

City of Delray Beach

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www.mydelraybeach.com



Regular Commission Meeting

Regular Meeting at 6:00 PM

Thursday, September 7, 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. PRESENTATION BY ERICA WHITFIELD, DISTRICT 4 SCHOOL BOARD MEMBER, REGARDING DELRAY BEACH SCHOOLS**

Sponsors: City Clerk Department

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 various sets of minutes as listed below.

Sponsors: City Clerk Department

Attachments: [June 21, 2016 Regular Meeting Minutes - Draft](#)
[July 5, 2016 Regular Meeting Minutes - Draft](#)
[October 18, 2016 Regular Meeting Minutes - Draft](#)
[November 9, 2016 Workshop Meeting & Goal Setting Session Minutes - Draft](#)

6.B. WALLACE FORD (AUTONATION) FINAL SUBDIVISION PLAT

Recommendation: Motion to Approve the Final Subdivision Plat for **Wallace Ford Replat**, 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 criteria set forth in Section 2.4.5(K) (Minor Subdivisions), Section 3.2.3 (Standards for Site Plan and/or Plat Actions) and Section 3.1.1 (Required Findings for Land Use and Land Development Applications), and Section 2.4.5(K)(5) of the Land Development Regulations.

Sponsors: Planning & Zoning Department

Attachments: [Location Map](#)
 [Wallace Ford Replat Set](#)
 [Autonation Class V Staff Report_201702141150](#)

- 6.C.** APPROVE SERVICE AUTHORIZATION NO. 12-03.3 IN THE AMOUNT OF \$13,443.63 TO CALVIN, GIORDANO AND ASSOCIATIONS, INC. FOR ADDITIONAL SERVICES REQUIRED TO COMPLETE THE NE 3RD STREET STREETScape PROJECT, P/N 11-024.

Recommendation: By motion, approve Service Authorization (SA) No. 12-03.3, as Amendment No. 3, with Calvin, Giordano and Associates, Inc in the amount of \$13,443.63 for additional professional design services related to the NE 3rd Street Streetscape Project, P/N 11-024.

Sponsors: Environmental Services Department

Attachments: [wpbscan@calvin-giordano.com_20170526_083902.pdf](mailto:wpbscan@calvin-giordano.com)
 [Letter - Extension request Calvin, Giordano and Associates 11-22-16.pdf](#)

- 6.D.** UTILITY WORK BY HIGHWAY CONTRACTOR AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION OF UTILITY RELOCATIONS RELATED TO FLORIDA DEPARTMENT OF TRANSPORTATION'S I-95 AT STATE ROAD 806 / ATLANTIC AVENUE INTERCHANGE ENHANCEMENT PROJECT (CITY PROJECT NO. 14-075).

Recommendation: Motion to Approve a Utility Work by Highway Contractor Agreement with the Florida Department of Transportation for performing construction services relocating water utilities relating to the Florida Department of Transportation's (FDOT) I-95 at State Road 806 / Atlantic Avenue Interchange enhancements project, FDOT Financial Project ID No. 434722-1-56-02 (City Project No. 2014-075).

Sponsors: Environmental Services Department

Attachments: [Utility Work by Highway Contractor Agreement \(FDOT\)](#)
 [Legal Review Checklist FDOT Utility Work Agreement](#)

- 6.E.** APPROVAL OF AMENDMENT 1 TO THE CONTRACT WITH MOWREY ELEVATOR COMPANY OF FLORIDA, INC. AND TO INCREASE APPROVED SPENDING LIMIT WITH MOWREY ELEVATOR COMPANY OF FLORIDA, INC. IN AN AMOUNT NOT-TO-EXCEED \$418,000 FOR FISCAL YEAR 2018

Recommendation: Motion to approve Amendment 1 to the contract with Mowrey Elevator Company of Florida, Inc. (Mowrey) and to increase the spending limit with Mowrey to a not-to-exceed amount of \$418,000 for multiple acquisitions of elevator parts, repairs, and services for the period of October 1, 2017 through December 30, 2018.

Sponsors: Environmental Services Department

Attachments: [12-02-14 Agenda Results Regular Meeting - Mowrey Elevator Agreement with Mowrey Elevator Company of Florida](#)
[2014-35 Amendment No. 1 Mowrey elevator services - City Atty Rev](#)
[Exhibit A Amendment #1 to Elevator Maintenance Services](#)

6.F. RATIFICATION OF SOUTH CENTRAL REGIONAL WASTEWATER TREATMENT & DISPOSAL BOARD ACTION OF 8/3/17 AND APPROVAL OF THEIR 2017/2018 PROPOSED BUDGET

Recommendation: Motion to Ratify actions approved by the South Central Regional Wastewater Treatment and Disposal Board (SCRWTDB) at their Meeting of August 3, 2017.

Sponsors: City Clerk Department

Attachments: [South Central WWT & Disp Board Action & Proposed Budget](#)

6.G. POLICE COMMUNICATIONS AGREEMENT

Recommendation: Motion to Approve the Police Communications Agreement, which will provide police communication services to the Town of Gulf Stream.

Sponsors: Police Department

Attachments: [Legal Review Checklist form v. 3 NEW](#)
[Gulfstream police-fire DB_2017 - city atty rev 8_7_17](#)

6.H. GRANT APPLICATION/EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)

Recommendation: Motion to Approve application for the 2017 Edward Byrne Memorial Justice Assistance Grant in the amount of \$32,603.

Sponsors: Police Department

Attachments: [JAG 2017 PROJECT ABSTRACT](#)
[JAG 2017 PROGRAM NARRATIVE](#)
[JAG 2017 BUDGET DETAIL WORKSHEET AND BUDGET NARRATIVE](#)
[JAG 2017 REVIEW NARRATIVE](#)
[JAG 2017 APPLICANT DISCLOSURE](#)

6.I. SETTLEMENT OFFER IN THE CASE OF GERALD NAICO V. CITY OF DELRAY BEACH

Recommendation: Motion to deny settlement in the case of Gerald Naico v. City of Delray Beach for the reasons discussed in the confidential memorandum previously distributed to the City Commission.

Sponsors: City Attorney Department

6.J. PROCLAMATIONS:

6.J.1. None

6.K. REPORT OF APPEALABLE LAND USE ITEMS FROM JULY 31, 2017 THROUGH AUGUST 11, 2017

Recommendation: By motion, receive and file this report.

Sponsors: Planning and Zoning Board

Attachments: [Location Map](#)
[Ocean City Lofts](#)
[The Elk's Lodge](#)
[The Grove Side Bar](#)

6.L. AWARD OF BIDS AND CONTRACTS:

6.L.1. None

7. REGULAR AGENDA:

7.A. A WAIVER REQUEST TO LDR SECTION 4.3.4(K) DEVELOPMENT STANDARD MATRIX TO REDUCE THE SIDE INTERIOR FOR THE THIRD FLOOR FROM 30' TO 20' IN THE RM (MULTIPLE FAMILY RESIDENTIAL) ZONING DISTRICT FOR 917 BUCIDA ROAD. (QUASI-JUDICIAL HEARING)

Recommended Action:

Recommendation: Motion to Approve the waiver request to LDR Section 4.3.4(K) Development Standard Matrix to reduce the third floor side interior setback from 30' to 20' in the RM (Multiple Family Residential) zoning district for 917 Bucida Road.

Sponsors: Planning & Zoning Department

Attachments: [Justification letter - 917 Bucida Rd](#)
[Site plan - 917 Bucida Rd](#)
[Third Floor - 917 Bucida Rd](#)
[917 Bucida Rd](#)
[917 Bucida Rd Board Order](#)

7.B. A WAIVER REQUEST TO LDR SECTION 4.6.7(H)(10)(a)(3), TEMPORARY NON-COMMERCIAL SIGNS, TO ALLOW SIGNAGE TO BE PLACED ON THE SCREENING FENCE ON THE NORTHWEST CORNER OF ATLANTIC AVENUE AND NW 8TH AVENUE, AT 805 W. ATLANTIC AVENUE. (QUASI-JUDICIAL HEARING)

Recommendation: Motion to Approve the waiver request to LDR Section 4.6.7(H)(10)(a)(3), Temporary Non-Commercial Signs, to allow signage to be placed on the screening fence on the corner of Atlantic and NW 8th Avenue, at 805 W. Atlantic Avenue.

Sponsors: Planning & Zoning Department

Attachments: [Waiver Justification Statement](#)
[The Set - Proposed Signs at 805 W. Atlantic](#)
[The Set Signage Presentation - 805 W. Atlantic](#)
[805 W. Atlantic Ave Board Order \(The Set Sign Waiver\)](#)

7.C. PARKING MANAGEMENT PRESENTATION ON EXPECTED RETURN ON INVESTMENT AS REQUESTED BY COMMISSION DURING AUGUST 15, 2017 MEETING.

Recommendation: Receive information provided by staff concerning the details and expected Return on Investment resulting from the parking plan receiving consensus of the Commission during the August 15, 2017 City of Delray Beach (City) City Commission meeting.

Sponsors: Environmental Services Department

Attachments: [Commission 8-15 ROI.pdf](#)
[Beach-Barrier Island ROI.pdf](#)

7.D. 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, 2018.

Sponsors: City Clerk Department

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

7.E. RATIFICATIONS OF APPOINTMENT TO THE PARKING MANAGEMENT ADVISORY BOARD

Recommendation: Recommend City Commission approves and ratifies the appointed members to the Parking Management Advisory Board for a two (2) year term ending July 31, 2019.

Sponsors: City Clerk Department

7.F. REQUEST BY DELRAY BEACH COMMUNITY LAND TRUST (DBCLT) REGARDING 133 SW 12TH AVENUE

Recommendation: Discuss the request made by the Delray Beach Community Land Trust (DBCLT).

Sponsors: Planning & Zoning Department

Attachments: [133 SW 12th Avenue - DBCLT Request - Memo 09.05.17](#)
[Contract for Sale and Purchase for 133 SW 12th Ave](#)
[ILA with the CRA for 133 SW 12th Avenue](#)
[RECORDED - Resolution-ILA-Purchase Agreement - City-CRA -10-24-11](#)

8. PUBLIC HEARINGS:**8.A. RESOLUTION NO. 57-17: TENTATIVE MILLAGE LEVY**

Recommendation: Motion to Approve Resolution No. 57-17 Tentative Millage Levy for FY 2018.

Sponsors: Finance Department

Attachments: [Res 57-17 Tentative Millage Levy FY 2018](#)

8.B. RESOLUTION NO. 58-17 TENTATIVE MILLAGE LEVY/DDA

Recommendation: Motion to Approve Resolution No. 58-17 Tentative DDA Millage Rate for FY 2018.

Sponsors: Finance Department

Attachments: [Res 58-17 Tentative Tax Levy DDA FY 2018](#)
[DDA 2017 18 Approved Budget for City Commission 9.7.17 \(002\)](#)
[Topline FY 17-18 Initiative Memo](#)
[Delray Beach DDA FY17-18 Millage Approval Memo 9.7.17](#)
[Prioritizing Initiatives DDA V2 SUMMARY 170602 \(3\)](#)

8.C. RESOLUTION NO. 59-17 TENTATIVE BUDGET ADOPTION FOR FY 2018

Recommendation: Motion to Approve Resolution No. 59-17 Tentative Budget Adoption for FY 2018.

Sponsors: Finance Department

Attachments: [Resolution No 59-17](#)

8.D. RESOLUTION NO. 66-17, CONTRACT FOR SALE AND PURCHASE BETWEEN MICHAEL MELE AND THE CITY

Recommendation: Motion to Approve Resolution No. 66-17.

Sponsors: City Attorney Department

Attachments: [Resolution 66-17](#)
[Property Appraiser's Map](#)

8.E. RESOLUTION NO. 67-17, CONTRACT FOR SALE AND PURCHASE BETWEEN 1107 SW 7th LAND TRUST AND THE CITY

Recommendation: Motion to Approve Resolution No. 67-17.

Sponsors: City Attorney Department

Attachments: [Resolution 67-17](#)
[Property Appraiser Map](#)

8.F. ORDINANCE NO. 24-17: 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 ADOPTING A NEW SUBSECTION (C), TO BE ENTITLED "AUTOMOTIVE RENTAL FACILITY" TO REGULATE THIS TYPE OF USE IN BOTH THE "GENERAL COMMERCIAL (GC) DISTRICT" AND THE "PLANNED COMMERCIAL (PC) DISTRICT" AS EITHER A PERMITTED ACCESSORY USE OR A CONDITIONAL USE; ADOPTING SUBSECTIONS 4.4.9(C)(7) AND 4.4.12(C)(5) TO PERMIT AUTOMOTIVE RENTAL FACILITY AS AN ACCESSORY USE IN THE GC AND PC DISTRICTS, RESPECTIVELY; FURTHER AMENDING SECTION 4.4.12 BY ADOPTING A NEW SUBSECTION (D)(6) TO ALLOW AUTOMOTIVE RENTAL FACILITY, NEIGHBORHOOD AS A CONDITIONAL USE IN THE PC DISTRICT AND WITHIN THE FOUR CORNERS OVERLAY DISTRICT; ESTABLISHING DEFINITIONS FOR THE "ACCESSORY" AND "NEIGHBORHOOD" CATEGORIES OF AN "AUTOMOTIVE RENTAL FACILITY" USE BY AMENDING APPENDIX A "DEFINITIONS". (FIRST READING/FIRST PUBLIC HEARING)

Recommendation: Motion to Approve Ordinance No. 24-17 amending the Land Development Regulations, as presented, on First Reading.

Sponsors: Planning and Zoning Board

Attachments: [Ord 24-17](#)
[Planning and Zoning Board Staff Report, June 19, 2017](#)

- 8.G.** ORDINANCE NO. 34-17: AMENDING THE LAND DEVELOPMENT REGULATIONS AT SECTION 4.3.3, SUBSECTION (G), PROHIBITING MEDICAL MARIJUANA TREATMENT CENTER - DISPENSING FACILITIES IN ALL ZONING DISTRICTS IN THE CITY OF DELRAY BEACH; AND AMENDING APPENDIX A "DEFINITIONS" TO PROVIDE DEFINITIONS FOR "MARIJUANA" AND "MEDICAL MARIJUANA TREATMENT CENTER - DISPENSING FACILITY". (FIRST READING/FIRST PUBLIC HEARING)

Recommendation: Motion to Approve Ordinance No. 34-17 amending Section 4.3.3(G) prohibiting Medical Marijuana Treatment Centers - Dispensing Facilities and Appendix A Definitions, by adopting the findings of fact and law contained in the Staff Report, and finding that the text amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M).

Sponsors: Planning & Zoning Department

Attachments: [Ordinance 34-17 Medical Marijuana Treatment Center Prohibition 08.18.17 - Re PZB Staff Report - MMTC Prohibition 08.10.17 Final](#)
[SB8-A Medical Marijuana Treatment Centers](#)

- 8.H.** ADOPTION OF ORDINANCE NO. 31-17 AMENDING CHAPTER 32, "DEPARTMENTS, BOARDS AND COMMISSIONS" AMENDING SECTION 32.15, "DEFINITIONS," SECTION 32.17, "GROUNDS FOR REMOVAL"; AND REPEALING SECTION 32.18, "PROCEDURE". (SECOND READING)

Recommendation: Motion to Approve Ordinance No. 31-17 on second reading.

Sponsors: City Attorney Department

Attachments: [Ord 31-17 amending removal of municipal board etc](#)

9. FIRST READINGS:**9.A. ORDINANCE NO. 22-17: AMENDING CHAPTER 10 OF THE LAND DEVELOPMENT REGULATIONS TO UPDATE THE FLOOD INSURANCE STUDY DATE AND FLOOD INSURANCE RATE MAPS. (FIRST READING)**

Recommendation: Motion to Approve Ordinance No. 22-17, amending Chapter 10 of the Land Development Regulations, "Flood Damage Control Districts and Coastal Construction" Section 10.1.2, "Applicability"; Paragraph (C), "Basis for Establishing Flood Hazard Areas", to update the Flood Insurance Study Date and Flood Insurance Rate Maps.

Sponsors: Planning & Zoning Department

Attachments: [Ordinance No. 22-17 amending Flood Hazard Areas of the LDRs](#)
[PZ Staff Report Ord 22-17 Flood Hazard Areas](#)

9.B. ORDINANCE NO. 29-17: SANITATION RATES FOR FY2018 (FIRST READING)

Recommendation: Motion to consider an amendment to the City Code of Ordinances, Chapter 51, "GARBAGE AND TRASH", Section 51.70, "REGULAR CHARGES LEVIED", to provide for new residential and commercial collection service rates for fiscal year 2018.

Sponsors: Finance Department

Attachments: [SWS Delray Franchise Agreement FINAL-2-20-15 \(3\)](#)
[Assignment of Exclusive Franchise Agreement 12-14-15](#)
[WM Acknowledgement Letter for Delray Beach 10-01-17 A](#)
[FINAL City of Delray Beach CPI Adj to Waste Collection Eff October 2017](#)
[Ord 29-17 Solid Waste Collection Fees - CityAtty Rev](#)
[Res 65-17 Solid Waste Charges and Fees](#)

9.C. ORDINANCE NO. 36-17: ESTABLISHING AND IMPOSING A TEMPORARY MORATORIUM WITHIN THE CITY OF DELRAY BEACH ON THE SUBMITTAL AND PROCESSING OF APPLICATIONS, AND ISSUANCE OF ANY PERMITS PERTAINING TO COLLOCATION ON EXISTING OR THE CREATION OF NEW UTILITY POLES IN THE RIGHT-OF-WAY TO SUPPORT SMALL WIRELESS FACILITIES OR MICRO WIRELESS FACILITIES UNTIL DECEMBER 31, 2017, TO ALLOW AN OPPORTUNITY TO DEVELOP REGULATIONS CONSISTENT WITH CHAPTER 2017-136, REGULATIONS LAWS OF FLORIDA. (FIRST READING)

Recommendation: Motion to Approve Ordinance No. 36-17, as presented on first reading.

Attachments: [HB 687 Wireless in ROW](#)
[Ord. 36-17 Wireless Infrastructure Deployment Ordinance MORATORIUM](#)

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:**10.A. City Manager**

10.B. City Attorney

10.C. City Commission