

# **City of Delray Beach**

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## **Minutes - Final**

**Thursday, September 6, 2018**

**6:00 PM**

**Budget Hearing/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 6:00 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**

Vice Mayor Frankel stated the Commission has received several emails regarding The Downtowner and requested that this be added to the agenda for discussion (with the exception of anything related to the Request for Proposal) as Item 4.A.A.

Commissioner Bathurst requested that Item 6.B. be moved to the regular agenda for discussion as Item 7.A.A.

Deputy Vice Mayor Johnson requested that Item 6.C. be moved to the regular agenda as Item 7.B.B., Item 6.G. be moved to the regular agenda as Item 7.C.C., Item 6.H. be moved to the regular agenda as Item 7.D.D., and Item 8.K.1. be moved to the regular agenda as Item 7.E.E.

Mayor Petrolia announced Deputy Vice Mayor Johnson's birthday was yesterday and the Commission wished her a happy belated birthday.

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

**approved as amended**

**4. PRESENTATIONS:****4.A. [18-552](#) PRESENTING CORY DUNCAN, CODE ENFORCEMENT OFFICER,  
WITH EMPLOYEE OF THE MONTH FOR SEPTEMBER 2018**

**Recommendation:** Motion to present Cory Duncan, Code Enforcement Officer, with Employee of the Month for September 2018

**Sponsors:** Human Resources Department

**Attachments:** [Cover Letter Cory Duncan Employee of the Month.pdf](#)  
[Cory Duncan Nomination form.pdf](#)

Sharon Liebowitz, Human Resources Director, stated this item is a presentation recognizing Cory Duncan, Code Enforcement Officer, as Employee of the Month for September 2018.

Michael Coleman, Community Improvement Director, introduced Cory Duncan, Code Enforcement Officer, and gave a few brief comments.

Cory Duncan, Code Enforcement Officer, came forward and gave a few brief comments.

On behalf of the Mayor, Commission, and the City of Delray Beach, Ms. Liebowitz presented Cory Duncan with a plaque for Employee of the Month for September 2018 and eight (8) hours of paid vacation.

At this point, the Commission moved to Item 4.A.A., The Downtowner.

Mayor Petrolia explained that the Commission has received many responses about the letter that was sent out by the Downtowner stating that they are not going to provide service here in Delray Beach.

The City Manager explained that in the summer of 2017, the City Commission decided on a pilot project for downtown point-to-point transit funded by the Community Redevelopment Agency (CRA). With the turnover in staff in the City Manager's office, etc. that did not happen last year. Therefore, the City Manager stated this year staff went out for a pilot project with cooperation with the CRA for point-to-point transit, but also the downtown round-about free trolley contract was due to expire. The City Manager stated the company that was running the trolley decided that they could no longer operate the trolley. The City put in some emergency provisions and a one year agreement while they went out for the RFP. The City Manager stated the RFP also took the trolley service but also point-to-point and some other ideas for creating a downtown transportation system. The City Manager stated the City of Delray Beach does not have transportation planning services in place right now, no mobility or ped

coordinator, and no transportation engineer. The City created a committee who went out for an RFP and there was a rating process and that RFP process has concluded. Staff is preparing their recommendations to the City Commission and those can include anything from awarding part of the RFP, none of the RFP, or going out for specific services within the RFP. The City Manager stated he believes staff will be bringing this back at the next City Commission meeting.

The City Attorney clarified some of the restrictions when going through an RFP process and stated the Cone of Silence would still apply.

A representative came forward and gave a few brief comments. He understands the Commission has not made a decision on the RFP and they understood the RFP was going in a different direction related to them by city staff.

Commissioner Boylston clarified that they are a private business.

Jennifer Alvarez, Purchasing Director, stated this Request for Proposal (RFP) was opened approximately 4-5 months ago and the city issued the solicitation just after they entered into that emergency contract for the trolley services as previously stated by the City Manager. Ms. Alvarez stated shortly thereafter during that timeframe staff drafted the solicitation and it was issued two months later. Mayor Petrolia stated she would like to see this on the September 25, 2018 City Commission meeting so that they can move on it. If they do not find this is what they are looking for and they will start a new RFP process. Mayor Petrolia stated this multi-modal transportation has been discussed a long time.

The City Manager stated it appears that the rankings need to be brought back and approved by the City Commission before the negotiations; however, this is not a step in the process here.

Vice Mayor Frankel stated the rankings should come before the City Commission, then the Commission as a board can vet it, and then they make a decision.

The City Attorney stated most municipalities have a staff selection committee rank the proposals and bring them back to the Commission.

Mayor Petrolia stated in the past the Commission has always had rankings and a recommendation from City staff although the Commission has not always been in favor of staff's recommendation.

A brief conversation between the City Attorney and the Commission

followed. The City Attorney explained that the City issued a solicitation with certain criteria and rules in it and the ranking is not part of the process set forth in that RFP. The City Attorney suggested that if the Commission would like to do it that way, then they need to start the RFP process over.

Ms. Alvarez stated the City issued the solicitation for this RFP shortly after entering into that emergency contract for the trolley services.

Mayor Petrolia suggested that this be on the September 25, 2018 City Commission Meeting and if this is not what they want, then they can move on and start a new RFP process.

## **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**

As a follow-up to the Budget Workshop Meeting, the City Manager stated that staff is having great progress on the golf course and their discussion internally. He stated they will bring some of the ladies and mens associations to the table once they have some ideas.

### **5.B. From the Public**

Katherine Fleishman, 575 N.W. 2nd Avenue, Delray Beach, commented about the trolley and stated the majority of the other individuals riding the trolley were intoxicated and stated she witnessed the exchange of drugs while she rode on the trolley. Secondly, Ms. Fleishman urged the Commission to expand The Downtowner to make it a universal form of transportation.

Max Lubin, a Haitian-American who played soccer overseas, has a psychology degree, a masters degree in social work, and interns as a mitigation specialist in Chicago, stated he would like to help the disadvantaged in the Haitian community.

Nicholas Coppola, 3930 Lowson Boulevard, Delray Beach (Sherwood Park), speaking on behalf of the community, commented about the canal and Lake Worth Drainage District (LWDD).

Sandra Alexander, 2751 Hampton Circle N., Delray Beach (Andover development - lives on the 37 canal), expressed concern with Lake Worth Drainage District (LWDD) and stated there are 17 homes impacted by the main E-4 canal. She stated some of the homeowners have lived on that same canal for 40 years and the trees have never been trimmed or

touched. Ms. Alexander stated she has lived in Andover for 16 years and her south side has not been trimmed, cut, or maintained.

Mayor Petrolia stated this is an issue that has been happening in Boca and other areas of Palm Beach County and stated she attended a Mayor's Forum and explained the problem to Palm Beach County Commissioner Mack Bernard. Mayor Petrolia stated all the mayors agreed that this is a problem that needs to be addressed.

Mr. Coppola stated everyone has permits for the fences; one neighbor put in a \$100,000 pool, beautiful landscaping, and a fence that now has to be moved.

The City Manager stated staff has been working on this issue for several weeks since the letters went out and Assistant City Manager Caryn Gardner-Young attended the meeting this morning and spoke with the staff from Lake Worth Drainage District (LWDD) separately as well as with the Executive Director. The City Manager stated Attorney Max Lohman identified that the City has an agreement with LWDD and there is a process for administrative mediation through that agreement. Therefore, the City Manager requests that the City Commission authorize staff through this letter (which Caryn Gardner-Young has in-hand) to sign this letter in order to allow the city to be involved on behalf of our citizens and that the city needs to know what LWDD is doing on each parcel and representing a mediation in association with what the LWDD plans to do.

Caryn Gardner-Young, Assistant City Manager, stated there is a State statute that talks about a dispute with the City of Delray Beach and Lake Worth Drainage District (LWDD); however, the City of Boca and the City of Delray Beach entered into different type of agreements that allows a pre-process before going through the State process. Ms. Gardner-Young stated under that agreement there are certain notice requirements that need to be sent to the city and the residents and it talks about what the process is. Ms. Gardner-Young stated she wrote a letter that she has notified the Executive Director of LWDD as well as the individuals she met with this morning to let the LWDD know that this was coming. She stated that the residents expressed their concerns. In response to that, she asked LWDD to send out a second letter to the affected residents informing them what the process is that LWDD has implemented which is allowing them to contact an individual within their organization. The individual would then set up an on-site meeting or a group meeting in order to meet with the residents to discuss what the meeting was about.

Mayor Petrolia suggested that the city reach out to the neighboring municipalities and ban together to stand up for the rights of the citizens.

Commissioner Bathurst stated some of the land does not back up to a house and he would like to make sure that LWDD is going to trim the part of it that is a city easement and that the city receives the same treatment as any resident would.

Christine Martin, 3121 Lowson Boulevard, Delray Beach, stated LWDD would be cutting down over 1,000 trees which would make a huge impact on the city from an environmental perspective.

Rita Rana, 50 East Road #9C, Delray Beach, commented about the elimination of the trolleys and stated they are considering changing the routes. Ms. Rana expressed concern over the existing trolley and suggested that there be a bail-out or change opportunity in the agreement.

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

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

Vice Mayor Frankel made a motion to approve the consent 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**

### **6.A. [18-558](#) MEETING MINUTES**

**Recommendation:** Motion to approve meeting minutes as listed below.  
Meeting Minutes - August 14, 2018 Executive Session  
Meeting Minutes - August 14, 2018 Workshop Meeting  
Meeting Minutes - August 21, 2018 Regular Meeting

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Minutes August 14, 2018 City Commission Executive Session](#)  
[Minutes August 14, 2018 City Commission Workshop Meeting](#)  
[Minutes August 21, 2018 Regular Meeting](#)

**approved**

### **6.B. [18-550](#) RESOLUTION NO. 110-18: A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE TREASURE COAST REGIONAL PLANNING COUNCIL FOR PLANNING SERVICES.**

**Recommendation:** Motion to Approve Resolution No. 110-18.

**Sponsors:** Planning & Zoning Department

**Attachments:** [Agenda Cover Report](#)  
[Res 110-18](#)  
[ILA-TCRPC-Attachment A-Res110-18](#)  
[Res 110-18-LegalReviewForm-Aug21](#)

The Commission moved to Item 7.A.A. (formerly Item 6.B.).

Tim Stillings, Planning and Zoning Director, stated that this is not just a rezoning, but it is a land use change as well and staff needs time to discuss the potential impacts to the neighborhood. Mr. Stillings stated this goes to the State and they review it for 30 days and then they inform the city if it is acceptable. Mr. Stillings stated staff would like to analyze the area to make sure it is extending the core standards because this is a slightly different version from what was done with the area to the north because that area was buffered to the west by the railroad tracks; this is coming down south next to single family residential. Mr. Stillings stated the entire process will take approximately 10 months because staff has to go through the approval process. In addition, Mr. Stillings stated staff would have to hold a few community meetings with the property owners to make sure everyone has the opportunity to speak and understand what it is the city is trying to change.

Commissioner Boylston made a motion to approve Item 7.A.A. with a goal of 8 months no longer than 10 months. It was seconded by Commissioner Bathurst. A roll call vote was taken and all were in favor. The motion carried 5-0.  
**approved**

**6.C.     [18-536](#)**     INTERLOCAL AGREEMENT BETWEEN CITY OF DELRAY BEACH AND COMMUNITY REDEVELOPMENT AGENCY(CRA) FOR HOUSING NEEDS ASSESSMENT

**Recommendation:** Motion to approve and execute the attached ILA for funding the Housing Study.

**Sponsors:** Community Improvement

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist form v. 5 ILA for housing study](#)  
[ILA for Funding Housing Study](#)  
[Agenda Cover Report 71218](#)  
[Exhibit A - City Housing Needs Assessment Request CRA 061318](#)

Deputy Vice Mayor expressed concern that the city funds studies and then nothing is done with them.

Michael Coleman, Community Improvement Director, stated the Housing Study was done in 2016.

Jeff Costello, Executive Director of the Community Redevelopment Agency (CRA), stated the last study was done in 2016 which included a lot of data regarding the housing; however, Mr. Costello stated it did not include the housing inventory in the city.

Deputy Vice Mayor Johnson commented about the 2012 Needs Assessment Study.

Deputy Vice Mayor Johnson made a motion to approve Item 7.B.B. (formerly Item 6.C.). It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. The motion carried 5-0.  
**approved**

- 6.D. [18-494](#) RESOLUTION NO. 96-18: ADULT DAY HEALTH CARE SERVICES FOR CITY RESIDENTS AND PUBLIC AT CITY OWNED BUILDING LOCATED AT 850 NORTH CONGRESS AVENUE (WESTERN COMMUNITY CENTER) WITH THE MAE VOLLEN SENIOR CENTER INC.

**Recommended Action:**

**Recommendation:** Motion to Approve renewal of the revocable license agreement between Mae Vollen Senior Center Inc. and the City of Delray Beach.

**Sponsors:** Parks & Recreation Department

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

[Attachment 1 - Legal Review Checklist form v. 5 Mae Vollen License Agreement](#)

[Attachment 2 - Signed agreement for legal review](#)

[Attachment 3 - Resolution for Mae Vollen](#)

**approved**

- 6.E. [18-532](#) APPROVAL OF THE CHANGE ORDER NO. 1 TO AN AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND SOUTHEASTERN ENGINEERING CONTRACTORS, INC. FOR THE MASTER LIFT STATION NO. 1 REHABILITATION (PROJECT NO. 16-030) IN A NOT-TO-EXCEED AMOUNT OF \$63,732.48 AND FOR AN ADDITIONAL 45 DAYS.

**Recommendation:** Motion to approve Change Order No. 1 with Southeastern Engineering Contractors, Inc. for the Master Lift Station No. 1 Rehabilitation and Upgrade (Project No. 16-030) in a total not-to-exceed amount of

\$63,732.48 and for an additional 45 days.

**Sponsors:** Public Works Department - Programs & Project Management

**Indexes:** Capital Improvement Projects - City Wide

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

[Change Order No. 1 Contractor & CEI Signed 8.2.18](#)

[MC CO#01 Recommendation Letter](#)

[Legal Review Checklist form v. 5 change order no 1 master lift station rehab](#)

[Southeastern Engineering Contractors - purchase award for 2018-004 agree...](#)

approved

- 6.F. [18-534](#) GRANT UTILITY EASEMENT TO FLORIDA POWER AND LIGHT TO INSTALL A BURIED POWER LINE AND A PAD MOUNTED TRANSFORMER

**Recommendation:** Motion to grant a utility easement to Florida Power and Light to install a buried power line and a pad mounted transformer to provide electrical service to the City's Master Lift Station #1 facility that is presently under construction for upgrades (Project No. 16-030) at 430 SE 6th Avenue.

**Sponsors:** Public Works Department - Programs & Project Management

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

[EASMENT PACKAGE](#)

[Legal OK Email](#)

approved

- 6.G. [18-439](#) RESOLUTION NO. 88-18: APPROVAL TO TERMINATE EXISTING AGREEMENT WITH AXON ENTERPRISE, INC. FOR BODY WORN CAMERAS AND TASERS AND APPROVAL TO ENTER INTO A NEW AGREEMENT WITH AXON ENTERPRISE INC. FOR BODY WORN CAMERAS, TASERS, INTERVIEW ROOM CAMERAS, IN-CAR VIDEO, BATTERIES, CARTRIDGES, RELATED EQUIPMENT AND ACCESSORIES, LICENSING, MAINTENANCE, AND WARRANTY.

**Recommendation:** Motion to approve to terminate existing Master Services and Purchasing Agreement with Axon Enterprise, Inc. for body worn cameras and Tasers  
Motion to approve new agreement with Axon Enterprise, Inc. for body worn cameras, Tasers, interview room cameras, in-car video, batteries, cartridges, related equipment and accessories, licensing, maintenance and warranty in the total amount not to exceed \$2,510,000 over the next five (5) years.

**Sponsors:** Police Department

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

[Resolution 88-18 Approval of termination of existing and entering into a new agreement with Axon Enterprises Inc](#)

[AXON - FINANCIAL IMPACT PER FISCAL YEAR F](#)

[0517\\_DelrayOSP](#)

[0517\\_DelrayOSPCombined](#)

[0517\\_DelrayInterview](#)

[0517\\_DelrayPhasedFleet120USE](#)

[Axon Fleet vs Panasonic Arbitrator comparison](#)

[DelrayBeach\\_OriginalMSPASigned](#)

[Sole Source Letter Agency-Specific CEW and Axon](#)

[Legal Review Checklist\\_LW](#)

[2018 Axon Agreement final with quotes](#)

Mary Olsen, Acting Police Chief, stated that staff is requesting to terminate the existing agreement with Axon Enterprise, Inc. and open a new contract with additional equipment.

Commissioner Boylston made a motion to approve Item 7.C.C. (formerly Item 8.G.). 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**

**6.H.     [18-518](#)     GRANT   APPLICATION   AND   APPROVAL/FDOT   PEDESTRIAN   & BICYCLE SAFETY**

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

**Sponsors:** Police Department

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

[Town of Delray Beach Contract Approval 6Aug2018](#)

[Legal Review Checklist\\_LW review - Legistar item 18-518](#)

[433144-1-8404 Grant Award 2July2018 - Legistar item 18-518](#)

Mary Olsen, Acting Police Chief, stated that staff is going to apply for a grant with the Florida Department of Transportation (FDOT) for the enforcement and education of pedestrian and bicycle safety. She stated normally they received \$45,000.00; however, Chief Olsen stated they are requesting approval of \$65,000.00.

Commissioner Boylston made a motion to approve Item 7.D.D. (formerly Item 6.H.). 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

## 6.I. PROCLAMATIONS:

### 6.I.1. [18-529](#) PROCLAMATION FOR DELRAY BEACH FIRE RESCUE APPRECIATION MONTH ON BEHALF OF MDA

**Recommendation:** Proclaim the month of September as Delray Beach Fire-Rescue  
Appreciation Month

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Delray Beach Fire Rescue - MDA](#)

approved

### 6.J. [18-538](#) REPORT OF APPEALABLE LAND USE ITEMS FROM JULY 23, 2018 THROUGH AUGUST 3, 2018.

**Recommendation:** By motion, receive and file this report.

**Sponsors:** Planning & Zoning Department

**Attachments:** [Agenda Cover Report](#)  
[Appealable Items Map](#)  
[A. 75 SW 5th Avenue](#)  
[B. Jardin Del Mar - 200 S. Ocean Blvd](#)  
[C. The 301 Building - 301 SE 1st Avenue](#)  
[D. Delray Square II - 14530 South Military Trail](#)  
[E. Delray Beach Public Library - 100 W. Atlantic Avenue](#)  
[F. Central Park Taekwondo - 215 NE 5th Avenue](#)  
[G. 777 North Ocean Blvd](#)

approved

## 6.K. AWARD OF BIDS AND CONTRACTS:

approved

### 6.K.1. [18-474](#) APPROVAL OF RESOLUTION NO 94-18 AWARD OF AN AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND GREEN INDUSTRY LANDSCAPING CORPORATION FOR LANDSCAPE MAINTENANCE IN A NOT-TO-EXCEED AMOUNT OF \$141,000 PER CONTRACT TERM

**Recommendation:** Motion to award a three-year Agreement with Green Industry Landscaping  
Corporation, for landscape maintenance in an amount not-to-exceed of  
\$141,000 for the Agreement term and authorize the City Manager to

exercise any and all renewal options.

**Sponsors:** Parks & Recreation Department

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

[Legal Review Checklist Green Industry for landscaping ITB 2018-040](#)

[94-18- Resolution Template for Contracts \(CA 3-23-18\)](#)

[ITB 2018-40 Agreement](#)

[Green Industry](#)

Vice Mayor Frankel left the dais at 7:29 p.m.

Deputy Vice Mayor Johnson stated there seems to be a disconnect with initiating the contracts, signing the maintenance company agreements, waiting for them to present invoices and paying them. She asked if staff has anyone monitoring what the contractors are doing.

Susan Goebel-Canning, Public Works Director, stated this is a new contractor. The city would be working with this company because the city has not been satisfied with the past service. Ms. Goebel-Canning stated they now have a staff member who will oversee these contracts to be able to enforce them better.

Deputy Vice Mayor Johnson expressed concern that one person overseeing this may not be enough. She stated that she participated in a city-wide cleanup a few weekends ago and expressed concern over the small empty bottles. Ms. Goebel-Canning stated some of this is in the County right-of-way and the City tries to work with the County in their maintenance plan. Deputy Vice Mayor Johnson expressed concern over the condition of the fence on Lake Ida Road from the Machek Boy Scout Park to where the subdivision starts (from the church on Swinton Avenue around by the park down Lake Ida Road across from the Achievement Center).

The City Manager made a few brief comments.

David Harden, former City Manager, stated the fence is the responsibility of the homeowners' association and explained when Lake Ida Road was widened the piece that is immediately adjacent to the road was rebuilt by the County; however, it was understood at the time that future maintenance was the responsibility of the homeowners.

The Commission gave direction to Michael Coleman, Director of Community Improvement, and Susan Goebel-Canning to research the situation with the fence and the bottles and report back to the Commission.

Deputy Vice Mayor Johnson asked if staff plans to improve the quality of the plantings in the median strip. Ms. Goebel-Canning stated staff is working on this. Deputy Vice Mayor Johnson stated there is a bush that obscures the visibility of the traffic while turning on 5th Avenue heading east on Lake Ida Road. She suggested that this bush be removed. Deputy Vice Mayor Johnson stated she will meet with Ms. Goebel-Canning to discuss further.

Commissioner Boylston made a motion to approve Item 7.E.E. (formerly Item 6.K.1.). It was seconded by Commissioner Bathurst. A roll call vote was taken and all were in favor. Vice Mayor Frankel was absent for the vote. The motion carried a vote of 3-1, Deputy Vice Mayor Johnson dissenting.

**approved**

- 6.K.2.** [18-554](#) APPROVAL OF RESOLUTION NO. 111-18 TO AWARD AN AGREEMENT WITH M & M ASPHALT MAINTENANCE, INC. D/B/A ALL COUNTY PAVING FOR GENERAL ROADWAY AND MISCELLANEOUS CONSTRUCTION SERVICES UTILIZING THE CITY OF WEST PALM BEACH SOLICITATION NO. ITB 14-15-134, AND TO AUTHORIZE THE CITY MANAGER TO APPROVE AND EXECUTE AGREEMENT RENEWAL OPTIONS IN A NOT-TO-EXCEED AMOUNT OF \$300,000.

**Recommendation:** Motion to approve Resolution No. 111-18 to award an agreement with M & M Asphalt Maintenance, Inc. d/b/a All County Paving (ACP) for General Roadway and Miscellaneous Construction Services for a total agreement value not-to-exceed \$300,000 through October 15, 2018, utilizing the City of West Palm Beach Solicitation No. ITB 14-15-134. The City of West Palm Beach Annual Contract expires on October 15, 2018.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution No. 111-18 Annual Paving](#)  
[All County WPB Master Contract](#)  
[NW Section Location Map](#)  
[SE 10th St Location Map](#)  
[Legal Review Checklist form v. 5 All county paving piggyback](#)  
[City of Delray Beach Piggyback Signed Agreement 8-21-18](#)  
[list of roads](#)

**approved**

## **7. REGULAR AGENDA:**

- 7.A. [18-483](#) REQUEST FOR A WAIVER TO LDR SECTION 4.6.5(C) TO ALLOW THE INCREASE IN HEIGHT OF PROPOSED FENCE ON THE OUTSIDE COURTYARD TO 12 FEET LOCATED AT 5440 LINTON BLVD. (QUASI-JUDICIAL HEARING)

**Recommendation:** Motion to approve the waiver request to LDR Section 4.6.5(C)) to increase the maximum fence height from eight to 12 feet for Tenet Healthcare Corporation (Delray Medical Center) which is located at 5440 Linton Blvd, as presented.

**Sponsors:** Planning & Zoning Department

**Attachments:** [Agenda Cover Report](#)  
[Board Order - Delray Medical Waiver](#)  
[Justification Letter](#)  
[Survey](#)  
[Images](#)

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.

The Commission had no ex parte communications to disclose.

Tim Stillings, Planning and Zoning Director, entered the Planning and Zoning Department project file #2018-164 into the record and stated this is a request from Delray Medical Center for approval of a waiver to increase the maximum fence height from 8 feet to 12 feet. Mr. Stillings stated the request meets the waiver findings and staff recommends approval.

The applicant was not present.

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

There was no cross-examination or rebuttal.

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

Vice Mayor Frankel returned to the dais at 7:35 p.m.

Mayor Petrolia asked Vice Mayor Frankel if he had any ex parte communications to disclose. Vice Mayor Frankel stated he had no ex parte communications to disclose.

Brief discussion between Mr. Stillings and the Commission continued.

The City Attorney read the Board Order into the record.

Vice Mayor Frankel made a motion to approve the Board Order (approving the waiver request). It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. The motion carried 5-0.

**approved**

- 7.B.**     [18-466](#)     APPROVAL TO INCREASE THE APPROVED AGREEMENT VALUE BY \$228,848 FOR VOIP PHONE SYSTEM SUPPORT, MAINTENANCE AND SERVICES WITH MAX-IS, INC. THROUGH SEPTEMBER 2019

**Recommendation:** Motion to approve an increase in the approved agreement value by \$228,848 with Max-IS, Inc. for VoIP phone system support, maintenance and services through September 2019.

**Sponsors:** IT Department and Purchasing Department

**Attachments:**   [Agenda Cover Report](#)  
                          [Executed Maxis360 VOIP contract](#)  
                          [MaxIS payments](#)

Mickey Baker, IT Director, stated this item is to approve an administrative error over a period of the last couple of years. Mr. Baker stated the city entered into a contract on April 5, 2016 with Max-Is, Inc. who is the telephone vendor. The total amount of the contract was \$408,764.00; the converted amount was already spent by staff and it was not brought over to the new Tyler system by a conversion error by the vendor. Mr. Baker stated the amount that was overspent was \$202,382.00. Mr. Baker explained that this item is to correct that error and allocate additional funds to pay the telephone bill to Max-Is, Inc. through 2019.

A brief discussion between the Commission and Mr. Baker ensued.

It was the consensus of the Commission to direct staff to research alternatives within the next year for a new phone system.

Deputy Vice Mayor Johnson commented about the city transferring the phone line expenditures from MaxIS360 to Comcast in October of this year that will save the city money. Mr. Baker stated the city is currently paying Powernet to take what is generated by the telephones and connect it through the internet to the public switch telephone network referred to as SIP. Mr. Baker stated that the service the city purchased from Comcast is including enough SIP circuits to terminate the telephones so that the city will

not have to spend \$4,400.00 per month. The cost of SIP circuit through September 2018 will be paid from the Communication Service Telephone account which is a budgeted line item.

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

**approved**

- 7.C. [18-539](#) RESOLUTION NO. 77-18: A RESOLUTION OF THE CITY OF DELRAY BEACH, FLORIDA AUTHORIZING PAYMENT OF PER CAPITA MEMBER DUES TO THE PALM BEACH TRANSPORTATION PLANNING AGENCY COMMENCING IN FISCAL YEAR 2019 AND EVERY YEAR THEREAFTER, PROVIDING AN EFFECTIVE DATE.

**Recommendation:** Motion to approve Resolution No. 77-18 to pay City of Delray Beach (City) member dues to the Palm Beach Transportation Agency (TPA) beginning Fiscal year 2019.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[FW Agenda Item for Legal Review](#)  
[Res 77-18 TPA Member Dues Resolution Final](#)

Commissioner Boylston left the dais at 7:54 p.m. and he returned at 7:55 p.m.

Susan Goebel-Canning, Public Works Director, gave a brief presentation.

The City Attorney read the title of Resolution No. 77-18 into the record.

Vice Mayor Frankel made a motion to approve Resolution No. 77-18. It was seconded by Commissioner Bathurst. A roll call vote was taken and all were in favor. Commissioner Boylston was absent for the vote. The motion carried 4-0.

**approved**

- 7.D. [18-571](#) NOMINATION FOR APPOINTMENT TO THE BOARD OF ADJUSTMENT

**Recommendation:** Motion to approve nomination for appointment for one (1) alternate member to serve on the Board of Adjustment for an unexpired term 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](#)

Commissioner Boylston stepped away from the dais for a brief moment and returned.

Mayor Petrolia nominated Alessandro De Anglelis to the Board of Adjustment. 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.E.     [18-582](#)     APPOINTMENT OF ASSISTANT CITY ATTORNEY**

**Recommendation:** Motion to approve the appointment of William Bennett as Assistant City Attorney.

**Sponsors:** City Attorney Department

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

The City Attorney introduced William Bennett as the the new Assistant City Attorney and stated he will make a great addition to the team.

Mr. William Bennett gave a few brief comments.

Commissioner Bathurst made a motion to ratify the selection of William Bennett as Assistant City Attorney. It was seconded by Vice Mayor Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.  
**approved**

**8. PUBLIC HEARINGS:**

**8.A.     [18-519](#)     RESOLUTION NO. 103-18: TENTATIVE MILLAGE LEVY**

**Recommendation:** Motion to approve Resolution No. 103-18 Tentative Millage Levy for FY 2019.

**Sponsors:** City Manager Department

**Attachments:** [Agenda Cover Report](#)  
[Res 103-18 Tentative Millage Levy FY 2019](#)

The City Attorney read Resolution No. 103-18 into the record and stated the proposed operating millage for fiscal year 2019 is 6.7611 while the proposed debt service millage is 0.2108. The operating millage is more

than the rolled back rate (6.5482) by 2.99%. The total millage rate for fiscal year 2019 (both operating and debt) is less than the total millage for fiscal year by 0.1181 or 1.67%.

The City Manager gave a brief presentation and stated the State requirements for adopting the millage is to adopt the millage first and then adopt the budget. The City Manager's presentation included the adoption process, the increases in changes that staff is recommending, and all the changes included in Schedule "A". The City Manager stated the proposed operating millage is 6.7611 which is 0.1000 lower than the current fiscal year (2017/2018); the debt service millage is 0.2108; and, the citywide millage is 6.9719. The City Manager briefly reviewed the budget adjustments, variance explanations for revenues and expenditures, and one-time expenditures and transfers.

Mayor Petrolia inquired about the FEMA reimbursement. Kimberly Ferrell, Finance Director, stated the amount from the General Fund is approximately \$1.9 million that was paid out of the General Fund \$1.6 million for emergency work for salaries for Police and Fire, and supplies, and \$216,000 for Parks & Recreation related to the tennis stadium, debris removal was \$2.9 million and was paid out of the Sanitation Fund which is another Enterprise Fund. Ms. Ferrell stated \$8.4 million was paid out and staff expects that the city will receive back approximately \$7.1 million. Ms. Ferrell clarified that \$1.9 million was the total spent from the General Fund and the city hopes to receive back approximately \$1.6 million and everything goes back to the department that it was taken out of (i.e. utilities fund, sanitation fund).

Mayor Petrolia declared the public hearing open. There being no one from the public who wished to address the Commission regarding Resolution No. 103-18, the public hearing was closed.

A brief discussion between the Commission and the City Manager regarding the budget and the Capital Improvement Plan (CIP) followed.

The City Manager recommended that the Commission have a CIP Workshop in January 2019 and stated there will be a Golf Course Workshop in November 2018.

Commissioner Bathurst made a motion to approve the proposed fiscal year 2019 operating millage of 6.7611 and the debt service millage at 0.2108 which constitutes a 2.99% increase and a total millage rate of 6.9719. It was seconded by Commissioner Boylston. A roll call vote was taken and the motion carried a vote of 3-2, Mayor Petrolia and Vice Mayor Frankel dissenting.  
**approved**

**8.B.**     [18-520](#)     RESOLUTION NO. 104-18: TENTATIVE MILLAGE LEVY/DDA

**Recommendation:** Motion to approve Resolution No. 104-18 Tentative DDA Millage Rate for FY 2019.

**Sponsors:** City Manager Department

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

[Res 104-18 Tentative Tax Levy DDA FY 2019](#)

[Approved DDA FY 2018 - 19 Budg Rev. CC - 9.6.18](#)

[DDA FY18-19 Budget Detail Memo 9.6.18 City Commission Mtg](#)

[Delray Beach DDA FY18-19 Millage Approval Memo 9.6.18](#)

[Sept. 6 City Commission Meeting - DDA Millage Presentation - V1](#)

Commissioner Boylston left the dais at 9:06 p.m. and he returned at 9:07 p.m.

The City Attorney read Resolution No. 104-18 into the record and stated this resolution tentatively levies a tax in the amount of 1.0000 mil on all properties within the Downtown Development Authority (DDA); the proposed millage rate of 1.0000 for the DDA is greater than the rolled back rate of 0.9285 by 7.70%.

Vice Mayor Frankel left the dais at 9:07 p.m. and he returned at 9:08 p.m.

Mavis Benson, resident, merchant, and DDA Board member and co-chair of the Downtown Merchant and Business Association, gave a brief summary of the DDA's budget.

Laura Simon, Executive Director of the Downtown Development Authority (DDA), recognized the DDA Board members and gave a brief presentation regarding the DDA's budget. Ms. Simon stated their budget has a significant increase and reviewed the DDA budget in detail including the events and programming.

Peter Arts, 1746 Fern Forest Place, Delray Beach, Chairman of the Downtown Development Authority (DDA), gave a few brief comments and stated the tentative tax levy for the DDA is 1.0000 mil.

Mayor Petrolia declared the public hearing open. There being no one from the public who wished to address the Commission regarding Resolution No. 104-18, the public hearing was closed.

Commissioner Boylston stated he would like to see the DDA continue to invest in economic vitality and noted that one-third of the DDA's budget is for the residents and what they want is walkability, bikeability, better parks,

safety, and lighting. With respect to the business side, Commissioner Boylston stated one-third of the DDA's business is professional services.

Deputy Vice Mayor Johnson left the dais at 9:23 p.m.

Vice Mayor Frankel commended Ms. Simon, her team, and the DDA Board for doing a great job. Vice Mayor Frankel stated he appreciates the DDA's innovative thinking and programming. He stated he supports the DDA's request.

Commissioner Bathurst commented about the parking program policy that the Commission set. He commended Ms. Simon and the DDA for putting together an informational program.

Deputy Vice Mayor Johnson returned to the dais at 9:25 p.m.

Commissioner Boylston made a motion to adopt the tentative millage rate of 1.0000 mil and the budget of the DDA. It was seconded by Commissioner Bathurst. A roll call vote was taken and all were in favor. The motion carried 5-0.

**approved**

**8.C.**     [18-521](#)     RESOLUTION NO. 105-18: TENTATIVE BUDGET ADOPTION FOR FY 2019

**Recommendation:** Motion to approve Resolution No. 105-18 Tentative Budget Adoption for FY 2019

**Sponsors:** City Manager Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution No. 105-18](#)  
[Tentative Exhibit A 17.18](#)  
[Tentative Exhibit A 16.17](#)  
[Exhibit A Comparisons](#)  
[Town Hall Budget Questions Comments](#)  
[Commission Budget Comments](#)  
[City Commission Millage and Budget Presentation 20180828 \(002\)](#)  
[The Greater Delray Beach Chamber of Commerce](#)

Commissioner Bathurst left the dais at 9:26 p.m.

The City Attorney read the title of Resolution No. 105-18 into the record.

The City Manager stated since the City Commission Workshop Meeting he added \$125,000.00 for the Chamber agreement yet to be developed and

presented to the City Commission for approval. Also, the City Manager stated the hometown events are budgeted and an additional \$125,000.00 is budgeted for the Chamber/Delray Beach Marketing Cooperative (DBMC) transition. The City Manager stated he recommends funding the Chamber and that the City create an agreement to figure out how they will do this going forward because they would like multi-year funding and they will be requesting another \$50,000.00.

It was the consensus of the Commission to discuss the Chamber agreement at the October Workshop Meeting.

Caryn Gardner-Young, Assistant City Manager, stated the goal is to bring back the Chamber agreement on the September 25, 2018 City Commission Meeting, however, if not, then staff will bring back for the October 2, 2018 City Commission Meeting.

The City Manager gave a brief presentation regarding the tentative budget for fiscal year 2019.

Mayor Petrolia declared the public hearing open.

David Harden, 516 N. Swinton Avenue, Delray Beach, expressed concern over the poor conditions of streets throughout the city and stated the rate of resurfacing has not kept pace with the needs. Also, Mr. Harden stated there are maintenance needs in buildings and landscaping, along with medians and parks, which appear to be neglected and are not being maintained. Secondly, Mr. Harden commented about the surplus and stated cities in Florida should have at least 25% in reserves. Lastly, Mr. Harden commented about a fence around the Lutheran Church westward and stated this has been an issue for decades because there is no active homeowners' association and the fence ends up being the responsibility of each individual lot owner.

Andrea Harden, 516 N. Swinton Avenue, Delray Beach, commented about the poor conditions of the streets and medians in the Lake Ida area and Pineapple Grove Way. She strongly urged the City Commission to take care of these needs of the community first before constructing new buildings. Secondly, Mrs. Harden commented about a business across the street from her house in Del-Ida Park and stated it is a vacation rental which has been rented at least 8 times since May of this year. Mrs. Harden expressed concern that these are quality of life issues which she feels are far more important than new buildings.

There being no one else from the public who wished to address the Commission regarding Resolution No. 105-18, the public hearing was

closed.

A brief discussion by the Commission followed.

Commissioner Bathurst made a motion to approve Resolution No. 105-18 approving the tentative budget adoption for fiscal year 2019. It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. The motion carried 5-0.  
**approved**

**8.D.**     [18-561](#)

ORDINANCE NO. 14-18: COLLECTION OF EMERGENCY MEDICAL SERVICE FEES ORDINANCE AMENDMENT (SECOND 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 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 title of Ordinance No. 14-18 into the record.

Mayor Petrolia declared the public hearing open. There being no one from the public who wished to address the Commission regarding Ordinance No. 14-18, the public hearing was closed.

Deputy Vice Mayor Johnson asked how much of these emergency medical fees are delinquent.

Desiree Lancaster, EMS Billing Supervisor, stated there is approximately \$1.4 million outstanding for this current fiscal year.

The City Attorney stated this is not an uncommon problem for municipalities that have their own fire department and some people that are transported are underinsured and people that overuse the 911 system and call for an ambulance when they do not necessarily need it, and it becomes difficult to collect because it is unsecured debt.

Kimberly Ferrell, Finance Director, stated the City's current collection rate is sixty-three percent (63%). Ms. Ferrell stated staff collects internally for ninety (90) days and then it gets turned over to a collection agency for 180 days.

Ms. Lancaster stated it sometimes takes two years to get paid (i.e. auto accidents) because of lawsuits, etc. and noted that there is a large outstanding collection balance due to the transient population (i.e. overdoses). She stated one patient can have a bill of \$40,000.00 and never pay anything. Insurance companies will only pay the first or second time, but after that it becomes habitual and it is no longer their responsibility to pay that bill. Therefore, Ms. Lancaster stated it then becomes an outstanding balance on the city's books.

Deputy Vice Mayor Johnson suggested that more emphasis be placed on something that would help those habitual offenders and that the city be more proactive.

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

**approved**

- 8.E. [18-562](#) 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. (SECOND 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 title of Ordinance No. 17-18 into the record.

Mayor Petrolia declared the public hearing open. There being no one from the public who wished to address the Commission regarding Ordinance No. 17-18, the public hearing was closed.

Commissioner Boylston made a motion to approve Ordinance No. 17-18.

It was seconded by Vice Mayor Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.  
**approved**

- 8.F.**     [18-563](#)     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. (SECOND 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 title of Ordinance No. 18-18 into the record.

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

Vice Mayor Frankel made a motion to approve Ordinance No. 18-18. 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.**     [18-507](#)     ORDINANCE NO. 12-18: A CITY-INITIATED AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS TO CREATE AN ENTIRELY NEW SUBSECTION REGARDING HISTORIC SITE AND BUILDINGS MAINTENANCE REGULATIONS, TO REVISE PROCEDURES FOR CERTIFICATES OF ECONOMIC HARDSHIP, AND TO REVISE REGULATIONS REGARDING TAX EXEMPTION REVOCATION PROCEEDINGS WITHIN LDR SECTION 4.5.1. (FIRST READING)

**Recommendation:** Motion to Approve Ordinance No. 12-18 adopting the City-initiated amendment to Land Development Regulation Article 4.5 "Overlay and Environmental Management Districts", Section 4.5.1 "Historic Preservation: Designated Districts, Sites and Buildings" to create an

entirely new subsection regarding Historic Site and Buildings Maintenance Regulations, to revise procedures for Certificates of Economic Hardship, and to revise regulations regarding Tax Exemption Revocation Proceedings, by adopting the findings of fact and law contained in the staff report, and finding that the text amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in pursuant to LDR Section 2.4.5(M).

**Sponsors:** Planning & Zoning Department

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

[ORD 12-18 LDR 4.5.1 NewSubsect9-Maintenance-Penalties-HPB](#)  
[REVIEW-2018-05-31](#)  
[2018-07-16-PZB Staff Report Ordinance No 12-18-With Attachments](#)

The City Attorney read the title of Ordinance No. 12-18 into the record.

Tim Stillings, Planning and Zoning Director, gave a brief presentation regarding this ordinance.

Commissioner Bathurst made a motion to approve Ordinance No. 12-18 on First Reading. It was seconded by Vice Mayor Frankel. A roll call vote was taken and all were in favor with a 5-0 vote.  
**approved**

**9.B.**     [18-516](#)

ORDINANCE NO. 13-18: A CITY-INITIATED AMENDMENT TO THE CODE OF ORDINANCES TO AMEND CHAPTER 100, "NUISANCES", AT TITLE 9. "GENERAL REGULATIONS" BY REPEALING SECTION 100.10 AND READOPTING IT WITH NEW TITLE, "BOARDING CERTIFICATE; REQUIREMENTS", TO PROVIDE FOR REGULATIONS REGARDING THE BOARDING AND SECURING OF VACANT BUILDINGS, STRUCTURES, OR DWELLINGS IN THE CITY. (FIRST READING)

**Recommendation:** Motion to approve Ordinance No. 13-18 amending the Code of Ordinances to create new requirements and regulations regarding the boarding and securing of vacant buildings, structures, or dwellings in the City, by adopting the findings of fact and law and finding that the text amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in pursuant to LDR Section 2.4.5(M).

**Sponsors:** Planning & Zoning Department

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

[ORD 13-18 Code of Ord-NewSec 100.10](#)

The City Attorney read the title of Ordinance No. 12-18 into the record.

Tim Stillings, Planning and Zoning Director, gave a brief presentation

regarding this ordinance.

Vice Mayor Frankel made a motion to approve Ordinance No. 12-18 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

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

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

The City Manager stated the Police and Sergeants voted affirmatively for the PBA contract and this will be brought to the Commission.

Secondly, the City Manager stated he would like to add a few workshop items to the agenda; the Chamber item in October and Old School Square requested a workshop to review their budget.

The City Manager announced that there will be a Grand Opening for the Atlantic Dunes pavilion (to be held on either September 18th or 20th per the Commission).

The City Manager commented about the Press Release recognizing Delray Beach as the 5th best city in America for business.

The City Manager stated he sent the Commission an update regarding the resident parking program and noted the downtown roll-out has been done.

The City Manager stated FPL underground 3-year pilot project and stated FPL is looking at specific neighborhoods in the city that they could apply an undergrounding affect at no cost to the City or the property owners. The City Manager stated the only catch is the easement because the easement is not on the City's right-of-way, but the easement would be on the front property of the owner. The proposed areas are for: Rhodes Villa, S.E. 2nd Street and Lowry Street.

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

The City Attorney introduced the revised language for the Rules of Procedure for the Delray Beach City Commission.

Vice Mayor Frankel made a motion to accept the Local Rules as amended. It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. The motion carried 5-0.

**10.C. City Commission**

Deputy Vice Mayor Johnson introduced Ms. Julia Davidyan, Internal Auditor and welcomed Mr. William Bennett as the new Assistant City Attorney.

Secondly, Deputy Vice Mayor Johnson stated she participated in the street cleaning last month and noted she picked up several empty bottles.

Deputy Vice Mayor Johnson commented about the \$15 million for the South Central Regional Wastewater Wastewater Treatment and Disposal Board (SCRWTDB).

Deputy Vice Mayor Johnson commented about the Fire-Rescue Department graduation and stated 6 new employees completed the program to become firefighters.

Deputy Vice Mayor Johnson stated she attended the AIDS-HIV Health Care Foundation Ribbon Cutting and Delray Beach has opened up a clinic with a pharmacy on the location and they also have a mobile unit.

Deputy Vice Mayor Johnson encouraged everyone to participate in a Unity Prayer for approximately 30 minutes because she believes if the leaders participate everything will continue to be better.

Lastly, Deputy Vice Mayor Johnson thanked the City Manager and City Attorney for their help because she now has a better understanding of the budget compared to last year.

Vice Mayor Frankel recognized Delray Beach resident Cori "Coco" Gauff who was mentioned in an article in the Washington Post for winning the Junior French Open title.

Secondly, Vice Mayor Frankel suggested that there be a 30 minute break after the Community Redevelopment Agency (CRA) Meeting which begins at 1:30 p.m. and as soon thereafter the September 11, 2018 Workshop Meeting begin. The City Attorney stated the time of Workshop Meeting agenda can be amended so that it states it will take place at the conclusion of the CRA Meeting.

The City Manager pointed out the Workshop Meeting was scheduled for 6:00 p.m. because there is a large group attending for education and discussion on the pedi-cab. It was the consensus of the Commission that if they can change the meeting time to do so, however, if not, then the Workshop Meeting will remain at 6:00 p.m.

Lastly, Vice Mayor Frankel wished everyone a Happy Jewish New Year.

Commissioner Bathurst thanked the City Manager for his hard work on the budget.

Secondly, Commissioner Bathurst stated he is glad that the golf course issues were brought up and he is glad to see that this will be addressed at the Budget Workshop Meeting.

Commissioner Bathurst stated the Atlantic Dunes Park is beautiful.

Commissioner Bathurst stated the meetings were held regarding the turbo lane underpass and thanked city staff and noted they walked it with the consultants and they made some changes. He stated he will work with the City Manager to draft a letter to them to make sure the city gets what they said they were going to do.

Commissioner Bathurst stated he and Deputy Vice Mayor Johnson signed a \$15 million bond with the South Central Regional Wastewater Treatment and Disposal Board (SCRWTDB) to make improvements to the city's infrastructure.

Lastly, Commissioner Bathurst announced that he will not be at the September 11, 2018 Workshop Meeting. He stated with respect to all the comments that came up about the Downtowner and multi-modal transportation downtown, he suggested that people park in the garage and take it for transportation to a restaurant downtown.

Commissioner Boylston suggested that fines be implemented for transient rentals. The City Manager stated there will be a full report and policy decision at the October 9, 2018 Workshop Meeting.

Secondly, Commissioner Boylston commented about the Overlay District for Atlantic Avenue and suggested that the Commission discuss this at a workshop after the first of the year.

Commissioner Boylston stated he spoke with the City Manager about putting an application in place because other cities use something called "Bang the Table" which is a way to get the message out to the community. He stated the Downtowner is a perfect example of the City putting a message out on this board so everyone can see what the facts are because he feels that Facebook is not the place for it and email cannot happen fast enough. Commissioner Boylston suggested that there be another way to communicate the facts with the residents and

get things straight right away. For example, Commissioner Boylston stated regarding the property on Atlantic Avenue and the height restriction, he stated the Commission voted to take the height restriction off that building meaning someone could build as tall as they want. However, Commissioner Boylston stated this is not what the Commission voted to do. Instead, Commissioner Boylston stated the Commission actually reverted the height restriction back to what it was (instead of 3 feet one can build 4 feet) but people think the Commission removed the height restriction. Mayor Petrolia stated that is how the City can ensure that the accurate information is being shared with the public.

Commissioner Boylston commented about the Lake Worth Drainage District (LWDD) issue.

Lastly, Commissioner Boylston announced that the Palm Beach Improv Festival is in Delray Beach for the first time which is being held at the Fairfield downstairs in their conference room tonight and it continues through the weekend. Commissioner Boylston stated 100 different performers from North America (USA and Canada) are here.

Mayor Petrolia commented about the Lake Worth Drainage District (LWDD) and feels it is important to get the word out.

Secondly, Mayor Petrolia with respect to the turtles on the beach, she inquired about the status of the lights and asked if the City can get the amber lights because she feels it is odd that they would not consider amber if they would consider red because both are turtle friendly.

Mayor Petrolia expressed concern over the late fee of \$100.00 for a \$30.00 alarm fee and stated it appears to be a little excessive and asked that this be discussed.

Mayor Petrolia asked why Delray Beach has its own Delray Reads Day versus not partnering or participating with the Mayor's Literacy Coalition. Mayor Petrolia urged the City Manager to reach out to Janet Meeks, Director of Public Affairs.

Mayor Petrolia stated she asked the Mayor of Boynton Beach what they are doing with their downtown towncenter. She stated he indicated that the City of Boynton Beach is doing this as a public private type partnership and through an Request for Proposal (RFP). Mayor Petrolia suggested that Delray Beach look at what Boynton Beach is doing to see if it is a fit.

Mayor Petrolia stated she was in Vero Beach Labor Day weekend and attended a festival on the beach. She feels that if Delray Beach is going to re-think some of the festivals, that it restore some of the small town feel because that is what makes people want to live here.

There being no further business to discuss, Mayor Petrolia adjourned the meeting at 10:39 p.m.