

City of Delray Beach

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Regular Commission Meeting

Tuesday, May 3, 2016

Public Hearings 7:00 p.m.

**Commission Chambers
Delray Beach City Hall**

City Commission

***Mayor Cary Glickstein
Commissioner Shelly Petrolia
Vice Mayor Al Jacquet
Deputy Vice Mayor 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. PRESENTATIONS:****3.A. LEGISLATIVE UPDATE - REPRESENTATIVE LOIS FRANKEL****3.B. PALM BEACH COUNTY SUPERINTENDENT IAN SALTZMAN PRESENTATION**

Sponsors: City Clerk Department

3.C. PALM BEACH COUNTY PROPERTY APPRAISER PRESENTATION**3.D. HEALTHY WEIGHT FLORIDA COMMUNITY CHAMPION RECOGNITION**

Recommendation:

Sponsors: City Clerk Department

3.E. PRESENTATION BY HEALTHIER DELRAY BEACH & MENTAL HEALTH AWARENESS MONTH PROCLAMATION

Recommendation:

Sponsors: Community Improvement

Attachments: [Mental Health Awareness Proclamation](#)

4. COMMENTS AND INQUIRIES ON AGENDA AND NON-AGENDA ITEMS FROM THE PUBLIC- IMMEDIATELY FOLLOWING PRESENTATIONS:**5. AGENDA APPROVAL****6. CONSENT AGENDA: City Manager Recommends Approval****6.A. APPROVAL OF A REVISED FINAL SUBDIVISION PLAT FOR TROPIC CAY 2 LOCATED SOUTH OF AVENUE "F", BETWEEN FREDERICK BOULEVARD AND FLORIDA BOULEVARD.**

Recommendation:

Motion to Approve the revisions to the Final Plat for **Tropic Cay 2**, as the proposed changes are consistent with the findings of fact and law contained in the original staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in Section 2.4.5(J) (Major Subdivisions), Section 3.2.3 (Standards for Site Plan and/or Plat Actions) and Section 3.1.1 (Required Findings for Land Use and Land Development Applications) of the Land Development Regulations.

Sponsors: Planning and Zoning Board

Attachments: [Revised Final Plat.pdf](#)
[City Commission Staff Report - January 19, 2016 Meeting.doc](#)
[P&Z Board Staff Report - November 16, 2015.pdf](#)
[Consent Agenda Acknowledgement.pdf](#)

6.B. ACCEPTANCE OF A HOLD HARMLESS AGREEMENT FOR AN AWNING ENCROACHMENT INTO THE PUBLIC RIGHT OF WAY FOR PERFORMANCE FITNESS JUICE BAR AT 403 S.E. 1ST STREET

Recommendation: Motion to Approve a Hold Harmless Agreement to allow the encroachment into the public right-of-way at 403 SE 1st Street.

Sponsors: Planning & Zoning Department

Attachments: [Hold Harmless Agreement - Performance](#)
[Exhibit A Site Plan](#)
[Legal Description](#)
[Aerial Map](#)
[SPRAB Report - Performance Juice](#)

C. PROCLAMATIONS:

C.1. BETTER HEARING MONTH - MAY 2016

Sponsors: City Clerk Department

Attachments: [Better Hearing Month](#)

C.2. MUNICIPAL CLERKS WEEK MAY 1 - MAY 7, 2016

Sponsors: City Clerk Department

Attachments: [Municipal Clerks Week 2016](#)

C.3. NATIONAL SAFE BOATING WEEK - MAY 21 - 27, 2016

Sponsors: City Clerk Department

Attachments: [National Safe Boating Week](#)

D. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:

E. AWARD OF BIDS AND CONTRACTS:

7. REGULAR AGENDA:

7.A. APPEAL OF HISTORIC PRESERVATION BOARD DENIAL OF THE CERTIFICATE OF APPROPRIATENESS AND THE CLASS V SITE PLAN FOR 226 PALM COURT, DEL-IDA PARK HISTORIC DISTRICT INCLUDING A LANDSCAPE PLAN, ARCHITECTURAL ELEVATIONS, AND A WAIVER REQUEST (QUASI-JUDICIAL HEARING)

Recommendation: Motion to Consider recommendations presented to the HPB for the four

requests associated with the new construction of a three-story, mixed-use building are provided below:

Waiver

Approve the waiver request to LDR Section 4.4.17(H)(3), to permit parking between the building and right of way, based upon positive findings with respect to LDR Section 2.4.7(B)(5).

COA and Site Plan

Approve the Certificate of Appropriateness and Class V Site Plan (2015-169) for 226 Palm Court, Del-Ida Park Historic District, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Sections 2.4.5(F)(5) and 2.4.6(H)(5), subject to the following conditions:

1. That a five foot right of way dedication for the portion adjacent to George Bush Boulevard be approved by the City Commission prior to issuance of a building permit; and,
2. That a Plat be recorded prior to the issuance of a Certificate of Occupancy for the development.

Landscape Plan

Approve the Landscape Plan (2015-169) for 226 Palm Court, Del-Ida Park Historic District, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 4.6.16.

Architectural Elevations

Approve the Architectural Elevation (2015-169) for 226 Palm Court, Del-Ida Park Historic District, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 4.5.1(E)(8).

Sponsors:

Planning & Zoning Department

Attachments:

[226 Palm Court Appeal Letter](#)

[226 Palm Court Class V HPB Staff Report](#)

[March 2, 2016 DRAFT Meeting Minutes](#)

[Board Order](#)

- 7.B** CITY COMMISSION APPEAL OF THE SITE PLAN REVIEW AND APPEARANCE BOARD (SPRAB) APPROVAL OF FEBRUARY 24, 2016 OF THE CLASS III SITE PLAN MODIFICATION, LANDSCAPE PLAN, ARCHITECTURAL ELEVATIONS, AND A RECOMMENDATION OF APPROVAL FOR A WAIVER FOR THE ONE 10 BUILDING LOCATED AT 110 EAST ATLANTIC AVENUE (QUASI-JUDICIAL HEARING)

Recommendation: Deny the appeal and uphold the February 24, 2016 Site Plan Review and Appearance Board (SPRAB) Class III Site Plan Modification approval with conditions, including the landscape plan and architectural elevations, and the SPRAB recommendation of approval for the waiver for the One 10 Building.

Sponsors: Planning & Zoning Department

Attachments: [ONE 10 BLDG - STAFF REPORT - 02-24-16](#)
[02-24-16 SPRAB Minutes VI. A One 10 Building - Draft](#)
[One 10 Bldg - CC Order - 05-03-16](#)
[Email To Mayor - Meeting Request](#)
[K. Bennett - SPRAB APPEAL REQUEST - 110 E Atlantic Ave](#)
[K. Bennett - loading issues email](#)
[K. Bennett - Loading Issues Pictures](#)
[Stevens Letter To Bennett](#)
[Stevens Letter To Tim Stillings](#)

7.B.1. APPROVAL OF A WAIVER TO LDR SECTION 4.4.13(E)(4)(A) TO ALLOW A REDUCTION OF THE MINIMUM 8' PORCH DEPTH ALONG S.E. 1ST AVENUE FOR THE ONE 10 BUILDING (QUASI-JUDICIAL HEARING)

Recommendation: Motion to approve the waiver to LDR Section 4.4.13(E)(4)(a) for the One 10 Building to allow a reduction to a 5' porch depth along S.E. 1st Avenue, based on positive findings identified in the staff report and consistency with LDR Sections 4.4.13(K)(8) and 2.4.7(B)(5).

Sponsors: Planning & Zoning Department

Attachments: [ONE 10 BLDG - STAFF REPORT](#)
[ONE 10 BLDG - BOARD ORDER - WAIVER - CC - 05-03-16](#)
[02-24-16 SPRAB Minutes VI. A One 10 Building - Draft](#)

7.C. 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

7.C.1. AWARD CONTRACT TO WATER TREATMENT AND CONTROLS COMPANY FOR THE REPLACEMENT OF A LIME SLAKER UNIT AT THE WATER TREATMENT PLANT

Recommendation: Motion to Award the purchase and replacement of a Lime Slaking Unit for the Water Treatment Plant to Water Treatment & Controls Company in the amount of \$193,558.00. The method of acquisition is in accordance with Section 36.02(C)(6)(a), "Sole Source."

Attachments: [Sole-source Letter for WTC, March 30, 2106](#)
[Slaker replacement quote, dated March 14, 2016](#)

7.C.2. PRIOR APPROVAL OF FISCAL YEAR 2016 SPENDING GREATER THAN \$25,000

WITH SHI

Recommendation: Motion to approve multiple acquisitions of IT related equipment, from SHI, for an additional \$100,000.00, and a total amount not to exceed \$1,265,400.80 for fiscal year 2016.

Sponsors: Purchasing Department

Attachments: [Purchasing Checklist](#)

7.C.3 CONTRACT AWARD TO R.J. BEHAR & COMPANY, INC. FOR CONSTRUCTION ENGINEERING AND INSPECTION (CEI) SERVICES FOR THE N.E. 2ND AVENUE/SEACREST BOULEVARD BEAUTIFICATION PROJECT

Recommendation: Motion to Approve a General Consulting Services Agreement with R.J. Behar & Company, Inc. for Construction Engineering and Inspection Services (CEI) for the NE 2nd Avenue / Seacrest Boulevard Beautification Project in the amount of \$191,567.00. (Project No. 11-067).

Attachments: [FINAL AGREEMENT.pdf](#)

7.D. RESOLUTION NO. 15-16, BUDGET AMENDMENT

Recommendation: Motion to Approve Resolution No. 15-16

Sponsors: Finance Department

Attachments: [Resolution No 15-16](#)
[Narrative](#)

7.E. CONTRACT AWARD TO EDSA, INC. FOR PROFESSIONAL DESIGN ENGINEERING AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE BEACH MASTER PLAN (RFQ 2016-056)

Recommendation: Motion to Approve an Agreement between the City of Delray Beach and EDSA, Inc. for professional design engineering and construction administration services for the Beach Master Plan in an amount not to exceed \$600,000 (Project No. 2015-008).

Sponsors: Environmental Services Department

Attachments: [Beach Area Master Plan 042516](#)

7.F. RESOLUTION NO. 23-16- BEST INTEREST RESOLUTION; AWARD TO MEGGITT TRAINING SYSTEMS, INC. FOR INDOOR SHOOTING RANGE UPGRADE

Recommendation: Motion to Award a purchase to Meggitt Training Systems, Inc. in the amount of \$85,419.27 to upgrade the existing indoor shooting range in accordance with the Code of Ordinances, Chapter 36, Section 36.02(C) (11), "Best Interest Acquisitions".

Sponsors: Purchasing Department

Attachments: [Purchasing Checklist Meggit Training System](#)
[Price Letter](#)
[Sole Source Letter - Delray Bch PD](#)
[Resolution No. 23-16](#)

7.G. APPOINTMENT OF ASSISTANT CITY ATTORNEY

Recommendation: Motion to approve appointment of Assistant City Attorney.

Sponsors: City Attorney Department and Inglesse

7.H. DISCUSSION OF SECOND ALTERNATE APPOINTMENT TO THE PALM BEACH COUNTY METROPOLITAN PLANNING ORGANIZATION (MPO).

Recommendation: Discussion regarding the appointment of Deputy Vice Mayor Jordana Jarjura as the city's second alternate to the Palm Beach County Metropolitan Planning Organization.

Sponsors: City Clerk Department

7.I. NOMINATION FOR APPOINTMENT TO THE CODE ENFORCEMENT BOARD

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)
[Code Enforcement Board Members List](#)
[Code Enforcement Attendance List](#)

8. PUBLIC HEARINGS:**8.A. ORDINANCE NO. 10-16; PRIVATELY INITIATED VOLUNTARY ANNEXATION, FUTURE LAND USE MAP (SMALL-SCALE) AMENDMENT FROM COUNTY MR-5 (MEDIUM DENSITY 5-UNITS PER ACRE) TO CITY LD (LOW DENSITY RESIDENTIAL 0-5 DU/AC) AND INITIAL CITY ZONING OF R-1-AAA (SINGLE FAMILY RESIDENTIAL) FOR 14461 BARWICK ROAD. (SECOND READING)**

Recommendation: Motion to Approve Ordinance No. 10-16 on Second Reading, for the Annexation, Future Land Use Map Amendment (Small-Scale) from County MR-5 (Medium Density 5-units per acre) to City LD (Low Density Residential 0-5 du/ac) and initial City Zoning of R-1-AAA (Single Family Residential) for 14461 Barwick Road.

Sponsors: Planning and Zoning Board

Attachments: [Ordinance No. 10-16 - Annexation of 14461 Barwick Road](#)
[Planning and Zoning Board Staff Report of March 21, 2016](#)
[Planning and Zoning Board March 21, 2016 Minutes -14461 Barwick Road-Ann](#)

9. FIRST READINGS:**9.A. ORDINANCE NO. 11-16, A PRIVATELY-INITIATED AMENDMENT TO LDR SECTION 4.5.6, FENCES, WALLS, AND HEDGES, TO PERMIT AND PROVIDE REGULATIONS FOR ELECTRIFIED FENCES. (FIRST READING)**

Recommendation: Motion to Approve the amendment to Land Development Regulations (LDR) Section 4.6.5, to permit electrified fences and provide regulations regarding their installation and review, 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).

Attachments:

[Electrified Fences Ordinance No. 11-16](#)

[Electrified Fences Request Letter](#)

[Electrified Fences Planning and Zoning Staff Report 032116](#)

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

10.A.1 SE SECOND AVENUE/OSCEOLA ALLEY WAY PROJECT

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Sponsors:

City Clerk Department

Attachments:

[04272016 City Manager Report](#)

[City Manager Backup](#)

B. City Attorney

C. City Commission