

City of Delray Beach

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Minutes - Draft

Tuesday, May 16, 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

Regular Meeting of the City Commission of the City of Delray Beach, Florida, was called to order by Mayor Cary Glickstein in the Commission Chambers at City Hall at 6:00 p.m., Tuesday, May 16, 2017.

Roll call showed:

Present:

Commissioner Shelly Petrolia

Vice Mayor James Chard

Commissioner Mitchell Katz

Deputy Vice Mayor Shirley Ervin Johnson

Mayor Cary Glickstein

Absent:

None

Also present were:

Neal de Jesus, Interim City Manager

R. Max Lohman, City Attorney

Kimberly Wynn, Acting City Clerk

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

Deputy Vice Mayor Johnson requested that Item 6.T.3. be moved to the Regular Agenda as Item 7.A.A. She also requested that Item 7.B. be removed and tabled for a later date.

Commissioner Katz made a motion to approve the agenda as amended with Item 7.B. not removed. It was seconded by Commissioner Petrolia.

The motion carried by the following vote:

approved as amended

Yes: 2 - Vice-Mayor Chard, and Deputy Vice Mayor Ervin Johnson

No: 3 - Mayor Glickstein, Commissioner Petrolia, and Commissioner Katz

4. PRESENTATIONS:

4.A. [17-441](#)

Sponsors: City Clerk Department

Mrs. Linda Hoag gave a brief presentation and read a poem into record and presented a painting.

Mr. Neil de Jesus, Interim City Manager gave comments.

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

Mrs. Marjorie Waldo made comments on some of the events going on around the City of Delray Beach.

Mr. Jervonte Edmonds talked about his Suits for Seniors program. He recognized Mr. Jamael Stewart, Elizabeth Burrows and Mayor Glickstein and the Police Department for their work. Mayor Glickstein gave comments.

Mr. James Quinllin talked about the yellow shirt ambassadors downtown. He also referred to some code enforcement issues in the Osceola Park neighborhood.

Mrs. Mitzi Katz commented on including discussion about the Delray Beach golf course in the upcoming City Commission goal setting session.

Ms, Pauline Moody suggested that alleyways around the City should be landscaped. She also noted the need for additional trash bins around the City.

Mr. Roy Simon spoke about having served on a task force to enhance Congress Avenue. He suggested re-setting goals for the Delray Beach CRA.

Mr. William Branning commented on the CRA Resolution. He discussed statistics of the CRA and urged the Commission to work together.

Mr. Jay Alperin suggested either to deny or delay the potential dissolution of the CRA Board.

Mrs. Susan Ruby commented on the progress of the CRA. She asked that the City Commission continue to work with the CRA Board.

Mr. Bruce Gimmy commented on the bad decisions made by the CRA Board recently.

Mrs. Yvonne Odom suggested that the Mayor and City Commission hold a

joint workshop to develop the CRA Board's forthcoming goals.

Mr. Howard Barr expressed his support of the CRA Board. He asked that the City Commission work with the CRA Board.

Mr. Clifford Durden talked about the checks and balances system in government. He urged the City Commission not to ruin a successful system.

Ms. Cecilia Boone said that the CRA had accomplished a lot and advised the City to hold a joint charette in the near future.

Mr. Rob Steele discussed the accomplishments over the past several months. He talked about the diversity of the community's business districts.

Ms. Judy Craig expressed her support of the Commission taking over the CRA Board. She advised that the taxpayers should have oversight because of the budget size.

Mr. Sandy Zeller said that she supported the abolishment of the CRA.

Ms. Ernestine Halliday commented on her support of the CRA.

Mr. Ari Whiteman talked about the workload of the City Commission and their inability to also handle the CRA.

Mr. Eric Camacho recommended that this motion be tabled and conversations begin between the CRA Board and the City Commission.

Mrs. Angeleta Gray commented on the responsibilities of the Commission to direct the CRA.

Mr. Alan Slosberg advocated for the CRA being dissolved. He stated it would correct much of the oversight that has taken place.

Ms. Gail Lee McDermot commented on the lack of accountability by the CRA.

Ms. Lisa Quillien talked about her frustrations of dealing with the CRA and the structure of the CRA.

Mrs. Nancy Chann said that she supported keeping the CRA.

Mr. Chuck Ridley discussed accountability and advised that the City Commission is the beginning for this process.

Mrs. Laura Simon talked about the boundaries and a possible solution such as getting all of the advisory boards together.

Mrs. Evelyn Dobson commented on the City taking over the CRA. She discussed the opportunities provided through the CRA.

Mr. Prince Arafat expressed the need for all parties to come together to form a better bond between the City Commission and the CRA Board.

Ms. Carolyn Patton expressed support of the CRA.

Ms. Kelly Barrette expressed her support of the Commission being the CRA Board.

Mr. Kevin Warner gave a brief overview of the CRA Board recent mishaps.

Mrs. Benita Goldstein discussed the recent artwork "the Gateway" she read an open letter into record that had been signed by residents.

Mrs. Annette Gray disclosed that she was a former CRA member. She spoke of the history and how the day was coming. Get members that will say no.

Mr. Erick Lanier (Lanier Parking) advocated for his company.

Mrs. Joy T. Howell asked several questions for the board.

Mr. Jack Warner supported the City taking over the CRA. He stated that the CRA could do more. He also talked about how this had been addressed in the past.

Mr. Alex Burns stated his support of the CRA. He would like to see the same progress on the west side that has taken place on the east side.

Mrs. Christina Morrison invited the Commissioners on a bus trip to see other CRAs in other area. She suggested give them benchmarks and make the appointments.

Mrs. Cyndi Freeburn stated her support that the Commission take over the CRA. She talked about the questionable spending is reprehensible.

Mr. Chuck Halberg advised this should be discussed at a town hall.

Mrs. Fran Finch-Hall discussed putting petty personal politics aside and

talk things through.

Mr. Steve Bloom talked about the lip service of the City Commission. He advised that this is about money not race.

Mr. Reginald Cox advised that this is about a lack of communication. He talked about the movement against the CRA Board.

6. CONSENT AGENDA: City Manager Recommends Approval

A motion was made by Commissioner Katz, seconded by Commissioner Petrolia, that the consent agenda be approved. The motion carried by the following vote:
approved

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

6.A. [17-436](#) APPROVAL OF MINUTES

Recommendation: Motion to Approve various sets of minutes.

Sponsors: City Clerk Department

Attachments: [01-10-2017 Regular Meeting Minutes](#)

approved

6.B. [17-122](#) 2017 LOCAL INITIATIVE (LI) AND TRANSPORTATION ALTERNATIVE PROGRAM (TAP) GRANT SUBMITTALS TO THE PALM BEACH COUNTY METROPOLITAN PLANNING ORGANIZATION (MPO)

Recommendation: Motion to Approve four (4) supporting resolutions for the grant applications submitted by the City of Delray Beach for the 2017 Local Initiative and Transportation Alternative Programs funded through the Palm Beach County Metropolitan Planning Organization.

Sponsors: Environmental Services Department

Attachments: [Resolution No. 34-17](#)
[Resolution No. 35-17](#)
[Resolution No. 36-17](#)
[Resolution No. 38-17](#)

approved

6.C. [17-357](#) APPROVAL OF AMENDMENT NO. 1 TO THE GAS, CARBON DIOXIDE, (FOOD GRADE) PURCHASE AND DELIVERY TERM CONTRACT WITH AIRGAS USA, LLC

Recommendation: Motion to Approve Amendment No. 1 to the Gas, Carbon Dioxide, (Food Grade) Purchase and Delivery Term Contract with Airgas USA, LLC in an amount not-to-exceed \$135,000 for the purchase and delivery of carbon dioxide and oxygen.

Sponsors: Fire Rescue Department and Environmental Services Department

Attachments: [2014-22 Executed Agreement](#)
[2014-22 Assignment and Assumption Agreement](#)
[2014-22 Amend 1 SUPPLIER EXECUTED](#)

approved

6.D. [17-412](#) ACCEPTANCE OF WATER MAIN EASEMENT DEED GRANTED BY WALMART STORES EAST, LP.

Recommendation: Motion to Accept a Water Main Easement granted by Walmart Stores East, LP for the Walmart Liquor Box Store Expansion project at 16205 S. Military Trail.

Sponsors: Environmental Services Department

Attachments: [16205 S Military Tr Location Map](#)
[Water Main Easement Deed](#)

approved

6.E. [17-372](#) CHANGE ORDER NO. 2 TO THE PURCHASE AWARD WITH OVIVO USA, LLC. IN THE AMOUNT OF \$50,420 FOR ADDITIONAL WORK IN THE REPAIR OF THE WESTERN VACUUM FILTER UNIT AT THE WATER TREATMENT PLANT

Recommendation: Motion to Approve Change Order No. 2 to Purchase Award to Ovivo USA, LLC. in the amount of \$50,420 for additional work required in the repair of the western vacuum filter unit at the Water Treatment Plant.

Sponsors: Environmental Services Department

Attachments: [Sole Source Letter 20170324](#)
[Proposal C Additional work 2 20170409](#)
[Purchase Agreement Change Order](#)

approved

6.F. [17-414](#) SERVICE AUTHORIZATION NO.12-17 WITH WANTMAN GROUP, INC. IN THE AMOUNT OF \$163,748.35 FOR ENGINEERING SERVICES RELATED TO THE DESIGN FOR RECONSTRUCTION OF BARWICK ROAD FROM THE SOUTHERLY RIGHT-OF-WAY LINE OF LAKE IDA

ROAD TO THE NORTHERLY RIGHT-OF-WAY LINE OF ATLANTIC AVENUE

Recommendation: Motion to Approve Service Authorization No.12-17 with Wantman Group, Inc. in the amount not to exceed of \$163,748.35 for the preparation of design documents for roadway reconstruction of Barwick Road from the southerly right-of-way line of Lake Ida Road to the northerly right-of-way line of Atlantic Avenue.

Sponsors: Environmental Services Department

Attachments: [Barwick Road Reconstruction Service Authorization](#)

approved

6.G. [17-427](#) APPROVAL OF CHANGE ORDER NO. 2 IN THE AMOUNT OF \$85,008 WITH MBR CONSTRUCTION INC FOR THE BEACH MASTER PLAN PROJECT

Recommendation: Motion to Approve Change Order No. 2 in the amount of \$85,008 with MBR Construction, Inc. for the Beach Master Plan (Project No. 15-008).

Sponsors: Environmental Services Department

Attachments: [Change Order No. 2](#)
[MBR Construction Agreement](#)

approved

6.H. [17-417](#) ACCEPTANCE OF A HOLD HARMLESS AGREEMENT FOR HESSLER PAINT LOCATED AT 4591 WEST ATLANTIC AVENUE

Recommendation: Motion to Approve and accept a Hold Harmless Agreement for Hessler Paint, 4591 West Atlantic Avenue.

Sponsors: Planning and Zoning Board

Attachments: [Hold Harmless Agreement](#)
[FDOT Utility Permit](#)
[Hessler Paint SPRAB Staff Report](#)

approved

6.I. [17-426](#) SERVICE AUTHORIZATION NO. 12-20 WITH WANTMAN GROUP INC. IN A NOT TO EXCEED AMOUNT OF \$5,341 FOR THE SURVEYING, ENGINEERING DESIGN, AND PERMITTING SERVICES ASSOCIATED WITH THE CASON COTTAGE FRONT LAWN BRICK PAVER INSTALLATION

Recommendation: Motion to Approve Service Authorization No. 12-20 with Wantman Group

Inc. in an amount not to exceed of \$5,341 for surveying, engineering design, and permitting services associated with the Cason Cottage front lawn brick paver installation.

Sponsors: Environmental Services Department

Attachments: [Wantman Group Service Authorization No. 16-04](#)
[Engineering Agreement, Wantman](#)
[Amendment No. 4 - Wantman Group Inc.](#)

approved

6.J. [17-420](#) RAILROAD CROSSING LIABILITY RENEWAL POLICY

Recommendation: Requesting prior approval of FY17 spending limit greater than \$25,000 with Employers Mutual Inc. d/b/a Ascension Benefits and Insurance Solutions and motion to approve renewal of Railroad Crossing Liability and Railroad Crossing Excess Liability policies in a not to exceed amount of \$28,000.

Sponsors: Finance Department

Attachments: [Premium Summary](#)
[Market Summary](#)
[Agreement 2006](#)

approved

6.K. [17-423](#) PRIOR APPROVAL OF FISCAL YEAR 2017 SPENDING GREATER THAN \$25,000. WITH ADAPT PHARMA INC.

Recommendation: Motion to Approve multiple acquisitions of medicine and medical supplies from Adapt Pharma Inc. in a total not-to-exceed amount of \$84,000.00 for Fiscal Year 2017.

Sponsors: Fire Rescue Department

approved

6.L. [17-432](#) RETROACTIVE APPROVAL OF A SPENDING INCREASE WITH INTERLINE BRANDS, INC. DBA SUPPLYWORKS

Recommendation: Motion to retroactively approve an increase in spend with Interline Brands, Inc. DBA Supplyworks for janitorial supplies in a total not-to-exceed amount of \$70,000 for Fiscal Year 2017.

Sponsors: Purchasing Department

Attachments: [2016-014 Janitorial Supplies](#)

[2016-014 Attachment A](#)

approved

- 6.M.** [17-435](#) FACILITY USE AGREEMENT FOR POLICE OFFICER TRAINING BETWEEN THE CITY OF DELRAY BEACH AND THE SCHOOL BOARD OF PALM BEACH COUNTY FOR THE USE OF FORMER PLUMOSA ELEMENTARY SCHOOL.

Recommendation: Motion to Approve an Agreement for Police Officer training between the City of Delray Beach and the School Board of Palm Beach County ("Board") to allow the use of former Plumosa Elementary school as a training facility.

Sponsors: Police Department

Attachments: [DBPD-Former Plumosa EL Training with Exhibits..final](#)

approved

- 6.N.** [17-428](#) SETTLEMENT IN THE CASE OF GUY BUZZELLI V. CITY OF DELRAY BEACH

Recommendation: Motion to settle the case of Guy Buzzelli v. City of Delray Beach for the reasons discussed in the confidential memorandum previously distributed to the City Commission.

Sponsors: City Attorney Department

approved

- 6.O.** [17-419](#) SCHOOL READINESS PROGRAM FOR THE AFTERSCHOOL PROGRAM LOCATED AT POMPEY PARK AND THE COMMUNITY CENTER WITH THE EARLY LEARNING COALITION OF PALM BEACH COUNTY, INC.

Recommendation: Motion to Approve the renewal of the agreements between Early Learning Coalition of Palm Beach County, Inc. and the City of Delray Beach.

Sponsors: Parks & Recreation Department

Attachments: [School Readiness -Pompey Park](#)
[School Readiness -Community Center](#)

approved

- 6.P.** [17-424](#) CHILDREN'S SERVICES COUNCIL (CSC) SCHOLARSHIP PROGRAM

FOR THE AFTERSCHOOL PROGRAM LOCATED AT POMPEY PARK
AND THE COMMUNITY CENTER WITH THE EARLY LEARNING
COALITION OR PALM BEACH COUNTY, INC.

Recommendation: Motion to Approve renewal of the agreements between Early Learning Coalition of Palm Beach County, Inc. and the City of Delray Beach.

Sponsors: Parks & Recreation Department

Attachments: [CSC Scholarship Pompey Park](#)
[CSC Scholarship Community Center](#)

approved

6.Q. [17-447](#) REQUEST FOR SUBORDINATION OF SECOND MORTGAGE FOR 218
SE 4th Avenue

Recommendation: Motion to Approve a request for the City of Delray Beach ("City") to subordinate its second mortgage position in the amount of \$32,241.05 for the property located at 218 SE 4th Avenue.

Sponsors: Community Improvement

Attachments: [Subordination Policy & Procedures](#)
[Subordination Agreement](#)
[Property Appraisal Report](#)
[Title Insurance](#)
[Supporting Documents](#)

approved

6.R. PROCLAMATIONS:

6.R.1. [17-440](#)

Sponsors: City Clerk Department

Attachments: [Better Hearing Month May 2017](#)

6.R.2. [17-438](#)

Sponsors: City Clerk Department

Attachments: [National Safe Boating Week Proclamation](#)

6.R.3. [17-437](#)

Sponsors: City Clerk Department

Attachments: [Amateur Radio Week 2017](#)

6.S. [17-413](#)

REPORT OF APPEALABLE LAND USE ITEMS FROM APRIL 3, 2017 THROUGH APRIL 21, 2017

Recommendation: By motion, receive and file this report.

Sponsors: Planning and Zoning Board

Attachments: [Location Map](#)
[Palm Trail Townhomes](#)
[Schumacher Automotive Delray](#)
[4 East Atlantic Avenue Color Change](#)
[4 East Atlantic Avenue Sign Program](#)

approved

6.T. AWARD OF BIDS AND CONTRACTS:

6.T.1. [17-373](#)

AWARD OF AN AGREEMENT WITH SIEMENS INDUSTRY, INC. IN THE AMOUNT NOT TO EXCEED OF \$75,000 UTILIZING THE CITY OF CORAL SPRINGS, FLORIDA CONTRACT

Recommendation: Motion to Approve an Agreement with Siemens Industry, Inc. utilizing the City of Coral Springs, Florida, Contract RFP 12C-068, in an amount not-to-exceed \$75,000 for HVAC Preventative Maintenance and Repair Services.

Sponsors: Environmental Services Department

Attachments: [RFP](#)
[HVAC Agreement](#)
[Second Amendment](#)
[Amendment](#)
[Agreement 4-19-17](#)

approved

6.T.2. [17-434](#)

AWARD OF AN AGREEMENT TO PFM FINANCIAL ADVISORS LLC FOR FINANCIAL ADVISORY SERVICES IN A NOT-TO-EXCEED AMOUNT OF \$75,000.00

Recommendation: Motion to Award a three year Agreement to PFM Financial Advisors LLC for financial advisory services in the not to exceed amount of \$75,000.00

for services not related to a bond issue for the Agreement term.

Sponsors: Finance Department

Attachments: [RFP 2017-025 Document Final](#)
[2017-025 - RFP RFQ Scoring Summary \(R1\)](#)
[Proposal for FA Services Submitted by PFM](#)
[Agreement-Final \(Reviewed CA\)](#)
approved

- 6.T.3. [17-262](#)** AWARD OF AN AGREEMENT TO LANIER PARKING METER SERVICES, LLC D/B/A LANIER PARKING SOLUTIONS FOR COMPREHENSIVE PARKING MANAGEMENT SERVICES IN AN ANNUAL NOT-TO-EXCEED AMOUNT OF \$656,308.84 (*ADDENDUM*)

Recommendation: Motion to Award an agreement to Lanier Parking Meter Services, LLC d/b/a Lanier Parking Solutions in an annual not-to-exceed amount of \$656,308.84 for Comprehensive Parking Management Services.

Sponsors: Environmental Services Department

Attachments: [Lanier Parking Solutions, Inc.](#)
[2016-107 RFP \(Final\)](#)
[2016-107 Addendum 1](#)
[2016-107 Addendum 2](#)
[2016-107 Addendum 3 \(r1\)](#)
[Parking Management Agreement, Signed by Contractor](#)

Mr. Dale Sugermen, Assistant City Manager, presented this item.

Mr. de Jesus gave an overview of the item and discussed why this item was placed on the agenda at the last minute. He explained that the contract had not been executed by the vendor until after the agenda was sent to the Commission.

Mr. Sugermen gave a breakdown of the cost and explained the not to exceed amount.

Vice Mayor Chard asked if this would impact the volunteers that handle the parking enforcement at the Police Department.

Commission discussion ensued regarding the collection of parking tickets and the enforcement.

Vice Mayor Chard asked if the collection strategy would change.

Commissioner Katz asked about the bonus and the incentives that would

be offered.

A motion was made by Commissioner Katz, seconded by Vice-Mayor Chard, that this Agreement be approved. The motion carried by the following vote:
approved

Yes: 3 - Mayor Glickstein, Vice-Mayor Chard, and Commissioner Katz

No: 1 - Deputy Vice Mayor Ervin Johnson

Absent: 1 - Commissioner Petrolia

7. REGULAR AGENDA:

- 7.A. [17-386](#) REQUEST FOR A WAIVER TO LDR SECTION 4.6.7(E)(7) TO ALLOW A FLAT WALL SIGN ON THE EAST ELEVATION WHICH DOES NOT FACE A DEDICATED STREET FRONTAGE FOR ROK BRGR LOCATED AT 4 E. ATLANTIC AVENUE. (QUASI-JUDICIAL HEARING)

Recommendation: Motion to Approve the waiver request to LDR Section 4.6.7(E)(7) for ROK BRGR located at 4 E. Atlantic Avenue, as presented.

Sponsors: Planning & Zoning Department

Attachments: [Rok BRGR Report](#)
[ROK BRGR Justification](#)
[ROK BRGR 03-03-2017](#)
[Rok BRGR Board Order](#)

Ms. Denise Williams the applicant explained what she was requesting.

Vice Mayor Chard asked if the sign was already up. Is this here on appeal.

Mr. Tim Stillings, Planning, Zoning and Building Department explained staff's decision to put a sign at this location.

A motion was made by Vice-Mayor Chard, seconded by Commissioner Katz, that this Request be approved. The motion carried by the following vote:

approved

Yes: 3 - Mayor Glickstein, Vice-Mayor Chard, and Commissioner Katz

No: 1 - Deputy Vice Mayor Ervin Johnson

Absent: 1 - Commissioner Petrolia

7.B. [17-455](#) RESOLUTION NO. 43-17 DECLARING THE CITY COMMISSION TO BE
THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF
DELRAY BEACH

Recommendation: Motion to approve Resolution No. 43-17.

Sponsors: City Attorney Department and Inglesse

Attachments: [Resolution No. 43-17 Authorizing City to be CRA](#)

Mr. Lohman read Resolution Non. 43-17 into record.

Commissioner Mitch Katz gave comments. He explained how this came about at the last meeting. He read an editorial into record. Commissioner Katz spoke about the current board and things that had transpired over the years with several projects like iPic, street naming, Atlantic Crossing and the parking reimbursement agreement. Commissioner Katz spoke about the projects that have been stalled under the CRA. Commissioner Katz spoke about the necessity of change to grow.

Deputy Vice Mayor Johnson discussed the diversity in the room. She gave an overview of the requirements and discussed Boynton Beach's CRA. She read an article into the record and advised that others come to Delray Beach and use us as role models.

Vice Mayor Chard spoke about the controversy talked about the benefits. He advised that the CRA are not elected so that they can focus on doing what they have to do. Vice Mayor Chard discussed some of the accomplishments of the CRA. He stated that the issue is communication; the CRA is not a piggyback of the City Commission. He stated that he would vote against the Resolution.

Commissioner Petrolia spoke in reference to Reverend Barr's comment. She stated that there had been some progress. She addressed the issue regarding the workload. Commissioner Petrolia commented about the accountability of the board and the unfairness regarding the control of taxpayer spending going to a volunteer board. Commissioner Petrolia read a statement into record. She suggested that all CRA projects be workshopped immediately. She supports dissolving the CRA Board.

Mayor Glickstein commented on the City budget. He talked about an article in the Sunday newspaper. He continued to read a statement into record. Mayor Glickstein discussed the flawed RFPs and RFQs. He talked about board appointments and better communication as key to improvement. Legislation to increase homestead exemption is being passed. He advised he is not in support of the resolution. He commented on his expectations of the board in the coming year.

Commission discussion ensued regarding Resolution No. 43-17.

A motion was made by Vice-Mayor Chard, seconded by Deputy Vice Mayor Ervin Johnson, that this Resolution be approved. The motion carried by the following vote:

approved

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

No: 2 - Commissioner Petrolia, and Commissioner Katz

8. PUBLIC HEARINGS:

8.A. [17-406](#)

ORDINANCE NO. 07-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES; BY AMENDING SECTION 4.3.3, "SPECIAL REQUIREMENTS FOR SPECIFIC USES", BY REPEALING PARAGRAPH (D), "COMMUNITY GARDENS" IN ITS ENTIRETY AND ENACTING A NEW SECTION (D) ENTITLED, "URBAN AGRICULTURE"; AMENDING ARTICLE 4.4 TO REMOVE COMMUNITY GARDENS AND TO ALLOW URBAN AGRICULTURE IN CERTAIN ZONING DISTRICTS; AMENDING APPENDIX A "DEFINITIONS" TO PROVIDE FOR RELATED DEFINITIONS AND PROVIDE SPECIFIC DESIGN AND REVIEW CRITERIA, PARKING REQUIREMENTS, AND TO ADD URBAN AGRICULTURE AS AN ALLOWABLE OUTSIDE USE. (SECOND READING).

Recommendation: Motion to Approve Ordinance No. 07-17 on Second Reading for the amendments to Land Development Regulations as specified in attached Ordinance No. 07-17, as presented.

Sponsors: Planning and Zoning Board

Attachments: [Ordinance No. 07-17 Urban Agriculture](#)
[Map Showing Zoning Districts which allows Urban Agriculture](#)
[Urban Agriculture PZB Staff Report](#)
[Community Gardens Policy Final DRAFT 12-2016](#)
[Comparison of Existing and Proposed Community Garden Program](#)
[State Pre-emption memo](#)

Mr. Lohman read Ordinance No. 07-17 into record.

Mr. Timothy Stillings, Director of Planning, Zoning and Building, gave a brief presentation and did a PowerPoint.

Mayor Glickstein opened the meeting for Public Comments.

Mrs. Alice First asked if churches would be excluded from this ordinance.

There being no further comments Public Comments were closed.

Mr. Stillings advised that Community Gardens would be based on the LDRs.

A motion was made by Vice-Mayor Chard, seconded by Commissioner Katz, that this Ordinance be approved. The motion carried by the following vote:

approved

Yes: 4 - Mayor Glickstein, Vice-Mayor Chard, Deputy Vice Mayor Ervin Johnson, and Commissioner Katz

Absent: 1 - Commissioner Petrolia

8.A.1 [17-422](#) RESOLUTION NO. 40-17 ADOPTING A COMMUNITY GARDENS POLICY

Recommendation: Motion to Approve Resolution No. 40-17 adopting a Community Gardens Policy to provide guidelines and standards to encourage community gardens.

Sponsors: Environmental Services Department

Attachments: [Resolution No. 40-17 Community Gardens Policy](#)
 [Community Gardens Policy \(Exhibit "A"\)](#)

A motion was made by Commissioner Katz, seconded by Vice-Mayor Chard, that this Resolution be approved. The motion carried by the following vote:

approved

Yes: 4 - Mayor Glickstein, Vice-Mayor Chard, Deputy Vice Mayor Ervin Johnson, and Commissioner Katz

Absent: 1 - Commissioner Petrolia

9. FIRST READINGS:

9.A. [17-418](#)

ORDINANCE NO. 17-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH ARTICLE 6.3 "USE AND WORK IN THE PUBLIC RIGHT OF WAY" BY AMENDING SECTION 6.3.3 "SIDEWALK CAFE" TO ELIMINATE REGULATIONS FOR SIDEWALK CAFES LOCATED ON PRIVATE PROPERTY; AMENDING SECTION 6.3.3 (A) "PERMIT AND FEES" TO ADD LEASING FEES; AMENDING SECTION 6.3.3 (F) "REGULATIONS GOVERNING THE USE, DESIGN, AND MAINTENANCE OF A

SIDEWALK CAFE" TO CREATE TWO ZONES, PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Recommendation: Motion to Approve Ordinance No. 17-17 on First Reading.

Sponsors: Planning and Zoning Board

Attachments: [Ordinance No. 17-17 Sidewalk Cafe](#)
[P & Z Staff Report with Ord No. 17-1](#)

Mr. Lohman read Ordinance No. 17-17 into the record.

Mr. Timothy Stillings gave a presentation.

Mayor Glickstein asked about the distance between the tables of the sidewalk cafes. He commented on the rules not being followed.

Mr. deJesus advised that a meeting is scheduled between the owners and City staff.

Commission discussion ensued.

A motion was made by Vice-Mayor Chard, seconded by Commissioner Katz, that this Ordinance be approved on first reading. The motion carried by the following vote:
approved on first reading

Yes: 4 - Mayor Glickstein, Vice-Mayor Chard, Deputy Vice Mayor Ervin Johnson, and Commissioner Katz

Absent: 1 - Commissioner Petrolia

9.B. [17-443](#) ORDINANCE NO. 21-17

Recommendation: Motion to approve Ordinance No. 21-17.

Sponsors: City Attorney Department

Attachments: [Ordinance No. 21-17 Amending Chapter 36](#)
[Purchasing Policies and Procedures Manual](#)

Mr. Lohman read the ordinance into record and gave background information. He advised that this increases the spending power of the City Manager.

A motion was made by Commissioner Katz, seconded by Vice-Mayor Chard, that this Ordinance be approved on first reading. The motion carried by the following vote:
approved on first reading

Yes: 4 - Mayor Glickstein, Vice-Mayor Chard, Deputy Vice Mayor Ervin Johnson, and Commissioner Katz

Absent: 1 - Commissioner Petrolia

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

None

10.B. City Attorney

None

10.C. City Commission

Commissioner Katz discussed the Goal Setting meeting. He talked about the strategies that should be achieved at the goal setting meeting. He stated that it did not have to be in Delray but that it had to be publicly noticed. Mayor Glickstein asked how would this be different from the Comprehensive Plan Sessions. Further discussion ensued among the Commission about alternatives. Mr. deJesus advised that work is getting done, but staff would have to catch up on what is being requested.

Vice Mayor Chard talked about changing the timeframes for things that have been requested of staff.

Commissioner Katz talked about a list of things that could be prioritized. He recommended a team building retreat (that would have to be publicly noticed) because it is located in Palm Beach County within the next 3-4 months. He also requested an ordinance be written to have a town hall meeting every year.

Deputy Vice Mayor Johnson discussed the unity in the city.

Vice Mayor Chard recognized the Sober Home Legislation. He also talked about a shark biting incident. He also requested a report from the Florida League of Cities on the successes and failures to be on a future agenda. He also discussed having someone appointed to the Comprehensive Plan Task Committee.

There being no further business to discuss Mayor Glickstein adjourned the meeting at 10:37 p.m.