

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 4:00 PM

Tuesday, July 9, 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. PRESENTING ALBERTO ANGULO, CODE ENFORCEMENT OFFICER, WITH EMPLOYEE OF THE MONTH FOR JULY 2019.**

Recommendation: Motion to present Albert Angulo, Code Enforcement Officer, with Employee of the Month for July 2019.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Nomination Form Albert Angulo](#)

4.B. NEXT GENERATION INITIATIVES DAY PROCLAMATION

Recommendation: Motion to proclaim July 9th, 2019 as Next Generation Initiatives Day in the City of Delray Beach

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Next Generation Initiatives Day Proclamation.docx](#)

4.C. DELRAY BEACH WATER SUPPLY AND TREATMENT FEASIBILITY STUDY PRESENTATION

Recommendation: Presentation Only.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)
[Kimley-Horn presentation Water Supply and Treatment Feasibility Study_subm](#)

4.D. Internal Auditor's Report

4.D.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:

June 11, 2019 Workshop City Commission Minutes
June 18, 2019 Regular City Commission Minutes

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[06-11-19 Workshop City Commission Minutes](#)
[06-18-19 Regular City Commission Minutes](#)

6.B. A QUIT CLAIM DEED OF 5 FEET ON NE 7TH AVENUE REPLACED BY A 5 FEET WIDE PERPETUAL SIDEWALK EASEMENT ALONG NE 7TH AVENUE AND NE 5TH STREET, AND A 5 FEET WIDE RIGHT OF WAY DEDICATION ALONG NE 7TH AVENUE AND A 2 FEET WIDE ALLEYWAY DEDICATION FOR 501 NE 7TH AVENUE.

Recommendation: Consider the Quit Claim deed, the perpetual sidewalk easement, and the right of way and alleyway dedication for 501 NE 7th Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Quit Claim Deed 501 NE 7th Avenue](#)
[Legal Review 501 NE 7th Avenue](#)
[Perpetual Sidewalk Easement Agreement 501 NE 7th Ave](#)
[Right of Way Deed 501 NE 7th Ave](#)

6.C. AMENDMENT NO. 2 WITH MT CAUSLEY, INC., FOR INSPECTION, PLAN REVIEW, AND DEVELOPMENT REVIEW SERVICES - \$200,000

Recommendation: Motion to approve Amendment No. 2 to the Agreement with MT Causley, Inc., to extend the Agreement in an amount not-to-exceed \$200,000 for Inspection, Plan Review, and Development Review Services.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist form v. 5 MT Causley Amend No 2](#)
[RFP 2015-56 Amendment No. 2](#)

6.D. CONSIDERATION OF A HOLD HARMLESS AGREEMENT FOR 707 N. OCEAN BLVD. (ITEM A) AND 1901 S. OCEAN BLVD.(ITEM B) AND CONSIDERATION OF A RIGHT OF WAY DEDICATION FOR 36 SE 2ND AVE. (ITEM C)

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Item \(A\) Hold Harmless Agreement - 707 N Ocean Blvd.](#)
[Item \(A\) PAPA Map 707 N Ocean Blvd](#)
[Item \(A\) Civil Drawings 707 N Ocean Blvd.](#)
[Item \(A\) PAPA Page 707 N Ocean Blvd](#)
[Legal Review N Ocean 707B Hold Harmless](#)
[Item \(B\) PAPA Map for 1901 S Ocean](#)
[Item \(B\) PAPA Page for 1901 S Ocean](#)
[Item \(B\) Civil Drawings -1901 S Ocean Blvd.](#)
[Item \(B\) Hold Harmless Agreement - 1901 N Ocean Blvd.](#)
[Item \(C\) Sun Biz Page 36 SE 2nd Ave](#)
[Item \(C\) Exhibit \(A\) Sketch and Description 36 SE 2nd Ave](#)
[Item \(C\) Exhibit \(B\) Sketch and Description 36 SE 2nd Ave](#)
[Item \(C\) Legal Review Approval for ROW Deed SE 2nd Ave](#)
[Item \(C\) PAPA Map Location 36 SE 2nd Ave](#)
[Item \(C\) Papa Page 36 SE 2nd Ave](#)
[Item \(C\) ROWD 36 SE 2nd Ave](#)

6.E. RESOLUTION NO. 134-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, RECOGNIZING THAT THE CITY OF DELRAY BEACH IS CONSIDERING AMENDMENTS TO THE CITY'S CODE OF ORDINANCES RELATING TO THE REGULATION OF DOCKLESS MOBILITY DEVICES; EXTENDING THE PENDING ORDINANCE DOCTRINE PERIOD PREVIOUSLY INVOKED BY THE CITY COMMISSION; RESTATING THAT THE CITY WILL DEFER THE PROCESSING AND APPROVAL OF ALL APPLICATIONS FOR DOCKLESS MOBILITY DEVICES INCONSISTENT WITH THE CODE OF ORDINANCES DURING THE PENDENCY OF THE CITY'S CONSIDERATION OF THESE AMENDMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommendation: Motion to approve Resolution 134-19.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Res 134-19 Extending the Zoning in Progress Period for the Scooters](#)
[Res No. 44-19](#)
[HB 453](#)

6.F. PROCLAMATIONS:

6.F.1. None

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

6.G.1. REPORT OF APPEALABLE LAND USE ITEMS FROM JUNE 10, 2019, THROUGH JUNE 21, 2019.

Recommendation: By motion, receive and file this report.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Appealable Map - July 9 2019](#)
[A - 1200 NW 17th Avenue - Appealable Report](#)
[B - 75 SE 4th Avenue - Appealable Report](#)
[C - 313 NE 3rd Street - Appealable Report](#)
[D - 307 E. Atlantic Ave - Appealable Report](#)
[E - 640 E. Atlantic Ave - Appealable Report](#)
[F - 10 N. Ocean Blvd. - Appealable Report](#)
[G - 1009-1023 Casuarina Rd. - Appealable Report](#)

6.H. AWARD OF BIDS AND CONTRACTS:

6.H.1. APPROVAL OF RESOLUTION NO. 129-19 TO AWARD AN AGREEMENT TO DEV-LAND DEMOLITION & SITE, INC. FOR LIME SLUDGE REMOVAL AND DISPOSAL - \$1,245,750

Recommendation: Motion to approve Resolution No. 129-19 to award an agreement to Dev-Land Demolition & Site, Inc. for lime sludge removal and disposal in an amount of \$1,245,750, and authorize the City Manager to approve renewal options, contingent upon appropriation of funds, in the amounts shown below.

Sponsors: Purchasing Department

Attachments: [Agenda Cover Report](#)
[Copy of Excel Tabulation for Bid 2019-033](#)
[Agreement](#)
[Resolution](#)
[Legal Review Checklist form v. 5 Dev Land](#)

- 6.H.2.** APPROVAL OF RESOLUTION NO. 136-19 TO APPROVE AN AGREEMENT WITH ADVANCED DATA PROCESSING, INC., A SUBSIDIARY OF INTERMEDIX CORPORATION, FOR PROFESSIONAL PUBLIC EMERGENCY MEDICAL TRANSPORTATION (PEMT) PROGRAM SERVICES; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THIS AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommendation: Motion to Approve Resolution No. 136-19 to approve an agreement based upon Contract No. 17-SQ-68BB between Volusia County, Florida and Advanced Data Processing, Inc. (ADPI) for a Public Emergency Medical Transportation (PEMT) Program for the City of Delray Beach Fire Department and authorize the City Manager to execute a master service agreement with ADPI and authorize the City Manager to approve renewal options; contingent upon renewal by Volusia County.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)
[Volusia County Fully Executed Agreement - ADPI](#)
[Res 136-19 for PEMT Services - ADPI - Volusia County CA rev](#)
[Legal Review Checklist form v. 5 ADP Volusia County piggyback Agreement - PEMT - ADPI - Volusia CA rev](#)

7. REGULAR AGENDA:

- 7.A.** RESOLUTION NO. 126-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE PURSUANT TO LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, AND THE COMPREHENSIVE PLAN, TO ALLOW THE ESTABLISHMENT OF A VETERINARY CLINIC AT 600 AND 660 WEST LINTON BOULEVARD; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

Recommendation: Review and consider Resolution No. 126-19: A Conditional Use request to allow a Veterinary Clinic at 600 and 660 W. Linton Boulevard.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Banfield Conditional Use - Resolution no. 126-19](#)
[Banfield Conditional Use - Staff Report](#)
[Banfield Conditional Use - Project Description Letter](#)
[Banfield Conditional Use - Site Plan](#)
[Banfield Conditional Use - Floor Plan](#)

7.B. RESOLUTION NO. 127-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE PURSUANT TO LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, AND THE COMPREHENSIVE PLAN, TO ALLOW THE ESTABLISHMENT OF A NEIGHBORHOOD AUTOMOTIVE RENTAL FACILITY AT 14802 S. MILITARY TRAIL; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

Recommendation: Review and consider Resolution No. 127-19: A Conditional Use request to allow a Neighborhood Automotive Rental Facility at 14802 S. Military Trail, with the following conditions:

1. A Class III Site Plan Modification shall be approved prior to establishment of the proposed use;
2. The establishment shall operate and comply with the special regulations associated with the Conditional Use request per LDR Section 4.3.3(C).
3. Clarification of the proposed on-site method of disposal of the water runoff generated from the car wash shall be approved by the City Engineer prior to a board action associated with the Site Plan Modification.
4. Signage shall be provided indicating that customer pick-up and drop-off of vehicles is not allowed in the rear.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Enterprise Conditional Use - Resolution No. 127-19](#)
[Enterprise Conditional Use - Staff Report](#)
[Enterprise Conditional Use - Site Plan](#)
[Enterprise Conditional Use - Floor Plan and Elevations](#)
[Enterprise Conditional Use - Proposed Use Description](#)

7.C. PROPOSED MILLAGE LEVY RATE/DOWNTOWN DEVELOPMENT AUTHORITY (DDA)

Recommendation: Motion to Approve staff's recommendation that the City Commission approve the DDA millage rate at 1.0000 for FY 2020.

Attachments: [Agenda Cover Report](#)
[DDA FY18-19 Budget](#)
[Letter 2019-20 1 mill request 6.12.2019](#)
[DDA FY19-20 MILLAGE PRESENTATION TO CITY COMMISSION 7.9.19 V2](#)
[Delray Beach DDA FY19-20 Millage Approval Memo 7.9.19](#)

7.D. FISCAL YEAR 2020 PROPOSED MILLAGE RATE

Recommendation: Motion to Approve staff's recommendation that the City Commission set a total millage of 7.0645 for FY 2020 (6.8611 for operating and 0.2034 for debt service).

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[2020 Proposed Millage Rate Ordinance \(002\)](#)

7.E. ADOPTION OF RESOLUTION 138-19; CREATING THE NORTHWEST/SOUTHWEST ADVISORY BOARD

Recommendation: Motion to approve a Resolution of the City Commission of the City of Delray Beach, Florida, creating the Northwest/ Southwest Advisory Board in order to advise and provide recommendations regarding development projects in the Northwest and Southwest sections of the City; providing an effective date; and for other purposes.

Sponsors: City Attorney Department and Inglese

Attachments: [Agenda Cover Report](#)
[Res 138-19 NW SW Board](#)

8. PUBLIC HEARINGS:**8.A. RESOLUTION NO. 122-19: STORMWATER UTILITY ASSESSMENT (PUBLIC HEARING)**

Recommendation: Motion to Approve Resolution No. 122-19 establishing a budget for the Stormwater Utility System, establishing the rates for FY 2019 /2020 Stormwater Management Assessments, and certifying and adopting the Stormwater Assessment Roll.

Sponsors: Public Works Department - Programs & Project Management

Attachments: [Agenda Cover Report](#)
[Res 122-19 for Stormwater Utility Assessment 7.3.19](#)
[Delray 2019 TRIM with ADDRESS](#)

8.B. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN FY2019-2020 (PUBLIC HEARING)

Recommendation: Motion to approve and execute the attached Annual Action Plan.

Sponsors: Community Improvement

Attachments: [Agenda Cover Report](#)
[SF424 2 1-V2.1 70919](#)
[FY 2019-2020 Annual Action Plan](#)
[Certifications NonState 2019](#)

- 8.C.** 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.(SECOND READING/PUBLIC HEARING)

Recommendation: Review and consider Ordinance No. 17-19 on second 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](#)

- 8.D.** 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. (SECOND READING)

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

Sponsors: City Attorney Department

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

9. FIRST READINGS:

9.A. None

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

B. City Attorney

C. City Commission