

City of Delray Beach

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



Minutes - Final

Tuesday, September 11, 2018

6:00 PM

Workshop 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*

Pursuant to Section 3.12 of the Charter of the City of Delray Beach the Mayor has instructed me to announce a Workshop Meeting of the City Commission to be held for the following purposes:

Mayor Petrolia called the Workshop Meeting to order at 6:01 p.m.

The roll call was taken by the Deputy City Clerk.

The following were in attendance:

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

Others present were:

Mark R. Lauzier, City Manager
R. Max Lohman, City Attorney
Susan Caljean, Deputy City Clerk

Mayor Petrolia stated she would like everyone to take a moment of silence in remembrance of the victims of 9/11 and stated it is important to remember all those who serve in the city to keep us safe.

WS.1. [18-549](#) EDUCATION MASTER PLAN - "STRIVING FOR EXCELLENCE"

Recommendation: Request City Commission support the recommendations outlined in the Education Master Plan Report and determine how the Report should be transmitted to the School District for further conversation.

Sponsors: Community Improvement

Attachments: [Agenda Cover Report](#)
[GSG Delray Beach Education Master Plan Report with Appendix 8.17.18-1](#)
[Delray Beach Education Board Presentation 8.27.18](#)

Barbara Stark, speaking on behalf of the Education Board, gave a brief presentation on the Education Master Plan - Striving for Excellence. Ms. Stark acknowledged the Education Board members who were present.

Martha Greenway, Greenway Strategy Group, gave a few brief comments and reviewed the Palm Beach County School District Capital Improvement Plans. Ms. Greenway stated the community is lacking an International Baccalaureate (IB) Elementary Program. Also, Ms. Greenway stated a potential adjustment is to consider a conservatory school approach, with a

focus on project-based learning aligned to growing career fields including career choice programs in grades 6-8 similar to South Tech Preparatory Academy and provide adult workforce development programs.

Eric Camacho, Education Board, reviewed the proposal from Greenway Strategy Group. He briefly reviewed the recommendations of the Education Board from their discussion of August 13, 2018.

Mayor Petrolia gave a few brief comments and asked how the Education Board determines that the actual program is what the city needs and not the letter grade to attract parents. Mr. Camacho stated by having these programs, it is building an equity in the education system. He stated some schools have a great demand of people wishing to go there (i.e. Orchard View Elementary, Banyan Creek Elementary) because of programs being offered whereas Pine Grove Elementary is lacking any program of this kind so there is no competition. Mr. Camacho stated by creating a more balanced market, it can hopefully turn the grades for those schools into more improved grades. Secondly, Mr. Camacho stated the community has to be a marketable community.

Commissioner Boylston stated Plumosa Elementary School of the Arts has one of those programs and it was a "C" school until this last year; they added an After School Tutoring Program and on weekends for the students that needed it. He stated today Plumosa is currently a "B" school.

Mayor Petrolia inquired whether or not any school was over capacity.

Ms. Greenway stated Banyan Creek Elementary School and Spady Elementary School have the largest waiting lists.

A brief discussion between Mr. Camacho, Ms. Greenway, and the City Commission followed.

Vice Mayor Frankel suggested that this proposal be presented to the Palm Beach County School Board.

Mr. Camacho stated the second phase of the Education Master Plan for fiscal year 2019-2020 in the amount of \$40,000.00 is a collaboration among representatives of the city, school district, Palm Beach State College, and the business community to agree upon a feasible 5-year plan for Delray Beach schools utilizing the 1 cent sales tax and the third phase for fiscal year 2020-2021 in the amount of \$25,000.00 to support marketing of Delray Beach schools.

A brief discussion followed about the importance of the After School

Programs.

Mayor Petrolia stated the school board has the responsibility of educating both before and after school rather than this coming before the City Commission to take the risk. Mayor Petrolia stated she would like to see where the school board stands on this and see if this works to the City's advantage in the money that has already been spent on doing a study and then take it from there.

Deputy Vice Mayor Johnson suggested that next time this topic is addressed that the City Commission discuss all of the monies that the city is spending related to education.

WS.2. [18-553](#)

PEDICABS

Recommendation: City Commission will recommend one of two options:

1. No support for Pedicabs
2. Support for Pedicabs

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[City Staff Memorandum](#)
[City Staff Presentation](#)
[Delray Beach Bike Tours Presentation](#)

The City Manager gave a brief background about the pedicabs.

Patrick Halliday, 1071 Delray Lakes Drive, Delray Beach, Board Member for Human Powered Delray (HPD) as well as the founder for the Delray Beach Bicycle Club, gave a brief presentation regarding pedicabs and reviewed the mobility options for this program. Mr. Halliday stated he has partnered with the Americans with Disabilities Act (ADA) with other agencies throughout the State to develop a modal program that will give people with disabilities an option to park in the garage, be picked up in a pedicab, and taken downtown. Mr. Halliday introduced Mr. Dupree and stated the partnership they have is to use his organization to find drivers.

Mr. Dupree gave a few brief comments.

Mr. Halliday explained that the bicycle pedicab operates in various cities throughout the United States (i.e. Florida, Washington, D.C.) and stated it is allowed on the streets because it is considered a bicycle by the State Statute. He stated based on the estimates from the State there are approximately 5,000 people in Delray Beach with disabilities.

Tony Brown, briefly spoke about his experience as a driver of pedicabs

and stated this would be great for Delray Beach. Mr. Brown stated the pedicabs work great in Boca and there is no charge to ride the pedicabs; however, tips are accepted.

Jeffrey Goldman, Acting Assistant City Manager, gave a brief presentation regarding public safety concerns as it relates to pedicabs.

Deputy Vice Mayor Johnson stated she is not in favor of any pedicabs being on Atlantic Avenue during the season because of the congestion. She stated there is no place for the pedicabs to go except for the sidewalks. Mr. Goldman stated the pedicabs would try to use the alleyway system which is also a concern for public safety. Mr. Goldman stated that law enforcement and the fire-rescue department are not against mobility; however, the footprint in Boca is different than Delray Beach.

Mr. Halliday stated the pilot program gives them the opportunity to work with the Police and Fire Department on a weekly basis and work it out during that time. He does not know if this will work or will not work unless they try. Mr. Halliday stated if this ends up not working then they can stop doing it.

Deputy Vice Mayor Johnson asked what kind of enforcement is the city doing for traffic violators. Javaro Sims, Assistant Police Chief, stated when witnessed, the Police Department issues citations. Mr. Goldman stated this is a congestion issue from a public safety standpoint.

After a brief discussion by the City Commission, Deputy Vice Mayor Johnson and Vice Mayor Frankel stated they do not support moving forward with a pilot program for pedicabs; Mayor Petrolia and Commissioner Boylston stated they do support moving forward with a pilot program for pedicabs. Therefore, Mayor Petrolia stated because of the 2/2 split, the City Commission will *not* move forward to support a pilot program for pedicabs.

WS.3. [18-542](#)

PRESENTATION OF SUSTAINABILITY & RESILIENCY INITIATIVES

Recommendation: Provide direction to move forward on sustainability and resilience initiatives. To include:

- An ordinance that would limit distribution of plastic straws and stirrers by restaurant and bar establishments n use of plastic non-biodegradable straws by
- Proceed with award of the Textile Recycling program to the qualified bidder
- Revision of the green building requirements for new construction

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[City Commission Workshop Presentation 9-11-18 fl](#)
[Textile Recycling Memo fl](#)
[Exhibit A -Textile Recycling PDR](#)
[Textile Recycling Program Overview powerpoint](#)
[Skip the Straw Memo fl](#)
[Revise Green Building Ordinance Memo fl](#)

Dr. Ana Puszkina-Chevin, Sustainability Officer, gave a brief presentation regarding sustainability and resiliency initiatives, and reviewed the Green Implementation Advancement Board (GIAB) Directives and City Commission Directives. Dr. Puszkina-Chevin also gave an update on the Rising Waters Task Force. She invited everyone to attend the King Tide Event on October 10, 2018 and stated there is a Climate Art Festival weekend in 2019. Dr. Puszkina-Chevin also gave a brief history about the Textile Recycling Program and commented about the "Skip the Straw Delray". Lastly, Ms. Puszkina-Chevin briefly reviewed the green building requirement and staff's recommendation to the revised green building ordinance.

A brief discussion by the City Commission ensued.

Deputy Vice Mayor Johnson stated she supports the green building ordinance and everyone city-wide needs to start being serious about being a building that is sustainable.

Commissioner Boylston supports the 18-month program; with respect to the 10 recycle bins, he requested that when these recycle bins are wrapped that they be done in a tasteful way and stated he supports the revision to the green building ordinance.

Brief discussion between Dr. Puszkina-Chevin and the City Commission followed.

Vice Mayor Frankel stated Delray Beach resident Kevin Anderson is the #9 tennis player in the world and he goes on the beach, collects what he picks up, and he makes videos. Vice Mayor Frankel suggested that Dr. Puszkina-Chevin reach out to Mr. Anderson.

Mayor Petrolia stated she would like to ensure that if the City Commission supports placing these bins on city property that in the event there is a problem, they will have the ability to remove them. The City Manager stated he will make sure that part of the award of the Request for Proposal

(RFP) includes terms and conditions that the City Attorney makes flexible with a cancellation clause built into it in the event there is a problem. Mayor Petrolia thanked the members of the Green Implementation Advancement Board (GIAB) for all their hard work.

Deputy Vice Mayor Johnson commended Assistant City Manager India Adams for also being instrumental in this.

WS.4. [18-557](#) CITY'S COMMITTEES, BOARDS & COMMISSIONS REVIEW

Recommendation: Staff recommends to proceed with elimination of the Public Employees Relations Commission, which was postponed indefinitely in 2016. The City Commission could also consider the elimination of the Site Plan Review and Appearance Board (SPRAB) and the Board of Adjustments; as these functions could be absorbed by the Planning and Zoning Board.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Attachment A - CBC Analysis](#)
[CBC Review Final PPT](#)

Vice Mayor Frankel stepped away from the dais briefly.

Deputy Vice Mayor Johnson stepped away from the dais briefly.

India Adams, Assistant City Manager, gave a brief presentation regarding the review and analysis of the city committees and boards. She identified that there are 19 committees and boards that are governed by the City Charter through resolution, ordinance, land development regulations (LDRs), or Florida State Statutes. Ms. Adams stated staff has made improvements to the application process and noted which boards are required (15 out of the 19 boards). She also listed the following boards which are not required: Education Board, Green Implementation Advisory Board, Kids & Cops Committee, Parking Management Advisory Board (PMAB), Police Advisory Board (PAB), Public Employees Relations Commission (PERC), Public Arts Advisory Board (PAAB), and the Site Plan Review and Appearance Board (SPRAB). Ms. Adams reviewed improvements being made to the application process and noted the new application will be housed on NeoGov through the City's website. Ms. Adams recommends to proceed with the elimination of the Public Employees Relations Committee (PERC) because it was sunset in 2015 and there are currently no members on this board and they have not met in approximately two years. Ms. Adams stated staff will work with the City Attorney's office to draft an ordinance for October 2, 2018 to eliminate the Public Employees Relations Committee (PERC). Staff also recommends that the City Commission consider allowing the Planning and Zoning Board

to absorb the functions of the Site Plan Review and Appearance Board (SPRAB) and the Board of Adjustment (BOA) thus eliminating SPRAB and BOA.

Mayor Petrolia asked Ms. Adams to elaborate on staff's 2nd recommendation. Ms. Adams stated staff believes the Planning and Zoning Board would be able to absorb those functions that SPRAB currently undertakes. The BOA has not met as often and the Planning and Zoning Board would be able to absorb the functions of the BOA.

The City Attorney stated the Board of Adjustment (BOA) only meets if there is an appeal of a building permit issue.

A brief discussion between the City Attorney, the City Commission, and the Planning and Zoning Director ensued.

Jeffrey Goldman, Acting Assistant City Manager, stated the Kids and Cops Committee and the Police Advisory Board are both necessary for the Police Department because they are community involved initiatives that are beneficial to the organization.

A brief discussion by the City Commission followed to move forward with learning more about the Board of Adjustment (BOA) before doing anything with this board, combine SPRAB with the Planning and Zoning Board and figure out how to work with that different dynamic and explore it further; and that the Parking Management Advisory Board (PMAB) move under the control of the Downtown Development Authority (DDA) and explore creating a board that has the same requirements as the City Commission; every other board and the City Commission can appoint representatives and consolidate the boards. Vice Mayor Frankel stated for the northwest/southwest neighborhoods there is the West Atlantic Avenue Redevelopment Coalition (WARC), the Set Steering Committee, and the Northwest/Southwest Community Alliance. He stated these boards are not under the preview of the Inspector General (IG), there are no ethic requirements, and there are no Sunshine Law requirements. Vice Mayor Frankel stated the CRA, City Commission, and City staff listen to these boards often and suggested that these three boards be combined into one.

Vice Mayor Frankel suggested that the City Commission create a board that has the same requirements of every other board and appoint representatives.

Commissioner Boylston stated there is a Set Steering Committee to manage the brand, the website, and the events.

It was the consensus of the City Commission to move forward with learning more about the Board of Adjustment (BOA) before doing anything with this board, combine SPRAB with the Planning and Zoning Board and figure out how to work with that different dynamic and explore it further; and, that the Parking Management Advisory Board (PMAB) move under the control of the Downtown Development Authority (DDA), and explore creating a West Atlantic Set Steering Committee.

Deputy Vice Mayor Johnson thanked and commended Assistant City Manager India Adams for her hard work on this. She supports combining the boards and if it does not make sense to keep certain boards, then she feels these boards should be eliminated.

Ms. Adams stated the logo will be listed on employment opportunities and it will state that it is a volunteer position. Also, Ms. Adams explained that there will be a specific link on the City Clerk's page for this volunteer position. Mayor Petrolia suggested that there should be a disclaimer explaining that this volunteer position will come up as employment because it will cause confusion and people will think that they have the wrong page.

WS.5. COMMISSION COMMENTS

Vice Mayor Frankel stated it is important to discuss the current Request for Proposal (RFP) process.

The City Manager stated staff put out an RFP for beach cabana services because the current multi-year contract with Oceanside Beach Services is set to expire.

Mayor Petrolia stated she would like to have a discussion regarding the RFP process because there is a change in the way things are being done.

The City Attorney stated the City Commission is presented with contracts \$65,000.00 and above.

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

The City Manager stated the City Commission could have an agreement between the DDA and the CRA for funding downtown mobility. Mayor Petrolia stated the City Manager is really just moving funds around. Mayor Petrolia stated the City Commission did not say that the funds are gone, the City Commission basically said that they were not going to designate funds for the trolley. The City Manager stated staff will throw out the RFP because it was not clear in review and then the RFP process will start over.

Commissioner Boylston stated October 1st, the City will be without the Downtowner and the trolley, but he feels the City Commission had the opportunity tonight to approve something that is a downtowner with peddles for a six month trial period (i.e. pilot program) when the city is about to lose two transportation system car alternatives downtown.

In her opinion, Deputy Vice Mayor Johnson stated she does not feel that the Downtowner or the pedicabs are going to take the place of the trolley because they were not going to go to the tri-rail or transport students to the tri-rail.

There being no further business to discuss, Mayor Petrolia adjourned the meeting at 8:58 p.m.