

City of Delray Beach

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Minutes - Draft

Tuesday, August 15, 2017

6:00 PM

Regular Meeting at 6:00 PM

Delray Beach City Hall

City Commission

Mayor Cary Glickstein
Vice Mayor James Chard
Deputy Vice Mayor Shirley Ervin Johnson
Commissioner Mitchell Katz
Commissioner Shelly Petrolia

1. ROLL CALL

Mayor Glickstein called the August 15, 2017 City Commission meeting to order at 6:00 p.m.

City Commission members in attendance:

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

Staff in attendance were:

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

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

Mr. deJesus requested that revised City Commission meeting minutes from the following dates be added to this evening's agenda: April 18th, May 16th and July 18th.

Mr. Lohman requested the addition of the proposed lease agreement with the Caring Kitchen.

Vice Mayor Chard requested that item 6b be pulled for a brief discussion.

Vice Mayor Chard moved, seconded by Commissioner Petrolia, to approve the consent agenda as amended (5-0).

3. AGENDA APPROVAL

4. PRESENTATIONS:

4.A. [17-625](#) PRESENTING OFFICER ADRIAN RACKAUSKAS, POLICE OFFICER, WITH EMPLOYEE OF THE MONTH FOR AUGUST 2017

Recommendation: Motion to Approve Officer Adrian Rackauskas as Employee of the Month for August 2017.

Sponsors: Human Resources Department

Attachments: [Ofc. Adrian Rackauskas EOM nomination form](#)

Police Chief Goldman and Acting Human Resources Director Duane D'Andrea presented Officer Adrian Rackauskas with the Employee of the Month award. Mayor Glickstein added his congratulations to Officer Rackauskas for his actions offered to a citizen in great need.

4.B. [17-677](#) ECONOMIC ANALYSIS OF DELRAY BEACH DOWNTOWN DEVELOPMENT AUTHORITY (DDA) PARKING MANAGEMENT PLAN

Sponsors: City Manager Department

Attachments: [Simon DDA memo 8-2-17 parking town hall](#)
[DDA PARKING METER IMPLEMENTATION PLAN](#)

Assistant City Manager Caryn Gardner-Young made a brief presentation regarding the Delray Beach Downtown Development Authority Parking Management Plan. Members of the City Commission discussed the present parking situation, noting the importance of providing parking for both visitors to local retail establishments, as well as employees of retail establishments. Commissioner Petrolia noted the importance of not having meters because of the potential to drive away retail visitors in the downtown area. Mayor Glickstein said that other towns and cities had parking management systems which generally worked very well. Mayor Glickstein also noted that putting parking tickets on the windshield of a car might cause visitors to not to return to the retail areas of downtown. He said that it was the City's responsibility to keep up with infrastructure projects. Mayor Glickstein noted that he believed that parking meters were an effective way to turn over parking spaces. Vice Mayor Chard inquired whether it would make sense to make a motion on this matter. Commissioner Petrolia suggested not complicating this matter by potentially forcing cars into surrounding neighborhoods.

Commissioner Katz had a suggestion that parking meters be in force between 6:00 p.m. and 2:00 a.m. along Atlantic Avenue and one block on either side.

Mayor Glickstein summarized the proposed changes, as follows: (1) metering Atlantic Avenue west of the intercoastal to Swinton; (2) metered parking to be in place from 6:00 p.m. to 2:00 a.m. and (3) 2-hour enforcement on Atlantic Avenue from 2:00 a.m. to 6:00 p.m. Mayor Glickstein suggested restarting discussion on the Gladiola lot. Commissioner Katz suggested having paid parking between 6:00 p.m. and 2:00 a.m. on Atlantic Avenue with two hours surface parking enforcement by Lanier for the hours of 2:00 a.m. to 6:00 p.m.; with the same limitations

for surface parking lots. He also suggested having separate parking annual passes for residents and non-residents.

Mayor Glickstein requested that Mr. Lohman report back to the City Commission about whether residents and non-residents could be charged different fees for parking passes. Mr. Lohman said that he would research this matter. Mayor Glickstein asked whether City staff come back with a starting rate structure for all portions of the downtown and beach areas. He also requested that the report include the amount of funds necessary for Lanier to handle the parking enforcement. Interim City Manager deJesus requested that the City Commission summarize their consensus about parking enforcement. Ms. Gardner-Young reviewed the suggested parking rate structures by areas of the City. Commissioner Katz suggested working with Uber to pick up and drop off at certain designed parking spots, rather than blocking Atlantic Avenue. Commissioner Katz suggested changing the proposed valet parking rate. Laura Simon, Executive Director of the Downtown Development Authority, outlined the DDA's parking recommendations.

Mayor Glickstein suggested the possibility of giving employees free parking on the top deck of the garage and see where this gets us.

Assistant City Manager Caryn Gardner-Young verified the City Commission's direction for follow-up by City staff. Mayor Glickstein requested that City staff bring this item back for consideration at a future City Commission meeting.

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

5.B. From the Public

Mr. Steve Blum expressed about parking tickets being issued from north and south of Atlantic Boulevard. Mr. Blum inquired about reclaimed water pipes and how he could be connected to the reclaimed water system. Finally, Mr. Blum said that there was a pink residue in the water at his home.

Carole Covertz said thank you for the Out of School program. She also invited all interested parties to a forum about proposed and recently passed educational legislation on September 10, 2017 at the West County building.

Pauline Moody said she was not pleased to have to wait more than one hour to speak this evening just to listen to comments about parking matters.

Arlene Huston requested that the City of Delray Beach become a welcoming city.

Jill Hansen urged the Mayor and City Commission to protect all residents. She requested that the City Commission adopt an ordinance to protect all City residents. Candy Herrera likewise urged the adoption of an ordinance to protect all City residents.

Mitzi Katz, President of the Delray Beach Ladies Golf League, requested that the City Commission vote for improvements to the Delray Beach Golf Course in next year's Capital Improvement Program.

Mary Jo Beckman and her friends sang a song in support of immigrants and refugees.

Roy Simon noted that parking meters had not worked on several occasions in the past. Mr. Simon also expressed concern about parking in the downtown area.

Sheila Townsend thanked the Mayor and City Commission for helping her with a recent situation.

Rick Gonzalez said that his company was bidding on a transportation-related project. Mr. deJesus suggested that Mr. Gonzalez meet with applicable City staff to ensure that the Cone of Silence process was not breached.

Ezra Greig said that he was proud to be a resident of Delray Beach. He noted that he would be bringing an affordable housing proposal to the City Commission in the near future.

Robert Hudson said he supported making Delray Beach a sanctuary city. He said this was the right thing to do.

John Fisher, President of the Delray Beach Rotary Club, said that the Rotary was coordinating a Welcome Back to School event and campaign. Mr. Fisher also noted that he was President of Code 3 America, an organization which coordinated the annual St. Patrick's Day event in Delray Beach. He stated that next year's parade would mark the 50th anniversary of this event. He invited the Mayor and City Commissioners to participate in the St. Patrick's Day events.

Mavis Benson commended the Mayor and City Commission for their efforts to create a workable parking plan and for their support of the downtown business community.

Dr. Victor Kirson said that he was not in favor of having the Delray Beach Community Redevelopment Agency to expend \$3.2 million for a proposed fire training facility.

Alan Costello, a member of the Downtown Business Association, said he was in favor of having a parking ticket enforcement program. He also noted the importance of addressing the parking needs of employees in the downtown area.

Laura Simon, Executive Director of the DDA, thanked the Mayor and City Commission for reviewing the DDA's proposed parking plan. She said the DDA would work with staff to find the best solutions.

Ben Nolan, Delray Beach Chamber of Commerce, thanked the Mayor and City Commission for compromising and moving forward on the proposed parking plan for the downtown area.

There being no further comments, the public comments period was closed.

6. CONSENT AGENDA: City Manager Recommends Approval

Commissioner Katz moved, seconded by Commissioner Petrolia, to approve the consent agenda, excepting item 6b, which was pulled for discussion by Vice Mayor Chard. A roll call voted was taken. The motion was approved unanimously (5-0).

Mr. Lohman presented a brief overview of the first amendment to the City's contract with the Caring Kitchen.

Commissioner Petrolia moved, seconded by Vice Mayor Chard, to approve the first amendment to the agreement as drafted. A roll call vote was taken. The motion was adopted unanimously (5-0).
approved as amended

6.A. [17-667](#) APPROVAL OF MINUTES

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

Sponsors: City Clerk Department

Attachments: [April 18, 2017 Regular Meeting Minutes - Draft](#)
[May 2, 2017 Regular Meeting Minutes - Draft](#)
[May 16, 2017 Regular Meeting Minutes -Draft](#)
[July 18, 2017 Regular Meeting Minutes - Draft](#)

approved

6.B. [17-139](#) APPROVAL OF A 10 FEET X 30 FEET MASS TRANSIT EASEMENT FOR 3185 SOUTH CONGRESS AVENUE

Recommendation: Motion to Approve the Mass Transit Easement along the west property line.

Sponsors: Planning & Zoning Department

Attachments: [3185 South Congress Avenue Mass Transit Easement](#)
[A3.0 SITE PLAN 16026-7-20-16](#)
[3185 S Congress Ave SPRAB ClassV SR 081016 Final](#)
[Checklist Mass Transit easement Kaufman Lynn project](#)

approved

6.C. [17-669](#) APPROVAL OF A 10' X 330' PUBLIC GREENWAY EASEMENT AGREEMENT FOR 3185 SOUTH CONGRESS AVENUE

Recommendation: Motion to Approve the Public Greenway Easement along the east property line of 3185 South Congress Avenue.

Sponsors: Planning & Zoning Department

Attachments: [Public Greenway Easement Agreement - 08.03.17](#)
[3185 S Congress Ave SPRAB ClassV SR 081016 Final](#)
[A3.0 SITE PLAN 16026-Layout1](#)
[Legal Review Checklist - Public Greenway Easement](#)

approved

6.D. [17-627](#) RESOLUTION NO. 54-17: TO FORMALLY ABANDON THE CITY'S INTEREST IN OBTAINING THE 40' WIDE BY 647.48' LONG RESERVED RIGHT-OF-WAY, ADJACENT TO DELRAY SQUARE AT 14530 SOUTH MILITARY TRAIL.

Recommendation: Motion to Approve Resolution No. 54-17 formally abandoning the City's interest in the 40' wide by 647.48' long reserved right-of-way, adjacent to Delray Square at 14530 South Military Trail.

Sponsors: Planning & Zoning Department

Attachments: [Resolution 54-17-DelraySquare-ROW-Aband-Aug2017- Support Delray Square Military Trail Abandonment Exhibit](#)

approved

6.E. [17-577](#) MUTUAL AID AGREEMENT - FLORIDA'S WATER/WASTEWATER AGENCY RESPONSE NETWORK

Recommendation: Motion to Approve a Mutual Aid Agreement authorizing the City's water utility to participate in the Water/Wastewater Mutual Aid Program established by Florida's Water/Wastewater Agency Response Network (FlaWARN).

Sponsors: Environmental Services Department

Attachments: [FlaWARN Mutual Aid Agreement](#)
[Legal Review Checklist form v. 3 FLAWARN mutual aid](#)

approved

6.F. [17-617](#) RETROACTIVE APPROVAL OF EXTENSION OF A LICENSE AGREEMENT WITH DELRAY INTRACOASTAL CRUISES, LLC

Recommendation: Motion to retroactively approve an extension of the License Agreement with Delray Intracoastal Cruises, LLC (Pilgrim Belle Cruises, LLC) for a period of one year.

Sponsors: Parks & Recreation Department

Attachments: [Legal Review Checklist form v. 3 delray intracoastal Reardon extension](#)
[90 day Contract Extension 12-30-2016](#)
[2003 - Agreement Amendment No. 4, signed](#)

approved

6.G. [17-653](#) TRAFFIC ENFORCEMENT AGREEMENT BETWEEN THE DELRAY BEACH POLICE DEPARTMENT AND VILLAGE AT SWINTON SQUARE CONDOMINIUM HOMEOWNER'S ASSOCIATION LOCATED AT 1025 S. SWINTON AVENUE

Recommendation: Motion to Approve a Traffic Enforcement Agreement between the Delray Beach Police Department and Village at Swinton Square Condominium Homeowner's Association to allow the Delray Beach Police Department to enforce state and local traffic laws on the private roads of Village at Swinton Square Condominium Homeowner's Association.

Sponsors: Police Department

Attachments: [Partially Executed Agreement](#)
[Insurance](#)
[Legal Review Checklist](#)

approved

6.H. [17-640](#) INFORMED CONSENT GRANT AND WAIVER OF CONFLICT OF INTEREST

Recommendation: Motion to Approve “Informed Consent Grant and Waiver of Conflict of Interest” form concerning issue of dual representation by Assistant City Attorney Bradley Biggs.

Sponsors: City Attorney Department

Attachments: [Informed Consent Grant and Waiver of Conflict of Interest](#)

approved

6.I. PROCLAMATIONS:

6.I.1. [17-660](#) PROCLAMATION FOR WOMEN'S EQUALITY DAY - AUGUST 26, 2017

Sponsors: City Clerk Department

Attachments: [Proclamation for Women's Equality Day](#)

approved

6.I.2. [17-672](#) PROCLAMATION FOR OVERDOSE AWARENESS DAY - AUGUST 31, 2017

Sponsors: City Clerk Department

Attachments: [Proclamation Overdose Awareness Day 2017](#)

approved

6.I.3. [17-663](#) PROCLAMATION FOR DR. HOWARD B. BARR, JR.

Sponsors: City Clerk Department

Attachments: [Proclamation for Howrd B Barr](#)

approved

6.J. [17-656](#)

REPORT OF APPEALABLE LAND USE ITEMS FROM JULY 10, 2017 THROUGH JULY 28, 2017

Recommendation: By motion, receive and file this report.

Sponsors: Planning and Zoning Board

Attachments: [Location Map](#)
[799 NE 2nd Avenue Appealable Report with attachments](#)
[49 Palm Square Appealable Report with attachments](#)
[601 N Swinton Ave Appealable Report with Attachments](#)
[20 W Atlantic Ave Appealable Report with attachments](#)
[20 N Swinton Ave Appealable Report with Attachments](#)
[302 SE 2nd Street](#)
[700 West Atlantic Avenue](#)
[Kentucky Fried Chicken](#)

approved

6.K. AWARD OF BIDS AND CONTRACTS:

6.K.1. [17-639](#)

AGREEMENT WITH PVS TECHNOLOGIES, INC. UTILIZING THE PALM BEACH COUNTY TERM CONTRACT NO. 14035RC FOR THE PURCHASE OF FERRIC CHLORIDE

Recommendation: Motion to Approve a one-year Agreement with PVS Technologies, Inc. for the purchase of Ferric Chloride Solution in an annual not-to-exceed amount of \$300,000 utilizing the Palm Beach County Term Contract No. 10435RC.

Sponsors: Environmental Services Department

Attachments: [Best Price Letter](#)
[PVS Technologies Inc Agreement](#)
[Palm Beach County Renewal Letter 2017-2018](#)
[Legal Review Checklist](#)
[Palm Beach County Agreement with PVS Technologies](#)

approved

7. REGULAR AGENDA:

- 7.A. [17-655](#) CONDITIONAL USE REQUEST FOR A FRATERNAL LODGE FOR THE O'NEAL-PRIEST POST 4141 OF THE VETERANS OF FOREIGN WARS (VFW) TO LOCATE WITHIN THE SOUTH DELRAY SHOPPING CENTER AT 3001 S. FEDERAL HIGHWAY (QUASI-JUDICIAL HEARING)

Recommended Action:

Recommendation: Motion to Approve a conditional use request to permit a fraternal lodge, Post 4141 of the Veterans of Foreign Wars (VFW), at the South Delray Shopping Center located at 3001 S. Federal Highway, pursuant to Land Development Regulations Section 2.4.5(E) and 4.4.12(D).

Sponsors: Planning & Zoning Department

Attachments: [VFW 4141 Staff Report](#)
[VFW 4141 Site Plan](#)
[VFW 4141 Floor Plan](#)
[VFW 4141 Board Order](#)

Commissioner Katz moved, seconded by Vice Mayor Chard, to approve the conditional use request as presented. A roll call vote was taken. The motion was approved unanimously (5-0).

8. PUBLIC HEARINGS:

- 8.A. [17-575](#) RESOLUTION NO. 52-17: STORMWATER UTILITY ASSESSMENT

Recommendation: Motion to Approve Resolution No. 52-17 establishing a budget for the Stormwater Utility System, establishing the rates for FY 2018 Stormwater Management Assessments, and certifying and adopting the Stormwater Assessment Roll.

Sponsors: Environmental Services Department

Attachments: [Resolution 52-17 Stormwater Utility with Exhibits](#)
[2017 TRIM NOTICES](#)
[2017 Condo](#)
[City owned properties only](#)

Interim City Manager deJesus made a brief introduction of Marjorie Craig, the City's new Utilities Director.

Vice Mayor Chard moved, seconded by Deputy Vice Mayor Johnson, to approve Resolution 52-17. A roll call vote was taken. The motion was

adopted unanimously (5-0).
approved

- 8.B. [17-661](#) ADOPTION OF ORDINANCE NO. 30-17 AMENDING CHAPTER 100, "NUISANCES" AMENDING SECTION 101.01, "EXISTENCE OF WEEDS, TRASH AND VEGETATION UPON LANDS PROHIBITED," SECTION 32.17, "GROUNDS FOR REMOVAL"; AND REPEALING SECTION 32.18, "PROCEDURE". (SECOND READING)

Recommendation: Motion to Approve Ordinance No. 30-17 on second reading.

Sponsors: City Attorney Department

Attachments: [Ord 30-17 Amending Sec 100.01 maint of public alleyway](#)

City Attorney Lohman read the title of the item into the meeting record on second reading.

Commissioner Petrolia moved, seconded by Commissioner Katz, to approve Ordinance

30-17 on second and final reading. A roll was taken. The motion was adopted unanimously (5-0).
approved

9. FIRST READINGS:

- 9.A. [17-658](#) ADOPTION OF ORDINANCE NO. 31-17 AMENDING CHAPTER 32, "DEPARTMENTS, BOARDS AND COMMISSIONS" AMENDING SECTION 32.15, "DEFINITIONS," SECTION 32.17, "GROUNDS FOR REMOVAL"; AND REPEALING SECTION 32.18, "PROCEDURE". (FIRST READING)

Recommendation: Motion to Approve Ordinance No. 31-17 on first reading.

Sponsors: City Attorney Department

Attachments: [Ord 31-17 amending removal of municipal board etc](#)

Commissioner Petrolia moved, seconded by Deputy Vice Mayor Johnson, to adopt Ordinance 31-17 on first reading. A roll call vote was taken. The motion was adopted unanimously (5-0).
adopted

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

Mr. deJesus had no comments.

10.B. City Attorney

Mr. Lohman said that a routine bond audit was in process for the City's stormwater utility. Mr. Lohman also stated there was a need to engage bond counsel for this purpose. Commissioner Petrolia moved, seconded by Commissioner Katz to permit the engagement of bond counsel as requested by Mr. Lohman. The motion was adopted unanimously (5-0).

approved

10.C. City Commission

Commissioner Katz said that the Oakmont community had public streets and desired to have enhanced street signs. He noted that residents had raised the necessary funds to proceed with this project in concert with the City. Commissioner Katz requested that City staff work with the homeowner's association to implement the installation of the street signs.

Commissioner Katz requested that the City Commission consider the adoption of an ordinance to require the City Commission to meet with the Delray Beach CRA Board of Directors on a quarterly basis. He also suggested that the ordinance could include a provision that the CRA Executive Director or his designee would make a monthly report to the City Commission. Mr. Lohman noted that the CRA Board of Directors was an independent entity and therefore the City Commission could not compel them to attend a joint meeting on a quarterly basis. Vice Mayor Chard suggested issuing a directive to the City Manager to set up a quarterly meeting with the CRA Board of Directors.

Commissioner Katz noted that he had recently met with representatives of Minnen Development to discuss a planned four storey hotel with a fifth floor accessory on the rooftop. Mr. de Jesus said that this matter could be revisited by City staff in the future.

Commissioner Petrolia noted that minutes were generally containing less content than normal. She noted that the City Manager had suggested that City Commissioners should provide copies of remarks if they wanted something to appear in City Commission meeting minutes.

Vice Mayor Chard stated that a current charette on transit-oriented development was excellent and would conclude with a final report at 6:00 p.m. at Old School Square this Friday evening. He encouraged all members of the City Commission to stop by and attend one of the charettes if possible.

Vice Mayor Chard suggested that the tree gifting program be put into place with trees planted at parks, schools and along streets. He noted that tree costs would be paid for by developers. Mayor Glickstein said that City staff could make recommendations to the City Commission regarding this program.

Vice Mayor Chard noted that Assistant City Manager Caryn Gardner-Young had provided a copy of a golf plan to the Mayor and City Commission. Interim City Manager deJesus said that enhancements were being made to the Delray Beach Golf Course slowly but surely. He noted that the National Golf Foundation could provide the City with an overall analysis and recommendations about the future of the course. There was City Commission consensus to proceed with the analysis of the Delray Beach Golf Club by the National Golf Foundation.

Vice Mayor Chard urged the City Commission not to lose sight of the Ambassador Program. Mayor Glickstein noted that this was a program of the Downtown Development Association.

Vice Mayor Chard suggested putting out an RFP for bidders to put in businesses at the park site contiguous to the south facade of Old School Square. Mayor Glickstein suggested that Vice Mayor Chard speak with Robert Gibbs about programs using temporary structures, such as one in the state of Michigan. Interim City Manager deJesus noted that there was no funding commitment by the CRA Board for the conceptual Old School Square Master Plan. Mayor Glickstein suggested that the Historical Preservation Board review this matter before it potentially came before the City Commission.

Deputy Vice Mayor Johnson said that she had attended a recent screening of An Inconvenient Truth regarding climate change issues. She noted that the United States Representative and Mayors of West Palm Beach and Boynton Beach were also in attendance.

Deputy Vice Mayor Johnson noted that Palm Beach County Superintendent of Schools had attended a back to school event hosted by the Delray Beach Chamber of Commerce. She stated that the Superintendent often times held up the City of Delray Beach as a leader in supporting excellent schools.

Deputy Vice Mayor Johnson said that she had recently attended a Tri-Rail workshop. She noted that Tri-Rail would be re-establishing passenger traffic back to the downtown in the near future.

Deputy Vice Mayor Johnson thanked Vice Mayor Chard for assisting with moving trees from the I-Pic to the Achievement Center.

Mayor Glickstein noted that the Superintendent of Schools had visited Carver Middle School on the first day of school. He stated that the City was doing a lot for public education. He expressed appreciation to the Police Department for the recent First Night Program.

Mayor Glickstein expressed appreciation to the City Commission and staff for their efforts regarding the parking issue earlier this evening. Finally, he encouraged everyone to attend the Old School Square charette presentation on Friday evening at 6:00 p.m. at the Ocean Breeze room at Old School Square.

Noting that there was no further business, the meeting stood adjourned at 9:42 p.m.