO](#)
[DP Development CWPB Master Contract for Utility Construction.. \(2\)](#)

- 6.H.8. [18-827](#)** APPROVAL OF RESOLUTION NO. 152-18 WITH SPATIAL FOCUS, LLC, AS A SOLE SOURCE PROVIDER TO PERFORM SPECIALIZED SERVICES REGARDING DEVELOPMENT OF A FUNCTIONAL MASTER ADDRESS REPOSITORY (MAR) IN A NOT-TO-EXCEED AMOUNT OF \$86,750.

Recommendation: Motion to approve Resolution No. 152-18 to award an agreement to Spatial Focus, LLC, to perform specialized services regarding addressing and development of a functional Master Address Repository (MAR) in a not-to-exceed amount of \$86,750.

Sponsors: Purchasing Department and Planning & Zoning Department

Attachments: [Agenda Cover Report](#)
[Spatial Focus LLC Legal Review Checklist](#)
[Spatial Focus Proposal](#)
[Spatial Focus Resolution](#)
[Spatial Focus Purchase Agreement](#)

7. REGULAR AGENDA:

- 7.A. [18-833](#)** DISCUSSION REGARDING AGREEMENT WITH OUTFRONT MEDIA, INC.

Recommendation: Motion to authorize the City Manager to execute an agreement between Outfront Media, Inc. and the City of Delray Beach, to relocate billboards pursuant to the direction provided by the City Commission and to take all actions necessary to effectuate the agreement.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Outfront Media Delray Proposal to Delray Beach - September 2018](#)

Neil Schiller, 515 N. Flagler Drive, Suite #1400, West Palm Beach, representing Outfront Media, gave a brief presentation.

A brief discussion between Interim City Attorney Lynn Gelin and the City Commission ensued regarding the term of the lease and stated the ground lease where the billboard would be placed is for 30 years and this would be consistent with their underlining lease. Ms. Gelin stated any future renewals would have to be mutually agreed to and staff can add language that six

months prior to the expiration of the agreement, the parties would need to meet to determine the renewal period and any terms thereof.

Lynn Gelin, Interim City Attorney, requested that the motion indicate that the City Manager be authorized to execute the agreement and any other additional documents so the agreement does not have to come back before the City Commission.

Vice Mayor Frankel made a motion to approve the agreement with Outfront Media, Inc. for a 30-year term and that the City Manager be authorized to execute the agreement and any other additional documents. It was seconded by Deputy Vice Mayor Johnson. A roll call vote was taken and all were in favor. The motion carried 5-0.

**7.B. [18-837](#) ALWAYS DELRAY COMPREHENSIVE PLAN UPDATE:
PRESENTATION OF THE COASTAL MANAGEMENT ELEMENT**

Recommendation: Provide comment and direction regarding the proposed Coastal Management Element of the Always Delray Comprehensive Plan.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[CME DIA](#)
[CME GOPS](#)
[MAP CME-1 Coastal High Hazard Area](#)
[MAP CME-2 CHHA EXLU](#)
[MAP CME-3 FEMA Flood Zones](#)
[MAP CME-4 WaterRelatedUses](#)
[MAP CME-5 CHHA and Historic](#)
[MAP CME-6 CHHA and Evac Routes](#)
[MAP CME-7 Sea Level Rise](#)
[Current Coastal Management Element](#)

Tim Stillings, Director of Development Services, gave a brief presentation on Item 7.B. and Item 7.C.

Commissioner Boylston made a motion to approve Item 7.B. It was seconded by Vice Mayor Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

**7.C. [18-840](#) ALWAYS DELRAY COMPREHENSIVE PLAN UPDATE:
PRESENTATION OF THE CONSERVATION, SUSTAINABILITY AND
RESILIENCY ELEMENT**

Recommendation: Provide comment and direction regarding the proposed Conservation Resiliency and Sustainability Element of the Always Delray Comprehensive

Plan.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[DIA -CSR](#)

[CSR GOPS](#)

[MAP_CSR-1_Conservation_Areas](#)

[MAP_CSR-2_Flood_Zones](#)

[MAP_CSR-3_Sea_Level_Rise](#)

[MAP_CSR-4_Wellfield_Protection_Areas](#)

[CSR_2018_Statutes_Chart](#)

Vice Mayor Frankel made a motion to approve Item 7.C. It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. The motion carried 5-0.

7.D. [18-831](#) NOMINATIONS FOR APPOINTMENT TO THE CODE ENFORCEMENT BOARD

Recommendation: Motion to approve nominations for appointment of two (2) regular members to serve on the Code Enforcement Board for three (3) year terms ending January 14, 2022 and one (1) alternate member to serve an unexpired term ending January 14, 2022.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Exhibit A](#)

[Code Enforcement Board Member List](#)

[Code Enforcement Board Attendance List](#)

[Code Enforcement Board Applications](#)

Mayor Petrolia nominated Robert Resnick to the Code Enforcement Board. It was seconded by Vice Mayor Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

Vice Mayor Frankel nominated Samuel Spears to the Code Enforcement Board. It was seconded by Deputy Vice Mayor Johnson. A roll call vote was taken and all were in favor. The motion carried 5-0.

Commissioner Bathurst nominated Michael Schiff to the Code Enforcement Board. It was seconded by Deputy Vice Mayor Johnson. A roll call vote was taken and all were in favor. The motion carried 5-0.

7.E. [18-832](#) NOMINATION FOR APPOINTMENT TO THE PLANNING AND ZONING BOARD

Recommendation: Motion to approve nomination for appointment of one (1) regular member to serve an unexpired term ending August 31, 2020.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A - Revised](#)
[Planning & Zoning Board Member List](#)
[Planning and Zoning Board Attendance List](#)
[Planning & Zoning Board Applications](#)

Vice Mayor Frankel nominated Julen Blankenship to the Planning and Zoning Board. It was seconded by Deputy Vice Mayor Johnson. A roll call vote was taken and all were in favor. The motion carried 5-0.

8. PUBLIC HEARINGS:

8.A. [18-805](#) RESOLUTION NO. 150-18/FIRE ASSESSMENT FEE

Recommendation: Motion to approve Resolution No. 150-18

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)
[Res 150-18 re collection of non advalorem assessments](#)
[FY 2020 Fire Assessment Study - Draft Report](#)
[Fire Protection Assessment Preliminary Results Presentation](#)

Lynn Gelin, Interim City Attorney, read the title of Resolution No. 150-18 into the record.

Neal de Jesus, Fire Chief, gave a few brief comments.

The City Manager gave a brief explanation of this item.

Eric Vanmalssen, Consulting Manager with Stantec, gave a brief presentation on the Fire Protection Study Preliminary Results.

Mayor Petrolia declared the public hearing open.

Dr. Joseph Provenzano, 1921 S.W. 36th Avenue, Delray Beach, expressed concern over the fire assessment fee affecting the small businesses and about the cost being passed along to residents.

John Brewer, 501 N.W. 13th Street, Delray Beach, briefly commented on the fire assessment fee and urged the City Commission to reconsider this.

Bryce Sartory, Government Affairs Director for the Realtors of the Palm

Beaches and Greater Fort Lauderdale who resides at 122 S.E. 5th Avenue, Apt. "D", Delray Beach, spoke on behalf of their 30,000 members and 1,355 members that live and work in Delray Beach. He urged the City Commission to vote "no" on Resolution No. 150-18 and not proceed with Phase II of the Fire Assessment Fee Study. He stated because Amendment #1 failed, the City will not see its ad valorem tax decrease and recent market trends suggest that the city will see an increase in property tax revenue. Mr. Sartory entered emails into the record in opposition of the fire assessment fee.

Christina Morrison, 2809 Florida Boulevard, Delray Beach, stated the tax rolls will increase by several millions of dollars from construction going on in the city every year and noted that this impacts a homeowner exactly the same as it would impact a mansion home. She urged the City Commission to deny this fire assessment fee.

Ronald Gilinsky, 1405 S. Federal Highway, Delray Beach, stated this fire assessment fee has been discussed since 2012 and this money will help to buy new equipment for the fire department and the dollars can be utilized by Community Emergency Response Team (CERT).

There being no one else from the public who wished to speak on Resolution No. 150-18, Mayor Petrolia closed the public hearing.

A brief discussion by the City Commission ensued.

A brief discussion between the City Manager and the City Commission followed.

Commissioner Boylston moved to approve and move forward with the Fire Assessment Fee (Resolution No. 150-18). It was seconded by Vice Mayor Frankel. A roll call vote was taken and the motion carried a vote of 3 to 2 with Mayor Petrolia and Commissioner Bathurst dissenting.

approved

8.B. [18-825](#) APPROVAL OF FY17-18 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT

Recommendation: Motion to approve the 2017-2018 Consolidated Annual Performance and Evaluation Report required by the United States Housing and Urban Development (HUD) for utilization of federal grant funds.

Sponsors: Community Improvement

Attachments: [Agenda Cover Report](#)
[CAPER 111918](#)
[IDIS Generated Reports](#)

Ferline Mesidort, Neighborhood Services Administrator, gave a brief presentation.

Vice Mayor Frankel made a motion to approve the 2017-2018 Consolidated Annual Performance and Evaluation Report. It was seconded by Deputy Vice Mayor Johnson. A roll call vote was taken and all were in favor. The motion carried 5-0.
approved

8.C. [18-810](#)

ORDINANCE NO. 30-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND PLACING LAND PRESENTLY ZONED MIXED RESIDENTIAL, OFFICE AND COMMERCIAL (MROC) DISTRICT TO SPECIAL ACTIVITIES DISTRICT (SAD) DISTRICT; AMENDING SECTION 4.4.25 (H) OF THE LAND DEVELOPMENT REGULATIONS TO ADD THE 1690-2350 SOUTH CONGRESS AVENUE SAD; SAID LAND LYING GENERALLY ON THE WEST SIDE OF CONGRESS AVENUE BETWEEN OLD GERMAN TOWN ROAD AND THE DELRAY OAKS NATURAL AREA TO THE SOUTH; AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE "CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017"; PROVIDING A CONFLICTS CLAUSE; AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING/SECOND PUBLIC HEARING)

ALONG WITH A WAIVER FROM LAND DEVELOPMENT REGULATION 4.4.25(D) TO WAIVE THE REQUIREMENT THAT A SITE PLAN BE PROCESS CONCURRENTLY WITH THE SAD ORDINANCE. (QUASI-JUDICIAL - TO BE CONSIDERED PRIOR TO 2ND READING AND ADOPTION OF ORDINANCE NO. 30-18)

Recommendation: Move to approve Ordinance No. 30-18 for the privately-initiated rezoning from MROC (Mixed Residential Office and Commercial) to SAD (Special Activities District) with a Master Development Plan (MDP) for 1690-2350 South Congress Avenue, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Sections 3.1.1 (Required Findings), 3.2.2 (Standards for Rezoning Actions), 2.4.5(F)(6), and 2.4.5(D)(5)(Rezoning Findings), subject to the following conditions:

1. That the traffic issues identified by the Palm Beach County Traffic Engineering Division are addressed and a finding of concurrency be provided prior to consideration of the rezoning request by the City

Commission.

(Condition satisfied, Letter from Palm Beach Co Traffic attached; recommend revising condition to require conditions outlined in PBC Traffic letter)

2. That the sewer capacity issue be resolved prior to consideration of the rezoning request by the City Commission.
(Status of the condition will be reported at the meeting)
3. That the proposed development standards be revised to require the tandem parking spaces be attended by a valet operator during the hours of operation of the commercial components only.
(Condition satisfied)
4. That the Master Development Plan be revised to include an internal road (one-way or two-way) between the residential apartments and "The Annex" park or an expanded sidewalk that accommodates emergency services. At a minimum the sidewalk must be one-way, nine feet wide to accommodate emergency vehicle access and multi-modal pathway.

(If approved and adopted by the City Commission, the MDP will be modified to reflect the referenced road.)

Move to approve the waiver to LDR Section 4.4.25(D), which requires a SAD rezoning be accompanied by a site development plan to be approved by the SPRAB (Site Plan Review and Appearance Board) prior to adoption of the rezoning, based on positive findings with LDR Section 2.4.7(B)(5), to allow the Master Development Plan (MDP) to be approved by the City Commission and subsequent site plans, consistent with the adopted MDP, to be approved by SPRAB. Please note that this action needs to occur prior to action on the second reading of the SAD rezoning ordinance.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Clean-10-24-2018-Ord 30-18](#)

[1690-2350 South Congress Avenue Site Final Staff Report for P&Z meeting 10.05.18.](#)

[180616 - 1690-2350 South Congress Avenue 10-18-18](#)

[Waiver Board Order City Commission](#)

Tim Stillings, Director of Development Services, entered the project file #2018-176 into the record.

Ms. Bonnie Miskel, Attorney representing the applicant and developers,

gave a brief presentation regarding the project. Ms. Miskel stated staff has agreed to condition #2 upgrade to lift station 50.

Mayor Petrolia read the City of Delray Beach Quasi-Judicial rules into the record.

Mayor Petrolia stated if anyone from the public would like to speak in favor or in opposition of the waiver, to stand and be sworn in.

The City Clerk swore in those individuals who wished to give testimony on this item.

Mayor Petrolia asked the City Commission to disclose their ex parte communications. Deputy Vice Mayor Johnson stated that she spoke to some of the developers. Commissioner Boylston stated he had a conversation with Scott Porten today regarding condition #5. Vice Mayor Frankel stated he had a meeting with Mr. Milmo yesterday. Commissioner Bathurst stated he spoke to some of the applicants (Scott Porten). Mayor Petrolia stated she has had meetings with the majority of the individuals that are developing the property. The City Commission stated that all previous ex parte communications that have been disclosed for this item are included for this item as well.

Mr. Stillings gave a brief presentation and stated the conditions of approval are being proposed to be modified as presented. Mr. Stillings stated the Planning and Zoning Board has reviewed and recommend approval.

Mayor Petrolia stated if anyone from the public would like to speak on the waiver, to come forward at this time.

Nelson "Woodie" McDuffie, 2364 S.W. 35th Avenue, Delray Beach (Oakmont), expressed concern over what will happen if only the residential part of this project is built and then the developer decides to walk away without completing the rest of the project.

Dr. Joseph Provenzano, 1921 S.W. 36th Avenue, Delray Beach (Oakmont), stated he appreciates the developer making only right-hand turns coming off their property onto Old Germantown Road to abate the traffic going westbound. Secondly, Dr. Provenzano commented about the speeding along Old Germantown Road and suggested that the speed limit be reduced to 35 mph and install roundabouts to help slow down the traffic. Lastly, Dr. Provenzano suggested that the City beautify Old Germantown Road and stated he would like to see the sidewalk finished all the way on both sides at Hammock Park/Oak Park because the bike trail is utilized by many residents.

Alan Lohen (sp?), resident of Delray Beach (Oakmont), expressed concern over the specifics of the project and what is actually going to be built.

Mitch Katz, 1618 W. Classical Boulevard, Delray Beach, questioned why the waiver is even necessary if the developer knows what is being built on this property. Mr. Katz expressed that the community wants to know exactly what is going to be built on this piece of property and what the timeline is.

Peter Matrale, 2800 Hampton Circle E., Delray Beach (Andover), urged the City Commission to put behind all the resources that they can to mitigate the traffic problem.

Christina Morrison, 2809 Florida Boulevard, Delray Beach, stated this is a good project and she supports the development plan.

There being no one else from the public who wished to address the City Commission regarding the waiver, public comment was closed.

There was no cross-examination or rebuttal.

Ms. Miskel stated these owners are committing to pay for and build in their first phase all of the infrastructure.

A brief discussion by the City Commission ensued.

A brief discussion between Mr. Stillings, the City Commission, and Ms. Miskel followed.

The City Attorney briefly reviewed the Board Order with the City Commission. All were in favor of the Board Order with the exception of Mayor Petrolia who voted no and did not support it.

Vice Mayor Frankel made a motion to approve the Board Order approving a waiver to the rezoning be granted to Special Activities District (SAD). It was seconded by Commissioner Boylston. A roll call vote was taken and the motion carried a vote of 4 to 1 with Mayor Petrolia dissenting.

Vice Mayor Frankel made a motion to approve Ordinance No. 30-18 with the conditions #1-5 as noted in the presentation. It was seconded by Deputy Vice Mayor Johnson. A roll call vote was taken and all were in favor. The motion carried 5-0.

approved

- 8.D. [18-830](#) ORDINANCE NO. 31-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH BY AMENDING CHAPTER 4, "ZONING REGULATIONS", ARTICLE 4.4, "BASE ZONING DISTRICT", SECTION 4.4.13, "CENTRAL BUSINESS DISTRICT", TABLE 4.4.13(A), "ALLOWABLE USES AND STRUCTURES IN THE CBD SUB-DISTRICTS", TO ALLOW AUTOMATED PARKING GARAGES AS A SECONDARY STREET USE IN THE RAILROAD CORRIDOR SUB-DISTRICT OF THE CENTRAL BUSINESS DISTRICT; AMENDING SUBSECTION 4.4.14(C)(4), "SUPPLEMENTAL USE STANDARDS", BY ADDING STANDARDS AND REGULATIONS FOR AUTOMATED PARKING GARAGES; AND, AMENDING APPENDIX A, "DEFINITIONS", BY ADDING A DEFINITION FOR "PARKING GARAGE, AUTOMATED"; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (1st READING/PUBLIC HEARING)

Recommendation: Motion to approve Ordinance No. 31-18, a privately-initiated amendment to the Land Development Regulations amending Section 4.4.13, "Central Business District, Table 4.4.13 (A), "Allowable Uses and Structures in the CBD Sub-Districts", to allow Automated Parking Garages as a secondary street use in the Railroad Corridor Sub-District of the CBD; amending Subsection 4.4.14(c)(4), "Supplemental Use Standards", by adding standards and regulations for Automated Parking Garages; and, amending Appendix A, "Definitions", by adding a definition for "Parking Garage, Automated." by adopting the findings of fact and law contained in the staff report and finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[PZB Staff Report Ord No 31-18](#)
[09-14-18 Submitted Request](#)
[Renderings of Proposed Garage](#)
[Ord No 31-18 Automated Parking](#)

Lynn Gelin, Interim City Attorney, read the title of the ordinance.

Tim Stillings, Director of Development Services, entered the project file #2018-210 into the record.

The applicant gave a brief presentation.

A.J. Jenkins, Vice President for City Lift, gave a brief presentation regarding semi and fully automated parking systems. Mr. Jenkins stated the proposal is for a stand alone parking facility that is 52 spaces taking up approximately 2,200 square feet.

Tim Stillings, Director of Development Services, gave a brief presentation regarding the definition of automated parking garages and expressed that this would allow for a multi-level facility. The Planning and Zoning Board recommended approval with changes (no backout parking) that were made. Staff recommends approval of the ordinance.

Mayor Petrolia declared the public hearing open. There being no one from the public who wished to address the City Commission regarding Ordinance No. 31-18, the public hearing was closed.

A brief discussion between the applicant and the City Commission followed.

A brief discussion between Mr. Stillings and the City Commission continued.

It was the consensus of the City Commission to just propose trying this on the north side of the railroad corridor and see how this works out. Mr. Stillings stated currently there is no distinction between the north and south portions of the railroad corridor; however, he stated staff can look into this.

Vice Mayor Frankel made a motion to approve Ordinance No. 31-18. It was seconded by Deputy Vice Mayor Johnson. A roll call vote was taken and all were in favor. The motion carried 5-0.
approved

8.E. [18-835](#)

ORDINANCE NO. 27-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ANNEXING INTO THE CITY OF DELRAY BEACH, THREE (3) PARCELS OF LAND LOCATED ON THE EAST SIDE OF BARWICK ROAD IMMEDIATELY SOUTH OF LAKE WORTH DRAINAGE DISTRICT L-30 CANAL, INFORMALLY KNOWN AS BANYAN COVE, WITH THE SAME BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS HEREIN, COMPRISING APPROXIMATELY 6.68± ACRES IN SIZE AND SITUATED CONTIGUOUS TO THE EXISTING MUNICIPAL LIMITS OF THE CITY OF DELRAY BEACH; PROVIDING FOR INCLUSION OF THESE THREE (3) PARCELS INTO THE CITY AND A REDEFINITION OF THE CITY BOUNDARIES PURSUANT TO SUB-SECTION 171.044(2), FLORIDA STATUTES; PROVIDING FOR CONFORMANCE WITH ALL VOLUNTARY ANNEXATION PROCEDURES AS SET FORTH IN SECTION 171.044,

FLORIDA STATUTES; PROVIDING FOR FILING WITH PALM BEACH COUNTY AND THE DEPARTMENT OF STATE; PROVIDING A CONFLICTS CLAUSE; AND A SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING/PUBLIC HEARING)

Recommendation: Move to approve on First Reading, Ordinance No. 27-18, annexing three parcels of land located on the east side of Barwick Road, immediately south of the Lake Worth Drainage District L-30 Canal, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with F.S. 171.044, in that the property is contiguous to the City, reasonably compact and does not create an enclave; consistent with the Comprehensive Plan, and meets the criteria set forth in Sections 2.4.5 (C) of the Land Development Regulations.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Annexation Ordinance No. 27-18](#)
[BanyanCove-Aerial Map](#)
[Survey](#)
[Planning Area Map](#)
[PZ Board Staff Report](#)
[Letters of Opposition](#)
[City Attorney's Office Approval Memorandum](#)

9. FIRST READINGS:

- 9.A [18-802](#) ORDINANCE NO. 28-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE FUTURE LAND USE MAP AMENDMENT FOR THREE (3) PARCELS OF LAND KNOWN AS BANYAN COVE, AND RE-DESIGNATING SAID LAND FROM PALM BEACH COUNTY MEDIUM DENSITY RESIDENTIAL 5 UNITS PER ACRE (MR-5) TO CITY OF DELRAY BEACH MEDIUM DENSITY RESIDENTIAL 5-12 DU/AC (MD), PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT", FLORIDA STATUTES SECTION 163.3187, SAID LAND IS LOCATED ON THE EAST SIDE OF BARWICK ROAD, AND IMMEDIATELY SOUTH OF LAKE WORTH DRAINAGE DISTRICT L-30 CANAL, AND WHICH MEASURES APPROXIMATELY 6.68± ACRES, AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Recommendation: Move to approve on First Reading, Ordinance No. 28-18, for the small scale Future Land Use Map (FLUM) Amendment re-designating from Palm Beach County Medium Density Residential 5 du/ac (MR-5) to City Medium Density Residential 5-12 du/ac (MD); for the subject property, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Sections 2.5.5(A) and 3.1.1 of the Land Development Regulations.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ord. No. 28-18](#)
[Banyan Cove Aerial Map](#)
[Banyan Cove FLUM Map](#)
[PZB Staff Report - Banyan Cove](#)
[Planning Area Map](#)
[Neighborhood Categorization Map](#)
[Table L-6 Land Use Designation/Zoning Matrix](#)
[Palm Beach County Traffic Performance Standard letter](#)
[Survey](#)
[Public Comments 11-30-18](#)

- 9.B.** [18-803](#) ORDINANCE NO. 29-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND RE-DESIGNATING PORTIONS OF LAND PRESENTLY ZONED PALM BEACH COUNTY AGRICULTURAL RESIDENTIAL (AR) DISTRICT, IN PART, AND RESIDENTIAL HIGH (RH) DISTRICT, IN PART, TO CITY OF DELRAY BEACH MEDIUM DENSITY RESIDENTIAL DISTRICT (RM-8), FOR ALL THREE (3) PARCELS OF LAND KNOWN AS BANYAN COVE, LOCATED ON THE EAST SIDE OF BARWICK ROAD, IMMEDIATELY SOUTH OF LAKE WORTH DRAINAGE DISTRICT L-30 CANAL, AND WHICH MEASURES APPROXIMATELY 6.68± ACRES, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING "CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017"; PROVIDING A CONFLICTS CLAUSE; AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Recommendation: Move to approve on First Reading, Ordinance No. 29-18, re-designating the zoning district from Palm Beach County Agricultural Residential (AR) in part and Residential High (RH) in part and establishing a City zoning of Medium Density (RM-6) Residential 6 units per acre, for the subject property, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with

the Comprehensive Plan and meets the criteria set forth in Sections 2.4.5(D)(5), 3.1.1, and 3.2.2 of the Land Development Regulations.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Banyan Cove Aerial](#)
[Ord. No. 29-18](#)
[Banyan Cove Zoning Map](#)
[PZB Staff Report - Banyan Cove](#)
[Neighborhood Categorization Map](#)
[Table L-6 Land Use Designation/Zoning Matrix](#)
[Palm Beach County Traffic Performance Standard letter](#)
[Survey](#)
[Public Comments 11-30-18](#)

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

The City Manager read a letter into the record from Coach Jackson.

Secondly, the City Manager stated newly elected Palm Beach County Commissioner Robert Weinroth requested 5 minutes on a February agenda to introduce himself and offer his services.

Lastly, the City Manager stated he and Mayor Petrolia met with Resiliency Florida. The City Manager stated based upon direction at the budget meeting and discussions by the City Commission in prior meetings, staff is going to join this organization as a resource for the sustainability office.

10.B. City Attorney

Lynn Gelin, Interim City Attorney, wished everyone a Happy Holiday.

10.C. City Commission

Commissioner Boylston commented about the seagrape trimming. Secondly, Commissioner Boylston commented about the City Commission meeting time change and stated he has received feedback both pro and con. He suggested to continue with the trial period for the meetings to start at 4:00 p.m. and continue to get feedback from the community. Commissioner Boylston expressed concern with the Veteran's Park pickleball courts because of the noise. The City Manager stated at the January Workshop there is a CIP update and staff will add this as a discussion topic. Commissioner

Boylston stated he was in an education meeting with representatives for the district on the staff level and the school board level. In New York there is a program to improve school attendance and if a student does not go to school they receive a recorded telephone call from professional athletes. Commissioner Boylston suggested that this kind of program be looked into for Delray Beach. Lastly, Commissioner Boylston stated "Screen on the Green" will be held on Saturday, December 15th at Old School Square where a 4-story movie screen is put up and a free movie is shown for the community. He stated this year instead of a toy drive they will be doing a shoe drive called "Flicks for Kicks".

Deputy Vice Mayor Johnson commented about the City Manager's evaluation date.

The City Attorney clarified that the City Manager's contract with the City of Delray Beach states the City Manager's first evaluation should have been completed by May 31, 2018 and then annually thereafter. The City Attorney stated the Local Rules provide for an evaluation for the City Attorney and City Manager during the month of June. The City Attorney explained that her email to the City Commission was if the May 31, 2018 evaluation was satisfied and they wished to amend the Local Rules at the Annual Organizational Meeting in March 2019, she does not believe there will be an issue.

Deputy Vice Mayor Johnson commented she would like to amend the evaluation form that was given to the City Commission by the City Manager and add language "that you have completed all the evaluations for your direct employees." Deputy Vice Mayor Johnson stated since the City Commission is evaluating the City Manager one-on-one, once the evaluation is done is there some way the City Commission can have the same matrix as was done for the Executive Director of the Community Redevelopment Agency (CRA).

The City Attorney stated if the City Manager's May 3, 2018 Annual Performance Evaluation has not been completed, she would encourage those who have not done it yet to do so.

Commissioner Boylston stepped away from the dais briefly.

Vice Mayor Frankel thanked Suzanne Davis and everyone involved with the Holiday Parade. He stated the parade was amazing. He also commented with respect to Mr. Cox's accusations that when the City Commission took over the Community Redevelopment Agency (CRA) Board, they took out the anti-semitism that was around. Lastly, Vice Mayor Frankel wished everyone a great rest of the year.

Deputy Vice Mayor Johnson thanked everyone who has made this holiday spectacular.

Commissioner Boylston returned to the dais.

Commissioner Bathurst commented about the beach and the Dune Maintenance Program and stated the City Commission needs to revisit this again. He stated the parade was great and Project Holiday was fantastic. He also thanked the City Manager for placing the Swinton Avenue Project on the Workshop Meeting for January. Lastly, Commissioner Bathurst commended Marjorie Craig and her staff with respect to the boil water notice.

Mayor Petrolia stated there were 150 native trees planted this weekend at Village Academy by Community Greening. She stated the Holiday Boat Parade and the Employee Christmas Party are both on Friday, December 14, 2018. Mayor Petrolia stated she was told that Delray Beach had the best Menorah Lighting ever followed by the best street parade ever. Mayor Petrolia commented about Project Holiday and stated 359 boxes were packed to mail overseas for the troops. She thanked Delores Rangel, Dave Smith, Johnnie Castro, Kelli Freeman, and others for their support. Mayor Petrolia stated Mingle Jingle was great. Lastly, Mayor Petrolia announced that on Thursday, December 13, 2018 they will hold an Advisory Board Cocktail Party at the Cornell Museum.

There being no further business to discuss, Mayor Petrolia adjourned the meeting at 10:54 p.m.

City Clerk

ATTEST:

MAYOR

The undersigned is the City Clerk of the City of Delray Beach, Florida, and the information provided herein is the Minutes of the _____ Meeting of the City Commission held on _____, which Minutes were formally approved and adopted by the City Commission on _____.

City Clerk

NOTE TO READER:

If the Minutes you have received are not completed as indicated above, this means they are not the official Minutes of the City Commission. They will become the official Minutes only after review and approval which may involve some amendments, additions or deletions as set forth above.