

City of Delray Beach

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Regular Commission Meeting

Regular Meeting at 6:00 PM

Thursday, July 6, 2017

**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. UPDATE FROM SENATOR JEFF CLEMENS**

Sponsors: City Clerk Department

4.B. PRESENTATION ON PARKING RATES AND INVESTMENT RETURN

Recommendation: Receive information concerning the return on investment for increasing paid parking to on-street parking and surface lots within the City of Delray Beach.

Sponsors: Environmental Services Department

Attachments: [7-6 Final Parking Presentation](#)

[Map 7-6-17 1](#)

[Map 7-6-17 2](#)

[Map 7-6-17 3](#)

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. ACCEPTANCE OF A HOLD HARMLESS AGREEMENT FOR 1040 S. OCEAN BOULEVARD**

Recommendation: Motion to Approve and accept a Hold Harmless Agreement for 1040 S. Ocean Boulevard.

Sponsors: Environmental Services Department

Attachments: [HHA Legal Review Checklist 1040 S. Ocean Blvd](#)

[1040 S. Ocean Blvd. Hold Harmless Agreement](#)

[1040 S. Ocean Blvd. FDOT Utility Permit](#)

[Map Location 1040 S. Ocean Blvd.](#)

[PAPA 1040 S. Ocean](#)

[Sunbiz 1040 S. Ocean](#)

6.B. APPROVAL OF AMENDMENT NO. 1 TO THE PURCHASE AGREEMENT WITH BENNETT FIRE PRODUCTS COMPANY, INC. FOR PURCHASE OF FIREFIGHTER BUNKER GEAR

Recommendation: Motion to Approve Amendment No. 1 to the purchase agreement with Bennett Fire Products Company, Inc. for firefighter bunker gear in the annual not-to-exceed amount of \$200,000.

Sponsors: Fire Rescue Department

Attachments: [Bunker Gear Amendment Legal Review Checklist form v. 3](#)
[Signed Agreement with Bennett Fire Products Company Inc.](#)
[2017-007 Amendment No. 1 Bennett Fire Products-CA rev 6-8-17, SUP EXECL](#)

6.C. AMENDMENT NO. 1 TO WEST ARCHITECTURE & DESIGN, LLC. FOR ARCHITECTURAL CONSULTING SERVICES FOR THE HISTORIC DELRAY BEACH RAILWAY STATION IN AN AMOUNT NOT TO EXCEED \$14,500.00

Recommendation: Motion to Approve Amendment No. 1 to West Architecture & Design, LLC in an amount not to exceed \$14,500 for architectural consulting services for the Historic Delray Beach Railway Station (Project #17-007).

Sponsors: Environmental Services Department

Attachments: [Amendment no. 1 to Agreement for Architectural consulting services for Delray |](#)
[CAO Checklist AMENDMENT #1 TO AGREEMENT FOR ARCHITECTURAL C](#)
[Historic Railway Station Amendment No. 1](#)
[West Architecture Contract Old Train Depot Signed Contract](#)
[West Architecture Contract Old Train Depot Pay1](#)
[West Architecture PO](#)

6.D. PROCLAMATIONS:

6.D.1. Proclamation for Mrs. Eula Mae Johnson

Sponsors: City Clerk Department

Attachments: [Eula Mae Johnson Proclamation](#)

6.E. REPORT OF APPEALABLE LAND USE ITEMS FROM MAY 30, 2017 THROUGH JUNE 9, 2017

Recommendation: By motion, receive and file this report.

Sponsors: Planning and Zoning Board

Attachments: [Location Map](#)
[Sandoway Discovery Center, 142 S Ocean Boulevard](#)
[219 Dixie Boulevard](#)

6.F. AWARD OF BIDS AND CONTRACTS:

6.F.1. PURCHASE AWARD TO SOUTHERN SEWER EQUIPMENT SALES AND SERVICE,

INC. FOR A SCHWARZE FREIGHTLINER STREET SWEEPER IN AN AMOUNT NOT TO EXCEED \$227,246.10.

Recommendation: Motion to Approve a purchase award to Southern Sewer Equipment Sales and Service, Inc. for one Schwarze Freightliner Street Sweeper in an amount not to exceed \$227,246.10, utilizing Florida Sheriffs Association, Florida Association of Counties Contract #FSA16-VEH14.0.

Sponsors: Environmental Services Department

Attachments: [Southern Sewer - Schwarze Freightliner Quote](#)
[Florida Sheriffs Association & Florida Association of Counties Agreement #FSA](#)
[Best Price Letter - Southern Sewer Equipment Sales and Service](#)
[Vehicle Replacement List](#)
[Southern Sewer Agreement CA rev](#)
[Southern Sewer Legal Review Checklist](#)

6.F.2. PURCHASE AWARD TO SBL FREIGHTLINER, LLC DBA LOU BACHRODT FREIGHTLINER FOR PURCHASE OF A VAC CON FREIGHTLINER IN AN AMOUNT NOT TO EXCEED \$409,653

Recommendation: Motion to approve a purchase award to SBL Freightliner, LLC dba Lou Bachrodt Freightliner for one Vac Con Freightliner in an amount not to exceed \$409,653, utilizing Florida Sheriffs Association and the Florida Association of Counties Contract #FSA16-VEH14.0.

Sponsors: Environmental Services Department

Attachments: [Vehicle Replacement List](#)
[Florida Sheriffs Association & Florida Association of Counties Agreement #FSA](#)
[SBL Freightliner LLC dba Lou Bachrodt Freightliner - Vac Con Freightliner Quot](#)
[Best Price Letter - SBL Freightliner, LLC dba Lou Bachrodt Freightliner](#)
[SBL Freightliner Agreement CA review](#)
[SBL Legal Review Checklist](#)

6.F.3. PURCHASE AWARD TO NORTRAX, INC. FOR PURCHASE OF A JOHN DEERE 310L COMBINATION BACKHOE LOADER IN AN AMOUNT NOT TO EXCEED \$80,501 AND A JOHN DEERE 324E SKID STEER LOADER IN AN AMOUNT NOT TO EXCEED \$43,721.25.

Recommendation: Motion to approve a purchase award to Nortrax, Inc. for one John Deere 310L combination backhoe loader in an amount not to exceed \$80,501 and one John Deere 324E Skid Steer Loader in an amount not to exceed \$43,721.25, utilizing the Florida Sheriffs Association, Florida Association of Counties Contract #FSA16-VEH14.0.

Sponsors: Environmental Services Department

Attachments: [Best Price Letter - Nortrax](#)
[Florida Sheriffs Association & Florida Association of Counties Agreement #FSA](#)
[Nortrax - John Deer 310SL Quote](#)
[Nortrax - John Deer 324E Quote](#)
[Vehicle Replacement List](#)
[Nortrax Agreement-CA rev](#)
[Legal Review Checklist form v. 3 nortrax](#)

6.F.4. AWARD OF AN AGREEMENT WITH ALEXIS KNIGHT ARCHITECT, INC. FOR ARCHITECTURAL COMPLIANCE REVIEW SERVICES FOR THE BEACH OVERLAYS IN A NOT-TO-EXCEED AMOUNT OF \$72,000.

Recommendation: Motion to Award a three-year Agreement with Alexis Knight Architect, Inc. for architectural compliance review services for the Beach Overlays in a total not to exceed amount of \$72,000 for the Agreement term.

Sponsors: Planning & Zoning Department and Purchasing Department

Attachments: [2017-054 Complete](#)
[ALEXIS KNIGHT ARCHITECT, INC. RESPONSE](#)
[CAO checklist for Architectural Compliance review services Alexis Knight](#)
[2017-054 Addendum No. 1](#)
[2017-054 Agreement CAO review CONSULTANT EXECUTED](#)

6.F.5. APPROVAL OF PURCHASE AGREEMENTS WITH BOUND TREE MEDICAL, LLC, HENRY SCHEIN, INC., AND MIDWEST MEDICAL SUPPLY CO., L.L.C. FOR MEDICAL SUPPLIES AND MEDICATIONS

Recommendation: Motion to Approve Purchase Agreements with Bound Tree Medical, LLC in an amount not-to-exceed \$210,000.00, to Henry Schein, Inc. in an amount not to exceed \$26,250.00, and to Midwest Medical Supply Co., L.L.C. in an amount not to exceed \$11,250.00 for the provision of medical supplies and medications, through City of Boynton Beach Cooperative Bid 044-2210-16/JMA.

Sponsors: Fire Rescue Department and Purchasing Department

Attachments: [RENEWAL LETTER - Bound Tree 2017-18](#)
[RENEWAL LETTER - Henry Schein 2017-18](#)
[RENEWAL LETTER - Midwest Medical Supply 2017-18](#)
[Renewal Packet 6.6.17 Agenda Medical Supplies & Medications - Bound Tree](#)
[Renewal Packet 6.6.17 Agenda Medical Supplies & Medications - Henry Schein](#)
[Renewal Packet 6.6.17 Agenda Medical Supplies & Medications - Midwest](#)
[Signed - Extension Request - Bound Tree](#)
[Signed - Extension Request - Henry Schein](#)
[Signed - Extension Request - Midwest](#)
[Agreement Bound Tree Medical Supplies CAO final](#)
[Agreement Henry Schein Medical Supplies CAO final](#)
[Agreement Midwest Medical Medical Supplies CAO final](#)
[Legal Review Checklist Bound tree medical](#)
[Legal Review Checklist Harry Schein, inc](#)
[Legal Review Checklist Midwest Medical](#)

7. REGULAR AGENDA:

7.A. THE GROVE SIDE BAR IN LIEU OF PARKING FEE REQUEST (QUASI-JUDICIAL HEARING)

Recommendation: Motion to Approve In Lieu of Parking Fee request in the amount of \$70,980.00 for 7 parking spaces associated with a Class III Site Plan Modification for the conversion of retail to restaurant at 183 NE 2nd Avenue.

Sponsors: Planning & Zoning Department

Attachments: [In lieu parking agreement 183 NE 2nd Avenue Haycook](#)
[Exhibit A](#)
[183 survey](#)
[in-lieu parking submittal sketch 2](#)
[Sidebar SPRAB 5.1.17a](#)
[Board order](#)
[CAO checklist Parking inlieu 182 NE 2nd Haycook](#)

7.B. APPEAL OF THE SITE PLAN REVIEW AND APPEARANCE BOARD (SPRAB) APPROVAL OF APRIL 26, 2017 ASSOCIATED WITH NEW CONSTRUCTION OF A ONE-STORY RETAIL BUILDING LOCATED AT 47 SE 5TH AVENUE (LISA BUILDING). [QUASI-JUDICIAL HEARING]

Recommendation: Deny the appeal and uphold the original Site Plan Review and Appearance Board (SPRAB) approval and conditions of April 26, 2017 for the Lisa Building.

Sponsors: Planning & Zoning Department

Attachments: [SPRAB Report of April 26, 2017](#)
[Recorded Agreement for In-Lieu Parking Fee](#)
[Waiver Justification Statement by the Applicant](#)
[Lisa Building - CC Order - 061617AG](#)

7.C. APPEAL OF THE HISTORIC PRESERVATION BOARD (HPB) APPROVAL OF A CERTIFICATE OF APPROPRIATENESS (COA 2017-131) FOR 799 NE 2ND AVENUE, DEL-IDA PARK HISTORIC DISTRICT (QUASI-JUDICIAL HEARING)

Recommendation: Motion to Approve the Certificate of Appropriateness, as presented, based upon positive findings with Land Development Regulation (LDR) Section 2.4.6(H)(5) (COA Findings).

Sponsors: Planning & Zoning Department

Attachments: [2017-07-05_799 NE 2nd Avenue_Appealable Report with Attachments_2017-1](#);
[2017-07-05_Board Order_799 NE 2nd Ave](#)

7.D. FISCAL YEAR 2018 PROPOSED MILLAGE RATE

Sponsors: Finance Department

7.E. PROPOSED MILLAGE RATE/DOWNTOWN DEVELOPMENT AUTHORITY (DDA)

Sponsors: Finance Department

Attachments: [Letter 2017 1mil Request- 6.12.2017](#)

7.F. NOMINATIONS FOR APPOINTMENT TO THE POLICE ADVISORY BOARD

Recommendation: Recommend nominations for appointment for five (5) regular members to serve on the Police Advisory Board for two (2) year terms ending July 31, 2019 and one (1) student member to serve a one (1) year term ending July 31, 2018.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)
[Police Advisory Board Member List](#)
[Police Advisory Board Attendance List](#)

7.G. NOMINATIONS FOR APPOINTMENT TO THE PUBLIC ART ADVISORY BOARD

Recommendation: Recommend nominations for appointment for three (3) regular members to serve on the Public Art Advisory Board for two (2) year terms ending July 31, 2019.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)
[Public Art Advisory Board Member List](#)
[Public Art Advisory Board](#)

7.H. NOMINATIONS FOR APPOINTMENT TO THE PARKING MANAGEMENT ADVISORY BOARD

Recommendation: Recommend nominations for appointment for two (2) regular members (Citizen-at-Large) to serve on the Parking Management Advisory Board for two (2) year terms ending July 31, 2019.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)
[Parking Management Advisory Board Member List](#)
[Parking Management Advisory Board Attendance List](#)

7.I. NOMINATION FOR APPOINTMENT TO THE CODE ENFORCEMENT BOARD

Recommendation: Motion to Approve nomination for appointment for one (1) regular member to serve on the Code Enforcement Board for an unexpired term ending January 14, 2019.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)
[Code Enforcement Board Member List](#)
[Code Enforcement Board Attendance List](#)

7.J. NOMINATION FOR APPOINTMENT TO THE EDUCATION BOARD

Recommendation: Motion to Approve nomination for appointment for one (1) regular member to serve a two (2) year term ending July 31, 2019. Please note that there are no student applicants at this time.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)
[Education Board Member List](#)
[Education Board Attendance List](#)

7.K. NOMINATION FOR APPOINTMENT TO THE BOARD OF ADJUSTMENT

Recommendation: Motion to Approve nomination for appointment for one (1) alternate member to serve on the Board of Adjustment for an unexpired term ending August 31, 2019.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)
[Board of Adjustment Member List](#)
[Board of Adjustment Attendance List](#)

7.L. RECOMMENDATION FOR APPOINTMENT TO THE DELRAY BEACH HOUSING AUTHORITY BOARD

Recommendation: Motion to Recommend for appointment one (1) regular member to serve on the Delray Beach Housing Authority Board for an unexpired term ending July 14, 2020.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)
[Delray Beach Housing Authority Board Member List](#)
[Delray Beach Housing Authority Attendance List](#)

7.M. DISCUSSION OF BEACH PROMENADE BENCHES, PLAQUES, AND STONE MEMORIALS PROGRAM

Recommendation: Seeking direction from City of Delray Beach ("City") City Commission regarding addressing existing and future beach promenade benches, plaques and stone memorials.

Sponsors: Parks & Recreation Department

8. PUBLIC HEARINGS:

8.A. ORDINANCE NO. 23-17 AMENDING THE CITY'S WORKFORCE HOUSING ORDINANCE (SECOND READING)

Recommendation: Motion to Approve Ordinance No. 23-17 on second reading.

Attachments: [Ord 23-17 amending Sec 4.7.7 workforce housing](#)
[workforce housing ord 23-17 backup.pdf](#)

8.B. ORDINANCE 25-17 AMENDING THE CITY'S LDRs TO REPEAL SECTION 4.3.3(I), "COMMUNITY RESIDENTIAL HOMES AND GROUP HOMES" IN ITS ENTIRETY AND ENACTING A NEW SECTION 4.3.3(I), "COMMUNITY RESIDENCES FOR WHICH A CONDITIONAL USE PERMIT IS REQUIRED" IN ORDER TO PROVIDE CRITERIA FOR ISSUING A CONDITIONAL USE PERMIT FOR COMMUNITY RESIDENCES (FIRST READING/FIRST PUBLIC HEARING)

Recommendation: Motion to Approve Ordinance 25-17, a City initiated amendment to the Land Development Regulations, Article 2.4 "General Procedures", Article 4.3 "District Regulations; General Provisions", Article 4.4 "Base Zoning District", and Article 4.6 "Supplemental District Regulations" to revise and clarify the procedure for requesting a reasonable accommodation, to provide operators of community residences for people with disabilities clarity and certainty on where such homes may locate as of right and via conditional use permit in accordance with applicable case law, the Fair Housing Act and the Americans with Disabilities Act, and to establish appropriate parking regulations for same.

Attachments: [Ord 25-17 LDR amendment - Community Residences - Revised 7-3-17 1st Rea](#)
[Delray Beach FL GH Zoning Study May 2017](#)
[FAQs Delray Beach Community Residences Zoning Ordinance](#)

9. FIRST READINGS:

9.A. None

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

10.B. City Attorney

10.C. City Commission