

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, January 21, 2020

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. CITY COMMISSION MEETING MINUTES**

Recommendation: Motion to approve meeting minutes as listed below:

October 15, 2019 City Commission Regular Meeting Minutes

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[October 15, 2019 City Commission Regular Meeting Minutes_DRAFT](#)

- 6.B.** RESOLUTION NO. 29-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION TO OLGA ADLER AND WILLIAM K. ADLER, FOR THE HISTORIC REHABILITATION OF THE PROPERTY LOCATED AT 19 NORTH DIXIE BOULEVARD, AS FURTHER DESCRIBED HEREIN; DETERMINING THAT THE COMPLETED IMPROVEMENTS ARE CONSISTENT WITH LAND DEVELOPMENT REGULATION (LDR) SECTION 4.5.1(J), TAX EXEMPTION FOR HISTORIC PROPERTIES; PROVIDING AN EFFECTIVE DATE

Recommendation: Review and consider Resolution No. 29-20, granting an ad valorem tax exemption to Olga Adler and William K. Adler, for the historic rehabilitation of the property located at 19 North Dixie Boulevard, as further described herein; determining that the completed improvements are consistent with Land Development Regulation Section 4.5.1(J), Tax Exemption for Historic Properties; providing an effective date.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[HPB Staff Report-19 N Dixie Blvd-2019-12-04](#)
[Attachments-19 N Dixie Blvd](#)
[Resolution 29-20](#)

- 6.C.** AMENDMENT NO. 5 TO THE AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND PLAYERS INTERNATIONAL MANAGEMENT, INC.

Recommendation: Motion to Approve Amendment No. 5 to the Agreement between the City of Delray Beach and Players International Management, Inc.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Amendment No 5](#)

- 6.D.** ROAD IMPROVEMENT AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND DELRAY PLACE, LLC

Recommendation: Motion to Approve the of Road Improvement Agreement between the City Of Delray Beach and Delray Place, LLC.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Road Improvement Agreement](#)

6.E. PROCLAMATIONS:

6.E.1. None

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

6.F.1. None

6.G. AWARD OF BIDS AND CONTRACTS:

6.G.1. APPROVAL OF RESOLUTION NO. 23-20 TO AWARD AN AGREEMENT WITH AIRGAS USA, LLC FOR CARBON DIOXIDE UTILIZING THE SOUTHEAST FLORIDA GOVERNMENTAL PURCHASING COOPERATIVE GROUP BID T-36-19 - \$135,000

Recommendation: Motion to approve Resolution No. 23-20 to award an agreement with Airgas USA, LLC for carbon dioxide utilizing the Southeast Florida Governmental Purchasing Cooperative Bid T-36-19, in the estimated amount of \$135,000, and authorize the City Manager to approve renewal options, contingent upon renewal by the awarding authorities and contingent upon appropriation of funds.

Sponsors: Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist Airgas](#)
[P2020-09 Agreement with Airgas USA LLC](#)
[Res 23-20 Airgas USA LLC](#)
[T-36-19 Carbon Dioxide Liquid Bulk Delivery Invitation for Bids](#)

6.G.2. APPROVAL OF RESOLUTION NO. 31-20 TO AWARD AN AGREEMENT TO TINKER, LLC FOR WATER CONSERVATION EDUCATION PROGRAM UTILIZING THE CITY OF BOYNTON BEACH SOLICITATION NO. RFP 012-2821-19/IT - \$30,000

Recommendation: Motion to approve Resolution No. 31-20 to award an agreement to Tinker, LLC for water conservation education program utilizing City of Boynton Beach solicitation No. RFP 021-2821-19/IT, in the estimated amount of \$30,000, and authorize the City Manager to approve renewal options, contingent upon renewal by the awarding authorities and contingent upon the appropriation of funds.

Sponsors: Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist Tinker](#)
[Tinker MSA](#)
[Tinker Submission - RFP NO 012-2821-19IT - Water Conservation Education P](#)
[Tinker Resolution 31-20](#)

7. REGULAR AGENDA:

- 7.A.** RESOLUTION NO. 01-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH GRANTING A WAIVER REQUEST FOR THE INSTALLATION OF A WALL SIGN TO LDR SECTION 4.6.7(E)(7) PURSUANT TO LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, AND THE COMPREHENSIVE PLAN, AT 307 E. ATLANTIC AVENUE (PCN 12-43-46-16-01-092-0060); PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES (QUASI-JUDICIAL).

Recommendation: Review and consider Resolution No. 01-20, granting a waiver request for the installation of a wall sign to LDR Section 4.6.7(E)(7) pursuant to Land Development Regulations of the Code of Ordinances, and the Comprehensive Plan, at 307 E. Atlantic Avenue (pcn 12-43-46-16-01-092-0060); providing an effective date and for other purposes.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Res 01-20 307 E. Atlantic Avenue_final_012120](#)
[Res 01-20 Exhibit A](#)
[Res 01-20 Exhibit B](#)
[Res 01-20 Lionfish - Justification Letter](#)
[307 E Atlantic Ave Location Map](#)
[301 E Atlantic Ave Approved South Elevation](#)
[Res 01-20 Sign Waiver 307 E Atlantic Simple Legal Review](#)

- 7.B.** RESOLUTION NO. 05-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH GRANTING A WAIVER FOR THE INSTALLATION OF TWO WALL SIGNS TO LDR SECTION 4.6.7(E)(7) PURSUANT TO LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, AND THE COMPREHENSIVE PLAN, AT 324 NE 3RD AVENUE (PCN 12-43-46-16-01-081-0180); PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES (QUASI-JUDICIAL).

Recommendation: Review and consider Resolution No. 05-20, granting a waiver for the installation of two wall signs to LDR Section 4.6.7(e)(7) pursuant to Land Development Regulations of the Code of Ordinances, and the Comprehensive Plan, at 324 NE 3rd Avenue (pcn 12-43-46-16-01-081-0180); providing an effective date and for other purposes.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Res 05-20-\(012120\)](#)
[Res No 05-20 Exhibit A](#)
[Res No. 05-20 Exhibit B](#)
[324 NE 3rd Ave Sign Waiver Justification Letter](#)

- 7.C.** APPROVE SERVICE AUTHORIZATION WITH WANTMAN GROUP INC. (WGI) TO COMPLETE A PARKING AND CURBSIDE MANAGEMENT MASTER PLAN IN THE AMOUNT OF \$192,195.

Recommendation: Motion to approve a Service Authorization with Wantman Group Inc. (WGI) to complete a Parking and Curbside Management Master Plan in the amount of \$192,195 in accordance with Continuing Services Agreement RFQ 2017-048.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[WGI SA Signed Curbside](#)
[2017-048 Agreement with Wantman Group](#)
[2017-048 Amendment No. 1, Wantman Group, Inc.](#)
[Legal Review Checklist Consulting Service Authorization using CCNA with Wan](#)

8. PUBLIC HEARINGS:

- 8.A.** 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. (SECOND 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](#)

- 8.B.** 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 (SECOND 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 \(Rezoning\)](#)

- 8.C.** 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. (SECOND 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](#)

9. FIRST READINGS:

9.A. None

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

B. City Attorney

C. City Commission