

City of Delray Beach

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Minutes - Draft

Thursday, July 6, 2017

6:00 PM

Regular Meeting at 6:00 PM

Delray Beach City Hall

City Commission

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

1. ROLL CALL

The July 6, 2017 Regular City Commission Meeting was called to order at 6:00 p.m.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

A motion was made by Commissioner Katz, seconded by Vice-Mayor Chard, that the agenda be approved as amended, moving the proclamation of Eula Mae Johnson to the beginning of this evening's agenda. The motion was approved unanimously (5-0).
approved as amended

Yes: 5 - Vice-Mayor Chard, Deputy Vice Mayor Ervin Johnson, Mayor Glickstein, Commissioner Katz, and Commissioner Petrolia

4. PRESENTATIONS:

4.A. [17-517](#) UPDATE FROM SENATOR JEFF CLEMENS

Sponsors: City Clerk Department

State Senator Jeff Clemens gave an overview of the recently concluded legislative session. He shared that many of the bills presented this year provided greater limitations on local government. He noted that one significant bill passed during the legislative session was the "sober homes" legislative bill. State Senator Jeff Clemens stated that his office is located in Lake Worth and provided his office phone number which is (561) 540-1140.

Commissioner Petrolia commented that State Senator Jeff Clemens was very reachable and that he is committed to being a public servant. She inquired whether it was worthwhile for local elected officials to visit with members of the legislature.

Senator Clemens responded that he believed there was no substitute for in-person visits to see their community's legislators.

Commissioner Petrolia said she was very concerned about the legislature's efforts to erode home rule powers of local governments. Senator Clemens also expressed concern about this trend.

Vice Mayor Chard thanked Senator Jeff Clemens for all that he had done during the most recent legislative session. Vice Mayor Chard inquired

about the state of the Department of Children and Family Services. Senator Clemens responded that this year's DCF budget was relatively stagnant, with the exception of FAR funds.

Vice Mayor Chard inquired if any licensing proposals would be put forward regarding the recovery industry. Senator Clemens stated that he would pursue such bills in the next session of the legislature and future sessions.

Deputy Vice Mayor Johnson noted that an increase of only \$100 per student had been approved by the legislature. Senator Clemens said this was correct and very disappointing.

Commissioner Katz inquired what the Mayor and City Commissioners could do to educate the public about the proposed additional homestead reduction of \$25,000. Senator Clemens responded that cities could educate about the financial impact of reduced municipal revenues over time.

4.B. [17-595](#) PRESENTATION ON PARKING RATES AND INVESTMENT RETURN

Recommendation: Receive information concerning the return on investment for increasing paid parking to on-street parking and surface lots within the City of Delray Beach.

Sponsors: Environmental Services Department

Attachments: [7-6 Final Parking Presentation](#)

[Map 7-6-17 1](#)

[Map 7-6-17 2](#)

[Map 7-6-17 3](#)

Assistant City Manager Caryn Gardner-Young gave a presentation regarding parking rates, area streets and recommendations. Ms. Gardner-Young began presenting an overview of the options for the City Commission's consideration. It was noted that back-up materials for this item was not available until this afternoon, so Mayor Glickstein suggested that this matter be moved to a future agenda.

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

There were none.

5.B. From the Public

Pauline Moody commented that local government and the educational

system were dysfunctional. She stated that some teachers were not properly trained.

Attendees of the Florida Elks Youth Camp expressed appreciation to everyone who made it possible for them to attend summer camp. The campers also expressed that they had a great time during their week at the Elks Youth Camp.

Marjorie Waldo of the Arts Garage said they would be holding a number of activities and events in the near future, as well as a fund raising event very soon.

Alice Fintz invited the City Commission to an immigration awareness event on the following Monday at 7:30 p.m. at the South County building.

Barry Chandler, a Volunteer parking control officer, said the volunteers tried to make things a little easier for people and visitors to park along busier streets.

Dr. Victor Kirson asked the City Commission to keep an eye on the Pavilion at Atlantic Dunes project. Interim City Manager de Jesus said the City could not dictate when the State issue permits for projects.

Dr. Wright suggested that the City Commission should vote that the Caring Kitchen must move from its present location to a new location within ninety days. Deputy Vice Mayor Johnson commended her for her leadership on this situation.

Alan Slosberg said he opposed parking meters in downtown Delray Beach. Mr. Slosberg said that adding parking meters would contribute to traffic and gridlock. He also stated that Delray Beach was always a different and fun city.

Mavis Benson, a newly appointed member of the Downtown Development Authority Board, read recommendations from the DDA, including partnering with the private sector for new parking projects. She also suggested not having a vehicle booting program. Finally, Ms. Benson said it was essential to build a customer-friendly parking program.

Mark Denkle, an owner of a business in the downtown area of Delray Beach said he was concerned about potential parking rates. Mr. Denkle stated he wanted to attend last Thursday's Parking Management Advisory Board meeting, but it was cancelled. Mayor Glickstein suggested that this matter be pulled from the City Commission meeting agenda this evening and tentatively moved to the August 1st City Commission meeting. He

noted that doing nothing was not an option.

Peter Arts, a member of the Downtown Development Association, said the DDA would be a positive party in the discussions about parking options.

Michael Wind expressed concern about the conditions around certain parts of the City. He said that all storeowners along East Atlantic Avenue in the downtown area were opposed to higher parking rates.

Kevin Warner, member of the Parking Management Board, said at the last meeting he would recommend having parking meters downtown. Relative to an employee parking plan, he said this was a job delegated to the Downtown Development Authority. Mr. Warner urged the City Commission to stick to their prior decisions about parking meters and related matters.

Cindy Freeburn, a former member of the Parking Management Board, said that sitting on the board had been very frustrating. Ms. Freeburn said it was very important to see and hear everything that was going on. She commented that she was a proponent for dedicated scooter parking. She suggested getting the parking management plan done before the turnover of the City Commission in 2018.

6. CONSENT AGENDA: City Manager Recommends Approval

Commissioner Petrolia made a motion to approve the consent the agenda. Vice Mayor Chard seconded it. The vote carried 5-0.
approved

Yes: 5 - Vice-Mayor Chard, Deputy Vice Mayor Ervin Johnson, Mayor Glickstein, Commissioner Katz, and Commissioner Petrolia

6.A. [17-551](#) ACCEPTANCE OF A HOLD HARMLESS AGREEMENT FOR 1040 S. OCEAN BOULEVARD

Recommendation: Motion to Approve and accept a Hold Harmless Agreement for 1040 S. Ocean Boulevard.

Sponsors: Environmental Services Department

Attachments: [HHA Legal Review Checklist 1040 S. Ocean Blvd](#)
[1040 S. Ocean Blvd. Hold Harmless Agreement](#)
[1040 S. Ocean Blvd. FDOT Utility Permit](#)
[Map Location 1040 S. Ocean Blvd.](#)
[PAPA 1040 S. Ocean](#)
[Sunbiz 1040 S. Ocean](#)

- 6.B. [17-557](#) APPROVAL OF AMENDMENT NO. 1 TO THE PURCHASE AGREEMENT WITH BENNETT FIRE PRODUCTS COMPANY, INC. FOR PURCHASE OF FIREFIGHTER BUNKER GEAR

Recommendation: Motion to Approve Amendment No. 1 to the purchase agreement with Bennett Fire Products Company, Inc. for firefighter bunker gear in the annual not-to-exceed amount of \$200,000.

Sponsors: Fire Rescue Department

Attachments: [Bunker Gear Amendment Legal Review Checklist form v. 3](#)
[Signed Agreement with Bennett Fire Products Company Inc.](#)
[2017-007 Amendment No. 1 Bennett Fire Products-CA rev 6-8-17.](#)
[SUP EXECUTED](#)

- 6.C. [17-587](#) AMENDMENT NO. 1 TO WEST ARCHITECTURE & DESIGN, LLC. FOR ARCHITECTURAL CONSULTING SERVICES FOR THE HISTORIC DELRAY BEACH RAILWAY STATION IN AN AMOUNT NOT TO EXCEED \$14,500.00

Recommendation: Motion to Approve Amendment No. 1 to West Architecture & Design, LLC in an amount not to exceed \$14,500 for architectural consulting services for the Historic Delray Beach Railway Station (Project #17-007).

Sponsors: Environmental Services Department

Attachments: [Amendment no. 1 to Agreement for Architectural consulting services for Delray Beach railway station \(PROJECT NO. 16-080\)](#)
[CAO Checklist AMENDMENT #1 TO AGREEMENT FOR ARCHITECTURAL CONSULTING SERVICES FOR DELRAY BEACH RAILWAY STATION](#)
[Historic Railway Station Amendment No. 1](#)
[West Architecture Contract Old Train Depot Signed Contract](#)
[West Architecture Contract Old Train Depot Pay1](#)
[West Architecture PO](#)

6.D. PROCLAMATIONS:

- 6.D.1. [17-572](#) Proclamation for Mrs. Eula Mae Johnson

Sponsors: City Clerk Department

Attachments: [Eula Mae Johnson Proclamation](#)

Mayor Glickstein noted that there was a very special guest in attendance this evening, Ms. Eula Mae Johnson who will soon be turning 108. Mayor Glickstein and the City Commission wished Ms. Johnson the best for many,

many years to come. The Mayor, City Commission and the members of the audience sang happy birthday to Ms. Johnson.

6.E. [17-559](#)

REPORT OF APPEALABLE LAND USE ITEMS FROM MAY 30, 2017 THROUGH JUNE 9, 2017

Recommendation:

By motion, receive and file this report.

Sponsors: Planning and Zoning Board

Attachments: [Location Map](#)

[Sandoway Discovery Center, 142 S Ocean Boulevard](#)

[219 Dixie Boulevard](#)

6.F. AWARD OF BIDS AND CONTRACTS:

6.F.1. [17-464](#)

PURCHASE AWARD TO SOUTHERN SEWER EQUIPMENT SALES AND SERVICE, INC. FOR A SCHWARZE FREIGHTLINER STREET SWEEPER IN AN AMOUNT NOT TO EXCEED \$227,246.10.

Recommendation: Motion to Approve a purchase award to Southern Sewer Equipment Sales and Service, Inc. for one Schwarze Freightliner Street Sweeper in an amount not to exceed \$227,246.10, utilizing Florida Sheriffs Association, Florida Association of Counties Contract #FSA16-VEH14.0.

Sponsors: Environmental Services Department

Attachments: [Southern Sewer - Schwarze Freightliner Quote](#)

[Florida Sheriffs Association & Florida Association of Counties](#)

[Agreement #FSA16-VEH14.0](#)

[Best Price Letter - Southern Sewer Equipment Sales and Service](#)

[Vehicle Replacement List](#)

[Southern Sewer Agreement CA rev](#)

[Southern Sewer Legal Review Checklist](#)

6.F.2. [17-471](#)

PURCHASE AWARD TO SBL FREIGHTLINER, LLC DBA LOU BACHRODT FREIGHTLINER FOR PURCHASE OF A VAC CON FREIGHTLINER IN AN AMOUNT NOT TO EXCEED \$409,653

Recommendation: Motion to approve a purchase award to SBL Freightliner, LLC dba Lou Bachrodt Freightliner for one Vac Con Freightliner in an amount not to exceed \$409,653, utilizing Florida Sheriffs Association and the Florida Association of Counties Contract #FSA16-VEH14.0.

Sponsors: Environmental Services Department

Attachments: [Vehicle Replacement List](#)

[Florida Sheriffs Association & Florida Association of Counties Agreement #FSA16-VEH14.0](#)
[SBL Freightliner LLC dba Lou Bachrodt Freightliner - Vac Con Freightliner Quote](#)
[Best Price Letter - SBL Freightliner, LLC dba Lou Bachrodt Freightliner](#)
[SBL Freightliner Agreement CA review](#)
[SBL Legal Review Checklist](#)

6.F.3. [17-560](#)

PURCHASE AWARD TO NORTRAX, INC. FOR PURCHASE OF A JOHN DEERE 310L COMBINATION BACKHOE LOADER IN AN AMOUNT NOT TO EXCEED \$80,501 AND A JOHN DEERE 324E SKID STEER LOADER IN AN AMOUNT NOT TO EXCEED \$43,721.25.

Recommendation: Motion to approve a purchase award to Nortrax, Inc. for one John Deere 310L combination backhoe loader in an amount not to exceed \$80,501 and one John Deere 324E Skid Steer Loader in an amount not to exceed \$43,721.25, utilizing the Florida Sheriffs Association, Florida Association of Counties Contract #FSA16-VEH14.0.

Sponsors: Environmental Services Department

Attachments: [Best Price Letter - Nortrax](#)

[Florida Sheriffs Association & Florida Association of Counties Agreement #FSA16-VEH14.0](#)
[Nortrax - John Deer 310SL Quote](#)
[Nortrax - John Deer 324E Quote](#)
[Vehicle Replacement List](#)
[Nortrax Agreement-CA rev](#)
[Legal Review Checklist form v. 3 nortrax](#)

6.F.4. [17-554](#)

AWARD OF AN AGREEMENT WITH ALEXIS KNIGHT ARCHITECT, INC. FOR ARCHITECTURAL COMPLIANCE REVIEW SERVICES FOR THE BEACH OVERLAYS IN A NOT-TO-EXCEED AMOUNT OF \$72,000.

Recommendation: Motion to Award a three-year Agreement with Alexis Knight Architect, Inc. for architectural compliance review services for the Beach Overlays in a total not to exceed amount of \$72,000 for the Agreement term.

Sponsors: Planning & Zoning Department and Purchasing Department

Attachments: [2017-054 Complete](#)

[ALEXIS KNIGHT ARCHITECT, INC. RESPONSE](#)
[CAO checklist for Architectural Compliance review services Alexis Knight](#)
[2017-054 Addendum No. 1](#)
[2017-054 Agreement CAO review CONSULTANT EXECUTED](#)

6.F.5. [17-558](#) APPROVAL OF PURCHASE AGREEMENTS WITH BOUND TREE MEDICAL, LLC, HENRY SCHEIN, INC., AND MIDWEST MEDICAL SUPPLY CO., L.L.C. FOR MEDICAL SUPPLIES AND MEDICATIONS

Recommendation: Motion to Approve Purchase Agreements with Bound Tree Medical, LLC in an amount not-to-exceed \$210,000.00, to Henry Schein, Inc. in an amount not to exceed \$26,250.00, and to Midwest Medical Supply Co., L.L.C. in an amount not to exceed \$11,250.00 for the provision of medical supplies and medications, through City of Boynton Beach Cooperative Bid 044-2210-16/JMA.

Sponsors: Fire Rescue Department and Purchasing Department

Attachments: [RENEWAL LETTER - Bound Tree 2017-18](#)
[RENEWAL LETTER - Henry Schein 2017-18](#)
[RENEWAL LETTER - Midwest Medical Supply 2017-18](#)
[Renewal Packet 6.6.17 Agenda Medical Supplies & Medications - Bound Tree](#)
[Renewal Packet 6.6.17 Agenda Medical Supplies & Medications - Henry Schein](#)
[Renewal Packet 6.6.17 Agenda Medical Supplies & Medications - Midwest](#)
[Signed - Extension Request - Bound Tree](#)
[Signed - Extension Request - Henry Schein](#)
[Signed - Extension Request - Midwest](#)
[Agreement Bound Tree Medical Supplies CAO final](#)
[Agreement Henry Schein Medical Supplies CAO final](#)
[Agreement Midwest Medical Medical Supplies CAO final](#)
[Legal Review Checklist Bound tree medical](#)
[Legal Review Checklist Harry Schein, inc](#)
[Legal Review Checklist Midwest Medical](#)

7. REGULAR AGENDA:

Mayor Glickstein read the rules or order for a quasi-judicial hearing. The applicants were asked to stand and be sworn in by the clerk. The applicants were sworn in by the City Clerk.

There were no exparte discussions by the City Commission.

7.A. [17-550](#) THE GROVE SIDE BAR IN LIEU OF PARKING FEE REQUEST (QUASI-JUDICIAL HEARING)

Recommendation: Motion to Approve In Lieu of Parking Fee request in the amount of \$70,980.00 for 7 parking spaces associated with a Class III Site Plan Modification for the conversion of retail to restaurant at 183 NE 2nd Avenue.

Sponsors: Planning & Zoning Department

Attachments: [In lieu parking agreement 183 NE 2nd Avenue Haycock](#)

[Exhibit A](#)

[183 survey](#)

[in-lieu parking submittal sketch 2](#)

[Sidebar SPRAB 5.1.17a](#)

[Board order](#)

[CAO checklist Parking inlieu 182 NE 2nd Haycock](#)

Mr. Tim Stillings entered into the record file number 2017-153. The applicant was present and gave a presentation.

Mr. Paul Striker stated his name for the record and acknowledged that he was sworn in and gave a brief explanation of his request.

Mr. Tim Stillings stated that the Parking Management Advisory Board considered the request back in May and recommended approval along with the other advisory boards that they visited.

Public comment was opened. There were none present and public comment was closed.

Vice Mayor Chard commented that there is a valet que in front of the restaurant and questioned if it counts towards their required parking places. Mr. Stillings explained that the valet que had already been accounted for with the other businesses so they were not able to capitalize on that for their parking requirement.

Commissioner Katz questioned how much money had been collected for in-lieu sum and how it can be spent on parking that it was intended for.

Deputy Vice Mayor Johnson had the same question as Commissioner Katz and also asked how come a Parking Garage had not been built by now.

Vice Mayor Chard questioned if they would expand the in-lieu funds with housing, trees and so forth?

Commissioner Petrolia also asked know how much has been collected with the in-lieu parking funds. She expressed her concerns about in-lieu funds and limited space for parking in the downtown area.

Mayor asked Tim Stillings that on a percentage basis if there is a 30% maximum for eligible in-lieu parking. Mr. Stillings explained that it is 30%

for new construction and can go up to 100% for the adapt of reuse.

Mr. Lohman went through the board order.

Mr. Lohman asked if the Board Order should be approved. All replied yes.

Commissioner Katz made a motion to approve the request. It was seconded by Vice Mayor Chard. The motion carried 5-0.
adopted

Yes: 5 - Vice-Mayor Chard, Deputy Vice Mayor Ervin Johnson, Mayor Glickstein, Commissioner Katz, and Commissioner Petrolia

7.B. [17-552](#) APPEAL OF THE SITE PLAN REVIEW AND APPEARANCE BOARD (SPRAB) APPROVAL OF APRIL 26, 2017 ASSOCIATED WITH NEW CONSTRUCTION OF A ONE-STORY RETAIL BUILDING LOCATED AT 47 SE 5TH AVENUE (LISA BUILDING). [QUASI-JUDICIAL HEARING]

Recommendation: Deny the appeal and uphold the original Site Plan Review and Appearance Board (SPRAB) approval and conditions of April 26, 2017 for the Lisa Building.

Sponsors: Planning & Zoning Department

Attachments: [SPRAB Report of April 26, 2017](#)
 [Recorded Agreement for In-Lieu Parking Fee](#)
 [Waiver Justification Statement by the Applicant](#)
 [Lisa Building - CC Order - 061617AG](#)

Mayor Glickstein inquired whether there had been any ex parte communications. The City Commission advised that there had been no such communications. Planning and Zoning Director Tim Simmons entered project file number 2016-209 into the record.

Mr. Carbone, the applicant's representative, reviewed his client's handling of landscaping and parking requirements. He stated that the applicant went above and beyond in addressing the City's code regulations.

Cindy Freeburn said if the waiver was not granted, the applicant might propose an alternate plan with a lesser number of parking spaces.

Dr. Victor Kirson stated he did not see a reason for the applicant to be punished relative to the parking requirement.

Mayor Glickstein inquired whether the proposed architecture was ever discussed with the Site Plan Review and Appearance Board. Mayor Glickstein stated that this was more adornment rather than true art deco elements. Mr. Simmons commented that there was not a lot of room to

add glazing and art deco elements to the proposed building. Commissioner Petrolia commented that she shared Mayor Glickstein's concerns. Mayor Glickstein said that art deco used very simplistic styles, rather than a carnival look. Commissioner Petrolia said that the overlook of the building as an entry point into the City was not consistent with the art deco style.

Commissioner Katz commented that he would support the SPRAB Board's recommendation relative to the execution of the site plan and architectural style. Mayor Glickstein commented that the proposal was a poor representation of art deco. Rick Brautigan, the project's architect, stated there were a very broad array of architectural styles in this area of the City. Mr. Brautigan said that the City now had a smorgasbord of architectural styles.

approved

Yes: 3 - Vice-Mayor Chard, Deputy Vice Mayor Ervin Johnson, and Commissioner Katz

No: 2 - Mayor Glickstein, and Commissioner Petrolia

7.C. [17-553](#)

APPEAL OF THE HISTORIC PRESERVATION BOARD (HPB)
APPROVAL OF A CERTIFICATE OF APPROPRIATENESS (COA
2017-131) FOR 799 NE 2ND AVENUE, DEL-IDA PARK HISTORIC
DISTRICT (QUASI-JUDICIAL HEARING)

Recommendation: Motion to Approve the Certificate of Appropriateness, as presented, based upon positive findings with Land Development Regulation (LDR) Section 2.4.6(H)(5) (COA Findings).

Sponsors: Planning & Zoning Department

Attachments: [2017-07-05 799 NE 2nd Avenue Appealable Report with Attachments 2017-131-COA](#)
[2017-07-05 Board Order 799 NE 2nd Ave](#)

Mayor Glickstein inquired whether any of the City Commissioners had any ex parte communications relative to this application. Vice Mayor Chard stated that he had spoken to the applicant and had elected to withdraw his prior objection.

approved

Yes: 5 - Vice-Mayor Chard, Deputy Vice Mayor Ervin Johnson, Mayor Glickstein, Commissioner Katz, and Commissioner Petrolia

7.D. [17-567](#)

Sponsors: Finance Department

Acting Finance Director Laura Thezine provided an overview of the proposed 2018 millage rate and debt service rates. She noted that property values had increased 9.2%. She noted that the budget hearings

would be taking place on September 7th and September 15th. Mr. de Jesus said that the millage rate had been set based on the direction of the previous City Commission. He noted that there were some increases in cost.

Commissioner Katz said it was difficult to comment without a proposed budget in hand. He suggested that the Interim City Manager forward department budgets on a piecemeal basis, rather than sending all department budgets at one time. Commissioner Katz inquired when the first budget would be forwarded to the City Commission.

Deputy Vice Mayor Johnson stated that she was opposed reducing the City's millage rate this year. She emphasized the importance of repairing infrastructure such as water pipes and roadways.

Vice Mayor Chard shared Commissioner Katz' comments on capping revenues until the City's needs were known. Mr. de Jesus said that staff had submitted their proposed budgets and that the main priorities would be public safety, parks and recreation and infrastructure needs. He noted that it was City staff's role to present a balanced budget. Mr. de Jesus emphasized that the rate was the same as last year, and that the City Commission could not increase the proposed millage rate on this evening's agenda.

Vice Mayor Chard commented that he heard there would be an additional homestead passed.

Commissioner Petrolia stated that the City had \$31 million in approved bond funds to expend on infrastructure and \$37 million in reserves.

Commissioner Katz said that tax revenue came mostly from the business community and our non-resident charges. Commissioner Katz said that business owners could not be hit time and time again. He also noted that local residents had also approved a penny sales tax increase. Commissioner Katz said he favored the small reduction in the millage rate.
approved

Yes: 4 - Vice-Mayor Chard, Mayor Glickstein, Commissioner Katz, and Commissioner Petrolia

No: 1 - Deputy Vice Mayor Ervin Johnson

7.E. [17-568](#)

Sponsors: Finance Department

Attachments: [Letter 2017 1mil Request- 6.12.2017](#)

Mr. Arts, representing the DDA Board, said that the Board recommended the proposed millage rate to the City Commission. Commissioner Petrolia asked whether the DDA had decided to continue funding for the yellow shirts program and, if so, was it included in the proposed budget.

Ms. Simon said that this would be discussed at the upcoming DDA Board meeting on July 10th and the upcoming CRA Board meeting in August. Ms. Simon said that it was the intention of the DDA to fund 35-40% of the yellow shirts ambassador program.
approved

Yes: 5 - Vice-Mayor Chard, Deputy Vice Mayor Ervin Johnson, Mayor Glickstein, Commissioner Katz, and Commissioner Petrolia

7.F. [17-533](#) NOMINATIONS FOR APPOINTMENT TO THE POLICE ADVISORY BOARD

Recommendation: Recommend nominations for appointment for five (5) regular members to serve on the Police Advisory Board for two (2) year terms ending July 31, 2019 and one (1) student member to serve a one (1) year term ending July 31, 2018.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)
[Police Advisory Board Member List](#)
[Police Advisory Board Attendance List](#)

Deputy Vice Mayor Johnson moved, seconded by Commissioner Petrolia, to appoint Nancy Channing. The motion passed unanimously (5-0).

Mayor Glickstein nominated Kelly Freeman. It was seconded by Commissioner Petrolia. The motion carried unanimously (5-0).

Commissioner Petrolia appointed Alex Christopher. It was seconded by Commissioner Katz. The motion carried (5-0).

Vice Mayor Chard appointed Ron Galinsky. It was seconded by Deputy Vice Mayor Johnson. The motion failed by a vote of (2-3), with Vice Mayor Chard and Commissioner Johnson voting yes. Vice Mayor Chard nominated Jack Chatham moved. It was seconded by Deputy Vice Mayor Johnson. The motion carried (5-0).

Commissioner Katz appointed Peter Scalafani. It was seconded by Deputy Vice Mayor Johnson. The motion carried (5-0).

Deputy Vice Mayor Johnson appointed Deiusen Millien. It was seconded by Vice Mayor Chard. The motion carried (5-0).

7.G. [17-535](#) NOMINATIONS FOR APPOINTMENT TO THE PUBLIC ART ADVISORY BOARD

Recommendation: Recommend nominations for appointment for three (3) regular members to serve on the Public Art Advisory Board for two (2) year terms ending July 31, 2019.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)
 [Public Art Advisory Board Member List](#)
 [Public Art Advisory Board](#)

Mayor Glickstein appointed Marusco Gatto. It was seconded by Vice Mayor Chard. The motion was carried (5-0).

Commissioner Petrolia appointed Joyce Carter. It was seconded by Commissioner Katz.. The motion carried (5-0).

Vice Mayor Chard appointed Diane Carter. It was seconded by Commissioner Petrolia. The motion carried (5-0).

7.H. [17-537](#) NOMINATIONS FOR APPOINTMENT TO THE PARKING MANAGEMENT ADVISORY BOARD

Recommendation: Recommend nominations for appointment for two (2) regular members (Citizen-at-Large) to serve on the Parking Management Advisory Board for two (2) year terms ending July 31, 2019.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)
 [Parking Management Advisory Board Member List](#)
 [Parking Management Advisory Board Attendance List](#)

Mayor Glickstein appointed Annie Roof. It was seconded by Commissioner Petrolia. The motion carried (5-0).

Commissioner Petrolia appointed Thomas Hallyburton. It was seconded by Deputy Vice Mayor Johnson. The motion carried (5-0).

7.I. [17-584](#) NOMINATION FOR APPOINTMENT TO THE CODE ENFORCEMENT BOARD

Recommendation: Motion to Approve nomination for appointment for one (1) regular member to serve on the Code Enforcement Board for an unexpired term ending January 14, 2019.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)
[Code Enforcement Board Member List](#)
[Code Enforcement Board Attendance List](#)

Commissioner Katz appointed Robert Resnick. It was seconded by Commissioner Petrolia. The motion carried (5-0).

7.J. [17-582](#) NOMINATION FOR APPOINTMENT TO THE EDUCATION BOARD

Recommendation: Motion to Approve nomination for appointment for one (1) regular member to serve a two (2) year term ending July 31, 2019. Please note that there are no student applicants at this time.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)
[Education Board Member List](#)
[Education Board Attendance List](#)

Mayor Glickstein appointed Kay Johnson. It was seconded by Commissioner Petrolia. The motion carried (5-0).

7.K. [17-583](#) 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: [Exhibit A](#)
[Board of Adjustment Member List](#)
[Board of Adjustment Attendance List](#)

Commissioner Katz appointed Ryan Hnatiuk. It was seconded by Deputy Vice Mayor Johnson. The motion carried (5-0).

7.L. [17-563](#) RECOMMENDATION FOR APPOINTMENT TO THE DELRAY BEACH HOUSING AUTHORITY BOARD

Recommendation: Motion to Recommend for appointment one (1) regular member to serve on the Delray Beach Housing Authority Board for an unexpired term ending July 14, 2020.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)

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

[Delray Beach Housing Authority Attendance List](#)

Commissioner Katz appointed Ezra Krieg. It was seconded by Vice Mayor Chard. The motion carried (5-0).

7.M. [17-591](#) DISCUSSION OF BEACH PROMENADE BENCHES, PLAQUES, AND STONE MEMORIALS PROGRAM

Recommendation: Seeking direction from City of Delray Beach ("City") City Commission regarding addressing existing and future beach promenade benches, plaques and stone memorials.

Sponsors: Parks & Recreation Department

Ms. Fisher said that a total of sixty-eight plaques were available for remounting, or relocating the plaques, or return the beach plaques to family members.

A lengthy discussion ensued.

Deputy Vice Mayor Johnson made a motion to remove all the benches with placques on the beach, if the owner can be contacted they would be given the option of having a free brick placed at the flagpole paid for by the city including the memorials and the owners of the benches be contacted and they can have the benches and plaques, and Parks & Recreation can make the decision where the benches will go if they could not get in touch with the owners. The motion was seconded by Commissioner Petrolia.

The motion was approved by a vote of 3-2, with Mayor Glickstein, Deputy Vice Mayor Johnson and Commissioner Petrolia voting yes and Vice Mayor Chard and Commissioner Katz dissenting.

8. PUBLIC HEARINGS:

8.A. [17-574](#) ORDINANCE NO. 23-17 AMENDING THE CITY'S WORKFORCE HOUSING ORDINANCE (SECOND READING)

Recommendation: Motion to Approve Ordinance No. 23-17 on second reading.

Attachments: [Ord 23-17 amending Sec 4.7.7 workforce housing](#)
[workforce housing ord 23-17 backup.pdf](#)

approved

Yes: 5 - Vice-Mayor Chard, Deputy Vice Mayor Ervin Johnson, Mayor Glickstein, Commissioner Katz, and Commissioner Petrolia

8.B. [17-578](#) ORDINANCE 25-17 AMENDING THE CITY'S LDRs TO REPEAL SECTION 4.3.3(I), "COMMUNITY RESIDENTIAL HOMES AND GROUP HOMES" IN ITS ENTIRETY AND ENACTING A NEW SECTION 4.3.3(I), "COMMUNITY RESIDENCES FOR WHICH A CONDITIONAL USE PERMIT IS REQUIRED" IN ORDER TO PROVIDE CRITERIA FOR ISSUING A CONDITIONAL USE PERMIT FOR COMMUNITY RESIDENCES (FIRST READING/FIRST PUBLIC HEARING)

Recommendation: Motion to Approve Ordinance 25-17, a City initiated amendment to the Land Development Regulations, Article 2.4 "General Procedures", Article 4.3 "District Regulations; General Provisions", Article 4.4 "Base Zoning District", and Article 4.6 "Supplemental District Regulations" to revise and clarify the procedure for requesting a reasonable accommodation, to provide operators of community residences for people with disabilities clarity and certainty on where such homes may locate as of right and via conditional use permit in accordance with applicable case law, the Fair Housing Act and the Americans with Disabilities Act, and to establish appropriate parking regulations for same.

Attachments: [Ord 25-17 LDR amendment - Community Residences - Revised 7-3-17](#)
[1st Reading Final rev](#)
[Delray Beach FL GH Zoning Study May 2017](#)
[FAQs Delray Beach Community Residences Zoning Ordinance](#)

A presentation was given by Attorney Daniel Lauber

Deputy Vice Mayor Johnson and Commissioner Katz expressed appreciation to Mr. Lauber, Ms. Terrel and Mr. Lohman for their work on this matter. Vice Mayor Chard asked how ten or more individuals could be characterized as a family-like environment. Mr. Lauber said the matter of community residential and group homes had been considered by the U.S. Supreme Court. Mr. Lauber reviewed requirements for community residences in terms of the number of people residing in a facility. Vice Mayor Chard asked if there were up to thirty people in a group home, how did this integrate into a group home facility. Mr. Lauber stated with sober homes, the ideal number of occupants was eight to twelve. Mr. Lauber concluded his remarks by presenting an overview of various spacing requirements in different states.

approved

Yes: 5 - Vice-Mayor Chard, Deputy Vice Mayor Ervin Johnson, Mayor Glickstein, Commissioner Katz, and Commissioner Petrolia

9. FIRST READINGS:

9.A. None

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A motion was made by Commissioner Katz to extend beyond 11:00 p.m. It was seconded by Commissioner Petrolia. The motion carried 5-0.

10.A. City Manager

Mr. de Jesus offered his apology to the City Commission for the late nature of the parking management back-up earlier this evening. He noted that staff was moving forward with the permitting of the Pavilion with the State but will not permit construction until November 1st due to the turtle nesting season. He said when the permit was received, the City would go out to bid.

Mr. de Jesus noted that Public Works staff were the unsung heroes of this year's July 4th festivities for doing the lion's share of work. He stated their work began early on the morning of the 4th and lasted well until 12:45 a.m. the following morning. He commented that Public Works staff did an excellent job of cleaning up the downtown area after the event.

Mr. de Jesus said the first report would be coming to the City Commission on July 14th. He stated that staff needed to know what the City Commission wanted in terms of contents in their reports.

Finally, Mr. de Jesus stated staff needed the City Commission's input relative to the City Management recruitment process.

10.B. City Attorney

Mr. Lohman said the outside counsel handling the MatchPoint case stated they wished to amend the complaint by adding to the complaint making it possible to recover the City's legal fees. He requested a ratification of this direction from the City Commission this evening. Commissioner Katz made a motion to ratify the action to amend the complaint relative to the MatchPoint matter. It was seconded by Commissioner Petrolia. The motion passed unanimously (5-0).

10.C. City Commission

City Commissioner Katz said the last three times that a search firm was used they had less than great results. He suggested hiring Ms. Gardner-Young as the next City Manager and dispense with hiring a search firm. Commissioner Petrolia suggested to not hold up Mr. de Jesus and allow him to meet with the Mayor and City Commissioners individually to review the process for selecting the next City Manager. Deputy Vice Mayor Johnson said that she would like the opportunity to review candidates. Mayor Glickstein said Ms. Gardner-Young had established a fair and firm protocol of running all of the applicable City departments she had been charged with running. Mayor Glickstein said he was concerned about the difficulty of hiring a City Manager in the present extremely competitive employment environment. He also noted that up to three seats on the dais could be changing within a few months of the hiring of the new City Manager. Mayor Glickstein said that his preference would be to hire Ms. Gardner-Young as City Manager rather than expending taxpayer funds to hire a search firm.

Interim City Manager de Jesus noted that he only hired former City Managers, rather than Assistant City Managers. He noted that Ms. Gardner-Young had stated that she was looking for her next challenge. Mr. de Jesus suggested that the members of the City Commission spend some time with Ms. Gardner-Young. Commissioner Katz suggested waiting thirty days to hire a firm after meeting with the City Manager to find out their expectations of the next City Manager. Commissioner Katz commended Ms. Goodrich and her team for securing a Whole Foods 365 location in Delray Beach, the first one along the east coast.

Deputy Vice Mayor Johnson also extended her congratulations to Ms. Goodrich for her team's success in landing a Whole Foods 365 store in Delray Beach. She requested that the Mayor and City Commission agree by consensus to have an item on the July 18th agenda to direct that the Caring Kitchen and CROS properties to vacate their existing location by no later than October 31st. She thanked Chief Goldman and Interim City Manager de Jesus for their attention to noise related issues with cars and trucks in the northwest community. She noted that noise conditions were vastly improved. Requested that the City Commission be granted a ten-minute break after meeting for three consecutive hours so that the Commission does not miss anything. Finally, Deputy Vice Mayor Johnson stated she would visit with City staff about what she wanted in a bi-weekly report.

In fairness to Dr. Wright, Mayor Glickstein said that the Caring Kitchen matter was an intractable problem. He did not think that the City should

be the one to resolve it. He commented there were a lot of churches around which could alternate temporary use of their facilities. Mr. de Jesus said he could put an item on the August 18th agenda for City Commission discussing the Caring Kitchen's future location.

Vice Mayor Chard thanked Mr. de Jesus and his staff for their efforts relative to the parking management plan.

Mayor Glickstein said that the Whole Foods matter and the redevelopment would help with traffic congestion matters. He thanked applicable staff and City Commissioners for their efforts in bringing Whole Foods 365 to Delray Beach.

Mayor Glickstein noted that many new small business projects were instrumental in attracting new businesses throughout the City. Noting that there was no further business this evening, Mayor Glickstein declared the meeting adjourned at 11:55 p.m.