

City of Delray Beach

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Minutes - Final

Tuesday, August 21, 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

The Regular Commission meeting was called to order at 6:01 p.m.

The following were in attendance:

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

Others present were:

Mark R. Lauzier, City Manager
R. Max Lohman, City Attorney
Katerri Johnson, City Clerk

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

Ms. Tara Ocampo, Atlantic High School Principal, announced some changes and safety measures that will be taking place through the Palm Beach County School District for high school football games. Ms. Ocampo stated all persons and bags (only clear bags will be allowed) are subject to search and no re-entry. In addition, ongoing security in the parking lot and no ticket sales will happen after the start of the kick-off in the third quarter. Ms. Ocampo announced the football game this Saturday only will begin at 5:00 p.m. and then they will go back to the regular scheduled Friday night games with a new kick-off time at 6:00 p.m.

The City Manager stated the applicant has requested that **Item 7.C.**, request for a conditional use to establish a community residence at 602 S.E. 3rd Avenue ("Stepping Stones") (Quasi-Judicial Hearing) be postponed.

In addition, the City Manager stated staff received a request from Greico Automotive to discuss the possibility of a future waiver request associated with a temporary use for a temporary parking lot on Federal Highway. It was the consensus of the Commission to discuss this as **Item 7.A.A.**

Mayor Petrolia requested that Item 6.J., Interlocal Agreement between the City of Delray Beach and the CRA-Funding for Planning Services Associated with Updates for the Osceola Park Redevelopment Plan be pulled from the consent agenda and moved to the regular agenda as **Item**

7.B.B.

Vice Mayor Frankel moved 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 5-0.

approved as amended

4. PRESENTATIONS:**4.A. [18-467](#) RESOLUTION NO. 78-18 RECOGNIZING CLAYTON GILBERT FOR 30 YEARS OF SERVICE**

Recommendation: Motion to approve resolution No. 78-18 honoring Clayton Gilbert for 30 years of service.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[78.18 Resolution Clayton Gilbert 8.21.18.doc](#)

Joe Frantz, Deputy Director of Public Works, recognized Building Maintenance Supervisor Clayton Gilbert for 30 years of service to the City of Delray Beach.

Sharon Liebowitz, Human Resources Director, presented Building Maintenance Supervisor Clayton Gilbert with a plaque for 30 years of service to the City of Delray Beach.

Mayor Petrolia read Resolution No. 78-18 into the record recognizing Clayton Gilbert, Building Maintenance Supervisor for 30 years of service to the City of Delray Beach.

Vice Mayor Frankel moved to approve Resolution No. 78-18. It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. The motion carried 5-0.

approved

4.B. [18-281](#) PRESENTING JUAN VAZQUEZ, ELECTRICIAN I, WITH EMPLOYEE OF THE MONTH FOR AUGUST 2018.

Recommendation: Motion to present Juan Vazquez, Electrician I, with Employee of the Month for August 2018.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Juan Vazquez Nomination Form.pdf](#)

Susan Goebel-Canning, Public Works Director, presented Juan Vazquez,

Electrician I with Employee of the Month Award for August 2018 specifically for his work on the electrical components at the pool and the tennis center.

Sharon Liebowitz, Human Resources Director, presented Juan Vazquez, Electrician I, with the Employee of the Month Award which will entitle Mr. Vazquez to 8 hours vacation.

4.C. [18-475](#) SPOTLIGHT ON EDUCATION - DELRAY STUDENTS FIRST

Sponsors: Community Improvement

Attachments: [Agenda Cover Report](#)

Jamael Stewart, Assistant Director of Community Improvement, introduced Mr. Sauer.

Mark Sauer, 370 E. Mallory Circle, Delray Beach, Delray Students First (DSF), non-profit 501(c)(3) that provides afterschool tutoring for underprivileged high school students at Village Academy and Atlantic High School with their focus on SAT/ACT tutoring and college prep.

Ms. Tara Ocampo, Atlantic High School Principal, gave a few brief comments.

Wethnie Estinfort, a 2014 graduate of Village Academy and 2018 FAU College of Nursing Graduate, gave a few brief comments about the benefits of DSF.

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 stated he provided the Commission with budget updates and noted staff posted all the worksheets on the website, provided a fund balance update, and also had a Chamber request that will be in the final tentative budget hearing. The City Manager stated he forwarded the details of the Chamber request to the Commission and at the tentative budget hearing on September 6, 2018, the Commission can either fund it, not fund it, or place the money in reserve.

At this point, the Commission moved to Item 7.A.A.

The City Manager stated late last week staff received a request from Greico Automotive Group for the Commission to consider an item on the agenda for this evening. The City Manager stated after research was done, staff prepared a packet for the City Commission available on the dais. If the Commission wishes to allow Greico's request, it would involve a temporary use permit for a temporary parking lot for which they would need to bring back waivers to accommodate the request. The City Manager explained the exhibits and stated there was a previous waiver request for another parcel that had a similar construction project.

Paul Balay, 2001 S. Federal Highway, Delray Beach, Greico Automotive Group, stated he is requesting a temporary waiver to use this property to get through the construction of the two buildings they are building on Federal Highway.

A brief discussion between Mr. Balay and the Commission followed.

A brief discussion between Mayor Petrolia and the Planning Director followed.

Christina Morrison, 2809 Florida Boulevard, Delray Beach (Commercial Realtor), stated the Commerce Corridor (S.W. 10th Avenue and S.W. 10th Street) is all sold with 100 percent occupied and under construction.

Deputy Vice Mayor Johnson asked what impact this will have on traffic since it is located between the two Federal Highways. Mr. Balay explained the lot will be for bulk inventory for overflow of cars that will be just sitting there and this will not be a daily process of cars coming in and out.

Mayor Petrolia stated she supports granting this request and moving forward with this as soon as possible in order to accommodate a good employer in the town.

The City Manager stated based upon the direction of the Commission, Mr. Stillings will reach out and engage in an immediate conversation with the intent of preparing an agenda item for formal action on September 25, 2018. The City Manager stated Mr. Balay will have to provide the information that Mr. Stillings needs to prepare the packet and move forward with his business deal. It will not be approved until September 25, 2018.

Commissioner Bathurst made a motion to direct staff to process the temporary use permit application for a temporary parking lot at the location submitted by the applicant and prepare it to bring it back for the September

25, 2018 City Commission meeting pending the provision of all the necessary documents. It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. The motion carried 5-0.

5.B. From the Public

Yvonne Odom, 3905 Lowson Boulevard, Delray Beach, on behalf of her granddaughter (a tennis player), thanked the city for presenting her granddaughter with a key to the city.

Greta Britt, Founder of United Believers of Delray Beach, stated the pastors and places of worship are very concerned about the children that attend their places of worship, but they are also concerned with the children overall. Ms. Britt stated United Believers of Delray Beach is trying to help children in their congregation with their reading comprehension and over the summer they started a summer reading book club consisting of middle school through college students and they read a book entitled "Rich Dad Poor Dad". Ms. Britt thanked Deputy Vice Mayor Johnson for helping facilitate the summer reading book club and also thanked Michael Coleman, Director of Community Improvement who sponsored this program. Ms. Britt announced that there will be a reading kickoff initiative on September 8, 2018 from 10:00 a.m. - 12:00 noon at the Arts Garage. Lastly, Ms. Britt invited everyone to attend the Community Unity Prayer.

Marcus Gaskin, resident of Delray Beach, recent graduate of Florida A&M University, Atlantic High School graduate (2013), member of National Association of Blacks in Criminal Justice (NABCJ), stated he is looking to give back to the community (i.e. mentor).

Lisa Quillian, 925 S.E. 2nd Avenue, Delray Beach (Osceola Park), stated there needs to be a directive to city staff and city management that any rezoning or conditional use request in the future involve actual research. She stated nothing should go before a board without criteria being met. Ms. Quillian stated this research should include the following: (1) asking neighborhood input, (2) zoning conformity, (3) inspection of the property, (4) direct management and staff that smiling and nodding is not enough and to do their research, (5) a directive to Code Enforcement to enforce the rules with respect to the three unrelated persons rule and reasonable accommodation, (6) a directive with respect to public records requests that are placed on hold receive a thorough explanation from the City Attorney as to why her public records request was placed on hold. Ms. Quillian stated with respect to her public records request dated August 1, 2018, she expects to receive tomorrow what she can receive, why she cannot receive the other public records requests, and why it is being looked into. Lastly, Ms. Quillian stated she requested to meet with the City Manager on July 27,

2018 and he would not meet with her until August 21, 2018.

Gail-Lee McDermott, 721 S.E. 3rd Avenue, Delray Beach (Osceola Park), gave a few brief comments regarding Ordinance No. 25-17 concerning transitional housing and the 660 linear feet between transitional housing units.

James Quillian, 925 S.E. 2nd Avenue, Delray Beach (Osceola Park), stated when city staff gives a report to a board or City Commission it should be based on provable facts not opinions. Mr. Quillian stated city staff is providing erroneous facts to board members and Commission and he feels this is destroying the Osceola Park neighborhood. Mr. Quillian urged the Commission to rectify this as soon as possible.

Michael Marco, 1036 Bucida Road, Delray Beach, stated with respect to Item 6.G., Resolution No. 99-18 Revocation of an Ad Valorem Property Tax Exemption Request for 212 Seabreeze Avenue, he is actually requesting to get the tax exemption revoked so that he can do the demolition. The Historic Preservation Board (HPB) is requiring him to have signed Resolution No. 99-18 in-hand before the permit is issued for the demolition.

There being no one else from the public who wished to give comments, Mayor Petrolia closed the public comment section of the agenda.

Commissioner Boylston left the dais at 6:50 p.m. and returned to the dais at 6:52 p.m.

6. CONSENT AGENDA: City Manager Recommends Approval

Vice Mayor Frankel moved to approve the consent agenda as amended. It was seconded by Deputy Vice Mayor Johnson. A roll call vote was taken and all were in favor. The motion carried 5-0.
approved as amended

6.A. [18-514](#) MEETING MINUTES

Recommendation: Motion to approve meeting minutes as listed below:

January 16, 2018- Regular Meeting
May 15, 2018- Regular Meeting
June 5, 2018- Regular Meeting
June 12, 2018- Workshop Meeting
June 19, 2018- Regular Meeting
July 10, 2018- Special Meeting
July 10, 2018- Regular Meeting
July 17, 2018- Special Meeting
July 17, 2018- Regular Meeting

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Minutes- January 16, 2018- Regular Meeting](#)
[Minutes- May 15, 2018 - Regular Meeting](#)
[Minutes- June 5, 2018 - Regular Meeting](#)
[Minutes- June 12, 2018- Workshop Meeting](#)
[Minutes- June 19, 2018- Regular Meeting](#)
[Minutes- July 10, 2018- Special Meeting](#)
[Minutes- July 10, 2018- Regular Meeting](#)
[Minutes- July 17, 2018 - Special Meeting](#)
[Minutes- July 17, 2018 - Regular Meeting](#)

approved

- 6.B. [18-490](#) RATIFICATION OF SOUTH CENTRAL REGIONAL WASTEWATER TREATMENT & DISPOSAL BOARD ACTION OF MAY 21, 2018 AND APPROVAL OF THEIR 2018/2019 PROPOSED BUDGET.

Recommendation: Motion to Ratify actions approved by the South Central Regional Wastewater Treatment and Disposal Board (Board) at their Meeting of May 21, 2018.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[SCRWTP](#)

approved

- 6.C. [18-491](#) RESOLUTION NO. 28-18 NUISANCE ABATEMENT OF NINE (9) PROPERTIES THROUGHOUT THE CITY.

Recommendation: Motion to adopt Resolution No. 28-18 assessing costs for abatement action required to remove nuisances on nine (9) properties throughout the City.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Res No. 28-18 Nuisance Abatement](#)
[RES NO. 28-18 - Exhibit A](#)
[Invoices for Nuisance Abatements](#)

approved

- 6.D. [18-517](#) MINOR SUBDIVISION PLAT FOR HACKER OFFICE BUILDING,

LOCATED AT 226 PALM COURT.

Recommendation: Motion to approve and certify the Minor Subdivision Plat for Hacker Office Building, by adopting the findings of fact and law, and finding that the request is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations (LDR) Section 2.4.5(K), Minor Subdivisions, LDR Section 3.2.3, Standards for Site Plan and/or Plat Actions, and LDR Section 3.1.1, Required Findings for Land Use and Land Development Applications.

Sponsors: Planning & Zoning Department

Attachments: [Agenda Cover Report](#)
[HACKER OFFICE BUILDING PLAT](#)

approved

**6.E. [18-498](#) RESOLUTION NO. 97-18 HISTORIC PROPERTY TAX EXEMPTION
REQUEST FOR 49 PALM SQUARE**

Recommendation: Motion to Approve Resolution No. 97-18 for a historic property tax exemption request for improvements to the contributing structure and property located at 49 Palm Square, based upon positive findings with respect to LDR Section 4.5.1(J).

Sponsors: Planning & Zoning Department

Attachments: [Agenda Cover Report](#)
[97-18-Resolution Tax Exemption-49 Palm Square](#)
[2018-07-18-Tax Exemption HPB SR-49 Palm Square](#)
[2018-08-21-Final Attachments-49 Palm Square](#)

approved

**6.F. [18-497](#) RESOLUTION NO. 98-18 HISTORIC PROPERTY TAX EXEMPTION
REQUEST FOR 109 DIXIE BOULEVARD**

Recommendation: Motion to Adopt Resolution No. 98-18; approving a historic property tax exemption request for improvements to the contributing structure and property located at 109 Dixie Boulevard, based upon positive findings with respect to LDR Section 4.5.1(J).

Sponsors: Planning & Zoning Department

Attachments: [Agenda Cover Report](#)
[98-18-Resolution Tax Exemption-109 Dixie Blvd](#)
[2018-07-18-Tax Exemption HPB SR-109 North Dixie Boulevard](#)
[2018-08-21-Final Attachments-109 Dixie Boulevard](#)

approved

- 6.G. [18-506](#) RESOLUTION NO. 99-18 REVOCATION OF AN AD VALOREM PROPERTY TAX EXEMPTION REQUEST FOR 212 SEABREEZE AVENUE

Recommendation: Motion to Approve Resolution No. 99-18 for the Revocation of an Ad Valorem Property Tax Exemption associated with the removal of additions and improvements to the contributing structure and property located at 212 Seabreeze Avenue, based upon positive findings with respect to LDR Section 4.5.1(J).

Sponsors: Planning & Zoning Department

Attachments: [Agenda Cover Report](#)
[Res-99-18-SeabreezeHistoricTaxExemptRevoke](#)
[2018-07-18-COA HPB SR-212 Seabreeze Avenue](#)
[2009-12-22-PBC Covenant-Recorded](#)

approved

- 6.H. [18-499](#) RESOLUTION NO. 102-18 HISTORIC PROPERTY TAX EXEMPTION REQUEST FOR 702 SE 1ST STREET

Recommendation: Motion to Approve Resolution No. 102-18 for a historic property tax exemption request for improvements to the contributing structure and property located at 702 SE 1st Street, based upon positive findings with respect to LDR Section 4.5.1(J).

Sponsors: Planning & Zoning Department

Attachments: [Agenda Cover Report](#)
[102-18-Resolution Tax Exemption-702 SE 1st Street](#)
[2018-01-08-Tax Exemption HPB SR-702 SE 1st Street](#)
[2018-08-21-Photo Attachments](#)
[2018-08-21-Final Attachments-702 SE 1st Street](#)

approved

- 6.I. [18-449](#) ACCEPTANCE OF LANDSCAPE MAINTENANCE AND HOLD HARMLESS AGREEMENTS WITH EDWARDS ATLANTIC AVENUE, LLC ASSOCIATED WITH THE ATLANTIC CROSSING CLASS V SITE PLAN APPROVAL.

Recommendation: Motion to Accept the Landscape Maintenance and Hold Harmless Agreements with Edwards Atlantic Avenue, LLC, to install landscaping materials, construct landscape areas, and perform work in the FDOT

right-of-way of East Atlantic Avenue and SE 6th Avenue.

Sponsors: Planning & Zoning Department

Attachments: [Agenda Cover Report](#)

[Mid-Block Access Plan copy \(2\)](#)

[Revised Site Plan \(February 9, 2016\)](#)

[AC Landscape 5-10-17](#)

[Federal Highway Hold Harmless Agreement](#)

[federal highway landscape maintenance agreement](#)

[north side of Atlantic Avenue hold harmless agreement](#)

[north side of Atlantic Avenue landscape maintenance agreement](#)

[south side of Atlantic Avenue hold harmless agreement](#)

[south side of Atlantic Avenue landscape maintenance agreement](#)

approved

- 6.J. [18-473](#) INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE CRA - FUNDING FOR PLANNING SERVICES ASSOCIATED WITH UPDATES TO THE OSCEOLA PARK REDEVELOPMENT PLAN

Recommendation: Motion to Approve the interlocal agreement between the City and CRA for the CRA to provide funding for planning services associated with updates to the Osceola Park Redevelopment Plan in an amount not to exceed \$65,000.

Sponsors: Planning & Zoning Department

Attachments: [Agenda Cover Report](#)

[Interlocal Agreement CRA - Osceola Plan Update 08.03.18](#)

[Legal Review Checklist - Interlocal Osceola](#)

[Keith and Schnars Delray Beach Osceola Park Redevelopment Plan Update 6 6 2018](#)

Mayor Petrolia requested that Item 6.J., Interlocal Agreement Between the City and CRA-Funding for Planning Services Associated with Updates to the Osceola Park Redevelopment Plan be removed from the consent agenda and moved to the regular agenda as Item 7.B.B.

Tim Stillings, Planning and Zoning Director, stated there is the neighborhood plan which was last addressed in 2004 and then there is what Public Works has been doing with the roads and alleyways; this is updating the neighborhood plan (i.e. land use, zoning, commercial area). Mr. Stillings stated approximately one year ago several residents presented the city with their own community-based master plan they created. Therefore, Mr. Stillings stated staff wanted to take some of those ideas, and integrate it into this plan. Mr. Stillings stated the Interlocal

Agreement provides for the CRA to give the City of Delray Beach \$65,000.00 to manage the project. Mr. Stilling stated they have discussed this with Public Works so that any community engagement the city has for this plan.

Deputy Vice Mayor Johnson left the dais at 7:21 p.m. and returned at 7:41 p.m.

Vice Mayor Frankel made a motion to approve Item 7.B.B., Interlocal Agreement Between the City and CRA-Funding for Planning Services Associated with Updates to the Osceola Park Redevelopment Plan. It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. Deputy Vice Mayor Johnson was absent for the vote. The motion carried 4-0.
approved

6.K. [18-432](#) ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT AGREEMENT FOR 344 PALM TRAIL.

Recommendation: Motion to Approve and accept a five-foot sidewalk easement on NE 4th St. and a 10-foot sidewalk easement on Palm Trail located at 344 Palm Trail.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Perpetual Sidewalk Easement Agreement 344 Palm Trail](#)
[Exhibit A Sketch and Legal.pdf](#)
[344 Palm Trail Survey.PDF](#)
[PAPA Maps 344 Palm Trail.pdf](#)
[PAPA Page 344 Palm Trail.pdf](#)

approved

6.L. [18-434](#) ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT AGREEMENT FOR 23 SW 14th AVE.

Recommendation: Motion to approve and accept a five-foot sidewalk easement located at 23 SW 14th Ave.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Perpetual Sidewalk Easement Agreement 23 SW 14th Ave..pdf](#)
[Exhibit A Sketch and Legal Description 23 SW 14th Ave..pdf](#)
[Survey 23 SW 14th Ave. \(2\).pdf](#)
[PAPA Maps 23 SW 14th Ave..pdf](#)
[PAPA Page 23 SW 14th Ave..pdf](#)
[Sunbiz Page.pdf](#)

approved

6.M. [18-435](#) ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT AGREEMENT FOR 27 SW 14th AVE.

Recommendation: Motion to approve and accept a five-foot sidewalk easement located at 27 SW 14th Ave.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Perpetual Sidewalk Easement Agreement 27 SW 14th Ave..pdf](#)
[Exhibit A Sketch and Legal Description 27 SW 14th Ave..pdf](#)
[Survey 27 SW 14th Ave..pdf](#)
[PAPA Map 27 SW 14th Ave..pdf](#)
[PAPA Page 27 SW 14th Ave..pdf](#)
[Sunbiz Page.pdf](#)

approved

6.N. [18-451](#) ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT AGREEMENT FOR 102 NW 16th St.

Recommendation: Motion to approve and accept a five-foot sidewalk easement located at 102 NW 16th St.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Perpetual Sidewalk Easement Agreement 102 NW 16th St](#)
[Exhibit A Sketch and Legal Description.pdf](#)
[Survey 102 NW 16th St..pdf](#)
[PAPA Map 102 NW 16th St..pdf](#)
[PAPA Page 102 NW 16th St..pdf](#)
[Sunbiz Page 102 NW 16th St..pdf](#)

approved

6.O. [18-480](#) ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT AGREEMENT FOR 1011 NW 3RD AVE.

Recommendation: Motion to Approve and accept a five-foot sidewalk easement on NW 3rd Ave. located at 1011 NW 3rd Ave.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
 [Perpetual Sidewalk Easement Agreement 1011 NW 3rd Ave.](#)
 [Exhibit A Sketch and Legal Description.pdf](#)
 [Survey 1011 NW 3rd Ave..pdf](#)
 [PAPA Map Location 1011 NW 3rd Ave..pdf](#)
 [PAPA Page 1011 NW 3rd Ave.pdf](#)

approved

6.P. [18-481](#) ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT AGREEMENT FOR 801 NE 5TH ST.

Recommendation: Motion to approve and accept a five-foot sidewalk easement located at 801 NE 5th St.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
 [Perpetual Sidewalk Easement Agreement 801 NE 5th St](#)
 [Exhibit A Sketch and Description.pdf](#)
 [Survey 801 NE 5th St..pdf](#)
 [PAPA Map Location 801 NE 5th St..pdf](#)
 [PAPA Page 801 NE 5th St.](#)
 [Sunbiz Page 801 NE 5th St..pdf](#)

approved

6.Q. [18-484](#) ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT AGREEMENT FOR 1508 PINE LANE

Recommendation: Motion to approve and accept a five-foot sidewalk easement located at 1508 Pine Lane.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Perpetual Sidewalk Easement Agreement 1508 Pine Lane](#)
[Exhibit A Sketch and Description.pdf](#)
[Survey 1508 Pine Lane.pdf](#)
[Map Location 1508 Pine Lane.pdf](#)
[PAPA Page 1508 Pine Lane.pdf](#)

approved

6.R. [18-485](#) ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT AGREEMENT FOR 515 NW 1st AVE.

Recommendation: Motion to approve and accept a five-foot sidewalk easement located at 515 NW 1st Ave.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Perpetual Sidewalk Easement Agreement.pdf](#)
[Exhibit A Sketch and Description.pdf](#)
[Survey 515 NW 1st Ave..PDF](#)
[PAPA Map Location.pdf](#)
[PAPA Page 515 NW 1st Ave..pdf](#)

approved

6.S. [18-487](#) ACCEPTANCE OF A RIGHT OF WAY DEED FOR 515 NW 1st AVE.

Recommendation: Motion to Approve and accept a 15' Right of Way Deed located at 515 NW 1st Ave.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Right of Way Deed.pdf](#)
[Exhibit A Sketch and Description](#)
[Survey 515 NW 1st Ave..PDF](#)
[PAPA Map Location.pdf](#)
[PAPA Page 515 NW 1st Ave..pdf](#)

approved

6.T. [18-471](#) APPROVE RESOLUTION NO. 83-18 AUTHORIZING A GRANT AGREEMENT WITH FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION IN THE AMOUNT OF \$299,729 FOR MANAGEMENT OF

THE CITY OF DELRAY BEACH'S (CITY) SHORE PROTECTION
PROJECT (PROJECT NO.17-081)

Recommendation: Motion to approve Resolution No. 83-18 authorizing a Grant Agreement with the Florida Department of Environmental Protection (FDEP) for assistance with funding the City's Shore Protection Project (Project No. 17-018) in amount of \$299,729.

Sponsors: Public Works Department - Programs & Project Management

Indexes: Capital Improvement Projects - City Wide

Attachments: [Agenda Cover Report](#)

[Res FDEP Grant Agreement 6.25.18](#)

[19PB4 - Delray Beach Shore Protection Project w. Addtl Signature
7.9.18](#)

[Legal Review Checklist FDEP grant](#)

[Beach Cost Share 7.18.18](#)

[1992 USACE Agreement](#)

approved

6.U. [18-442](#) RESOLUTION NO. 85-18: SANITATION RATES FOR FY2019

Recommendation: A resolution to implement a schedule of sanitation rates and fees in accordance with the City Code of Ordinances, Chapter 51, "Garbage and Trash", Section 51.70, "Regular Charges Levied", and to authorize the City of Delray Beach to collect the residential and commercial sanitation rates on the tax roll for Fiscal Year 2019.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

[Resolution 85-18 FY19 Solid Waste Charges and Fees](#)

[Sanitation Rates FY19 Backup](#)

approved

6.V. [18-496](#) GRANT APPLICATION/EDWARD BYRNE MEMORIAL JUSTICE
ASSISTANCE GRANT (JAG)

Recommendation: Motion to Approve application for the 2018 Edward Byrne Memorial Justice Assistance Grant in the amount of \$30,487.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[Program Narrative - JAG 2018](#)
[Project Abstract - JAG 2018 - DBPD](#)
[Review Narrative - JAG 2018 - DBPD](#)
[Applicant Disclosure of Pending Applications - JAG 2018 - DBPD](#)
[Budget Detail Worksheet and Budget Narrative - JAG 2018 - DBPD](#)
[FY17JAG LOCAL CEO RevAug18](#)
[FY17JAG CLO 1373Cert RevAug18](#)

approved

- 6.W.** [18-468](#) RESOLUTION 95-18 DELEGATING SCRWTDB AUTHORITY TO OBTAIN BANK LOAN FOR CAPITAL IMPROVEMENTS TO FACILITY

Recommendation: Motion to approve Resolution 95-18.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Reso 95-18](#)

approved

6.X. PROCLAMATIONS:

6.X.1. None

- 6.Y.** [18-486](#) REPORT OF APPEALABLE LAND USE ITEMS FROM JUNE 18, 2018 THROUGH JULY 20, 2018.

Recommendation: By motion, receive and file this report.

Sponsors: Planning & Zoning Department

Attachments: [Agenda Cover Report](#)
[Appealable Items Map](#)
[A. 202 NE 5th Terrace Appealable Report with Attachments](#)
[B. 212 Seabreeze Avenue Appealable Report with Attachments](#)
[C. 115 North Dixie Boulevard Appealable Report with Attachments](#)
[D. 228 North Dixie Boulevard Appealable Report with Attachments](#)
[E. 227 NE 1st Avenue Appealable Report with Attachments](#)
[F. 705 Bond Way](#)
[G. 950 SE 5th Avenue](#)
[H. 290 E. Atlantic Avenue](#)
[I. Juice Buzz - 2 & 6 NE 5TH Avenue](#)
[J. Delray Shopping Center - 3001 S Federal Highway](#)
[K. Wineroom - 411 E Atlantic Avenue](#)
[L. Calvary Chapel - 200 Sterling Avenue](#)
[M. Chick-Fil-A - 4823 W Atlantic Avenue](#)

approved

6.Z. AWARD OF BIDS AND CONTRACTS:

- 6.Z.1. [18-482](#)** APPROVAL OF VEHICLE PURCHASES FROM VARIOUS CAR DEALERSHIPS IN AN AMOUNT NOT-TO-EXCEED \$680,000 UTILIZING THE FLORIDA SHERIFF'S ASSOCIATION CONTRACT NOS. FSA17-VEH15.0 AND FSA17-VEL25.0 AND THE NATIONAL JOINT POWERS ALLIANCE CONTRACT NO. 120716-NAF

Recommendation: Motion to approve vehicle purchases from Alan Jay Nissan, Inc., Alan Jay Ford Lincoln Mercury, Inc, Duval Ford, LLC, and Prestige Ford, Inc. for the purchase of twenty-one new vehicles in an amount not-to-exceed \$680,000 utilizing the Florida Sheriff's Association Contract Nos. FSA17-VEH15.0 and FSA17-VEL25.0 and the National Joint Powers Alliance Contract No. 120716-NAF.

Sponsors: Public Works Department - Fleet Division and Purchasing Department

Attachments: [Agenda Cover Report](#)
[FSA17-VEH15.0 & FSA17-VEL25.0 Terms and Conditions](#)
[FSA17-VEL25.0 F-150 Pricing](#)
[FSA17-VEL25.0 F-250 Pricing](#)
[FSA17-VEL25.0 F-350 Pricing](#)
[FSA17-VEL25.0 Ford Transit Pricing](#)
[FSA17-VEL25.0 Police Interceptor Pricing](#)
[F-150 Pickup Quote-Duval Ford 6-28-18](#)
[F-250 Utility Quote-Duval Ford 7-25-18](#)
[F-350 Utility with Crane-Duval Ford 6-28-18](#)
[Police Interceptor Quote-Alan Jay 7-24-18](#)
[T-350 15 Passenger Van-Prestige Ford 6-15-18](#)
[NJPA RFP and Addendum-120716 Cars and Trucks](#)
[NJPA 120716-NAF Pricing](#)
[Frontier Pickup Quote-NJPA-Alan Jay 7-26-18](#)
[2018 Replacement Vehicles Phase 2 7-26-18](#)

approved

7. REGULAR AGENDA:

- 7.A. [18-503](#) PRESENTATION OF CITY OF DELRAY BEACH ROADWAY PROJECTS RECEIVING GRANTS THROUGH THE PALM BEACH COUNTY TRANSPORTATION PLANNING AGENCY.

Recommendation: Presentation of grant funding, project description and timing of design and construction for City of Delray Beach (City) roadway projects receiving grant funding through the Palm Beach County Transportation Planning Agency.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Grants - Barwick Road Complete Street](#)
[Grants - Brant Bridge Connector](#)
[Grants - Brant Bridge over C-15 Canal](#)
[Grants - Congress Avenue Complete Street](#)
[Grants - George Bush Boulevard](#)
[Grants - Greenway E4 Canal](#)
[Grants - Homewood Boulevard](#)
[Grants - Lindell Boulevard Complete Street](#)
[Grants - Lawson Congress to 6th Avenue](#)
[Grants - Lawson Military to Congress](#)
[Grants - Swinton Avenue](#)

Missie Barletto, Assistant Director of Public Works, gave a brief presentation on the grants through the Palm Beach County Transportation Planning Agency.

The City Attorney stepped away from the dais and returned a few minutes later.

Deputy Vice Mayor Johnson stepped away from the dais and returned a few minutes later.

The City Manager stepped away from the dais and returned a few minutes later.

Mayor Petrolia asked if they are leaving the door open to potentially doing more on Congress Avenue. Ms. Barletto stated with respect to the plan to redo Congress Avenue in 2024, Palm Beach County has to resurface and fix the pavement conditions from Clintmoore to Lake Ida Road which is beyond the project limits. Ms. Barletto stated in discussions with Palm Beach County, there is a limited right-of-way there, but staff feels that within the right-of-way and the sidewalk system, there are opportunities to continue to provide maybe not the wide protected bicycle lanes desired by the community, but still be able to provide a safe bicycle lane, better sidewalks that are ADA compatible, and more beautiful medians.

A brief discussion by the Commission followed.
approved

7.B. [18-463](#)

PRESENTATION OF OPTIONS FOR THE REPLACEMENT OF CURRENT STREET LIGHTING ON FLORIDA POWER AND LIGHT (FPL) OWNED POLES ON A1A FROM CASUARINA ROAD TO GEORGE BUSH BOULEVARD.

Recommendation: Motion to recommend replacement of City of Delray Beach (City) owned turtle light fixtures with FPL standard lighting.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

Susan Goebel-Canning, Public Works Director, gave a brief presentation on the replacement of current street lighting on Florida Power and Light (FPL) owned poles on A1A from Casuarina Road to George Bush Boulevard.

Vice Mayor Frankel made a motion to approve Option #1 - to install standard FPL owned LED street lights on their poles that will be turned off during turtle season; this option would be a minimal or no cost to the city; many other cities including Palm Beach, Highland Beach and Boca Raton have chosen the standard lighting (white lights) which must be turned off during turtle season, March 1 through October 31, leaving the roads dark all except four months of the year. It was seconded by Commissioner Boylston. A roll call vote was taken and the motion carried 4-1, with Deputy Vice Mayor Johnson dissenting.

approved

7.C. [18-464](#) REQUEST FOR A CONDITIONAL USE TO ESTABLISH A COMMUNITY RESIDENCE AT 602 SE 3RD AVENUE ("STEPPING STONES"). (QUASI-JUDICIAL HEARING)

Recommendation: Motion to approve the Conditional Use for a community residence at 602 SE 3rd Avenue for Stepping Stones by adopting the findings of fact and law contained in the staff report and the finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Sections 2.4.5(E)(5), 4.3.3(I)(3), 4.3.3(I)(4) and Chapter 3 of the Land Development Regulations with the following conditions:

1. Provide an updated floor plan of the residence that includes the dimensions of each bedroom.
2. Provide a parking plan for the site to illustrate 4 required parking spaces.

The conditional use is not effective until Florida Association of Recovery Residences (FARR) certification is achieved and submitted to the city.

Sponsors: Planning & Zoning Department

Attachments: [Agenda Cover Report](#)
[Location Map- 500 scale](#)
[Conditional Use Board Order](#)
[Stepping Stone Conditional Use - PZB Report final](#)
[PAPA 602 SE 3rd](#)
[Public Email Correspondence](#)
[Floor Plan](#)
[Survey](#)

The City Attorney stated the applicant has requested that **Item 7.C.**, request for a conditional use to establish a community residence at 602 S.E. 3rd Avenue ("Stepping Stones") (Quasi-Judicial Hearing) be postponed. The City Attorney advised the Commission to open the public hearing and he encouraged the granting of the postponement request. The City Attorney stated if anyone from the public is present to speak on the item can do so keeping in mind that they would be making the comments on the item without the benefit of a presentation by either the applicant or the city, and if anyone from the public chooses to speak this evening, the city would keep record of it; however, when the item comes back for final approval, those individuals would not be allowed to comment again.

Mayor Petrolia declared the public hearing open for **Item 4.A.A. (formerly Item 7.C.)**. There being no one from the public who wished to address the Commission regarding this item, the public hearing was closed.

Vice Mayor Frankel moved to approve to postpone **Item 4.A.A. (formerly Item 7.C.)**. It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. The motion carried 5-0.

- 7.D.** [18-457](#) REQUEST FOR A WAIVER TO LDR SECTION 4.6.7(E)(7) TO ALLOW A FLAT WALL SIGN ON THE SOUTH ELEVATION WHICH DOES NOT FACE A DEDICATED STREET FRONTAGE FOR DELRAY HEALTH & WELLNESS INC.(BASIS MEDICAL AND BASIS FITNESS) WHICH IS A TENANT OF THE BUILDING LOCATED AT 2702 N. FEDERAL HWY. (QUASI-JUDICIAL HEARING)

Recommendation: Motion to approve the waiver request to LDR Section 4.6.7(E)(7) for Delray Health & Wellness Inc. (Basis Medical and Basis Fitness) which is a tenant of the building located at 2702 N. Federal Hwy, as presented.

Sponsors: Planning & Zoning Department

Attachments: [Agenda Cover Report](#)
[Basis Fitness Board Order.docx](#)
[justification letter.pdf](#)
[sign elevation.pdf](#)
[site plan.jpg](#)

Commissioner Boylston left the dais and returned to the dais at 8:04 p.m.

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

Katerri Johnson, City Clerk, swore in those individuals who wished to give testimony on this item.

The City Commission had no ex parte communications to disclose.

Tim Stillings, Planning and Zoning Director, entered the Planning and Zoning Department project file #201A-147 and is a waiver request for a flat wall sign which does not face a public street frontage for Delray Health and Wellness.

Chris Levy, 1110 N.W. 6th Avenue, Delray Beach and owner of the Signarama at 2905 S. Congress Avenue, Delray Beach, applicant, gave a brief testimony on this item.

Mr. Stillings stated positive findings can be made for the four findings required for a waiver and this has been approved for several other businesses in the community.

Mayor Petrolia declared the public comment open. There being no one from the public who wished to address the Commission regarding the waiver, the public comment was closed.

There was no cross-examination or rebuttal.

The City Attorney briefly reviewed the Board Order with the Commission. The Commission unanimously approved the Board Order.

Vice Mayor Frankel moved to approve Item 7.D. approving the waiver request. It was seconded by Commissioner Boylston. A roll call vote was taken. All were in favor and the motion carried 5-0.
approved

7.E. [18-427](#)

APPROVAL OF RESOLUTION NO. 25-18 FOR AN AGREEMENT WITH WITH DP DEVELOPMENT OF THE TREASURE COAST, LLC. FOR CONSTRUCTION AND REPAIR TO SW NEIGHBORHOOD ALLEYS,

PROJECT NO. 17-103 IN AN AMOUNT NOT TO EXCEED \$803,595.

Recommendation: Motion to adopt Resolution No. 25-18 and award an Agreement to DP Development of the Treasure Coast, LLC for construction and repairs to SW Neighborhood Alleys, Project No. 17-103 in a total not to exceed amount of \$803,595 for the Agreement term of 180 days after Notice to Proceed has been issued and authorizing the City Manager to exercise any and all renewal options.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist form v. 5 ITBC 2018-009 SW Neighborhood Alleys](#)
[ITBC 2018-009 SW Neighborhood Alleys Agreement CA rev](#)
[Tabulation Sheet ITB 2018-009](#)
[Resolution](#)
[AGREEMENT](#)
[West Non Responsible Letter \(4\)](#)

Susan Goebel-Canning, Public Works Director, stated staff recommends to award the bid to DP Development of the Treasure Coast, LLC for construction and repairs to the southwest neighborhood alleys in the amount of \$803,595.00 (lowest responsible bidder). Ms. Goebel-Canning stated staff received other bids that were lower; however, they are working through some issues with them.

The City Attorney read the caption of Resolution No. 25-18 into the record.

Commissioner Boylston made a motion to approve Resolution No. 25-18. It was seconded by Vice Mayor Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.
approved

7.F. [18-525](#) APPROVAL OF VEHICLE PURCHASES FROM VARIOUS DEALERSHIPS IN AN AMOUNT NOT TO EXCEED \$447,399 UTILIZING THE FLORIDA SHERIFF'S ASSOCIATION CONTRACT NO. FSA17-VEL25.0

Recommendation: Motion to approve purchase of one Caterpillar forklift, three Ford F-550 4x2 F5G pick-up trucks, one Ford F-150 4x2 pick-up truck, and one Oilmen's fuel tanker in an amount not-to-exceed \$447,399 utilizing the Florida Sheriff's Association Contract No. FSA17-VEL25.0.

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[FSA17-VEH15.0 & FSA17-VEL25.0 Terms and Conditions](#)
[F-550 Quote-Duval 5-22-18](#)
[Caterpillar Forklift-Kelly Tractor 8-8-18](#)
[Fuel Truck Quote-Lou Bachrodt 5-22-18 \(2\)](#)
[F-150 Quote-Duval 8-8-18](#)

Marjorie Craig, Utilities Director, gave a brief presentation on this item. Ms. Craig stated staff received money that was not spent in this current fiscal year and requested to purchase these vehicles now versus waiting until next fiscal year because they are renting these vehicles until they are purchased for a total of \$447,399.00.

Susan Goebel-Canning, Public Works Director, stated staff is going to hire a consultant to see how the city's fleet measures up to other fleets and benchmark standards.

Mayor Petrolia expressed concern over the amount of vehicles that the city is purchasing.

Commissioner Boylston made a motion to approve Item 7.F. It was seconded by Vice Mayor Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.
approved

7.G. [18-450](#) NOMINATIONS FOR APPOINTMENT TO THE EDUCATION BOARD

Recommendation: Motion to approve nominations for appointment for three (3) regular members and one (1) student member to serve on the Education Board for unexpired terms ending July 31, 2020 and One (1) regular member to serve an unexpired term ending July 31, 2019.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Education Board Member List](#)
[Education Board Attendance List](#)
[Education Board Applications](#)

Deputy Vice Mayor Johnson nominated Cheryl Haywood to the Education Board. It was seconded by Commissioner Bathurst. A roll call vote was taken and all were in favor. The motion carried 5-0.

Mayor Petrolia nominated Alison Kaufman to the Education Board. It was seconded by Vice Mayor Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

The Commission asked why there are four resignations for the Education Board. The City Clerk stated she does not have all the explanations; however, from the explanations that were given, these applicants indicated that they were not aware of the commitment that was required to serve on this board. Deputy Vice Mayor Johnson stated one applicant felt that the condition of her health was not good.

Vice Mayor Frankel nominated Sarah V. Hough to the Education Board. It was seconded by Commissioner Bathurst. A roll call vote was taken and all were in favor. The motion carried 5-0.

Commissioner Bathurst nominated Peter Hager to the Education Board. It was seconded by Vice Mayor Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

Commissioner Boylston nominated Hope Sargeant to the Education Board. It was seconded by Vice Mayor Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

Deputy Vice Mayor Johnson inquired as to why there are not more student applicants for the Education Board.
approved

7.H. [18-500](#) **NOMINATIONS FOR APPOINTMENT TO THE CODE ENFORCEMENT BOARD**

Recommendation: Motion to approve nominations for appointment for two (2) alternate members to serve on the Code Enforcement Board for unexpired terms ending January 14, 2022.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Code Enforcement Board Member List](#)
[Code Enforcement Board Attendance List](#)
[Code Enforcement Board Applications](#)

Commissioner Boylston nominated Ron Gilinsky to the Code Enforcement Board. It was seconded by Vice Mayor Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

Deputy Vice Mayor Johnson nominated Michael Schiff to the Code Enforcement Board. It was seconded by Vice Mayor Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.
approved

7.I. [18-508](#) 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 a two (2) year term ending August 31, 2020.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Site Plan Review and Appearance Board Member List](#)
[Site Plan Review and Appearance Board Attendance List](#)
[SPRAB Applications](#)

Deputy Vice Mayor Johnson nominated Linda Purdo to the Site Plan Review and Appearance Board. It was seconded by Vice Mayor Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

approved

7.J. [18-510](#) NOMINATION FOR APPOINTMENT TO THE HISTORIC PRESERVATION BOARD

Recommendation: Motion to approve nomination for appointment for one (1) regular member to serve on the Historic Preservation Board for a two (2) year term ending August 21, 2020.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Historic Preservation Board Member List](#)
[Historic Preservation Board Attendance List](#)
[HPB Applications](#)

Deputy Vice Mayor Johnson nominated John Klein to the Historic Preservation Board. It was seconded by Commissioner Bathurst. A roll call vote was taken and all were in favor. The motion carried 5-0.

approved

7.K. [18-511](#) NOMINATIONS FOR APPOINTMENT TO THE BOARD OF ADJUSTMENT

Recommendation: Motion to approve nomination for appointment for two (2) alternate members to serve on the Board of Adjustment for unexpired terms ending August 31, 2019.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Exhibit A](#)

[Board of Adjustment Member List](#)

[Board of Adjustment Attendance List](#)

[Board of Adjustment Applications](#)

Deputy Vice Mayor Johnson nominated Robert Cohen to the Board of Adjustment. It was seconded by Commissioner Bathurst. A roll call vote was taken and all were in favor. The motion carried 5-0.

Mayor Petrolia stated she would like to defer her appointment for the Board of Adjustment to the next regular meeting.

7.L. [18-512](#) RECOMMENDATION FOR APPOINTMENT TO THE DELRAY BEACH HOUSING AUTHORITY BOARD.

Recommendation: Motion to recommend for appointment one (1) regular member to serve on the Delray Beach Housing Authority Board for an unexpired term ending March 6, 2022.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Exhibit A](#)

[Delray Beach Housing Authority Board Member List](#)

[Delray Beach Housing Authority Attendance List](#)

[Delray Beach Housing Authority Board Applications](#)

Deputy Vice Mayor Johnson nominated James W. Hiler, Jr. to the Delray Beach Housing Authority. It was seconded by Commissioner Bathurst. A roll call vote was taken and all were in favor. The motion carried 5-0.
approved

7.M. [18-513](#) NOMINATION FOR APPOINTMENT TO THE BOARD OF TRUSTEES FOR THE FIREFIGHTERS' RETIREMENT SYSTEM BOARD

Recommendation: Motion to approve nomination for appointment for one (1) regular member to serve on the Board of Trustees for the Firefighters' Retirement System Board for an unexpired term ending October 4, 2020.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Exhibit A](#)

[Board of Trustees for the Firefighters' Retirement System Member List](#)

[Board of Trustees for the Firefighters' Retirement System Board Attendance List](#)

[Board of Trustees for the Firefighters' Retirement System Board Applications](#)

Commissioner Boylston nominated Jack Warner to the Board of Trustees for the Firefighters' Retirement System. It was seconded by Vice Mayor Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

approved

7.N. [18-515](#) 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: [Agenda Cover Report](#)
 [Exhibit A](#)
 [General Employees Retirement Fund Committee Member List](#)
 [General Employees Retirement Committee Attendance List](#)
 [General Employees Retirement Fund Committee Applications](#)

Vice Mayor Frankel nominated himself to the General Employees' Retirement Fund Committee. It was seconded by Commissioner Bathurst. A roll call vote was taken and all were in favor. The motion carried 5-0.

Mayor Petrolia stated she has been a very strong advocate to not having Commissioners on boards because of the strength that the Commission carries and this is one of the reasons why the Commission has the one year wait period. Mayor Petrolia stated she will support it now; however, Mayor Petrolia stated when the Commission gets to the point where they start to talk about these boards, she would like to discuss this because she feels it could be a potential conflict.

approved

8. PUBLIC HEARINGS:

8.A. [18-479](#) ORDINANCE NO. 16-18 AMENDING CHAPTER 110 OF THE CODES OF ORDINANCES, LOCAL BUSINESS TAX SCHEDULE (SECOND READING)

Recommendation: Motion to Approve Ordinance No. 16-18 on second reading amending Chapter 110 of the Code of Ordinances to provide for an increase in the local business tax schedule.

Sponsors: Community Improvement

Attachments: [Agenda Cover Report](#)
[Ord 16-18 Business Tax Schedule Increase](#)

The City Attorney read the caption of Ordinance No. 16-18 into the record.

Jamael Stewart, Assistant Director of Community Improvement, stated the business tax fees are increased by five percent every two years.

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

Mayor Petrolia declared the public hearing open. There being no one from the public who wished to address the Commission regarding Ordinance No. 16-18, the public hearing was closed.

Vice Mayor Frankel approved Ordinance No. 16-18 on Second and Final Reading. It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. The motion carried 5-0.
approved

8.B. [18-509](#)

ORDINANCE NO. 11-18: A City-initiated Amendment to modify Table L-6 within the Future Land Use Element of the Comprehensive Plan to add an "X" to the table to include Old School Square Historic Arts District as a zoning district that is compatible with the Community Facilities (CF) Future Land Use Map Designation, pursuant to Land Development Regulation Section 2.2.2(E)(6)(a). (FIRST READING/1STPUBLIC HEARING)

Recommendation: Motion to Adopt Ordinance No. 11-18, a City-initiated amendment to the Future Land Use Element of the Comprehensive Plan, modifying Table L-6 to add an "X" to the table to include the OSSHAD zoning district as a zoning district that is compatible with the CF FLUM designation, by finding that the request is consistent with the requirements of Florida Statutes.

Sponsors: Planning & Zoning Department

Attachments: [Agenda Cover Report](#)
[2018-07-16-PZB Staff Report Ordinance No 11-18 with attachments](#)
[Ord 11-18-CF-FLUM-OSSHADzoneDist-Table6-Update](#)

The City Attorney read the caption of Ordinance No. 11-18 into the record.

Tim Stillings, Planning and Zoning Director, stated the land use and the zoning for the property did not match and explained that CF (Community Facilities) was not a land use within the OSSHAD (Old School Square Historic Arts District) zoning district and this land use category is being added to be compatible.

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

Mayor Petrolia declared the public hearing open. There being no one from the public who wished to address the Commission regarding Ordinance No. 11-18, the public hearing was closed.

Commissioner Boylston made a motion to approve Ordinance No. 11-18 on Second and Final Reading. It was seconded by Vice Mayor Frankel. A roll call was taken and all were in favor. The motion carried 5-0.
approved

8.C. [18-478](#)

ORDINANCE NO. 08-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA ADOPTING A SMALL-SCALE FUTURE LAND USE MAP AMENDMENT DESIGNATING A PARCEL OF LAND APPROXIMATELY 0.137 ACRE IN SIZE FROM LOW DENSITY RESIDENTIAL 0-5 DU/ACRE (LD) TO COMMERCIAL CORE (CC), PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, FOR THE PROPERTY LOCATED ON THE WEST SIDE OF SE 3RD AVENUE, APPROXIMATELY 137 FEET SOUTH OF SE 2ND STREET (206 SE 3RD AVENUE), AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE. (SECOND READING)

Recommendation: Move to deny on Second Reading, Ordinance No. 08-18, a small-scale Future Land Use Map amendment from Low Density Residential 0-5du/ac (LD) to Commercial Core (CC) for the property located at 206 SE 3rd Avenue, by adopting the findings of fact and law contained in the staff report, and finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria set forth in LDR Section 3.1.1, Required Findings.

Sponsors: Planning & Zoning Department

Attachments: [Agenda Cover Report](#)
[Aerial Location Map](#)
[Ordinance No. 08-18](#)
[Detailed Aerial Location Map](#)
[Planning and Zoning Board Staff Report](#)

The City Attorney read the caption of Ordinance No. 08-18 into the record.

Tim Stillings, Planning and Zoning Director, entered the Planning and Zoning Department file #2015-210 into the record.

Mike Dutko, Attorney representing the applicant, gave a brief presentation. Mr. Dutko stated there are several Police emergency calls for several blocks around this property and every effort to clean up some of these underutilized properties is beneficial to the neighborhood.

Mr. Stillings gave a brief presentation regarding the site.

Mayor Petrolia declared the public hearing open.

James Quillian, 925 S.E. 2nd Avenue, Delray Beach (Osceola Park), stated the Osceola Park neighborhood is in full support of this ordinance.

Lisa Quillian, 925 S.E. 2nd Avenue, Delray Beach (Osceola Park), expressed concern over the safety in this area and stated this is currently an unstable area.

Ken Ropp, 217 S.E. 3rd Avenue, Delray Beach (Osceola Park), stated his property is directly across from this property being deemed commercial.

Elizabeth Mchugh, 732 S.E. 3rd Avenue, Delray Beach (Osceola Park), supports this ordinance and she feels this plan will enhance the neighborhood.

There being no one else from the public who wished to address the Commission regarding Ordinance No. 08-18, the public hearing was closed.

A brief discussion followed by the Commission and Mr. Quillian.

Vice Mayor Frankel moved to approve Ordinance No. 08-18 on Second and Final Reading. It was seconded by Deputy Vice Mayor Johnson. A roll call vote was taken and all were in favor. The motion carried 5-0.
approved

9. FIRST READINGS:

- 9.A.** [18-402](#) ORDINANCE NO. 09-18: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND RE-DESIGNATING LAND PRESENTLY ZONED SINGLE FAMILY RESIDENTIAL (R-1-A) DISTRICT TO CENTRAL BUSINESS (CBD) DISTRICT, LOCATED WITHIN THE RAILROAD CORRIDOR SUB-DISTRICT; SAID LAND IS LOCATED ON THE WEST SIDE OF SE 3RD AVENUE, 137 FEET SOUTH OF SE 2ND STREET (206 SE 3RD 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 deny on First Reading, Ordinance No. 09-18, a privately-initiated rezoning from Single Family Residential (R-1-A) District to Central

Business (CBD) District, within the Railroad Corridor Sub-District, for a parcel of land located on the west side of SE 3rd Avenue, 137 feet south of SE 2nd Street (206 SE 3rd Avenue), by adopting the findings of fact and law contained in the staff report, and finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria set forth in LDR Sections 2.4.5(D)(5), Findings, and 3.2.2(D), Standards for Rezoning Actions.

Sponsors: Planning & Zoning Department

Attachments: [Agenda Cover Report](#)

[Ord. No. 09-18](#)

[Location Map](#)

[Detailed Aerial Location Map](#)

[Planning and Zoning Board Staff Report](#)

The City Attorney read the caption of Ordinance No. 09-18 into the record.

Tim Stillings, Planning and Zoning Director, entered the Planning and Zoning Department project file #2015-203 into the record.

Mike Dutko, Attorney for the applicant, requested that the presentation previously given be part of the record for this rezoning application.

Vice Mayor Frankel made a motion to approve Ordinance No. 09-18 on First Reading. It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. The motion carried 5-0.
approved

9.B. [18-460](#)

ORDINANCE NO. 14-18: COLLECTION OF EMERGENCY MEDICAL SERVICE FEES ORDINANCE AMENDMENT (FIRST READING)

Recommendation: Motion to update the ordinance "Collection of Emergency Medical Service Fees" and strike the below noted verbiage.

Any bill remaining unpaid for a period of ninety (90) days shall be considered delinquent. Any delinquent bill shall incur interest ~~at the rate of nine (9) percent per annum~~ at a rate determined by the City Manager. The notice of an interest charge shall be included on the initial bill mailed to the patient.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

[Ord 14-18 rev collection of EMS fees](#)

The City Attorney read the caption of Ordinance No. 14-18 into the record.

Kimberly Ferrell, Finance Director, stated this ordinance removes the 9%

interest rate and leaves that rate open for the City Manager to determine. Ms. Ferrell stated the City attempts to collect the EMS billing for services rendered for 90 days and anything remaining at that 90-day point is turned over to a collection agency. Ms. Ferrell stated at that point there will be a 19% fee that will be added on to the bill.

Brief discussion between Deputy Vice Mayor Johnson and Desiree Lancaster, EMS Billing Supervisor followed.

Vice Mayor Frankel made a motion to approve Ordinance No. 14-18 on First Reading. It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. The motion carried 5-0.
approved

- 9.C.** [18-469](#) ORDINANCE NO. 17-18: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING CHAPTER 33 "POLICE AND FIRE-RESCUE DEPARTMENTS" BY AMENDING PROVISIONS OF THE POLICE OFFICERS' RETIREMENT SYSTEM; AMENDING SECTION 33.65 "ADMINISTRATION"; AMENDING SECTION 33.67, "OTHER PROVISIONS"; CREATING A NEW SECTION 33.725, "SHARE PLAN"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (FIRST READING)

Recommendation: Motion to approve Ordinance 17-18 in order to correct three items that were inadvertently left out of Ordinance 17-16.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Ord 17-18 Delray Beach Police Pension Ordinance Final for first reading](#)

The City Attorney read the caption of Ordinance No. 17-18 into the record.

Commissioner Boylston made a motion to approve Ordinance No. 17-18 on First Reading. It was seconded by Vice Mayor Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.
approved

- 9.D.** [18-470](#) ORDINANCE NO. 18-18 AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING CHAPTER 33 "POLICE AND FIRE-RESCUE DEPARTMENTS" BY AMENDING PROVISIONS OF THE FIREFIGHTERS' RETIREMENT SYSTEM; AMENDING SECTION 33.76, "BENEFIT AMOUNTS AND ELIGIBILITY"; AMENDING SECTION 33.79, "ADMINISTRATION"; AMENDING SECTION 33.81, "OTHER PROVISIONS"; CREATING A NEW SECTION 33.92, "SHARE PLAN";

PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (FIRST READING)

Recommendation: Motion to approve Ordinance 18-18 in order to correct three items that were inadvertently left out of Ordinance 17-16.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Ord 18-18 Delray Beach Fire Pension Ordinance Final for first reading](#)

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

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

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

The City Manager stated he has provided the Commission with the upcoming Commission Workshop dates and schedule. The City Manager stated he met with the golf course personnel and they would like one of the Commissioners to meet with him on an interim basis along with the President and Vice-President of the mens and womens association. He suggested that there be Commission representation at that discussion.

Secondly, the City Manager stated the city received a detailed request from the Chamber today and this will be discussed on September 6, 2018.

Commissioner Bathurst stated he will represent the Commission at the golf course discussion.

10.A.1. City Commission & CRA Compensation & Training/Travel Stipends

The City Manager stated during the budget process he learned that the compensation for the Mayor and City Commission looked low. He stated staff instituted a study which he has made available on the dais. The City Manager reviewed the findings of the study and stated that Delray Beach is lagging approximately \$10,000.00 in the Mayor and City Commission salary and in order to change that, this has to be done six months prior to the next municipal election (the next election will be March 2020). The City Manager suggested that there be a discussion regarding the salary piece

during Goal Setting and the City Commission can give direction to staff at that time. Secondly, the City Manager stated the travel stipend is for local travel (i.e. mileage). The City Attorney stated anything outside the stipend would be the actual expense reimbursement.

The City Attorney stated in order to pass an ordinance that would increase the Mayor and City Commission salaries it does not become effective until the assumption of office by the Commission elected at the next general election (effective March 2020) and would have to be adopted no less than six months prior to that election.

Mayor Petrolia stated she does not feel there should be an increase to a stipend to accommodate the deficiency and then do the same thing with the salaries. Therefore, Mayor Petrolia stated this should be either rolled back or just not done.

The City Attorney stated staff can look at the allowance and some of the expenses the Commission is incurring and at a Workshop Meeting have a more indepth discussion regarding the Commission salaries and he can draft an ordinance as well.

10.B. City Attorney

The City Attorney stated a Bert J. Harris claim was filed against the City of Delray Beach and recommends that the Commission have a discussion regarding a potential settlement. Therefore, the City Attorney is requesting two separate shade meetings for two separate cases and suggested that these meetings be on a different day other than a Commission meeting day. The City Attorney suggested that these be back-to-back meetings. The first shade meeting related to the Bert J. Harris claim will be approximately 30 minutes each a total of one hour and the second shade meeting is the City of Delray Beach vs. MatchPoint, Inc. It was the consensus of the Commission to hold these shade meetings in the Commission Chambers on Tuesday, September 4, 2018 at 1:00 p.m. the attendees will be the City Commission, City Manager, City Attorney, Lynn Gelin, Deputy City Attorney potentially Assistant City Attorney Biggs, and a certified court reporter. As soon as the first shade meeting concludes, the second shade meeting will commence soon thereafter, but no later than 2:00 p.m. and the attendees will be the same; however, Special Counsel Mr. John R. Herin, Jr. will take the place of Ms. Gelin, and a certified court reporter.

Vice Mayor Frankel made a motion to approve the two shade meetings as discussed by the City Attorney. 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

Deputy Vice Mayor Johnson stated on the October 9, 2018 Workshop Meeting Item #2 should read the American Legion not the Caring Kitchen.

Commissioner Bathurst stated with respect to the CBD zoning he is glad to see that is moving forward.

Secondly, Commissioner Bathurst stated with regard to the golf course he hopes the city can make some good things happen that will not cost a lot of money. Also, Commissioner Bathurst gave a few brief comments and stated he met with FDOT regarding the I-95 underpass project. He stated it was a great meeting and starting on the 30th there will be public information meetings and stated he will forward the list of changes that are going to be made to the rest of the Commission.

Lastly, Commissioner Bathurst stated he will not be present at the September 11, 2018 Workshop Meeting.

Vice Mayor Frankel stated he met with the City Attorney about changes in the Local Rules to allow for some flexibility to move up the City Commission meetings should the Commission anticipate them going late. It was the consensus of the Commission to add this flexibility into the Local Rules especially if they know ahead of time that there is going to be a controversial issue where staff anticipates 2-3 hours of comments.

Secondly, Vice Mayor Frankel commented about his Florida League of Cities alternate vote report.

Deputy Vice Mayor Johnson distributed information to the rest of the Commission from the Florida League of Cities Conference she attended and stated we need to educate the community as to what is going on at the state level that is going to impact everyone down to the county and municipal levels. Deputy Vice Mayor Johnson stated there are several amendments one in particular additional homestead. Also, she stated fifty bills were introduced at this last legislative session that would do away with Local Home Rule. Deputy Vice Mayor Johnson stated there is a great desire to make the citizens aware of all the things that are being done in Tallahassee to take away something that was done fifty years ago and noted we celebrated 50 years of Home Rule. She feels if we do not do our due diligence and educate our community, we are going to be back 50 years.

Commissioner Boylston announced that Eula Mae Johnson the oldest

resident of Delray Beach (109 years old) passed away last week and stated a few years ago that the Coastal Star wrote a great article on Ms. Johnson. Commissioner Boylston stated Community Greening is going to be planting a tree in her honor by Spady.

Secondly, Commissioner Boylston stated he was watching the Masters and Makenna and Morgan Rodriguez two young female golfers from Delray Beach were mentioned on television.

Mayor Petrolia stated the passing of Eula Mae Johnson was a very sad day and noted that the city was in the process of making a video for Ms. Johnson and unfortunately had to stop.

There being no further business to discuss, the meeting was adjourned at 9:55 p.m.