

# City of Delray Beach

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[www.mydelraybeach.com](http://www.mydelraybeach.com)



## Regular Commission Meeting

Regular Meeting at 4:00 PM

Tuesday, April 2, 2019

Commission Chambers  
Delray Beach City Hall

### City Commission

*Mayor Shelly Petrolia*  
*Vice Mayor Shirley Ervin Johnson*  
*Deputy Vice Mayor Bill Bathurst*  
*Commissioner Adam Frankel*  
*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. RESOLUTION NO. 71-19 RECOGNIZING CHIEF JEFFREY GOLDMAN FOR 30 YEARS OF SERVICE**

**Title:** RESOLUTION NO. 71-19 RECOGNIZING CHIEF JEFFREY GOLDMAN FOR 30 YEARS OF SERVICE

**Body:** **Recommended Action:**

**Sponsors:** Human Resources Department

**Attachments:** [Agenda Cover Report](#)  
[71.19 Resolution Jeffrey Goldman.doc](#)

**4.B. SPOTLIGHT ON EDUCATION - ATLANTIC COMMUNITY HIGH SCHOOL EAGLE NEST CONSTRUCTION ACADEMY**

**Title:** SPOTLIGHT ON EDUCATION - ATLANTIC COMMUNITY HIGH SCHOOL EAGLE NEST CONSTRUCTION ACADEMY

**Body:** **Recommended Action:**

**Sponsors:** Community Improvement and Quinlan

**Attachments:** [Agenda Cover Report](#)

**4.C. Internal Auditor's Report**

4.C.1. None

**5. COMMENTS AND INQUIRIES ON AGENDA AND NON-AGENDA ITEMS FROM THE PUBLIC- IMMEDIATELY FOLLOWING PRESENTATIONS:**

A. City Manager's response to prior public comments and inquiries

B. From the Public

**6. CONSENT AGENDA: City Manager Recommends Approval**

- 6.A.** APPROVAL OF AMENDMENT NO. 1 WITH DUBIN & ASSOCIATES, INC FOR MANAGEMENT SERVICES FOR DELRAY BEACH TENNIS CENTER AND DELRAY SWIM & TENNIS CLUB - \$70,000

**Title:** APPROVAL OF AMENDMENT NO. 1 WITH DUBIN & ASSOCIATES, INC FOR MANAGEMENT SERVICES FOR DELRAY BEACH TENNIS CENTER AND DELRAY SWIM & TENNIS CLUB - \$70,000

**Body:** **Recommended Action:**

**Sponsors:** Parks & Recreation Department and Fisher

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist Amd #1 Solicitation 2016-086-2 Tennis and Swim Club](#)  
[Amendment No. 1 2016-086-2](#)

- 6.B.** APPROVAL OF AMENDMENT NO. 1 WITH BJCE, INC FOR MANAGEMENT SERVICES FOR DELRAY BEACH AND LAKEVIEW GOLF CLUBS - \$140,000

**Title:** APPROVAL OF AMENDMENT NO. 1 WITH BJCE, INC FOR MANAGEMENT SERVICES FOR DELRAY BEACH AND LAKEVIEW GOLF CLUBS - \$140,000

**Body:** **Recommended Action:**

**Sponsors:** Parks & Recreation Department and Fisher

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist Amd #1 to 2016-079 golf club](#)  
[Amendment No. 1 2016-079](#)

**6.C. APPROVAL TO ASSIGN ALL INTERESTS AND RIGHTS UNDER ANY AND ALL ACTIVE AGREEMENTS WITH KEITH AND SCHNARS, P.A. TO KCI TECHNOLOGIES, INC. IN ACCORDANCE WITH THE JANUARY 1, 2019 BUSINESS ACQUISITION**

**Title:** APPROVAL TO ASSIGN ALL INTERESTS AND RIGHTS UNDER ANY AND ALL ACTIVE AGREEMENTS WITH KEITH AND SCHNARS, P.A. TO KCI TECHNOLOGIES, INC. IN ACCORDANCE WITH THE JANUARY 1, 2019 BUSINESS ACQUISITION

**Body:** **Recommended Action:**

**Sponsors:** Public Works Department - Programs & Project Management and Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[2016-139-2 Amendment No. 2, vendor executed](#)  
[2017-048 Amendment No. 2, vendor executed](#)  
[2017-075 Amendment No. 1, vendor executed](#)  
[Legal Review Checklist form v. 5 Amend No 2 name change keith and schnars](#)  
[Legal Review Checklist form v. 5 Amend No 2 name change keith and schnars](#)  
[Legal Review Checklist form v. 5 Amend No 1 to 2017-075 keith and schnars ne](#)  
[Executed 2016-139-2 Agreement](#)  
[2017-048 Agreement with Keith and Schnars, P.A.](#)  
[2017-075 Agreement, executed](#)

**6.D. APPROVAL TO ASSIGN ALL INTERESTS AND RIGHTS UNDER ANY AND ALL ACTIVE AGREEMENTS WITH INTERLINE BRANDS, INC. TO HOME DEPOT U.S.A., INC. IN ACCORDANCE WITH THE FEBRUARY 3, 2019 BUSINESS ACQUISITION**

**Title:** APPROVAL TO ASSIGN ALL INTERESTS AND RIGHTS UNDER ANY AND ALL ACTIVE AGREEMENTS WITH INTERLINE BRANDS, INC. TO HOME DEPOT U.S.A., INC. IN ACCORDANCE WITH THE FEBRUARY 3, 2019 BUSINESS ACQUISITION

**Body:** **Recommended Action:**

**Sponsors:** Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[2017-052 Amendment No. 1, vendor executed](#)  
[Legal Review Checklist form v. 5 Homedepot Assignment](#)  
[Executed 2017-052 Agreement with Supplyworks](#)  
[Notice of Merger - Interline to Home Depot](#)

**6.E. REVOCABLE LICENSE AGREEMENT - COMMUNITY GREENING**

**Title:** REVOCABLE LICENSE AGREEMENT - COMMUNITY GREENING

**Body:** **Recommended Action:**

**Attachments:** [Agenda Cover Report](#)

[Attachment 1: Legal Review Checklist CommunityGreening](#)

[Attachment 2: Revocable License Agreement Community Greening](#)

[Attachment 3: Award Recognition](#)

**6.F. Revocable License Agreement - Knights Of Pythagoras (KOP) Mentoring Network, Inc.**

**Title:** Revocable License Agreement - Knights Of Pythagoras (KOP) Mentoring Network, Inc.

**Body:** **Recommended Action:**

**Attachments:** [Agenda Cover Report](#)

[Attachment 1: Legal Review Checklist KOP](#)

[Attachment 2: Revocable License Agreement KnightsPythagoras 2019](#)

**6.G. APPROVAL OF AN EASEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE SOUTH CENTRAL REGIONAL WASTEWATER TREATMENT AND DISPOSAL BOARD (SCRWTD) FOR THE ATLANTIC CROSSING PROJECT**

**Title:** APPROVAL OF AN EASEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE SOUTH CENTRAL REGIONAL WASTEWATER TREATMENT AND DISPOSAL BOARD (SCRWTD) FOR THE ATLANTIC CROSSING PROJECT

**Body:** **Recommended Action:**

**Sponsors:** City Attorney Department and Inglesse

**Attachments:** [Agenda Cover Report](#)

[Easement Agreement](#)

**6.H. ACCEPTANCE OF SUBGRANT AWARD FROM THE CITY OF MIAMI FOR PARTICIPATION IN THE REGIONWIDE EXERCISE**

**Title:** ACCEPTANCE OF SUBGRANT AWARD FROM THE CITY OF MIAMI FOR PARTICIPATION IN THE REGIONWIDE EXERCISE

**Body:** **Recommended Action:**

**Attachments:** [Agenda Cover Report](#)

[Legal review form LW review](#)

[CCTA MOA-LW review](#)

[MOA Revised Budget Breakdown for FSE Ex 2](#)

[CCTA \(award reso sig page\) Exh 1](#)

**6.I. APPROVAL OF AN ACCESS EASEMENT AGREEMENT AND TERMINATION OF EASEMENT FOR AZURE DELRAY LOCATED AT 116 MARINE WAY**

**Title:** APPROVAL OF AN ACCESS EASEMENT AGREEMENT AND TERMINATION OF EASEMENT FOR AZURE DELRAY LOCATED AT 116 MARINE WAY

**Body:** **Recommended Action:**

**Sponsors:** City Attorney Department and Inglesse

**Attachments:** [Agenda Cover Report](#)  
[Doc - Limited Access Easement form v.01 \(116 Marine Way\)](#)  
[Sketch & Legal - 116 Marine Way Easement - both pages](#)  
[Doc - Termination of Access Easement form v.01 \(116 Marine Way\)](#)

**6.J. PROCLAMATIONS:**

**6.K. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**

**6.K.1. REPORT OF APPEALABLE LAND USE ITEMS FROM FEBRUARY 11, THROUGH MARCH 22, 2019.**

**Title:** REPORT OF APPEALABLE LAND USE ITEMS FROM FEBRUARY 11, THROUGH MARCH 22, 2019.

**Body:** **Recommended Action:**

**Attachments:** [Agenda Cover Report](#)  
[Appealable Items Map](#)  
[A -335 & 365 SE 6th Avenue - Appelable Report](#)  
[B - 801 Palm Trail - Appelable Report](#)  
[C - 524 W. Atlantic Ave -Appelable Report](#)  
[D - 2201 N. Federal Hwy. Gunther Volvo - Appealable Report](#)  
[E - 36 SE 2nd Ave - Appelable Report](#)  
[F - 215 NE 7th Ave - Appelable Report](#)  
[G - 16000 S. Military Trail. 7 Eleven - Appealable Report](#)  
[H - 1901 S. Ocean Blvd. Ocean Delray - Appelable Report](#)  
[I - 4 E. Atlantic Ave. Tapas 35 Restaurant - Appealable Report](#)  
[J - 102 George Bush Blvd. - Appealable Report](#)  
[K - 230 George Bush Blvd. - Appealable Report](#)  
[L - 242 SE 7th Ave - Appealable Report](#)

**6.L. AWARD OF BIDS AND CONTRACTS:****6.L.1. RESOLUTION 64-19 FOR AWARD OF A FIVE YEAR AGREEMENT WITH FLSC, LLC DBA FLORIDA TEXTILE RECYCLING PROGRAMS FOR RECYCLING SERVICES**

**Title:** RESOLUTION 64-19 FOR AWARD OF A FIVE YEAR AGREEMENT WITH FLSC, LLC DBA FLORIDA TEXTILE RECYCLING PROGRAMS FOR RECYCLING SERVICES

**Body:** **Recommended Action:**

**Sponsors:** Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist form v. 5 textile recycling agreement](#)  
[RFP 2018-012 Textile Recycling Initiative](#)  
[RFP 2018-012 Textile Recycling Resolution](#)  
[Textile Recycling PPT](#)  
[Textile Recycling Initiative Agreement](#)

**6.L.2. APPROVAL OF RESOLUTION NO. 61-19 TO AWARD A SOLE SOURCE AGREEMENT WITH TEN-8 FIRE EQUIPMENT, INC. FOR PIERCE OEM EQUIPMENT AND RELATED SERVICES - \$50,000**

**Title:** APPROVAL OF RESOLUTION NO. 61-19 TO AWARD A SOLE SOURCE AGREEMENT WITH TEN-8 FIRE EQUIPMENT, INC. FOR PIERCE OEM EQUIPMENT AND RELATED SERVICES - \$50,000

**Body:** **Recommended Action:**

**Sponsors:** Public Works Department - Fleet Division and Fire Rescue Department

**Attachments:** [Agenda Cover Report](#)  
[SS2019-002 Agreement, vendor executed](#)  
[SS2019-002 Resolution No. 61-19 CA rev](#)  
[Legal Review Checklist form v. 5 Ten-8 Fire Equipment](#)  
[Sole Source Approval - Pierce Apparatus and Equipment](#)

**7. REGULAR AGENDA:**



- 7.A.** WAIVER REQUEST TO INCREASE THE WIDTH OF THE BUILDING FRONTING A STREET (SOUTH SWINTON AVENUE) FROM THE MAXIMUM ALLOWABLE OF 60' TO 64' 3½" FOR PROPERTY LOCATED AT 143 SOUTH SWINTON AVENUE IN THE OLD SCHOOL SQUARE HISTORIC DISTRICT (QUASI-JUDICIAL HEARING)

**Title:** WAIVER REQUEST TO INCREASE THE WIDTH OF THE BUILDING FRONTING A STREET (SOUTH SWINTON AVENUE) FROM THE MAXIMUM ALLOWABLE OF 60' TO 64' 3½" FOR PROPERTY LOCATED AT 143 SOUTH SWINTON AVENUE IN THE OLD SCHOOL SQUARE HISTORIC DISTRICT (QUASI-JUDICIAL HEARING)

**Body:** **Recommended Action:**

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[2019-02-06-HPB SR Class V COA Waiver Variances-143 S. Swinton Ave](#)  
[Combined Plans](#)  
[Attachment - Justification Statements](#)  
[2019-03-12-CC Board Order-143 S Swinton Ave-Waiver](#)

- 7.B.** APPEAL OF THE HISTORIC PRESERVATION BOARD (HPB) DENIALS OF A CLASS V SITE PLAN, CERTIFICATE OF APPROPRIATENESS 2018-155, LANDSCAPE PLAN, ARCHITECTURAL ELEVATIONS, SETBACK VARIANCE, AND LANDSCAPE VARIANCE FOR THE CONVERSION OF AN EXISTING SINGLE-FAMILY RESIDENCE TO AN OFFICE AND ASSOCIATED 2,789 SQUARE FOOT ADDITION FOR PROPERTY LOCATED AT 143 SOUTH SWINTON AVENUE IN THE OLD SCHOOL SQUARE HISTORIC DISTRICT. (QUASI-JUDICIAL HEARING)

**Title:** APPEAL OF THE HISTORIC PRESERVATION BOARD (HPB) DENIALS OF A CLASS V SITE PLAN, CERTIFICATE OF APPROPRIATENESS 2018-155, LANDSCAPE PLAN, ARCHITECTURAL ELEVATIONS, SETBACK VARIANCE, AND LANDSCAPE VARIANCE FOR THE CONVERSION OF AN EXISTING SINGLE-FAMILY RESIDENCE TO AN OFFICE AND ASSOCIATED 2,789 SQUARE FOOT ADDITION FOR PROPERTY LOCATED AT 143 SOUTH SWINTON AVENUE IN THE OLD SCHOOL SQUARE HISTORIC DISTRICT. (QUASI-JUDICIAL HEARING)

**Body:** **Recommended Action:**

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Attachment - Plans-143 S Swinton Ave](#)  
[Attachment - Justification Statements-143 S Swinton Ave](#)  
[2019-02-14-Applicant Appeal Letter](#)  
[2019-02-06-HPB SR Class V COA Waiver Variances-143 S. Swinton Ave](#)  
[2019-03-12-CC Board Order-143 S Swinton Ave-Site Plan COA LP AE Var](#)

**7.C. USE AGREEMENT FOR SOUTH FLORIDA COLLEGIATE BASEBALL LEAGUE - INITIAL THREE (3) YEAR TERM WITH TWO (2) ONE-YEAR RENEWAL OPTIONS FOR A COMPLETE TERM OF FIVE (5) YEARS**

**Title:** USE AGREEMENT FOR SOUTH FLORIDA COLLEGIATE BASEBALL LEAGUE - INITIAL THREE (3) YEAR TERM WITH TWO (2) ONE-YEAR RENEWAL OPTIONS FOR A COMPLETE TERM OF FIVE (5) YEARS

**Body:** **Recommended Action:**

**Sponsors:** Parks & Recreation Department and Fisher

**Attachments:** [Agenda Cover Report](#)  
[ATTACHMENT 1: Legal Review Checklist South Florida Collegiate Baseball Le:](#)  
[ATTACHMENT 2: Reso for SFlo Baseball League Miller Park](#)  
[ATTACHMENT 3: South Florida Collegiate Baseball League - signed contract](#)

**7.D. REQUEST FOR A CONDITIONAL USE TO ESTABLISH A CONVENIENCE MART (GASOLINE STATION WITH FOOD SALES) WITH 24-HOUR OPERATION AT 16211 S. MILITARY TRAIL (MURPHY OIL) (QUASI-JUDICIAL HEARING)**

**Title:** REQUEST FOR A CONDITIONAL USE TO ESTABLISH A CONVENIENCE MART (GASOLINE STATION WITH FOOD SALES) WITH 24-HOUR OPERATION AT 16211 S. MILITARY TRAIL (MURPHY OIL) (QUASI-JUDICIAL HEARING)

**Body:** **Recommended Action:**

**Attachments:** [Agenda Cover Report](#)  
[Murphy Oil Conditional Use Board Order v2 03.11.19](#)  
[Murphy Oil Location Map](#)  
[Murphy Oil- Staff Report](#)  
[Murphy Oil-Survey](#)  
[Murphy Oil -Site Plan](#)  
[Murphy USA - Security Narrative](#)  
[Murphy Oil-Justification Statement - 1400SF](#)  
[Murphy Oil-Justification Statement - 24Hr](#)

**7.E. POLICY DIRECTION: AMERICAN LEGION POST 188**

**Title:** POLICY DIRECTION: AMERICAN LEGION POST 188

**Body:** **Recommended Action:**

**Attachments:** [Agenda Cover Report](#)  
[Delray 196 NW 8th Avenue - hsw](#)  
[american legion summary](#)

**7.F. NOMINATION FOR APPOINTMENT TO THE PARKING MANAGEMENT ADVISORY BOARD**

**Title:** NOMINATION FOR APPOINTMENT TO THE PARKING MANAGEMENT ADVISORY BOARD

**Body:** **Recommended Action:**

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Exhibit A](#)  
[PMAB Applications](#)

**7.G. NOMINATION FOR APPOINTMENT TO THE BOARD OF ADJUSTMENT**

**Title:** NOMINATION FOR APPOINTMENT TO THE BOARD OF ADJUSTMENT

**Body:** **Recommended Action:**

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Exhibit A](#)  
[Board of Adjustment Member List](#)  
[Board of Adjustment Applications](#)

**8. PUBLIC HEARINGS:**

**9. FIRST READINGS:**

- 9.A.** ORDINANCE NO. 02-19: 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 4.3.4 “BASE DISTRICT DEVELOPMENT STANDARDS”, BY AMENDING PARAGRAPH 4.3.4(J) “HEIGHT”, TO AMEND THE BASIS FOR BUILDING HEIGHT MEASUREMENT; AMENDING SECTION 4.6.2 “DISTANCE BETWEEN RESIDENTIAL BUILDINGS” TO AMEND THE BASIS FOR BUILDING HEIGHT MEASUREMENT; AND AMENDING APPENDIX A “DEFINITIONS” OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES TO ADD DEFINITIONS FOR “BASE FLOOD ELEVATION”, “BASE BUILDING ELEVATION”, AND “FREEBOARD”, AND TO REMOVE THE DEFINITION OF “GRADE”; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

**Title:** ORDINANCE NO. 02-19: 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 4.3.4 “BASE DISTRICT DEVELOPMENT STANDARDS”, BY AMENDING PARAGRAPH 4.3.4(J) “HEIGHT”, TO AMEND THE BASIS FOR BUILDING HEIGHT MEASUREMENT; AMENDING SECTION 4.6.2 “DISTANCE BETWEEN RESIDENTIAL BUILDINGS” TO AMEND THE BASIS FOR BUILDING HEIGHT MEASUREMENT; AND AMENDING APPENDIX A “DEFINITIONS” OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES TO ADD DEFINITIONS FOR “BASE FLOOD ELEVATION”, “BASE BUILDING ELEVATION”, AND “FREEBOARD”, AND TO REMOVE THE DEFINITION OF “GRADE”; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

**Body:** **Recommended Action:**  
**Sponsors:** Development Services Department  
**Attachments:** [Agenda Cover Report](#)  
[Ordinance 02-19](#)  
[02-19 PZB Staff Report](#)

## **10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:**

**A. City Manager**

**B. City Attorney**

**C. City Commission**