

City of Delray Beach

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Regular Commission Meeting

Regular Meeting at 6:00 PM

Tuesday, October 2, 2018

Commission Chambers
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

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 CAPTAIN CHRIS ZIDAR AND FIREFIGHTER CALVIN SMITH WITH EMPLOYEES OF THE MONTH FOR OCTOBER 2018.**

Recommendation: Motion to approve Captain Chris Zidar and Firefighter Calvin Smith as Employees of the Month for October 2018.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Nomination Form Captain Chris Zidar & Firefighter Calvin Smith.pdf](#)

4.B. ISO CLASS 1 PRESENTATION BY MR. MICHAEL MORASH, COMMUNITY HAZARD MITIGATION MANAGER

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)

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. MEETING MINUTES**

Recommendation: Motion to approve meeting minutes as listed below:

September 11, 2018 City Commission Workshop Meeting Minutes

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Minutes September 11, 2018 City Commission Workshop Meeting](#)

6.B. FINAL (MINOR) SUBDIVISION REPLAT OF LOT 9, BLOCK 93 TOWN OF LINTON (NOW DELRAY BEACH) LOCATED AT 50 SE 4TH AVENUE AND ASSOCIATED AGREEMENTS FOR ARCADE ROW AND PEDESTRIAN CLEAR ZONE EASEMENT.

Recommendation: Motion to approve the Final Plat for 50 SE 4th 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 criteria set forth in Section 2.4.5(K)(Minor Subdivisions) of the Land Development Regulations along with approval for Pedestrian Access Easement pursuant to Sec. 4.4.13(E)(2)(a)2 and an Arcade Agreement pursuant to Sec. 4.4.14(E)(4)(f)1b of the LDRs.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Location Map](#)
[Mylar Plat](#)
[2.50 SE 4th Ave_SP1](#)
[Arcade Agreement Final](#)
[Pedestrian Clear Zone Easement Agreement - Final](#)
[Reference only - Approved SPRAB Report w-board order approval](#)
[Legal Review Form-Replat-Pedestrian-ArcadeAqts-8-2-18](#)

6.C. FINAL (MINOR) SUBDIVISION (RE)PLAT OF THE LAKE EDEN SUBDIVISION LOCATED ON THE WEST END OF NW 22ND AVENUE, ADJACENT TO LAKE IDA.

Recommendation: Motion to approve the Final Plat for the replat of the Lake Eden Subdivision, 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](#)
[LAKE EDEN MANOR PLAT SHEET 1](#)
[LAKE EDEN MANOR PLAT SHEET 2](#)
[LAKE EDEN MANOR SURVEY](#)
[Location Map](#)
[Permitted building site plan](#)

6.D. APPROVAL OF AMENDMENT NO. 1 TO THE PURCHASE AND DELIVERY OF BULK GASOLINE AND DIESEL FUEL AGREEMENTS WITH MACMILLAN OIL COMPANY, INC. AND PETROLEUM TRADERS CORPORATION TO REVISE THE CONTRACT VALUE LANGUAGE IN THE AGREEMENTS AND INCREASE THE APPROVED NOT-TO-EXCEED CONTRACT VALUE BY \$400,000 THROUGH JUNE 6, 2020

Recommendation: Motion to approve Amendment No. 1 to the Purchase and Delivery of Bulk Gasoline and Diesel Fuel Agreements with Macmillan Oil Company, Inc. and Petroleum Traders Corporation to revise the contract value language in the Agreements and increase the approved not-to-exceed contract value by \$400,000 through June 6, 2020.

Sponsors: Public Works Department - Fleet Division

Attachments: [Agenda Cover Report](#)
[2017-047 Amendment No. 1 with Macmillan, vendor executed](#)
[2017-047 Amendment No. 1 with PTC, vendor executed](#)
[Legal Review Checklist form v. 5 Amend No. 1 to MacMillian Oil Co](#)
[Legal Review Checklist form v. 5 Amend No. 1 to Petroleum Traders Co](#)
[Executed 2017-047 Agreement with Macmillan Oil](#)
[Executed 2017-047 Agreement with Petroleum Traders](#)

6.E. PROPOSED SETTLEMENT IN THE CASE OF RALPH PHILLIPS V. CITY OF DELRAY BEACH

Recommendation: Motion to settle the case of Ralph Phillips v. City of Delray Beach for the reasons discussed in the confidential memorandum previously distributed to the City Commission.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

6.F. PROCLAMATIONS:

6.F.1. PROCLAMATION FOR MEDIATION WEEK

Recommendation: Declare October 14, 2018 through October 20, 2018 as Mediation Week.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Mediation Week](#)

6.G. AWARD OF BIDS AND CONTRACTS:

6.G.1. APPROVAL OF RESOLUTION NO. 112-18 FOR A NOT-TO-EXCEED AMOUNT OF \$250,000 TO CINTAS INCORPORATED UTILIZING THE U.S. COMMUNITIES GOVERNMENTAL PURCHASING ALLIANCE COOPERATIVE CONTRACT NO. 12-JLH-011C, FOR FIRE ALARM MONITORING AND MAINTENANCE SERVICES CITYWIDE

Recommendation: Motion to approve Resolution No. 112-18 for a not-to-exceed amount of \$250,000 to Cintas Incorporated, utilizing the U.S. Communities Governmental Purchasing Alliance Cooperative Contract No. 12-JLH-011C, for fire alarm monitoring and maintenance services citywide valid through March 31, 2019.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Resolution No.112-18 CAO approved.pdf](#)
[CAO Checklist.pdf](#)
[Master Contract Services AGMT CDB.pdf](#)
[Cintas Contract Renewals thru 3.31.2019.pdf](#)
[Cintas HCPS Master Agreement.pdf](#)
[Cintas Postings For Facilities Solutions RFP.pdf](#)
[Cintas 12 JLH 011 Facilities Solutions RFP.pdf](#)

7. REGULAR AGENDA:

7.A. REQUEST FOR A CONDITIONAL USE TO ESTABLISH A CONVENIENCE MART (GASOLINE STATION WITH FOOD SALES) AT 16000 S. MILITARY TRAIL (7 ELEVEN-#34798) (QUASI-JUDICIAL HEARING)

Recommendation: Motion to approve the Conditional Use for a Convenience Mart (Gasoline Station with food sales) at 16000 S. Military Trail for 7 Eleven #34798 by adopting the findings of fact and law contained in the staff report and the finding that the request is consistent with Section 2.4.5(E)(5), Conditional Use Findings and Chapter 3, Performance Standards, and is consistent with the Comprehensive Plan with the following condition:

1. Prior to consideration of the site plan by the Site Plan Review and Appearance Board (SPRAB), the proposed development must meet the Traffic Performance Standards of Palm Beach County.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Location Map - 7 Eleven CU](#)
[Conditional Use Board Order - 7 Eleven](#)
[7 ELEVEN CONDITIONAL USE 16000 S. MILITARY- staff report final](#)
[101 - 09725.24-SP-101-Site Plan](#)
[Vehicle Circulation Plan-TR-101](#)

7.B. ALWAYS DELRAY COMPREHENSIVE PLAN UPDATE: PRESENTATION OF THE OPEN SPACE, PARKS, AND RECREATION ELEMENT (FORMERLY KNOWN OPEN SPACE AND RECREATION)

Recommendation: Provide comment and direction regarding the proposed Open Space, Parks, and Recreation Element of the Always Delray Comprehensive Plan.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[OPR Data, Inventory, and Analysis \(DIA\)](#)
[OPR DIA Maps1-6](#)
[OPR Goals Objectives Policies](#)
[OPR GOP Map 1](#)
[OPR Florida Statute Compliance Appendix](#)
[Existing Open Space & Recreation Element](#)

7.C. ALWAYS DELRAY COMPREHENSIVE PLAN UPDATE: PRESENTATION OF THE STRATEGIC PARTNERSHIPS ELEMENT (FORMERLY KNOWN AS INTERGOVERNMENTAL COORDINATION ELEMENT)

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

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[SPE Data Inventory Analysis \(DIA\)](#)
[MAP_SPE1_MunicipalCityLimits](#)
[SPE Goals Objectives Policies \(GOP\)](#)
[SPE Compliance with Statute Memo](#)
[Existing Intergovernmental Coordination Element](#)

8. PUBLIC HEARINGS:

- 8.A.** ORDINANCE NO. 25-18: 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 4.4.13 "CENTRAL BUSINESS (CBD) DISTRICT", BY AMENDING SUB-SECTION (D), "CONFIGURATION OF BUILDINGS", SUB-SUB SECTION (1), "STANDARDS FOR CBD GENERALLY", PARAGRAPH (a), "BUILDING HEIGHT", TO DEFINE THE PROPERTIES LOCATED WITHIN THE ATLANTIC AVENUE HEIGHT LIMIT AREA; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

Recommendation: Motion to Approve Ordinance No. 25-18 amending the Land Development Regulations at Section 4.4.13(D)(1)(a) of the "Central Business District (CBD)", as presented.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ord 25-18](#)
[Exhibit A Ord 25-18](#)
[Staff Report](#)

9. FIRST READINGS:

- 9.A.** ORDINANCE NO. 21-18: UPDATE OF THE CITY OF DELRAY BEACH CAPITAL IMPROVEMENT ELEMENT WITH THE ADOPTED FIVE-YEAR CAPITAL IMPROVEMENT PLAN (FIRST READING)

Recommendation: Motion to approve Ordinance No. 21-18 updating Table CI-CIP to update the Capital Improvement Element of the Comprehensive Plan with the adopted five-year Capital Improvement Plan (CIP) and accepting the Planning and Zoning Board's finding of Consistency of the proposed 5-Year Capital Improvement Plan for FY 2018-19 through FY 2022-23, and FY 2018-19 Capital Improvement Budget with the City of Delray Beach Comprehensive Plan.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ordinance No. 21-18 CIP FY18-23](#)
[PZB 082018 P&Z CIP Staff Report](#)

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

10.B. City Attorney

10.C. City Commission