

City of Delray Beach

*100 NW 1st Avenue - Delray Beach, Florida 33444
Phone: (561) 243-7000 - Fax: (561) 243-3774
www.mydelraybeach.com*



Minutes - Draft

Tuesday, January 15, 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 4:20 p.m.

The roll call was taken by the City Clerk.

The following were in attendance.

Mayor Shelly Petrolia
Vice Mayor Adam Frankel (arrived at 5:33 p.m.)
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**

The City Manager stated the applicant has requested that Item 7.B., A Waiver Request to LDR Section 4.1.4(B) and (D) Use of Lots or Record, to Permit Residential Structures on Lots Which Have Frontage of Less Than 50 Feet (Quasi-Judicial Hearing) be removed from the agenda.

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

Commissioner Boylston made a motion 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 4-0.

4. PRESENTATIONS:

4.A. 19-004 Presenting MICHELLE GEIGER, PoLICE OFFICER, with Employee of the Month for JANUARY 2019.

Recommendation: Motion to approve Michelle Geiger, Police Officer, as Employee of the Month for January 2019.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Officer Geiger nomination form](#)

Sharon Liebowitz, Human Resources Director, introduced Chief Sims.

Chief Sims gave a brief presentation recognizing Michellle Geiger, Police Officer with the Employee of the Month Award for January 2019. Michelle Geiger, Police Officer came forward to accept this recognition.

4.B. [19-035](#) LEGISLATIVE ACTION AGENDA PRESENTATION

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[State Legislative Update 1.11.19](#)
[Legislative Update Presentation 1.14.19](#)

Mat Forrest, Ballard Partners, State Legislative Lobbying Team, gave a brief presentation regarding the State Legislative update. Mr. Forrest announced that March 5th and 6th is Palm Beach County Day in Tallahassee.

4.C. [19-071](#) PRESENTATION BY ROBERT S. WEINROTH, DISTRICT 4 PALM BEACH COUNTY COMMISSIONER

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

Robert S. Weinroth, Palm Beach County Commissioner District 4, gave a brief presentation.

4.D. Internal Auditor's Report

4.D.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, temporarily living in Boynton Beach, asked what the cost was for the lobbying team. She commented about the Bill that was passed

giving felons their rights back. Secondly, Ms. Moody commented about the debris and trash not being picked up along Congress Avenue and Military Trail because there are no garbage cans. Lastly, Ms. Moody stated the Swinton Avenue bike lane project needs to be stopped and the people building on Federal Highway need to pay the City because they are destroying the sidewalks and roads.

Fran Marincola, 1138 Vista Del Mar, Delray Beach, suggested that the plastic straw ordinance also include styrofoam cups and that it be permanent within 12 months. Secondly, Mr. Marincola stated he does not feel that the city should do away with the Parking Management Advisory Board (PMAB).

Evan Orellana, 825 Egret Circle, Delray Beach, Director of Education at the Sandoway Discovery Center, spoke about the plastic straw ordinance.

Amber Clark, 840 E. Atlantic Avenue, Delray Beach, Director of Marketing with Rappaports Restaurant Group (Deck 84 is one of their locations), supports the plastic straw ban.

Shekirah Fashaw, 322 S.W. 6th Avenue, Delray Beach, thanked and commended the City Commission for creating a space for young adults to return to. Ms. Fashaw gave a brief history of her education, accomplishments, and background. She stated she returns to Delray during winter break for a conference called the "Eleven40 Glory Empowerment Conference" which was created by young adults who travel from all over this nation to come in and pour into the youth and young adults within this city.

Bob Victorin, 120 S. Ocean Boulevard, Delray Beach, President of the Beach Property Owners' Association (BPOA), commented about the issue about no street lights on A1A during the eight months of the turtle nesting season and the safety of the citizens. Mr. Victorin entered a letter into the record from the BPOA to the City Commission, the City Manager, and the City Attorney in September 2018.

Carolyn Patton, 1020 Tamarind Road, Delray Beach, currently co-President of the Preservation Trust with Joy Howell and speaking on behalf of the Trust tonight, stated they are unanimously opposed to the Florida Department of Transportation (FDOT) proposal to widen historic Swinton Avenue destroying approximately 150 trees, adding bike lanes, and narrowing traffic lanes.

Joy Howell, 1 N.W. 25th Street, Delray Beach, urged the City Commission to consider increasing the City Commission's compensation as well as the

City Manager's compensation so that the people can get the best management from its elected and appointed officials. Secondly, speaking as a resident, Ms. Howell urged the City Commission to get rid of the FDOT Plan and go back to the drawing board. She suggested that the City Commission look at something that would make a more continuous and better serving sidewalk system. Lastly, Ms. Howell stated there is a zoning change for a proposed development of townhomes at 22nd and Swinton Avenue that will have employees. She stated this proposal for single family zoning at Lake Ida and Lake Eden to a Special Activity District (SAD) is detrimental to the Comprehensive Plan goals in keeping neighborhoods stable.

Richard Ott, 329 N. Swinton Avenue, Delray Beach, stated he is opposed to FDOT's Plan because it does not follow the guidelines for historic Swinton Avenue and expressed concern with respect to safety.

Rita Rana, 50 East Road, Apt. #9-C, Delray Beach, with respect to the proposed bike lanes along Swinton Avenue, she expressed concern over transparency and safety. Secondly, she suggested that the alleyways become pedestrian and bike-friendly.

Ida Foster, 13886 Via Flora A, Delray Beach, representing the Sierra Club and support the ordinance to ban plastic straws. Ms. Foster commended the sustainability office for a well thought-out campaign.

Elle Rappaport, 6627 Cobia Circle, Boynton Beach, commended the city and urged the City Commission to encourage other cities to do something similar.

Kay Gates, 9693 El Clair Ranch Road, Boynton Beach, urged the City Commission to support the bike lanes and think about sustainable planning for city streets and neighborhoods.

Dr. Craig Spodak, 2001 N.W. 4th Avenue, Delray Beach, spoke briefly about Human Powered Delray (HPD) and gave a brief history of the project.

Jason Bregman, 227 Lake Terrace, Delray Beach, commented about an email he sent to the City Commission in December regarding a suggestion to improve and widen the sidewalks in some areas and add more crosswalks (i.e. Atlantic Avenue to the south). Mr. Bregman suggested that the City have a bike-ped coordinator position again to help advance these type of dialogues before we have these problems.

George Long, 46 N. Swinton Avenue, Delray Beach (resident since 1941),

commented about the traffic issue along Swinton and he does not support the removal of any trees.

Kevin McNally, 32 S.E. 2nd Avenue, Delray Beach, President of the Board of Directors for the Achievement Center for Children and Families, stated Delray Beach is world-renowned for its beaches, restaurants, hotels, and they are working hard to make Delray Beach world-renowned for early childhood and after school education. Secondly, speaking as a private citizen, Mr. McNally stated the city just built a north-south corridor for bicycles on 2nd Avenue one block over from Swinton Avenue and he urged the City Commission to not support FDOT's Swinton Avenue project for bike lanes.

Linda Oxford, 148 Coconut Road, Delray Beach, stated the city has a brand new bike lane one block over from Swinton Avenue. Ms. Oxford stated the problem can be solved for bikes and pedestrians by widening sidewalks.

Jim Chard, 401 S.E. 4th Avenue, Delray Beach, concurs that the city needs more east/west bike lanes and stated that is part of the Master Plan that HPD drafted and the City of Delray Beach agreed to unanimously during a vote at the City Commission meeting. Mr. Chard stated the swale should separate the cars and the right-of-way from the bikes and the pedestrians for safety.

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

6. CONSENT AGENDA: City Manager Recommends Approval

Commissioner Bathurst made a motion to approve the consent agenda with the exception of 6.C. 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 Boylston stepped away from the dais briefly.

Commissioner Bathurst made a motion to approve Item 6.C. It was seconded by Deputy Vice Mayor Johnson. A roll call vote was taken and all were in favor. The motion carried 4-0.

Commissioner Boylston returned to the dais.

Recommendation: Motion to approve meeting minutes as listed below:

November 27, 2018 Regular City Commission Minutes
December 4, 2018 Regular City Commission Minutes

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[November 27, 2018 City Commission Regular Meeting Minutes](#)

[December 4, 2018 City Commission Regular Meeting Minutes](#)

approved

6.B. [19-028](#) RIGHT OF ENTRY LICENSE AGREEMENT

Recommendation: Motion to approve Right of Entry License Agreement.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[Right of Entry License Agreement](#)

approved

6.C. [19-010](#) AMENDMENT NO. 2 - FUNDING AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE COMMUNITY CHILD CARE CENTER OF DELRAY BEACH, INC.

Recommendation: Motion to approve Amendment No. 2 Funding Agreement between the City of Delray Beach and the Community Child Care Center of Delray Beach, Inc. to include \$56,000 for out-of-school programs and services in accordance with the Performance Standards described in Exhibit A.

Sponsors: Community Improvement

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist form v. 5 Amend No 2 to ACCF Funding](#)

[Agreement](#)

[Amd 2 Funding Agreement CCCC](#)

approved

6.D. [18-719](#) FINAL (MINOR) SUBDIVISION (RE)PLAT OF THE REGIONS DELRAY PLAT (FIVE 55 DELRAY PLAT) LOCATED AT 555 SE 9TH STREET ON THE NORTH SIDE OF SE 9TH AVENUE BETWEEN SE 5TH AVENUE AND SE 6TH AVENUE.

Recommendation: Motion to approve the minor Final Plat application for the replat of Parcel A, according to the Regions Delray plat thereof as recorded in the plat book 112, pages 31 and 32, being in section 21, township 46 south range

43 east, of the City of Delray Beach., 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(K)(Minor Subdivisions) of the Land Development Regulations.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Location Map](#)

[Sketch and Legal](#)

[Plat-Copy](#)

[Previous Class V SPRAB Report \(Reference Only\)](#)

approved

6.E. [18-843](#) UPDATE TO THE DELRAY BEACH HISTORIC PRESERVATION DESIGN GUIDELINES

Recommendation: Motion to approve the update to the Delray Beach Historic Preservation Design Guidelines as presented, pursuant to Section 2.2.6(D)(8).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[2018-11-19-PZB SR Memo-HP Design Guidelines](#)

[2018-11-19-FINAL Design Guidelines](#)

approved

6.F. [18-844](#) RESOLUTION NO. 25-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, VACATING AND ABANDONING THE PUBLIC UTILITY EASEMENT LOCATED ON THE PROPERTY AT 1126 WATERWAY LANE, DELRAY BEACH, FLORIDA, AND AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A".

Recommended Action:

Recommendation: Approve Resolution No. 25-19 to abandon a 5' x 100' public utility easement dedicated via Plat of 1126 Waterway Lane, as recorded in Plat Book 18, Page 100, of the Public Records of Palm Beach County, Florida, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in LDR Section 2.4.6(N) (5), Abandonment of Public Easements.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Res 25-19](#)

[Exhibit A](#)

[Location Map](#)

approved

6.G. [19-020](#)

ACCEPTANCE OF A COMBINED 1,070 SQUARE FOOT PERPETUAL SIDEWALK PEDESTRIAN CLEAR ZONE EASEMENT LOCATED ON A PORTION OF LOTS 6, 7, 8, 9, 10, 11, AND 12, BLOCK 82, OF SUBDIVISION OF BLOCK 82, AND A COMBINED 250 SQUARE FOOT CORNER CLIP EASEMENT LOCATED ON A PORTION OF LOT 12 OF BLOCK 82, OF SUBDIVISION OF BLOCK 82, AS RECORDED IN PLAT BOOK 12, PAGE 30, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, FROM GROVE ROSEBUD TWO LLC, "THE GRANTOR", AND A LANDSCAPE MAINTENANCE AGREEMENT FOR THE SUBJECT PROPERTY LOCATED AT 233-279 NE 2ND AVENUE (PROJECT APPROVED AS "THE RAY").

Recommendation: Motion to approve the acceptance of a combined 1,070-sf perpetual sidewalk easement located at a portion of Lots 6, 7, 8, 9, 10, 11 and 12, Block 82, of Subdivision of Block 82, and a combined 250 square foot Corner Clip easement located at a portion of Lot 12, Block 82, of Subdivision of Block 82, to provide for adequate pedestrian movement in the Right-of-Way from the "Grantor", Grove Rosebud Two LLC., for the subject property located at 233 NE 2nd Avenue (The Ray).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Location Map - The Ray](#)

[Signed - Easement-CornerClip-TheRay-Final-2018](#)

[Signed - LandscapeMaintenanceAgt-TheRay-2018](#)

[Signed - Easement-PedestrianClearZone-Final-TheRay-2018](#)

approved

6.H. [18-875](#)

APPROVAL OF AMENDMENT NO. 1 WITH CJ CONTRACTING, LLC FOR ROOF MAINTENANCE AND REPAIR SERVICES FOR AN ANNUAL AMOUNT NOT-TO-EXCEED OF \$315,000.

Recommendation: Motion to approve Amendment No. 1 with CJ Contracting, LLC to extend the Agreement, under the same terms and conditions, for the period of March 1, 2019 through February 28, 2020 for an annual not to exceed amount of Three Hundred Fifteen Thousand Dollars (\$315,000).

Sponsors: Public Works Department - Programs & Project Management

Attachments: [Agenda Cover Report](#)[CJ Contracting Amendment No. 1.pdf](#)[CJ Contracting Agreement thru 2.2019.pdf](#)[CAO Legal Review Checklist Amendment #1 CJ Contracting LLC.pdf](#)**approved**

6.I. [19-006](#) APPROVAL OF AMENDMENT NO. 1 WITH STROBES-R-US, INC. FOR THE PURCHASE AND INSTALLATION OF VEHICLE EQUIPMENT UTILIZING THE CITY OF MIAMI SOLICITATION NO. 516388

Recommendation: Motion to approve Amendment No. 1 with Strobes-R-Us, Inc. for the purchase and installation of vehicle equipment utilizing the City of Miami Solicitation No. 516388.

Sponsors: Public Works Department - Fleet Division and Police Department

Attachments: [Agenda Cover Report](#)[P2018-010 Amendment No. 1, vendor executed](#)[Legal Review Checklist Strobes R Us December 2018](#)[P2018-010 Agreement, Executed](#)[Miami SECOND RENEWAL](#)**approved**

6.J. [18-851](#) APPROVE RESOLUTION NO. 19-19: LOCAL AGENCY PROGRAM AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE NE 2ND AVENUE / SEACREST BEAUTIFICATION PHASE 3 PROJECT (NE 22ND STREET TO GULFSTREAM BOULEVARD).

Recommendation: Motion to adopt Resolution No. 19-19; and consider approval to execute the Local Agency Program (LAP) Agreement with the Florida Department of Transportation (FDOT) for the funding of the NE 2nd Avenue Beautification Phase 3 (Project No. 17-010).

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[FDOT LAP Agreement Agenda Memo 122018 CA rev 122118](#)
[Resolution 19-19 FDOT LAP Agreement Phase 3 122118](#)
[Legal Review Checklist form v. 5 FDOT LAP Agreement Seacest from NE 22 St to Gulfstream 123118](#)
[FDOT LAP Agreement 122118](#)
[Location Map](#)
[Project Description and Responsibilities Exhibit A](#)
[Schedule of Financial Assistance Exhibit B](#)
[Title VI Assurances Exhibit C](#)
[Recipient Resolution Exhibit D](#)
[Federal Financial Assistance Exhibit E](#)
[Contract Payment Requirements Exhibit F](#)
[FHWA Form 1273 Exhibit G](#)
[Landscape Maintenance Exhibit L](#)
[Traffic Signal Maintenance Exhibit N](#)

approved

6.K. [19-005](#) APPROVAL OF AMENDMENT NO. 1 WITH UNIFIRST CORPORATION FOR UNIFORM AND FLAT SUPPLIES RENTAL SERVICES TO EXTEND THE AGREEMENT THROUGH JANUARY 3, 2020 IN AN AMOUNT NOT TO EXCEED \$75,000

Recommendation: Motion to Approve Amendment No. 1 to the Agreement with Unifirst Corporation in an amount not-to-exceed \$75,000 for Uniform and Flat Supplies Rental Services.

Sponsors: Purchasing Department

Attachments: [Agenda Cover Report](#)
[Attachment 1: Legal Review Checklist Uniform and Flat Suppliers Rental Services](#)
[Attachment 2: Amendment No. 1 2016-026](#)

approved

6.L. PROCLAMATIONS:

6.L.1. [19-025](#) NATIONAL SCHOOL CHOICE WEEK

Recommendation: Motion to recognize January 20-26, 2019 as Delray Beach School Choice Week, and call this observance to the attention of all of citizens in Delray Beach.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[School Choice Week Proclamation](#)

approved

6.L.2. [19-055](#) PROCLAMATION RECOGNIZING MARTHA KESSLER PEPPER's 100TH YEAR BIRTHDAY.

Sponsors: City Clerk Department
Attachments: [Agenda Cover Report](#)
[Martha Pepper 100 Year Birthday Proclamation](#)

approved

6.L.3. [19-076](#) MARTIN LUTHER KING, JR. DAY PROCLAMATION

Sponsors: City Clerk Department
Attachments: [Agenda Cover Report](#)
[MARTIN LUTHER KING JR. DAY 2019](#)

approved

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

approved

6.M.1. [19-022](#) REPORT OF APPEALABLE LAND USE ITEMS FROM NOVEMBER 12, 2018 THROUGH JANUARY 4, 2019.

Recommendation: By motion, receive and file this report.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Appealable Items Map](#)
[A - Bluemercury - 445 E. Atlantic Ave](#)
[B - JRD Building - 217 NE 4th Ave](#)
[C - Chillis Rest. - 14530 S. Military Trail](#)
[D - 1125 Wallace Dr.](#)
[E - T&G 5th Avenue - 416 SE 5th Street](#)
[F - South Delray Shopping Center - 3001 S. Federal Hwy](#)
[G - 531 N. Swinton Ave](#)
[H - 101 NE 5th Street](#)
[I - 230 George Bush](#)
[J - 50 SE 4th Avenue](#)
[K - Drug Abuse Foundation](#)
[L - Coastal Business Park](#)

approved

6.N. AWARD OF BIDS AND CONTRACTS:

6.N.1. [18-860](#) APPROVAL OF RESOLUTION NOS. 01-19 THROUGH 14-19 AND 16-19 TO AWARD AGREEMENTS WITH FIFTEEN CONTRACTORS FOR INFORMATION TECHNOLOGY SERVICES

Recommendation: Motion to approve Resolution Nos. 01-19 through 14-19 and 16-19 to award agreements with Centric Consulting, LLC; Rose International, Inc.; Insi Cloud Inc; Intranet Communications Group, Inc.; CanDoTech Consulting Incorporation; DevCare Solutions, Ltd., LLC; Neumeric Technologies Corporation; Aptuity Solutions Inc.; 4 Best Business Corp.; Novalink Solutions, LLC; InterDev, LLC; Green Globe Technologies, Inc.; Computer Consultants International, Inc.; Bleu Stream Corp.; and AIP US, LLC for information technology services.

Sponsors: IT Department

Attachments: [Agenda Cover Report](#)

[2018-056 Agreement with Aptuity Solutions Inc.](#)
[2018-056 Agreement with Bleu Stream Corp.](#)
[2018-056 Agreement with CanDoTech Consulting Incorporation](#)
[2018-056 Agreement with Centric Consulting, LLC](#)
[2018-056 Agreement with Computer Consultants International, Inc.](#)
[2018-056 Agreement with DevCare Solutions, Ltd., LLC](#)
[2018-056 Agreement with Green Globe Technologies, Inc.](#)
[2018-056 Agreement with Insi Cloud Inc](#)
[2018-056 Agreement with InterDev, LLC](#)
[2018-056 Agreement with Intranet Communications Group, Inc.](#)
[2018-056 Agreement with Neumeric Technologies Corporation](#)
[2018-056 Agreement with Novalink Solutions, LLC](#)
[2018-056 Agreement with Rose International, Inc.](#)
[2018-056 Agreement with 4 Best Business Corp.](#)
[2018-056 Agreement with AIP US, LLC](#)
[Resolution No. 07-19 with CCI](#)
[Resolution No. 08-19 with DevCare](#)
[Resolution No. 09-19 with Green Globe](#)
[Resolution No. 10-19 with Insi Cloud](#)
[Resolution No. 11-19 with InterDev](#)
[Resolution No. 12-19 with ICG](#)
[Resolution No. 13-19 with Neumeric](#)
[Resolution No. 14-19 with Novalink](#)
[Resolution No. 16-19 with Rose](#)
[Resolution No. 01-19 with 4BB](#)
[Resolution No. 02-19 with AIP](#)
[Resolution No. 03-19 with Aptuity Solutions](#)
[Resolution No. 04-19 with Bleu Stream](#)
[Resolution No. 05-19 with CanDoTech](#)
[Resolution No. 06-19 with Centric](#)
[Legal Review Checklist form v. 5 Master Agreements for Pool of Contractors for IT services](#)
[2018-056 Pool of Contractors for IT Services \(rev 4\)](#)
[23 Proposals](#)
[2018-056 List of Contractors by Category](#)

approved

6.N.2. [19-014](#) APPROVAL OF RESOLUTION NO. 15-19 TO AWARD AN AGREEMENT WITH LIFE EXTENSION CLINICS, INC. D/B/A LIFE SCAN WELLNESS CENTERS FOR HEALTH SCREENING PHYSICALS UTILIZING CITY OF JACKSONVILLE SOLICITATION NO. P-05-18

Recommendation: Motion to approve Resolution No. 15-19 to award an agreement with Life Extension Clinics, Inc. d/b/a Life Scan Wellness Centers for health screening physicals utilizing City of Jacksonville Solicitation No. P-05-18.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)

[P2019-001 Agreement - Piggy Back Life Extension Clinics, vendor executed](#)
[Resolution No. 15-19](#)

[Legal Review Checklist Life Extension Clinics for health screening physicals](#)

[RFP P-05-18 Document](#)

[P-05-18 Addendum No. 1](#)

[P-05-18 Addendum No. 2](#)

[P-05-18 Life Scan Response](#)

[P-05-18 Evaluations and Contract](#)

approved

6.N.3. [19-003](#) APPROVAL OF RESOLUTION NO. 20-19 TO AWARD A CITY STANDARD AGREEMENT WITH ESO SOLUTIONS, INC. FOR ELECTRONIC PATIENT CARE REPORTING SOFTWARE SERVICES

Recommendation: Motion to approve Resolution No. 20-19 to award a city standard agreement with ESO Solutions, Inc. for electronic patient care reporting software services.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)

[CS2019-001 SafeyPAD Agreement, vendor executed](#)
[Resolution No. 20-19](#)

[Legal Review Checklist form v. 5 safety pad](#)

[City Standard Approval - SafetyPAD](#)

approved

6.N.4. [18-882](#) RESOLUTION 26-19 APPROVING PURCHASE OF LASER SCANNER FOR SCENE MAPPING FROM FARO TECHNOLOGIES, INC. UTILIZING GSA CONTRACT #GS-07F-197GA

Recommendation: Motion to approve Resolution # 26-19 approving purchase of laser scanner

for scene mapping from Faro Technologies, Inc. utilizing GSA contract #GS07F197GA in the amount not-to-exceed \$98,000

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)

[Res 26-19](#)

[Legal Review Form_updated_Faro](#)

[GSA Contract GS-07F-197GA with FARO Technologies Inc](#)

[Faro Quote DELRAY BEACH PD - 20234939 - GSA - S150 - 1.3.19](#)

[Riegl quote](#)

[Leica quote](#)

[Dell Quote US PC SC 3000032257641.1 2019-01-03](#)

approved

6.N.5. [19-026](#) RESOLUTION 29-19 APPROVING PURCHASE OF REPLACEMENT TACTICAL RESPONSE VEHICLE FROM LENCO INDUSTRIES, INC. UTILIZING GSA CONTRACT #GS-07F-169DA

Recommendation: Motion to approve Resolution # 29-19 approving purchase of replacement tactical response vehicle from Lenco Industries, Inc. utilizing GSA contract #GS -07F -169DA in the amount not-to-exceed \$320,000.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)

[GSA Contract GS-07F-169DA with Lenco Industries Inc](#)

[Resolution 29-19 Approval to utilize GSA Contract GS-07F-169DA_lw review](#)

[Legal Review Form_Lenco](#)

[Lenco BearCat Quote](#)

approved

7. REGULAR AGENDA:

7.A. [18-881](#) APPEAL OF THE HISTORIC PRESERVATION BOARD (HPB) APPROVAL OF A CERTIFICATE OF APPROPRIATENESS (COA) FOR A WALL SIGN AND PROJECTING SIGN LOCATED AT 8 E. ATLANTIC AVENUE ("TIN ROOF") IN THE OLD SCHOOL SQUARE HISTORIC DISTRICT. (QUASI-JUDICIAL HEARING)

Recommendation: Approve the Certificate of Appropriateness (COA) for signs associated with the installation of a wall sign and projecting sign located at 8 E. Atlantic Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[8 E. Atlantic Ave - Tin Roof Final Report and Attachments](#)

[approved elevations after board conditons](#)

[Tin Roof Board Order \(003\)](#)

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

Mayor Petrolia asked those who wished to speak on Items 7.A. or 9/B. to stand and be sworn in.

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

The City Clerk swore in those individuals who wished to speak.

Tim Stillings, Development Services Director, entered the project file #2019-010 into the record.

Mark Gregory, 18 Salina Avenue, Delray Beach, stated he was present for any technical questions and he supports staff's approval.

Tim Stillings, Development Services Director, explained that this is the appeal of the Historic Preservation Board approval of the Certificate of Appropriateness (COA) for a wall sign and projecting sign located at 8 E. Atlantic Avenue (known as Tin Roof). At its meeting of December 11, 2018 the Historic Preservation Board (HPB) voted to approve with a 4-2 vote subject to four conditions. Staff recommends approval with or without the conditions.

Mayor Petrolia open the floor to anyone from the public who wished to speak in favor or in opposition of the appeal.

Christina Morrison, 2809 Florida Boulevard, Delray Beach, commented about the new music venue from Nashville, Tennessee and she urged the City Commission to support it.

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

There was no cross-examination or rebuttal.

A brief discussion by the City Commission followed.

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

Vice Mayor Frankel made a motion to approve the Board Order with the four (4) conditions listed in the presentation and cited by the Development Services Director. It was seconded by Commissioner Boylston. A roll call vote was taken and the motion carried a vote of 4-1, with Deputy Vice Mayor Johnson dissenting.

approved with conditions

7.B. [19-016](#) A WAIVER REQUEST TO LDR SECTION 4.1.4(B) and (D) USE OF LOTS OR RECORD TO PERMIT 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 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 - Board Order \(Waiver Request\)](#)

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

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

This item has been removed from the agenda.

7.C. [19-018](#) ALWAYS DELRAY COMPREHENSIVE PLAN UPDATE:
PRESENTATION OF THE CAPITAL IMPROVEMENT ELEMENT

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

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Capital Improvements GOPs and tables](#)

Tim Stillings, Director of Development Services, gave a brief presentation on Item 7.B. and 7.C. and stated these items are for discussion only and staff will come back to the City Commission for a formal vote at a later time.

7.D. [19-019](#) ALWAYS DELRAY COMPREHENSIVE PLAN UPDATE:
PRESENTATION OF THE PUBLIC FACILITIES ELEMENT

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

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[PublicFacilities GOP 120518 AG](#)

[PublicFacilities DIA 121718](#)

[MAP_PFS-1_Public_Facilities](#)

7.E. [19-002](#) NOMINATION FOR APPOINTMENT TO THE CODE ENFORCEMENT BOARD

Recommendation: Motion to approve nomination for appointment of one (1) alternate member to serve on the Code Enforcement Board for 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](#)

Commissioner Bathurst made a motion to nominate Richard Sachs 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.
approved

7.F. [19-034](#) RESOLUTION NO. 30-19 AWARD OF A FIVE-YEAR AGREEMENT WITH OCEANSIDE BEACH SERVICES, INC. FOR BEACH EQUIPMENT RENTAL CONCESSIONS IN A CONTRACT AMOUNT NOT-TO-EXCEED AMOUNT OF \$2,055,000 (REVENUE).

Recommendation: Motion to award a five (5) year revenue Agreement with Oceanside Beach Services, Inc. for Beach Equipment Rental Concessions in the amount of \$2,055,000 (revenue).

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)

[ATTACHMENT 1: RFP 2018-046 Final](#)

[ATTACHMENT 2: Oceanside Beach Service Proposal](#)

[ATTACHMENT 3: RFP 2018-046 Tab Sheet](#)

[ATTACHMENT 4: RFP2018-046 - Scoring Summary](#)

[ATTACHMENT 5: Legal Review Checklist Beach Equipment Rental Concessions - Oceanside Beach Services](#)

[ATTACHMENT 6: reso 30-19](#)

[ATTACHMENT 7: RFP 2018-046 Agreement](#)

[ATTACHMENT 8: Oceanside Beach Service equipment](#)

The City Attorney read the title of Resolution No. 30-19 into the record.

Suzanne Fisher, Parks and Recreation Director, gave a brief presentation regarding the award of a five-year agreement with Oceanside Beach Services, Inc. for beach equipment rental concessions.

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

Commissioner Bathurst made a motion to approve Resolution No. 30-19. 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

7.G. 19-032

APPROVE THE FIRST AMENDMENT TO THE FISCAL YEAR 2018/19 INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY FOR FUNDING TRANSPORTATION SERVICES FOR FEBRUARY 1, 2019 THROUGH APRIL 30, 2019

Recommendation: Motion to approve the First Amendment to the Interlocal Agreement (ILA) between the City of Delray Beach (City) and the Delray Beach Community Redevelopment Agency (CRA) for Funding of Transportation Services for operations of the Downtown Roundabout for three months with the right to extend for an additional three months in the amount of \$120,000 beginning on February 1, 2019.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[ILA 1st Transportation Feb - April 2019](#)

[Legal Review Checklist form v. 5 Amend No 1 to ILA for Transportation Services Funding with CRA](#)

Missie Barletto, Assistant Director of Public Works, gave a brief presentation on the first amendment to the Interlocal Agreement between the City of Delray Beach and the Delray Beach Community Redevelopment Agency for funding transportation services.

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

Commissioner Boylston made a motion to approve the first amendment to the Interlocal Agreement between the City of Delray Beach and the Delray Beach Community Redevelopment Agency for funding transportation services for February 1, 2019 through April 30, 2019. It was seconded by Commissioner Bathurst. A roll call vote was taken and the motion carried a

vote of 4-1, with Vice Mayor Frankel dissenting.
approved

7.H. [19-042](#) PRE-REGISTRATION TO FLORIDA POWER AND LIGHT'S SOLAR TOGETHER PROGRAM

Recommendation: Motion to approve the City's request to pre-register for 100% allotted subscription to Florida Power and Light's new Solar Together Program

Attachments: [Agenda Cover Report](#)

[Memo on Solar Together Program](#)

[Powerpoint- SolarTogether](#)

[FPL SolarTogether Pre Registration Agreement](#)

India Adams, Assistant City Manager, gave a brief presentation on the Pre-Registration to Florida Power and Light's Solar Together Program.

A brief discussion between Ms. Adams and the City Commission followed.

Sophia Eccleston, Affairs Manager for Florida, Power & Light (FPL) introduced Jennifer Schaffer.

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

Vice Mayor Frankel made a motion to approve Item 7.A.A. (formerly Item 7.H.) approving the City's request to pre-register for 100% allotted subscription to Florida Power and Light's new Solar Together Program and allow the City Manager to effectuate the City Commission's authorization in the event any other things have to be done besides the pre-registration. It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. The motion carried 5-0.

approved

7.I. [19-061](#) CONSIDERATION OF INCREASE IN BASE SALARY, ONE-TIME BONUS, AND/OR BENEFIT INCREASE PURSUANT TO EMPLOYMENT AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND MARK R. LAUZIER, CITY MANAGER

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

The City Attorney gave a few brief comments.

A brief discussion by the City Commission ensued.

Commissioner Boylston moved to approve a 4.0% increase to the City Manager's base salary and that it be retroactive to his one year anniversary date of November 6, 2018. It was seconded by Commissioner Bathurst. A

roll call vote was taken and the motion carried a vote of 3-2, with Mayor Petrolia and Deputy Vice Mayor Johnson dissenting.

It was the consensus of the City Commission that at the Annual Organizational Meeting they discuss the discrepancy between the language in the City's Rules of Procedure and the language in the City Manager's contract.

For the record, the City Attorney noted that the written summary/number sheet provided by the City Attorney is satisfactory to both the City Commission and the City Manager.
approved

7.J. 19-023 RESOLUTION NO. 18-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ESTABLISHING THE PARKING TECHNICAL ADVISORY COMMITTEE TO PROVIDE RECOMMENDATIONS TO THE CITY MANAGER CONCERNING PARKING REGULATIONS; DISSOLVING THE PARKING MANAGEMENT ADVISORY BOARD; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommendation: Motion to approve Resolution No. 18-19.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Resolution 18-19 Establish PTAC](#)

The City Attorney read the title of Resolution No. 18-19.

Tim Stillings, Development Services Director, explained that this resolution dissolves the Parking Management Advisory Board (PMAB) and replaces it with the Parking Technical Advisory Committee (PTAC). He stated Ordinance No. 07-19 removes the reference to the Parking Management Advisory Board (PMAB) from that section of the city code.

The City Manager explained that he had a discussion with the Downtown Development Authority (DDA) about this proposal and also asked Public Works (who manages the board) to inform the board members that the city was considering this. The City Manager stated the Parking Technical Advisory Committee (PTAC) members would be like the technical committee in Planning and Zoning and the meetings are posted and city could receive input through that process. In addition, the City Manager suggested adding a resident component on the makeup of the resolution. The City Manager stated staff recommends to move forward with this.

Mayor Petrolia suggested maybe keeping the Parking Management Advisory Board (PMAB), but that it be restricted with more technical people

and residents (i.e. citizens-at-large) on it as well.

A brief discussion by the City Commission ensued.

It was the consensus of the City Commission to add two residents in addition to the already existing five members and that the City Commission would rotate selection to the Parking Technical Advisory Committee (PTAC).

Vice Mayor Frankel stepped away from the dais briefly.

Laura Simon, Executive Director of the Downtown Development Authority (DDA), gave a few brief comments.

India Adams, Assistant City Manager, stated during staff's analysis, it was brought to her attention that traditionally no representation from the northwest/southwest neighborhood and the west as it relates to parking and that most of the DDA composition is already representative of the downtown and Pineapple Grove. Ms. Adams stated if the City Commission is considering a location, there could be some consideration about parking west of I-95 as well as The Set because future parking meters may need to go into those areas.

Commissioner Boylston made a motion to approve moving forward with the Parking Technical Advisory Committee (PTAC) and direct the City Manager to continue to get input from the City Commission, and add a resident component to include two citizen-at-large residents that the City Commission will select on a rotation basis.

The City Attorney gave a few brief comments.

Commissioner Boylston amended the motion and directed the City Attorney's office to amend the resolution as stated by members this evening on the dais. It was seconded by Vice Mayor Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

8. PUBLIC HEARINGS:

8.A. 19-013

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. (SECOND 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](#)
[Ordinance 31-18 Final 01.02.19](#)
[PZB Staff Report_Ord No 31-18](#)
[09-14-18 Submitted Request](#)
[Renderings of Proposed Garage](#)

The City Attorney read the title of Ordinance No. 31-18 into the record.

Vice Mayor Frankel moved to approve Ordinance No. 31-18 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. FIRST READINGS:

9.A. [19-024](#) ORDINANCE NO. 07-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH BY AMENDING ARTICLE 2.4, “GENERAL PROCEDURES”, SECTION 2.4.5, “PROCEDURES FOR OBTAINING DEVELOPMENT APPROVALS”,

PARAGRAPH (O), "IN-LIEU OF PARKING AND PUBLIC PARKING FEE REQUEST", BY REMOVING THE PARKING MANAGEMENT ADVISORY BOARD; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (FIRST READING)

Recommendation: Motion to approve Ordinance No. 07-19 on first reading.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ord 07-19 replace PMAB w PTAC 12.26.18](#)

The City Attorney read the title of Ordinance No. 07-19.

Tim Stillings, Development Services Director, stated this item is tied to Resolution No. 18-19 and noted any requests would still go to the Downtown Development Authority (DDA), the Pineapple Grove Main Street, and other boards.

Commissioner Boylston made a motion to approve Ordinance No. 07-19 on First 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

9.B. [19-036](#)

ORDINANCE NO. 05-19: ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL SCALE FUTURE LAND USE MAP AMENDMENT RE-DESIGNATING A PARCEL OF LAND APPROXIMATELY 0.433± ACRE IN SIZE FROM COMMUNITY FACILITIES (CF) TO COMMERCIAL CORE (CC), PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, FOR THE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF EAST ATLANTIC AVENUE AND SE 3RD AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Recommendation: Motion to approve on First Reading, Ordinance No. 05-19, a small-scale Future Land Use Map amendment from Community Facilities (CF) to Commercial Core (CC) for the property which measures approximately 0.433 acres, and is located at the southwest corner of East Atlantic Avenue and SE 3rd Avenue, by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 3.1.1, Required Findings.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)[Ordinance 05-19](#)[Current FLUM Map](#)[Proposed FLUM Map](#)[PZB Staff Report 121718](#)[Public Notice Provided with PZB action](#)

Tim Stillings, Development Services Director, stated Item 9.B. and 9.C. are regarding the same parcel and the applicant has a combined presentation for these items.

The City Attorney read the title of Ordinance No. 05-19 and Ordinance No. 06-19 into the record.

Tim Stillings, Development Services Director, entered project file #2019-004 and #2019-005 into the record.

Bonnie Miskel, Attorney representing the land owner, presented the Comprehensive Plan Amendment and the rezoning request.

Tim Stillings, Development Services Director, explained that this is the Privately-initiated Future Land Use Map Amendment (FLUM) and Rezoning for Ordinance No.05-19 and 06-19. He further explained that the Future Land Use Map Amendment (FLUM) and Rezoning was considered by the Planning and Zoning Board at its December 17, 2018 meeting and recommended approval 5-0 for both requests.

The City Attorney stated that Item 9.C. (Rezoning from CF (Community Facilities) to CBD (Central Business District) is Quasi-Judicial and there will be public comment.

Mayor Petrolia asked those wishing to speak on Item 9.C., Ordinance No. 06-19 Rezoning, to come forward at this time. There being no one from the public who wished to speak on Ordinance No. 06-19, public comment was closed.

A brief discussion by the City Commission and Ms. Miskel followed.

Mr. Stillings gave a few comments.

Vice Mayor Frankel made a motion to approve Ordinance No. 05-19 on First Reading. 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. 06-19 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

9.C. 19-037

ORDINANCE NO. 06-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND RE-DESIGNATING LAND PRESENTLY ZONED COMMUNITY FACILITIES (CF) DISTRICT TO CENTRAL BUSINESS (CBD) DISTRICT, WITHIN THE CENTRAL CORE SUB-DISTRICT; SAID LAND IS LOCATED AT THE SOUTHWEST CORNER OF EAST ATLANTIC AVENUE AND SE 3RD AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING "CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017" AND FURTHER AMENDING THE CENTRAL CORE SUB-DISTRICT AND REGULATING MAPS IN SECTION 4.4.13, LAND DEVELOPMENT REGULATIONS ACCORDINGLY; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Recommendation: Motion to approve on First Reading, Ordinance No. 06-19, rezoning from Community Facilities (CF) to Central Business (CBD) District a 0.433± acre parcel of land located at the southwest corner of East Atlantic Avenue and SE 3rd 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 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](#)
[Ordinance No. 06-19](#)
[Current Zoning Map](#)
[Proposed Zoning Map](#)
[PZB Staff Report](#)
[Public Notice Provided with PZB action](#)

This item was combined with Item 9.B.

approved

9.D. 18-826

ORDINANCE 10-19 PROHIBITION OF SINGLE-USE PLASTIC STRAWS

Recommendation: Motion to approve Ordinance 10-19 placing prohibitions on the distribution

of plastic straws.

Attachments: [Agenda Cover Report](#)
[Ordinance 10-19 Plastic Straws](#)
[Skip the Straw Memo \(9/11 Workshop\)](#)
[Letter of Support- Chamber of Commerce \(Skip the Straw\)](#)
[Powerpoint -Skip the Straw Campaign](#)

The City Attorney read the title of Ordinance No. 10-19 into the record.

India Adams, Assistant City Manager, thanked the Green Implementation Advisory Board (GIAB) for their efforts and the Delray Chamber of Commerce for their Letter of Support. Ms. Adams gave a brief presentation regarding the proposed ordinance and the environmental impacts of plastic straws. In addition, Ms. Adams reviewed the fiscal impacts, recommendations with respect to educating people, and the enforcement challenges of the ordinance.

A brief discussion by the City Commission followed.

Vice Mayor Frankel suggested an amendment that for the future prohibition phase to educate the residents and businesses be completed within 12 months which would make the effective date January 1, 2020.

It was the consensus of the City Commission to support Vice Mayor Frankel's recommendation.

The City Attorney stated staff will be bring back the Code Enforcement ordinance to the City Commission in order to make changes.

Vice Mayor Frankel made a motion to approve Ordinance No. 10-19 placing prohibitions on the distribution of plastic straws with the amendment of an effective date of January 1, 2020. It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. The motion carried 5-0.
approved as amended

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

10.A.1. [19-075](#) Selection Process for Police Chief

Sponsors: City Manager Department

The City Manager reported that there are two very qualified individuals who are interested in being the Police Chief for the City of Delray

Beach. The City Manager stated he expects to conclude the process and decision by the end of February. The City Manager gave out his contact number as (561)243-7015; select option #1 to set up an appointment with him or leave him a voicemail message. Also, people can send him an email at: lauzier@mydelraybeach.com, however, to keep in mind that the emails are subject to Public Records disclosure.

The City Manager also announced the City's new website will be launched tomorrow. He stated that he sent the City Commission an email regarding the security of the City's copiers.

The City Manager thanked Finance Director Ms. Kimberly Ferrell for her service to the City of Delray Beach. Finally, the City Manager stated he received a request from the Palm Beach County Sports Committee to host the Fed Cup Semi-Final round USA vs. Belarus if the USA and Belarus gets through the quarter finals.

Vice Mayor Frankel made a motion to approve for City of Delray Beach to host the Fed Cup Semi-Final round if the USA gets through the quarter finals. It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. The motion carried 5-0.

The City Manager stated staff will need the Commission's computers because there is a new granicus security protocol.

10.A.2. [19-074](#) Shadow Day Winter 2018

Sponsors: City Manager Department

Attachments: [Shadow Day Winter 2018-](#)

The City Manager stated Shadow Day was great and he thanked Mayor Petrolia for attending.

10.B. City Attorney

The City Attorney stated she sent a memo to the City Commission over the weekend about the dockless electric scooters. The City Attorney stated there is a pending ordinance doctrine where the City can invoke that and staff can bring a resolution forward to the next meeting if that is what the City Commission feels appropriate.

A brief discussion by the City Commission ensued.

It was the consensus of the City Commission to ban all dockless mobility devices and invoke the pending ordinance doctrine.

Vice Mayor Frankel moved to approve the ban of all dockless mobility devices and invoke the pending ordinance doctrine. It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. The motion carried 5-0.

10.C. City Commission

Commissioner Boylston stated he attended the "Walk Against Violence" this weekend and everyone did a fantastic job. Secondly, Commissioner Boylston stated he attended the Police Awards Ceremony this morning. Commissioner Boylston stated he has been in contact with Sophia Eccleston with Florida Power & Light (FPL) with regard to the lights on the beach and she informed him that the reason for no longer providing the amber lights is because all their studies came back and said the red lights are better. Commissioner Boylston stated the standalone bars that do not serve food throughout the city are not allowed to have outdoor areas and he suggested that staff re-evaluate this and look into changing.

Deputy Vice Mayor Johnson commended Shekirah Fashaw for her accomplishments. Secondly, Deputy Vice Mayor Johnson thanked Dr. Anna Puszkin for the fabulous job she is doing with respect to sustainability. Deputy Vice Mayor Johnson invited everyone to attend the Florida Highwaymen Renaissance coming to Delray Beach and encouraged people to buy their art.

Vice Mayor Frankel stated over the City Commission break he was having lunch at City Oyster and he counted eight semi trucks traveling down Atlantic Avenue. He stated the trucks are destroying the trees downtown and suggested that there be larger "No Trucks" signs posted and the fine be increased.

Commissioner Bathurst commented about the Swinton Avenue project and stated he had two meetings over the weekend and he expressed concern over the attendance. Commissioner Bathurst stated he will be requesting a master plan/design guidelines for Swinton Avenue.

Mayor Petrolia stated the March 5, 2019 Regular City Commission Meeting will conflict with Palm Beach County days and will need to be changed. Secondly, Mayor Petrolia stated the Workshop Meeting next week will begin at 3:30 p.m. and noted that the signs on Swinton Avenue say that the meeting will begin at 4:00 p.m. Therefore, Mayor Petrolia suggested to start the tree ordinance discussion first on the

agenda then go into the Swinton Avenue discussion.

The City Manager stated the timing will probably work because the first item on the agenda is the CIP, second is the tree ordinance, and then Swinton Avenue.

Mayor Petrolia announced the following: (1) a local resident Ruth Cohen turned 105 years old, (2) the Martin Luther King Breakfast is next week, and (3) there is a Martin Luther King, Jr. Day proclamation on the agenda recognizing this holiday. Mayor Petrolia commented about bicycle safety on A1A because people are getting caught behind the pack riders and suggested that the Police Department set up enforcement because they are supposed to be in a single line. Lastly, Mayor Petrolia wished everyone a Happy New Year.

There being no further business to discuss, Mayor Petrolia adjourned the meeting at 8:52 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.