

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 6:00 PM

Tuesday, August 15, 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. PRESENTING OFFICER ADRIAN RACKAUSKAS, POLICE OFFICER, WITH EMPLOYEE OF THE MONTH FOR AUGUST 2017**

Recommendation: Motion to Approve Officer Adrian Rackauskas as Employee of the Month for August 2017.

Sponsors: Human Resources Department

Attachments: [Ofc. Adrian Rackauskas EOM nomination form](#)

4.B. ECONOMIC ANALYSIS OF DELRAY BEACH DOWNTOWN DEVELOPMENT AUTHORITY (DDA) PARKING MANAGEMENT PLAN

Sponsors: City Manager Department

Attachments: [Simon DDA memo 8-2-17](#)

[parking town hall](#)

[DDA PARKING METER IMPLEMENTATION PLAN](#)

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 various sets of minutes as listed below.

Sponsors: City Clerk Department

Attachments: [April 18, 2017 Regular Meeting Minutes - Draft](#)

[May 2, 2017 Regular Meeting Minutes - Draft](#)

[May 16, 2017 Regular Meeting Minutes -Draft](#)

[July 18, 2017 Regular Meeting Minutes - Draft](#)

6.B. APPROVAL OF A 10 FEET X 30 FEET MASS TRANSIT EASEMENT FOR 3185 SOUTH CONGRESS AVENUE

Recommendation: Motion to Approve the Mass Transit Easement along the west property line.

Sponsors: Planning & Zoning Department

Attachments: [3185 South Congress Avenue Mass Transit Easement](#)
[A3.0 SITE PLAN 16026-7-20-16](#)
[3185 S Congress Ave SPRAB ClassV SR 081016 Final](#)
[Checklist Mass Transit easement Kaufman Lynn project](#)

6.C. APPROVAL OF A 10' X 330' PUBLIC GREENWAY EASEMENT AGREEMENT FOR 3185 SOUTH CONGRESS AVENUE

Recommendation: Motion to Approve the Public Greenway Easement along the east property line of 3185 South Congress Avenue.

Sponsors: Planning & Zoning Department

Attachments: [Public Greenway Easement Agreement - 08.03.17](#)
[3185 S Congress Ave SPRAB ClassV SR 081016 Final](#)
[A3.0 SITE PLAN 16026-Layout1](#)
[Legal Review Checklist - Public Greenway Easement](#)

6.D. RESOLUTION NO. 54-17: TO FORMALLY ABANDON THE CITY'S INTEREST IN OBTAINING THE 40' WIDE BY 647.48' LONG RESERVED RIGHT-OF-WAY, ADJACENT TO DELRAY SQUARE AT 14530 SOUTH MILITARY TRAIL.

Recommendation: Motion to Approve Resolution No. 54-17 formally abandoning the City's interest in the 40' wide by 647.48' long reserved right-of-way, adjacent to Delray Square at 14530 South Military Trail.

Sponsors: Planning & Zoning Department

Attachments: [Resolution 54-17-DelraySquare-ROW-Aband-Aug2017- Support](#)
[Delray Square Military Trail Abandonment Exhibit](#)

6.E. MUTUAL AID AGREEMENT - FLORIDA'S WATER/WASTEWATER AGENCY RESPONSE NETWORK

Recommendation: Motion to Approve a Mutual Aid Agreement authorizing the City's water utility to participate in the Water/Wastewater Mutual Aid Program established by Florida's Water/Wastewater Agency Response Network (FlaWARN).

Sponsors: Environmental Services Department

Attachments: [FlaWARN Mutual Aid Agreement](#)
[Legal Review Checklist form v. 3 FLAWARN mutual aid](#)

6.F. RETROACTIVE APPROVAL OF EXTENSION OF A LICENSE AGREEMENT WITH DELRAY INTRACOASTAL CRUISES, LLC

Recommendation: Motion to retroactively approve an extension of the License Agreement with Delray Intracoastal Cruises, LLC (Pilgrim Belle Cruises, LLC) for a period of one year.

Sponsors: Parks & Recreation Department

Attachments: [Legal Review Checklist form v. 3 delray intracoastal](#)
 [Reardon extension](#)
 [90 day Contract Extension 12-30-2016](#)
 [2003 - Agreement Amendment No. 4, signed](#)

6.G. TRAFFIC ENFORCEMENT AGREEMENT BETWEEN THE DELRAY BEACH POLICE DEPARTMENT AND VILLAGE AT SWINTON SQUARE CONDOMINIUM HOMEOWNER'S ASSOCIATION LOCATED AT 1025 S. SWINTON AVENUE

Recommendation: Motion to Approve a Traffic Enforcement Agreement between the Delray Beach Police Department and Village at Swinton Square Condominium Homeowner's Association to allow the Delray Beach Police Department to enforce state and local traffic laws on the private roads of Village at Swinton Square Condominium Homeowner's Association.

Sponsors: Police Department

Attachments: [Partially Executed Agreement](#)
 [Insurance](#)
 [Legal Review Checklist](#)

6.H. INFORMED CONSENT GRANT AND WAIVER OF CONFLICT OF INTEREST

Recommendation: Motion to Approve "Informed Consent Grant and Waiver of Conflict of Interest" form concerning issue of dual representation by Assistant City Attorney Bradley Biggs.

Sponsors: City Attorney Department

Attachments: [Informed Consent Grant and Waiver of Conflict of Interest](#)

6.I. PROCLAMATIONS:

6.I.1. PROCLAMATION FOR WOMEN'S EQUALITY DAY - AUGUST 26, 2017

Sponsors: City Clerk Department

Attachments: [Proclamation for Women's Equality Day](#)

6.I.2. PROCLAMATION FOR OVERDOSE AWARENESS DAY - AUGUST 31, 2017

Sponsors: City Clerk Department

Attachments: [Proclamation Overdose Awareness Day 2017](#)

6.I.3. PROCLAMATION FOR DR. HOWARD B. BARR, JR.

Sponsors: City Clerk Department

Attachments: [Proclamation for Howrd B Barr](#)

6.J. REPORT OF APPEALABLE LAND USE ITEMS FROM JULY 10, 2017 THROUGH JULY 28, 2017

Recommendation: By motion, receive and file this report.

Sponsors: Planning and Zoning Board

Attachments: [Location Map](#)
[799 NE 2nd Avenue Appealable Report with attachments](#)
[49 Palm Square Appealable Report with attachments](#)
[601 N Swinton Ave Appealable Report with Attachments](#)
[20 W Atlantic Ave Appealable Report with attachments](#)
[20 N Swinton Ave Appealable Report with Attachments](#)
[302 SE 2nd Street](#)
[700 West Atlantic Avenue](#)
[Kentucky Fried Chicken](#)

6.K. AWARD OF BIDS AND CONTRACTS:

6.K.1. AGREEMENT WITH PVS TECHNOLOGIES, INC. UTILIZING THE PALM BEACH COUNTY TERM CONTRACT NO. 14035RC FOR THE PURCHASE OF FERRIC CHLORIDE

Recommendation: Motion to Approve a one-year Agreement with PVS Technologies, Inc. for the purchase of Ferric Chloride Solution in an annual not-to-exceed amount of \$300,000 utilizing the Palm Beach County Term Contract No. 10435RC.

Sponsors: Environmental Services Department

Attachments: [Best Price Letter](#)
[PVS Technologies Inc Agreement](#)
[Palm Beach County Renewal Letter 2017-2018](#)
[Legal Review Checklist](#)
[Palm Beach County Agreement with PVS Technologies](#)

7. REGULAR AGENDA:

7.A. CONDITIONAL USE REQUEST FOR A FRATERNAL LODGE FOR THE O'NEAL-PRIEST POST 4141 OF THE VETERANS OF FOREIGN WARS (VFW) TO LOCATE WITHIN THE SOUTH DELRAY SHOPPING CENTER AT 3001 S. FEDERAL HIGHWAY (QUASI-JUDICIAL HEARING)

Recommendation: Motion to Approve a conditional use request to permit a fraternal lodge, Post 4141 of the Veterans of Foreign Wars (VFW), at the South Delray Shopping Center located at 3001 S. Federal Highway, pursuant to Land Development Regulations Section 2.4.5(E) and 4.4.12(D).

Sponsors: Planning & Zoning Department

Attachments: [VFW 4141 Staff Report](#)
[VFW 4141 Site Plan](#)
[VFW 4141 Floor Plan](#)
[VFW 4141 Board Order](#)

8. PUBLIC HEARINGS:**8.A. RESOLUTION NO. 52-17: STORMWATER UTILITY ASSESSMENT**

Recommendation: Motion to Approve Resolution No. 52-17 establishing a budget for the Stormwater Utility System, establishing the rates for FY 2018 Stormwater Management Assessments, and certifying and adopting the Stormwater Assessment Roll.

Sponsors: Environmental Services Department

Attachments: [Resolution 52-17 Stormwater Utility with Exhibits](#)
[2017 TRIM NOTICES](#)
[2017 Condo](#)
[City owned properties only](#)

8.B. 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". (SECOND READING)

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

Sponsors: City Attorney Department

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

9. FIRST READINGS:

9.A. ADOPTION OF ORDINANCE NO. 31-17 AMENDING CHAPTER 32, "DEPARTMENTS, BOARDS AND COMMISSIONS" AMENDING SECTION 32.15, "DEFINITIONS," SECTION 32.17, "GROUNDS FOR REMOVAL"; AND REPEALING SECTION 32.18, "PROCEDURE". (FIRST READING)

Recommendation: Motion to Approve Ordinance No. 31-17 on first reading.

Sponsors: City Attorney Department

Attachments: [Ord 31-17 amending removal of municipal board etc](#)

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

10.B. City Attorney

10.C. City Commission