

City of Delray Beach

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Regular Commission Meeting

Tuesday, March 1, 2016

Public Hearings 7:00 p.m.

**Commission Chambers
Delray Beach City Hall**

City Commission

*Mayor Cary Glickstein
Vice-Mayor Shelly Petrolia
Deputy Vice Mayor Al Jacquet
Commissioner Jordana Jarjura
Commissioner Mitchell Katz*

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. APPROVAL OF MINUTES:****4. PRESENTATIONS:****5. COMMENTS AND INQUIRIES ON AGENDA AND NON-AGENDA ITEMS FROM THE PUBLIC- IMMEDIATELY FOLLOWING PRESENTATIONS:****6. AGENDA APPROVAL****7. CONSENT AGENDA: City Manager Recommends Approval****7.A FINAL PLAT FOR 101 SE 7TH AVENUE, MARINA HISTORIC DISTRICT**

Recommendation: Motion to Approve the Final Plat for 101 SE 7th Avenue, by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in Land Development Regulations (LDR) Section 2.4.5(K), Minor Subdivisions, LDR Section 3.2.3, Standards for Site Plan and/or Plat Actions, and LDR Section 3.1.1, Required Findings for Land Use and Land Development Applications

Sponsors: Planning & Zoning Department

7.B APPROVE SELECTION COMMITTEE'S RANKING AND ENTER INTO CONTRACT NEGOTIATIONS WITH R.J. BEHAR AND COMPANY, INC. FOR CONSTRUCTION AND ENGINEERING INSPECTION SERVICES FOR THE NE 2ND AVENUE / SEACREST BOULEVARD BEAUTIFICATION PROJECT (RFQ 2016-22)

Recommendation: Motion to Approve the Selection Committee's ranking of responses for RFQ 2016-022 for Construction and Engineering Inspection (CEI) Services for the NE 2nd Avenue / Seacrest Boulevard Beautification Project and to authorize staff to enter into contract negotiations with the top ranked firm, R.J. Behar & Company, Inc. (Project No. 11-067).

7.C ACCEPTANCE OF A DEED FOR RIGHT-OF-WAY AND EASEMENT FOR PUBLIC HIGHWAY, STREET, AND PUBLIC UTILITY PURPOSES AT 1011 N. SWINTON AVENUE

Recommendation: Motion to Approve acceptance of a five foot right-of-way dedication for public highway, street, and public utility purposes at 1011 N. Swinton Avenue.

Sponsors: Environmental Services Department

7.D HOUSING REHABILITATION GRANT AWARD FOR 222 SE 5TH STREET AND 38 NW 11TH AVENUE (BID 2016-046)

Recommendation: Motion to Approve acquisitions of services for a total amount of \$64,051.90 to CJ Contracting, LLC., for work being conducted at 222 SE 5th Street and 38 NW 11th Avenue. This item was bid according to Chapter 36, Section 36.02, "Methods of Acquisition" (A), (1) "Sealed Competitive Method."

Sponsors: Community Improvement

7.E INTERLOCAL AGREEMENT/FIBER TRANSPORTATION/PALM BEACH COUNTY/CITY OF DELRAY BEACH

Recommendation: **Recommend Action:**

Motion for the City Commission's Intent to Modify the Interlocal Agreement between the City of Delray Beach and Palm Beach County that will allow Palm Beach County to provide leased Multi-Protocol Label Switching (MPLS) and transport fiber between the City of Delray Beach and the City of Delray Beach's Disaster Recovery site in Jacksonville, Florida. The modified ILA will be brought back before the Commission for final approval.

Sponsors: Purchasing Department

7.F PROCLAMATIONS:

7.F.1 ALL PEOPLE'S DAY 2016 PROCLAMATION

Sponsors: City Clerk Department

7.G AWARD OF BIDS AND CONTRACTS:

7.G.1 SERVICE AUTHORIZATION NO. 12-02 WITH WALTERS ZACKRIA ASSOCIATES, PLLC FOR ARCHITECTURAL DESIGN SERVICES RELATED TO THE MAINTENANCE AND REPAIR OF THE EXISTING FACADE AND ROOF ELEMENTS OF THE OLD SCHOOL SQUARE COMPLEX

Recommendation: Motion to Approve Service Authorization No. 12-02 with Walters Zackria Associates, PLLC in the amount of \$28,489.34 for architectural design services related to the maintenance and repair of the existing facade and roof elements of the Old School Square Complex, Project Number 16-004. This project is included in the Interlocal Agreement with the Community Redevelopment Agency (CRA) approved for Fiscal Year 2015 - 2106.

Sponsors: Environmental Services Department

8. REGULAR AGENDA:

8.A ATLANTIC CROSSING CLASS II SITE PLAN MODIFICATION APPEAL

Recommendation:

Move approval of the Class II site plan modification and landscape plan as revised and dated February 9, 2016 for Atlantic Crossing for a

one-lane surface drive that provides a connection between NE 6th Avenue and NE 7th Avenue, subject to the following conditions:

1. That the applicant agrees that the valet queue drop-off shall not be permitted to backup onto NE 7th Avenue and impede traffic flow. In the event that the valet queue backups onto NE 7th Avenue at any time, the operator agrees that it must immediately close the valet drop-off queue and direct incoming vehicles to self-parking until the backup ends.
2. That a valet operation plan satisfactory to the City be submitted and approved by the City Manager or her/his designee in the event the City determines there exists a chronic issue with stacking onto NE 7th Avenue. A chronic stacking issue onto NE 7th Avenue is evidenced, among other things, by stacking on more than one occasion in a one hour period for more than 5 minutes as documented by City personnel.
3. That a wayfinding sign package satisfactory to the City be submitted as part of a building permit and approved by the Planning and Zoning Department.
4. That all plans such as the sub-grade parking facility and landscaping are revised to be consistent with the modification to the valet queue and surface drive as approved by the City Commission.
5. That a flag person is on-site during to coordinate traffic flow during all loading operations.

8.B ROUTINE BUSINESS (All Items Under this Subsection to be Approved by one Motion. Any Item Under Routine Business May Be Moved by Commission for Separate Consideration):

Sponsors: City Clerk Department and Wright

8.B.1 APPROVAL OF SELECTION COMMITTEE RANKINGS FOR VOICE OVER INTERNET PROTOCOL (VoIP) TURNKEY SYSTEM (RFP 2016-049)

Recommendation: Motion to Approve Selection Committee rankings of RFP No. 2016-049 and for staff to enter into negotiations for a contract which will be brought before the Commission for final approval.

Sponsors: Purchasing Department

8.B.2 RESOLUTION NO. 09-16 SUPPORTING HOUSE BILL 1223 AND SENATE BILL 1544 ENACTING WEATHER IMPACTS LEGISLATION AND CREATING AN INTERAGENCY WORKGROUP OF STATE AGENCIES TO SHARE INFORMATION AND COORDINATE STATE EFFORTS TO ADDRESS WEATHER IMPACTS

Recommendation: Motion to Adopt Resolution No. 09-16 supporting HB 1223 and SB 1544 enacting weather impacts legislation and creating an interagency workgroup of State agencies to share information and coordinate State efforts to address weather impacts.

8.C COMMISSION DIRECTION/RENEWAL OF THE INTERLOCAL AGREEMENT WITH THE TOWN OF HIGHLAND BEACH FOR FIRE RESCUE TRANSPORTATION

Recommendation: We are presently addressing a number of issues within the Fire Department after a period of uncertainty including staff additions, rebuilding of Station 3, and Level of Service determination/discussions and recruitment, salary issues, equipment replacement and management capacity (see attached Fire Chief Connor memo dated February 19, 2016). Based upon the number of issues facing the department, I would not recommend the assumption of additional demands upon the department until some of the outstanding issues have been resolved. Our focus should be on the Delray Beach Fire Department (DBFD) and services in Delray Beach and do not recommend the renewal of the agreement with Highland Beach.

Sponsors: City Manager Department

9. PUBLIC HEARINGS:

- 9.A** ORDINANCE NO. 02-16, A PRIVATELY-INITIATED TEXT AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS SECTION 4.4.24(C), TO ADD SINGLE-LEVEL MECHANICAL PARKING LIFTS AS AN ACCESSORY USE IN THE OLD SCHOOL SQUARE HISTORIC ARTS DISTRICT (OSSHAD). (FIRST READING/ FIRST PUBLIC HEARING)

Recommendation: Motion to Approve Ordinance No. 02-16 on First Reading, the amendment to LDR Section 4.4.24(C), to permit single-level mechanical parking lifts as an accessory use in the OSSHAD zoning district, by adopting the findings of fact and law contained in the staff report, and finding that the text amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M).

Sponsors: Planning & Zoning Department

- 9.B** ORDINANCE NO. 08-16 AMENDING CHAPTER 95 OF THE CITY'S CODE OF ORDINANCES FOR THE DIRECTOR OF EMERGENCY MANAGEMENT (SECOND READING)

Recommendation: Motion to Approve Ordinance No. 08-16 to amend Chapter 95 of the City's Code of Ordinances for the Director of Emergency Management and to approve job description as well.

Sponsors: Human Resources Department

10. FIRST READINGS:

- 10.A** ORDINANCE NO. 07-16 RESTRICTING THE RETAIL SALES OF CATS AND DOGS (FIRST READING)

Recommendation: Motion to Adopt Ordinance No. 07-16, prohibiting the retail sale of cats and dogs in the City with the exception of sales or transfers by animal shelters, animal rescue organizations, including shelters and rescue organizations that operate out of, or in connection with, pet stores.

Sponsors: City Attorney Department

11. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

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