

City of Delray Beach

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Minutes - Draft

Tuesday, March 12, 2019

4:00 PM

Regular Meeting at 4:00 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 4:00 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:

Neal de Jesus, Interim City Manager
Lynn Gelin, City Attorney
Katerri Johnson, City Clerk

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

Commissioner Boylston requested that Item 7.F. be moved up on the regular agenda as Item 7.A.A.

Commissioner Bathurst requested that Item 6.C. be moved to the regular agenda as Item 7.B.B.

Interim City Manager Neal de Jesus stated staff requests that Item 6.B. 6.E., 7.A., and 7.B. be removed.

Commissioner Boylston moved to approve the agenda as amended. 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 as amended

4. PRESENTATIONS:

- 4.A. [19-191](#) PRESENTING ZORAIDA ESCALONA, JUNIOR CHEMIST, WITH EMPLOYEE OF THE MONTH FOR MARCH 2019.

Recommendation: Motion to present Zoraida Escalona, Junior Chemist, with Employee of the Month for March 2019.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Zoraida Escalona Employee of the Month Nomination form](#)

Marjorie Craig, Utilities Director, presented Zoraida Escalona, Junior Chemist with the Employee of the Month award for March 2019.

Duane D'Andre, Human Resources Director, presented Zoraida Escalona, Junior Chemist with a plaque and a paid personal day off.

At this point, Mayor Petrolia thanked and expressed her sincere gratitude to Fire Chief Neal de Jesus for stepping into the position of Interim City Manager for the second time in a time of need for the city.

Vice Mayor Frankel echoed Mayor Petrolia's sentiments. In addition, Vice Mayor Frankel thanked and recognized Internal Auditor Julia Davidyan and City Attorney Lynn Gelin for their courage and applauded their dedication and work. Mayor Petrolia concurred with comments expressed by Vice Mayor Frankel.

4.B. Internal Auditor's Report

4.B.1. None

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

None.

5.B. From the Public

Pauline Moody, expressed concern that there are legal problems and the city is trying to temporarily fix the issue. Ms. Moody feels a lot of taxpayer dollars were wasted with the hiring of former City Manager Mark Lauzier.

Rita Rana, 50 East Road, Delray Beach, stated she drives and walks on Atlantic Avenue for work and pleasure. She noted every day and every night on Atlantic Avenue people are walking in the street in oncoming traffic in front of the Atlantic Crossing project. Ms. Rana stated she has contacted the Florida Department of Transportation (FDOT) and urged the City Commission to address this issue by having someone stand there and not let somebody walk in the street or that they clear the sidewalk enough so

that people can walk on it.

Mayor Petrolia commented on the west side of the Atlantic Crossing development stating there is scaffolding, overhang, and protection for walkers; however, on the south side nobody is able to use the sidewalk and people are forced to walk in the road. She asked Ms. Rana to look into this further to see if the city can do something similar on the south side as to what is being done on the west side. Interim City Manager Neal de Jesus stated he will discuss this with staff and email the City Commission staff's findings on the potential options.

Christina Buckley, 250 Congress Park Drive, Delray Beach, expressed concern over the firing of former City Manager Mark Lauzier and talked about transparency.

Commissioner Boylston stated he spoke with Nick Uhren of the Palm Beach County Transportation Agency (TPA) this morning and received confirmation in writing that the City can move forward on the Lawson project and *not* include Sherwood Park in those plans. The City will not lose any of the funding for the rest of the project.

Nicholas Coppola, 3930 Lawson Boulevard, Delray Beach, serves as the Vice President and Treasurer of the Sherwood Park Civic Association and also a Board member of the Pines of Delray East, gave a few brief comments regarding the Lawson Boulevard project.

Linda Stewart, 3325 Lawson Boulevard, Delray Beach (lived here for 33 years), stated she does not see the need for a bicycle path or sidewalks. Ms. Stewart stated she appreciates the change; however, expressed concern over the traffic calming measures.

Jimmy Nelson, Post Commander for Post #188, Delray Beach, commented about a key to the American Legion Post located at 96 N.W. 8th Avenue, Delray Beach. Mr. Nelson urged the City Commission to look for other property to build on.

Jennifer Hill, American Legion Post #188, 196 N.E. 8th Avenue, Delray Beach, read two brief statements into the record and urged the City Commission to honor its current lease agreement and immediately give the keys to the building to the Post Commander.

Anthony Bacchus, Teen Leadership High School Program Director for the Milagro Center, introduced four students with the Robotics Team and each teen gave brief comments.

Roy Simon, 201 N.W. 11th Street, Delray Beach, expressed concern that the parking is being taken over by buildings. Mr. Simon suggested that the City take time out to study the city's growth, parking, and traffic patterns.

Robert Barcinski, 3710 Lowson Boulevard, Delray Beach, thanked Commissioner Boylston for getting this put together with the correct information and urged the City Commission to get this in writing from the Florida Department of Transportation (FDOT) from someone in authority.

Jack Warner, 256 Venetian Drive, Delray Beach, spoke in favor of the fire assessment fee as proposed in December 2018.

There being no one else from the public who wished to address the City Commission, Mayor Petrolia closed the public comments.

6. CONSENT AGENDA: City Manager Recommends Approval

Vice Mayor Frankel moved to approve the Consent Agenda as amended. 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 as amended

6.A. [19-141](#) CITY COMMISSION MEETING MINUTES

Recommendation: Motion to approve meeting minutes as listed below.

January 22, 2019 City Commission Workshop Meeting Minutes
February 5, 2019 City Commission Regular Meeting Minutes
February 12, 2019 City Commission Workshop Meeting Minutes
February 12, 2019 City Commission Regular Meeting Minutes
March 1, 2019 City Commission Special Meeting Minutes

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[January 22, 2019 City Commission Workshop Meeting Minutes](#)

[February 5, 2019 Regular City Commission Meeting Minutes](#)

[February 12, 2019 Workshop Meeting Minutes](#)

[February 12, 2019 Regular City Commission Minutes](#)

[March 1, 2019 City Commission Special Meeting Minutes](#)

approved

6.B. [18-651](#) FINAL PLAT FOR 912 PALM TRAIL, LOCATED ON THE WEST SIDE OF PALM TRAIL

Recommendation: Move approval of the Final Plat for 912 Palm Trail 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 criteria set forth in Section 2.4.5(J), Major Subdivision of the Land Development Regulations.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[912 Palm Trail final.pdf](#)
[PALM TRAIL ESTATES PLAT SURVEY.pdf](#)
[PALM TRAIL ESTATES PLAT SHEET 1.pdf](#)
[PALM TRAIL ESTATES PLAT SHEET 2.pdf](#)

This item has been removed.

6.C. [19-255](#) ACCEPTANCE OF A PEDESTRIAN INGRESS AND EGRESS
EASEMENT AND A VEHICULAR EASEMENT FOR MIDTOWN DELRAY
GENERALLY LOCATED AT THE SOUTHWEST CORNER OF SWINTON
AND ATLANTIC AVENUES

Recommendation: Motion to approve and accept the pedestrian ingress and egress and vehicular easements for Midtown as a condition of approval of the alley abandonment approved by Resolution No. 10-18.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[executed easement block 61](#)
[executed easement Deed](#)
[Agenda Cover Memo Res no 10-18](#)
[Res No. 10-18](#)

This item has been moved to the regular agenda as Item 7.B.B.

Commissioner Bathurst stated this is the Mid-Town project and he expressed concern over accepting the easement that is the pedestrian center (walkway) of the project. He asked if the city should hold off on the abandonment of the alley and whether or not this group is still going to build this project.

Tim Stillings, Development Services, stated the alley has been abandoned by approval of the resolution to abandon it. Mr. Stillings stated these pedestrian easements were to be put in place of where the alley right-of-way sat previously. Staff wanted to ensure that at the time that the abandonment was recorded, the easements would be recorded right after rather than there being a gap in time and a delay creating other issues. In addition, Mr. Stillings stated the applicant was confused about the easements coming back to the City Commission for approval.

The City Attorney stated these will be recorded simultaneously; the abandonment will be recorded on the same day as the easement so that there is no issue. Furthermore, the City Attorney stated in order to obtain site plan certification, these steps have to be accomplished before Mr. Michael can get his site plan certified.

Neil Schiller, 515 N. Flagler Drive, West Palm Beach (representing Hudson Holdings), stated they have been trying to obtain site plan certification since October 2018 and cannot do that without the easements.

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

Commissioner Boylston moved to approve Item 7.B.B. (formerly Item 6.C.). It was seconded by Commissioner Bathurst. A roll call vote was taken and the motion carried 4-1, with Commissioner Bathurst dissenting.

approved

6.D. [19-235](#) APPROVAL OF THE PLANNING AND ZONING BOARD, HISTORIC PRESERVATION BOARD, SITE PLAN REVIEW AND APPEARANCE BOARD, AND THE BOARD OF ADJUSTMENT BYLAWS ESTABLISHING THE RULES OF PROCEDURE

Recommendation: Motion to Approve the referenced Boards' bylaws adopted by the respective boards.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[PZB Rules 12.12.18](#)

[HPB Rules 12.5.8](#)

[SPRAB By Laws 02-13-19](#)

[BOA By laws 2018](#)

approved

6.E. [19-065](#) FIRST AMENDMENT TO CRA/CITY INTERLOCAL AGREEMENT FOR FUNDING CONSTRUCTION/PROFESSIONAL SERVICES FY 2018-2019

Recommendation: Approve the First Amendment to the Community Redevelopment Agency (CRA) Interlocal Agreement (ILA) with the City of Delray Beach (City) for funding of Construction/Professional Services for Fiscal Year 2018-19 to include the addition of \$250,000 for the S. Swinton Avenue and SW/SE 1st Street Mast Arm Traffic Signal Project.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[First Amend ILA City FY18-19 Construction Professional Services
1-9-19](#)

[Legal Review Checklist form v. 5 Amend to ILA bet City and CRA to
add project](#)

This item has been removed.

- 6.F.** [19-125](#) APPROVAL OF AMENDMENT NO. 2 WITH UNITED STATES SERVICE,
INC FOR JANITORIAL SERVICES FOR AN ADDITIONAL NINETY (90)
DAYS FROM MARCH 30, 2019 - \$66,392

Recommendation: Motion to approve Amendment No. 2, with United States Service,
Incorporated (USSI) to extend the agreement for up to an additional ninety
(90) days for Janitorial Services in an amount not-to-exceed \$66,392.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Attachment No. 1: Legal Review Checklist form v. 5 Amend No 2 to
USSI Janitorial services](#)
[Attachment No. 2 - Amendment No. 2 updated](#)

approved

- 6.G.** [19-152](#) ITEM (A)-(B) - ACCEPTANCE OF A PERPETUAL SIDEWALK
EASEMENT AND RIGHT OF WAY DEED FOR 309 SE 4TH AVE.

ITEM (C) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT
FOR 229 NE 9TH ST.

ITEM (D) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT
FOR 1007 N. VISTA DEL MAR DR.

ITEM (E) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT
FOR 940 MCCLEARY ST.

ITEM (F) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT
FOR 955 PALM TRAIL.

ITEM (G) - ACCEPTANCE OF DRAINAGE EASEMENT FOR 711 SE
8TH CT.

Recommendation: **Item A-B**

(A) Motion to approve and accept 5' of sidewalk easement on SE 4th Ave.
located at 309 SE 4th Ave.

(B) Motion to approve and accept 2' of alleyway dedication on SE 4th Ave.

located at 309 SE 4th Ave.

Item C

Motion to approve and accept 5' of sidewalk easement on NE 9th St.
located at 229 NE 9th St.

Item D

Motion to approve and accept 5' of sidewalk easement on N. Vista Del
Mar Dr. located at 1007 N. Vista Del Mar Dr.

Item E

Motion to approve and accept 5' of sidewalk easement on McCleary St.
located at 940 McCleary St.

Item F

Motion to approve and accept 5' of sidewalk easement on Palm Trail
located at 955 Palm Trail.

Item (G)

Motion to Approve and accept a drainage easement agreement on SE 8th
Ct. located at 711 SE 8th Ct.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)[Item \(A\) PSE 309 SE 4th Ave.pdf](#)[Item \(B\) ROWD 309 SE 4th Ave.pdf](#)[Item \(A-B\) Exhibit \(A\) Sketch and Description 309 SE 4th Ave.pdf](#)[Item \(A-B\) Survey 309 SE 4th Ave.pdf](#)[Item \(A-B\) PAPA Page 309 SE 4th Ave.pdf](#)[Item \(A-B\) PAPA Map 309 SE 4th Ave.pdf](#)[Item \(C\) PSE 229 NE 9th St.pdf](#)[Item \(C\) Exhibit \(A\) Sketch and Description 229 NE 9th St.pdf](#)[Item \(C\) Survey 229 NE 9th St.pdf](#)[Item \(C\) PAPA Page 229 NE 9th St.pdf](#)[Item \(C\) PAPA Map 229 NE 9th St.pdf](#)[Item \(D\) PSE 1007 N. Vista Del Mar.pdf](#)[Item \(D\) Exhibit \(A\) Sketch and Description 1007 N. Vista Del Mar.pdf](#)[Item \(D\) Survey 1007 N. Vista Del Mar Dr.pdf](#)[Item \(D\) PAPA Page 1007 N. Vista Del Mar.pdf](#)[Item \(D\) PAPA Map 1007 N. Vista Del Mar.pdf](#)[Item \(E\) PSE 940 McCleary St.pdf](#)[Item \(E\) Exhibit \(A\) Sketch and Description 940 McCleary St..pdf](#)[Item \(E\) Survey 940 McCleary St..pdf](#)[Item \(E\) PAPA Page 940 McCleary St.pdf](#)[Item \(E\) PAPA Map 940 McCleary St.pdf](#)[Item \(F\) PSE 955 Palm Trail.pdf](#)[Item \(F\) Exhibit \(A\) Sketch and Description 955 Plam Trail.pdf](#)[Item \(F\) Survey 955 Palm Trail.PDF](#)[Item \(F\) PAPA Page 955 PalmTrail.pdf](#)[Item \(F\) PAPA Map 955 Palm Trail.pdf](#)[Item \(G\) DEA 711 SE 8th Ct.pdf](#)[Item \(G\) Exhibit \(A\) Sketch and Description 711 SE 8th Ct.pdf](#)[Item \(G\) Survey 711 SE 8th Ct.PDF](#)[Item \(G\) PAPA Page 711 SE 8th Ct.pdf](#)[Item \(G\) PAPA Map 711 SE 8th Ct.pdf](#)

approved

6.H. [19-160](#)

APPROVAL OF AMENDMENT NO.10 TO THE MAINTENANCE
MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT
OF TRANSPORTATION

Recommendation: Motion to approve Amendment No. 10 to the Maintenance Memorandum of

Agreement (MMOA) with the Florida Department of Transportation (FDOT).

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Legal Review Form Amend No 10 to FDOT Landscape Memo of Agreement.pdf](#)
[Landscape MOOA Amendment #10 \(Permit #2018-L-496-00018\).pdf](#)
[Delray Incl. MOOA-Exec 8.31.12..pdf](#)

approved

- 6.I. [19-224](#) APPROVAL OF AMENDMENT NO. 1 WITH A-EXCELLENT SERVICE, INC. FOR AIR CONDITIONING MAINTENANCE AND REPAIR SERVICES - \$250,000

Recommendation: Motion to approve Amendment No. 1 with A-Excellent Services, for air conditioning maintenance and repair services, as needed at City-owned facilities in an estimated amount of \$250,000.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist HVAC Cooperative Purchase](#)
[Attachment 2: A-Excellent Agreement](#)

approved

- 6.J. [19-225](#) APPROVAL OF AMENDMENT NO. 2 WITH GREEN TEAM PLUMBING, LLC D/B/A GREEN TEAM SERVICE CORP FOR PLUMBING MAINTENANCE AND REPAIR SERVICES - \$150,000

Recommendation: Motion to approve Amendment No. 2, with Green Team Plumbing to extend the Agreement, under the same terms and conditions, for the period of March 30, 2019 through April 30, 2020 - \$150,000 and authorize the City Manager to approve renewal options, in the same amounts, contingent upon appropriation of funds.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Attachment 1: Legal Review Checklist Green Team Plumbing](#)
[Attachment 2: Amendment #2 Green Team Plumbing](#)

approved

- 6.K. [19-211](#) AWARD OF AMENDMENT NO. 2 TO THE AGREEMENT WITH KEITH

AND SCHNARS, P.A. FOR CONSTRUCTION, ENGINEERING, AND INSPECTION (CEI) SERVICES FOR PHASE 1 OF NE 2ND AVENUE/SEACREST BEAUTIFICATION PROJECT PHASE 1 IN AN AMOUNT NOT-TO-EXCEED \$36,200.

Recommendation: Motion to Award an Amendment No. 2 to Agreement to Keith and Schnars, P.A. for construction, engineering, and inspection (CEI) services for Phase 1 of the NE 2nd Avenue / Seacrest Beautification in an amount not-to-exceed \$36,200 for the Agreement Term (Project No. 14-071).

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[CA Checklist](#)
[KS Amendment 2](#)
[Budget Transfer](#)

approved

6.L. [19-210](#) ACCEPTANCE OF A HOLD HARMLESS AGREEMENT FOR 2605 S. FEDERAL HWY.

Recommendation: Motion to approve and accept Hold Harmless Agreement located at 2605 S. Federal Hwy.

Sponsors: Public Works Department and Utilities Department

Attachments: [Agenda Cover Report](#)
[Hold Harmless Agreement for 2605 S Federal](#)
[Exhibit A Civil Drawings for 2605 S Federal](#)
[PAPA Page for 2605 S Federal](#)
[PAPA MAP for 2605 S Federal](#)
[Sunbiz Page for 2605 S Federal](#)

approved

6.M. [19-204](#) APPROVAL OF CHANGE ORDER NO. 3 WITH BAXTER & WOODMAN FOR ENGINEERING DESIGN SERVICES, FOR CAPITAL IMPROVEMENT PROJECT ON SW 3rd CT., SW 4TH STREET, SW 6TH STREET, AND SW 7TH AVENUE FOR RECLAIMED WATER RESIDENTIAL SERVICES, IN AN AMOUNT NOT TO EXCEED \$6,100.

Recommendation: Motion to approve Change Order No. 3 Engineering Design Services, for Capital Improvement Project (CIP) on SW 3rd Court, SW 4th Street, SW 6th Street, and SW 7th Avenue to provide reclaimed water residential services, in an amount not to exceed \$6,100.

Sponsors: Purchasing Department, Public Works Department and Utilities Department

Attachments: [Agenda Cover Report](#)

[Change Order No. 1 SW 4th Street, SW 6th Street, SW 7th Avenue](#)

[Change Order No. 2 SW 4th Street, SW 6th Street, SW 7th Avenue](#)

[Change Order No.3 SW 4th Street SW 6th Street SW 7th Avenue](#)

[Change Order No. 3 Legal Review Checklist](#)

approved

- 6.N.** [19-251](#) RESOLUTION NO. 60-19: REPEALING RESOLUTION NO. 150-18
LEVYING A FIRE ASSESSMENT FEE

Recommendation: Motion to approve Resolution 60-19 repealing Resolution 150-18 levying a fire assessment fee.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[Resolution 60-19](#)

approved

- 6.O.** [19-157](#) APPROVAL OF AMENDMENT NO. 2 TO RENEW THE PURCHASE
AGREEMENT WITH BENNETT FIRE PRODUCTS COMPANY, INC. FOR
PURCHASE OF FIREFIGHTER BUNKER GEAR - \$200,000

Recommendation: Motion to approve Amendment No. 2 to renew the purchase agreement with Bennett Fire Products Company, Inc. for firefighter bunker gear at an amount not-to-exceed \$200,000.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)

[2017-007 Amendment No. 2, vendor executed](#)

[Legal Review Checklist form v. 5 Amend No 2 to Bunker Gear
agreement](#)

[2017-007 Amendment No. 1, Executed](#)

[Signed Agreement with Bennett Fire Products Company Inc.](#)

[2017-007 ITB Bunker Gear \(R2\)](#)

approved

- 6.P.** [19-262](#) GRANT AWARD / FLORIDA DEPARTMENT OF HEALTH / EMERGENCY
OPIOID ANTAGONISTS

Recommendation: Motion to accept an award of emergency opioid antagonists through the Helping Emergency Responders Obtain Support (HEROS) Program from Florida Department of Health.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[Florida Department of Health Naloxone Award Letter dated 2-14-2019](#)
[Fully Executed ODMAP Agreement](#)
[Fully Executed MMCAP Agreement](#)

approved

6.Q. PROCLAMATIONS:

6.Q.1. [19-214](#) DECLARING MARCH 2019 AS FLORIDA BICYCLE MONTH

Recommendation: Motion to support declaring March 2019, Florida Bicycle Month.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Florida Bicycle Month](#)

approved

6.Q.2. [19-268](#) "HOLI" - INDIAN FESTIVAL OF COLORS PROCLAMATION

Recommendation: Motion to declare March 21, 2019 as "Holi" Festival

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Holi Indian Festival of Colors](#)

approved

6.Q.3. [19-267](#) ALL PEOPLE'S DAY DIVERSITY FESTIVAL PROCLAMATION

Recommendation: Motion to declare All People's Day Diversity Festival on March 23, 2019.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[All People's Day 2019](#)

approved

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

6.R.1. [19-212](#) REPORT OF APPEALABLE LAND USE ITEMS FROM JANUARY 21,

2019 THROUGH FEBRUARY 8, 2019.

Recommendation: By motion, receive and file this report.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Appealable Items Map - March 12 2019](#)
[A - 201 NE 5th Ct - Appelable Report](#)
[B - 143 S Swinton Avenue - Appealable Report](#)

approved

6.S. AWARD OF BIDS AND CONTRACTS:

- 6.S.1. [19-252](#)** APPROVAL OF RESOLUTION NO. 39-19 TO AWARD AN AGREEMENT WITH FIVE VENDORS: DP DEVELOPMENT, GEN - EX BUILDERS, R&D PAVING, SHAMUS PAVING, AND WYNN AND SONS FOR MILLING AND PAVING SERVICES UTILIZING THE CITY OF WEST PALM BEACH SOLICITATION NO. ITB 17-18-121, AND TO AUTHORIZE THE CITY MANAGER TO APPROVE AND EXECUTE AGREEMENT RENEWAL OPTIONS IN A NOT-TO-EXCEED AMOUNT OF \$1,600,000.

Recommendation: Motion to approve Resolution No. 39-19 to award an agreement with five vendors: DP Development, Gen - X Builders, R&D Paving, Shamus Paving, and Wynn and Sons for Milling and Paving Services for a total agreement value not-to-exceed \$1,600,000 through September 30, 2021, utilizing the City of West Palm Beach Solicitation No. ITB 17-18-121.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[39-19 - Resolution Template for Contracts](#)
[Legal Review Checklist DP Development](#)
[Legal Review Checklist Gen-Ex Builders](#)
[Legal Review Checklist RD Paving](#)
[Legal Review Checklist Shamus Paving](#)
[Legal Review Checklist Wynn & Sons](#)
[Gen Ex Builders Agreement](#)
[R&D Paving Agreement](#)
[Wynn & Sons Agreement](#)

approved

- 6.S.2. [19-227](#)** APPROVAL OF RESOLUTION NO. 42-19 FOR PEST CONTROL

SERVICES FROM ORANGE PEST CONTROL & SERVICES, INC UTILIZING THE CITY OF DEERFIELD CONTRACT NO. 2017-18/62 - \$100,000

Recommendation: Motion to approve Resolution No.42-19 for Pest Control Services from Orange Pest Control & Services, Inc utilizing the City of Deerfield Beach ITB Solicitation No. 2017-18-62- \$100,000 and authorize the City Manager to approve renewal options, contingent upon appropriation of funds

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[42-19 - Resolution Template for Contracts \(CA 3-23-18\).pdf](#)
[Orange Pest Control Agreement.pdf](#)
[1862 Awarded Contract \(2\).pdf](#)
[Legal Review Checklist form v. 5 Orange Pest Control Services](#)

approved

6.S.3. [19-226](#) APPROVAL OF RESOLUTION NO. 47-19 FOR PURCHASE OF LOCKSMITH HARDWARE PARTS AND EQUIPMENT FROM ELECTRONIC ACCESS SPECIALISTS UTILIZING THE COLLIER COUNTY CONTRACT NO.18-7340 - \$100,000

Recommendation: Motion to approve Resolution No 47-19 for purchase of locksmith hardware parts and equipment from Electronic Access Specialists d/b/a Southern Lock & Supply, Inc utilizing the Collier County Contract No. 18-7340 in the estimated amount of \$100,000 and authorize the City Manager to approve renewal options, contingent upon appropriation of funds.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Attachment 1: 47-19 Resolution Award of Agreement Ca rev](#)
[Attachment 2: Agreement.pdf](#)
[Attachment 3: Legal Review Checklist form v. 5 Southern lock and supply](#)

approved

6.S.4. [19-228](#) APPROVAL OF RESOLUTION NO. 55-19 TO CINTAS CORPORATION NO. 2 FOR CITYWIDE FACILITIES MANAGEMENT PRODUCTS AND SOLUTIONS: FIRE PROTECTION SERVICES - \$250,000

Recommendation: Motion to approval of Resolution No. 55-19 with Cintas Corporation No. 2 at an estimated cost of \$250,000 and authorize the City Manager to approve renewal options, in the same amounts, contingent upon appropriation of funds.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[55-19 - Resolution Template for Cintas Corp No 2 Agreement](#)
[Legal Review Checklist Cintas Corp No 2](#)
[Cintas Agreement](#)

approved

- 6.S.5.** [19-290](#) APPROVAL OF RESOLUTION NO. 67-19 FOR THE PURCHASE OF CARDIAC MONITORS AND CARDIAC MONITOR PREVENTATIVE MAINTENANCE FROM ZOLL MEDICAL CORPORATION UTILIZING THE VOLUSIA COUNTY CONTRACT NO. RFP 16-P-64AK - \$525,000

Recommendation: Motion to approve Resolution No. 67-19 for the purchase of cardiac monitors and cardiac monitor preventative maintenance from Zoll Medical Corporation utilizing the Volusia County Contract No. RFP 16-P-64AK for an estimated cost of \$525,000.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)
[P2019-038 Resolution No. 67-19 CA Rev](#)
[Simple Legal Review Approval for Volusia Piggyback re Cardiac Monitors 16-P-64AK](#)
[04. Addendum No 1](#)
[05. Addendum No 2](#)
[06. Addendum No. 3](#)
[07. Addendum No. 4](#)
[11. Volusia County Contract Cardiac Monitors- ful](#)
[Delray Beach Fire Rescue 299518 V2 Quote](#)

approved

7. REGULAR AGENDA:

- 7.A.** [19-261](#) WAIVER REQUEST TO INCREASE THE WIDTH OF THE BUILDING FRONTING A STREET (SOUTH SWINTON AVENUE) FROM THE MAXIMUM ALLOWABLE OF 60' TO 64' 3½" FOR PROPERTY LOCATED AT 143 SOUTH SWINTON AVENUE IN THE OLD SCHOOL SQUARE HISTORIC DISTRICT (QUASI-JUDICIAL HEARING)

Recommendation: Approve the Waiver to increase the width of a building fronting a street (South Swinton Avenue) from the maximum allowable of 60' to 64' 3½" for property located at 143 South Swinton Avenue in the Old School Square Historic District.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[2019-02-06-HPB SR Class V COA Waiver Variances-143 S. Swinton Ave](#)
[Combined Plans](#)
[Attachment - Justification Statements](#)
[2019-03-12-CC Board Order-143 S Swinton Ave-Waiver](#)

This item has been removed.

- 7.B.** [19-258](#) APPEAL OF THE HISTORIC PRESERVATION BOARD (HPB) DENIALS OF A CLASS V SITE PLAN, CERTIFICATE OF APPROPRIATENESS 2018-155, LANDSCAPE PLAN, ARCHITECTURAL ELEVATIONS, SETBACK VARIANCE, AND LANDSCAPE VARIANCE FOR THE CONVERSION OF AN EXISTING SINGLE-FAMILY RESIDENCE TO AN OFFICE AND ASSOCIATED 2,789 SQUARE FOOT ADDITION FOR PROPERTY LOCATED AT 143 SOUTH SWINTON AVENUE IN THE OLD SCHOOL SQUARE HISTORIC DISTRICT. (QUASI-JUDICIAL HEARING)

Recommendation: Approve the Class V Site Plan, Certificate of Appropriateness 2018-155, Landscape Plan, Architectural Elevations, and Landscape Variance for the conversion of the existing 1,571 sq. ft. single-family residence to office and associated 2,789 square foot 1-story addition for property located at 143 South Swinton Avenue, subject to conditions.

Deny the Setback Variance to reduce the side setback (north) from 7.5' to 5'.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Attachment - Plans-143 S Swinton Ave](#)
[Attachment - Justification Statements-143 S Swinton Ave](#)
[2019-02-14-Applicant Appeal Letter](#)
[2019-02-06-HPB SR Class V COA Waiver Variances-143 S. Swinton Ave](#)
[2019-03-12-CC Board Order-143 S Swinton Ave-Site Plan COA LP AE Var](#)

This item has been removed.

- 7.C.** [19-248](#) A WAIVER REQUEST TO LDR SECTION 4.1.4(B) and (D) USE OF LOTS OR RECORD TO PERMIT "MARKET RATE" RESIDENTIAL STRUCTUREs ON LOTS WHICH HAVE FRONTAGE OF LESS THAN 50 FEET. (QUASI-JUDICIAL HEARING)

Recommendation: Motion to approve the waiver request to LDR Section 4.1.4(B) and (D) to permit "market rate" residential structures on lots which have frontage of

less than 50 feet based on positive findings per LDR Section 2.4.7(B)(5).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[302 SE 5th Street - Applicant's Justification Letter](#)

[302 SE 5th Street - Board Order \(Waiver Request\)](#)

[302 SE 5th Street - Survey](#)

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

Mayor Petrolia stated if anyone would like to speak in favor or opposition of Item 7.C. or Item 7.D. to come forward.

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. Commissioner Boylston stated he has not had any ex parte communications since the last time this item was before the City Commission. Commissioner Bathurst stated he spoke to the applicant and his attorney. Vice Mayor Frankel stated he spoke to the applicant's attorney. Deputy Vice Mayor Johnson stated she had no ex parte communications to disclose. Mayor Petrolia stated she has had communications with the applicant and someone in the audience who is related to the applicant.

Tim Stillings, Development Services Director, entered the project file #2019-024 into the record.

Mike Dutko, Attorney representing the owner of the property at 302 S.E. 5th Street, gave a brief presentation regarding the waiver request to LDR Section 4.1.4(B) and (D). Mr. Dutko stated there are people present this evening from the Osceola Park neighborhood to voice their support. Mr. Dutko stated they are requesting that those residential structures be allowed to be market rate housing and not be required to be workforce housing.

Tim Stillings, Development Services Director, gave brief comments regarding the project. Staff believes positive findings can be made for the four waiver criteria and recommended approval.

Mayor Petrolia stated if anyone from the public would like to address the City Commission regarding the waiver requests, to come forward.

James Quillian, 925 S.E. 2nd Avenue, Delray Beach, supports the applicant's request because it will help redevelop certain areas of the neighborhood that are in desperate need of it. Mr. Quillian stated if the waiver request is approved that the applicant build on those lots and not be allowed to split the lots and sell them.

Sharon Beaudoin, 310 S.E. 5th Street, Delray Beach, supports the applicant because she feels it will improve the neighborhood.

George Long, 46 N. Swinton Avenue, Delray Beach, supports this proposal.

There being no one else from the public who wished to address the City Commission on this item, Mayor Petrolia closed the public comment.

There was no cross-examination or rebuttal.

A brief conversation between Mayor Petrolia and Mr. Stillings followed.

The City Attorney reviewed the Board Order with the City Commission. The City Commission supported the Board Order (4-1) with Deputy Vice Mayor Johnson dissenting.

Vice Mayor Frankel moved to approve the Board Order. It was seconded by Commissioner Boylston. A roll call vote was taken and the motion carried a vote of 3-2, with Deputy Vice Mayor Johnson and Mayor Petrolia dissenting.

approved

7.D. [19-131](#)

A TEMPORARY USE PERMIT REQUEST FOR A TEMPORARY PARKING LOT WITH WAIVERS FROM LDR SECTIONS 2.4.6.(F)(3)(e)1, 3, 4, 5, AND 8 TO PERMIT A TEMPORARY PARKING LOT LOCATED ON VACANT LAND SITUATED AT 1314 N. FEDERAL HWY. (QUASI-JUDICIAL HEARING)

Recommendation:

Motion to approve the Temporary Use Permit for a temporary parking at 1314 N. Federal Hwy. with waivers from the following sections of the Land Development Regulations (LDRs) 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 criteria set forth in Section 2.4.7(B)(5) of the Land Development Regulations, subject to the conditions of approval:

Waivers from the following sections:

- Section 2.4.6.(F)(3)(e)1. to allow a temporary parking lot outside of the designated areas.

- Section 2.4.6.(F)(3)(e)3., a requirement to submit a site plan.
- Section 2.4.6.(F)(3)(e)4., a requirement that the City Engineer shall approve the grading plan for the parking lot.
- Section 2.4.6.(F)(3)(e)5. to allow a temporary parking lot for the period exceeding one year.
- Section 2.4.6.(F)(3)(e)8. to allow a temporary parking lot that does not meet some of the LDR construction specifications.

Conditions of approval:

1. Applicant shall be required to obtain a building permit associated with the temporary use prior to improving the site to store vehicles.
2. When placing a perimeter fence, sight visibility triangles shall comply with LDR Section 4.6.14(B).
3. Applicant must coordinate with FDOT and either secure all permit(s) required or provide documentation that permits are not required for any improvements at the site.
4. The unpaved areas to be used for storage of vehicles shall be graded with gravel if not sodded with Bahia grass or weed and/or the grass is not maintained in good condition.
5. The Applicant shall secure a portion of the site where the previous building was partially located and ensure that there shall be no access to that portion of the site. The subject location shall be depicted on the fence permit for review.
6. The Applicant shall at all times comply with the rules regarding monitoring the wells on the site and shall provide appropriate access to agencies when required.
7. The Applicant shall be required to provide a Stormwater Pollution Prevention Plan demonstrating how tracking of dirt/dust off-site from the storage area will be accomplished if it is not paved, maintained as sod in good condition, or graded with gravel.
8. To screen the site, a 6-feet high, chain-link fence system with windscreen installed on the outside of the fence (black or green) shall be placed around the interior perimeter of the property on all sides, including gates.
9. Nuisance tree species located on properties, to be identified by the Senior Landscape Planner per LDR Section 4.6.19(E)(6), shall be removed prior to storing cars on site. A building permit shall be submitted prior to removal.
10. The existing landscape barrier (hedge) along the east property line, adjacent to North Federal Highway, shall be maintained per LDR

4.6.16(H)(3)(a).

11. The gates shall be locked and well secured to avoid vandalism and theft from occurring on the properties.
12. There shall be no gates on the east side of the property facing Federal Hwy. Access to the site shall be taken from Old Dixie Hwy.
13. The property shall be maintained in clean and orderly manner. Debris and trash shall be removed regularly. The property shall be returned to its current conditions, in accordance with the Land Development Regulations, prior to expiration of the temporary use permit (fencing and other temporary improvements associated with the request shall be removed).
14. Adequate and functioning security lighting shall be installed/provided throughout the entire site prior to storing vehicles on the properties.
15. No parking, loading, or unloading of the vehicles shall be permitted within the adjacent right-of-way or in areas outside of the property.
16. No sales activity shall be permitted on the property. No customers are permitted on the property.
17. Signage is not permitted around the property's perimeter.
18. Advertising is not permitted on or around the property's perimeter.
19. The temporary use permit for the temporary parking lot is valid until March 12, 2021. Extension requests shall be approved by the City Commission and must be requested 90 days prior to the expiration.
20. The applicant shall place a cash deposit of \$19,500.00 in escrow prior to issuance of a building permit associated with the temporary parking lot. The deposit is to be returned after the temporary use vacates the site if vacated prior to or on the expiration date and upon confirmation by the Development Services Director that all conditions of approval were met. If the temporary use permit is not extended by the City Commission and the use is not vacated on time and/or does not comply with all the conditions of approval, the City Commission may authorize a portion or the full amount of the funds to be retained by the City.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[1314 N Federal Hwy. Waiver - Request Letter](#)
[1314 N Federal Hwy. Waiver - Survey](#)
[1314 N Federal Hwy. Waiver - Location Map](#)
[1314 N. Federal Hwy. Waiver - Location Map for Temp. Parking Lot Designated Area](#)
[1314 N. Federal Hwy. Waiver - Warranty Deed](#)
[1314 N. Federal Hwy. - Board Order](#)

Commissioner Bathurst stepped away from the dais briefly and returned.

Tim Stillings, Development Services Director, gave a brief presentation on this item. Staff recommends approval of the temporary use permit with waivers subject to the 20 conditions of approval.

A representative with the Law Office of Sachs, Sax, Caplan, representing the applicant, 6111 Broken Sound Parkway, #200, Boca Raton, FL, gave a brief presentation and stated they agree with the staff report.

Mayor Petrolia asked the City Commission to disclose their ex parte communications. The City Commission had no ex parte communications to disclose.

Mayor Petrolia stated if anyone from the public would like to address the City Commission regarding Item 7.D., to come forward.

Mitzi Kaitz, 331 N.E. 8th Avenue, Delray Beach, urged the City Commission to require people who are doing temporary parking lots to do something more attractive for the city than just a green cover.

There being no one else from the public who wished to address the City Commission, Mayor Petrolia closed the public comment.

Mayor Petrolia asked if there is any cross-examination or rebuttal.

Attorney from Sachs, Sax, Caplan, stated one of the conditions of approval is there will be no advertising for car dealerships and her understanding is that the green screen was a way to add some aesthetic appeal to screen what is behind it rather than a basic chain link fence.

Mr. Stillings stated there is an existing hedge along the east property line and one of the conditions of approval is that the hedge be maintained.

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

The City Attorney reviewed the Board Order with the City Commission.

The City Commission supported the Board Order (5-0).

Vice Mayor Frankel moved to approve the Board Order. It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. The motion carried 5-0.

approved

- 7.E. [19-219](#) APPROVE RESOLUTION NO. 58-19 APPROVING A HIGHWAY MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION TO CONSTRUCT IMPROVEMENTS TO SWINTON AVENUE FROM S. 10 STREET TO N. 4 STREET

Recommendation: Motion to approve Resolution No.128-18 approving a Highway Maintenance Memorandum of Agreement (HMMOA) with the State of Florida Department of Transportation (FDOT) for construction of improvements on Swinton Avenue from S 10 Street to N 4 Street , FDOT Financial Project ID No. 438389-1

Sponsors: Public Works Department - Programs & Project Management

Attachments: [Agenda Cover Report](#)

[58-19 - Resolution for Swinton Improvements HMOA 2.25.19](#)

[HMOA Swinton 7 24 18 revised 2 5 19](#)

[Legal Review Approval for Highway Maintenance Agreement with FDOT re Swinton](#)

Susan Goebel-Canning, Public Works Director, stated this item is a follow-up to the Workshop discussion on January 22, 2019 where feedback was to not widen the road or impact the trees and the Transportation Planning Agency (TPA) agreed to allow sharrows instead of bicycle lanes. Ms. Goebel-Canning stated the project entails milling, resurfacing with sharrows from S. 10th Street to N. 4th Street, filling in sidewalk gaps from S. 10th Street to the existing sidewalk on S. 3rd Street on the west side meandering and avoiding the trees where possible.

Commissioner Boylston moved to approve Resolution No. 58-19. It was seconded by Vice Mayor Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

approved

- 7.F. [19-271](#) APPROVAL OF RESOLUTION NO. 63-19 TO AWARD AN AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR THE DESIGN AND ENGINEERING PROFESSIONAL SERVICES FOR THE LOWSON BOULEVARD ROADWAY IMPROVEMENTS PURSUANT TO RFQ NO.

2019-013 - \$857,560

Recommendation: Motion to approve Resolution No. 63-19 to award an agreement with Kimley-Horn and Associates, Inc. (KHA) for design and engineering professional services for the Lowson Boulevard Roadway Improvements pursuant to RFQ No. 2019-013 in an estimated amount of \$857,560 (Project No. 17-004).

Sponsors: Public Works Department - Programs & Project Management

Attachments: [Agenda Cover Report](#)
[RFQ 2019-013 Agreement, vendor executed](#)
[2019-013 Resolution No. 63-19](#)
[Legal Review Checklist RFQ 2019-013](#)
[2019-013 RFQ Document \(rev 1\)](#)
[2019-013 KHA Proposal](#)
[2019-013 Scoring Summary Final](#)
[Agenda Cover Report](#)

This item has been moved up on the regular agenda as Item 7.A.A.

Missie Barletto, Assistant Director of Public Works, stated this item is to award the contract for the design services for Lowson Boulevard Transportation Planning Agency (TPA) Grant Project and gave a brief presentation.

Commissioner Boylston stated the TPA will still have the connectivity through Homewood Boulevard and Barwick Road, however, it will not be through the Sherwood Park community.

Ms. Barletto stated there is also connectivity along Dover Road; there is a five foot sidewalk on one side and they can provide that connection over to Linton Boulevard to the south along that canal bank with a multi-use trail in the future and noted this would not be a part of this project.

Commissioner Boylston stated there is no funding in the City's Capital Improvement Plan (CIP) to repave that road or add traffic calming and emphasized that it might take a few years for the City to find those funds to repave, address drainage, or traffic calming issues because there are other parts of the city that are in worse condition that will be prioritized. Ms. Barletto stated there are some stormwater issues in the Sherwood Park neighborhood that would be required by the city to move that up in the process, however they will be able to do that within the normal operations budget not a separate capital improvement project.

Mayor Petrolia asked for clarification on whether this is something that will not be required to come before the TPA Board for approval or if it is something that the TPA Director is adjusting in order to be able to move this forward without having an approval. Ms. Barletto stated the original project would have been to provide continuous bicycle and pedestrian access throughout the entire corridor. Ms. Barletto stated the original project was approximately \$1.3 million over the amount of funding that is provided to the City from the TPA. Ms. Barletto stated TPA has agreed to reducing the project limit from Dover Road to Federal Highway, however, they will continue to provide the City with the full funding. Ms. Barletto stated there is a process that residents have to go through when requesting traffic calming (i.e. a signed petition from the people on the affected roadway).

A brief discussion between Ms. Barletto and the City Commission ensued.

Commissioner Bathurst moved to approve to move forward with Item 7.A.A. with the understanding that the City Manager will renegotiate the agreement subject to the City Commission's comments today. It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. The motion carried 5-0.

approved

7.G. [19-263](#) REQUEST TO INCREASE LIEN SEARCH FEES

Recommendation: Staff recommends the City of Delray Beach remove its regular fee of \$65 and the express fee of \$100 and increase the fee to a flat rate of \$115 as the new rate for municipal lien searches.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Lien Historical Analysis updated 03-06-19](#)
[Lien Search Fees of Municipalities](#)

Katerri Johnson, City Clerk gave a brief explanation for the request to increase lien search fees.

Vice Mayor Frankel moved to approve to increase the lien search fees to a flat rate of \$115.00. It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. The motion carried 5-0.

approved

7.H. [19-264](#) APPROVAL OF RESOLUTION NO. 54-19, AWARD OF AGREEMENT FOR LIEN SEARCH SERVICE WITH ORANGE LIEN DATA, LLC.

Recommendation: Motion to approve Resolution No. 54-19 for Lien Serch Services with Orange Lien Data, LLC and award a revenue Agreement and to authorize the City Manager to exercise any and all options to renew.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[legal review checklist](#)
[Reso 54-19](#)
[Agreement For Lien Search Services](#)

Katerri Johnson, City Clerk gave a brief explanation of this item and noted that for every transaction processed, Orange Lien Data will receive \$12.50 and the remaining amount will be sent to the City of Delray Beach one-time per month.

Commissioner Boylston moved to approve Resolution No. 54-19. It was seconded by Commissioner Bathurst. A roll call vote was taken and all were in favor. The motion carried 5-0.

approved

7.I. [19-231](#) NOMINATION FOR APPOINTMENT TO THE GREEN IMPLEMENTATION ADVANCEMENT BOARD

Recommendation: Motion to approve nomination for appointment for one (1) alternate member to serve on the Green Implementation Advancement Board for an unexpired term ending July 31, 2021.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Green Implementation Advancement Board Member List](#)
[Green Implementation Advancement Board Attendance List](#)
[GIAB Applications](#)

Deputy Vice Mayor Johnson moved to nominate Christina Hammond to the Green Implementation Advancement Board (GIAB). It was seconded by Vice Mayor Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

approved

7.J. [19-237](#) NOMINATIONS FOR APPOINTMENT TO THE PARKING MANAGEMENT ADVISORY BOARD

Recommendation: Motion to approve nominations for appointment for two (2) regular member (Citizen-at-Large) to serve on the Parking Management Advisory Board for

a one (1) year terms ending July 31, 2020 and two (2) regular member (Citizen-at-Large) to serve for a two (2) year terms ending July 31, 2021.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Exhibit A](#)

[PMAB Applications](#)

Vice Mayor Frankel moved to nominate Thomas Hallyburton to the Parking Management Advisory Board (PMAB). It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. The motion carried 5-0.

Commissioner Bathurst moved to nominate Mark Denkler to the Parking Management Advisory Board (PMAB). It was seconded by Vice Mayor Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

Commissioner Boylston moved to nominate Brady Witt to the Parking Management Advisory Board (PMAB). It was seconded by Vice Mayor Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

Deputy Vice Mayor Johnson stated she would like to defer her appointment to the next regular meeting.

approved

8. PUBLIC HEARINGS:

- 8.A. [19-259](#) RESOLUTION NO. 51-19, HOUSING DISPOSITION/CONTRACT FOR SALE AND PURCHASE/HABITAT FOR HUMANITY PALM BEACH COUNTY INC./133 SW 12TH AVENUE, DELRAY BEACH, FLORIDA

Recommendation: Motion to approve transfer property 133 SW 12TH Avenue, Delray Beach, 33444 to the Habitat for Humanity South Palm Beach County Inc. for the benefit and development of affordable housing to a household at or below 120% Area Median Income (AMI) as determined by HUD.

Sponsors: Community Improvement

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist Habitat for Humanity Property Transfer](#)
[As Is Contract](#)
[Addendum to Contract for Sale and Purchase](#)
[Res 51-19 Transfer of Property located at 133](#)
[Quit Claim Deed-HFH 133](#)
[Location Map 133 SW 12th Ave](#)
[Letter for Request to Transfer - 133](#)

The City Attorney stated the CRA requested postponement of this matter and she gave a few brief comments regarding the background of this property.

Mayor Petrolia declared the public hearing open. There being no one from the public who wished to address the City Commission regarding Resolution No. 51-19, the public comment was closed.

Deputy Vice Mayor Johnson moved to **postpone** Resolution No. 51-19 to a date certain of May 7, 2019. It was seconded by Vice Mayor Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

8.B. [19-265](#)

ORDINANCE NO. 08-19: 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 CHAPTER 4, "ZONING REGULATIONS", ARTICLE 4.5, "OVERLAY AND ENVIRONMENTAL MANAGEMENT DISTRICT", SECTION 4.5.13, "NORTH BEACH/SEAGATE AND OCEAN NEIGHBORHOOD OVERLAY DISTRICTS", TO ADOPT THE UPDATED BEACH PROPERTY OWNERS DESIGN MANUAL AND TO SPECIFY THAT THE REGULATIONS AND GUIDELINES OF THE BEACH PROPERTY OWNERS MANUAL ARE NOT APPLICABLE TO THOSE PROPERTIES LOCATED WITHIN A DESIGNATED HISTORIC DISTRICT OR WHICH ARE INDIVIDUALLY LISTED ON THE LOCAL REGISTER OF HISTORIC PLACES, PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (SECOND READING/PUBLIC HEARING)

Recommendation: Motion to approve Ordinance No. 08-19 to amend Land Development Regulations Section 4.5.13 to adopt the updated Beach Property Owners Design Manual and to specify that the regulations and guidelines of the Beach Property Owners Manual are not applicable to those properties located within a designated historic district or which are individually listed on the Local Register of Historic Places 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), as presented.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ord 08-19](#)

[Beach Property Owners Design Manual 2019 Update](#)

[Ordinance 08-19 Planning and Zoning Board SR 01282019](#)

The City Attorney read the title of Ordinance No. 08-19 into the record.

Tim Stillings, Director of Development Services, gave a brief presentation. Mr. Stillings stated the Planning and Zoning Board recommends approval as well as staff.

Mayor Petrolia declared the public hearing open. There being no one from the public who wished to address the City Commission, the public comment was closed.

Commissioner Boylston moved to approve Ordinance No. 08-19 on Second and Final Reading. It was seconded by Vice Mayor Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

approved

8.C. [19-266](#) ORDINANCE 09-19 AMENDING SECTION 4.4.13 (K), "CBD REVIEW AND APPROVAL PROCESS," AND SECTION 4.5.6, "THE WEST ATLANTIC AVENUE OVERLAY DISTRICT," OF THE LAND DEVELOPMENT REGULATIONS. (SECOND READING)

Recommendation: Motion to approve Ordinance 09-19 amending Section 4.4.13 (K), "CBD Review and Approval Process," and Section 4.5.6, "The West Atlantic Avenue Overlay District," of the Land Development Regulations.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Ordinance 09-19 revised](#)

The City Attorney read the title of Ordinance No. 09-19 into the record.

Mayor Petrolia declared the public hearing open. There being no one from the public who wished to address the City Commission regarding Ordinance No. 09-19, the public comment was closed.

Commissioner Boylston moved to approve Ordinance No. 09-19 on Second and Final Reading. It was seconded by Commissioner Bathurst. A roll call vote was taken and all were in favor. The motion carried 5-0.

approved

9. FIRST READINGS:

- 9.A. [19-149](#) ORDINANCE NO. 14-19: 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 CHAPTER 4, "ZONING REGULATIONS", SECTION 4.4, "BASE ZONING DISTRICT", SECTION 4.4.25, "SPECIAL ACTIVITIES DISTRICT (SAD)", SUBSECTION 4.4.25(H), "S.A.Ds", TO ADD A SPECIAL ACTIVITIES DISTRICT FOR THE PROPERTY LOCATED AT 777 CONGRESS SOUTH CONGRESS AVENUE BY CREATING THE "COLLIER CAR CLUB SAD"; 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. (FIRST READING/QUASI-JUDICIAL)

Recommendation: Motion to approve Ordinance No. 14-19 on First Reading for a privately-initiated rezoning from Mixed Residential, Office, and Commercial (MROC) to Special Activities District (SAD) for the Collier Car Club SAD located at 777 South Congress Avenue by adopting the findings of fact and law contained in the staff report, finding that the request and approval thereof is consistent with the Comprehensive Plan, and meets the criteria set forth in LDR Sections 2.4.5(D)(5), 3.1.1, and 3.2.2.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ord No 14-19 Collier Car Club SAD 1st Reading Draft](#)
[Ord No 14-19 Collier Car Club SAD Planning Board Staff Report](#)
[Ord No 14-19 Collier Car Club SAD Rezoning Justification](#)
[Ord No 14-19 Collier Car Club SAD Plans](#)
[Ord No 14-19 Collier Car Club SAD Rezoning Objection Letter](#)
[Legal Review Ordinance 14-19 SAD Collier Car Club with P&Z Edits](#)
[Congress Avenue Delray Beach's Next Great Street 091616](#)

The City Attorney read the title of Ordinance No. 14-19 into the record.

Tim Stillings, Development Services Director, introduced Mr. Weiner.

Mayor Petrolia asked the City Commission to disclose their ex parte communications. Vice Mayor Frankel stated he met with Mr. Weiner and the applicant several months ago, Deputy Vice Mayor Johnson stated she too spoke with the applicant and Mr. Weiner, Commissioner Bathurst stated he spoke with the applicant and Mr. Weiner, Mayor Petrolia stated

she spoke with the applicant and Mr. Weiner, and Commissioner Boylston stated he met with the applicant and spoke to Mr. Weiner as well.

Michael Weiner, Attorney representing the applicant Collier Land Holdings Limited, 6111 Broken Sound Parkway, Boca Raton, gave a brief presentation.

Frank Givens, Collier Management, gave a few brief comments.

Bob Carlson, 7290 W. 133rd Street, Overland Park, Kansas, stated this project is about transformation of a warehouse into a club for owners of meaningful cars and displayed the proposed site.

Mr. Weiner gave a few brief comments.

Tim Stillings, Development Director, stated this is a privately-initiated rezoning from Mixed Use Residential Office and Commercial to Special Activities District for the Collier Car Club SAD located at 777 S. Congress Avenue. The Planning and Zoning Board recommended approval and staff recommends approval on first reading. Mr. Stillings noted that the SAD will go before the Site Plan Review and Appearance Board for their review of the site plan first before it comes back to the City Commission for second reading.

Mayor Petrolia asked if anyone from the public would like to address the City Commission regarding Ordinance No. 14-19, to come forward. There being no one from the public who wished to address the City Commission regarding Ordinance No. 14-19, the public comment was closed.

There was no cross-examination or rebuttal.

The City Commission gave a few brief comments.

Vice Mayor Frankel moved to approve Ordinance No. 14-19 on First Reading. 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

9.B. [19-260](#)

ORDINANCE NO. 15-19: INDIVIDUALLY DESIGNATING "THE HARDEN-HART HOUSE" AT 516 NORTH SWINTON AVENUE ON THE LOCAL REGISTER OF HISTORIC PLACES (FIRST READING)

Recommendation: Approve Ordinance No. 15-19 on First Reading for the Individual Designation of The Harden-Hart House at 516 North Swinton Avenue on

the Local Register of Historic Places.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ordinance 15-19 Harden-Hart House Designation](#)

[1 Harden-Hart House-Designation Report](#)

[2 Harden-Hart House-Survey](#)

[3 Harden-Hart House-WPB Sanborn Maps](#)

[4 Harden-Hart House-David Harden Bio](#)

[5 Harden-Hart House-Harden Newspaper Articles](#)

[6 Harden-Hart House-Hart US Census Information](#)

[7 Harden-Hart House-Hart Newspaper Articles](#)

[HPB SR Harden-Hart House-516 N Swinton Avenue](#)

The City Attorney read the title of Ordinance No. 15-19 into the record.

Tim Stillings, Development Services Director, gave a brief presentation and staff recommends approval.

A brief discussion between Michelle Hoyland, Principal Planner and the City Commission ensued.

Vice Mayor Frankel moved to approve Ordinance No. 15-19 on First Reading. It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. The motion carried 5-0.

approved

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

Commissioner Boylston left the dais briefly and returned.

Interim City Manager de Jesus recommends the search firm of Ralph Anderson & Associates for City Manager and stated the Project Director and Senior Vice President is Robert Burg.

It was the consensus of the City Commission to move forward with the agreement and then staff will start setting up meetings with the City Commission so they can tell the search firm what it is they are looking for in the next City Manager.

Secondly, Interim City Manager de Jesus stated the city has been dealing with a multitude of personnel matters and these are being

handled quickly with legal sufficiency. He stated he has met regularly with the City Attorney and City Auditor to ensure that the personnel matters are being handled appropriately and also has standing meetings scheduled with the City Attorney and City Auditor to ensure open lines of communication moving forward. Interim City Manager de Jesus stated the City Auditor will be relocated to a private office across from the City Manager's office.

He urged the City Commission to look internally to fill vacancies within this city. Interim City Manager de Jesus stated he asked Laura Thezine to step in for a short period of time into the Finance Director position and for a medium-term solution he has contacted the Florida Division of the Government Finance Officers Association (GFOA) and they have provided several names of qualified retired Finance Directors that fill in for short-term projects. In addition, he has been in contact with the search firm of GSR who provides a similar service and is working on sending the city qualified resumes as well. Interim City Manager de Jesus stated as soon as Ms. Herrman returns from vacation the Budget Office will be placed under the Finance Director's leadership.

In addition, Interim City Manager de Jesus will promote Suzanne Fisher to the Assistant City Manager position and Sam Metott will be promoted to Parks and Recreation Director. This will create a vacancy for the Assistant Parks and Recreation Director and noted this position will be posted tomorrow.

10.B. City Attorney

The City Attorney stated she was contacted by the attorneys at Robbins Geller Rudman & Dowd, LLP who are handling the City's Opioid lawsuit and they are requesting to add additional defendants as well as an additional claims under the Racketeer Influence and Corrupt Organization Act (RICO). The City Attorney stated in reviewing the documents and in speaking with them, other municipalities are doing this and asked for direction from the City Commission that this is okay to move forward. It was the consensus of the City Commission to direct the City Attorney to move forward.

Secondly, the City Attorney stated she is working on Interim City Manager de Jesus' amendment and asked the City Commission if they are all okay with her engaging in a discussion with Mayor Petrolia and Mr. de Jesus.

The City Attorney commented about the fatal plane crash where 4

attorneys and a pilot were killed. The City Attorney stated one of the attorneys Matthew Fiorello was recently hired to handle two of the City's cases.

Lastly, the City Attorney stated the Florida Bar has a grant application for summer interns and received approval through Human Resources to get a summer intern and she requested City Commission approval to provide a stipend for this intern.

10.C. City Commission

Commissioner Boylston thanked Mr. de Jesus for scheduling the weekly meetings with the City Commission. Secondly, Commissioner Boylston commented about some public comments with respect to the criticism the City Commission received with respect to the March 1, 2019 City Commission Special Meeting.

Deputy Vice Mayor Johnson stated she supports internal promotion when appropriate. Secondly, she applauded Mr. de Jesus for stepping in as Interim City Manager. Lastly, Deputy Vice Mayor Johnson stated her surgery date is scheduled for April 16, 2019.

Vice Mayor Frankel echoed comments expressed by Commissioner Boylston and Deputy Vice Mayor Johnson. Secondly, Vice Mayor Frankel inquired about the Shade meeting for Matchpoint. Lastly, Vice Mayor Frankel stated at the last City Commission meeting this Commission was on the prevailing side of a vote for the Future Land Use Map Amendment (FLUM) and Rezoning application for the property at the southwest corner of E. Atlantic Avenue and S.E. 3rd Avenue.

Vice Mayor Frankel moved to reconsider this matter to be set at the next City Commission meeting that the City Attorney's would deem appropriate per notice requirements. It was seconded by Commissioner Boylston. A roll call vote was taken and the motion carried with a vote of 4-1, Mayor Petrolia dissenting.

Commissioner Bathurst echoed comments expressed by Commissioner Boylston regarding the March 1, 2019 City Commission Special Meeting and he thanked the City Attorney and Internal Auditor. Secondly, he thanked Mr. de Jesus for a well-run meeting tonight and he is comfortable that the city is moving forward with the hiring of a Finance Director and other positions. Secondly, Commissioner Bathurst commented about the parking in the downtown and stated the transportation the City will be working on will help with some of the

parking issues. Lastly, Commissioner Bathurst stated he is still receiving complaints about the elevators in the parking garages and feels this is a serious issue which needs to be addressed.

Caryn Gardner-Young, Assistant City Manager, stated the issue with the elevator at the Federspiel Garage should be resolved by the first week of April (subject to inspection). The Old School Square Garage elevators were originally not built for the usage that is occurring now so the elevators essentially need to be rebuilt and the City is waiting for parts.

Commissioner Bathurst stated he is glad to see Suzanne Fisher move into the position of Assistant City Manager and Sam Metott will move into the position as Parks and Recreation Director. Lastly, Commissioner Bathurst commended Ms. Jane Smith with the Coastal Star for the article she wrote regarding the March 1, 2019 City Commission Special Meeting.

Deputy Vice Mayor Johnson echoed comments expressed kudos to Jane Smith for her article in the Coastal Star regarding the March 1, 2019 City Commission Special Meeting.

Mayor Petrolia stated she would like staff to follow-up with respect to the American Legion.

Secondly, Mayor Petrolia expressed concern about issues with development downtown and parking. She stated when the City is trying to attract more people into a certain area and there is no plan. She feels this needs to be looked at from an overall perspective and discussed at a future Workshop Meeting.

Mayor Petrolia stated she received a complaint about the odor from people not picking up after their dogs at Old School Square (i.e. the Green Market) and the sidewalk. Lastly, Mayor Petrolia concurred with her colleagues regarding Jane Smith's article and thanked her for getting the truth out.

Commissioner Boylston left the meeting at 7:31 p.m.

There being no further business to discuss, Mayor Petrolia adjourned the meeting at 7:38 p.m.