

City of Delray Beach

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Minutes - Draft

Tuesday, April 18, 2017

6:00 PM

Regular Meeting at 6:00 PM

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*

1. ROLL CALL

A Regular Meeting of the City Commission of the City of Delray Beach, Florida, was called to order by Mayor Cary Glickstein in the Commission Chambers at City Hall at 6:00 p.m., Tuesday, April 18, 2017.

Roll call showed: Present:

Commissioner Shelly Petrolia

Vice Mayor James Chard

Commissioner Mitchell Katz

Deputy Vice Mayor Shirley Ervin Johnson

Mayor Cary Glickstein

Absent:

None

Also present were:

Neal deJesus, Interim City Manager

R. Max Lohman, City Attorney

Kimberly Wynn, Acting City Clerk

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

There were no changes requested by the Interim City Manager or the City Attorney.

Item 6.H. became Item 7 A.A.

Item 6.I. became Item 7.B.B.

Item 6D became Item 7.C.C.

4. PRESENTATIONS:

4.A. [17-340](#) SPOTLIGHT ON EDUCATION - BANYAN CREEK ELEMENTARY

Sponsors: Community Improvement and Quinlan

Ms. Allison Castellano, Principal of Banyan Creek, showed a PowerPoint presentation and discussed some of achievements of the school. Ms. Castellano introduced two students who discussed the Samaritan 365 Club. They also talked about some of the programs including "Random Acts of Kindness".

Mayor Glickstein and Commissioner Katz made comments.

Commissioner Katz talked about an experience he had with his children at Banyan Creek.

4.B. [17-355](#)

Sponsors: City Clerk Department

The American Heritage wrestling coach presented several members of his team with plaques for their achievements.

4.C. [17-362](#)

EDUCATION INITIATIVES PRESENTATION - SUZANNE SPENCER

Ms. Suzanne Spencer introduced this item and did a PowerPoint presentation. She discussed the presentation and talked about the commitments of the city. She presented a challenge to the audience for a reading initiative. Ms. Spencer discussed the Leadership Delray Students and internships in Delray Beach. She discussed a revamped Education Breakfast.

Mayor Glickstein commented about the achievements of the local schools being celebrated by the Commissioners.

Commissioner Katz spoke about funding from the Greater Chamber of Commerce.

Vice Mayor Chard spoke about the "Summer Slide" program.

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

Mr. deJesus had no comments.

5.B. From the Public

1. Ms. Pauline Moody advised against mixing government activities with those of schools.

2. Ms. Rachel Needle talked about conversion therapy (Item 9.D.) and her opposition to the proposed ordinance.

3. Mr. Ari Whiteman noted that some roadways were already named after prominent individuals. He requested that the Mayor and City Commission keeps this in mind during their deliberation process.

4. Arlene Hustin discussed her being an activist for gun violence. She discussed an event that would take place on May 13th.

There being no further comments, public comments was closed.

6. CONSENT AGENDA: City Manager Recommends Approval

approved as amended

Yes: 5 - Vice-Mayor Chard, Mayor Glickstein, Deputy Vice Mayor Ervin Johnson, Commissioner Petrolia, and Commissioner Katz

6.A. [17-376](#) APPROVAL OF MINUTES

Recommendation: Motion to Approve City Commission Meeting Minutes.

Sponsors: City Clerk Department

Attachments: [09-08-16 Regular Meeting Minutes](#)
[09-20-16 Regular Meeting Minutes](#)
[11-01-16 Regular Meeting Minutes](#)
[11-15-16 Regular Meeting Minutes](#)
[12-06-16 Regular Meeting Minutes](#)
[12-13-16 Regular Meeting Minutes](#)
[01-24-17 Regular Meeting Minutes](#)
[03-30-17 Organizational / Regular Meeting Minutes](#)

approved

6.B. [17-144](#) PRIOR APPROVAL OF FISCAL YEAR 2017 SPENDING LIMIT GREATER THAN \$25,000 WITH SCHUMACHER AUTOMOTIVE DELRAY, LLC.

Recommendation: Motion to Approve multiple acquisitions of less than \$25,000 each to Schumacher Automotive Delray, LLC for vehicle services in a total not-to-exceed amount of \$75,000 for Fiscal Year 2017.

Sponsors: Environmental Services Department

approved

6.C. [17-257](#) SERVICE AUTHORIZATION NO. 12-28 TO KIMLEY-HORN AND ASSOCIATES, INC. IN THE AMOUNT OF \$89,250.13 FOR ADDITIONAL ENGINEERING SERVICES RELATED TO THE ENGINEERING DESIGN FOR A COMPLETE SET OF PEDESTRIAN BRIDGE CONSTRUCTION PLANS FOR THE PROPOSED LOWSON BOULEVARD PEDESTRIAN BRIDGE PROJECT (PROJECT NO. 17-004)

Recommendation: Motion to Approve Service Authorization No. 12-28 with Kimley-Horn and Associates in the amount of \$89,250.13 for engineering design services related to the production of a complete set of pedestrian bridge construction plans for the proposed Lowson Boulevard Pedestrian Bridge project (Project No. 17-004).

Sponsors: Environmental Services Department

Attachments: [Service Authorization No. 28 with KHA](#)

approved

6.D. [17-358](#) APPROVAL OF AMENDMENT NO. 2 TO THE TRANSPORTATION SERVICES TO OPERATE TROLLEY ROUTES AGREEMENT WITH UNIQUE TRANSPORTATION & TOURS LLC

Recommendation: Motion to Approve Amendment No. 2 to renew the Transportation Services To Operate Trolley Routes Agreement with Unique Transportation & Tours LLC through June 10, 2018 in an annual amount not-to-exceed \$400,000.

Sponsors: Environmental Services Department

Attachments: [2013-22 Amendment No. 2](#)
[2013-22 Amendment No. 1](#)
[2013-22 Unique Transportation](#)

Deputy Vice Mayor Johnson commented on the importance of reviewing the agreement in the near future, since present agreement would expire at the end of this year.

Commissioner Petrolia discussed the trolley and their scope of services. She discussed whether the trolleys are being cleaned daily and meeting their headways. The trolley services need to meet the City Commission's expectations.

Mr. John Morgan said the existing trolleys were at the end of their lifespans. He said staff was evaluating a number of alternatives to trolleys.

Commissioner Katz discussed the carbon footprint and the low number of riders on the trolleys. He suggested possibly exploring electric buses.

Deputy Vice Mayor Johnson discussed the deadline of the agreements.

Vice Mayor Chard talked about the Metropolitan Planning Organization (MPO) grant and having the trolleys repurposed to electric golf carts instead.

Mr. deJesus discussed balancing the expectations, giving the lack of a

guaranteed funding source.

Mayor Glickstein stated that he has a problem with supporting the continued funding of the trolley regardless of whether it's the CRA or the City.

Further discussion ensued.

A motion was made by Deputy Vice Mayor Ervin Johnson, seconded by Vice-Mayor Chard to renew the transportation services. The motion carried by the following vote:

approved

Yes: 5 - Mayor Glickstein, Vice-Mayor Chard, Deputy Vice Mayor Ervin Johnson, Commissioner Petrolia, and Commissioner Katz

6.E. [17-319](#) REJECT ALL RESPONSES FOR HVAC REPAIRS AND PREVENTIVE MAINTENANCE SERVICES

Recommendation: Motion to Reject all responses received for HVAC Repairs and Preventive Maintenance Services.

Sponsors: Purchasing Department

Attachments: [2017-028 RFP HVAC Repair and PM Services Complete](#)

[APPENDIX A - Building Locations](#)

[Scoring Summary, RFP 2017-028](#)

[RFP 2017-028 Tabulation Sheet](#)

[Addendum No. 1 - RFP 2017-028](#)

[Addendum No. 2 - RFP 2017-028](#)

6.F. [17-356](#) RATIFY AND APPROVE AN EMERGENCY PURCHASE TO SOUTHEAST TRUCK SPECIALISTS, INC. FOR THE REPAIR AND REFINISHING OF RESCUE TRUCK NO. 201668

Recommendation: Motion to Ratify and approve an emergency purchase to Southeast Truck Specialists, Inc. in the amount of \$65,000 for the repair and refinishing of Rescue Truck No. 201668.

Sponsors: Environmental Services Department

Attachments: [Emergency Repairs - Rescue No. 201668](#)

[PDA Appraisal-V201668](#)

[SETS-Quote-Repaint 201668 3-28-17](#)

approved

6.G. [17-335](#) HOUSING REHABILITATION GRANT AWARD TO ROI CONSTRUCTION, LLC FOR 217 SW 13th AVENUE DELRAY BEACH, FL 33444 IN THE

AMOUNT OF \$21,883.25.

Recommendation: Motion to Approve a housing rehabilitation grant in the amount of \$21,883.25 for a housing rehabilitation for the property located at 217 SW 13th Avenue, Delray Beach, FL and authorize the City Manager to execute the Agreement and all ancillary documents. Motion to Approve this acquisition which is in compliance with the Code of Ordinances Chapter 36, Section 36.03(B) Multiple Acquisitions From Vendor Exceeding Twenty-Five Thousand Dollars (\$25,000.00) in Any Fiscal Year.

Sponsors: Community Improvement

Attachments: [Q2017-03_VSpells](#)
[Bid Tabulation Sheet](#)
[Bid Information Sheet](#)
[Contract](#)
[Lien Agreement](#)
[Exhibit A Contractor Bid Proposal](#)
[Memo of Understanding](#)
[Notice to Proceed](#)
[Subordination Agreement](#)
[Warranty Docs](#)

approved

6.H. [17-345](#) RESOLUTION NO. 32-17: REQUEST TO NAME SW 6TH AVENUE, FROM WEST ATLANTIC AVENUE TO SW 10TH STREET, "SW 6TH AVENUE / JAMES LAMAR SHULER AVENUE".

Recommendation: Motion to Approve Resolution No. 32-17 to name SW 6th Avenue, from West Atlantic Avenue to SW 10th Street, "SW 6th Avenue / James Lamar Shuler Avenue" consistent with the "double" street naming on streets within the City of Delray Beach.

Sponsors: Planning & Zoning Department

Attachments: [Resolution No. 32-17 - Support Renaming SW 6th Ave to Shuler Avenue](#)
[SW 6th Ave - Location Map](#)
[Street Sign Example - Dual Name](#)
[Shuler CRA resolution - Street Name](#)

7.A.A. Mr. Timothy Stillings introduced this item. He advised that this request is in honor of Mr. Lamar Shuler's contributions. He discussed some of the achievements and milestones of Mr. Shuler.

Commissioner Petrolia advised that the City's existing policy did not permit

dual-naming of streets. She gave a brief history of the City's street naming policy. Commissioner Petrolia advised that proposals for dual-naming would have to be vetted because it goes against existing City policy. She also noted that the City's facility specifically noted that it did not apply to the naming of streets. She suggested that the existing City's street naming policy, be included on a future City Commission workshop agenda.

Deputy Vice Mayor Johnson advised that the Community Redevelopment Agency (CRA) should not have passed this without knowing the history.

Commissioner Katz asked for clarification on the street naming from the CRA. He asked if this has gone before an Advisory Board.

Deputy Vice Mayor Johnson asked how George Bush Boulevard was named.

Commissioner Petrolia discussed how this happened.

Mayor Glickstein commented on how this happened.

Mr. Lohman discussed the differences between dually-named versus the renaming of streets.

Further discussion ensued with the Commissioners.

Mayor Glickstein stated that he supported this based on his personal experience with Mr. Shuler.

Mr. deJesus gave an alternative to repeal the street naming policy, drafting the policy and bringing this back at a later time.

Ms Shuler gave comments and thanked the Commissioners.
approved

Yes: 5 - Vice-Mayor Chard, Mayor Glickstein, Deputy Vice Mayor Ervin Johnson, Commissioner Petrolia, and Commissioner Katz

6.I. [17-381](#) RESOLUTION NO. 33-17 QUALIFIED TARGET INDUSTRY TAX REFUND LOCAL MATCH - "PROJECT BUTLER"

Recommendation: Approve Resolution No. 33-17 to encourage the relocation of 10 high-wage jobs and the creation of 42 new high-wage jobs by Project Butler, an early stage technology company seeking to relocate their corporate administration (headquarters) of a national customer base and offshore activities to Delray Beach.

Sponsors: Economic Development Department

Attachments: [041817 Project Butler Resolution 33-17-CAO reviewed 040717](#)
[17-381 Agenda Memo - Qualified Target Industry Tax Refund Project](#)
[Butler 041817r3](#)

Ms. Joan Goodrich, Economic Development Director, presented this item. She discussed "Project Butler" coming to the community. She discussed an incentive toolbox that was put together. She talked about the caveat to this item and requested that the limit be waived. Ms. Goodrich did an overview of the project.

Vice Mayor Chard pulled this item to express his support of the project and asked some questions to clarify the budgeting and funding of this project.

Discussion ensued with the Commissioners to comprehend the program and how it would work and keep working.
approved

Yes: 5 - Mayor Glickstein, Vice-Mayor Chard, Deputy Vice Mayor Ervin Johnson, Commissioner Petrolia, and Commissioner Katz

6.J. PROCLAMATIONS:

6.J.1. [17-363](#)

Sponsors: City Clerk Department

Attachments: [FACC 45th Anniversary 2017](#)

FACC 45TH ANNIVERSARY

6.J.2. [17-364](#)

Sponsors: City Clerk Department

Attachments: [Kids to Parks Day -May 20th 2017](#)

KIDS TO PARKS DAY

6.J.3 [17-365](#)

Sponsors: Planning & Zoning Department

Attachments: [Arbor Day Proclamation 2017](#)

ARBOR DAY 2017

6.K. [17-334](#)

REPORT OF APPEALABLE LAND USE ITEMS MARCH 13,
2017 THROUGH MARCH 31, 2017.

Recommendation: By motion, receive and file this report.

Sponsors: Planning and Zoning Board

Attachments: [Location Map](#)

[The Grove](#)

[Delray Medical Center](#)

[MD Now](#)

[Avant](#)

[415 - 419 E. Atlantic Avenue](#)

[Orchard Supply Hardware Appealable Report](#)

[Motor Group](#)

[Kolter Hotel](#)

[Delray Ford](#)

6.L. AWARD OF BIDS AND CONTRACTS:

6.L.1. None

6.M. [17-391](#) SETTLEMENT IN THE CASE OF ELSIE STEVENS V. MICHAEL LIBERTA AND CITY OF DELRAY BEACH (*ADDENDUM*)

Recommendation: Motion to settle the case of Elsie Stevens v. Michael Liberta and City of Delray Beach for the reasons discussed in the confidential memorandum previously distributed to the City Commission.

approved

7. REGULAR AGENDA:

7.A. [17-341](#)

REQUEST FOR A WAIVER TO LDR SECTION 4.6.9(D)(3)(C)(1) TO THE REQUIRED STACKING DISTANCE TO THE FIRST PARKING SPACE FOR A LOT WITH 50 OR FEWER SPACES FOR MOTOR GROUP LOCATED AT 1107 WALLACE DRIVE (QUASI-JUDICIAL HEARING)

Recommendation: Motion to Approve the waiver request to LDR Section 4.6.9(D)(3)(c) (1) to reduce the required stacking distance to the first parking space for a lot with 50 or fewer spaces from 20' to 11' 1" for the driveway located on SW 10th Avenue, by adopting the findings of fact and law contained in the Planning Staff report, and the finding that the request is consistent with LDR Section 2.4.7(B)(5).

Sponsors: Planning and Zoning Board

Attachments: [SPRAB - Motor Group Staff Report with Attachments](#)
[Board Order - 1107 Wallace Drive](#)

Mayor Glickstein read the Quasi-Judicial Hearing.

No ex-parte communication from the Commissioners.

The Interim City Clerk swore in the individuals wishing to speak on this item.

Mr. Heimel, the applicant, presented this item and talked about the justification for a waiver of this item.

Mr. Stillings made a presentation about this item.

At this time Mayor Glickstein called for public comments.

Public Comments:

1. Ms. Christine Morrison talked about the area.

Public Comments were closed.

Commissioner Katz thanked the applicant.

A motion was made by Commissioner Petrolia, seconded by Commissioner Katz, that this Request be approved. The motion carried by the following vote:

Board Order Yes (5-0)
approved

Yes: 5 - Mayor Glickstein, Vice-Mayor Chard, Deputy Vice Mayor Ervin Johnson, Commissioner Petrolia, and Commissioner Katz

7.B. [17-361](#)

BEST INTEREST RESOLUTION NO. 30-17 AND WAIVER OF THE CITY CODE OF ORDINANCES, CHAPTER 36, SECTION 36.02(C)(7) AND AWARD OF AN AGREEMENT TO TRANE US INC. FOR REPLACEMENT OF THE HVAC SYSTEM AT OLD SCHOOL SQUARE FIELDHOUSE IN A NOT-TO-EXCEED MAXIMUM AMOUNT OF \$24,240.

Recommendation: Motion to Approve Best Interest Resolution No. 30-17 for waiver of the City Code of Ordinances, Chapter 36, Section 36.02(C)(7) and to award an agreement to Trane U.S., Inc. utilizing the U.S. Communities Governmental Purchasing Alliance Cooperative Contract 15-JLP-023 for the replacement of the HVAC System at the Old School Square (OSS) Fieldhouse in a not-to-exceed maximum amount of \$24,240. This request is to allow and,

declaring by a four-fifths affirmative vote, that use of the sealed competitive method or written quotations method by any governmental entity within the State of Florida or the United States government for the purchase is not in the best interest of the City.

Sponsors: Environmental Services Department

Attachments: [CRA Funding Commitment - OSS HVAC Fieldhouse](#)
[04-13-17 - Amendment No. 2 to ILA with City - CIP Projects FY 2016-17.doc](#)
[\(OSS HVAC\) Amendment #2 ILA Funding Construction Professional Services FY 2016-17 partially exe.pdf](#)
[Amendment #2 ILA Funding Construction Professional Services FY 2016-17 tracked.docm](#)
[City of Delray - Old School Square - Carrier Unit repairs DX 25 ton - Updated after visit \(002\).pdf](#)
[Best Interest Resolution 30-17.doc](#)
[ITB Trane.pdf](#)
[Trane Addendum 1](#)
[Trane Addendum 2](#)
[Trane Addendum 3](#)
[Trane Agreement Gov Contract](#)
[Trane Posting](#)
[US Communities Master Intergovernmental Cooperative Agreement](#)

Mr. Morgan introduced this item. He noted that the new system was much more energy efficient.

A motion was made by Commissioner Petrolia, seconded by Commissioner Katz, that this Resolution be approved. The motion carried by the following vote:
approved

Yes: 5 - Vice-Mayor Chard, Mayor Glickstein, Deputy Vice Mayor Ervin Johnson, Commissioner Petrolia, and Commissioner Katz

7.C. [17-237](#) NOMINATION FOR APPOINTMENT TO THE GENERAL EMPLOYEES RETIREMENT FUND COMMITTEE

Recommendation: Motion to Approve a nomination for appointment for one (1) regular member to serve on the General Employees Retirement Fund Committee for an indefinite term.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)
[General Employees Retirement Committee Member List](#)
[General Employees Retirement Committee Attendance](#)

Deputy Vice Mayor Johnson nominated Ms. Faye Henry and

Commissioner Petrolia seconded the motion.
approved

Yes: 5 - Vice-Mayor Chard, Mayor Glickstein, Deputy Vice Mayor Ervin Johnson,
Commissioner Petrolia, and Commissioner Katz

7.D. [17-342](#) NOMINATION FOR APPOINTMENT TO THE CIVIL SERVICE BOARD

Recommendation: Motion to Approve a nomination for appointment for one (1) regular member to serve on the Civil Service Board.

Sponsors: City Clerk Department

Attachments: [Civil Service Board Member List](#)
[Civil Service Board Attendance List](#)

A motion was made by Commissioner Petrolia, seconded by Vice-Mayor Chard, that this Appointment be approved. The motion carried by the following vote:
approved

Yes: 5 - Vice-Mayor Chard, Mayor Glickstein, Deputy Vice Mayor Ervin Johnson,
Commissioner Petrolia, and Commissioner Katz

7.E. [17-343](#) NOMINATION FOR APPOINTMENT TO THE SITE PLAN REVIEW AND APPEARANCE BOARD

Recommendation: Motion to Approve a nomination for appointment for one (1) regular member to serve on the Site Plan Review and Appearance Board.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)
[Site Plan Review and Appearance Board Member List](#)
[Site Plan Review and Appearance Board Attendance List](#)

Deputy Vice Mayor Johnson nominated Mr. William Morris. There being no second, Deputy Vice Mayor Johnson deferred her appointment to the May 2, 2017 Regular Meeting.

8. PUBLIC HEARINGS:

8.A. [17-353](#) ORDINANCE NO. 06-17: EVALUATION AND APPRAISAL REPORT (EAR) BASED AMENDMENTS TO THE COMPREHENSIVE PLAN OF THE CITY OF DELRAY BEACH. (FIRST READING/PUBLIC HEARING)

Recommendation: Motion to Approve and transmit Ordinance No. 06-17 to the Department of Economic Opportunity ("DEO") for its review of the Evaluation and Appraisal Report (EAR) based amendments to the Comprehensive Plan of the City of Delray Beach, pursuant to Florida Statute Section 163.3191.

Sponsors: Planning and Zoning Board

Attachments: [Ordinance No. 06-17 EAR amendments](#)

[Planning and Zoning Board Staff Report - EAR amendments](#)

[Capital Improvement Element edited 011617 REV 2.10.17 w ILA](#)

[Coastal Management Element edited 011617](#)

[Conservation Element edited 011617](#)

[Future Land Use Element edited 011617 REV 2.10.17 w ILA.pdf](#)

[Intergovernmental Coordination Element edited 011217 REV 2.10.17 w
ILA](#)

[Introduction and Summary edited 011217](#)

[Open Space & Recreation Element edited 011617](#)

[Procedures 0116217](#)

[Public Facilities Element edited 011617](#)

[Public Schools Facilities Element edited 011617 w ILA](#)

[Transportation Element edited 011217](#)

Mr. Stillings gave this presentation. He gave the Commissioners an updated Ord No. 06-17 to include the new language.

Commission gave comments on this item.

A motion was made by Commissioner Petrolia, seconded by Vice-Mayor Chard, that this Ordinance be approved on first reading. The motion carried by the following vote:

approved on first reading

Yes: 4 - Vice-Mayor Chard, Mayor Glickstein, Commissioner Petrolia, and Commissioner Katz

No: 1 - Deputy Vice Mayor Ervin Johnson

8.B. [17-207](#)

ORDINANCE NO. 07-17: 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 4.3.3, "SPECIAL REQUIREMENTS FOR SPECIFIC USES", BY REPEALING PARAGRAPH (D), "COMMUNITY GARDENS" IN ITS ENTIRETY AND ENACTING A NEW SECTION (D) ENTITLED, "URBAN AGRICULTURE"; AMENDING ARTICLE 4.4 TO REMOVE COMMUNITY GARDENS AND TO ALLOW URBAN AGRICULTURE IN CERTAIN ZONING DISTRICTS; AMENDING APPENDIX A "DEFINITIONS" TO PROVIDE FOR RELATED DEFINITIONS AND PROVIDE SPECIFIC DESIGN AND REVIEW CRITERIA, PARKING REQUIREMENTS, AND TO ADD URBAN AGRICULTURE AS AN

ALLOWABLE OUTSIDE USE. (FIRST READING AND PUBLIC HEARING).

Recommendation: Motion to Approve Ordinance No. 07-17 on First Reading for the amendments to Land Development Regulations as specified in attached Ordinance No. 07-17, as presented.

Sponsors: Planning and Zoning Board

Attachments: [Ordinance No. 07-17 Urban Agriculture](#)
[Map Showing Zoning Districts which allows Urban Agriculture](#)
[Urban Agriculture PZB Staff Report](#)
[Community Gardens Policy Final DRAFT 12-2016](#)
[Comparison of Existing and Proposed Community Garden Program](#)

Mr. Stillings presented this item. He discussed this ordinance and gave background information on the item. He discussed a PowerPoint presentation. He stated that this has gone before all of the boards.

Mayor Glickstein gave comments about this item. He talked about the prohibition of certain plants.

Vice Mayor Chard asked about the off street parking requirements.

Mr. Stillings addressed this concern with the Commission.

At this point, discussed ensued.

Commissioner Katz asked if the prohibition of cannabis can be added to the Land Development Regulations (LDR).

Motion to Approve on First Reading with Section D(3)(1)(1)(1) of the Land Development Regulations being amended to add cannabis to the list of prohibited plants.
approved as amended

Yes: 5 - Mayor Glickstein, Vice-Mayor Chard, Deputy Vice Mayor Ervin Johnson, Commissioner Petrolia, and Commissioner Katz

9. FIRST READINGS:

- 9.A.** [17-251](#) ORDINANCE NO. 13-17: ESTABLISHING REQUIREMENTS FOR THE CITY OF DELRAY BEACH'S PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM PROVIDING FOR MULTIPLE, NON-EXCLUSIVE PACE PROGRAMS IN ORDER TO ALLOW FOR THIRD-PARTY ADMINISTRATORS, EITHER FOR-PROFIT OR NOT-FOR-PROFIT, TO ADMINISTER THE PACE PROGRAM WITHIN THE CITY (FIRST

READING)

Recommendation: Motion to approve Ordinance No. 13-17 on first reading.

Sponsors: Environmental Services Department

Attachments: [Ordinance 13-17 PACE Program](#)
[PACE Program Memorandum](#)

Dr. Ana Puszkin, Sustainability Officer, introduced this item. She discussed the benefits of having a PACE program. She discussed the benefits and qualifications of the program. Ms. Pushkin talked about the financing and job creation.

Dr. Puszkin went through her PowerPoint presentation.

Mr. de Jesus advised why this was being introduced at this time.

Commissioner Petrolia questioned why this is being brought forward now instead of using the County.

Dr. Puszkin answered this question.

Mr. Bradley Biggs, Assistant City Attorney, provided more detail on this item. He advised that this was a new statutory requirement.

Dr. Puszkin advised of other cities that use this ordinance and talked about effects.

Vice Mayor Chard talked about a prepayment cost. She advised it is not the city's responsibility to market the program.

Mr. Biggs discussed the previous issue with Freddie Mac and Fannie Mae.

Mr. Lohman talked about potential incentives.
approved on first reading

Yes: 5 - Mayor Glickstein, Vice-Mayor Chard, Deputy Vice Mayor Ervin Johnson, Commissioner Petrolia, and Commissioner Katz

9.B. [17-346](#)

ORDINANCE NO. 12-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH; AT ARTICLE 2.4, "GENERAL PROCEDURES", BY AMENDING SECTION 2.4.7, "PROCEDURES FOR OBTAINING RELIEF FROM COMPLIANCE WITH PORTIONS OF THE LAND DEVELOPMENT REGULATIONS", SUBSECTION (E), "APPEALS", TO CLARIFY AND UPDATE THE PROCEDURES FOR SAME, PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING

AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (FIRST READING)

Recommendation: Motion to Approve Ordinance No. 12-17 on first reading to amend Section 2.4.7(E) of the LDRs to clarify and update the appeals procedures.

Sponsors: Planning & Zoning Department

Attachments: [Ord 12-17 LDR 2.4.7 appeal revisions FINAL](#)
[PZB Report--ORD 12-17 Appeals 2.15.17 MES](#)

Mr. Stillings introduced this item. He discussed the appeal process.

Commissioner Petrolia commented on the new evidentiary rules.

Mr. Stillings clarified this ordinance.

Commissioner Petrolia asked about projects being brought before the board, denied and having new projects introduced to Commission.

Mr. Lohman advised they would not be able to amend their application.

Vice Mayor Chard questioned the Appeal process and possible restrictions.

Mr. Lohman briefly reviewed the potential restrictions.
approved on first reading

Yes: 5 - Mayor Glickstein, Vice-Mayor Chard, Deputy Vice Mayor Ervin Johnson, Commissioner Petrolia, and Commissioner Katz

9.C. [17-347](#)

ORDINANCE NO. 15-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH; ARTICLE BY AMENDING SECTION 4.6.9, "OFF-STREET PARKING REGULATIONS", SUBSECTION 4.6.9(E)(3), "IN LIEU FEES" TO REVISE THE IN LIEU FEE AREAS TO MATCH THE CORRESPONDING MAP AND TO REMOVE THE FEES TO BE ADOPTED BY RESOLUTION; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (FIRST READING)

Recommendation: Motion to Approve Ordinance No. 15-17 on first reading to amend Section 4.6.9(E)(3) to revise the in lieu fee areas description to match the corresponding map and remove the fees to be adopted by resolution.

Sponsors: Planning & Zoning Department

Attachments: [Ord 15-17 In Lieu Area Descripton](#)
[In Lieu Fee Areas-reduced](#)
[PZB Report--ORD 15-17 In Lieu Parking](#)
[Res 27-17 Est fee schedule for in lieu fees](#)

Mr. Stillings introduced this item. He gave a brief overview of his PowerPoint presentation.

Commissioner Petrolia asked about the amendment to the in-lieu fees.

Mr. Stillings explained the amendment in detail.
approved on first reading

Yes: 5 - Mayor Glickstein, Vice-Mayor Chard, Deputy Vice Mayor Ervin Johnson, Commissioner Petrolia, and Commissioner Katz

- 9.D.** [17-354](#) ORDINANCE 18-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 133, "OFFENSES AGAINST PERSONS", BY CREATING A NEW SECTION 133.02, "PROHIBITION OF CONVERSION THERAPY ON MINORS", PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 133 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. (FIRST READING)

Recommendation: Motion to Approve Ordinance 18-17 on first reading to ban the practice of Conversion Therapy on Minors in the City.

Sponsors: City Attorney Department

Attachments: [Ord 18-17 creating new Sec 133.02 Prohibition of Conversion Therapy on Minors](#)
[Conversion therapy legal opinion final](#)

Mr. Lohman introduced this item. He read Ordinance No. 15-17
approved on first reading

Yes: 5 - Vice-Mayor Chard, Mayor Glickstein, Deputy Vice Mayor Ervin Johnson, Commissioner Petrolia, and Commissioner Katz

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

Mr. deJesus discussed the Beach Master Plan and discussed some options to address recent issues which involved rust. He advised that this was a time-sensitive matter.

Commissioner Petrolia had questions about the heat produced by

stainless steel.

It was the consensus of the Commission to address the rust issue as proposed by the Interim City Manager.

10.B. City Attorney

10.C. City Commission

Commissioner Petrolia celebrated the signing of the settlement agreement for Atlantic Crossing. She discussed an agreement from the CRA (the Parking Sharing Agreement) and the \$400,000 reimbursement. Commissioner Petrolia talked about advisory boards with members serving at will. Commissioner Petrolia also emphasized the importance of advisory board members knowing that they served as will. She also noted the importance of developers understanding which advisory boards were required for review of their projects.

Deputy Vice Mayor Johnson gave thanks for helping her decide to "go paperless". She commended City staff for going beyond the call of duty in explaining agenda items. Vice Mayor Johnson also thanked former Commissioner Christina Morrison for coming through with an Intern.

Commissioner Katz discussed the exporting of the agenda and having the attachments in one folder. He commended the Police Department for working through a rough week to make the Delray Affair event successful.

Vice Mayor Chard talked about the Advisory Boards being discussed during the goal setting session. He noted that a nearly fifty-year old tree located at 101 Atlantic Avenue had recently been cut down. He questioned how this happened. Vice Mayor Chard also discussed trees that were cut by the Developer.

Mr. Tim Stillings advised that the Planning and Zoning Board are working on a tree ordinance. He discussed the arborist's role. Mr. Stillings tried to offer a solution.

Mayor Glickstein asked if this could be brought back before the Commission.

Vice Mayor Chard questioned two funding sources.

Mr. deJesus discussed the Atlantic Dunes project and funding.

Vice Mayor Chard discussed the yellow shirts and possible funding, Mayor Glickstein stated that this could be on a agenda for a later meeting. He also discussed self storage and the growing phenomenon, and possibly looking into this.

Mr. deJesus advised there was no ask from the DDA, but nothing official has been brought forward.

Commissioner Katz talked about the yellow shirts "Ambassador Program".

Commissioner Petrolia asked why was the zoning changed if self storage is not used.

Mayor Glickstein commented on the Police Quarterly Awards. He thanked the first responders for an event free of incident. He also discussed the co-opting of the Chambers logo labels. He thanked Mr. deJesus for his quick response. He discussed the meaningful legislation that is being shepherded by the City Commission.

There being no further business, the meeting stood adjourned.