

City of Delray Beach

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Minutes - Draft

Tuesday, July 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

Present: 5 - Mayor Cary Glickstein, Vice-Mayor James Chard, Deputy Vice Mayor Shirley Ervin Johnson, Commissioner Shelly Petrolia, and Commissioner Mitchell Katz

2. PLEDGE OF ALLEGIANCE TO THE FLAG**3. AGENDA APPROVAL**

A motion was made by Vice-Mayor Chard, seconded by Commissioner Petrolia to approve the agenda as amended. The motion carried by the following vote:

approved as amended

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

4. PRESENTATIONS:

- 4.A.** [17-539](#) Presenting angel farinas, UTILITIES SUPERVISOR, with Employee of the Month for July 2017

Recommendation: Motion to approve Angel Farinas as Employee of the Month for July 2017.

Sponsors: Human Resources Department

Attachments: [Angel Farinas Nomination Form](#)

Mr. Duane D'Andre, Assistant HR Director and Mr. John Morgan, ESD Director introduced this item. Mr. Morgan explained that there was a water main break and Mr. Farinas, Utilities Supervisor went above and beyond with the affected customers and no one lost service. Mr. D'Andre presented him with a plaque and a certificate for eight (8) hours off.

- 4.B.** [17-590](#) RECOGNIZING AND COMMENDING ACCREDITATION MANAGER MARIA MARINO-BOLLAN FOR RECEIVING THE 2016 ACCREDITATION MANAGER OF THE YEAR AWARD FROM THE COMMISSION FOR FLORIDA LAW ENFORCEMENT ACCREDITATION, INC.

Recommendation: Recognition of Accreditation Manager Maria Marino-Bollan for receiving the 2016 Accreditation Manager of the Year Award from the Commission for Florida Law Enforcement Accreditation, Inc.

Sponsors: Police Department

Mr. Goldman, Police Chief presented an award to Ms. Maria Marino-Bollan for receiving the Accreditation Manager of the year award.

4.C. [17-570](#) OPIOID MANUFACTURER LITIGATION PRESENTATION

Sponsors: City Clerk Department

Attachments: [Opioid Manufacturer Litigation Presentation 07.07.17](#)
[Additional Presentation Information 07.07.17](#)

Mayor Glickstein read claims about pharmaceutical companies and what opioids and oxycotins do to our cities.

Mr. Mark Dearman gave a presentation to the City Commission regarding the opioid manufacturer litigation.

**4.D. [17-621](#) LEGISLATIVE UPDATE - MAT FORREST, BALLARD PARTNERS,
LEGISLATIVE LOBBYIST**

Sponsors: City Clerk Department

Attachments: [State Legislative Update July 2017](#)

Mat Forrest updated the City Commission on the outcome of the legislative session that took place in Tallahassee.

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**

There were none.

5.B. From the Public

Ms. Pauline Moody commented about lengthy presentations being given. She also expressed that as a voter, they need to be shown what was passed during the legislative session. Ms. Moody also made comments about the law firms that were hired before and that she feels there is a contradiction in the language for Sober homes and Marijuana.

Ms. Margaret Peterson stated she loves Delray and feels that its going to be a major hurdle dealing with the drug issues. She spoke in favor of the

fire department getting the equipment and salaries they deserve.

Arleen Ustin spoke on behalf of the League of Women Voters. She stated that 1.68 million Floridians don't have voting rights because at some point they used drugs and lost their rights.

Michael Wynn gave a brief history of his background.

Calesha Anderson complained about the quality of life in her neighborhood. She stated that she has reached out to two Commissioners, called the Police Department over 70 times and reached out to Community Improvement's Code Enforcement and asked if there can be enforcement at the corner store regarding loud music being played 24/7. In regards to the noise ordinance, there is a sign on Swinton Avenue that says loud music will not be tolerated or receive a \$500 fine. She says the same sign is also by Pompei Park, yet she's being told that there is a legal issue with putting one of those signs up in her area.

Charles Hansley read a letter from one of the Fairways of Delray board members wife, Ms. Patricia King, who gave kudos to the fire and paramedics for the service they provided to her loved one. Mr. Hansley shared his personal encounter with the paramedics when they took him to the hospital. He asked that the Commission approve the contract before them tonight to keep the fire fighters in Delray delivering quality service.

Susan K. Morikani commented that she received a letter from the State of Florida dated July 6, 2017 informing her that the Old School Square District is under consideration as historic preservation district. She stated that she spoke to several people and city staff. Her property and 14 others were shown as historical. Since the 10/10 opt out ordinance, their properties were allowed to be shown as non-historical. She is asking why they didn't get notified by the local government, how was it allowed, and she is asking the Commission for a deferment on the deadline of Friday to make revisions to the application.

Roy Paler, Jr., represents the Rainberry Neighborhood. He read an article about police intervention. He thanked Deputy Vice Mayor Johnson for coming out to meet with them. They are asking for traffic calming devices, they need street lights, and they have problems with rain water.

Joyce Unpatrick is in support of the CBA and MOU between the City of Delray and the IFFA. She did a ride-along in December and was impressed with the Fire Department she echos the sentiment of those that came before her and thanked them for their service.

Mr. Lak Karla gave the Clerk PowerPoint slides to be handed out the City Commission. He stated he is a resident in Boynton Beach. He explained each slide and asked the Commission to consider his plea.

Ms. Yvonne Odom commented about the disease concept of drugs and alcohol. She feels mental illness is another issue that is not talked about enough. She urged the City Commission to continue program prevention.

Alice Spence thanked the City Commission for the trees that were planted on Lake Ida Road east of I-95. She also thanked the developer of the Delray train station.

Jordan Winslick spoke in support of the fire department and thinks the fire department is the best of the best and wants it stay that way and feels the salary increase is important to retain staff.

Suzanne Spencer commented about living skills in the school, which is a substance abuse prevention program that she heads up under Crossroads Club. There are services and programs in Delray and thanks to a grant from the City they have served over 2,000 students. Her hope is that when the City wins the lawsuit that some of the money would go back into helping the people who need the services.

Joel Briar spoke on behalf of the Professional Fire Fighters and Paramedics in Palm Beach County and spoke about the collective bargaining agreement that they worked on. He stated that they went to the table with true collective bargaining and had to give up some things to get to a point where they could maintain some good quality people.

Christina Morrison had several comments about changes in zoning to the Office Depot site that creates new zoning that incorporates MIC with Mroc with a full mixed use property. The west side of Congress if sold could be made into a business park. There is a neighborhood in severe decline on Congress Avenue and code enforcement is needed in that area. She spoke about Congress Avenue corridor. Working with the County to get lighting changed to the LED's which are much brighter and safer. Landscaping the areas and she also spoke in support of the fire fighters.

Dr. Victor Curson spoke about the pavilions at the Atlantic dunes project. He was first told June, October and then not to be completed until after January because its turtle season. He feels that the turtles don't lay eggs past the dunes. And this area about 100' past the dunes. He would appreciate if this could be looked into again.

There being no further comments, public comments were closed.

6. CONSENT AGENDA: City Manager Recommends Approval

A motion was made by Commissioner Petrolia, seconded by Deputy Vice Mayor Ervin Johnson, that the consent agenda be approved as amended. The motion carried by the following vote:

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

approved as amended

- 6.A.** [17-586](#) INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY (CRA) FOR FUNDING TRANSIT ORIENTED DEVELOPMENT PLANNING SERVICES

Recommendation: Motion to authorize the Mayor to sign the interlocal agreement between the City of Delray Beach and the Delray Beach CRA for funding transit oriented development planning services associated with the Tri-Coastal Link Station Area Master Plan.

Sponsors: Planning & Zoning Department

Attachments: [SFTOD - CRA ILA](#)
 [Tri-Rail Coastal Link Station](#)
 [Legal Review Checklist ILA for TOD planning services](#)

approved

- 6.B.** [17-549](#) RESOLUTION NO. 48-17 BEACH RENOURISHMENT PROGRAM

Recommendation: Motion to Approve Resolution No. 48-17 in support for the Delray Beach Renourishment Program.

Sponsors: Environmental Services Department

Attachments: [RESOLUTION NO. 48-17](#)

approved

- 6.C.** [17-579](#) RESOLUTION NO. 49-17 AUTHORIZING THE EXECUTION OF A NON-EXCLUSIVE INTERLOCAL AGREEMENT WITH THE FLORIDA PACE FUNDING AGENCY TO ADVANCE A PROPERTY ASSESSED CLEAN ENERGY PROGRAM ("PACE")

Recommendation: Motion to Approve Resolution No. 49-17 authorizing the execution of a

non-exclusive Interlocal local agreement with the Florida PACE Funding Agency.

Sponsors: Environmental Services Department

Attachments: [Res-FlaPaceFundingAgency-2017 -final from Brad](#)
[Agt ILA FLAPace Funding final signed Agreement Final](#)
[Legal Review Checklist Florida PACE](#)
[Disclosure paperwork for program \(w. Exhibits A B C\) as of June 4 \(00789553@xD356D\)](#)

approved

- 6.D. [17-580](#) RESOLUTION NO. 50-17 AUTHORIZING THE EXECUTION OF A NON-EXCLUSIVE INTERLOCAL AGREEMENT WITH THE FLORIDA RESILIENCY AND ENERGY DISTRICT TO ADVANCE A PROPERTY ASSESSED CLEAN ENERGY PROGRAM ("PACE")

Recommendation: Motion to Approve Resolution No. 50-17 allowing the City of Delray Beach to join the Interlocal Agreement creating the Florida Resiliency and Energy District ("FRED").

Sponsors: Environmental Services Department

Attachments: [Resoultion 50-17 PACEProgramFRED](#)
[Delray Beach LPPMA \(FDFC Executed\) 6.21.2017](#)
[Legal Review Checklist FRED \(PACE\)](#)
[Agt-ILA-2ndAmend-RenovateAmerica-5-11-17-Recorded](#)

approved

- 6.E. [17-597](#) APPROVAL OF AMENDMENT NO. 1 WITH F2 INDUSTRIES, LLC FOR THE PURCHASE AND DELIVERY OF POLY PHOSPHATE IN AN AMOUNT NOT TO EXCEED \$95,000

Recommendation: Motion to Approve Amendment No. 1 to renew that Agreement with F2 Industries, LLC in an amount not to exceed \$95,000 for the purchase and delivery of poly phosphate and to add a Public Records provision as required by state statute.

Sponsors: Environmental Services Department

Attachments: [Legal Review Checklist](#)
[Amendment No 1 - F2 Industries LLC](#)
[F2 Industries LLC Original Agreement](#)

approved

6.F. [17-581](#) APPROVAL OF AMENDMENT NO. 3 WITH UNIVERSAL ELECTRIC OF FLORIDA, INC. FOR ELECTRICAL SERVICES AND REPAIRS

Recommendation: Motion to Approve Amendment No. 3 with Universal Electric of Florida, Inc. in an amount not-to-exceed \$60,000 annually for electrical services and repairs.

Sponsors: Environmental Services Department

Attachments: [Agreement, Universal](#)

[2014-42 Amendment No. 3 with Universal - Signed by Contractor](#)

[Legal Review Checklist Amd No. 3 to Electrical Services and Repairs Universal](#)

[AMENDMENT NO. 1 & AMENDMENT NO. 2 to Bid 2014-42 Electrical Services and Repairs with Universal Electric of Florida, Inc.](#)

approved

6.G. [17-555](#) HOUSING REHABILITATION GRANT AWARD TO CJ CONTRACTING, LLC FOR 1910 NE 2ND AVENUE IN THE AMOUNT OF \$ 27,233.80

Recommendation: Motion to Approve a housing rehabilitation grant in the amount of \$ 27,233.80 to CJ Contracting, LLC for a housing rehabilitation for the property located at 1910 NE 2nd Avenue, Delray Beach, FL and authorize the City Manager to execute the Agreement and all ancillary documents.

Sponsors: Community Improvement

Attachments: [Checklist SHIP Housing Rehab agt with CJ Contracting for Melvina Wilson](#)

[ITB 2017-036 Wilson](#)

[Bid Tabulation Sheet](#)

[Wilson Bid Information Sheet](#)

[Contract - Wilson](#)

[Lien Agreement - Wilson](#)

[Exhibit A Contractor Bid Proposal - Wilson](#)

[Memorandum of Understanding - Wilson](#)

[Notice To Proceed - Wilson](#)

[Subordination Agreement - Wilson](#)

[Warranty Docs](#)

approved

6.H. [17-616](#) SECOND ASSIGNMENT OF LEASE AGREEMENT WITH ELEV8 SPORTS INSTITUTE AND QUOGUE SPORTS, LLC (MILLER PARK)

Recommendation: Motion to Approve the second assignment of the existing lease between Elev8 Sports Institute, Inc. (as successor to BDBBS, Inc.) and the City of

Delray Beach to Quogue Sports.

Sponsors: Parks & Recreation Department

Attachments: [consent to assignment Lease Agreement from Elev8 to assignor](#)
[BBDS agreement for miller park 2003](#)
[Consent to assignment to Elev8 2013](#)
[Miller Park lease Amendment Dec 12 2013](#)

approved

6.I. [17-588](#) GRANT APPLICATION/FDOT PEDESTRIAN & BICYCLE SAFETY

Recommendation: Motion to Approve the application to the Florida Department of Transportation (FDOT) in the amount not to exceed \$65,000.00 for the pedestrian and bicycle safety education and enforcement program.

Sponsors: Police Department

Attachments: [DBPD_HVE_Cover letter and proposal 2017-2018](#)

approved

6.J. PROCLAMATIONS:

6.J.1. None

6.K. [17-606](#) REPORT OF APPEALABLE LAND USE ITEMS FROM JUNE 12, 2017 THROUGH JUNE 27, 2017

Recommendation: By motion, receive and file this report.

Sponsors: Planning and Zoning Board

Attachments: [Location Map](#)
[HPB 6-27-2017 Vote Sheet](#)
[HPB Class V Appealable Report](#)
[A0.30-R4 - Site Plan](#)
[A2.04-R3 - Elevations](#)
[A2.14-R1 - Color Renderings](#)
[A2.15 - R2 - Color Renderings](#)

A motion was made to appeal only the HPB approved items. The motion carried by the following vote:

approved

Yes: 4 - Mayor Glickstein, Deputy Vice Mayor Ervin Johnson, Commissioner Petrolia, and Commissioner Katz

No: 1 - Vice-Mayor Chard

6.L. AWARD OF BIDS AND CONTRACTS:

approved

6.L.1. [17-585](#)

Recommendation: Motion to Award a construction agreement to Marine Engineering and Construction, Inc. for Island Drive Seawall Repairs in a total amount not to exceed amount of \$180,000 (Project No. 17-044).

Sponsors: Environmental Services Department

Attachments: [Legal Review Checklist construction agreement for island drive seawall repairs w Marine engineering](#)
[2017-46 Agreement from ITBC CAO final](#)
[2017-046 Tabsheet](#)
[Island Drive seawall award](#)
[2017-046 Island Dr seawall repair](#)
[2017-046 Addendums](#)

approved

7. REGULAR AGENDA:

7.A. [17-603](#) NOMINATIONS FOR APPOINTMENT TO THE SITE PLAN REVIEW AND APPEARANCE BOARD

Recommendation: Motion to Approve nominations for appointment for two (2) regular members to serve on the Site Plan Review and Appearance Board for two (2) year terms ending August 31, 2019.

Sponsors: City Clerk Department

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

Mayor Glickstein nominated Vlad Dumetrescu for appointment to the Site Plan Review and Appearance Board. It was seconded by Vice Mayor Chard. The motion carried the following vote:

Commissioner Petrolia deferred her appointment.

approved

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

7.B. [17-604](#) NOMINATIONS FOR APPOINTMENT TO THE PLANNING AND ZONING BOARD

Recommendation: Motion to Approve nominations for appointment for three (3) regular members to serve on the Planning and Zoning Board for two (2) year terms ending August 31, 2019.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)
[Planning & Zoning Board Member List](#)
[Planning and Zoning Attendance List](#)

Deputy Vice Mayor Johnson nominated Christina Morrison. It was seconded by Deputy Vice Mayor Chard.

A motion was made that this Appointment be approved. The motion carried by the following vote:

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

Mayor Glickstein nominated Robin Byrd. It was seconded by Deputy Vice Mayor Chard.

A motion was made that this Appointment be approved. The motion carried by the following vote:

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

Commissioner Petrolia nominated Jay Jacobson. It was seconded by Vice Mayor Chard.

A motion was made that this Appointment be approved. The motion carried by the following vote:

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

7.C. [17-607](#) NOMINATIONS FOR APPOINTMENT TO THE HISTORIC PRESERVATION BOARD

Recommendation: Motion to Approve nominations for appointment for three (3) regular members to serve on the Historic Preservation Board for two (2) year terms ending August 31, 2019.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)
[Historic Preservation Board Member List](#)
[Historic Preservation Board Attendance List](#)

Commissioner Katz initially deferred his appointment to the Historic Preservation Board.

Deputy Vice Mayor Johnson nominated Ms. Andrea Sherman. It was seconded by Commissioner Katz.

A motion was made that this Appointment be approved. The motion carried by the following vote:

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

Mayor Glickstein nominated William Bathhurst. It was seconded by Vice Mayor Chard.

A motion was made that this Appointment be approved. The motion carried by the following vote:

Yes: 4 - Mayor Glickstein, Vice-Mayor Chard, Deputy Vice-Mayor Johnson, Commissioner Petrolia

Recused : Commissioner Katz disclosed a possible conflict with respect to the selected nominee

It was the consensus of the Commission to open this item again to accept a nomination from Commissioner Katz so not to lose his appointment.

Commissioner Katz nominated Andrea Harding. It was seconded by Commissioner Petrolia.

The motion carried by the following vote:

Yes: 3 - Deputy Vice-Mayor Johnson, Commissioner Petrolia, Commissioner Katz

No: 2 - Mayor Glickstein, Vice-Mayor Chard

7.D. [17-608](#)

**NOMINATIONS FOR APPOINTMENT TO THE BOARD OF
ADJUSTMENT**

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

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)
[Board of Adjustment Member List](#)
[Board of Adjustment Attendance List](#)

This item will be postponed until the next meeting.

7.E [17-629](#) DESIGNATION OF A CHAIR AND VICE CHAIR TO THE COMMUNITY REDEVELOPMENT AGENCY BOARD

Recommendation: Designate a Chair and Vice Chair to the Community Redevelopment Agency Board.

Sponsors: City Clerk Department

Attachments: [CRA Members 7/17](#)

Commissioner Katz nominated Annette Gray as CRA Chair. It was seconded by Deputy Vice Mayor Johnson.

A motion was made that this Appointment be approved. The motion carried by the following vote:

Yes: 4 - Mayor Glickstein, Deputy Vice-Mayor Johnson, Commissioner Petrolia, and Commissioner Katz.

No: 1 - Vice-Mayor Chard

Commissioner Petrolia nominated Kathy Ballesterri as Vice Chair of the CRA. It was seconded by Deputy Vice Mayor Johnson.

A motion was made that this Appointment be approved. The motion carried by the following vote:

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

7.F. [17-569](#) RESOLUTION NO. 07-17, BUDGET AMENDMENT

Recommendation: Motion to Approve Resolution No. 07-17.

Sponsors: Finance Department

Attachments: [Resolution No 07-17](#)
[Amendment Narrative](#)

Commissioner asked for further clarification on this item. Mr. deJesus

answered addressed her concerns.

A motion was made by Commissioner Katz to approve the Resolution. It was seconded by Vice Mayor Chard.

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

- 7.G.** [17-626](#) RATIFICATION OF COLLECTIVE BARGAINING AGREEMENT AND MEMORANDUM OF UNDERSTANDING (MOU); PROFESSIONAL FIRE FIGHTERS/PARAMEDICS OF PALM BEACH COUNTY, LOCAL 2928, INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF), INC.

Recommendation: Motion to Ratify the Collective Bargaining Agreement and Memorandum of Understanding (MOU) between the City of Delray Beach and the International Fire Fighters Association, Inc. (IAFF).

Sponsors: Human Resources Department

Attachments: [Memo regarding approval of CBA and MOU](#)
[Collective Bargaining Agreement](#)
[MOU Promotions](#)

A motion was made by Commissioner Commissioner Katz to ratify the collective bargaining agreement and MOU. It was seconded by Commissioner Petrolia. Th motion carried the following vote:

approved

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

8. PUBLIC HEARINGS:

- 8.A.** [17-405](#) ORDINANCE NO. 06-17: EVALUATION AND APPRAISAL REPORT (EAR) BASED AMENDMENTS TO THE COMPREHENSIVE PLAN OF THE CITY OF DELRAY BEACH. (SECOND READING)

Recommendation: Motion to Approve Ordinance No. 06-17 adopting 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: [Ord 06-17 EAR FINAL](#)

[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 \(Plan Section\) edited 0116217](#)

[Public Facilities Element edited 011617](#)

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

[Transportation Element edited 011217](#)

[DEO Letter 6.26.17](#)

Commissioner Katz made a motion to approve Ordinance No. 06-17 adopting the Evaluation and Appraisal Report (EAR) based amendments Comp Plan. It was seconded by Commissioner Petrolia. 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

8.B. [17-609](#)

ORDINANCE 25-17 AMENDING THE CITY'S LDRs TO REPEAL SECTION 4.3.3(I), "COMMUNITY RESIDENTIAL HOMES AND GROUP HOMES" IN ITS ENTIRETY AND ENACTING A NEW SECTION 4.3.3(I), "COMMUNITY RESIDENCES FOR WHICH A CONDITIONAL USE PERMIT IS REQUIRED" IN ORDER TO PROVIDE CRITERIA FOR ISSUING A CONDITIONAL USE PERMIT FOR COMMUNITY RESIDENCES (SECOND READING)

Recommendation: Motion to Approve Ordinance 25-17, a City initiated amendment to the Land Development Regulations, Article 2.4 "General Procedures", Article 4.3 "District Regulations; General Provisions", Article 4.4 "Base Zoning District", and Article 4.6 "Supplemental District Regulations" to revise and clarify the procedure for requesting a reasonable accommodation, to

provide operators of community residences for people with disabilities clarity and certainty on where such homes may locate as of right and via conditional use permit in accordance with applicable case law, the Fair Housing Act and the Americans with Disabilities Act, and to establish appropriate parking regulations for same.

Attachments: [Delray Beach GH Zoning Study 2nd Ed July 2017](#)
[FAQs Delray Beach Community Residences Zoning Ordinance](#)
[Ord 25-17 LDR amendment - Community Residences - Revised 7-14-17 Final](#)

A motion was made by Commissioner Katz to approve Ordinance 19-17 on second reading. It was seconded by Vice Mayor Chard. The motion carried the following vote:

approved

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

9. FIRST READINGS:

- 9.A.** [17-538](#) ORDINANCE NO.19-17: REPEALING SECTION 4.6.19, "TREE PRESERVATION, PROTECTION, ENFORCEMENT, AND MAINTENANCE" AND READOPTING SAME, AS REVISED IN ORDER TO PRESERVE, PROTECT, ENFORCE AND MAINTAIN TREES; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF SECTION 4.6 SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

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

Sponsors: Planning & Zoning Department

Attachments: [Tree Ordinance Board Item Backup-P&Z](#)
[Ord. 19-17 Tree Preservation](#)

A motion was made by Commissioner Katz to approve Ordinance 25-17 on first reading. It was seconded by Vice Mayor Chard. Th motion carried the following vote:

approved

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

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

approved

10.A. City Manager

Mr. deJesus explained that the lighting at Rainbury is being addressed. Staff have had meetings with FPL in reference to upgrading the lighting in Rainbury and an on-site meeting is scheduled to discuss the type of lights that will go in there.

Mr. deJesus explained that the August 1st meeting is in conflict with National Night Out and he asked the Commission to consider changing the Commission meeting. After further clarification of the Charter in regards to the number of meeting that can take place in a month, it was decided that the Regular Commission Meeting date would be changed to August 8, 2017 and if there are any items for a Workshop that the two meeting would be combined.

Mr. deJesus asked the City Commission to consider receiving a staff summary for the appealable items in an effort to save paper and staff time, and if back-up is necessary, staff would provide it for those who want it.

10.B. City Attorney**10.C. City Commission**

Commissioner Petrolia made comments about moving forward with the City Manager position.

Asked for an update about our phone system and what has been done to make it better.

Dunes pavilion need to be addressed.

Online utility billing - being able to pay bills online.

Backlog of meeting minutes

This item was addressed to City Attorney Lohman that she has an expectation to see the alley ordinance at the next Commission meeting.

Commented about the Welcome City

She made comments about her experience with Pickle Ball and how it activated our courts.

Commissioner Katz commented about reconstituting our Code Enforcement Board and switching to a Special Magistrate. Mayor Glickstein was in favor of having a Special Magistrate. Vice Mayor Chard was not in favor of having a Special Magistrate. Mr. Katz asked that we move it forward and make it a public hearing

Deputy Vice Mayor Johnson commented about board nomination packets includes the voter registration status of the applicant and it is not a requirement and cautioned that someone may not vote because of religious their belief. Further discussion ensued.

It was suggested that the application be amended to ask if they are a registered voter and if no, please explain.

She thanked everyone who have served on a board and if they are not selected again to serve, they should try again if that's their desire.

She commented about the Special Magistrate and she would be in favor of having one.

She asked about the Caring Kitchen being brought back for discussion.

Vice Mayor Chard commented about meeting minutes being updated.

Status report from Mr. deJesus on major projects. It was explained that it will start on the first meeting in August.

Explained that he knew a little about the OSHED National Register issue.

There was a brief discussion about the draft of the naming ordinance. It was decided that the draft would be placed on the September Workshop agenda.

He reported to the Commission that he met with Ms. Baker, Palm Beach County Administrator about the Palm Beach County Admin. Center.

He commented about the Not-for-profits and termites and whose responsibility it is take care of it. After further discussion, direction was given to the Interim City Manager to tent the buildings.

Mayor Glickstein commented about four fire rescue personnel that volunteered on their own time to be cross trained on the Police SWAT team.

Mayor Glickstein asked for the Commissions' consensus to agenda the resolution making texting while driving a first offense and to be placed on the next meeting.

Finally, Mayor Glickstein read a letter on behalf of the Palm Beach County League of Cities thanking the City of Delray for its hospitality for hosting the June board meeting.

With no further business to discuss, the meeting was adjourned at 10:20 p.m.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Kutz, Mitchell J</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Palm Beach City Commission</i>
MAILING ADDRESS <i>1618 W Classical Sub</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY <i>Palm Beach</i>	NAME OF POLITICAL SUBDIVISION: <i>City Commissioner</i>
DATE ON WHICH VOTE OCCURRED <i>July 18, 2017</i>	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

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ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

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APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Mitchell Katz, hereby disclose that on July 18, 20 17:

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☒ inured to the special gain or loss of my relative, Hentha Katz _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

My Wife's managing brother was nominated to the Historic Preservation Board. Bill Baithert. I wanted to ensure no favor was given to her employer.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.