

City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

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www.mydelraybeach.com



Regular Commission Meeting

Regular Meeting at 6:00 PM

Tuesday, October 16, 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. SPOTLIGHT ON EDUCATION - PARTNERSHIP TO ADVANCE SCHOOL SUCCESS
(PASS GRANT)**

Recommendation: This item is a presentation; no action is required.

Sponsors: Community Improvement

Attachments: [Agenda Cover Report](#)

4.B. PRESENTATION: GUN VIOLENCE TASK FORCE UPDATE

Sponsors: City Manager 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. ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT AGREEMENT FOR
CALVARY CHAPEL LOCATED AT 200 STERLING AVENUE.**

Recommendation: Motion to approve and accept a 5 foot wide sidewalk easement on 200 Sterling Avenue; legally described as Lots 2 through 7, inclusive, block 2, plat 1 of 2 Southridge, according to the plat thereof as recorded in Plat Book 13, Page 38 of Palm Beach County, Florida.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Perpetual Sidewalk Easement Agreement for Calvary Chapel](#)
[Exhibit A-Survey](#)
[PAPA Map_Calvary Chapel](#)
[Legal Review Form-CalvaryChapelDelrayOutreach-Octmtg-7-23-18](#)

6.B. ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT AGREEMENT FOR THE DELRAY BEACH HOUSING AUTHORITY LOCATED AT 701 SW 2ND COURT.

Recommendation: Motion to approve and accept a 5 foot wide sidewalk easement on 701 SW 2nd Court; legally described as Lot 9 and Lot 10, plat of Carver Square, according to the map or plat thereof, as recorded in Plat Book 24, Page 11 of Palm Beach County, Florida.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Sidewalk Easement Agreement for 701-702 SW 2nd Ct](#)
[Exhibit A - Surveys](#)
[PAPA Map](#)
[Legal Review Form-DelrayHousingAuthority-Oct25mtg- 8-17-18](#)

6.C. APPROVAL OF GRANT APPLICATION AND AWARD/FDOT/OCCUPANT PROTECTION/CHILD PASSENGER SAFETY

Recommendation: Motion to Approve application and award of the Florida Department of Transportation (FDOT) FY 18/19 Occupant Protection/Child Passenger Safety program.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[M2HVE-19-03 - Draft Application](#)
[M2HVE-19-20-03 - Concept Paper Acceptance Letter](#)
[FY2019 Part V](#)
[legal review form\)LW - Occupant Protection Grant 10-2-2018](#)

6.D. APPROVAL OF GRANT APPLICATION AND AWARD/FDOT/SPEED/AGGRESSIVE DRIVING ENFORCEMENT PROGRAM

Recommendation: Motion to Approve application for the Florida Department of Transportation (FDOT) FY 18/19 Speed/Aggressive Driving Enforcement program.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[FY19 Speed and Aggressive Driving Subgrant Template_LW review - filled in](#)
[Delray Beach PD - 12 Aggressive](#)
[FY2019 Part V Aggressive](#)

6.E. GRANT AWARD / FLORIDA DEPARTMENT OF HEALTH / EMERGENCY OPIOID ANTAGONISTS

Recommendation: Motion to accept an award of emergency opioid antagonists through the Helping Emergency Responders Obtain Support (HEROS) Program from Florida Department of Health.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[Award letter - Naloxone Florida Department of Health](#)
[Fully Executed ODMAP Agreement](#)
[City of Delray Beach Police Department - FL - 09043701](#)

6.F. INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY FOR FUNDING CONSTRUCTION/PROFESSIONAL SERVICES FOR FISCAL YEAR 2018/19

Recommendation: Approve the Interlocal Agreement between the City of Delray Beach (City) and the Delray Beach Community Redevelopment Agency (CRA) to fund Fiscal Year 2018-19 Capital Projects as described in Exhibit A of the attached agreement, subject to approval of the City and CRA budgets for Fiscal Year 2018/19.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[FY 2018-19 CRA ILA](#)
[Legal Review Checklist form v. 5 ILA for Construction-Professional Services](#)

6.G. APPROVAL OF AMENDMENT NO. 1 WITH OCEANSIDE BEACH SERVICES, INC. FOR BEACH EQUIPMENT CONCESSION FOR THE PUBLICLY OWNED BEACH IN AN AMOUNT NOT-TO-EXCEED \$98,857 (REVENUE) FOR AN ADDITIONAL NINETY (90) DAYS FROM OCTOBER 31, 2018.

Recommendation: Motion to approve Amendment No. 1 with Oceanside Beach Services, Inc. to extend the Agreement for up to an additional ninety (90) days for beach equipment rental services in an amount not-to-exceed \$98,857 (revenue).

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[RFP 2013-48 Extension](#)

6.H. INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY FOR A PURCHASING AGENT POSITION.

Recommendation: Approve the Interlocal Agreement between the City of Delray Beach (City) and the Delray Beach Community Redevelopment Agency (CRA) to fund 100% of the actual amount expended for a Purchasing Agent position up to \$67,728, subject to approval of the City and CRA budgets for Fiscal Year 2018-19.

Sponsors: Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist](#)
[Interlocal Agreement](#)
[Purchasing Agent Job Description](#)

6.I. LEASE AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND TKG DELRAY BEACH, LLC

Recommendation: Motion to approve Lease Agreement between the City of Delray Beach and TKG Delray Beach, LLC.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Lease Agreement](#)

6.J. REVISED FEE LETTER FOR LEGAL REPRESENTATION BY LEWIS LONGMAN & WALKER

Recommendation: Motion to approve revise fee letter for legal representation by Lewis Longman & Walker.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Delray Beach Engagement Letter \(01044533xBA9D6\)](#)

6.K. RESOLUTION NO. 129-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, CONCERNING AMENDMENT 1 TO THE FLORIDA CONSTITUTION, WHICH, IF ADOPTED, WOULD CREATE ADDITIONAL INEQUITIES IN FLORIDA'S TAX SYSTEM BY GRANTING CERTAIN TAX BREAKS TO SOME TAXPAYERS AT THE EXPENSE OF OTHER TAXPAYERS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommendation: Motion to approve Resolution No. 129-18.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Res 129-18 re homestead tax](#)

- 6.L.** RESOLUTION NO. 130-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, SUPPORTING PROPOSED CONSTITUTIONAL AMENDMENT 13 TO PHASE OUT THE CRUELTY OF COMMERCIAL GREYHOUND RACING BY DECEMBER 2020 AND DECOUPLE LIVE RACING FROM OTHER FORMS OF GAMBLING IN FLORIDA; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommendation: Motion to approve Resolution No.130-18.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Res 130-18 re Cruelty of Commercial Greyhound Racing](#)

- 6.M.** PROPOSED SETTLEMENT IN THE CASE OF PATRICIA DUNCAN V. CITY OF DELRAY BEACH

Recommendation: Motion to settle the case of Patricia Duncan v. the 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.N. PROCLAMATIONS:

6.N.1. FLORIDA CITY GOVERNMENT WEEK

Recommendation: Proclaim the week of October 22-28, 2018 as Florida City Government Week.

Sponsors: Community Improvement

Attachments: [Agenda Cover Report](#)
[Proclamation City Government Week 2018-draft](#)

6.N.2. WORLD FOOD DAY, OCTOBER 16, 2018

Recommendation: Proclaim October 16, 2018 as World Food Day.

Sponsors: Community Improvement

Attachments: [Agenda Cover Report](#)
[World Food Day Proclamation](#)

6.O. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:

6.O.1. REPORT OF APPEALABLE LAND USE ITEMS FROM SEPTEMBER 3, 2018 THROUGH SEPTEMBER 14, 2018.

Recommendation: By motion, receive and file this report.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Appealable Items Map](#)
[A. 246 NE 6th Ave.](#)
[B. Delray Visitor Center - 2 S. Ocean Blvd](#)
[C. Delray Beach Plaza - 660 W. Linton Blvd](#)

6.P. AWARD OF BIDS AND CONTRACTS:

6.P.1. None

7. REGULAR AGENDA:

7.A. FLORIDA ASSOCIATION OF RECOVERY RESIDENCES (FARR) LAWSUIT DISCUSSION

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

7.B. IN LIEU OF PARKING FEE REQUEST OF 44 SPACES FOR THE PROPERTY LOCATED AT 300-330 NE 4TH ST (QUASI-JUDICIAL HEARING)

Recommendation: Motion to deny the in lieu of parking fee request for 44 parking spaces in the amount of \$202,400 associated with the conversion of 15,993 square feet of retail (9,251), industrial (4,742), and warehouse (2,000) to restaurant, 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 the criteria set forth in Section 4.6.9(E) of the Land Development Regulations.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Artist Alley Advisory Board memo .pdf](#)
[Artist-Alley - site plan.pdf](#)
[signed in lieu agreement](#)
[Agt-InLieuParkingFee-SWDelrayArtistAlleyLLC-Exhibit A.docx](#)
[Legal Review Form-In-LieuPaymentAgt-300-330NE4thSt- 8-17-18.docx](#)

7.C. ALWAYS DELRAY COMPREHENSIVE PLAN UPDATE: PRESENTATION OF THE HISTORIC PRESERVATION ELEMENT

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

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[HPE Goals Objectives Policies](#)
[MAP HPE1 Local Register](#)
[MAP HPE2 National Register](#)
[HPE DIA](#)
[HPE Existing Applicable GOPs](#)
[HPE Appendix -Florida Statues](#)
[HPE Element PZB Staff Report](#)

7.D. DISCUSSION OF DISPOSITION OF REAL PROPERTY - EAST ATLANTIC AVENUE ALLEYWAYS: 32 EAST

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Discussion Item Memo-East Atlantic Ave Alleyways CC Meeting 10-16-18](#)
[Attachment 1-Anderson Carr Appraisal of Alleyway Segments E. Atlantic Ave St](#)
[Attachment 2-East Atlantic Alleyway Parcels Analysis 10-8-18](#)
[Attachment 3-32 East In-lieu Parking Fees Memo 2-20-18](#)
[Attachment 4-32 East SITE PLAN-In lieu](#)

7.E. RESOLUTION NO. 125-18 BUDGET AMENDMENT

Recommendation: Motion to approve Resolution No. 125-18 amending the FY 2018/19 adopted budget to fund additional required pension contributions in the current year. This amendment will utilize \$2,280,135 of fund balance to fund additional contributions to the Police Officers' and Firefighters' Retirement Systems which resulted from a change in the actuarial assumptions and a required adjustment for pre-paid contributions as well as the application of the state contributions.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 125-18](#)
[Fund Balance](#)

8. PUBLIC HEARINGS:

- 8.A.** ORDINANCE NO. 19-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH BY AMENDING ALL SUBSECTIONS, EXCEPT SUBSECTION (H), OF SECTION 4.4.13. "CENTRAL BUSINESS (CBD) DISTRICT" AT ARTICLE 4.4, "BASE ZONING DISTRICT" OF CHAPTER 4, "ZONING REGULATIONS", IN ORDER TO MODIFY REGULATIONS, INCLUDING BUT NOT LIMITED TO, ALLOWABLE USES, RETAIL FRONTAGE, PARKING, BUILDING CONFIGURATIONS, FRONTAGE STANDARDS, STREET TREES, ARCHITECTURAL STANDARDS, CIVIC OPEN SPACES, TRAFFIC CIRCULATION AND APPLICATION REVIEW PROCESSES IN THE CBD DISTRICT, PROVIDING FOR NEW FIGURE 4.4.13-8A ALONG WITH OF OTHER TABLES OR FIGURES, PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (SECOND READING/SECOND PUBLIC HEARING)

Recommendation: Motion to Approve Ordinance No. 19-18 amending the Land Development Regulations at Section 4.4.13 "Central Business District (CBD)", as presented.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ord 19-18 2nd Reading](#)
[Changes between 1st and 2nd reading](#)
[PZB 082018 Ord No 19-18 CBD](#)

- 8.B.** ORDINANCE NO. 21-18: UPDATE OF THE CITY OF DELRAY BEACH CAPITAL IMPROVEMENT ELEMENT WITH THE ADOPTED FIVE-YEAR CAPITAL IMPROVEMENT PLAN (SECOND 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](#)
[PZB 082018 P&Z CIP Staff Report](#)
[Ordinance No. 21-18 CIP FY18-23 10.16.18](#)

- 8.C.** 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/PUBLIC HEARING)

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](#)

- 8.D.** ORDINANCE NO. 26-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 35, "EMPLOYEE POLICIES AND BENEFITS", BY REPEALING "PUBLIC EMPLOYEE RELATIONS", SECTIONS 35.030 THROUGH 35.041 IN ITS ENTIRETY; 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. 26-18.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Ord 26-18](#)

9. FIRST READINGS:

9.A. None

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

10.A.1 Homeless Advocacy Action Plan Update

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Sponsors: City Manager Department

10.A.2 Solid Waste CLEAN Program Education and Rollout Plan

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Sponsors: City Manager Department

10.A.3 Resident Parking Permit Program Implementation Update

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Sponsors: City Manager Department

10.A.4 Disparity Study

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Sponsors: City Manager Department

10.B. City Attorney

10.C. City Commission