

City of Delray Beach

*100 NW 1st Avenue - Delray Beach, Florida 33444
Phone: (561) 243-7000 - Fax: (561) 243-3774
www.mydelraybeach.com*



Minutes - Final

Tuesday, October 16, 2018

6:00 PM

Regular Meeting at 6:00 PM

Delray Beach City Hall

City Commission

*Mayor Shelly Petrolia
Vice Mayor Adam Frankel
Deputy Vice Mayor Shirley Ervin Johnson
Commissioner Bill Bathurst
Commissioner Ryan Boylston*

1. ROLL CALL

Mayor Petrolia called the Regular City Commission Meeting to order at 6:01 p.m.

The roll call was taken by the Agenda Coordinator.

The following were in attendance:

Mayor Shelly Petrolia
Vice Mayor Adam Frankel
Deputy Vice Mayor Shirley Ervin Johnson
Commissioner Bill Bathurst
Commissioner Ryan Boylston

Others present were:

Mark R. Lauzier, City Manager
R. Max Lohman, City Attorney
Patrice Harris, Agenda Coordinator/City Clerk Department
approved

2. PLEDGE OF ALLEGIANCE TO THE FLAG

approved

3. AGENDA APPROVAL

Vice Mayor Frankel made a motion to approve the agenda. It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. The motion carried 5-0.
approved

4. PRESENTATIONS:

4.A. [18-645](#) SPOTLIGHT ON EDUCATION - PARTNERSHIP TO ADVANCE SCHOOL SUCCESS (PASS GRANT)

Recommendation: This item is a presentation; no action is required.

Sponsors: Community Improvement

Attachments: [Agenda Cover Report](#)

Janet Meeks, Education Coordinator, introduced Lisa Lee, Principal of Orchard View Elementary School and Sandra Edward, Principal of Carver Middle School.

Ms. Edwards gave a few brief comments regarding the Pass Grant.

Ms. Lee commented that Orchard View Elementary School went from a "D" rated school, to a "C" rated school, and this year is a "B" rated school.

James "Jim" Pegg, Director of the Palm Beach County School District (with Joi Odom Grant, Ed.S.) briefly spoke about the referendum and showed a video.

4.B. 18-689 PRESENTATION: GUN VIOLENCE TASK FORCE UPDATE

Sponsors: City Manager Department

Mary Olsen, Acting Police Chief, presented an overview of gun related crime in the city.

Acting Chief Olsen commented about the anti-violence walks and announced that on Thursday, October 18, 2018 she is holding a community meeting called "Communicating with the Community" which will be an open forum at Pompey Park at 7:00 p.m.

Mayor Petrolia congratulated Acting Chief Olsen for all her efforts with the teams she has put together.

A brief discussion between the City Commission and Acting Chief Olsen ensued.

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

None.

approved

5.B. From the Public

Peter Arts, 1746 Fern Forest Place, Delray Beach, Chairman of the Downtown Development Authority (DDA), urged the City Commission to re-instate the Downtown Trolley. On October 9, 2018, the City Commission approved the funding for this in the Community Redevelopment Agency (CRA) portion of the Interlocal Agreement and requested that this agreement be ratified by the City. Mr. Arts stated tonight the City Commission is extending the Ocean Beach Services contract for 90 days while the City completes the Request for Proposal (RFP) process and asked if the City can do a similar RRP with the Downtown Trolley.

Rick Konsavage, Regional Director of Operations for Ocean Properties

Hotels and Resorts representing the Delray Beach Marriott, Residence Inn, Boston's, 50 Ocean, and Sandbar. He commented that many of his associates used the trolley services to come to work. He expressed that they need to be transported from the tri-rail to the hotel area. He commented about the benefits of the trolley services and that a lot of the hotel marketing materials are based upon transportation. Mr. Konsavage expressed concern that Delray Beach will lose business and this will have a substantial economic impact to the community.

Mavis Benson, 800 Greensward Court, Delray Beach, Co-Chair of the Merchant and Business Association and DDA Board member, read into the record an article by Public Transportation Partnership for Tomorrow titled "Ten Ways to Enhance Your Community Unleash the Power of Public Transportation". Ms. Benson read a statement into the record from Scott Roberts, General Manager of the Fairfield Inn and Suites. She also stated the connection to the beach is vital.

Arlene Houston, 1327-A High Point Way, Delray Beach, stated on September 25, 2018, she went to Atlantic High School and Village Academy and registered 264 students to vote. Ms. Houston commented about a non-partisan newsletter from the League of Women Voters which talks about each candidate and the amendments. Secondly, Ms. Houston publicly thanked Mayor Petrolia, the City Commission (past and present), City Manager Mark Lauzier, and his entire staff for passing Resolution No. 121-18 Welcoming City/Welcoming Delray.

Rich Pollack, 5143 Cleveland Road, Delray Beach, speaking on behalf of Delray Reads Committee announced that on November 7, 2018 is Delray Reads Day and volunteers will be in every Elementary School classroom reading from 9:00 a.m. to 10:00 a.m. Mr. Pollack stated the breakfast begins at 7:30 a.m. and the keynote speaker for the breakfast is John Grogan, author of Marley and Me. He stated people can sign up on the following website: www.delrayreads.org.

Marjorie Waldo, Arts Garage, thanked Joe Frantz, Deputy Director of Public Works, for an incident at the Arts Garage that he witnessed approximately a week ago. Ms. Waldo also thanked Missie Barletto, Assistant Director of Public Works. Ms. Waldo gave a few brief comments regarding the upcoming events and programs that the Arts Garage is offering.

Freslaine St. Louis, 5780 W. Atlantic Avenue, Delray Beach, representing Bethel Evangelical Baptist Church, stated for the entire month of October they show love to different agencies. Ms. St. Louis presented Mayor Petrolia and the City Commission with a plaque for their amazing civic

service and thanked them all for everything they are doing in the city.

Tina Ballentine, 2986 Genoa Way, Delray Beach, stated residents from Verona Woods were present a few weeks ago regarding the gutters in the four cul-de-sacs in their neighborhood. She explained that the City is asking these residents to remove the concrete in order to fix it which would cost each resident \$3,000.00. She stated the residents feel this is not necessary and they do not support it. Ms. Ballentine stated removing the concrete would create a safety problem for the children and she urged the City Commission to look into this matter.

Jim Chard, 401 S.E. 4th Avenue, Delray Beach, stated the City is losing major canopy trees and he encouraged everyone to go see the tree (which is 85 feet wide and 45 feet high) on N.E. 7th Avenue because the tree is slated for demolition. Mr. Chard stated with the direction of the City Manager with staff and the applicant, things could be done before it comes back in another week before the Site Plan Review and Appearance Board (SPRAB).

Gayle Clark, 124 N.E. 7th Avenue, Delray Beach, echoed comments expressed by Mr. Chard regarding the canopy tree. She noted that this is the 10th tree this being the largest one of its type (Banyan) that has disappeared which she feels has changed the entire nature of the neighborhood.

Arlean Willman, 2945 Salerno Way, Delray Beach, commented about the concrete gutters in Verona Woods. She stated the developer installed numerous cul-de-sac concrete pours to allow the homeowners to have an even way into their driveway from the street. Ms. Willman stated the homeowners are not in favor of spending \$3,000.00 each to put in something that within a matter of time will be ripped up by the City when they repave it.

There being no one else from the public who wished to address the City Commission, Mayor Petrolia closed the public comment.

Mayor Petrolia stated there is a tree ordinance for the downtown district with replacement of the canopy trees and she feels it would be beneficial to start exploring how to protect these larger trees throughout the city. Secondly, Mayor Petrolia expressed concern over the gutter issue in Verona Woods and directed the City Manager to look into this. Commissioner Bathurst concurred with comments expressed by Mayor Petrolia.

Commissioner Bathurst requested to add Item 7.F., Discussion on

Transportation - Trolley as the last item on the regular agenda.

Commissioner Bathurst made a motion to approve to add Item 7.F., Discussion on Transportation - Trolley. It was seconded by Commissioner Boylston. A roll call vote was taken and the motion carried a vote of 3 to 2, Deputy Vice Mayor Johnson and Vice Mayor Frankel dissented.

6. CONSENT AGENDA: City Manager Recommends Approval

Vice Mayor Frankel made a motion to approve the consent agenda. It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. The motion carried 5-0.

approved the Consent Agenda

6.A. 18-646 ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT AGREEMENT FOR CALVARY CHAPEL LOCATED AT 200 STERLING AVENUE.

Recommendation: Motion to approve and accept a 5 foot wide sidewalk easement on 200 Sterling Avenue; legally described as Lots 2 through 7, inclusive, block 2, plat 1 of 2 Southridge, according to the plat thereof as recorded in Plat Book 13, Page 38 of Palm Beach County, Florida.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Perpetual Sidewalk Easement Agreement for Calvary Chapel](#)
[Exhibit A-Survey](#)
[PAPA Map_Calvary Chapel](#)
[Legal Review Form-CalvaryChapelDelrayOutreach-Octmtg-7-23-18](#)
approved

6.B. 18-647 ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT AGREEMENT FOR THE DELRAY BEACH HOUSING AUTHORITY LOCATED AT 701 SW 2ND COURT.

Recommendation: Motion to approve and accept a 5 foot wide sidewalk easement on 701 SW 2nd Court; legally described as Lot 9 and Lot 10, plat of Carver Square, according to the map or plat thereof, as recorded in Plat Book 24, Page 11 of Palm Beach County, Florida.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Sidewalk Easement Agreement for 701-702 SW 2nd Ct](#)
[Exhibit A - Surveys](#)
[PAPA Map](#)
[Legal Review Form-DelrayHousingAuthority-Oct25mtg- 8-17-18](#)
approved

6.C. [18-623](#) APPROVAL OF GRANT APPLICATION AND AWARD/FDOT/OCCUPANT PROTECTION/CHILD PASSENGER SAFETY

Recommendation: Motion to Approve application and award of the Florida Department of Transportation (FDOT) FY 18/19 Occupant Protection/Child Passenger Safety program.

Sponsors: Police Department
Attachments: [Agenda Cover Report](#)
[M2HVE-19-03 - Draft Application](#)
[M2HVE-19-20-03 - Concept Paper Acceptance Letter](#)
[FY2019 Part V](#)
[legal review form\)LW - Occupant Protection Grant 10-2-2018](#)

approved

6.D. [18-624](#) APPROVAL OF GRANT APPLICATION AND AWARD/FDOT/SPEED/AGGRESSIVE DRIVING ENFORCEMENT PROGRAM

Recommendation: Motion to Approve application for the Florida Department of Transportation (FDOT) FY 18/19 Speed/Aggressive Driving Enforcement program.

Sponsors: Police Department
Attachments: [Agenda Cover Report](#)
[FY19 Speed and Aggressive Driving Subgrant Template_LW review - filled in](#)
[Delray Beach PD - 12 Aggressive](#)
[FY2019 Part V Aggressive](#)

approved

6.E. [18-636](#) GRANT AWARD / FLORIDA DEPARTMENT OF HEALTH / EMERGENCY OPIOID ANTAGONISTS

Recommendation: Motion to accept an award of emergency opioid antagonists through the

Helping Emergency Responders Obtain Support (HEROS) Program from Florida Department of Health.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)

[Award letter - Naloxone Florida Department of Health](#)

[Fully Executed ODMap Agreement](#)

[City of Delray Beach Police Department - FL - 09043701](#)

approved

6.F. [18-671](#) INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY FOR FUNDING CONSTRUCTION/PROFESSIONAL SERVICES FOR FISCAL YEAR 2018/19

Recommendation: Approve the Interlocal Agreement between the City of Delray Beach (City) and the Delray Beach Community Redevelopment Agency (CRA) to fund Fiscal Year 2018-19 Capital Projects as described in Exhibit A of the attached agreement, subject to approval of the City and CRA budgets for Fiscal Year 2018/19.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[FY 2018-19 CRA ILA](#)

[Legal Review Checklist form v. 5 ILA for Construction-Professional Services](#)

approved

6.G. [18-678](#) APPROVAL OF AMENDMENT NO. 1 WITH OCEANSIDE BEACH SERVICES, INC. FOR BEACH EQUIPMENT CONCESSION FOR THE PUBLICLY OWNED BEACH IN AN AMOUNT NOT-TO-EXCEED \$98,857 (REVENUE) FOR AN ADDITIONAL NINETY (90) DAYS FROM OCTOBER 31, 2018.

Recommendation: Motion to approve Amendment No. 1 with Oceanside Beach Services, Inc. to extend the Agreement for up to an additional ninety (90) days for beach equipment rental services in an amount not-to-exceed \$98,857 (revenue).

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)

[RFP 2013-48 Extension](#)

approved

6.H. [18-669](#) INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY FOR A PURCHASING AGENT POSITION.

Recommendation: Approve the Interlocal Agreement between the City of Delray Beach (City) and the Delray Beach Community Redevelopment Agency (CRA) to fund 100% of the actual amount expended for a Purchasing Agent position up to \$67,728, subject to approval of the City and CRA budgets for Fiscal Year 2018-19.

Sponsors: Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist](#)
[Interlocal Agreement](#)
[Purchasing Agent Job Description](#)

approved

6.I. [18-672](#) LEASE AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND TKG DELRAY BEACH, LLC

Recommendation: Motion to approve Lease Agreement between the City of Delray Beach and TKG Delray Beach, LLC.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Lease Agreement](#)

approved

6.J. [18-674](#) REVISED FEE LETTER FOR LEGAL REPRESENTATION BY LEWIS LONGMAN & WALKER

Recommendation: Motion to approve revise fee letter for legal representation by Lewis Longman & Walker.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Delray Beach Engagement Letter \(01044533xBA9D6\)](#)

approved

6.K. [18-692](#) RESOLUTION NO. 129-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, CONCERNING AMENDMENT 1 TO THE FLORIDA CONSTITUTION, WHICH, IF

ADOPTED, WOULD CREATE ADDITIONAL INEQUITIES IN FLORIDA'S TAX SYSTEM BY GRANTING CERTAIN TAX BREAKS TO SOME TAXPAYERS AT THE EXPENSE OF OTHER TAXPAYERS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommendation: Motion to approve Resolution No. 129-18.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[Res 129-18 re homestead tax](#)

approved

6.L. [18-693](#) RESOLUTION NO. 130-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, SUPPORTING PROPOSED CONSTITUTIONAL AMENDMENT 13 TO PHASE OUT THE CRUELTY OF COMMERCIAL GREYHOUND RACING BY DECEMBER 2020 AND DECOUPLE LIVE RACING FROM OTHER FORMS OF GAMBLING IN FLORIDA; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommendation: Motion to approve Resolution No.130-18.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[Res 130-18 re Cruelty of Commercial Greyhound Racing](#)

approved

6.M. [18-696](#) PROPOSED SETTLEMENT IN THE CASE OF PATRICIA DUNCAN V. CITY OF DELRAY BEACH

Recommendation: Motion to settle the case of Patricia Duncan v. the City of Delray Beach for the reasons discussed in the confidential memorandum previously distributed to the City Commission.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

approved

6.N. PROCLAMATIONS:

6.N.1. [18-652](#) FLORIDA CITY GOVERNMENT WEEK

Recommendation: Proclaim the week of October 22-28, 2018 as Florida City Government Week.

Sponsors: Community Improvement

Attachments: [Agenda Cover Report](#)

[Proclamation_City Government Week 2018-draft](#)

Mayor Petrolia read the Florida City Government Week proclamation into the record.

Janet Meeks, Education Coordinator, came forward to accept the proclamation and gave a few brief comments.

Deputy Vice Mayor Johnson announced the winners of the 7th grade essay contest about "Why government is Important" and stated the honorary buttons have been ordered but have not arrived yet. She will distribute these honorary buttons to the winners for acknowledging the Florida City Week Celebration recognizing Delray Beach as our city.

Ms. Meeks stated the winners will be presented with gift cards this week and they will be invited back to the November meeting so that they can read their essays.

6.N.2. [18-654](#) WORLD FOOD DAY, OCTOBER 16, 2018

Recommendation: Proclaim October 16, 2018 as World Food Day.

Sponsors: Community Improvement

Attachments: [Agenda Cover Report](#)

[World Food Day Proclamation](#)

Mayor Petrolia read the World Food Day proclamation into the record.

6.O. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:

6.O.1. [18-650](#) REPORT OF APPEALABLE LAND USE ITEMS FROM SEPTEMBER 3, 2018 THROUGH SEPTEMBER 14, 2018.

Recommendation: By motion, receive and file this report.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Appealable Items Map](#)

[A. 246 NE 6th Ave.](#)

[B. Delray Visitor Center - 2 S. Ocean Blvd](#)

[C. Delray Beach Plaza - 660 W. Linton Blvd](#)

approved

6.P. AWARD OF BIDS AND CONTRACTS:

6.P.1. None

7. REGULAR AGENDA:

7.A. [18-686](#) FLORIDA ASSOCIATION OF RECOVERY RESIDENCES (FARR)
LAWSUIT DISCUSSION

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

The City Attorney introduced special counsel Terrill Pyburn and stated they are requesting the City's authorization to intervene in the Sunrise Sober Living vs. the Florida Association of Recovery Residences (FARR) lawsuit.

The City Attorney stated with this case there are three counts, however, as it relates to Delray Beach they are primarily concerned with count one which is the count that is challenging the legal sufficiency of FARR's ability to regulate or to certify. The City Attorney stated this will be handled by the City's in-house Deputy Assistant City Attorney Lynn Gelin and Assistant City Attorney William Bennett to help mitigate costs. However, the City Attorney stated they will also utilize the assistance of special counsel Terrill Pyburn. The City Attorney stated this is of critical importance.

A brief discussion between the City Attorney and the City Commission followed.

Terrill Pyburn, special counsel, stated the City passed Ordinance No. 25-17 in July 2017 and that required FARR certification for community residences that are defined as recovery residences if they exceed the City's definition of three (3) unrelated people. Ms. Pyburn stated Sunrise Sober Living has two locations in Delray Beach and it sought FARR certification as required by the City's ordinance and FARR denied them and they are challenging that denial through FARR. Ms. Pyburn stated the City is uniquely situated because of its direct influence and legislation dating back to 2013 which became House Bill 21 in 2015 which created the voluntary certification in which the state appointed FARR through Department of Children and Families (DCF) to do this certifying and created 397.487 and House Bill 807 in 2017 made all recovery residences that receive referrals from treatment centers and those that are referred to as a treatment center get FARR certified. Ms. Pyburn stated the City of Delray Beach started enforcing its ordinance as of April 1st and in this instance the issue pertains to the City's ordinance. She stated no other city

that has enacted a similar ordinance has been directly impacted in that Sunrise Sober Living is not located in that city or they are not enforcing their ordinance yet. Therefore, Ms. Pyburn stated Delray Beach is the only entity that may have a good chance at arguing standing to be involved in the lawsuit, and nobody wants any bad case law that could perhaps undo the City's ordinance.

Mayor Petrolia asked what the City is doing to make sure that these homes are not able to continue to operate in the city with more than the number on non-related residents as any other home would be allowed to operate. Ms. Pyburn stated what Mayor Petrolia is referring to is Stepping Stones who applied for conditional use approval and that matter has been stayed pending additional information and proof of FARR certification. In this instance, Ms. Pyburn stated it is not a matter of waiting for information because FARR actually denied Sunrise Sober Living and the City of Delray Beach has the ability to enforce the City's ordinance through Code Enforcement or through declaratory injunctive relief and the City has a stake in the outcome. Ms. Pyburn stated the ordinance has made an impact and it has saved lives by getting rid of unscrupulous operators which was the intent of the ordinance.

Further discussion ensued between Ms. Pyburn and the City Commission.

Ms. Pyburn stated the complaint is challenging the constitutionality of the statute as applied to Sunrise Sober Living through the City of Delray Beach's ordinance. Ms. Pyburn stated she attempted to reach out to the Florida League of Cities via telephone and email to Corey Cook; however, due to Hurricane Michael the power has been out and he was not able to contact her back.

A brief discussion by the City Commission followed.

Commissioner Bathurst made a motion to approve Item 7.A. to join in the lawsuit. It was seconded by Vice Mayor Frankel. A roll call vote was taken and the motion carried a vote of 4 to 1, Deputy Vice Mayor Johnson dissented.

approved

7.B. 18-635

IN LIEU OF PARKING FEE REQUEST OF 44 SPACES FOR THE PROPERTY LOCATED AT 300-330 NE 4TH ST (QUASI-JUDICIAL HEARING)

Recommendation: Motion to deny the in lieu of parking fee request for 44 parking spaces in the amount of \$202,400 associated with the conversion of 15,993 square feet of retail (9,251), industrial (4,742), and warehouse (2,000) to restaurant, 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 the criteria set forth in Section 4.6.9(E) of the Land Development Regulations.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Artist Alley Advisory Board memo .pdf](#)

[Artist-Alley - site plan.pdf](#)

[signed in lieu agreement](#)

[Agt-InLieuParkingFee-SWDelrayArtistAlleyLLC-Exhibit A.docx](#)

[Legal Review Form-In-LieuPaymentAgt-300-330NE4thSt- 8-17-18.docx](#)

Commissioner Bathurst stepped away from the dais briefly.

Mayor Petrolia read the City of Delray Beach quasi-judicial rules into the record.

The City Attorney swore in those individuals who wished to give testimony on this item, to come forward at this time.

Mayor Petrolia asked the City Commission to disclose their ex parte communications.

Vice Mayor Frankel stated he spoke to Mr. Jim Knight and Tyler Knight, Jr., and Mr. Stillings. Vice Mayor Frankel noted that when he spoke to Mr. Stillings Anthea Gianniotis was present however she did not speak. Commissioner Bathurst stated he had a brief conversation with Mr. Jim Knight.

Tim Stillings, Development Services Director, entered the project file #2017-143 into the record the in-lieu of parking fee request of 44 spaces for the property located at 300-330 N.E. 4th Street.

Jim Knight, 10 S.E. 1st Avenue, 2nd Floor, Delray Beach, Licensed Commercial Real Estate Broker with Knight Group, Consultants LLC., speaking on behalf of SW Delray Artist Alley which is the property owner of four industrial buildings in the 330-358 N.E. 4th Avenue (artist alley area), stated they are looking to create an environment that will utilize through adaptive reuse the existing buildings.

Mr. Stillings stated this is converting a building 12,025 square feet of the retail to restaurant (previously retail warehouse and industrial).

The Downtown Development Authority (DDA) recommended approval with a vote of 5-0, the Parking Management Advisory Board (PMAB) recommended denial with a vote of 6-0, and the Pineapple Grove

Mainstreet Committee recommended approval at a lower rate of 27 spaces and suggested they look for other alternatives how to handle the parking for the proposed use. Mr. Stillings stated staff recommends denial of the in-lieu parking request as presented.

Mayor Petrolia opened the meeting for public comment.

George Long, 46 N. Swinton Avenue, Delray Beach, supports this rather than a warehouse.

Jim Knight displayed photos of the private parking lot, the public parking lot, and the alleyway.

Tyler Knight, 813 Del Mar Way, Delray Beach, stated although there are 37 parking spaces, there is more that can be placed there when the change of use is done.

There was no cross-examination or rebuttal.

A brief discussion between Mr. Jim Knight and the City Commission ensued.

A brief discussion between Mr. Stillings and the City Commission followed.

Commissioner Boylston made a motion to approve the Pineapple Grove Main Street Committee recommendation for 27 in-lieu parking spaces. It was seconded by Commissioner Bathurst. A roll call vote was taken and the motion carried a vote of 4 to 1, Deputy Vice Mayor Johnson dissented.

approved

7.C. 18-659 ALWAYS DELRAY COMPREHENSIVE PLAN UPDATE: PRESENTATION OF THE HISTORIC PRESERVATION ELEMENT

Recommendation: Provide comment and direction regarding the proposed Historic Preservation Element of the Always Delray Comprehensive Plan.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[HPE Goals Objectives Policies](#)
[MAP_HPE1_Local_Register](#)
[MAP_HPE2_National_Register](#)
[HPE DIA](#)
[HPE Existing Applicable GOPs](#)
[HPE Appendix -Florida Statues](#)
[HPE Element PZB Staff Report](#)

Tim Stillings, Development Services Director, gave a brief presentation and update on the Always Delray Comprehensive Plan. Mr. Stillings stated it is anticipated that the transmittal will be in the Spring of 2019. He thanked all the Steering Committee members and also thanked Michelle Hoyland for the Historic Preservation Element and also thanked the Historic Preservation Board.

Mayor Petrolia opened the meeting for public comment.

John Miller, 1502 Fenton Drive, Delray Beach, thanked the members of the board and staff for all their work. He strongly encouraged different participates in the city to look at an Atlantic Avenue Historic District.

There being no one else who wished to address the City Commission regarding Item 7.C., the public comment was closed.

This item was for discussion only and therefore no vote or action was taken.

7.D. [18-627](#) DISCUSSION OF DISPOSITION OF REAL PROPERTY - EAST ATLANTIC AVENUE ALLEYWAYS: 32 EAST

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Discussion Item Memo-East Atlantic Ave Alleyways CC Meeting 10-16-18](#)
[Attachment 1-Anderson Carr Appraisal of Alleyway Segments E. Atlantic Ave Sept 2018](#)
[Attachment 2-East Atlantic Alleyway Parcels Analysis 10-8-18](#)
[Attachment 3-32 East In-lieu Parking Fees Memo 2-20-18](#)
[Attachment 4-32 East SITE PLAN-In lieu](#)

Commissioner Bathurst recused himself from this item and left the dais.

The City Manager gave a brief presentation regarding this item.

A brief discussion by the City Commission followed.

Mayor Petrolia stated this is an inset piece of the alley and suggested looking at utilizing it.

Commissioner Boylston stated if the city were to get a cleaner alley or a model waste management and recycling and have them be responsible for it, then he would support having the City Manager move forward with that discussion and that it be brought back to the City Commission.

Mayor Petrolia stated the public is going to be able to talk about this as well.

Deputy Vice Mayor Johnson stated she supports this item as long as they continue to discuss it and no action is taken on this item tonight.

The City Manager stated there was a time issue associated with the project and when the applicant paid for those two in-lieu spaces they submitted plans for improvement of the restaurant relocating the freezer outside. He stated not moving forward in an expeditious manner impacts that timeline. The City Manager stated the property owner would need to reconfigure their plan and move off the parcel because right now part of their outdoor freezer would be on that parcel.

Mr. Stillings stated the notice that it was not the applicant's property and it was City property came when the building permit plans were submitted; he stated the applicant requested to modernize the kitchen, expand the cooking area, and move the freezer outside and that expanded the overall footprint of the restaurant.

Leigh Gove, 1222 Vista Del Mar N., Delray Beach, stated the land would have cost \$6,500 if bought in 1999 and explained that the property is in one small part of the alley.

Commissioner Boylston commented that he would like to require that it be properly enclosed, that they use compactors and recycling compactors.

The City Attorney commented that this would be a deed restriction on how the applicant maintains the alleyway which would be a condition of ownership. He stated the deed restriction would be specifically to that legal description on that portion that would require the applicant to have the dumpsters there.

For clarification Vice Mayor Frankel stated this is for the small strip of land not the roadway. The City Attorney concurred and stated this does not encroach into the alleyway.

The City Manager asked for the price the City Commission would like to sell this for.

It was the consensus of the City Commission to support the \$6,470.00 purchase price with the added deed restriction, and get input from the Downtown Development Authority (DDA) and direct the City Manager to bring this item back at the next regular meeting.

consensus

7.E. 18-668 RESOLUTION NO. 125-18 BUDGET AMENDMENT

Recommendation: Motion to approve Resolution No. 125-18 amending the FY 2018/19 adopted budget to fund additional required pension contributions in the current year. This amendment will utilize \$2,280,135 of fund balance to fund additional contributions to the Police Officers' and Firefighters' Retirement Systems which resulted from a change in the actuarial assumptions and a required adjustment for pre-paid contributions as well as the application of the state contributions.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 125-18](#)
[Fund Balance](#)

The City Attorney read the title of Resolution No. 125-18 into the record.

Kimberly Ferrell, Finance Director, stated this item is the budget amendment to the current year budget as discussed at the Workshop Meeting. Ms. Ferrell stated if approved, it will increase the budget authority for retirement contributions for Police and Fire by approximately \$2.3 million and it will be funded from unassigned fund balance; \$2 million is due to the lowering of the investment assumption and \$300,000 is adjustments for prior contributions to the current actuarial valuation. She also provided a fund balance analysis and staff estimates that the City will be at \$37 million unassigned fund balance or 28% at the end of 2018; assuming the City spends 100% of expenditures and collect 100% of revenue, staff projects to be at \$34 million or 26% at the end of 2019 based on the adopted budget.

Mayor Petrolia expressed concern over taking money out of the reserve account.

A brief discussion between Mayor Petrolia and Lisa Herrman, Budget Officer followed.

The City Manager gave a few brief comments regarding the budgetary issues and those items that are not funded.

Commissioner Boylston stated he feels more comfortable with using the reserve dollars for an unforeseen issue like the pension issue rather than for the tennis center sponsorship.

Commissioner Boylston made a motion to approve Resolution No. 125-18 amending the fiscal year 2018-2019 adopted budget. It was seconded by Deputy Vice Mayor Johnson. A roll call vote was taken and the motion carried a vote of 4 to 1, with Mayor Petrolia dissenting.

At this point, the City Commission moved to Item 7.F., Transportation Discussion on the Trolley.

The City Manager stated the Community Redevelopment Agency (CRA) budgeted for this beginning November 1st.

Vice Mayor Frankel stated it was a condition that it would not be used as the Downtowner as the City has been operating.

Commissioner Boylston stepped away from the dais briefly.

Commissioner Bathurst stated when the discussions first began about the trolley, the City Commission also did not know there would not be a Downtowner. Therefore, Commissioner Bathurst recommended to re-institute it until the City Commission figures out what they are going to do.

Laura Simon, Executive Director of the Downtown Development Authority (DDA), stated the DDA Board has not yet been asked to support or fund this.

Vice Mayor Frankel stated Palm Tran still operates. However, he agrees that between Federal Highway to the beach it may be an issue. Vice Mayor Frankel stated there are other methods of transportation and he does not feel that the taxpayers should be burdened with this.

Commissioner Boylston suggested that the City put a 3-month pilot program in place using its current trolley, and during that time that the App is back up and running and that tracking be in place. He also suggested that the trolley times be adjusted every 30 days during this 3-month

program and then utilize this data to go out for an Request for Proposal (RFP).

Commissioner Bathurst stated he does not support the trolley in its current form and reiterated that he would like to see this get back on track until the City decides what they really need.

Deputy Vice Mayor Johnson commented about the institutional knowledge of the CRA Executive Director not being brought forward with respect to discussions on the trolley and she feels that he could have assisted the City Manager (since he is new to the area) about where the CRA district ends.

Mayor Petrolia stated she supports discussing different ideas at the next CRA meeting of what might work for the city and she would also like the DDA available as well. She stated she supports this for a 3-month period.

Commissioner Boylston reiterated that he would like to see the following three items in place: (1) the App which the DDA would help market, (2) adjust trolley times every 30 days, and (3) effective date of collection.

Commissioner Bathurst supports a comprehensive mobility plan.

Jeff Costello, Executive Director of the CRA, stated based on a meeting with First Transit prior to the CRA Board meeting last week, stated they are willing to look at other vehicles and not utilizing the trolley vehicles. Mr. Costello stated the City Commission can discuss the funding at their next meeting of November 13, 2018.

Caryn Gardner-Young, Assistant City Manager, stated there are propane trolleys, however if the propane pump is not close enough for the city, then it is not logical to go that route. Ms. Gardner-Young stated staff has been looking into other potential options of other companies that may have other type of vehicles. She noted that if someone has a contract that they did not competitively bid, then the city cannot piggyback that contract.

Ms. Gardner-Young suggested that the City use its own vehicle and stated the city currently has four and two are presently usable.

Commissioner Bathurst made a motion to declare the rapid re-institution of the prior downtown trolley service contract provided by First Transit using the same vehicles and the same rates as the recently cancelled contract in the City's best interest due to critical public need to maintain trolley services in the downtown corridor, and to and from the tri-rail station to the beach area to support transit and redevelopment goals in the downtown area including the needs of employees, employers, residents and visitors;

and, authorize the City Manager to execute a contract for the trolley services in substantially the same form with terms and conditions as the prior agreement with services to be reinstated on November 1, 2018, and bring back a separate discussion on the timeline and process on recommending permanent replacement of the trolleys in the next regular City Commission meeting contingent upon the CRA releasing those funds at a special meeting and to include data collection, the App, and a monthly adjustment to the operation schedule. It was seconded by Commissioner Boylston. A roll call vote was taken and the motion was approved with a vote of 3 to 2, Deputy Vice Mayor Johnson and Vice Mayor Frankel dissented.

approved

8. PUBLIC HEARINGS:

8.A. [18-640](#)

ORDINANCE NO. 19-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH BY AMENDING ALL SUBSECTIONS, EXCEPT SUBSECTION (H), OF SECTION 4.4.13. "CENTRAL BUSINESS (CBD) DISTRICT" AT ARTICLE 4.4, "BASE ZONING DISTRICT" OF CHAPTER 4, "ZONING REGULATIONS", IN ORDER TO MODIFY REGULATIONS, INCLUDING BUT NOT LIMITED TO, ALLOWABLE USES, RETAIL FRONTAGE, PARKING, BUILDING CONFIGURATIONS, FRONTAGE STANDARDS, STREET TREES, ARCHITECTURAL STANDARDS, CIVIC OPEN SPACES, TRAFFIC CIRCULATION AND APPLICATION REVIEW PROCESSES IN THE CBD DISTRICT, PROVIDING FOR NEW FIGURE 4.4.13-8A ALONG WITH OF OTHER TABLES OR FIGURES, PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (SECOND READING/SECOND PUBLIC HEARING)

Recommendation: Motion to Approve Ordinance No. 19-18 amending the Land Development Regulations at Section 4.4.13 "Central Business District (CBD)", as presented.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ord 19-18 2nd Reading](#)
[Changes between 1st and 2nd reading](#)
[PZB 082018 Ord No 19-18 CBD](#)

The City Attorney read the title of Ordinance No. 19-18 into the record.

Tim Stillings, Development Services Director, gave a brief overview of the following amendments to this ordinance: (1) maximum finished floor commercial - pg. 25 of the ordinance, (2) balcony encroachment - pg. 25

of the ordinance, and (3) Rooftop Uses - pg. 20-22 of the ordinance. Also, Mr. Stillings commented about the language that was added to the required retail frontage (pg. 15), and civic open space from 7% to 9% for sites greater than 40,000 square feet (pg. 30, 57). Staff recommends approval of the ordinance.

Mayor Petrolia declared the public hearing open. There being no one from the public who wished to address the City Commission regarding Ordinance No. 19-18, the public hearing was closed.

Mayor Petrolia asked with respect to the rooftops and the language in the ordinance that was edited talking about the gross area versus the terrace area is that going to be changed to the terrace area. Mr. Stillings made reference to Subsection 3.d., pg. 21 of the ordinance and stated staff believes it should not be changed from gross rooftop area to the rooftop terrace area so that the 25% only encompasses the area that is going to be used. For the purposes of calculating the maximum area, the term "covered structures" shall not include enclosures for screening, mechanical systems, elevator shafts, or stair towers.

Vice Mayor Frankel commented about other uses for the rooftop area such as a fitness center, yoga studio, and/or a lounge area.

Mayor Petrolia stated she would support closing at 10:00 p.m. on a weeknight and closing at 11:00 p.m. on the weekends.

Vice Mayor Frankel suggested that the City limit this by adding no live bands, no live DJ's, and no live music and that there be a closing time because these are outdoor spaces that are right up against where people are living.

Mr. Stillings stated under 3.d.ii. the following language will be added: "dining, bar lounge, fitness spa, no 24-hour uses such as residential." On page 20 under the general standards noise control staff will add the following language: "no live bands or DJ's, and closing time Sunday thru Thursday be 10:00 p.m. and Friday and Saturday the closing time be 11:00 p.m. for the patrons and will not include the staff breaking down and cleaning."

It was the consensus of the City Commission that Section 3.d.ii of the ordinance be amended as follows: "The uses within covered structures shall not be for residential or similar use or for uses generally with a 24-hour occupancy. Covered structures that may be climate-controlled are limited to elevator lobby areas, restrooms, restaurants, lounges, fitness centers, and other similar uses."

Vice Mayor Frankel made a motion to approve Ordinance No. 19-18 on Second and Final Reading as amended. It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. The motion carried 5-0.

approved as amended

8.B. 18-666 ORDINANCE NO. 21-18: UPDATE OF THE CITY OF DELRAY BEACH CAPITAL IMPROVEMENT ELEMENT WITH THE ADOPTED FIVE-YEAR CAPITAL IMPROVEMENT PLAN (SECOND READING)

Recommendation: Motion to approve Ordinance No. 21-18 updating Table CI-CIP to update the Capital Improvement Element of the Comprehensive Plan with the adopted five-year Capital Improvement Plan (CIP) and accepting the Planning and Zoning Board's finding of Consistency of the proposed 5-Year Capital Improvement Plan for FY 2018-19 through FY 2022-23, and FY 2018-19 Capital Improvement Budget with the City of Delray Beach Comprehensive Plan.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[PZB 082018 P&Z CIP Staff Report](#)

[Ordinance No. 21-18 CIP FY18-23 10.16.18](#)

The City Attorney read the title of Ordinance No. 21-18 into the record.

Tim Stillings, Development Services Director, stated this is incorporating the adopted Capital Improvement Budget into the Comprehensive Plan. Staff recommends approval.

Mayor Petrolia declared the public hearing open. There being no one from the public who wished to address the City Commission regarding Ordinance No. 21-18, the public hearing was closed.

Commissioner Boylston made a motion to approve Ordinance No. 21-18 on Second and Final Reading. It was seconded by Vice Mayor Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

approved

8.C. 18-682 ORDINANCE NO. 25-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND

DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES BY AMENDING SECTION 4.4.13 "CENTRAL BUSINESS (CBD) DISTRICT", BY AMENDING SUB-SECTION (D), "CONFIGURATION OF BUILDINGS", SUB-SUB SECTION (1), "STANDARDS FOR CBD GENERALLY", PARAGRAPH (a), "BUILDING HEIGHT", TO DEFINE THE PROPERTIES LOCATED WITHIN THE ATLANTIC AVENUE HEIGHT LIMIT AREA; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING/PUBLIC HEARING)

Recommendation: Motion to Approve Ordinance No. 25-18 amending the Land Development Regulations at Section 4.4.13(D)(1)(a) of the "Central Business District (CBD)", as presented.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ord 25-18](#)

[Exhibit A Ord 25-18](#)

[Staff Report](#)

The City Attorney read the title of Ordinance No. 25-18 into the record.

Tim Stillings, Development Services Director, stated this ordinance amends Section 4.4.13(d)(1) and also providing the revised figure illustrating the change to the graphic defining the Atlantic Avenue Limited Height Area which is at a maximum of 38 feet and 3 stories. Mr. Stillings stated it is shifting the lighter area to the east (two properties depicted by Mr. Stillings on the map) and that would return those two properties to the overall Central Business District (CBD) height limitation of 4 stories and 54 feet. Staff recommends approval of the change.

Mayor Petrolia declared the public hearing open.

Benita Goldstein, 302 N.E. 7th Avenue, Delray Beach, read into the record a comment to the Palm Beach Post by Commissioner Bathurst. Ms. Goldstein gave a few brief comments.

Rita Rana, 50 East Road Apt. 9-C, Delray Beach, stated in speaking to support of the overwhelming majority of voters who have signed petitions, expressed concern during election calls and neighborhood walks, in discussions with neighbors, voters expressing concern on social media, and in conversations with visitors from surrounding cities, states, and other countries, all in favor of preservation foresite, better collaboration, and adherence to the City's legal LDRs. Ms. Rana inquired as to how the City Commission is protecting the City from a course of action of lawsuits specifically with spot zoning or contract zoning.

Carolyn Patton, 1020 Tamarind Road, Delray Beach, Board Member Delray Beach Preservation Trust and former member of the City's Historic Task Team, stated many of their recommendations are mirrored in the historic preservation element of the Comprehensive Plan changes. Ms. Patton gave a few brief comments and urged the City Commission to vote against this exception because it breaks the public trust of the history and character of Atlantic Avenue that they feel is crucial to the City.

David Harden, 516 N. Swinton Avenue, Delray Beach, thanked the City Commission for the street resurfacing in the Lake Ida neighborhood as well as other parts of the city. Secondly, Mr. Harden stated a major factor of Atlantic Avenue is its pedestrian scale and if this kind of change is allowed, he feels it will start incrementally eating away at the pedestrian scale. He expressed concern over the 4-story buildings/54 foot tall buildings not being pedestrian scale. He stated he feels that over the long term this will destroy the character of Atlantic Avenue that has caused it to become a destination throughout South Florida. Mr. Harden expressed concern that there is nothing in the staff report to distinguish these parcels from any other parcel along Atlantic Avenue and he feels the same arguments could be made for any other location on Atlantic Avenue for allowing it to increase to 54 feet and urged the City Commission to not support this ordinance.

Kelly Barrette, 1201 Seaspray Avenue, Delray Beach, stated in 2015 the City Commission unanimously passed the ordinance with a vote of 5-0 to limit the height to three-stories on Atlantic Avenue between Swinton Avenue and the Intracoastal. She urged the City Commission to not pass this ordinance.

Linda Oxford, 148 Coconut Road, Delray Beach, urged the City Commission to not support this ordinance and keep the downtown in scale the way it is.

George Long 46 N. Swinton Avenue, Delray Beach, concurred with comments expressed by the previous speakers.

Brian Rosen, 106 N.E. 16th Street, Delray Beach, stated this is about an agreement that the City made with a private property owner when the City took the property by eminent domain to demolish the building to help create a park. He does not feel this will set a precedent.

Billy Himmelrich, property owner, stated he entered into an agreement with the City when his land was purchased by eminent domain and he in turn purchased a strip of land for future development.

John Eubanks, 605 N. Olive Avenue, West Palm Beach, Attorney for Mr. Himmelrich, gave a few brief comments.

Cindi Freeburn, 1740 N.W. 22nd Avenue, Delray Beach, gave a few brief comments and urged the City Commission to not support granting this amendment.

Gayle Clark, 124, N.E. 7th Avenue, Delray Beach, gave a few brief comments and suggested that Mr. Himmelrich follow the process.

Sandy Zeller, 209 N.W. 12th Street, Delray Beach, gave a brief definition for spot zoning and urged the City Commission to not support granting this amendment because he feels it will set a precedent.

There being no one else from the public who wished to address the City Commission regarding Ordinance No. 25-18, the public hearing was closed.

The City Attorney gave a few brief comments and stated the hearing on Friday has been cancelled. The City Attorney clarified that the eminent domain case that Mr. Himmelrich makes reference to was between Mr. Himmelrich and the Community Redevelopment Agency (CRA) not the City of Delray Beach.

The City Commission gave a few brief comments.

Commissioner Boylston stepped away from the dais briefly.

Vice Mayor Frankel stepped away from the dais briefly.

Vice Mayor Frankel made a motion to approve Ordinance No. 25-18 on Second and Final Reading. It was seconded by Deputy Vice Mayor Johnson. A roll call vote was taken and the motion to approve FAILED with a 2 to 3 vote, Commissioner Bathurst, Commissioner Boylston, and Mayor Petrolia dissented.

failed

8.D. 18-658

ORDINANCE NO. 26-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 35, "EMPLOYEE POLICIES AND BENEFITS", BY REPEALING "PUBLIC EMPLOYEE RELATIONS", SECTIONS 35.030 THROUGH 35.041 IN ITS ENTIRETY; 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. 26-18.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[Ord 26-18](#)

The City Attorney read the title of Ordinance No. 26-18 into the record.

Mayor Petrolia declared the public hearing open. There being no one from the public who wished to address the City Commission regarding Ordinance No. 26-18, the public hearing was closed.

Vice Mayor Frankel made a motion to approve Ordinance No. 26-18 on Second and Final Reading. It was seconded by Commissioner Bathurst. A roll call vote was taken and all were in favor. The motion carried 5-0.
approved

9. FIRST READINGS:

9.A. None

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

10.A.1. [18-683](#) Homeless Advocacy Action Plan Update

Sponsors: City Manager Department

The City Manager stated the Neighborhood Services Department, Police Department, and Parks and Recreation are meeting on this and there is great progress. He stated the consensus is to hold a Workshop Meeting in February 2019 with respect to the City's Smart House Program, City House Program, and all the actions that the City's Homeless Advocacy team is doing.

10.A.2. [18-684](#) Solid Waste CLEAN Program Education and Rollout Plan

Sponsors: City Manager Department

The City Manager stated Neighborhood and Community Services Department to work with the businesses to create a litter free downtown. He stated for the first two months the focus will be on educating businesses on how to keep the alleys clean and no fines will be assessed. The City Manager stated staff will bring back a six month evaluation of the program.

Michael Coleman, Director of Neighborhood and Community Services, stated there have been several warnings given; however, no citations

have been given out at this time.

10.A.3. [18-685](#) Resident Parking Permit Program Implementation Update

Sponsors: City Manager Department

The City Manager gave a brief update regarding the Residential Parking Permit Program.

10.A.4. [18-687](#) Disparity Study

Sponsors: City Manager Department

The City Manager gave a brief update on the Disparity Study and staff will contact Palm Beach County and the Community Redevelopment Agency (CRA) to obtain information on cost sharing and potential partners.

Mayor Petrolia stated this will help to try to get more business out of minorities, women, and small businesses.

10.B. City Attorney

None.

10.C. City Commission

Mayor Petrolia requested that there be a place at the beginning of every agenda for the Internal Auditor to make comments or presentations.

The City Manager stated after the City placed its before and after pictures of S.E. 2nd Avenue/Seacrest Boulevard it received "I Live in a Cool Town" comment on Facebook and he displayed these slides with the City Commission.

Deputy Vice Mayor Johnson commented about a complaint she received about the contractor regarding Phase 2.

Mayor Petrolia gave kudos to the City Commission for their demeanor on the dais.

Deputy Vice Mayor Johnson distributed information to the City Commission from Mr. Sauer.

Commissioner Boylston requested that the City Manager place Mr. Sauer's funding request for his program on the next agenda for discussion.

There being no further business to discuss, Mayor Petrolia adjourned

the meeting at 10:59 p.m.