

# **City of Delray Beach**

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



## **Minutes - Draft**

**Tuesday, October 17, 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

Mayor Glickstein called the Regular City Commission meeting to order at 6:00 p.m.

City Commission members in attendance were:

Commissioner Petrolia  
Vice Mayor Chard  
Commissioner Katz  
Deputy Vice Mayor Johnson  
Mayor Glickstein

Also in attendance were:

Assistant City Manager, Karen Gardner Young  
City Attorney, R. Max Lohman  
City Clerk, Katerri Johnson

## 2. PLEDGE OF ALLEGIANCE TO THE FLAG

## 3. AGENDA APPROVAL

Deputy Vice Mayor Johnson requested 6.J. be pulled for discussion.

Mayor Glickstein stated that 6.J. will become item 7.B.B.

Karen Gardner Young received a request to table 4.D. regarding the Homeless Task Force to another meeting.

The City Manager's contract will be item 7.A.A.

Commissioner Katz made a motion to approve the agenda as amended. It was seconded by Vice Mayor Chard. A Roll Call vote was taken and all were in favor. The motion carried 5-0.

## 4. PRESENTATIONS:

### 4.A. [17-787](#) RESOLUTION NO. 72-17 RECOGNIZING KENNETH THOMPSON FOR 30 YEARS OF SERVICE

**Recommendation:** Motion to Approve Resolution No. 72-17 honoring Kenneth Thompson for 30 years of service.

**Sponsors:** Human Resources Department

**Attachments:** [72-17 30 year Resolution Kenneth Thompson](#)

Mayor Glickstein read Resolution 72-17 recognizing Kenneth Thompson for 30 years of service. Sharon Leibowitz, the Human Resource Director presented him with a plaque.

- 4.B.**     [17-774](#)     Presenting utilities water/sewer & utilities MAINTENANCE WITH crew of the month for october 2017.

**Recommendation:** Present Utilities Water/Sewer & Utilities maintenance with crew of the Month for October 2017.

**Sponsors:** Human Resources Department

**Attachments:** [Utilities Water Sewer and Utilities Maintenance nomination form](#)

Marjorie Craig, Utilities Director, presented the sewer/water utilities maintenance crews with "Crews of the Month" for October 2017 for all the work during Hurricane Irma.

- 4.C.**     [17-750](#)     PRESENTATION BY ERICA WHITFIELD, DISTRICT 4 SCHOOL BOARD MEMBER, REGARDING DELRAY BEACH SCHOOLS

**Sponsors:** City Clerk Department

Erica Whitfield, District 4 School Board member gave a presentation regarding the Delray Beach Schools.

Mayor Glickstein gave a speech about his two terms as Mayor on the commission. He will not be seeking re-election in the spring.

- 4.D.**     [17-755](#)     HOMELESS TASKFORCE PRESENTATION

**Sponsors:** City Clerk Department

**Attachments:** [Homeless Taskforce Presentation 2017](#)

## **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

## 5.B. From the Public

Pauline Moody, temporarily homeless, she was not in favor of the Commission rebidding the garbage contract.

Commissioner Petrolia reported that Waste Management hired the attorneys, there was also a savings of approximately 9 million dollars to the taxpayers.

Lauren Zuckman of Healthier Delray Beach and a member of the Delray Beach Homeless Task Force wanted to thank Erica Whitfield and the school district on a new project they are working together. They are supplying homeless students with food on the weekends.

Kelly Freeman of 579 Banyan Way, thanked the Mayor for his service. She was concerned with a foreclosure proceeding that the city began on October 10, 2017 at a Code Enforcement Board hearing. She is interested in seeing a Special Magistrate instead of the Code Enforcement Board.

Christina Morrison of 2809 Florida Boulevard, in favor of item 9.A., Ordinance 32-17.

Carolyn Patten of 1020 Tamarind Road, wanted to speak on item 7.B., she was told there will be public comment on that item shortly.

Asher Nazarian of 706 Lamott Avenue, is not in favor of another car dealership in his neighborhood.

Carlos Gonzalez of 610 Lamott Avenue, is not in favor of rezoning the car dealership.

John Lombardo of 702 Lamott Avenue, is also not in favor of the rezoning of the car dealership.

Nancy Urquiga of 610 Lamott Avenue, is not in favor of the rezoning of the car dealership, she wants it to remain residential.

Hearing no further comments from the public, Mayor Glickstein closed the public portion of the agenda.

**6. CONSENT AGENDA: City Manager Recommends Approval**

Commissioner Katz made a motion to approve the consent agenda as amended. It was seconded by Commissioner Petrolia. A Roll Call vote was taken and all were in favor. The motion carried 5-0.

**6.A. [17-801](#) APPROVAL OF MINUTES**

**Recommendation:** Motion to Approve various sets of minutes as listed below.

**Sponsors:** City Clerk Department

**Attachments:** [May 23 2017 Workshop Meeting Minutes -Draft](#)  
[September 7 2017 Meeting Minutes Draft](#)

**6.B. [17-715](#) ACCEPTANCE OF A WATER AND SEWER EASEMENT GRANTED BY DELRAY MEDICAL CENTER, INC.**

**Recommendation:** Motion to Accept a Water and Sewer Easement granted by Delray Medical Center, LLC.

**Sponsors:** Environmental Services Department

**Attachments:** [Location Map](#)  
[Sewer Easement](#)  
[Water Easement](#)

**6.C. [17-761](#) ACCEPTANCE OF A HOLD HARMLESS AGREEMENT FOR 2702 N. FEDERAL HIGHWAY**

**Recommendation:** Motion to Approve and accept a Hold Harmless Agreement for 2702 N. Federal Hwy.

**Sponsors:** Environmental Services Department

**Attachments:** [Hold Harmless Agreement 2702 N. Federal Hwy.](#)  
[Utility Work Location 2702 N. Federal Hwy.](#)  
[FDOT Utility Permit 2702 N. Federal Hwy.](#)  
[PAPA Page -Delray Health & Wellness](#)  
[PAPA Map Location 2702 N. Federal Hwy.](#)  
[Sun Biz Page -Delray Health & Wellness](#)  
[Legal Review Checklist HH for Work in State ROW Delray Health & Wellness](#)

**6.D. [17-800](#) SERVICE AUTHORIZATION NO. 17-01 WITH ADA ENGINEERING INC. IN AN AMOUNT NOT-TO-EXCEED \$184,497.36 FOR THE STORMWATER MANAGEMENT MASTER PLAN UPDATE.**

**Recommendation:** Motion to Approve Service Authorization No. 17-01 to ADA Engineering, Inc. (ADA) in the amount not-to-exceed \$184,497.36 for the Stormwater Management Master Plan Update (Project No. 17-049).

**Sponsors:** Environmental Services Department and Kovner

**Attachments:** [Service Authorization\\_092917 ADA Engineering.pdf](#)  
[Stormwater Master Plan Service Authorization \(signed\)](#)

- 6.E. [17-803](#) SERVICE AUTHORIZATION NO. 17-01 WITH CB&I ENVIRONMENTAL & INFRASTRUCTURE, INC. IN AN AMOUNT NOT-TO-EXCEED \$198,473 FOR THE SEAWALL VULNERABILITY ANALYSIS.

**Recommendation:** Motion to Approve Service Authorization No. 17-01 to CB&I Environmental & Infrastructure, Inc. (CBI) in the amount not-to-exceed \$198,473 for the Seawall Vulnerability Analysis (Project No. 17-048).

**Sponsors:** Environmental Services Department

**Attachments:** [Seawall Vulnerability Analysis -Service Authorization \(signed\)](#)

- 6.F. [17-766](#) RATIFY AMENDMENT NO. 1 AND APPROVAL OF AMENDMENT NO. 1 WITH STO LANDSCAPE SERVICES, INC. FOR POMPEY PARK BASEBALL FIELD MAINTENANCE SERVICE

**Recommendation:** Motion to Ratify Amendment No. 1 with and approve Amendment No. 1 with STO Landscape Services, Inc. in an amount not-to-exceed \$38,160.

**Sponsors:** Purchasing Department

**Attachments:** [Legal Review Checklist form v. 3 Amend. #1 STO Landscape](#)  
[2016-071 STO Agreement](#)

- 6.G. [17-792](#) RATIFY AMENDMENT NO. 1 AND APPROVAL OF AMENDMENT NO. 1 WITH L. V. SUPERIOR LANDSCAPING, INC. FOR I-95 INTERCHANGE ANNUAL

**Recommendation:** Motion to Ratify Amendment No. 1 with and approve Amendment No. 1 with L. V. Superior Landscaping, Inc. in an amount not-to-exceed \$77,190.

**Sponsors:** Parks & Recreation Department

**Attachments:** [Legal Review Checklist form v. 3 LV Superior](#)  
[City of Delray Beach Agreement 08.10.17](#)

- 6.H. [17-776](#) INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY FOR FIRE PREVENTION AND LIFE SAFETY CAPTAIN POSITION

**Recommendation:** Motion to approve the Interlocal Agreement between the City of Delray Beach and the Delray Beach Community Redevelopment Agency.

**Sponsors:** Fire Rescue Department

**Attachments:** [Interlocal Agreement Community Redevelopment](#)  
[Legal Review Check list](#)

- 6.I. [17-829](#) RESOLUTION NO. 74-17 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, TERMINATING THE STATE OF EMERGENCY PREVIOUSLY DECLARED IN RESPONSE TO HURRICANE IRMA PURSUANT TO CHAPTER 95 OF THE CITY CODE OF; PROVIDING AND AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

**Recommendation:** The City Commission hereby deactivates the City's Emergency Management system and in accordance with Chapter 95 of the City of Delray Beach Code of Ordinances does hereby terminate the previously declared State of Emergency.

**Sponsors:** City Clerk Department

**Attachments:** [Resolution No. 74-17 - Termination of State of Emergency](#)

- 6.J. [17-799](#) TERMINATION AGREEMENT AND MUTUAL RELEASE OF THE PARKING COMPLIANCE AGREEMENT WITH THE METROPOLITAN AT DELRAY, LLC AND SUNTRUST BANK

**Recommendation:** Motion to Approve the Termination Agreement and Mutual Release, as presented.

**Sponsors:** Planning & Zoning Department

**Attachments:** [Delray-SunTrust Agreement Termination Request 09.27.17](#)  
[Termination and Release between the City SunTrust and Metropolitan-Signed 10.05.17](#)  
[Parking compliance agreement recorded](#)  
[EXHIBIT A - Map of Parcels 1 thru 8](#)

Deputy Vice Mayor Johnson had questions regarding the termination agreement and mutual release of the parking compliance agreement with the Metropolitan at Delray, LLC and Suntrust Bank.

Mr. Stillings gave an overview of the regulations and the rules that were adopted recently.

Commissioner Petrolia was concerned with the loss of parking spaces in the downtown area.

Vice Mayor Chard made a motion to approve the item 6.J. It was seconded by Commissioner Petrolia. A Roll Call vote was taken and all were in favor. The motion carried 5-0.

## 6.K. PROCLAMATIONS:

- 6.K.1. [17-802](#) DELRAY BEACH FIRE RESCUE DEPARTMENT APPRECIATION MONTH - PROCLAMATION

**Sponsors:** City Clerk Department

**Attachments:** [Firefighters Delray Beach - Proclamation 2017](#)

Mayor Glickstein read the proclamation for the Delray Beach Fire Rescue Department Appreciation Month.

**6.K.2. [17-804](#) DOMESTIC VIOLENCE AWARENESS MONTH - PROCLAMATION**

**Sponsors:** City Clerk Department

**Attachments:** [October2017DomesticViolenceMonthProclamation\\_Delray](#)

Mayor Glickstein read a proclamation for Domestic Violence Awareness Month.

**6.K.3. [17-830](#) EMPLOYEE RECOGNITION FOR WORK DURING HURRICANE IRMA**

**Recommendation:** Recognize the efforts of all City employees for their dedication and commitment to serve the residents in the City of Delray Beach during Hurricane Irma

**Attachments:** [City Employee Recognition](#)

Mayor Glickstein read an Employee Recognition Proclamation for work during Hurricane Irma by city employees and thanked them for their service.

**6.L. AWARD OF BIDS AND CONTRACTS:**

**6.L.1. [17-821](#) TENNIS COURT RESURFACING - DELRAY BEACH TENNIS CENTER AND DELRAY BEACH SWIM AND TENNIS CLUB - REPAIRS DUE TO HURRICANE IRMA DAMAGE**

**Recommendation:** Motion to approve contract between PTCS Professional Tennis Court and the City of Delray Beach in the amount of \$205,000 to resurface the clay tennis courts at the Delray Beach Tennis Center and the Delray Beach Swim and Tennis Club.

**Sponsors:** Parks & Recreation Department



**Attachments:** [3 quotes for clay resurfacing](#)

[Bid Waiver Tennis Court Resurfacing - Repairs Needed Due to Hurricane Irma Damage](#)  
[Acquisition Memo - Tennis Court Resurfacing - Repairs Needed due to Hurricane Irma Damage 2](#)  
[Legal Review Checklist Tennis Court Resurfacing with Professional Tennis Court Servies](#)  
[Approved signed contract 10-10-17](#)

## 7. REGULAR AGENDA:

- 7.A. [17-839](#) This Agreement is made and entered into this 17th day of October, 2017, by and between the CITY OF DELRAY BEACH, FLORIDA, a municipal corporation, hereinafter called "Employer" or "City," and MARK R. LAUZIER, hereinafter called "Employee" or "Mark R. Lauzier."

**Recommendation:** The parties acknowledge that Employee is appointed and shall serve at the pleasure of the Commission.

**Attachments:** [Delray Beach-Lauzier Final Signed Employment Contract 10-16-17](#)

W.D. Higginbotham of the Mercer Group reported on the agreement reached between the City of Delray Beach and Mr. Mark R. Lauzier for the city Manager position. His start date will be November 6, 2017.

Vice Mayor Chard had several questions regarding salary and moving costs. Deputy Vice Mayor Johnson had questions regarding a vehicle allowance and sick leave.

Commissioner Petrolia welcomed Mr. Lauzier and look forward to working with him in the future.

Commissioner Katz made a motion to approve the agreement. It was seconded by Vice Mayor Chard. A Roll Call vote was taken and all were in favor. The motion carried 5-0.

- 7.B. [17-815](#) CITY COMMISSION APPEAL OF THE HISTORIC PRESERVATION BOARD APPROVALS OF CERTIFICATES OF APPROPRIATENESS FOR MULTIPLE DEMOLITIONS AND RELOCATIONS ASSOCIATED WITH THE SWINTON COMMONS PROJECT (NOW REFERRED TO AS MIDTOWN DELRAY) GENERALLY LOCATED AT THE SOUTHWEST CORNER OF ATLANTIC AND SWINTON AVENUES (QUASI-JUDICIAL HEARING)

**Recommendation:** The recommendation is to approve the Certificates of Appropriateness (COA) for Buildings D, G, H, T, U, V, W, X, and Y, more specifically

described below.

#### RELOCATIONS:

Approve the COA (2016-072) for the relocation of the contributing structure on the property located at 21 SW 1st Avenue (Building 'D') in the Old School Square Historic Arts District (OSSHAD) to the property located at southwest section of the Sundy Block (address to be determined) by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Approve the COA (2016-061), a.k.a. Yellow House, for the relocation of the contributing structure on the property located at 44 South Swinton Avenue (Building 'G') in OSSHAD to the property located south central on the Sundy Block (address to be determined) by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Approve the COA (2016-057), a.k.a. White House, for the demolition/relocation/reconstruction of the contributing structure on the property located at 10 SE 1st Street on Block 70 (Building 'H'), to same property located slightly north of its current site on Block 70 facing SE 1st Street., OSSHAD (address likely to be the same) by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

#### DEMOLITIONS:

Approve the COA (2016-065) for the demolition of a non-contributing structure (Building 'T') located at 52 W. Atlantic Avenue Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is consistent with LDR Sections 4.5.1(E)(5) and 4.5.1(F), Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Approve the COA (2016-068) built in 2001 for the demolition of a non-contributing structure (Building 'U') located at 20 W Atlantic Avenue, Old School Square Historic District, by adopting the findings of fact and law

contained in the staff report and finding that the request is consistent with LDR Sections 4.5.1(E)(5) and 4.5.1(F), Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Approve the COA (2016-058) for the demolition of a contributing structure/accessory structure (Building 'V') located at 35½ SW 1st Avenue, Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is consistent with LDR Sections 4.5.1(E)(5) and 4.5.1(F), Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Approve the COA (2016-062) for the demolition of a contributing structure (Building "W") located at 14 SE 1st Street, Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is consistent with LDR Sections 4.5.1 (E)(5) and 4.5.1(F), Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Approve the COA (2016-06)6 for the demolition of a contributing structure (Building 'X') that has lost its character defining features of its Mission Revival style located at 18 SE 1st St, Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is not consistent with LDR Sections 4.5.1 (E)(5) and 4.5.1(F), Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Approve the COA 2016-067 for the demolition of a contributing structure/accessory structure (Building 'Y') located at 18½ SE 1st Street, Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is not consistent with LDR Sections 4.5.1 (E)(5) and 4.5.1(F), Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Approve the COA 2016-059 for the demolition of a contributing structure (Building 'Z') located at 48 SE 1st Avenue, Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is not consistent with LDR Sections 4.5.1 (E)(5) and 4.5.1(F), Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

**Sponsors:** Planning & Zoning Department

**Attachments:** [CC Board Order -Appeal of HPB approvals 02.02.06](#)  
[Swinton Commons Class V Staff Report 10.17.17](#)  
[Relocation-Demolition Location Map 10.17.17](#)  
[Relocation Report Building 'D' FINAL](#)  
[Relocation Report Building 'G' FINAL](#)  
[Relocation Report Building 'H' FINAL](#)  
[Demolition Report Building T FINAL](#)  
[Demolition Report Building U FINAL](#)  
[Demolition Report Building V FINAL](#)  
[Demolition Report Building W FINAL](#)  
[Demolition Report Building X FINAL](#)  
[Demolition Report Building Y FINAL](#)  
[Demolition Report Building Z FINAL](#)

City Clerk, Katerri Johnson swore in the applicants.

Item 7.B. the city Commission appeal of the Historic Preservation Board approvals of certificates of appropriateness for multiple demolitions and relocations associated with the Swinton Commons project generally located at the southwest corner of Atlantic Avenue.

The Commissioners reported on all of the people they were in contact with regarding this application.

Mr. Stillings recommended approval of the relocation and demolition requests consistent with the action taken by the Historic Preservation Board.

Bonnie Miscal on behalf of the petitioner, gave a presentation on this matter. She reported that they still need to submit a site plan. A discussion ensued.

Mayor Glickstein opened the meeting up for public comment.

Dr. Victor Kurson of Tierra Verde attended the Historic Preservation Board meeting and stated they should submit a new site plan.

Commissioner Katz made a motion to postpone voting on these items until they are heard by the Historic Preservation Board. It was seconded by Commissioner Petrolia. A Roll Call vote was taken and all were in favor. The motion carried 5-0.

7.C. [17-811](#) WAIVER REQUESTS FOR THE WEST ATLANTIC AVENUE PUBLIX TO THE CENTRAL BUSINESS DISTRICT (CBD) LAND DEVELOPMENT REGULATIONS (QUASI-JUDICIAL HEARING)

**Recommendation:** Motion to Approve with conditions seven waivers from LDR Section 4.4.13 Central Business District (CBD) for a full service grocery store, the West Atlantic Avenue Publix (2017-215), by adopting the findings of fact and law contained in the staff report, and finding that the requests are consistent with the Comprehensive Plan and meet the criteria set forth in Sections 2.4.7(B)(5) and 4.4.13(K)(8)(b)(2) of the Land Development Regulations for the property on the south side of Atlantic Avenue, between SW 6th Avenue and SW 7th Avenue.

**Sponsors:** Planning & Zoning Department

**Attachments:** [CC Order Waiver Requests for West Atlantic Publix 10-3-17](#)  
[West Atlantic Publix LOCATION MAP](#)  
[W Atlantic Ave Publix STAFF REPORT Final 10-3-17\[65472\]](#)  
[West Atlantic Publix Waiver Justification](#)  
[W Atlantic Ave Publix Elev 11x17](#)  
[W Atlantic Ave Publix SITE PLAN 11x17](#)

Randy Houlihan with Pasadena Capital spoke on the seven waiver requests for the West Atlantic Publix to the Central Business District Land Development regulations. Bill Fisher of Fisher Architects and Brian Robello of Publix Supermarkets also attended and gave the presentation.

Mr. Stillings recommended approving the waivers with a modification of increasing the size of the parking lot and reduce the square footage.

Mayor Glickstein opened the meeting up for public comment.

Dr. Victor Kurson of Tiera Verde is in favor of Publix on West Atlantic Avenue.

Mayor Glickstein closed the public portion of the meeting.

Deputy Vice Mayor Johnson was concerned with loitering in the Civic Open Space area.

Mr. Lohman read all the waivers for the Board Order. All were in favor.

Commissioner Katz made a motion to approve. It was seconded by Commissioner Petrolia. A Roll Call vote was taken and all were in favor. The motion carried 5-0.

**7.D.**     [17-796](#)     NOMINATION FOR APPOINTMENT TO THE GENERAL EMPLOYEES RETIREMENT FUND COMMITTEE

**Recommendation:** Motion to approve 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 Fund Committee Board Member List](#)

[General Employees Retirement Committee Attendance List](#)

Mayor Glickstein nominated Howard Ellingsworth to the General Employees Retirement Fund Committee. It was seconded by Commissioner Petrolia. A Roll Call vote was taken and all were in favor. The motion carried 5-0.

**7.E.**     [17-797](#)     NOMINATION FOR APPOINTMENT TO THE KIDS AND COPS COMMITTEE

**Recommendation:** Motion to recommend nominations for appointment for two (2) At-Large Representative members to serve on the Kids and Cops Committee for two (2) year terms ending July 31, 2019.

**Sponsors:** City Clerk Department

**Attachments:** [Exhibit A](#)

[Kids & Cops Committee Member List](#)

[Kids and Cops Committee Attendance List](#)

Commissioner Katz nominated Corey Cassidy to the Kids and Cops Committee. It was seconded by Commissioner Petrolia. A Roll Call vote was taken and all were in favor. The motion carried 5-0.

Deputy Vice Mayor Johnson passed her nomination.

**7.F.**     [17-817](#)     NOMINATION FOR APPOINTMENT TO THE SITE PLAN REVIEW AND APPEARANCE BOARD

**Recommendation:** Motion to approve nomination for appointment for one (1) regular member to serve on the Site Plan Review and Appearance Board for an unexpired term ending August 31, 2018.

**Sponsors:** City Clerk Department

**Attachments:** [Exhibit A](#)  
[Site Plan Review and Appearance Board Member List](#)  
[Site Plan Review and Appearance Board.2](#)

Vice Mayor Chard nominated Robert Long to the Site Plan Review and Appearance Board. It was seconded by Commissioner Petrolia. A Roll Call vote was taken and all were in favor. The motion carried 5-0.

## 8. PUBLIC HEARINGS:

- 8.A. [17-805](#) ORDINANCE NO. 35-17: UPDATE OF THE CITY OF DELRAY BEACH CAPITAL IMPROVEMENT ELEMENT WITH THE ADOPTED FIVE-YEAR CAPITAL IMPROVEMENT PLAN (SECOND READING)

**Recommendation:** **Recommended Action:**

By motion approve Ordinance No. 35-17 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 2017-18 through FY 2021-22, and FY 2017-18 Capital Improvement Budget with the City of Delray Beach (City) Comprehensive Plan.

**Sponsors:** Planning and Zoning Board

**Attachments:** [Ordinance No. 35-17 CIP FY17-18 - FINAL](#)  
[P&Z Board Staff Report with revised tables](#)  
[Complete CIP Summary](#)

Mr. Lohman read Ordinance 35-17, it is the second reading and public hearing of this ordinance. The ordinance updates the Capital Improvement element with the adopted five-year Capital Improvement Plan.

Mayor Glickstein opens the meeting up for public comment. Hearing none, he closes the public portion.

Commissioner Petrolia made a motion to approve Ordinance 35-17. It was seconded by Commissioner Katz. A Roll Call vote was taken. Commissioner Petrolia- yes Vice Mayor Chard- no Commissioner Katz- yes Deputy Vice Mayor Johnson- yes Mayor Glickstein- yes The motion carried 4-1.

- 8.B. [17-806](#) ORDINANCE NO. 36-17: ESTABLISHING AND IMPOSING A TEMPORARY MORATORIUM WITHIN THE CITY OF DELRAY BEACH ON

THE SUBMITTAL AND PROCESSING OF APPLICATIONS, AND ISSUANCE OF ANY PERMITS PERTAINING TO COLLOCATION ON EXISTING OR THE CREATION OF NEW UTILITY POLES IN THE RIGHT-OF-WAY TO SUPPORT SMALL WIRELESS FACILITIES OR MICRO WIRELESS FACILITIES UNTIL DECEMBER 31, 2017, TO ALLOW AN OPPORTUNITY TO DEVELOP REGULATIONS CONSISTENT WITH CHAPTER 2017-136, REGULATIONS LAWS OF FLORIDA. (SECOND READING)

**Recommendation:** Motion to Approve Ordinance No. 36-17, as presented on second reading.

**Attachments:** [HB 687 Wireless in ROW](#)

[Ord. 36-17 Wireless Infrastructure Deployment Ordinance MORATORIUM](#)

Mr. Lohman read Ordinance 36-17. It is the second reading and public hearing of an Ordinance establishing and imposing a temporary moratorium within the city of Delray Beach on the submittal and processing of applications, and issuance of any permits pertaining to collocation on existing or the creation of new utilities lines.

Mayor Glickstein opened the meeting for public comment. Hearing none, he closed the public portion.

Commissioner Petrolia made a motion to approve the ordinance. It was seconded by Vice Mayor Chard. A Roll Call vote was taken and all were in favor. The motion carried 5-0.

**8.C.** [17-820](#)

RESOLUTION NO. 71-17 TERMINATION OF 2011 ATLANTIC CROSSING DEVELOPMENT AGREEMENT (SECOND PUBLIC HEARING)

**Recommendation:** Motion to approve Termination of 2011 Atlantic Crossing Development Agreement.

Announce October 17, 2017 at 6:00 p.m. as the date for the second public hearing and consideration of Resolution No. 71-17 to terminate the Development Agreement.

**Sponsors:** City Attorney Department

**Attachments:** [Resolution 71-17](#)

[Termination of Development t Agreement](#)

[Executed Development Agreement](#)

[Settlement Addendum Executed](#)

Mr. Lohman read Resolution 71-17 it is a termination of 2011 Atlantic Crossing Development Agreement. This is the second public hearing.

Mayor Glickstein opened the meeting up for public comment. Hearing none, he closed the public portion.



Commissioner Petrolia made a motion to approve Resolution 71-17. It was seconded by Commissioner Katz. A Roll Call vote was taken and all were in favor. The motion carried 5-0.

## 9. FIRST READINGS:

### 9.A. [17-788](#)

ORDINANCE NO. 32-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE FUTURE LAND USE MAP AMENDMENT FROM TRANSITIONAL (TRN) TO GENERAL COMMERCIAL (GC), PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT", FLORIDA STATUTES SECTION 163.3187, FOR A PARCEL OF LAND LOCATED ON THE NORTHWEST CORNER OF LA MAT AVENUE AND FREDERICK BOULEVARD, AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING A CONFLICTS CLAUSE; AND A SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

**Recommendation:**

Move to approve on First Reading, Ordinance No. 32-17, a privately-initiated Future Land Use Map amendment from Transitional (TRN) to General Commercial (GC) for the parcel of land located at the northwest corner of LaMat Avenue and Frederick Boulevard, by adopting the findings of fact and law contained in the staff report, and the finding that the request is consistent with the Comprehensive Plan, South Federal Highway Redevelopment Plan and meets the criteria set forth in Sections 3.1.1 of the Land Development Regulations.

**Sponsors:** Planning and Zoning Board

**Attachments:** [Ordinance No. 32-17](#)

[Planning and Zoning Board Staff Report of August 21, 2017](#)

Mr. Lohman read Ordinance 32-17 on first reading. It is an ordinance of the City Commission adopting a small-scale future land use map amendment from Transitional (TRN) to General Commercial (GC), pursuant to the provisions of the Community Planning Act.

Mr. Stillings reported that Mr. Winer of 6611 Broken Sound Parkway, Boca Raton is here to give a presentation on behalf of Greico Motors. He would like to see the property be rezoned to General Commercial.

Commissioner Katz made a motion to approve Ordinance 32-17. It was seconded by Vice Mayor Chard. A Roll Call vote was taken. Deputy Vice Mayor Johnson- no Mayor Glickstein- yes Commissioner Petrolia- yes Vice Mayor Chard- yes Commissioner Katz- yes The motion carried 4-1.

**9.B.**     [17-789](#)

ORDINANCE NO. 33-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND PLACING LAND PRESENTLY ZONED SPECIAL ACTIVITIES DISTRICT (SAD) DISTRICT IN PART, GENERAL COMMERCIAL (GC) DISTRICT IN PART, NEIGHBORHOOD COMMERCIAL (NC) DISTRICT IN PART, AND MULTIPLE FAMILY RESIDENTIAL-MEDIUM DENSITY (RM) DISTRICT IN PART TO AUTOMOTIVE COMMERCIAL (AC) DISTRICT; SAID LAND LYING BETWEEN SOUTH FEDERAL HIGHWAY AND FREDERICK BOULEVARD, AND BETWEEN AVENUE F (FLADELL WAY) AND LAMAT AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING "CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017"; PROVIDING A CONFLICTS CLAUSE; AND A SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

**Recommendation:**

Move to approve on First Reading, Ordinance No. 33-17, a privately-initiated rezoning from SAD in part, GC in part, NC in part and RM in part to AC for the properties located within Block 24 and Block 25, Del Raton Park, 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 the South Federal Highway Redevelopment Plan and meets the criteria set forth in Sections 2.4.5(D)(5), 3.1.1 and 3.2.2 of the Land Development Regulations.

**Sponsors:** Planning and Zoning Board

**Attachments:** [Ordinance No. 33-17](#)

[Planning and Zoning Board Staff Report of August 21, 2017](#)

[Exhibit A - Excerpt from the South Federal Highway Redevelopment Plan](#)

Mr. Lohman read Ordinance 33-17 on first reading. It is an Ordinance to rezone and placing land presently zoned Special Activities District (SAD) district in part, General Commercial (GC) district in part.

Mr. Stillings explained the rezoning of the ordinance.

Commissioner Petrolia made a motion to approve the Ordinance 33-17. It was seconded by Vice Mayor Chard. A Roll Call vote was taken and all were in favor. The motion carried 5-0.

- 9.C. [17-712](#) ORDINANCE NO. 37-17: REPEAL OF LAND DEVELOPMENT REGULATION SECTIONS 4.5.3 "FLOOD DAMAGE CONTROL DISTRICTS" AND 4.5.4 "COASTAL CONSTRUCTION" (FIRST READING)

**Recommendation:** Motion to approve Ordinance No. 37-17, repeal of Section 4.5.3 and 4.5.4 of the Land Development Regulations, as presented.

**Sponsors:** Planning & Zoning Department

**Attachments:** [Ord 37-17 repealing LDR 4.5.4 coastal construction - REVISED](#)  
[09.22.17 TRS 9-27-17 LG REV](#)

Mr. Lohman read Ordinance 37-17 on first reading. It is an Ordinance to repeal the Land Development Regulations Sections 4.5.3 "Flood Damage Control Districts" and 4.5.4. "Coastal Construction.

Mr. Stillings explained the ordinance.

Commissioner Petrolia made a motion to approve the Ordinance. It was seconded by Commissioner Katz. A Roll Call vote was taken and all were in favor. The motion carried 5-0.

- 9.D. [17-784](#) ORDINANCE NO. 38-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH; BY AMENDING ARTICLE 2.4 "GENERAL PROCEDURES", SECTION 2.4.5 "PROCEDURES FOR OBTAINING DEVELOPMENT APPROVALS", SUB-SECTION 2.4.5(A) "AMENDMENTS TO THE COMPREHENSIVE PLAN" AND REPEALING CHAPTER 9, "THE COMPREHENSIVE PLAN" IN ITS ENTIRETY, PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

**Recommendation:** Approve Ordinance No. 38-17 on First Reading for the amendments to Land Development Regulations as specified in attached Ordinance No. 38-17, as presented.

**Sponsors:** Planning and Zoning Board

**Attachments:** [Ordinance No. 38-17](#)  
[PZB Report of September 18, 2017](#)

Mr. Lohman read Ordinance 38-17 on first reading. It is an Ordinance amending the Land Development Regulations by amending Article 2.4 "General Procedures", Section 2.4.5.

Mr. Stillings gave an overview on the changes made in the ordinance.

Vice Mayor Chard made a motion to approve the Ordinance. It was seconded by Commissioner Petrolia. A Roll Call vote was taken and all were in favor. The motion carried 5-0.

- 9.E.**     [17-775](#)     ORDINANCE NO. 39-17: A CITY-INITIATED AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS (LDR) TO AMEND SECTION 4.4.13(I) (2) TO NOT REQUIRE ADDITIONAL PARKING FOR A CHANGE OF USE IN AN EXISTING BUILDING FOR A PERIOD OF THREE YEARS. (FIRST READING)

**Recommendation:** Motion to Approve Ordinance No. 39-17, as presented, by adopting the findings of fact and law contained in the staff report and finding the text amendment and approval

**Sponsors:** Planning & Zoning Department

**Attachments:**   [Ord 39-17 CBD Regulations - West Atlantic - Parking Requirements for Changes in Commercial Use 09.22.17](#)  
[LDR Section 4.4.13 CBD 2015 3](#)  
[LDR Section 4.4.13 CBD 2015 7](#)  
[PZB Report--W Atlantic Parking LDR Amendmetn 09.14.17](#)

Mr. Lohman read Ordinance 39-17 on first reading. It is an amendment to the Land Development Regulations to amend Section 4.4.13 (I)(2) to not require additional parking for a change in use in an existing building for a period of three years.

Mr. Stillings explained the Ordinance and the costs involved.

Commissioner Katz made a motion to approve the Ordinance. It was seconded by Deputy Vice Mayor Johnson. A Roll Call vote was taken and all were in favor. The motion carried 5-0.

- 9.F.**     [17-827](#)     ORDINANCE NO. 41-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 34, "ELECTIONS", OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING SECTION 34.16(A), "FILING OF NOMINATING PETITION", TO AMEND THE QUALIFYING DATES FOR THE CITY OF DELRAY BEACH'S GENERAL ELECTION AT THE REQUEST OF THE SUPERVISOR OF ELECTIONS; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 34 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:** Change the qualifying period to the first fourteen (14) business days in December immediately prior to the calendar year in which the election is to be held.

**Sponsors:** City Clerk Department

**Attachments:** [Ord 41-17 Amending Sec 34.16 Filing of Nominating Petition](#)

Mr. Lohman read Ordinance 41-17 on first reading. It is an Ordinance amending Chapter 34, "Elections", of the code of ordinances by amending Section 34.16(A) the filing of nominating petitions.

A discussion ensued.

Commissioner Petrolia made a motion to approve the Ordinance. It was seconded by Deputy Vice Mayor Johnson. A Roll Call vote was taken. Deputy Vice Mayor Johnson- yes Commissioner Petrolia- yes Commissioner Katz- yes Vice Mayor Chard- no Mayor Glickstein- yes. The motion carried 4-1.

## **10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:**

Deputy Vice Mayor Johnson nominated George Mckliesh to the Cops and Kids Committee. It was seconded by Commissioner Petrolia. A Roll Call vote was taken and all were in favor. The motion carried 5-0.

### **10.A. City Manager**

Caryn Gardner Young, Assistant City Manager needed to check with the Commission regarding a couple of meeting dates. They agreed to December 5th and 11th and to cancel the meeting on January 9th.

Commissioner Petrolia made a motion to approve the meeting date changes. It was seconded by Commissioner Katz. A Roll Call vote was taken and all were in favor. The motion carried 5-0.

### **10.B. City Attorney**

Mr. Lohman reported that the city of Boca Raton wants the surrounding municipalities to join in the lawsuit against Tyco for right of way designation.

Commissioner Petrolia made a motion to approve. It was seconded by Deputy Vice Mayor Johnson. A Roll Call vote was taken and all were in favor. The motion carried 5-0.

**10.C. City Commission**

Commissioner Katz had questions regarding First Night for New Year's Eve and why it was not in the budget. The Commission tasked Caryn Gardner Young to find the \$35,000 in the budget for this event.

Commissioner Petrolia was concerned with the high speeds people are traveling on Federal Highway near Anthony's Coal Fired Pizza. The Commission will let the Chief of Police know it is an area of concern and that more patrolling is needed.

Vice Mayor Chard requested that the November 21, 2017 be moved to November 20th. Commissioner Petrolia made a motion to approve moving the meeting date. It was seconded by Vice Mayor Chard. A Roll Call vote was taken and all were in favor. The motion carried 5-0.

Vice Mayor Chard recommended doing a workshop meeting for Special Magistrate vs. Code Enforcement Board. A discussion ensued. Vice Mayor Chard requested that a Manager's report be submitted as well as a financial report every month to the Commission.

Mayor Glickstein reported that there are several grants available to attend Palm Beach State College. He would like the wayfaring signs in town be replaced. He also discussed his meeting with the county.

There being no further business to discuss, Mayor Glickstein adjourned the meeting at 10:16 p.m.