

City of Delray Beach

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Regular Commission Meeting

Regular Meeting at 6:00 PM

Wednesday, August 2, 2017

Commission Chambers
Delray Beach City Hall

City Commission

Mayor Cary Glickstein
Vice Mayor Jim Chard
Deputy Vice Mayor Shirley Ervin Johnson
Commissioner Shelly Petrolia
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. AGENDA APPROVAL****4. PRESENTATIONS:****4.A. RESOLUTION NO. 53-17 RECOGNIZING PAMELA WILLIAMS FOR 30 YEARS OF SERVICE**

Recommendation: Approve Resolution No. 53-17 honoring Pamela Williams for 30 years of service.

Sponsors: Human Resources Department

Attachments: [53.17 Resolution Pamela Williams 8.1.17](#)

4.B. SPOTLIGHT ON EDUCATION - ATLANTIC COMMUNITY HIGH SCHOOL

Sponsors: Community Improvement

4.C. PRESENTATION ON PARKING RATES AND INVESTMENT RETURN

Recommendation: Receive information concerning the return on investment for increasing paid parking to on-street parking and surface lots within the City of Delray Beach.

Sponsors: Environmental Services Department

Attachments: [PARKING MANAGEMENT PLAN 7-17-2017 FINAL.PPTX](#)

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. APPROVAL OF MINUTES**

Recommendation: Motion to approve revised meeting minutes.

Sponsors: City Clerk Department

Attachments: [11-15-2016 Minutes - Revised](#)

6.B. RESOLUTION NO. 42-17: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING AND ADOPTING THE PROGRAM FOR PUBLIC INFORMATION, THE FLOOD RESPONSE PREPARATION PLAN, THE FLOOD INSURANCE COVERAGE IMPROVEMENT PLAN, AND

PROVIDING FOR AN EFFECTIVE DATE.

Recommendation: Motion to Approve Resolution No. 42-17, as presented.

Sponsors: Planning & Zoning Department

Attachments: [Res 42-17 adopting PPI and flood prep plan](#)
[Exhibit "A" - PPI Delray Beach 2017-03-14](#)

6.C. ACCEPTANCE OF A HOLD HARMLESS AGREEMENT FOR 1044 S. OCEAN BLVD.

Recommendation: Motion to Approve and accept a Hold Harmless Agreement for 1044 S. Ocean Blvd.

Sponsors: Environmental Services Department

Attachments: [1044 S. Ocean Blvd HH FDOT Permit](#)
[Map Location 1044 S. Ocean Blvd.](#)
[PAPA Page](#)
[Sun Biz Page](#)
[Legal Review Checklist hold harmless 1044 Ocean for work in state ROW](#)

6.D. ACCEPTANCE OF SEWER MAIN AND LIFT STATION EASEMENT DEEDS GRANTED BY DELRAY BEACH 4TH & 5TH AVENUE, LLC

Recommendation: Motion to Accept a Sewer Main and Lift Station Easement granted by Delray Beach 4th & 5th Avenue, LLC.

Sponsors: Environmental Services Department

Attachments: [Sewer Easement](#)
[Lift Station Easement](#)
[Site Location Map](#)
[Location Map of Lift Station and Forcemain Easements](#)

6.E. THIRD AMENDMENT TO THE INTERLOCAL AGREEMENT WITH THE CITY AND THE COMMUNITY REDEVELOPMENT AGENCY (CRA) FOR FUNDING CONSTRUCTION AND PROFESSIONAL SERVICES FOR FY 2016-2017

Recommendation: Motion to Approve the Third Amendment to the Interlocal Agreement (ILA) between the City of Delray Beach (City) and the Community Redevelopment Agency (CRA) for funding of construction and professional services to revise the funding amounts for projects approved in the CRA's final FY 2016-2017 Budget Amendment.

Sponsors: Environmental Services Department

Attachments: [Third Amendment to the ILA for Funding Construction and Professional Service:](#)

6.F. AGREEMENT WITH T.V. DIVERSIFIED, LLC FOR SANITARY SEWER LIFT STATION AND MANHOLE REPAIRS AND REHABILITATION (PROJECT NO. 2017-027) UTILIZING THE CITY OF WEST PALM BEACH CONTRACT NO. 14949

Recommendation: Motion to Approve an agreement with T.V. Diversified, LLC in an annual not to exceed amount of \$335,000, for sanitary sewer lift station and manhole repairs and rehabilitation, utilizing the City of West Palm Beach

Contract No. 14949 for Lift Station Repairs and Rehabilitation.

Sponsors: Environmental Services Department

Attachments: [Best Price Letter](#)
[Agreement with T.V. Diversified LLC](#)
[Legal Review Checklist](#)
[City of West Palm Beach Agreement with T.V. Diversified](#)

6.G. STATE AND LOCAL TASK FORCE AGREEMENT WITH DRUG ENFORCEMENT AGENCY

Recommendation: Motion to Approve a State and Local Task Force Agreement with Drug Enforcement Administration.

Sponsors: Police Department

Attachments: [Legal Review Checklist](#)
[Annual Task Force Agreement](#)

6.H. INTERAGENCY AGREEMENT REGARDING INTERFACE FOR CRIMINAL JUSTICE SYSTEMS

Recommendation: Motion to Approve an Interagency Agreement between the Delray Beach Police Department and City of West Palm Beach to govern the storage and access to Criminal Justice Information and to share access to their respective Record Management Systems data for law enforcement purposes.

Sponsors: Police Department

Attachments: [Legal Review Checklist](#)
[Interagency Agreement](#)

6.I. STANDARD FORM OF AGREEMENT BETWEEN THE CITY OF DELRAY BEACH FIRE-RESCUE DEPARTMENT AND UNIVERSAL PROTECTION SERVICES, LLC

Recommendation: Motion to Approve an Agreement for Fire-Rescue between the City of Delray Beach, on behalf of the Fire-Rescue Department and Universal Protection Service, LLC ("Universal") to establish dispatch protocols, the roles and responsibilities of first responder personnel at an emergency scene, and documentation for patient care rendered pursuant to Chapter 64J-2 of the Florida Administrative Code.

Sponsors: Fire Rescue Department

Attachments: [Fire Department & Universal Protection Services Agreement](#)
[Legal Review Checklist](#)

6.J. AMENDMENT NO. 1 TO FUNDING AGREEMENTS WITH SANDOWAY HOUSE AND THE DELRAY BEACH HISTORICAL SOCIETY

Recommendation: Motion to Approve amendments to the funding agreements for Sandoway House and the Delray Beach Historical Society.

Sponsors: City Manager Department

Attachments: [Legal Review Checklist Amd #1 funding agreement sandoway](#)
[Amendment #1 to Sandoway House funding agreement](#)
[2016-12-08 Funding Agmt for Sandoway House](#)
[Legal Review Checklist Amd #1 funding agreement DBHS](#)
[Amendment #1 to DBHS funding agreement](#)
[2016-12-08 Funding Agreement](#)

6.K. RESOLUTION NO. 55-17 URGING ALL MEMBERS OF THE FLORIDA LEGISLATURE TO ENACT LEGISLATION TO MAKE TEXTING WHILE DRIVING A PRIMARY OFFENSE

Recommendation: Motion to Approve Resolution No. 55-17 urging the Florida Legislature to enact legislation to make texting while driving a primary offense.

Sponsors: City Clerk Department

Attachments: [Res 55-17 Urging making texting while driving a primary offense \(3\)](#)

6.L. PROCLAMATIONS:

6.L.1. Proclamation to celebrate James Lamar Shuler

Sponsors: City Clerk Department

Attachments: [Proclamation for James Lamar Shuler](#)

6.M. REPORT OF APPEALABLE LAND USE ITEMS FROM JUNE 28, 2017 THROUGH JULY 7, 2017

Recommendation: By motion, receive and file this report.

Sponsors: Planning and Zoning Board

Attachments: [Location Map](#)
[100 NE 5th Avenue file](#)
[Drug Abuse Appealable report](#)
[324 Lofts Appealable Report SPRAB 062817](#)

6.N. AWARD OF BIDS AND CONTRACTS:

6.N.1. AWARD OF AGREEMENTS FOR CONTINUING ENGINEERING, ARCHITECT, LANDSCAPE ARCHITECT, AND SURVEYING & MAPPING CONSULTING SERVICES

Recommendation: Motion to Award five year Agreements for Continuing Engineering, Architect, Landscape Architect, and Surveying & Mapping Consulting Services to A.D.A. Engineering, Inc., Avirom & Associates, Inc., Baxter & Woodman Inc., dba Mathews Consulting, Bermello Ajamil and Partners, Inc., Biscayne Engineering Company, Inc., CB&I Environmental & Infrastructure, Inc., Carollo Engineers, Inc., CPH, Inc., Calvin, Giordano & Associates, Inc., Carnahan Proctor and Cross, Inc., Chen Moore and Associates, Inc., Coastal Systems International, Inc.,

Craven, Thompson & Associates, Inc., EDSA, Inc., Engenuity Group, Inc., Environmental Science Associates Corporation, Erdman Anthony of Florida, Inc., GLE Associates, Inc., Gartek Engineering, Corp., Keith and Schnars, P.A., Kimley-Horn and Associates, Inc., Marlin Engineering, Inc., Master Consulting Engineers, Inc., Michael B. Schorah and Associates, Inc., Mott MacDonald Florida, LLC, Pinnacle Ecological, Inc., SGM Engineering, Inc., Stanley Consultants, Inc., T. Y. Lin International, and Wantman Group, Inc., and authorize the City Manager to exercise any and all renewal options.

Sponsors: Economic Development Department

Attachments: [Ranking, by Category](#)
[RFQ 2017-048 Final](#)
[2017-048 Scoring Summary](#)
[RFQ 2017 048 Vendors and Services](#)
[Agreement for Professional Services RFQ 2017 048 template](#)
[Engineering Hourly Rates](#)
[Landscaping Architecture Hourly Rates](#)
[Surveying Hourly Rates](#)
[Legal Review Checklist RFQ 2017-048](#)

6.N.2. AWARD OF A CONSTRUCTION AGREEMENT TO MBR CONSTRUCTION, INC. FOR THE 100' CHRISTMAS TREE FOUNDATION IN A NOT TO EXCEED AMOUNT OF \$180,128.

Recommendation: Motion to Award a construction agreement to MBR Construction, Inc. for the 100' Christmas Tree Foundation in a not to exceed amount of \$180,128 (Project No. 17-062).

Sponsors: Environmental Services Department

Attachments: [Tree foundation signed award memo.pdf](#)
[Agreement - ITBC 2017-060 - 100' Christmas Tree Foundation - CityAtty Rev](#)
[Exhibit A to Agreement - ITBC 2017-060 - 100' Christmas Tree Foundation \(Rev](#)
[Exhibit B to Agreement - Contractor's Bid for ITBC2017-060 100 Christmas Tree](#)
[Exhibit A to Contractor's Bid - Schedule of Pricing Rev 2](#)
[Aluminum Tree Location Map](#)

7. REGULAR AGENDA:

7.A. WAIVER REQUEST TO INCREASE THE MAXIMUM FRONT SETBACK FROM 15' TO 19'-4" FOR 324 LOFTS, LOCATED AT 324 NE 3RD AVENUE. (QUASI-JUDICIAL HEARING)

Recommendation: Motion to deny the waiver request to LDR Section 4.4.13(D)(2)(a)1., Configuration of Buildings, Dimensional Requirements for CBD Sub-districts, to increase the maximum front setback from 15' to 19'4", based on a failure to make positive findings with LDR Sections 4.4.13(K)

(8) and 2.4.7(B)(5).

Sponsors: Planning & Zoning Department

Attachments: [324 NE 3rd Avenue SPRAB STAFF REPORT 062817](#)
[324 Lofts Waiver Request Letter](#)
[324 Lofts Waiver Exhibits CC](#)
[324 Lofts City Commission BOARD ORDER 080117](#)

7.B. NOMINATIONS FOR APPOINTMENT TO THE BOARD OF ADJUSTMENT

Recommendation: Motion to Approve nominations for appointment for two (2) regular members to serve on the Board of Adjustment for two (2) year terms ending August 31, 2019.

Sponsors: City Clerk Department

Attachments: [BOA Exhibit A](#)
[BOA List](#)
[BOA Attendance Record 2](#)

7.C. NOMINATIONS FOR APPOINTMENT TO THE SITE PLAN REVIEW AND APPEARANCE BOARD

Recommendation: Motion to Approve nomination for one (1) regular member to serve a (2) year term ending August 31, 2019.

Sponsors: City Clerk Department

Attachments: [SPRAB Exhibit A - 2](#)
[SPRAB BOARD LIST](#)
[SPRAB Attendance Record 2](#)

7.D. CARING KITCHEN DISCUSSION

Sponsors: City Clerk Department

7.E. ROBBINS GELLER ENGAGEMENT AGREEMENT

Attachments: [Delray Beach Retainer Revised](#)

8. PUBLIC HEARINGS:

8.A. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN FY2017-2018

Recommendation: Motion to Approve and execute the attached Annual Action Plan.

Sponsors: Community Improvement

Attachments: [Annual Plan \(AP3\) - FY17-18 70517](#)
[SF424_2_1-V2 1.pdf 1](#)
[CertNonState 2017](#)

8.B. ORDINANCE NO.19-17: REPEALING SECTION 4.6.19, "TREE PRESERVATION, PROTECTION, ENFORCEMENT, AND MAINTENANCE" AND READOPTING SAME,

AS REVISED IN ORDER TO PRESERVE, PROTECT, ENFORCE AND MAINTAIN TREES; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF SECTION 4.6 SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

Recommendation: Motion to Approve Ordinance No. 19-17 on second reading .

Sponsors: Planning & Zoning Department

Attachments: [Tree Ordinance Board Item Backup-P&Z](#)
[2nd Reading - Tree Preservation Ord No. 19-17](#)

9. FIRST READINGS:

- 9.A.** ADOPTION OF ORDINANCE NO. 30-17 AMENDING CHAPTER 100, "NUISANCES" AMENDING SECTION 101.01, "EXISTENCE OF WEEDS, TRASH AND VEGETATION UPON LANDS PROHIBITED," SECTION 32.17, "GROUNDS FOR REMOVAL"; AND REPEALING SECTION 32.18, "PROCEDURE". (FIRST READING)

Recommendation: Motion to Approve Ordinance No. 30-17 on first reading.

Sponsors: City Attorney Department

Attachments: [Ord 30-17 Amending Sec 100.01 maint of public alleyway](#)

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

10.B. City Attorney

10.C. City Commission