

# City of Delray Beach

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



## Regular Commission Meeting

Regular Meeting at 6:00 PM

Tuesday, April 18, 2017

Public Hearings 7:00 p.m.

Commission Chambers

Delray Beach City Hall

### City Commission

*Mayor Cary Glickstein*

*Vice Mayor Jim Chard*

*Deputy Vice Mayor Shirley Ervin Johnson*

*Commissioner Shelly Petrolia*

*Commissioner Mitchell Katz*

## **RULES FOR PUBLIC PARTICIPATION**

**PUBLIC COMMENT:** City Commission meetings are business meetings and the right to limit discussion rests with the Commission. **Generally, remarks by an individual will be limited to three minutes or less.** The Mayor, presiding officer or a consensus of the City Commission has discretion to adjust the amount of time allocated.

### **Public comment shall be allowed as follows:**

- A.** Comments and Inquiries on Non-Agenda and Agenda Items (excluding public hearing or quasi-judicial hearing items) from the Public: Any citizen is entitled to be heard concerning any matter within the scope of jurisdiction of the Commission under this section. The Commission may withhold comment or direct the City Manager to take action on requests or comments.
- B.** Public Hearings/Quasi-Judicial Hearings: Any citizen is entitled to speak on items under these sections at the time these items are heard by the Commission.
- C.** All persons desiring to do a presentation on agenda or non-agenda items that are on a portable flash drive device or a CD/DVD, must provide their media to the City Clerk no later than 12:00 p.m. one day prior to the meeting where they wish to present.

**SIGN IN SHEET:** Prior to the start of the Commission Meeting, individuals wishing to address the Commission should sign in on the sheet located on the right side of the dais. If you are not able to do so prior to the start of the meeting, you may still address the Commission. The primary purpose of the sign-in sheet is to assist staff with record keeping. Therefore, when you come up to the to speak, please complete the sign-in sheet if you have not already done so.

**ADDRESSING THE COMMISSION:** At the appropriate time, please step up to the lectern and state your name and address for the record. All comments must be addressed to the Commission as a body and not to individuals. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the Commission shall be barred by the presiding officer from speaking further, unless permission to continue or again address the Commission is granted by a majority vote of the Commission members present.

## **APPELLATE PROCEDURES**

Please be advised that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is based. The City neither provides nor prepares such record.

**1. ROLL CALL****2. PLEDGE OF ALLEGIANCE TO THE FLAG****3. AGENDA APPROVAL****4. PRESENTATIONS:****4.A. SPOTLIGHT ON EDUCATION - BANYAN CREEK ELEMENTARY**

**Sponsors:** Community Improvement and Quinlan

**4.B. American Heritage Delray Wrestling - Special Recognition**

**Sponsors:** City Clerk Department

**4.C. EDUCATION INITIATIVES PRESENTATION - SUZANNE SPENCER****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

5.B. From the Public

**6. CONSENT AGENDA: City Manager Recommends Approval****6.A. APPROVAL OF MINUTES**

**Recommendation:** Motion to Approve City Commission Meeting Minutes.

**Sponsors:** City Clerk Department

**Attachments:** [09-08-16 Regular Meeting Minutes](#)  
[09-20-16 Regular Meeting Minutes](#)  
[11-01-16 Regular Meeting Minutes](#)  
[11-15-16 Regular Meeting Minutes](#)  
[12-06-16 Regular Meeting Minutes](#)  
[12-13-16 Regular Meeting Minutes](#)  
[01-24-17 Regular Meeting Minutes](#)  
[03-30-17 Organizational / Regular Meeting Minutes](#)

**6.B. PRIOR APPROVAL OF FISCAL YEAR 2017 SPENDING LIMIT GREATER THAN \$25,000 WITH SCHUMACHER AUTOMOTIVE DELRAY, LLC.**

**Recommendation:** Motion to Approve multiple acquisitions of less than \$25,000 each to Schumacher Automotive Delray, LLC for vehicle services in a total not-to-exceed amount of \$75,000 for Fiscal Year 2017.

**Sponsors:** Environmental Services Department

- 6.C.** SERVICE AUTHORIZATION NO. 12-28 TO KIMLEY-HORN AND ASSOCIATES, INC. IN THE AMOUNT OF \$89,250.13 FOR ADDITIONAL ENGINEERING SERVICES RELATED TO THE ENGINEERING DESIGN FOR A COMPLETE SET OF PEDESTRIAN BRIDGE CONSTRUCTION PLANS FOR THE PROPOSED LOWSON BOULEVARD PEDESTRIAN BRIDGE PROJECT (PROJECT NO. 17-004)

**Recommendation:** Motion to Approve Service Authorization No. 12-28 with Kimley-Horn and Associates in the amount of \$89,250.13 for engineering design services related to the production of a complete set of pedestrian bridge construction plans for the proposed Lowson Boulevard Pedestrian Bridge project (Project No. 17-004).

**Sponsors:** Environmental Services Department

**Attachments:** [Service Authorization No. 28 with KHA](#)

- 6.D.** APPROVAL OF AMENDMENT NO. 2 TO THE TRANSPORTATION SERVICES TO OPERATE TROLLEY ROUTES AGREEMENT WITH UNIQUE TRANSPORTATION & TOURS LLC

**Recommendation:** Motion to Approve Amendment No. 2 to renew the Transportation Services To Operate Trolley Routes Agreement with Unique Transportation & Tours LLC through June 10, 2018 in an annual amount not-to-exceed \$400,000.

**Sponsors:** Environmental Services Department

**Attachments:** [2013-22 Amendment No. 2](#)

[2013-22 Amendment No. 1](#)

[2013-22 Unique Transportation](#)

- 6.E.** REJECT ALL RESPONSES FOR HVAC REPAIRS AND PREVENTIVE MAINTENANCE SERVICES

**Recommendation:** Motion to Reject all responses received for HVAC Repairs and Preventive Maintenance Services.

**Sponsors:** Purchasing Department

**Attachments:** [2017-028 RFP HVAC Repair and PM Services Complete](#)

[APPENDIX A - Building Locations](#)

[Scoring Summary, RFP 2017-028](#)

[RFP 2017-028 Tabulation Sheet](#)

[Addendum No. 1 - RFP 2017-028](#)

[Addendum No. 2 - RFP 2017-028](#)

- 6.F.** RATIFY AND APPROVE AN EMERGENCY PURCHASE TO SOUTHEAST TRUCK SPECIALISTS, INC. FOR THE REPAIR AND REFINISHING OF RESCUE TRUCK NO. 201668

**Recommendation:** Motion to Ratify and approve an emergency purchase to Southeast Truck Specialists, Inc. in the amount of \$65,000 for the repair and refinishing of Rescue Truck No. 201668.

**Sponsors:** Environmental Services Department

**Attachments:** [Emergency Repairs - Rescue No. 201668](#)  
[PDA Appraisal-V201668](#)  
[SETS-Quote-Repaint 201668 3-28-17](#)

**6.G. HOUSING REHABILITATION GRANT AWARD TO ROI CONSTRUCTION, LLC FOR 217 SW 13th AVENUE DELRAY BEACH, FL 33444 IN THE AMOUNT OF \$21,883.25.**

**Recommendation:** Motion to Approve a housing rehabilitation grant in the amount of \$21,883.25 for a housing rehabilitation for the property located at 217 SW 13th Avenue, Delray Beach, FL and authorize the City Manager to execute the Agreement and all ancillary documents. Motion to Approve this acquisition which is in compliance with the Code of Ordinances Chapter 36, Section 36.03(B) Multiple Acquisitions From Vendor Exceeding Twenty-Five Thousand Dollars (\$25,000.00) in Any Fiscal Year.

**Sponsors:** Community Improvement

**Attachments:** [Q2017-03\\_VSpells](#)  
[Bid Tabulation Sheet](#)  
[Bid Information Sheet](#)  
[Contract](#)  
[Lien Agreement](#)  
[Exhibit A Contractor Bid Proposal](#)  
[Memo of Understanding](#)  
[Notice to Proceed](#)  
[Subordination Agreement](#)  
[Warranty Docs](#)

**6.H. RESOLUTION NO. 32-17: REQUEST TO NAME SW 6TH AVENUE, FROM WEST ATLANTIC AVENUE TO SW 10TH STREET, "SW 6TH AVENUE / JAMES LAMAR SHULER AVENUE".**

**Recommendation:** Motion to Approve Resolution No. 32-17 to name SW 6th Avenue, from West Atlantic Avenue to SW 10th Street, "SW 6th Avenue / James Lamar Shuler Avenue" consistent with the "double" street naming on streets within the City of Delray Beach.

**Sponsors:** Planning & Zoning Department

**Attachments:** [Resolution No. 32-17 - Support Renaming SW 6th Ave to Shuler Avenue](#)  
[SW 6th Ave - Location Map](#)  
[Street Sign Example - Dual Name](#)  
[Shuler CRA resolution - Street Name](#)

**6.I. RESOLUTION NO. 33-17 QUALIFIED TARGET INDUSTRY TAX REFUND LOCAL MATCH - "PROJECT BUTLER"**

**Recommendation:** Approve Resolution No. 33-17 to encourage the relocation of 10 high-wage jobs and the creation of 42 new high-wage jobs by Project Butler, an early stage technology company seeking to relocate their corporate administration (headquarters) of a national customer base and offshore activities to Delray Beach.

**Sponsors:** Economic Development Department

**Attachments:** [041817 Project Butler Resolution 33-17-CAO reviewed 040717](#)  
[17-381 Agenda Memo - Qualified Target Industry Tax Refund Project Butler 041](#)

**6.J. PROCLAMATIONS:****6.J.1. PROCLAMATION - FACC 45TH ANNIVERSARY**

**Sponsors:** City Clerk Department

**Attachments:** [FACC 45th Anniversary 2017](#)

**6.J.2. PROCLAMATION - KIDS TO PARKS DAY**

**Sponsors:** City Clerk Department

**Attachments:** [Kids to Parks Day -May 20th 2017](#)

**6.J.3. PROCLAMATION - ARBOR DAY**

**Sponsors:** Planning & Zoning Department

**Attachments:** [Arbor Day Proclamation 2017](#)

**6.K. REPORT OF APPEALABLE LAND USE ITEMS MARCH 13, 2017 THROUGH MARCH 31, 2017.**

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

**Sponsors:** Planning and Zoning Board

**Attachments:** [Location Map](#)  
[The Grove](#)  
[Delray Medical Center](#)  
[MD Now](#)  
[Avant](#)  
[415 - 419 E. Atlantic Avenue](#)  
[Orchard Supply Hardware Appealable Report](#)  
[Motor Group](#)  
[Kolter Hotel](#)  
[Delray Ford](#)

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

6.L.1. None

**6.M. SETTLEMENT IN THE CASE OF ELSIE STEVENS V. MICHAEL LIBERTA AND CITY OF DELRAY BEACH (ADDENDUM)**

**Recommendation:** Motion to settle the case of Elsie Stevens v. Michael Liberta and City of Delray Beach for the reasons discussed in the confidential memorandum previously distributed to the City Commission.

**7. REGULAR AGENDA:**

**7.A. REQUEST FOR A WAIVER TO LDR SECTION 4.6.9(D)(3)(C)(1) TO THE REQUIRED STACKING DISTANCE TO THE FIRST PARKING SPACE FOR A LOT WITH 50 OR FEWER SPACES FOR MOTOR GROUP LOCATED AT 1107 WALLACE DRIVE (QUASI-JUDICIAL HEARING)**

**Recommendation:** Motion to Approve the waiver request to LDR Section 4.6.9(D)(3)(c)(1) to reduce the required stacking distance to the first parking space for a lot with 50 or fewer spaces from 20' to 11' 1" for the driveway located on SW 10th Avenue, by adopting the findings of fact and law contained in the Planning Staff report, and the finding that the request is consistent with LDR Section 2.4.7(B)(5).

**Sponsors:** Planning and Zoning Board

**Attachments:** [SPRAB - Motor Group Staff Report with Attachments](#)  
[Board Order - 1107 Wallace Drive](#)

**7.B. BEST INTEREST RESOLUTION NO. 30-17 AND WAIVER OF THE CITY CODE OF ORDINANCES, CHAPTER 36, SECTION 36.02(C)(7) AND AWARD OF AN AGREEMENT TO TRANE US INC. FOR REPLACEMENT OF THE HVAC SYSTEM AT OLD SCHOOL SQUARE FIELDHOUSE IN A NOT-TO-EXCEED MAXIMUM AMOUNT OF \$24,240.**

**Recommendation:** Motion to Approve Best Interest Resolution No. 30-17 for waiver of the City Code of Ordinances, Chapter 36, Section 36.02(C)(7) and to award an agreement to Trane U.S., Inc. utilizing the U.S. Communities Governmental Purchasing Alliance Cooperative Contract 15-JLP-023 for the replacement of the HVAC System at the Old School Square (OSS) Fieldhouse in a not-to-exceed maximum amount of \$24,240. This request is to allow and, declaring by a four-fifths affirmative vote, that use of the sealed competitive method or written quotations method by any governmental entity within the State of Florida or the United States government for the purchase is not in the best interest of the City.

**Sponsors:** Environmental Services Department

**Attachments:** [CRA Funding Commitment - OSS HVAC Fieldhouse](#)  
[04-13-17 - Amendment No. 2 to ILA with City - CIP Projects FY 2016-17.doc](#)  
[Amendment #2 ILA Funding Construction Professional Services FY 2016-17\\_tr](#)  
[City of Delray - Old School Square - Carrier Unit repairs DX 25 ton - Updated af](#)  
[Best Interest Resolution 30-17.doc](#)  
[ITB Trane.pdf](#)  
[Trane Addendum 1](#)  
[Trane Addendum 2](#)  
[Trane Addendum 3](#)  
[Trane Agreement Gov Contract](#)  
[Trane Posting](#)  
[US Communities Master Intergovernmental Cooperative Agreement](#)

**7.C. NOMINATION FOR APPOINTMENT TO THE GENERAL EMPLOYEES RETIREMENT FUND COMMITTEE**

**Recommendation:** Motion to Approve a nomination for appointment for one (1) regular member to serve on the General Employees Retirement Fund Committee for an indefinite term.

**Sponsors:** City Clerk Department

**Attachments:** [Exhibit A](#)  
[General Employees Retirement Committee Member List](#)  
[General Employees Retirement Committee Attendance](#)

**7.D. NOMINATION FOR APPOINTMENT TO THE CIVIL SERVICE BOARD**

**Recommendation:** Motion to Approve a nomination for appointment for one (1) regular member to serve on the Civil Service Board.

**Sponsors:** City Clerk Department

**Attachments:** [Civil Service Board Member List](#)  
[Civil Service Board Attendance List](#)

**7.E. NOMINATION FOR APPOINTMENT TO THE SITE PLAN REVIEW AND APPEARANCE BOARD**

**Recommendation:** Motion to Approve a nomination for appointment for one (1) regular member to serve on the Site Plan Review and Appearance Board.

**Sponsors:** City Clerk Department

**Attachments:** [Exhibit A](#)  
[Site Plan Review and Appearance Board Member List](#)  
[Site Plan Review and Appearance Board Attendance List](#)

**8. PUBLIC HEARINGS:**

**8.A. ORDINANCE NO. 06-17: EVALUATION AND APPRAISAL REPORT (EAR) BASED**



AMENDMENTS TO THE COMPREHENSIVE PLAN OF THE CITY OF DELRAY BEACH. (FIRST READING/PUBLIC HEARING)

**Recommendation:** Motion to Approve and transmit Ordinance No. 06-17 to the Department of Economic Opportunity (“DEO”) for its review of the Evaluation and Appraisal Report (EAR) based amendments to the Comprehensive Plan of the City of Delray Beach, pursuant to Florida Statute Section 163.3191.

**Sponsors:** Planning and Zoning Board

**Attachments:** [Ordinance No. 06-17 EAR amendments](#)  
[Planning and Zoning Board Staff Report - EAR amendments](#)  
[Capital Improvement Element edited 011617 REV 2.10.17 w ILA](#)  
[Coastal Management Element edited 011617](#)  
[Conservation Element edited 011617](#)  
[Future Land Use Element edited 011617 REV 2.10.17 w ILA.pdf](#)  
[Intergovernmental Coordination Element edited 011217 REV 2.10.17 w ILA](#)  
[Introduction and Summary edited 011217](#)  
[Open Space & Recreation Element edited 011617](#)  
[Procedures 0116217](#)  
[Public Facilities Element edited 011617](#)  
[Public Schools Facilities Element edited 011617 w ILA](#)  
[Transportation Element edited 011217](#)

- 8.B.** ORDINANCE NO. 07-17: 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 SECTION 4.3.3, “SPECIAL REQUIREMENTS FOR SPECIFIC USES”, BY REPEALING PARAGRAPH (D), “COMMUNITY GARDENS” IN ITS ENTIRETY AND ENACTING A NEW SECTION (D) ENTITLED, “URBAN AGRICULTURE”; AMENDING ARTICLE 4.4 TO REMOVE COMMUNITY GARDENS AND TO ALLOW URBAN AGRICULTURE IN CERTAIN ZONING DISTRICTS; AMENDING APPENDIX A “DEFINITIONS” TO PROVIDE FOR RELATED DEFINITIONS AND PROVIDE SPECIFIC DESIGN AND REVIEW CRITERIA, PARKING REQUIREMENTS, AND TO ADD URBAN AGRICULTURE AS AN ALLOWABLE OUTSIDE USE. (FIRST READING AND PUBLIC HEARING).

**Recommendation:** Motion to Approve Ordinance No. 07-17 on First Reading for the amendments to Land Development Regulations as specified in attached Ordinance No. 07-17, as presented.

**Sponsors:** Planning and Zoning Board

**Attachments:** [Ordinance No. 07-17 Urban Agriculture](#)  
[Map Showing Zoning Districts which allows Urban Agriculture](#)  
[Urban Agriculture PZB Staff Report](#)  
[Community Gardens Policy Final DRAFT 12-2016](#)  
[Comparison of Existing and Proposed Community Garden Program](#)

**9. FIRST READINGS:**

- 9.A.** ORDINANCE NO. 13-17: ESTABLISHING REQUIREMENTS FOR THE CITY OF DELRAY BEACH'S PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM PROVIDING FOR MULTIPLE, NON-EXCLUSIVE PACE PROGRAMS IN ORDER TO ALLOW FOR THIRD-PARTY ADMINISTRATORS, EITHER FOR-PROFIT OR NOT-FOR-PROFIT, TO ADMINISTER THE PACE PROGRAM WITHIN THE CITY (FIRST READING)

**Recommendation:** Motion to approve Ordinance No. 13-17 on first reading.

**Sponsors:** Environmental Services Department

**Attachments:** [Ordinance 13-17 PACE Program](#)  
[PACE Program Memorandum](#)

- 9.B.** ORDINANCE NO. 12-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH; AT ARTICLE 2.4, "GENERAL PROCEDURES", BY AMENDING SECTION 2.4.7, "PROCEDURES FOR OBTAINING RELIEF FROM COMPLIANCE WITH PORTIONS OF THE LAND DEVELOPMENT REGULATIONS", SUBSECTION (E), "APPEALS", TO CLARIFY AND UPDATE THE PROCEDURES FOR SAME, PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (FIRST READING)

**Recommendation:** Motion to Approve Ordinance No. 12-17 on first reading to amend Section 2.4.7(E) of the LDRs to clarify and update the appeals procedures.

**Sponsors:** Planning & Zoning Department

**Attachments:** [Ord 12-17 LDR 2.4.7 appeal revisions FINAL](#)  
[PZB Report--ORD 12-17 Appeals 2.15.17 MES](#)

- 9.C.** ORDINANCE NO. 15-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH; ARTICLE BY AMENDING SECTION 4.6.9, "OFF-STREET PARKING REGULATIONS", SUBSECTION 4.6.9(E) (3), "IN LIEU FEES" TO REVISE THE IN LIEU FEE AREAS TO MATCH THE CORRESPONDING MAP AND TO REMOVE THE FEES TO BE ADOPTED BY RESOLUTION; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (FIRST READING)

**Recommendation:** Motion to Approve Ordinance No. 15-17 on first reading to amend Section 4.6.9(E)(3) to revise the in lieu fee areas description to match the corresponding map and remove the fees to be adopted by resolution.

**Sponsors:** Planning & Zoning Department

**Attachments:**      [Ord 15-17 In Lieu Area Descripton](#)  
[In Lieu Fee Areas-reduced](#)  
[PZB Report--ORD 15-17 In Lieu Parking](#)  
[Res 27-17 Est fee schedule for in lieu fees](#)

**9.D.**    ORDINANCE 18-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 133, "OFFENSES AGAINST PERSONS", BY CREATING A NEW SECTION 133.02, "PROHIBITION OF CONVERSION THERAPY ON MINORS", PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 133 SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (First Reading)

**Recommendation:**    Motion to Approve Ordinance 18-17 on first reading to ban the practice of Conversion Therapy on Minors in the City.

**Sponsors:**            City Attorney Department

**Attachments:**        [Ord 18-17 creating new Sec 133.02 Prohibition of Conversion Therapy on Minor](#)  
[Conversion therapy legal opinion final](#)

## **10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:**

**10.A. City Manager**

**10.B. City Attorney**

**10.C. City Commission**