

The City of Boynton Beach



City Commission Agenda Tuesday, June 21, 2016, 6:30 PM

Commission Chambers
100 E. Boynton Beach Blvd., Boynton Beach, FL 33435
Regular City Commission - REVISED

Boynton Beach City Commission

Mayor Steven B. Grant (At Large)
Vice Mayor Mack McCray (District II)
Commissioner Justin Katz (District I)
Commissioner Christina L. Romelus (District III)
Commissioner Joe Casello (District IV)

Lori LaVerriere, City Manager
James Cherof, City Attorney
Judith A. Pyle, Interim City Clerk

MISSION

To create a sustainable community by providing exceptional municipal services, in a financially responsible manner.

America's Gateway to the Gulfstream



www.boynton-beach.org

WELCOME
Thank you for attending the City Commission Meeting

**GENERAL RULES & PROCEDURES FOR PUBLIC PARTICIPATION AT
CITY OF BOYNTON BEACH COMMISSION MEETINGS**

THE AGENDA:

There is an official agenda for every meeting of the City Commissioners, which determines the order of business conducted at the meeting. The City Commission will not take action upon any matter, proposal, or item of business, which is not listed upon the official agenda, unless a majority of the Commission has first consented to the presentation for consideration and action.

- **Consent Agenda Items:** These are items which the Commission does not need to discuss individually and which are voted on as a group.
- **Regular Agenda Items:** These are items which the Commission will discuss individually in the order listed on the agenda.
- **Voice Vote:** A voice vote by the Commission indicates approval of the agenda item. This can be by either a regular voice vote with "Ayes & Nays" or by a roll call vote.

SPEAKING AT COMMISSION MEETINGS:

The public is encouraged to offer comment to the Commission at their meetings during Public Hearings, Public Audience, and on any regular agenda item, as hereinafter described.

City Commission meetings are business meetings and, as such, the Commission retains the right to impose time limits on the discussion on an issue.

- **Public Hearings:** Any citizen may speak on an official agenda item under the section entitled "Public Hearings."
- **Public Audience:** Any citizen may be heard concerning any matter within the scope of the jurisdiction of the Commission - Time Limit - Three (3) Minutes
- **Regular Agenda Items:** Any citizen may speak on any official agenda item(s) listed on the agenda after a motion has been made and properly seconded, with the exception of Consent Agenda Items that have not been pulled for separate vote, reports, presentations and first reading of Ordinances - Time Limit - Three (3) minutes

ADDRESSING THE COMMISSION:

When addressing the Commission, please step up to either podium and state, for the record, your name and address.

DECORUM:

Any person who disputes the meeting while addressing the Commission may be ordered by the presiding officer to cease further comments and/or to step down from the podium. Failure to discontinue comments or step down when so ordered shall be treated as a continuing disruption of the public meeting. An order by the presiding officer issued to control the decorum of the meeting is binding, unless over-ruled by the majority vote of the Commission members present.

Please turn off all pagers and cellular phones in the City Commission Chambers while the City Commission Meeting is in session.

City Commission meetings are held in the Boynton Beach City Commission Chambers, 100 East Boynton Beach Boulevard, Boynton Beach. All regular meetings are held typically on the first and third Tuesdays of every month, starting at 6:30 p.m. (Please check the Agenda Schedule - some meetings have been moved due to Holidays/Election Day).

1. OPENINGS

- A. Call to Order - Mayor Steven B. Grant

Invocation

Pledge of Allegiance to the Flag led by Commissioner Romelus

Agenda Approval:

- 1. Additions, Deletions, Corrections
- 2. Adoption

2. OTHER

- A. Informational items by Members of the City Commission

3. ANNOUNCEMENTS, COMMUNITY & SPECIAL EVENTS & PRESENTATIONS

- A. The Mayor to present South Tech Academy C.O.R.E. Transition Program Student Intern, Nicholas Celino, with a Certificate of Recognition for his internship completion and a summary of the internship provided by ADA and Grants Coordinator, Debbie Majors.
- B. Announce the "Fishing for Fireworks?" event that will be held on July 4th at Intracoastal Park.
- C. Proclaim June 20 - 26, 2016 as Amateur Radio Week, Barry Porter and Bob Vastola will be in attendance to accept the proclamation.
- D. Proclaim June 27th, 2016 as National HIV Testing Day and urge all residents to take the HIV test to know your status; "BE A HERO, STOP THE SPREAD". Brenda Lopez MSW of the Prevention Education & Treatment Program at the Caridad Center will be present to accept the Proclamation.
- E. Presentation by Quinn Hayes, Project Director of Healthier Boynton Beach.

4. PUBLIC AUDIENCE

INDIVIDUAL SPEAKERS WILL BE LIMITED TO 3 MINUTE PRESENTATIONS (at the discretion of the Chair, this 3 minute allowance may need to be adjusted depending on the level of business coming before the City Commission)

5. ADMINISTRATIVE

- A. Appoint eligible members of the community to serve in vacant positions on City advisory boards. The following Regular (Reg) and Alternate (Alt) Student (Stu) and Nonvoting Stu (N/V Stu) openings exist:

Building Board of Adjustments and Appeals: 2 Alts
Education and Youth Advisory Bd: 1 Stu N/V
Library Board: 1 Reg
Senior Advisory Board: 1 Reg and 2 Alts

6. CONSENT AGENDA

Matters in this section of the Agenda are proposed and recommended by the City Manager for "Consent Agenda" approval of the action indicated in each item, with all of the accompanying material to become a part of the Public Record and subject to staff comments

- A. **PROPOSED RESOLUTION NO. R16-074** - Approve the update to the Engineering Division fee schedule for engineering and construction related activities in the City of Boynton Beach, changes to become effective immediately.
- B. **PROPOSED RESOLUTION NO. R16-075** - Support of lowering energy costs for solar power and support for amendment 4 on the August 30, 2016 Primary Ballot.
- C. **PROPOSED RESOLUTION NO. R16-076** - Supporting the Atlanta Braves returning to Palm Beach County for their spring training at John Prince Park.
- D. **PROPOSED RESOLUTION NO. R16-077** - Approve an Agreement with RunBrook, LLC of West Palm Beach, FL for "Greenhouse Gas Emissions Inventory Consulting Services" in the amount of \$44,985.00 as a result of the RFQ No. 010-2821-16/JMA, according to Florida State Statute 287.55 "Consultants"; Competitive Negotiation Act" (CCNA); and authorize the City Manager to sign the Agreement.
- E. Approve the recommendations of the Community Development Block Grant review committee for funding activities in preparation for the City of Boynton Beach's One Year Action Plan for FY 2016/17. The anticipated Community Development Block Grant allocation is \$497,889.
- F. Award to Anzco, Inc. two (2) purchase requisitions totaling \$28,100 plus a 10% contingency of \$2,810 for a total cost of \$30,910 for the repair of two picnic shelters and construction of supporting ADA accessible improvements at Oceanfront Park. Purchases over \$25,000 require Commission approval in accordance with the City's procurement policy.
- G. Accept the written report to the Commission for purchases over \$10,000 for the month of May 2016.
- H. Approve the minutes from the Regular City Commission meeting held on June 7, 2016.

7. BIDS AND PURCHASES OVER \$100,000

- A. **PROPOSED RESOLUTION NO. R16-078** - Authorize the City Manager to sign a contract with Florida Design Drilling Corp. of West Palm Beach, FL for the Master Lift Station No. 309 Improvements project, Bid No. 033-2821-16/TP in the amount of \$1,832,000 plus a 10% contingency of \$183,200, if needed, for staff approval of change orders for unforeseen conditions for a total expenditure of \$2,015,200.
- B. Approve award for the "Annual Supply of Medical Supplies and Medications", Bid No. 044-2210-16/JMA to Bound Tree Medical, LLC; Henry Schein Inc.; and Midwest Medical Supply Co., LLC, as the lowest, most responsive, responsible bidders for a projected annual expenditure of \$140,000. Items will be ordered on an "As Needed" basis.

8. CODE COMPLIANCE and LEGAL SETTLEMENTS - None

9. PUBLIC HEARING

7 P.M. OR AS SOON THEREAFTER AS THE AGENDA PERMITS

The City Commission will conduct these public hearings in its dual capacity as Local Planning Agency and City Commission.

- A. **PROPOSED ORDINANCE NO. 16-010 - FIRST READING** - Approve amendments to the Land Development Regulations, Chapter 1, Article II. Definitions, and Chapter 3, Article IV, Section 3.D. (Zoning Matrix and Notes), to increase the locations where consignment shops and used book stores are allowed, and to change the maximum size standard applicable to all businesses that sell

used merchandise (CDRV 16-001).

- B. **PROPOSED ORDINANCE NO. 16-011 - FIRST READING** - Approve amendments to the Land Development Regulations, Chapter 1, Article II. Definitions, and Chapter 3, Article IV, Section 3.D. (Zoning Matrix and Notes), that in part, increase the locations where the sale and repair of motor vehicles and boats are allowed, involving the C-3, C-4, PCD, M-1, and PID Zoning Districts (CDRV 16-002).
- C. Approve request for Major Site Plan Modification (MSPM 16-004) to add 525 square feet of enclosed dining space to the existing 936 square foot restaurant building and related site improvements, located at the southwest corner of Ocean Avenue and SE 4th Street, in the CBD (Central Business District) zoning district. Applicant: Jim Williams, A&W Architects.
- D. **PROPOSED ORDINANCE NO. 16-012 - FIRST READING** - Approve Future Land Use Map (FLUM) amendment from Local Retail Commercial (LRC) to Mixed Use (MX);

PROPOSED ORDINANCE NO. 16-013 - FIRST READING - Approve rezoning from C-3 (Community Commercial) to MU-L2 (Mixed Use Low Intensity 2) with a master plan for 28 apartments and 11,000 square feet of medical/professional office. Agent: Bradley Miller, Miller Land Planning, Inc.

- E. Approve request for a Community Design Plan Appeal (CDPA-001) of Chapter 2, Article III, Section 5.C., "Build-to-line", which requires buildings to be constructed with a build-to-line of 0 to 10 feet, to allow setbacks of 30 feet, 19 feet, and 45 feet for three (3) locations on the site. Applicant: Mike Bertino, 601 SE 4th Street LLC & 601 S. Federal LLC. ***(This item should be reviewed in conjunction with the corresponding Land Use Amendment and Rezoning items (LUAR 16-002) but TABLED to facilitate simultaneous action on all related items at time of 2nd reading of Ordinances on July 5, 2016.)***
- F. Approve request for Height Exception (HTEX 16-001) to allow the elevator tower and mechanical equipment enclosure for the residential portion of the mixed use project to be constructed 10 feet above the maximum allowable height of 65 feet in the MU-L2 (Mixed Use-Low Intensity 2) zoning district. Applicant: Mike Bertino, 601 SE 4th Street LLC & 601 S. Federal LLC. ***(This item should be reviewed in conjunction with the corresponding Land Use Amendment and Rezoning items - (LUAR 16-002) but TABLED to facilitate simultaneous action on all related items at time of 2nd reading of Ordinances on July 5, 2016.)***
- G. Approve request for New Site Plan (NWSP 16-002) for 28 multifamily units (rental apartments) and 11,000 square feet of medical/professional office on a 1.2-acre parcel located at the southwest corner of Federal Highway and SE 5th Avenue in the MU-L2 (Mixed Use-Low Intensity 2) zoning district. Applicant: Mike Bertino, 601 SE 4th Street LLC & 601 S. Federal LLC. ***(This item should be reviewed in conjunction with the corresponding Land Use Amendment and Rezoning items (LUAR 16-002) but TABLED to facilitate simultaneous action on all related items at time of 2nd reading of Ordinances on July 5, 2016.)***

10. CITY MANAGER'S REPORT - None

11. UNFINISHED BUSINESS - None

12. NEW BUSINESS

- A. Discussion of Quantum Park Overlay District requested by Commissioner Katz
- B. Discuss the current City's position of requiring private canals to be maintained by the owners of the canals. Requested by Commissioner Romelus.

13. COMMUNITY REDEVELOPMENT ADVISORY BOARD

- A. Reports -- None

- B. Pending Items
 - 1. City Services Survey for the CRA
- C. New Assignments -- None

14. LEGAL

- A. **PROPOSED ORDINANCE NO. 16-014 - FIRST READING** - Storage Tanks, Silos and Hoppers (CDRV 16-004) Approve amendments to the Land Development Regulations, Chapter 3, Article V. *Supplemental Regulations*, Section 3.T. *Generators and Fuel Tanks* to expand the provisions and standards that regulate storage bins and silos for use by the micro-brewery industry.
- B. PROPOSED ORDINANCE NO. 16-015 - FIRST READING** - Sustainable parking (heat island effect) and on-street parking (CDRV 16-003) Approve amendments to the Land Development Regulations, Chapter 4, Article V. *Minimum Off-Street Parking Requirements*, Section 3. *Special Reductions for Sustainability* to include lowering the heat island effect as an additional eligibility criterion for infill or redevelopment projects, and Section 4. *Exceptions to Providing Required Off-Street Parking* to allow, in limited circumstances, parking spaces on both sides of the street to count toward project parking requirements.
- C. Pursuant to Section 286.011(8), Florida Statutes, the City Attorney is requesting a private attorney-client session of the City Commission to discuss the following lawsuit which has been served on the City of Boynton Beach:

Fernando Bass, Plaintiff v. Jeffrey Katz, as Chief of Police of the Boynton Beach Police Department, in his official capacity, Detective Christopher Crawford, and Officer Alex Moreno, Defendants - in the United States District Court for the Southern District of Florida, Case No 9:15-CV-81734-Middlebrooks/Brannon

15. FUTURE AGENDA ITEMS

- A. Budget Workshops dates/times for FY 16/17 Operating and Capital Budget to take place in City Library Program Room on the following dates:

Monday	July 18, 2016	2:00 p.m.
Tuesday	July 19, 2016	10:00 a.m.
Wednesday	July 20, 2016	2:00 p.m. (if needed)
- B. Appointment of Voting Delegate and authorize Commissioner(s) to travel to Hollywood, FL for FLC Annual Conference, August 18-20, 2016. - July 5, 2016.
- C. Interlocal Agreement between City of Boynton Beach and Town of Briny Breezes for Fire Rescue Services - July 2016
- D. Interlocal Agreement between City of Boynton Beach and Ocean Ridge for Fire Rescue Services - July 2016

16. ADJOURNMENT

NOTICE

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, HE/SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. (F.S. 286.0105)

THE CITY SHALL FURNISH APPROPRIATE AUXILIARY AIDS AND SERVICES WHERE NECESSARY TO AFFORD AN INDIVIDUAL WITH A DISABILITY AN EQUAL OPPORTUNITY TO PARTICIPATE IN AND ENJOY THE BENEFITS OF A SERVICE, PROGRAM, OR ACTIVITY

CONDUCTED BY THE CITY. PLEASE CONTACT THE CITY CLERK'S OFFICE, (561) 742-6060 OR (TTY) 1-800-955-8771, AT LEAST 48 HOURS PRIOR TO THE PROGRAM OR ACTIVITY IN ORDER FOR THE CITY TO REASONABLY ACCOMMODATE YOUR REQUEST.

ADDITIONAL AGENDA ITEMS MAY BE ADDED SUBSEQUENT TO THE PUBLICATION OF THE AGENDA ON THE CITY'S WEB SITE. INFORMATION REGARDING ITEMS ADDED TO THE AGENDA AFTER IT IS PUBLISHED ON THE CITY'S WEB SITE CAN BE OBTAINED FROM THE OFFICE OF THE CITY CLERK.