

City of Delray Beach

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www.mydelraybeach.com*



Regular Commission Meeting

Regular Meeting at 6:00 PM

Tuesday, July 18, 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. PRESENTING ANGEL FARINAS, UTILITIES SUPERVISOR, WITH EMPLOYEE OF THE MONTH FOR JULY 2017**

Recommendation: Motion to approve Angel Farinas as Employee of the Month for July 2017.

Sponsors: Human Resources Department

Attachments: [Angel Farinas Nomination Form](#)

4.B. RECOGNIZING AND COMMENDING ACCREDITATION MANAGER MARIA MARINO-BOLLAN FOR RECEIVING THE 2016 ACCREDITATION MANAGER OF THE YEAR AWARD FROM THE COMMISSION FOR FLORIDA LAW ENFORCEMENT ACCREDITATION, INC.

Recommendation: Recognition of Accreditation Manager Maria Marino-Bollan for receiving the 2016 Accreditation Manager of the Year Award from the Commission for Florida Law Enforcement Accreditation, Inc.

Sponsors: Police Department

4.C. OPIOID MANUFACTURER LITIGATION PRESENTATION

Sponsors: City Clerk Department

Attachments: [Opioid Manufacturer Litigation Presentation 07.07.17](#)
[Additional Presentation Information 07.07.17](#)

4.D. LEGISLATIVE UPDATE - MAT FORREST, BALLARD PARTNERS, LEGISLATIVE LOBBYIST

Sponsors: City Clerk Department

Attachments: [State Legislative Update July 2017](#)

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. INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY (CRA) FOR FUNDING TRANSIT ORIENTED DEVELOPMENT PLANNING SERVICES

Recommendation: Motion to authorize the Mayor to sign the interlocal agreement between the City of Delray Beach and the Delray Beach CRA for funding transit oriented development planning services associated with the Tri-Coastal Link Station Area Master Plan.

Sponsors: Planning & Zoning Department

Attachments: [SFTOD - CRA ILA](#)
[Tri-Rail Coastal Link Station](#)
[Legal Review Checklist ILA for TOD planning services](#)

6.B. RESOLUTION NO. 48-17 BEACH RENOURISHMENT PROGRAM

Recommendation: Motion to Approve Resolution No. 48-17 in support for the Delray Beach Renourishment Program.

Sponsors: Environmental Services Department

Attachments: [RESOLUTION NO. 48-17](#)

6.C. RESOLUTION NO. 49-17 AUTHORIZING THE EXECUTION OF A NON-EXCLUSIVE INTERLOCAL AGREEMENT WITH THE FLORIDA PACE FUNDING AGENCY TO ADVANCE A PROPERTY ASSESSED CLEAN ENERGY PROGRAM ("PACE")

Recommendation: Motion to Approve Resolution No. 49-17 authorizing the execution of a non-exclusive Interlocal local agreement with the Florida PACE Funding Agency.

Sponsors: Environmental Services Department

Attachments: [Res-FlaPaceFundingAgency-2017 -final from Brad](#)
[Agt ILA FLAPace Funding final signed Agreement Final](#)
[Legal Review Checklist Florida PACE](#)
[Disclosure paperwork for program \(w. Exhibits A B C\) as of June 4 \(00789553@](#)

6.D. RESOLUTION NO. 50-17 AUTHORIZING THE EXECUTION OF A NON-EXCLUSIVE INTERLOCAL AGREEMENT WITH THE FLORIDA RESILIENCY AND ENERGY DISTRICT TO ADVANCE A PROPERTY ASSESSED CLEAN ENERGY PROGRAM ("PACE")

Recommendation: Motion to Approve Resolution No. 50-17 allowing the City of Delray Beach to join the Interlocal Agreement creating the Florida Resiliency and Energy District ("FRED").

Sponsors: Environmental Services Department

Attachments: [Resoultion 50-17 PACEProgramFRED](#)
[Delray Beach LPPMA \(FDPC Executed\) 6.21.2017](#)
[Legal Review Checklist FRED \(PACE\)](#)
[Agt-ILA-2ndAmend-RenovateAmerica-5-11-17-Recorded](#)

6.E. APPROVAL OF AMENDMENT NO. 1 WITH F2 INDUSTRIES, LLC FOR THE PURCHASE AND DELIVERY OF POLY PHOSPHATE IN AN AMOUNT NOT TO EXCEED \$95,000

Recommendation: Motion to Approve Amendment No. 1 to renew that Agreement with F2 Industries, LLC in an amount not to exceed \$95,000 for the purchase and delivery of poly phosphate and to add a Public Records provision as required by state statute.

Sponsors: Environmental Services Department

Attachments: [Legal Review Checklist](#)
[Amendment No 1 - F2 Industries LLC](#)
[F2 Industries LLC Original Agreement](#)

6.F. APPROVAL OF AMENDMENT NO. 3 WITH UNIVERSAL ELECTRIC OF FLORIDA, INC. FOR ELECTRICAL SERVICES AND REPAIRS

Recommendation: Motion to Approve Amendment No. 3 with Universal Electric of Florida, Inc. in an amount not-to-exceed \$60,000 annually for electrical services and repairs.

Sponsors: Environmental Services Department

Attachments: [Agreement, Universal](#)
[2014-42 Amendment No. 3 with Universal - Signed by Contractor](#)
[Legal Review Checklist Amd No. 3 to Electrical Services and Repairs Universal](#)
[AMENDMENT NO. 1 & AMENDMENT NO. 2 to Bid 2014-42 Electrical Services](#)

6.G. HOUSING REHABILITATION GRANT AWARD TO CJ CONTRACTING, LLC FOR 1910 NE 2ND AVENUE IN THE AMOUNT OF \$ 27,233.80

Recommendation: Motion to Approve a housing rehabilitation grant in the amount of \$ 27,233.80 to CJ Contracting, LLC for a housing rehabilitation for the property located at 1910 NE 2nd Avenue, Delray Beach, FL and authorize the City Manager to execute the Agreement and all ancillary documents.

Sponsors: Community Improvement

Attachments: [Checklist SHIP Housing Rehab agt with CJ Contracting for Melvina Wilson](#)
[ITB 2017-036 Wilson](#)
[Bid Tabulation Sheet](#)
[Wilson Bid Information Sheet](#)
[Contract - Wilson](#)
[Lien Agreement - Wilson](#)
[Exhibit A Contractor Bid Proposal - Wilson](#)
[Memorandum of Understanding - Wilson](#)
[Notice To Proceed - Wilson](#)
[Subordination Agreement - Wilson](#)
[Warranty Docs](#)

6.H. SECOND ASSIGNMENT OF LEASE AGREEMENT WITH ELEV8 SPORTS INSTITUTE AND QUOGUE SPORTS, LLC (MILLER PARK)

Recommendation: Motion to Approve the second assignment of the existing lease between Elev8 Sports Institute, Inc. (as successor to BDBBS, Inc.) and the City of Delray Beach to Quogue Sports.

Sponsors: Parks & Recreation Department

Attachments: [consent to assignment Lease Agreement from Elev8 to assignor](#)
[BBDS agreement for miller park 2003](#)
[Consent to assignment to Elev8 2013](#)
[Miller Park lease Amendment Dec 12 2013](#)

6.I. GRANT APPLICATION/FDOT PEDESTRIAN & BICYCLE SAFETY

Recommendation: Motion to Approve the application to the Florida Department of Transportation (FDOT) in the amount not to exceed \$65,000.00 for the pedestrian and bicycle safety education and enforcement program.

Sponsors: Police Department

Attachments: [DBPD HVE Cover letter and proposal 2017-2018](#)

6.J. PROCLAMATIONS:

6.J.1. None

6.K. REPORT OF APPEALABLE LAND USE ITEMS FROM JUNE 12, 2017 THROUGH JUNE 27, 2017

Recommendation: By motion, receive and file this report.

Sponsors: Planning and Zoning Board

Attachments: [Location Map](#)
[HPB 6-27-2017 Vote Sheet](#)
[HPB Class V Appealable Report](#)
[A0.30-R4 - Site Plan](#)
[A2.04-R3 - Elevations](#)
[A2.14-R1 - Color Renderings](#)
[A2.15 - R2 - Color Renderings](#)

6.L. AWARD OF BIDS AND CONTRACTS:**6.L.1. AWARD OF A CONSTRUCTION AGREEMENT TO MARINE ENGINEERING AND CONSTRUCTION, INC. FOR ISLAND DRIVE SEAWALL REPAIRS IN A NOT TO EXCEED AMOUNT OF \$180,000.**

Recommendation: Motion to Award a construction agreement to Marine Engineering and Construction, Inc. for Island Drive Seawall Repairs in a total amount not to exceed amount of \$180,000 (Project No. 17-044).

Sponsors: Environmental Services Department

Attachments: [Legal Review Checklist construction agreement for island drive seawall repairs](#)
[2017-46 Agreement from ITBC CAO final](#)
[2017-046 Tabsheet](#)
[Island Drive seawall award](#)
[2017-046 Island Dr seawall repair](#)
[2017-046 Addendums](#)

7. REGULAR AGENDA:

7.A. NOMINATIONS FOR APPOINTMENT TO THE SITE PLAN REVIEW AND APPEARANCE BOARD

Recommendation: Motion to Approve nominations for appointment for two (2) regular members to serve on the Site Plan Review and Appearance Board for two (2) year terms ending August 31, 2019.

Sponsors: City Clerk Department

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

7.B. NOMINATIONS FOR APPOINTMENT TO THE PLANNING AND ZONING BOARD

Recommendation: Motion to Approve nominations for appointment for three (3) regular members to serve on the Planning and Zoning Board for two (2) year terms ending August 31, 2019.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)
[Planning & Zoning Board Member List](#)
[Planning and Zoning Attendance List](#)

7.C. NOMINATIONS FOR APPOINTMENT TO THE HISTORIC PRESERVATION BOARD

Recommendation: Motion to Approve nominations for appointment for three (3) regular members to serve on the Historic Preservation Board for two (2) year terms ending August 31, 2019.

Sponsors: City Clerk Department

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

7.D. NOMINATIONS FOR APPOINTMENT TO THE BOARD OF ADJUSTMENT

Recommendation: Motion to Approve nominations for appointment for two (2) regular members to serve on the Board of Adjustment for two (2) year terms ending August 31, 2019.

Sponsors: City Clerk Department

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

7.E DESIGNATION OF A CHAIR AND VICE CHAIR TO THE COMMUNITY REDEVELOPMENT AGENCY BOARD

Recommendation: Designate a Chair and Vice Chair to the Community Redevelopment Agency Board.

Sponsors: City Clerk Department

Attachments: [CRA Members 7/17](#)

7.F. RESOLUTION NO. 07-17, BUDGET AMENDMENT

Recommendation: Motion to Approve Resolution No. 07-17.

Sponsors: Finance Department

Attachments: [Resolution No 07-17](#)
[Amendment Narrative](#)

7.G. RATIFICATION OF COLLECTIVE BARGAINING AGREEMENT AND MEMORANDUM OF UNDERSTANDING (MOU).; PROFESSIONAL FIRE FIGHTERS/PARAMEDICS OF PALM BEACH COUNTY, LOCAL 2928, INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF), INC.

Recommendation: Motion to Ratify the Collective Bargaining Agreement and Memorandum of Understanding (MOU) between the City of Delray Beach and the International Fire Fighters Association, Inc. (IAFF).

Sponsors: Human Resources Department

Attachments: [Memo regarding approval of CBA and MOU](#)
[Collective Bargaining Agreement](#)
[MOU Promotions](#)

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. (SECOND READING)

Recommendation: Motion to Approve Ordinance No. 06-17 adopting 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: [Ord 06-17 EAR FINAL](#)
[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 \(Plan Section\) edited 0116217](#)
[Public Facilities Element edited 011617](#)
[Public Schools Facilities Element edited 011617 w ILA](#)
[Transportation Element edited 011217](#)
[DEO Letter 6.26.17](#)

- 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 (SECOND READING)

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: [Delray Beach GH Zoning Study 2nd Ed July 2017](#)
[FAQs Delray Beach Community Residences Zoning Ordinance](#)
[Ord 25-17 LDR amendment - Community Residences - Revised 7-14-17 Final](#)

9. FIRST READINGS:

- 9.A.** ORDINANCE NO.19-17: REPEALING SECTION 4.6.19, "TREE PRESERVATION, PROTECTION, ENFORCEMENT, AND MAINTENANCE" AND READOPTING SAME, AS REVISED IN ORDER TO PRESERVE, PROTECT, ENFORCE AND MAINTAIN TREES; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF SECTION 4.6 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 No. 19-17 on first reading .

Sponsors: Planning & Zoning Department

Attachments: [Tree Ordinance Board Item Backup-P&Z](#)
[Ord. 19-17 Tree Preservation](#)

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

10.B. City Attorney

10.C. City Commission