

# 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, July 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. LEGISLATIVE SESSION WRAP-UP BY AL JACQUET, DISTRICT 88 REPRESENTATIVE**

**Sponsors:** City Clerk Department

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

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

4.B.1. None

**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. CITY COMMISSION MINUTES**

**Recommendation:** Motion to approve meeting minutes as listed below:

May 21, 2019 Regular City Commission Minutes

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[05-21-19 Regular City Commission Minutes](#)

**6.B. REQUEST FOR SUBORDINATION OF SECOND MORTGAGE FOR 810 NW 21st WAY**

**Recommendation:** Motion to Approve a request for the City to subordinate its second mortgage position in the amount of \$50,000 for the property located at 810 NW 21st Way Delray Beach, FL 33445.

**Sponsors:** Community Improvement

**Attachments:** [Agenda Cover Report](#)  
[Attach1 Legal Review Subordination Agreement re Jarrod Levins](#)  
[Attach 2 Subordination Agreement for Refinance - Jarrod Levins PDF](#)  
[Attach 3 Subordination Policy Amendment 120313](#)

**6.C. LANDSCAPE MAINTENANCE AGREEMENT FOR THE PROJECT "36 SE 2ND AVENUE PARKING LOT" LOCATED AT 36 SE 2ND AVENUE**

**Recommendation:** Accept the Landscape Maintenance Agreement for the project "36 SE 2nd Avenue Parking Lot" located at 36 SE 2nd Avenue.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[36 SE 2nd Avenue Parking Lot Landscape Maintenance Agreement](#)  
[36 SE 2nd Avenue Parking Lot Location Map](#)  
[36 SE 2nd Avenue Parking Lot Legal Review Landscape Maintenance Agreeem](#)  
[36 SE 2nd Avenue Parking Lot Landscape Plan](#)  
[36 SE 2nd Avenue Parking Lot Site Plan](#)

**6.D. FINAL (MINOR) SUBDIVISION REPLAT OF ALL OF TRACT 2 AND TRACT 5 OF THE PLAT OF DELRAY SQUARE II, PLAT BOOK 82, PAGES 63 THROUGH 64, ALSO KNOWN AS DELRAY SQUARE I.**

**Recommendation:** Motion to approve the Final (Minor) Plat for Delray Square I, located at 4771 West Atlantic Avenue, by adopting 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](#)  
[Delray Square I Plat Location Map](#)  
[Delray Square I PLAT](#)  
[Delray Square I Plat Survey](#)  
[Delray Square I Plat Overall Site Plan](#)

- 6.E.** RESOLUTION NO. 121-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING THE ABANDONMENT OF A GENERAL UTILITY EASEMENT CONTAINING 1,184 SQUARE FEET, AND A SEWER EASEMENT CONTAINING 453 SQUARE FEET, WHICH WERE DEDICATED TO THE CITY OF DELRAY BEACH AS RECORDED IN THE METROPOLITAN AT DELRAY REPLAT, PLAT BOOK 123, PAGES 52 AND 53, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, RUNNING PARALLEL TO THE ALLEY EAST OF SE 3RD AVENUE, NORTH OF SE 1ST STREET, AS MORE PARTICULARLY DESCRIBED IN EXHIBITS "A" AND "B", PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

**Recommendation:** Review and consider Resolution 121-19, as presented.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Metropolitan GUE and Sewer Easement Abandonment Resolution 121-19](#)  
[Metropolitan GUE and Sewer Easement Abandonment Location Map](#)  
[Metropolitan GUE and Sewer Easement Abandonment Plat](#)  
[Delray City Market Site Plan](#)

- 6.F.** TERMINATION OF A 12-FOOT DRAINAGE EASEMENT WHICH WAS DEDICATED TO THE OWNERS OF PARCEL A, IT'S SUCCESSORS, AND/OR ASSIGNS AS RECORDED IN THE METROPOLITAN AT DELRAY REPLAT, PLAT BOOK 123, PAGES 52 AND 53 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A".

**Recommendation:** Review and consider the termination of the 12-foot drainage easement.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Termination of Drainage Easement-Metropolitan Location Map](#)  
[Termination of Drainage Easement-Metropolitan](#)  
[Termination of Drainage Easement - Metropolitan Plat](#)  
[Delray City Market Site Plan](#)

- 6.G.** EARLY LEARNING COALITION OF PALM BEACH COUNTY SCHOOL READINESS PROGRAM FOR THE AFTERSCHOOL PROGRAM LOCATED AT POMPEY PARK AND THE COMMUNITY CENTER

**Recommendation:** Motion to approve the agreement between Early Learning Coalition of Palm Beach County, Inc. and the City of Delray Beach.

**Sponsors:** Parks & Recreation Department

**Attachments:** [Agenda Cover Report](#)  
[Attach 2 Legal Review Checklist form v. 5 ELC After school Program Provider](#)  
[Attach 3 ELC 2019 SchoolReadinessProgram CC PP](#)  
[Attach 4 CSC ELC payments 2015 2019](#)

- 6.H.** CHILDREN'S SERVICES COUNCIL (CSC) SCHOLARSHIP PROGRAM FOR THE AFTERSCHOOL PROGRAM LOCATED AT POMPEY PARK AND THE DELRAY BEACH COMMUNITY CENTER WITH THE EARLY LEARNING COALITION OF PALM BEACH COUNTY, INC.

**Recommendation:** Motion to approve the agreement between the Early Learning Coalition of Palm Beach County, Inc. and the City of Delray Beach.

**Sponsors:** Parks & Recreation Department

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

[Attach 2 Legal Review Checklist form v. 5 CSC Provider Contract 2019-2020](#)

[Attach 3 ChildrenServCouncil 2019 CC PP](#)

[Attach 4 CSC ELC payments 2015 2019](#)

- 6.I.** APPROVAL OF AN INTERLOCAL AGREEMENT WITH THE DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY FOR FUNDING OF AN ECONOMIC DEVELOPMENT DIRECTOR AND MANAGER POSITION.

**Recommendation:** Motion to approve an Interlocal Agreement with the Delray Beach Community Redevelopment Agency for funding of an Economic Development Director and Manager position.

**Sponsors:** City Manager Department

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

[Legal Review Checklist form v. 5 ILA with CRA fro Office of Economic Develop](#)

[ILA - Economic Development Positions -6-3-19 lg rev](#)

- 6.J.** SECOND AMENDMENT TO THE 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 Second Amendment to the Interlocal Agreement (ILA) 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. This amendment adjusts the ILA to remove projects that are being managed by CRA staff and to reflect actual funding requirements for projects that are moving forward under City management.

**Sponsors:** Public Works Department

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

[Legal Review Checklist form v. 5 2nd Amend to ILA bet City and CRA to amend](#)

[ILA 2nd Amendment](#)

[Exhibit A](#)

**6.K. APPROVAL OF AMENDMENT NO. 2 WITH CDM SMITH INC. FOR CITY-WIDE PROJECT MANAGEMENT SERVICES TO RENEW THE ANNUAL AGREEMENT - \$250,000**

**Recommendation:** Motion to approve Amendment No. 2 to the agreement with CDM Smith Inc. for annual city-wide project management services in an amount of \$250,000, and authorize the City Manager to approve renewal options, contingent upon appropriation of funds.

**Sponsors:** Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[CDM Smith Executed Agreement](#)  
[CDM Smith Amendment No. 1, Executed](#)  
[Amendment 2-Renewal CDM Smith Inc](#)  
[Legal Review Checklist form v. 5 Amend No 2 CDM Smith](#)

**6.L. PROCLAMATIONS:**

**6.L.1. OBSERVANCE OF INDEPENDENCE DAY**

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Observance of Independence Day](#)

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

**6.M.1. REPORT OF APPEALABLE LAND USE ITEMS FROM MAY 13, 2019, THROUGH JUNE 7, 2019.**

**Recommendation:** By motion, receive and file this report.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Appealable Reports Map](#)  
[A - Sharp Business Systems - 1395 NW 17th Ave. - Appealable Report](#)  
[B - Grand Bahama P. Park Condo. - 955 BW 17th Ave. - Appealable Report](#)  
[C - 601 West Atlantic Avenue - Appealable Report](#)

**6.N. AWARD OF BIDS AND CONTRACTS:**

**6.N.1. APPROVAL OF RESOLUTION NO. 125-19 TO AWARD AN AGREEMENT WITH TOPLINE RECREATION, INC. FOR PLAYGROUND EQUIPMENT AT MERRITT PARK UTILIZING ST. JOHNS COUNTY SCHOOL DISTRICT CONTRACT BID NO. 2018-04 - \$198,447.36**

**Recommendation:** Motion to approve Resolution No. 125-19 to award an agreement to Topline Recreation, Inc. for purchase of playground equipment, surfacing, shade structure and installation for Merritt Park improvements totaling \$198,447.36 and authorize the City Manager to approve renewal options, contingent upon appropriation of funds.

**Sponsors:** Parks & Recreation Department

**Attachments:** [Agenda Cover Report](#)  
[ITB 2018-04 Solicitation \(TopLine\)](#)  
[ITB 2018-04 AWARD LIST](#)  
[ITB 2018-04 Top Line Award St John's Renewal Letter](#)  
[TopLine Quote](#)  
[P2019-051 Agreement with Topline](#)  
[The obstacle course playground image.jpg](#)  
[Resolution for playground equipment](#)  
[Legal Review Checklist Master Contractor Services Agreement with Topline Re](#)

## **7. REGULAR AGENDA:**

### **7.A. NOMINATION FOR APPOINTMENT TO THE EDUCATION BOARD**

**Recommendation:** Motion to approve nomination for appointment for one (1) regular member to serve on the Education Board for two year terms ending July 31, 2021.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[0702019 Exhibit A](#)  
[Education Board Member List](#)  
[Education Board Attendance List](#)  
[Education Board Applications](#)



**7.B. NOMINATION FOR APPOINTMENT TO THE POLICE ADVISORY BOARD**

**Recommendation:** Motion to approve nomination for appointment for one (1) regular member to serve on the Police Advisory Board for a two (2) year term ending July 31, 2021.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[07022019 Exhibit A](#)  
[Police Advisory Board Member List](#)  
[Police Advisory Board Attendance List](#)  
[Police Advisory Board Apps](#)

**7.C. 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, 2021.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[07022019 Exhibit A](#)  
[Planning & Zoning Board Member List](#)  
[Planning and Zoning Attendance List](#)  
[Planning & Zoning Board Apps](#)

**7.D. 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, 2021.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[07022019 Exhibit A](#)  
[Historic Preservation Board Member List](#)  
[Historic Preservation Board Attendance List](#)  
[Historic Preserv Board Apps](#)

**7.E. 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, 2021.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[07022019 Exhibit A](#)  
[Site Plan Review and Appearance Board Member List](#)  
[Site Plan Review and Appearance Board Attendance List](#)  
[SPRAB Apps](#)

**7.F. NOMINATIONS FOR APPOINTMENT TO THE BOARD OF ADJUSTMENT**

**Recommendation:** Motion to approve nominations for appointment for two (2) regular members and one (1) alternate member to serve on the Board of Adjustment for two (2) year terms ending August 31, 2019.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[07022019 Exhibit A](#)  
[Board of Adjustment Member List](#)  
[Board of Adjustment Attendance List](#)  
[Board of Adjustment Applications](#)

**8. PUBLIC HEARINGS:**

- 8.A.** ORDINANCE NO. 17-19: 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 4.4.13 "CENTRAL BUSINESS DISTRICT", BY AMENDING SUBSECTION 4.4.13(C)(3)(b) "CENTRAL CORE AND BEACH SUB-DISTRICTS", TO AMEND THE BASIS FOR GROUND FLOOR RETAIL REQUIREMENTS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.(FIRST READING/PUBLIC HEARING)

**Recommendation:** Review and consider Ordinance No. 17-19 on first reading, a City-initiated amendment Land Development Regulations, Section 4.4.13 "Central Business (CBD) District," subsection 4.4.13(C)(3)(b) to provide a basis for exceptions to the retail requirement within the Central Core and Beach Sub-districts.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Ordinance No. 17-19](#)  
[Ordinance No. 17-19 PZB Staff Report](#)  
[Legal Review Ordinance 17-19](#)  
[Ordinance No. 21-07](#)

## **9. FIRST READINGS:**

- 9.A.** ORDINANCE NO. 26-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, IMPOSING A TEMPORARY MORATORIUM ON THE OPERATION OF RETAIL BUSINESSES ENGAGED IN THE SALE OF RETAIL PRODUCTS CONTAINING CANNABIDIOL/CBD SOLD AS A PRINCIPAL RETAIL PRODUCT WITHIN THE CITY FOR A PERIOD OF ONE (1) YEAR; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

**Recommendation:** Motion to Approve Ordinance No. 26-19.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)  
[SB 1020](#)  
[Ord 26-19 CBD Moratorium](#)

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

- A. City Manager**
- B. City Attorney**
- C. City Commission**

