

# **City of Delray Beach**

*100 NW 1st Avenue - Delray Beach, Florida 33444*

*Phone: (561) 243-7000 - Fax: (561) 243-3774*

*www.mydelraybeach.com*



## **Regular Commission Meeting**

**Regular Meeting at 4:00 PM**

**Tuesday, November 19, 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 OSCAR LEON, POLICE OFFICER, WITH EMPLOYEE OF THE MONTH FOR NOVEMBER 2019.**

**Recommendation:** Motion to present Oscar Leon, Police Officer, with Employee of the Month for November 2019.

**Sponsors:** Human Resources Department

**Attachments:** [Agenda Cover Report](#)  
[Oscar Leon Nomination Form](#)

**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 MEETING MINUTES**

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

September 5, 2019 - Tentative Budget Hearing/Regular Meeting Minutes

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[September 5, 2019 Tentative Budget Hearing Regular Meeting Minutes DRAFT](#)

- 6.B.** SETTLEMENT IN THE CASE OF IN RE THE FORFEITURE OF: THREE HUNDRED, SEVENTY-ONE THOUSAND, THREE HUNDRED, SEVENTY-EIGHT DOLLARS, AND SIXTY-SIX CENTS (\$371,378.66) U.S. CURRENCY.

**Recommendation:** Motion to approve settlement in the case of In Re the Forfeiture of: Three Hundred, Seventy-One Thousand, Three Hundred, Seventy-Eight Dollars, and Sixty-Six Cents (\$371,378.66) U.S. Currency, Claimant Andrzej Jan Szygiel for the reasons discussed in the confidential memorandum previously distributed to the City Commission.

**Sponsors:** City Attorney Department

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

- 6.C.** RESOLUTION NO. 199-19: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, DIRECTING THE CITY ATTORNEY TO SEEK LEAVE OF COURT TO APPEAR AS AMICUS CURIAE AND FILE A BRIEF IN SUPPORT OF THE PLAINTIFFS IN ANY APPEAL OF A TRIAL COURT ORDER IN YANES V. O C FOOD & BEVERAGE, LLC ( CASE NO. 18..CA- 003554-0), WHICH FOUND THAT THE ORANGE COUNTY HUMAN RIGHTS ORDINANCE WAS PREEMPTED BY THE FLORIDA CIVIL RIGHTS ACT.

**Recommendation:** Motion to Approve Resolution 199-19 directing the City Attorney to seek leave of court to appear as amicus curiae and file a brief in support of the plaintiffs in an appeal of a trial court order in *Yanes v. OC Food & Beverage, LLC*.

**Sponsors:** City Attorney Department

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

[Resolution 199-19](#)

[Letter dated October 28 2019](#)

- 6.D.** SETTLEMENT IN THE CASE OF DELRAY BEACH V. MATCHPOINT, INC.

**Recommendation:** Motion to approve settlement in the case of Delray Beach v. Match Point, Inc. for the reasons discussed in the confidential memorandum previously distributed to the City Commission.

**Sponsors:** City Attorney Department

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

**6.E. APPROVAL OF RESOLUTION 208-19 OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A PARKING SPACE AGREEMENT AND COVENANT WITH CDR DELRAY FEC, LLC**

**Recommendation:** Motion to Approve Resolution 208-19 approving a parking space agreement and covenant with CDR Delray FEC, LLC.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution 208-19 parking space agreement and covenant with CDR Delray FE](#)  
[Parking Space Agreement and Covenant](#)

**6.F. APPROVAL TO ACCEPT THE FY 2019 DOMESTIC PREPAREDNESS GRANT (CONTRACT # R0089 FOR THE AMOUNT OF \$38,820.00 FROM THE STATE HOMELAND SECURITY GRANT PROGRAM FOR THE FIRE-RESCUE DEPARTMENT.**

**Recommendation:** Staff recommends the approval to accept grant funding from the FY 2019 State Homeland Security Grant Program.

**Sponsors:** Fire Rescue Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist for GRANT from State Homeland Security](#)  
[Memorandum for GRANT request from State Homeland Security](#)  
[GRANT REQUEST from State Homeland Security](#)

**6.G. APPROVAL OF HOLD HARMLESS AGREEMENT FOR EMERGENCY WITHDRAWAL FROM ICMA 457 PLAN**

**Recommendation:** Motion to Approve the Hold Harmless Agreement with ICMA-RC authorizing them to process emergency withdrawal requests on behalf of participants without requiring Employer approval.

**Sponsors:** Finance Department

**Attachments:** [Agenda Cover Report](#)  
[Hold Harmless Agreement ICMA RC](#)  
[Legal Review of Hold Harmless re Emergency Withdrawals from 457 Plan](#)

**6.H. INTERLOCAL AGREEMENT WITH THE DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY FOR THE CO-TITLE SPONSORSHIP OF THE 2020 DELRAY BEACH OPEN**

**Sponsors:** Parks & Recreation Department

**Attachments:** [Agenda Cover Report](#)  
[Attach 2 Legal Review Checklist form v. 3 ILA with CRA for Delray Open Tenn](#)  
[Attach 2 ILA CRA Delray 2020](#)

- 6.I.** RESOLUTION NO. 180-19 TO APPROVE THE UTILITY WORK BY HIGHWAY CONTRACTOR AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION FOR DESIGN AND CONSTRUCTION OF UTILITY RELOCATIONS RELATED TO FLORIDA DEPARTMENT OF TRANSPORTATION'S SR-5/US-1 FROM S. OF EVE STREET TO S. OF HARBORSIDE DRIVE, FOR LUMP SUM \$9,890.00

**Recommendation:** Resolution No. 180-19, approving the Utility Work by Highway Contractor Agreement (UWHCA) with the Florida Department of Transportation for performing design and construction services relocating and adjusting water utilities relating to the Florida Department of Transportation's (FDOT) SR-5/US-1 project, primarily roadway pavement resurfacing, from south of Eve Street to south of Harborside Drive, FDOT Financial Project ID No. 439841-1-52-02 (City Project No. 19-025) for a lump sum of \$9,890.00.

**Sponsors:** Utilities Department

**Attachments:** [Agenda Cover Report](#)  
[439841-1 UWHCA.vm](#)  
[Legal Review Checklist FDOT Utility Work Agreement](#)  
[Resolution 180-19\\_FDOT UWHCA 19-1119 CA rev](#)

- 6.J.** RATIFICATION OF THE EMERGENCY ACQUISITIONS TO MULTIPLE VENDORS RELATED TO BACK UP OPERATIONS, FLOOD MITIGATION, AND REPAIRS OF THE THOMAS STREET STORMWATER PUMP STATION (PROJECT NO. 18-017), IN THE AGGREGATE AMOUNT OF \$319,598.46

**Recommendation:** Approve ratification of the emergency acquisitions for providing backup operations, flood mitigation, and repairs of the Thomas Street Stormwater Pump Station (Project No. 18-017), in the amount of \$100,364.26 to United Rentals, \$3,880.62 to Industrial Divers Corp., \$42,607.50 to Shenandoah Construction, \$32,421.08 to Electric Motors of the Palm Beaches, \$7,479.00 to MWI Pumps and \$132,846.00 to Holland Pump Company, for a total cost of \$319,598.46.

**Sponsors:** Utilities Department

**Attachments:** [Agenda Cover Report](#)  
[19-0606\\_Holland Pump Quote- Signed by ACM](#)  
[19-0327 1522 Re Request for Emergency Purchase\(s\) - Thomas Pump Station](#)  
[19-0408 CM APP Thomas PS Repair Acquisition Approval - Signed](#)  
[19-0618 CM APP Thomas PS Repair Amd 1 to Acquisition Approval - Signed](#)

**6.K. A RESOLUTION OF THE CITY OF DELRAY BEACH PROVIDING ITS SUPPORT FOR APPROVING AND ADOPTING RESOLUTION NO. 190-19 THE 2020 REVISED PALM BEACH COUNTY LOCAL MITIGATION STRATEGY PLAN (LMS2020)**

**Recommendation:** Motion to Approve Resolution No. 190-19 in support of LMS2020 Program. This resolution supports the adoption of the 2020 Revised Local Mitigation Strategy for reducing a community's vulnerability to identified natural, technological, and human caused hazards in order to be eligible for any mitigation funding in the future.

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

**Attachments:** [Agenda Cover Report](#)  
[Res 190-19 LMS2020 adoption](#)  
[Simple Legal Review Approval](#)  
[PBC Local Mitigation Strategy 2020](#)

**6.L. RESOLUTION NO. 192-19 TO AUTHORIZE THE INTERIM CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT TO PARTICIPATE IN THE PALM BEACH COUNTY COASTAL RESILIENCE PARTNERSHIP AND CLIMATE CHANGE VULNERABILITY ASSESSMENT**

**Recommendation:** Approve Resolution No. 192-19 committing the City of Delray Beach to enter into an Interlocal Agreement (ILA) formalizing the Coastal Resilience Partnership (CRP) and becoming party to the Work Plan Agreement for the Community Climate Vulnerability Assessment (CCVA), which commits the city to a \$57,399 as the proportional share of the overall \$375,000 project cost.

**Sponsors:** Public Works Department and Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution for ILA for Climate Change Vulnerability Assessment \(Resolution fin:](#)  
[ILA Climate Change Vulnerability Assessment](#)  
[Legal Review Checklist- ILA CCVA](#)  
[Memo for CRP Partnership and Work Plan](#)  
[CRP Planning Timeline\\_9-05-19 \(002\)](#)

**6.M. PROCLAMATIONS:**

**6.M.1. 2019 SMALL BUSINESS SATURDAY - NOVEMBER 30, 2019 - PROCLAMATION**

**Recommendation:** Proclaim November 30, 2019 as Small Business Saturday in Delray Beach, Florida.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Small Business Saturday 2019](#)

**6.N. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:****6.N.1. REPORT OF APPEALABLE LAND USE ITEMS FROM OCTOBER 21, 2019, THROUGH NOVEMBER 1, 2019.**

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

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Appealable Items Map 11.19.19](#)  
[A - Appealable Report - Banyan Court](#)  
[B - Appealable Report - Delray Commons](#)  
[C - Appealable Report - 1690-2350 S. Congress Avenue](#)  
[D - Appealable Report - Tzikas Mdical Center](#)  
[E - Appealable Report - 325 Parking/Lofts](#)

**6.O. AWARD OF BIDS AND CONTRACTS:****6.O.1. RESOLUTION NO. 117-19 TO APPROVE THE RECOMMENDATION OF AWARD AND AUTHORITY TO NEGOTIATE AN AGREEMENT WITH CALER, DONTEN, LEVINE, COHEN, PORTER & VEIL, P.A FOR EXTERNAL FINANCIAL AUDITING SERVICES FOR THE FINANCE DEPARTMENT (RFP NO. 2019-043)**

**Recommendation:** Motion to approve Resolution No. 117-19 approving the recommendation of award and authority to negotiate to negotiate an Agreement with the highest-ranked qualified firm, Caler, Donten, Levine, Cohen, Porter and Veil, P.A. for the annual financial auditing services; authorizing the City Manager to execute the Agreement and take all actions necessary to effectuate this Agreement and exercise any and all renewal options, contingent upon the appropriation of funds.

**Sponsors:** Finance Department

**Attachments:** [Agenda Cover Report](#)  
[Res 117-19 for Financial Auditing Services 10.22 CA rev](#)  
[RFP 2019-043 Financial Auditing Services FINAL](#)  
[2019-043 Addendum No 1](#)  
[Caler Donten Levine - Proposal Response to RFP 2019-043 Financial Auditing :](#)



**6.O.2. APPROVAL OF RESOLUTION NO. 185-19 TO AWARD AN AGREEMENT WITH FERGUSON ENTERPRISES, INC. AND RESOLUTION NO. 184-19 TO AWARD AN AGREEMENT WITH FORTILINE, INC. FOR PIPE FITTINGS AND ACCESSORIES UTILIZING CITY OF BOYNTON BEACH SOLICITATION NO. 041-1412-19/MFD - \$160,000**

**Recommendation:** Motion to approve Resolution No. 185-19 to award an agreement with Ferguson Enterprises, Inc. and Resolution No. 184-19 to award an agreement with Fortiline, Inc. for pipe fittings and accessories utilizing City of Boynton Beach Solicitation No. 041-1412-19/MFD, in the estimated amount of \$160,000, and authorize the City Manager to execute renewals, in the amounts detailed below, contingent on appropriation of funds.

**Sponsors:** Purchasing Department and Utilities Department

**Attachments:** [Agenda Cover Report](#)  
[041-1412-19MFD Solicitation](#)  
[041-1412-19MFD Award Letter to Ferguson](#)  
[041-1412-19MFD Award Letter to Fortiline](#)  
[P2019-066 Agreement with Ferguson](#)  
[P2019-066 Agreement with Fortiline](#)  
[Resolution 184-19 Ferguson - Pipe LG REV](#)  
[Resolution 185-19 Fortiline - Pipe LG REV](#)  
[Legal Review Checklist form v. 5 Ferguson 2019 pipes](#)  
[Legal Review Checklist form v. 5 Fortiline 2019 pipes](#)

**6.O.3. APPROVAL OF RESOLUTION NO. 186-19 TO AWARD AN AGREEMENT WITH FERGUSON ENTERPRISES, INC. AND RESOLUTION NO. 187-19 TO AWARD AN AGREEMENT WITH FORTILINE, INC. FOR BRASS FITTINGS AND ACCESSORIES UTILIZING CITY OF BOYNTON BEACH SOLICITATION NO. 040-1412-19/MFD FOR AN AMOUNT NOT-TO -EXCEED \$40,000.**

**Recommendation:** Motion to approve Resolution No. 186-19 to award an agreement with Ferguson Enterprises, Inc. and Resolution No. 187-19 to award an agreement with Fortiline, Inc. for brass fittings and accessories utilizing City of Boynton Beach Solicitation No. 040-1412-19/MFD in the estimated amount of \$40,000, and authorize the City Manager to execute renewals in the amounts detailed below, contingent on appropriation of funds.

**Sponsors:** Purchasing Department and Utilities Department

**Attachments:** [Agenda Cover Report](#)  
[040-1412-19MFD Solicitation](#)  
[040-1412-19MFD Award Letter to Ferguson](#)  
[040-1412-19MFD Award Letter to Fortiline](#)  
[P2019-067 Agreement with Ferguson](#)  
[P2019-067 Agreement with Fortiline](#)  
[Resolution 186-19 Ferguson - Brass LG REV](#)  
[Resolution 187-19 Fortiline - Brass LG REV](#)  
[Legal Review Checklist form v. 6 FergusonBrass Fittings 2019](#)  
[Legal Review Checklist form v. 6 Fortiline Brass Fittings 2019](#)

**6.O.4. APPROVAL OF RESOLUTION NO. 198-19 FOR THE PURCHASE OF THREE NEW FIRE RESCUE DEPARTMENT VEHICLES FROM STINGRAY CHEVROLET UTILIZING THE FLORIDA SHERIFF'S CONTRACT NO. FSA18 VEL-26.0 ROLLOVER SPECIFICATION #6 - \$119,673**

**Recommendation:** Motion to approve Resolution No. 198-19 to purchase three new Fire Rescue Department vehicles from Stingray Chevrolet in an amount not to exceed \$119,673 utilizing the Florida Sheriff's Contract No. FSA18 VEL-26.0, Specification #6

**Sponsors:** Public Works Department - Fleet Division

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Form Coop Purchase of Fire Vehicles](#)  
[Resolution 198-19 coop purchase of fire vehicles](#)  
[2018 FSA18-VEL26.0 Contract Renewal-Final](#)  
[FD 2020 Tahoe PPV Quote-Stingray 11-6-19](#)

**7. REGULAR AGENDA:**

- 7.A.** RESOLUTION NO. 176-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH GRANTING A WAIVER FOR THE INSTALLATION OF A MONUMENT SIGN TO THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, AND THE COMPREHENSIVE PLAN AT 1311 W. LINTON BLVD (PCN 12-43-46-20-83-001-0000); PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

**Recommendation:** Review and consider Resolution No. 176-19 for the installation of a monument sign at the new BMW Auto Dealership located at 1311 W. Linton Blvd, with waiver to Land Development Regulation Section 4.6.7(E) (7) Design Standard Matrix.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Res 176-19 Signage at 1311 W. Linton Blvd](#)  
[Exhibit A and B](#)  
[Location map](#)  
[Justification letter](#)  
[Wall sign- BMW - approved admin.](#)  
[Wall sign - service sign approved admin](#)

- 7.B.** RESOLUTION NO. 175-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A FINAL PLAT REQUEST FOR A MAJOR SUBDIVISION THAT CONTAINS NON-CONFORMITIES FOR A TWO-LOT SUBDIVISION KNOWN AS "COREY ISLE", WHICH CONSISTS OF FIVE EXISTING LOTS OF RECORD DESCRIBED AS LOTS 26-30, BLOCK 8, SUBDIVISION OF LOT 8, TOWN OF DELRAY (FORMERLY LINTON), PLAT BOOK 14, PAGE 58 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, LOCATED ON THE NORTHWEST CORNER OF SW 7TH AVENUE AND SW 4TH STREET.

**Recommendation:** Review and consider Resolution No. 175-19, as presented with consideration of the Final (Major) Plat for Corey Isle Plat, located on the northwest corner of SW 7th Avenue and SW 4th Street, by adopting that the request and approval thereof is consistent with the criteria set forth in the Land Development Regulations Section 2.4.5 (J)(Major Subdivisions)

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Corey Isle Plat Location Map](#)  
[Corey Isle Resolution No. 175-19](#)  
[Corey Isle Plat](#)  
[Corey Isle Plat Survey](#)  
[Corey Isle Lot Justification](#)  
[Corey Isle Plat PZ Staff Report-102119](#)

**7.C. RESOLUTION NO. 197-19 BUDGET AMENDMENT**

**Recommendation:** Motion to Approve Resolution No. 197-19 amending the budget for Fiscal Year (FY) 2018/19 adopted September 25, 2018.

**Sponsors:** Finance Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution 197-19 \(1\)](#)  
[Narratives 11.19.19](#)

**8. PUBLIC HEARINGS:**

- 8.A. ORDINANCE NO. 40-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 32, "DEPARTMENTS, BOARDS AND COMMISSIONS", OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, BY AMENDING SECTION 32.41, "COMPOSITION; TERMS; APPOINTMENT", TO AMEND PROCEDURE FOR APPOINTING MEMBERS OF THE BOARD AND TO CLARIFY TERM OF COMMITTEE MEMBERS; AMENDING SECTION 32.42, "ORGANIZATION", TO AMEND MAXIMUM HOURS WORKED TO BE CONSISTENT WITH CITY POLICY AND TO AMEND TO ALLOW MONTHLY MEETINGS TO BE ON AN "AS-NEEDED" BASIS, PROVIDING A CONFLICTS CLAUSE AND SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)**

**Recommendation:** Motion to approve Ordinance No. 40-19 on first reading, amending Chapter 32, "Departments, Boards and Commissions" by amending Section 32.41 "Composition; Terms; Appointment" to amend procedure for appointing members of the board and to clarify term of the Committee members; and Section 32.42 "Organization" to amend maximum hours worked to be consistent with City policy and to amend to allow monthly meetings to be on an "as-needed" basis.

**Sponsors:** Police Department

**Attachments:** [Agenda Cover Report](#)  
[Ord 40-19](#)

- 8.B.** ORDINANCE NO. 43-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR CHARTER REVISIONS BY AMENDING SECTION 3.10, "SALARIES AND EXPENSES"; TO PROVIDE FOR A CHANGE IN THE EFFECTIVE DATE FOR INCREASES TO MAYOR AND COMMISSIONER SALARIES; PROVIDING FOR A REFERENDUM ON MARCH 17, 2020; PROVIDING A GENERAL REPEALER CLAUSE; PROVIDING A SAVING CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

**Recommendation:** Motion to approve Ordinance 43-19 providing for Charter revisions by amending Section 3.10, "Salaries and Expenses" to provide for a change in the effective date for increases to Mayor and Commissioner salaries.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)  
[Ord 43-19 salaries of CC referendum](#)

## **9. FIRST READINGS:**

- 9.A.** ORDINANCE NO. 33-19: 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 (CBD) DISTRICT," SUBSECTION (H)(1) "RESIDENTIAL INCENTIVES", TO ALLOW CERTAIN LOTS LOCATED WITHIN THE WEST SETTLERS HISTORIC DISTRICT TO PARTICIPATE IN THE RESIDENTIAL INCENTIVE PROGRAM; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

**Recommendation:** Review and consider Ordinance No. 33-19 on First Reading, a privately-initiated amendment to the Land Development Regulations Section 4.4.13(H)(1), "Residential Incentives," to allow residential incentives in the form of increased density on certain lots that do not contain contributing historic structures or non-contributing structures that are more than 30 years old within the West Settlers Historic District portion of the West Atlantic Neighborhood Sub-district.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Ord No 33-19 West Settlers Residential Incentive, 1st Reading](#)  
[Ord No 33-19 PZB Staff Report](#)  
[Ord No 33-19 Justification Request Letter](#)

- 9.B.** ORDINANCE NO. 44-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ANNEXING INTO THE CITY OF DELRAY BEACH THREE (3) PARCELS OF LAND LOCATED ON THE EAST SIDE OF BARWICK ROAD IMMEDIATELY SOUTH OF LAKE WORTH DRAINAGE DISTRICT L-30 CANAL, FOR A PROJECT TO BE KNOWN AS BANYAN COURT, WITH THE SAME BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS HEREIN, COMPRISING APPROXIMATELY 6.68± ACRES IN SIZE AND SITUATED CONTIGUOUS TO THE EXISTING MUNICIPAL LIMITS OF THE CITY OF DELRAY BEACH; PROVIDING FOR INCLUSION OF THESE THREE (3) PARCELS 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. (FIRST READING)

**Recommendation:** Review and consider Ordinance No. 44-19, a privately-initiated request for voluntary annexation of 6.68± acres, subject to Florida Statutes Section 171 and the City of Delray Beach Land Development Regulations.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Ordinance No. 44-19 Annexation](#)  
[Location Map Banyan Court](#)  
[October 15, 2018 PZB Staff Report Banyan Cove](#)  
[October 21, 2019 PZB Staff Report | Banyan Court RZ](#)

- 9.C.** ORDINANCE NO. 37-19. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE FUTURE LAND USE MAP AMENDMENT FOR THREE (3) PARCELS OF LAND KNOWN AS BANYAN COURT, AND RE-DESIGNATING SAID LAND FROM PALM BEACH COUNTY MEDIUM DENSITY RESIDENTIAL 5 UNITS PER ACRE (MR-5) TO CITY OF DELRAY BEACH MEDIUM DENSITY RESIDENTIAL 5-12 DU/AC (MD), PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT", FLORIDA STATUTES SECTION 163.3187, SAID LAND IS LOCATED ON THE EAST SIDE OF BARWICK ROAD, AND IMMEDIATELY SOUTH OF LAKE WORTH DRAINAGE DISTRICT L-30 CANAL, AND WHICH MEASURES APPROXIMATELY 6.68± ACRES, AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (FIRST READING).

**Recommendation:** Review and consider Ordinance No. 37-19, a privately initiated request for a future land use map (FLUM) amendment for 6.68± acres, from Palm Beach County Medium Residential, 5 du / acre (MR-5) to City of Delray Beach Medium Density Residential, 5-12 du / acre (MD).

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Ordinance No. 37-19 FLUM](#)  
[Banyan Court FLUM Exhibit](#)  
[Location Map Banyan Court](#)  
[October 15, 2018 PZB Staff Report](#)  
[October 21, 2019 PZB Staff Report \(Rezoning\)](#)

- 9.D.** ORDINANCE NO. 38-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING LAND PRESENTLY ZONED PALM BEACH COUNTY AGRICULTURAL RESIDENTIAL (AR) DISTRICT IN PART AND RESIDENTIAL HIGH (RH) DISTRICT IN PART, TO CITY OF DELRAY BEACH PLANNED RESIDENTIAL DEVELOPMENT WITH A SPECIFIED DENSITY OF SIX (6) DWELLING UNITS PER ACRE (PRD-6), FOR A DEVELOPMENT TO BE KNOWN AS BANYAN COURT, LOCATED ON THE EAST SIDE OF BARWICK ROAD, IMMEDIATELY SOUTH OF LAKE WORTH DRAINAGE DISTRICT L-30 CANAL, AND WHICH MEASURES APPROXIMATELY 6.68± 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. (FIRST READING)

**Recommendation:** Review and consider Ordinance No. 38-19 rezoning 6.68± acres from Palm Beach County Agriculture Residential (AR) and Residential High (RH) to City of Delray Beach Planned Residential Development, 6 du / acre (PRD-6).

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Ordinance No. 38-19 PRD6](#)  
[Location Map Banyan Court](#)  
[Banyan Court Proposed Zoning](#)  
[Banyan Court Existing Zoning](#)  
[Banyan Court Renderings](#)  
[Banyan Court Site Plan](#)  
[Banyan Court Architecturals](#)  
[October 21, 2019 PZB Staff Report](#)  
[October 15, 2018 PZB Staff Report](#)

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

**A. City Manager**

**B. City Attorney**

**C. City Commission**