

# 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, October 1, 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. 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. INTERLOCAL AND MULTIPLE PARTY AGREEMENT BETWEEN THE CITY OF DELRAY BEACH, FLORIDA, DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY, AND SCHOOL BOARD OF PALM BEACH COUNTY - ATLANTIC HIGH SCHOOL EAGLE NEST PROGRAM--PROJECT IV / XXX SW 4th AVENUE**

**Recommendation:** Motion to approve the Interlocal Agreement between the City of Delray Beach (City), Delray Beach Community Redevelopment Agency (CRA), and the School Board of Palm Beach County for the Eagle Nest Program Project 4.

**Sponsors:** Community Improvement

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist form v. 5 Eagle Nest ILA](#)  
[Eagle's Nest Project #4 Multi-Party Agreement Partially Executed School Board](#)

**6.B. REVOCABLE LICENSE AGREEMENT/DELRAY BEACH COMMUNITY LAND TRUST (DBCLT)**

**Recommendation:** Motion to approve the Agreement between the City of Delray Beach (City) and the Delray Beach Community Land Trust.

**Sponsors:** Community Improvement

**Attachments:** [Agenda Cover Report](#)  
[Delray Beach Community Land Trust License Agreement 2019 Partially Executed](#)  
[Email Confirmation - Legal Review Checklist](#)

**6.C. GRANT APPLICATION AND APPROVAL/FDOT PEDESTRIAN & BICYCLE SAFETY**

**Recommendation:** Motion to approve the application and award from the Florida Department of Transportation (FDOT) in the amount not to exceed \$65,000.00 for the pedestrian and bicycle safety education and enforcement program.

**Sponsors:** Police Department

**Attachments:** [Agenda Cover Report](#)  
[Delray Beach PD Approved Contract 2019 lw review](#)  
[Legal Review Checklist LW review](#)

**6.D. APPROVE RESOLUTION NO. 159-19: LOCAL AGENCY PROGRAM AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE ALLEY ENHANCEMENT FROM SE 10TH ST TO SOUTH OF ATLANTIC AVE.**

**Recommendation:** Motion to adopt Resolution No. 159-19; and consider approval to execute the Local Agency Program (LAP) Agreement with the Florida Department of Transportation (FDOT) for the funding of the Alley Enhancement between SE 4th Avenue and SE 5th Avenue from SE 10th Street to South of Atlantic Ave (Project No. 19-008).

**Sponsors:** Public Works Department - Programs & Project Management

**Attachments:** [Agenda Cover Report](#)  
[440017-1 Unexecuted LAP Agreement](#)  
[Project Location Map - Alley Enhancement](#)  
[Legal Review FDOT LAP for Alley Improvements](#)  
[Resolution No. 159-19 FDOT LAP Agreement - Alley Enhancement](#)

**6.E. APPROVE RESOLUTION NO. 162-19 AUTHORIZING A GRANT AGREEMENT WITH FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION IN THE AMOUNT OF \$27,293 FOR MANAGEMENT OF THE CITY OF DELRAY BEACH'S (CITY) SHORE PROTECTION PROJECT (PROJECT NO.17-081)**

**Recommendation:** Motion to approve Resolution No. 162-19 authorizing a Grant Agreement with the Florida Department of Environmental Protection (FDEP) for assistance with funding the City's Shore Protection Project (Project No. 17-018) in amount of \$27,293.

**Sponsors:** Public Works Department - Programs & Project Management

**Attachments:** [Agenda Cover Report](#)  
[NEW GRANT MANAGER 20PB10 Delray Beach Shore Protection Project](#)  
[Legal Review Checklist form v. 6- FDEP Agreement](#)  
[Res FDEP Grant Agreement 8.28.19 \(CAO rev.\)](#)

**6.F. APPROVING A VALET PARKING LICENSE AGREEMENT WITH THE GROVE HOSPITALITY GROUP, LLC. PROVIDING VALET PARKING SERVICES TO EXTEND FOR ONE YEAR THE LICENSE TO PROVIDE VALET PARKING SERVICES IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF DELRAY BEACH (CITY)**

**Recommendation:** Motion to approve a Valet Parking License Agreement with The Grove Hospitality Group, LLC providing valet parking services to extend the license from October 1, 2019 until September 30, 2020.

**Sponsors:** Public Works Department

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

[The Grove 2019](#)

[Legal Review Checklist form v. 6 the grove hospitality group valet parking agree](#)

**6.G. APPROVING A VALET PARKING LICENSE AGREEMENT WITH OSTERIA NUMERO UNO, LTD, d/b/a ELISABETTA'S PROVIDING VALET PARKING SERVICES TO EXTEND FOR ONE YEAR THE LICENSE TO PROVIDE VALET PARKING SERVICES IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF DELRAY BEACH (CITY)**

**Recommendation:** Motion to approve a Valet Parking License Agreement with Osteria Numero Uno, Ltd., d/b/a Elisabetta's providing valet parking services to extend the license from October 1, 2019 until September 30, 2020.

**Sponsors:** Public Works Department

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

[Elisabetta's 2019](#)

[Legal Review Checklist form v. 6 elisabetta's parking agreement](#)

**6.H. APPROVING AMENDMENT #4 TO THE VALET PARKING LICENSE AGREEMENT WITH TAVERNA OPA ATLANTIC, LLC PROVIDING VALET PARKING SERVICES TO EXTEND FOR ONE YEAR THE LICENSE TO PROVIDE VALET PARKING SERVICES IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF DELRAY BEACH (CITY)**

**Recommendation:** Motion to retroactively approve Amendment #4 to the Valet Parking License Agreements with Taverna Opa Atlantic, LLC providing valet parking services to extend the license from October 1, 2019 until September 30, 2020.

**Sponsors:** Public Works Department

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

[Amendment no. 4 to parking license agt with Taverna Opa](#)

[Legal Review Checklist form v. 6 taverna opa valet agreement amend no 4](#)

- 6.I.** APPROVING AMENDMENT #4 TO THE VALET PARKING LICENSE AGREEMENT WITH LSMS, INC. d/b/a TRAMONTI PROVIDING VALET PARKING SERVICES TO EXTEND FOR ONE YEAR THE LICENSE TO PROVIDE VALET PARKING SERVICES IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF DELRAY BEACH (CITY)

**Recommendation:** Motion to retroactively approve Amendment #4 to the Valet Parking License Agreements with LSMS, Inc. d/b/a Tramonti providing valet parking services to extend the license from October 1, 2019 until September 30, 2020.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[Amendment no. 4 to parking license agt with Tramonti](#)  
[Legal Review Checklist form v. 6 tramonti valet agreement amend no 4](#)

- 6.J.** APPROVING AMENDMENT #4 TO THE VALET PARKING LICENSE AGREEMENT WITH DELRAY TACO, LTD PROVIDING VALET PARKING SERVICES TO EXTEND FOR ONE YEAR THE LICENSE TO PROVIDE VALET PARKING SERVICES IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF DELRAY BEACH (CITY)

**Recommendation:** Motion to retroactively approve Amendment #4 to the Valet Parking License Agreements with Delray Taco, Ltd. providing valet parking services to extend the license from October 1, 2019 until September 30, 2020.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist form v. 6 delray taco valet agreement amend no 4](#)  
[Delray Taco Agreement Signed](#)

- 6.K.** APPROVING AMENDMENT #4 TO THE VALET PARKING LICENSE AGREEMENT WITH CAFFE LUNA ROSA PROVIDING VALET PARKING SERVICES TO EXTEND FOR ONE YEAR THE LICENSE TO PROVIDE VALET PARKING SERVICES IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF DELRAY BEACH (CITY)

**Recommendation:** Motion to retroactively approve Amendment #4 to the Valet Parking License Agreements with Caffe Luna Rosa providing valet parking services to extend the license from October 1, 2019 until September 30, 2020.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist form v. 6 luna rosa valet agreement amend no 4](#)  
[Amendment no. 4 to parking license agt with Cafe Luna Rosa](#)

**6.L. APPROVING AMENDMENT #4 TO THE VALET PARKING LICENSE AGREEMENT WITH CUT 432, LLC PROVIDING VALET PARKING SERVICES TO EXTEND FOR ONE YEAR THE LICENSE TO PROVIDE VALET PARKING SERVICES IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF DELRAY BEACH (CITY)**

**Recommendation:** Motion to retroactively approve Amendment #4 to the Valet Parking License Agreements with Cut 432, LLC providing valet parking services to extend the license from October 1, 2019 until September 30, 2020.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist form v. 6 cut 432 valet agreement amend no 4](#)  
[Amendment no. 4 to parking license agt with Cut 432](#)

**6.M. PROCLAMATIONS:**

**6.M.1. PROCLAMATION FOR MEDIATION WEEK 2019**

**Recommendation:** Motion to proclaim October 13-19, 2019 as Mediation Week.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Mediation Week 2019](#)

**6.M.2. PROCLAMATION IN OBSERVANCE OF COLUMBUS DAY 2019**

**Recommendation:** Motion to observe Columbus Day on October 14, 2019.

**Sponsors:** City Clerk Department

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

**6.M.3. PROCLAMATION DESIGNATING THE MONTH OF OCTOBER AS NATIONAL COMMUNITY PLANNING MONTH**

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[National Community Planning Month Proclamation 2019](#)

**6.M.4. PROCLAMATION FOR FIRE PREVENTION MONTH 2019**

**Recommendation:** Motion to proclaim October 2019 as Fire Prevention Month.

**Sponsors:** Fire Rescue Department

**Attachments:** [Agenda Cover Report](#)  
[Fire Prevention Month Proclamation 2019](#)

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

6.N.1. None.

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

6.O.1. None.

**7. REGULAR AGENDA:****7.A. RESOLUTION NO. 169-19 BUDGET AMENDMENT**

**Recommendation:** Motion to Approve Resolution No. 169-19 amending the budget for Fiscal Year (FY) 2018/19 adopted September 25, 2018.

**Sponsors:** Finance Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution 169-19 --](#)  
[FY 2019 Narrative 10-1-2019](#)

**7.B. BOARD OF ADJUSTMENT NOMINATIONS FOR APPOINTMENT**

**Recommendation:** Motion for appointment of one (1) regular member to serve an unexpired term ending August 31, 2021. Motion for an appointment of two (2) alternate members to serve a two (2) year term ending August 31, 2021.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[100119 Exhibit A](#)  
[Member List](#)  
[BOA ATTENDANCE](#)  
[BOA Applications](#)

**7.C. GREEN IMPLEMENTATION ADVANCEMENT BOARD NOMINATION FOR APPOINTMENT**

**Recommendation:** Motion for nomination of one (1) alternate member to serve a two-year term ending July 31, 2021.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[09112019 Exhibit A](#)  
[Member List](#)  
[GIAB ATTENDANCE](#)  
[GIAB Applications 2](#)



**7.D. CODE ENFORCEMENT BOARD NOMINATIONS FOR APPOINTMENT**

**Recommendation:** Motion to approve nominations for appointment for one (1) regular member to serve an unexpired term ending January 14, 2020; one (1) regular member to serve an unexpired term ending January 14, 2021; and one (1) alternate member to serve an unexpired term ending January 14, 2022.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[10012019 Exhibit A](#)  
[Member List](#)  
[Attendance](#)  
[Applications Code Enforcement](#)

**8. PUBLIC HEARINGS:**

**8.A. ORDINANCE NO. 21-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ANNEXING INTO THE CITY OF DELRAY BEACH, ONE (1) PARCEL OF LAND LOCATED IMMEDIATELY WEST OF SOUTH MILITARY TRAIL AND IMMEDIATELY SOUTH OF VIA DELRAY BOULEVARD, WITH THE SAME BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS HEREIN; COMPRISING APPROXIMATELY 3.57± ACRES IN SIZE AND SITUATED CONTIGUOUS TO THE EXISTING MUNICIPAL LIMITS OF THE CITY OF DELRAY BEACH; PROVIDING FOR INCLUSION OF THIS ONE (1) PARCEL INTO THE CITY AND A REDEFINITION OF THE CITY BOUNDARIES PURSUANT TO SUB-SECTION 171.044(2), FLORIDA STATUTES; PROVIDING FOR CONFORMANCE WITH ALL VOLUNTARY ANNEXATION PROCEDURES AS SET FORTH IN SECTION 171.044, FLORIDA STATUTES; PROVIDING FOR FILING WITH PALM BEACH COUNTY AND THE DEPARTMENT OF STATE; PROVIDING A CONFLICTS CLAUSE; AND A SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (SECOND READING).**

**Recommendation:** Review and consider Ordinance No. 21-19 on second reading, a privately initiated request for annexation of 3.57± acres, subject to Florida Statutes Section 171 and the City of Delray Beach Land Development Regulations Section 2.4.5(C)(1).

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Ordinance No. 21-19](#)  
[7-Eleven at Via Delray PZB Staff Report](#)  
[7-Eleven at Via Delray Justification Statement](#)  
[Comprehensive Plan Map #1, Planning Area](#)

- 8.B.** ORDINANCE NO. 22-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE FUTURE LAND USE MAP AMENDMENT FOR ONE (1) PARCEL OF LAND, AND RE-DESIGNATING SAID LAND FROM PALM BEACH COUNTY COMMERCIAL HIGH (CH-5) TO CITY OF DELRAY BEACH GENERAL COMMERCIAL (GC), PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT", FLORIDA STATUTES SECTION 163.3187; SAID LAND LOCATED IMMEDIATELY WEST OF SOUTH MILITARY TRAIL, AND IMMEDIATELY SOUTH OF VIA DELRAY BOULEVARD WHICH MEASURES APPROXIMATELY 3.57± ACRES, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (SECOND READING).

**Recommendation:** Review and consider Ordinance No. 22-19 on second reading, a privately initiated request to amend the designation of 3.57± acres on the Future Land Use Map from Palm Beach County Commercial High (CH-5) to City of Delray Beach General Commercial (GC).

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Ordinance No. 22-19](#)  
[7-Eleven at Via Delray PZB Staff Report](#)  
[7-Eleven at Via Delray Justification Statement](#)  
[7-Eleven at Via Delray Proposed FLUM](#)

- 8.C.** ORDINANCE NO. 23-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND RE-DESIGNATING PORTIONS OF LAND PRESENTLY ZONED PALM BEACH COUNTY GENERAL COMMERCIAL (GC), TO CITY OF DELRAY BEACH GENERAL COMMERCIAL (GC); FOR A PARCEL OF LAND LOCATED ON THE WEST SIDE OF SOUTH MILITARY TRAIL, IMMEDIATELY SOUTH OF VIA DELRAY BOULEVARD, AND WHICH MEASURES APPROXIMATELY 3.57± ACRES, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING "CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017"; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

**Recommendation:** Review and consider Ordinance No. 23-19 on second reading, a privately initiated request to rezone 3.57± acres from Palm Beach County General Commercial (GC) to City of Delray Beach General Commercial (GC), pursuant to the requirements in the Land Development Regulations.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Ordinance No. 23-19](#)  
[7-Eleven at Via Delray PZB Staff Report](#)  
[7-Eleven at Via Delray Justification Statement](#)  
[7-Eleven at Via Delray Proposed Zoning Map](#)

- 8.D.** ORDINANCE NO. 32-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 32, "DEPARTMENTS, BOARDS AND COMMISSIONS", BY AMENDING SECTION 32.29, "DUTIES AND RESPONSIBILITIES" TO REPLACE THE SECTION IN ITS ENTIRETY WITH NEW DUTIES AND RESPONSIBILITIES; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES. (SECOND READING)

**Recommendation:** Motion to approve Ordinance No. 32-19 on second reading, amending Chapter 32 "Departments, Boards and Commissions" by amending Section 32.29 "Duties and Responsibilities" to replace this section in its entirety with new Duties and Responsibilities.

**Sponsors:** Community Improvement

**Attachments:** [Agenda Cover Report](#)  
[Ordinance No. 32-19 to Amend Section 32.29 Duties and Responsibilities of the Simple Legal Review Approval Ordinance 32-19](#)

## **9. FIRST READINGS:**

9.A. None.

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

**A. City Manager**

**B. City Attorney**

**C. City Commission**