

City of Delray Beach

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



Minutes - Draft

Tuesday, October 2, 2018

6:00 PM

Regular Meeting at 6:00 PM

Delray Beach City Hall

City Commission

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

1. ROLL CALL

Mayor Petrolia called the Regular City Commission Meeting to order at 6:00 p.m.

The roll call was taken by Patrice Harris, Agenda Coordinator.

The following were in attendance:

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

Others present were:

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

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

The City Manager stated Deputy Vice Mayor Johnson requested to have a brief discussion regarding Amendment #1 and there is an educational video to show under presentations about the Florida League of Cities efforts.

Commissioner Bathurst made a motion to approve the agenda as amended. It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. The motion carried 4-0.

The City Commission wished Commissioner Bathurst a Happy Birthday.

4. PRESENTATIONS:

- 4.A. [18-608](#) PRESENTING CAPTAIN CHRIS ZIDAR AND FIREFIGHTER CALVIN SMITH WITH EMPLOYEES OF THE MONTH FOR OCTOBER 2018.

Recommendation: Motion to approve Captain Chris Zidar and Firefighter Calvin Smith as Employees of the Month for October 2018.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)

[Nomination Form Captain Chris Zidar & Firefighter Calvin Smith.pdf](#)

Neal de Jesus, Fire Chief, stated Calvin Smith was a probationary firefighter when this rescue occurred. Chief de Jesus gave a few brief comments about the housefire that firefighter Calvin Smith was dispatched to and stated this turned into a search and rescue mode rather than a fire suppression mode. Chief de Jesus stated the woman who was rescued is home and doing well due to the heroic efforts of Captain Chris Zidar and firefighter Calvin Smith. In addition, Chief de Jesus stated Captain Chris Zidar also recently had an open water ocean rescue as well where he swam out and rescued two victims that were caught in a rip current underwater.

Sharon Liebowitz, Human Resources Director, presented firefighter Calvin Smith with 8 hours of paid vacation and a plaque.

The City Commission moved to **Item 4.C., Presentation for Amendment #1.**

Deputy Vice Mayor Johnson briefly explained Amendment #1 and how it will affect everyone at the local level. She stated this is not a tax cut, but instead is a tax shift where only a handful of homeowners' will receive most of the benefits and others will get most of the burden (i.e. fewer local services or higher local taxes).

Mayor Petrolia commented about Amendment #13 which is the phasing out of the dog tracks.

Mayor Petrolia introduced a special guest who was in the audience who had received a proclamation earlier regarding civility and requested that they be allowed to explain the proclamation during public comment.

4.B. [18-660](#)

ISO CLASS 1 PRESENTATION BY MR. MICHAEL MORASH,
COMMUNITY HAZARD MITIGATION MANAGER

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)

The City Commission moved to Item 4.B. before Item 4.A.

Neal de Jesus, Fire Chief, introduced Mr. Michael Morash, Community Hazard Mitigation Manager and also gave a few brief comments. Chief de Jesus gave kudos to the entire Fire-Rescue Department for their hard work and efforts in helping achieve the ISO Class 1 rating which represents superior property fire protection. Chief de Jesus stated the Delray

Fire-Rescue Department would like to be the best in the country and believes they will achieve this with the leadership and support of the City Manager and City Commission.

Michael Morash, Community Hazard Mitigation Manager, thanked Chief de Jesus and his staff for everything they have accomplished.

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

The City Manager deferred his comments until the end of the meeting under City Manager comments.

5.B. From the Public

Rosine Plank-Brumback, Chair of the Alternative Dispute Resolution (ADR) Committee of the Palm Beach County Bar Association, thanked the City Commission for proclaiming October 14-20, 2018 as Mediation Week and for promoting ADR in which mediation is used throughout the city.

John Sochacki, member of the ADR Committee, came forward and introduced himself.

Therese Tavano, 1361 N.W. 19th Terrace, #204, Delray Beach (Pines of Delray North), commented about the median strip on Congress Avenue heading south after Hunter's Run development and stated this is a Palm Beach County road. Ms. Tavano stated there have been several accidents in this area and expressed concern over the traffic signals exiting and entering her property. Ms. Tavano requested a traffic signal (right/left signals) so that they could enter and exit the properties opposite the Pines of Delray North. She stated the County did not see the need for this and therefore is asking for the assistance of the city. Ms. Tavano stated she has been in contact with the Palm Beach Traffic and Engineering Department regarding debris in the median. Ms. Tavano also requested there be a large entry sign installed on Congress Avenue entering Delray Beach. Ms. Tavano reported that the median has been partially cleaned and noted there was another accident at this intersection today. Ms. Tavano commented about the S.W. 20th Court property (Palm Beach County owns part of the sidewalk and it would require their approval before doing anything). She suggested that a chain link fence with a mesh on it be installed to cover the deplorable conditions of the three parcels in this area and noted it is also a fire hazard.

Mayor Petrolia gave direction to the City Manager to follow-up on Ms. Tavano's requests for (1) entry signage on Congress Avenue, (2) a flashing

light before the Pines of Delray North where a lot of accidents occur, and (3) the signals with respect to entering and exiting the Pines of Delray North (the City's Traffic Engineer talking with the County because this is a County road).

Kenneth McCall, 321 N.W. 3rd Avenue, Delray Beach, commented about Regal Avenue (North of Sterling Avenue and South of S.W. 10th Street). He commented that this road has never been completed. Mr. McCall commented about the unfinished road and raw garbage being dumped on this street which is near Pine Grove Elementary. He feels it is not fair to make the property owners in this area responsible for this and asked the City Commission for assistance.

Mitzi Kaitz, 331 N.E. 8th Avenue, Delray Beach, stated there is no parking for golf carts behind Johnny Brown's. She commented the parking spots for the golf carts are parallel (the longways) to the railroad tracks across from the Silverball Pinball Museum.

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

6. CONSENT AGENDA: City Manager Recommends Approval

Commissioner Boylston made a motion to approve the consent agenda. It was seconded by Deputy Vice Mayor Johnson. A roll call vote was taken and all were in favor. The motion carried 4-0.
approved

6.A. [18-641](#) MEETING MINUTES

Recommendation: Motion to approve meeting minutes as listed below:

September 11, 2018 City Commission Workshop Meeting Minutes

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Minutes September 11, 2018 City Commission Workshop Meeting](#)

approved

6.B. [18-587](#) FINAL (MINOR) SUBDIVISION REPLAT OF LOT 9, BLOCK 93 TOWN OF LINTON (NOW DELRAY BEACH) LOCATED AT 50 SE 4TH AVENUE AND ASSOCIATED AGREEMENTS FOR ARCADE ROW AND PEDESTRIAN CLEAR ZONE EASEMENT.

Recommendation: Motion to approve the Final Plat for 50 SE 4th Avenue; 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 criteria set forth in Section 2.4.5(K)(Minor Subdivisions) of the Land Development

Regulations along with approval for Pedestrian Access Easement pursuant to Sec. 4.4.13(E)(2)(a)2 and an Arcade Agreement pursuant to Sec. 4.4.14(E)(4)(f)1b of the LDRs.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Location Map](#)
[Mylar Plat](#)
[2.50 SE 4th Ave SP1](#)
[Arcade Agreement Final](#)
[Pedestrian Clear Zone Easement Agreement - Final](#)
[Reference only - Approved SPRAB Report w-board order approval](#)
[Legal Review Form-Replat-Pedestrian-ArcadeAgs-8-2-18](#)

approved

- 6.C. [18-588](#) FINAL (MINOR) SUBDIVISION (RE)PLAT OF THE LAKE EDEN SUBDIVISION LOCATED ON THE WEST END OF NW 22ND AVENUE, ADJACENT TO LAKE IDA.

Recommendation: Motion to approve the Final Plat for the replat of the Lake Eden Subdivision, 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 criteria set forth in Section 2.4.5(K)(Minor Subdivisions) of the Land Development Regulations.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[LAKE EDEN MANOR PLAT SHEET 1](#)
[LAKE EDEN MANOR PLAT SHEET 2](#)
[LAKE EDEN MANOR SURVEY](#)
[Location Map](#)
[Permitted building site plan](#)

approved

- 6.D. [18-618](#) APPROVAL OF AMENDMENT NO. 1 TO THE PURCHASE AND DELIVERY OF BULK GASOLINE AND DIESEL FUEL AGREEMENTS WITH MACMILLAN OIL COMPANY, INC. AND PETROLEUM TRADERS CORPORATION TO REVISE THE CONTRACT VALUE LANGUAGE IN THE AGREEMENTS AND INCREASE THE APPROVED NOT-TO-EXCEED CONTRACT VALUE BY \$400,000 THROUGH JUNE 6, 2020

Recommendation: Motion to approve Amendment No. 1 to the Purchase and Delivery of Bulk

Gasoline and Diesel Fuel Agreements with Macmillan Oil Company, Inc. and Petroleum Traders Corporation to revise the contract value language in the Agreements and increase the approved not-to-exceed contract value by \$400,000 through June 6, 2020.

Sponsors: Public Works Department - Fleet Division

Attachments: [Agenda Cover Report](#)
[2017-047 Amendment No. 1 with Macmillan, vendor executed](#)
[2017-047 Amendment No. 1 with PTC, vendor executed](#)
[Legal Review Checklist form v. 5 Amend No. 1 to MacMillian Oil Co](#)
[Legal Review Checklist form v. 5 Amend No. 1 to Petroleum Traders Co](#)
[Executed 2017-047 Agreement with Macmillan Oil](#)
[Executed 2017-047 Agreement with Petroleum Traders](#)

approved

6.E. [18-656](#) PROPOSED SETTLEMENT IN THE CASE OF RALPH PHILLIPS V. CITY OF DELRAY BEACH

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

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

approved

6.F. PROCLAMATIONS:

6.F.1. [18-639](#) PROCLAMATION FOR MEDIATION WEEK

Recommendation: Declare October 14, 2018 through October 20, 2018 as Mediation Week.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Mediation Week](#)

approved

6.G. AWARD OF BIDS AND CONTRACTS:

6.G.1. [18-489](#) APPROVAL OF RESOLUTION NO. 112-18 FOR A NOT-TO-EXCEED AMOUNT OF \$250,000 TO CINTAS INCORPORATED UTILIZING THE

U.S. COMMUNITIES GOVERNMENTAL PURCHASING ALLIANCE COOPERATIVE CONTRACT NO. 12-JLH-011C, FOR FIRE ALARM MONITORING AND MAINTENANCE SERVICES CITYWIDE

Recommendation: Motion to approve Resolution No. 112-18 for a not-to-exceed amount of \$250,000 to Cintas Incorporated, utilizing the U.S. Communities Governmental Purchasing Alliance Cooperative Contract No. 12-JLH-011C, for fire alarm monitoring and maintenance services citywide valid through March 31, 2019.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Resolution No.112-18 CAO approved.pdf](#)
[CAO Checklist.pdf](#)
[Master Contract Services AGMT CDB.pdf](#)
[Cintas Contract Renewals thru 3.31.2019.pdf](#)
[Cintas HCPS Master Agreement.pdf](#)
[Cintas Postings For Facilities Solutions RFP.pdf](#)
[Cintas 12 JLH 011 Facilities Solutions RFP.pdf](#)
approved

7. REGULAR AGENDA:

- 7.A. [18-592](#) REQUEST FOR A CONDITIONAL USE TO ESTABLISH A CONVENIENCE MART (GASOLINE STATION WITH FOOD SALES) AT 16000 S. MILITARY TRAIL (7 ELEVEN-#34798) (QUASI-JUDICIAL HEARING)

Recommendation: Motion to approve the Conditional Use for a Convenience Mart (Gasoline Station with food sales) at 16000 S. Military Trail for 7 Eleven #34798 by adopting the findings of fact and law contained in the staff report and the finding that the request is consistent with Section 2.4.5(E)(5), Conditional Use Findings and Chapter 3, Performance Standards, and is consistent with the Comprehensive Plan with the following condition:

1. Prior to consideration of the site plan by the Site Plan Review and Appearance Board (SPRAB), the proposed development must meet the Traffic Performance Standards of Palm Beach County.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Location Map - 7 Eleven CU](#)
[Conditional Use Board Order - 7 Eleven](#)
[7 ELEVEN CONDITIONAL USE 16000 S. MILITARY- staff report final](#)
[101 - 09725.24-SP-101-Site Plan](#)
[Vehicle Circulation Plan-TR-101](#)

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

The City Clerk swore in those individuals who wished to give testimony on this item.

Mayor Petrolia asked the City Commission to disclose any ex parte communications. Deputy Vice Mayor Johnson, Commissioner Bathurst, and Commissioner Boylston stated they had no ex parte communications to disclose. Mayor Petrolia stated she had conversations some time ago in a meeting (does not recall names) regarding the thought process of moving to this point and she believes those individuals are present this evening.

Tim Stillings, Development Services Director, entered the project file #2018-072 into the record.

Josh Long, Planner for the project with Gunster Law Firm, West Palm Beach, that gave testimony on July 10, 2018 they requested a waiver for floor area for this small site. On July 17, 2018, the Green Implementation Advancement Board (GIAB) recommended approval of the application and on August 20, 2018, the Planning and Zoning Board recommended approval of the application. Staff recommends approval and they agree with staff's analysis that they do meet the conditional use standards for the land use and zoning. Mr. Long stated they meet the concurrency and one condition of approval is that they must provide the Palm Beach County Traffic Performance Standards (TPS) letter before being placed on the Site Plan Review and Appearance Board (SPRAB). Mr. Long stated they comply with the consistency, several elements in the Comprehensive Plan, and the specific standards as outlined in the staff report.

Mr. Stillings gave a brief presentation regarding this project. Staff recommends approval subject to the condition of approval that prior to this being placed on the Site Plan Review and Appearance Board (SPRAB) agenda, the proposed development must meet the Traffic Performance Standards (TPS) of Palm Beach County. Mr. Stillings stated the Planning and Zoning Board recommended approval with a 5-0 vote and staff also recommends approval of the request.

Mayor Petrolia opened the public comment for this item. There being no one from the public who wished to give testimony on this item, the public comment section was closed.

There was no cross-examination or rebuttal.

Mayor Petrolia inquired about the landscape hedging and buffering around the backside of the store.

Mr. Long stated they will be enhancing the landscape and they have reviewed the proposed architecture facade elements.

Deputy Vice Mayor Johnson asked about the hours of operation and what is directly across the street. Mr. Long stated the hours of operation will be 24/7 and there are other commercial uses. Deputy Vice Mayor Johnson also inquired if there has been any opposition. Mr. Stillings stated staff has not received any opposition.

The City Attorney briefly reviewed the Board Order with the City Commission. The City Commission unanimously approved the Board Order subject to the condition of approval.

Commissioner Boylston made a motion to approve Item 7.A., subject to the condition that the applicant must provide the Palm Beach County Traffic Performance Standards (TPS) letter prior to this being placed on the Site Plan Review and Appearance Board (SPRAB) agenda. It was seconded by Deputy Vice Mayor Johnson. A roll call vote was taken and all were in favor. The motion carried 4-0.

approved

7.B. [18-621](#)

ALWAYS DELRAY COMPREHENSIVE PLAN UPDATE:
PRESENTATION OF THE OPEN SPACE, PARKS, AND RECREATION
ELEMENT (FORMERLY KNOWN OPEN SPACE AND RECREATION)

Recommendation: Provide comment and direction regarding the proposed Open Space, Parks, and Recreation Element of the Always Delray Comprehensive Plan.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[OPR Data, Inventory, and Analysis \(DIA\)](#)
[OPR DIA Maps1-6](#)
[OPR Goals Objectives Policies](#)
[OPR GOP Map 1](#)
[OPR Florida Statute Compliance Appendix](#)
[Existing Open Space & Recreation Element](#)

Tim Stillings, Development Services Director, stated Item 7.B. and Item 7.C. are both related to the Comprehensive Plan update and he gave a brief presentation. Mr. Stillings stated staff is only looking for direction this evening and at a later date these two items will be brought back for City Commission action to transmit to the State.

Deputy Vice Mayor Johnson stated there are no restrooms at the park west of Pine Grove Elementary School along with the Catherine Strong Park.

Sam Metott, Assistant Director of Parks and Recreation, stated this Comprehensive Plan did not get into specifics at each park; however, staff can look into this.

Mayor Petrolia commented that staff will be working on a Master Plan for all of the parks throughout the city and that would be the appropriate time to incorporate this.

Deputy Vice Mayor Johnson commented that the longer the golf course is neglected, the more difficult it will be to bring it back. Commissioner Bathurst concurred and commented that the City needs to keep and improve the golf course.
approved

7.C. [18-622](#) ALWAYS DELRAY COMPREHENSIVE PLAN UPDATE:
PRESENTATION OF THE STRATEGIC PARTNERSHIPS
ELEMENT (FORMERLY KNOWN AS INTERGOVERNMENTAL
COORDINATION ELEMENT)

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

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[SPE Data Inventory Analysis \(DIA\)](#)
[MAP_SPE1_MunicipalCityLimits](#)
[SPE Goals Objectives Policies \(GOP\)](#)
[SPE Compliance with Statute Memo](#)
[Existing Intergovernmental Coordination Element](#)

Mr. Stillings briefly reviewed Item 7.C., a presentation of the strategic partnerships element (formerly known as the intergovernmental coordination element).

approved

8. PUBLIC HEARINGS:

- 8.A. [18-625](#) ORDINANCE NO. 25-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES BY AMENDING SECTION 4.4.13 "CENTRAL BUSINESS (CBD) DISTRICT", BY AMENDING SUB-SECTION (D), "CONFIGURATION OF BUILDINGS", SUB-SUB SECTION (1), "STANDARDS FOR CBD GENERALLY", PARAGRAPH (a), "BUILDING HEIGHT", TO DEFINE THE PROPERTIES LOCATED WITHIN THE ATLANTIC AVENUE HEIGHT LIMIT AREA; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

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

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ord 25-18](#)
[Exhibit A Ord 25-18](#)
[Staff Report](#)

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

Tim Stillings, Director of Development Services, stated this is an LDR text amendment changing the Atlantic Avenue limited height boundary previously on the north side of Atlantic Avenue. Mr. Stillings stated this currently extends to N.E. 1st Avenue and this proposed amendment would shift it to the east to a line 118 west of N.E. 2nd Avenue and removing limited height restrictions which is 3-stories or 38 feet. Therefore, Mr. Stillings stated those properties would be allowed to be built at 54 feet or

4-stories as long as all the other requirements are met in the LDRs. Staff recommends approval.

Mayor Petrolia declared the public hearing open.

Billy Himmelrich, 45 N. Congress Avenue, Delray Beach, owner of the Old School Bakery, gave a few brief comments.

Mitzi Kaitz, 331 N.E. 8th Avenue, Delray Beach, stated the beauty of Atlantic Avenue is the low-rises and she feels the City is setting a precedence.

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

The City Attorney stated the reason this ordinance is before the City Commission is because there was a Bert J. Harris claim filed with regard to the previous ordinance that enacted the Atlantic Avenue height limitations. The City Attorney stated this property is on the edge of the Atlantic Avenue height limitation area and by carving it out of that area, it allows the City to settle the lawsuit; there is a potential damage exposure of \$9 million and this is the reason the City Attorney's office recommended to the City Commission to accept the settlement. The City Attorney stated the City Commission authorized the City Attorney to draft a settlement agreement and staff has a signed settlement agreement.

It was the consensus of the City Commission to postpone the public hearing for Ordinance No. 25-18 to a date certain of October 16, 2018.

Commissioner Boylston made a motion to postpone the public hearing for Ordinance No. 25-18 to a date certain of October 16, 2018. It was seconded by Deputy Vice Mayor Johnson. A roll call vote was taken and the motion carried a vote of 3-1 with Mayor Petrolia dissenting.

9. FIRST READINGS:

- 9.A.** [18-591](#) ORDINANCE NO. 21-18: UPDATE OF THE CITY OF DELRAY BEACH CAPITAL IMPROVEMENT ELEMENT WITH THE ADOPTED FIVE-YEAR CAPITAL IMPROVEMENT PLAN (FIRST READING)

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

Improvement Budget with the City of Delray Beach Comprehensive Plan.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ordinance No. 21-18 CIP FY18-23](#)
[PZB 082018 P&Z CIP Staff Report](#)

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

Mr. Stillings stated the City is required to update its Capital Improvement Element and incorporate the Capital Improvement Plan (CIP) adopted on September 25, 2018. On August 20, 2018, the Planning and Zoning Board recommended that the CIP and the Capital Improvement Budget be consistent with the Comprehensive Plan and recommended approval. Staff also recommends approval.

Commissioner Boylston made a motion to approve Ordinance No. 21-18 on First Reading. It was seconded by Commissioner Bathurst. A roll call vote was taken and all were in favor. The motion carried 4-0.
approved

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

The City Manager stated staff met with the Downtown Development Authority (DDA) and Community Redevelopment Agency (CRA) and he gave the City Commission an update on the downtown transportation Request for Proposal (RFP). He stated the City is not taking any action until there is a program direction and money.

Commissioner Boylston stepped away from the dais briefly.

Secondly, the City Manager commented that staff is working on the Delray Beach Marketing Cooperative (DBMC) former proposal on hometown events and stated this will be before the City Commission on October 16, 2018. He stated he does not anticipate any issues with the hometown events this season.

The City Commission stated they received a detailed budget from Coach Dobbard regarding the funding for the basketball team at Atlantic High School. The City Manager stated funding is available via the City Manager's contingency fund. Lastly, the City Manager stated the City of Delray Beach started dispatching on October 1, 2018 for Highland Beach answering their non-emergency and 911 calls in our dispatch center. He stated it is providing approximately \$70,000.00 in

revenue with the existing resources. He stated the benefit operationally is the interoperability of having all the barrier island public safety partners on the same radio communications and channels. He also stated he received some information associated with the grant for the mobility and replacement of the Trolleys. He stated because this is a federal program, there has to be an agreement in place. The City Manager commented that once the City accepts the grant funding, the City is obligated to own the vehicles for the lifespan of the vehicles.

Mayor Petrolia clarified that this is not necessarily grant funding for a trolley, but this is a mobility grant and it is open to other forms of transportation if the City decided to go with something more eco-friendly.

10.B. City Attorney

The City Attorney requests direction from the City Commission to file a motion to intervene on behalf of the Florida Association of Recovery Residences (FARR) and authorize him to sign a revised fee agreement with Special Counsel Terrill Pyburn at a rate of \$250.00/hr. The City Attorney stated the rest of the litigation would be handled by the City Attorney's office along with Ms. Pyburn.

A brief discussion ensued between the City Attorney and the City Commission with respect to obtaining more information by contacting other agencies and cities that may be willing to join in to help as well.

It was the consensus of the City Commission that before acting on this right now, that staff would contact the state and the City Attorney will bring this back to the City Commission on October 16, 2018.

The City Attorney formally requested a Shade Meeting in the case of the City of Delray Beach vs. Matchpoint, Inc. on October 9, 2018 at 4:00 p.m. for approximately one hour. He stated the participants will be the City Commission, Special Counsel Mr. John R. Herin, Jr., the City Attorney, the City Manager, and a certified court reporter.

Deputy Vice Mayor Johnson made a motion to have a Shade Meeting on October 9, 2018 at 4:00 p.m. in the case of the City of Delray Beach vs. Matchpoint, Inc. It was seconded by Commissioner Boylston. The roll call vote was taken and all were in favor. The motion carried 4-0.

10.C. City Commission

Mayor Petrolia commented about the City Manager's item regarding the funding for the Atlantic High School basketball team. Mayor Petrolia stated the City Commission supported the football team because the

team made it to State last year and it was justified; however, although she supports giving, at the same time, she expressed concern over the precedence this could set for other groups such as the band and arts programs that also need funding.

Commissioner Boylston stated the City Commission supports getting behind the business community in support of its local schools and athletic programs. He stated Coach TJ did a six year journey to State where 2,000 residents went to support the Atlantic High School Varsity football team while keeping all of his students at a 3.0 grade point average (GPA). Commissioner Boylston stated the city challenged the community to raise \$6,000.00 and matched them \$6,000.00 for the uniforms.

A brief discussion between Mr. Rodney Dobbard and Deputy Vice Mayor Johnson followed. For clarification, Mr. Dobbard explained that these are funds that are going to assist the students with their fees that are not coming from the school district. Mr. Dobbard requested that if he raises \$5,000.00 that the City would match his \$5,000.00.

A brief discussion by the City Commission followed with respect to this being a one-time request not continual year after year and that staff should put a policy in place for these requests.

Deputy Vice Mayor Johnson made a motion to give a one-time match of \$5,000.00 to the Atlantic High School Boys Basketball Team. It was seconded by Commissioner Bathurst. A roll call vote was taken and all were in favor. The motion carried 4-0.

The City Commission stated they would like to make sure that the City of Delray Beach is well represented for their sponsorship.

Deputy Vice Mayor Johnson suggested that the name of the City of Delray Beach be printed on the back of the jerseys.

Commissioner Boylston stated he would like staff to prioritize with respect to mobility. Secondly, Commissioner Boylston commented that the Atlantic High School football team is ranked #2 in the state (5 and 0) and announced that this Friday night at half-time 7 year old Mason Thomas with the Miracle League will be put into the game scoring a touchdown.

Commissioner Bathurst commented about there being no public transportation downtown and he asked the City Manager to put some of these things back into place to help the city during this time period.

Commissioner Bathurst also distributed a letter to the City Commission regarding the Florida Department of Transportation (FDOT) project for Atlantic Avenue. Commissioner Bathurst commented that they should have kept the trolley services on a month-to-month basis until they got something else. Commissioner Bathurst also expressed concern over the safety in the northwest/southwest neighborhoods.

Deputy Vice Mayor Johnson expressed that it is up to the elected officials to inform the citizens and educate them when something is going to impact the City. Secondly, Deputy Vice Mayor Johnson stated October is not only Cancer Prevention Advocacy Month it is also Government Month. She announced that government week will go from October 22-28, 2018 and noted that 2018 marks the 50th anniversary of constitution home rule. Deputy Vice Mayor Johnson noted that Assistant City Manager India Adams and Project Coordinator Janet Meeks have set up a schedule of the following events: October 16, 2018 Partnership with Community Greening and TD Bank, a resolution at the City Commission meeting, October 23, 2018 she and Mayor Petrolia are going to be making school visits, October 24, 2018 Morning Show and Senior Lunch, and October 27, 2018 Movie Night on the Lawn.

Mayor Petrolia commented about Amendment #13 and stated that other cities have passed resolutions on this and asked the City Attorney if he could look into this for the City Commission. The City Attorney agreed to look into this for the City. Mayor Petrolia stated she is excited to see what is being placed on the website with respect to the city's infrastructure, the roads that will be going through, and some repaving in the Northeast section of town in the Lake Ida area. Mayor Petrolia also commented that she presented a Key to the City to Suzanne Boyd who retired from Channel 12 News, who lived in Delray Beach and dedicated much of her time to Delray Beach. Mayor Petrolia stated she will be at a meeting tomorrow with Senator Lori Berman with respect to the canal clearing going on in some of the communities. Mayor Petrolia asked the City Manager to see if there is a fund for trees (i.e. a tree trust) that can be utilized to get some trees replanted. Mayor Petrolia stated Lady Atlantic will host its third annual "King Tide Cruise" specifically to discuss the issues regarding rising tides. Mayor Petrolia stated the 10th Annual Southeast Florida Regional Climate Change Summit follows and she encouraged her colleagues to attend in the future. Lastly, Mayor Petrolia concurs with comments expressed by Commissioner Bathurst regarding the transportation Request for Proposal (RFP) and is hopeful that the city will end up with something that is better for the city overall and that it is expanded throughout other parts of the city aside from just the downtown core.

Deputy Vice Mayor Johnson asked the City Manager to provide a map of the city designating the city limits because many people who have a Delray Beach address think they live in the city limits, however, they actually live in the unincorporated county properties within the city.

There being no further business to discuss, the meeting was adjourned at 8:30 p.m.