

# **City of Delray Beach**

*100 NW 1st Avenue - Delray Beach, Florida 33444*

*Phone: (561) 243-7000 - Fax: (561) 243-3774*

*[www.mydelraybeach.com](http://www.mydelraybeach.com)*



## **Minutes - Draft**

**Tuesday, April 18, 2017**

**4:00 PM**

**Workshop Meeting at 4:00 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

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

A Workshop 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 4:00 p.m., Tuesday, April 18, 2017.

Roll call:

Present:

Vice Mayor James Chard

Commissioner Mitchell Katz

Deputy Vice Mayor Shirley Ervin Johnson

Mayor Cary Glickstein

Absent:

Commissioner Shelly Petrolia

Also present were:

Neal de Jesus, Interim City Manager

R. Max Lohman, City Attorney

Kimberly Wynn, Acting City Clerk

Mayor Glickstein introduced Aiden Smith a young man who had shadowed him for a few hours of the day. Mayor Glickstein said that Aiden had chosen a good meeting to attend because there would be discussion about two separate topics where everyone could come together to find solutions for these problems.

Mayor Glickstein said that public comment was not traditionally permitted during workshop sessions. There was City Commission consensus to permit public comments at this workshop.

### **Item 1 Caring Kitchen Discussion:**

Reverend Juanita Bryant Goode said that clients of the Caring Kitchen were served in terms of both food and related needs such as clothing. She stated that some clients took meals to their neighbors or homebound individuals. Reverend Goode said that most clients either walked or rode a bicycle to reach the Caring Kitchen. Ms. Ruth Magerian from CROS Ministries said that the Caring Kitchen would want a facility with a minimum of 3,500 to 4,000 square feet. She also requested that the facility contain storage lockers for volunteers, at least bike racks for 20 bicycles and 30 parking spaces for vehicles. Ms. Magerian said she hoped that the Caring Kitchen would receive direction from the City Commission before initiating any type of move to a new facility.

Dr. Wright, a retired teacher, 815 NW 2nd Street, said she believed in helping people with meals and other needs. Dr. Wright said the Caring Kitchen was not a safe location for children nor for herself. Dr. Wright requested the relocation of the Caring Kitchen to another location.

Ms. Pauline Moody said that she was temporarily homeless. Ms. Moody said that she was threatened with a knife by a sex offender. She also said that Caring Kitchen and related staff were constantly making excuses.

Reggie Cox, 715 NW 2nd Street, said he would be very respectful about this matter. He said that everyone knew about the negative impact of the Caring Kitchen on the community. Mr. Cox said that the facility had run its course at its present location. He said they did not want anyone to get hurt in association with the present location of the Caring Kitchen.

Earnestine Holiday said she had complaints about people walking to the Caring Kitchen. She stated that neighborhood residents had to clean up beer and liquor bottles.

Pamela Williams, President of the Paradise Heights Neighborhood Association, said that getting to homes in her neighborhood was oftentimes a "mission", involving having objects thrown at their vehicles.

Ezra Krieg, a member of the City's Homeless Advisory Board, said it was great for Delray Beach to have a resource like the Caring Kitchen.

Mr. deJesus said that the current lease had recently expired. Mr. deJesus said there were two options: Enter into a (1) hold harmless agreement or a (2) specific term lease.

Deputy Vice Mayor Johnson said that she happened to reside in the Paradise Heights community. She said that her community was a beautiful place, but it was time to find a new location for the Caring Kitchen. She said that the Caring Kitchen was a beautiful place but brought along with it trash, traffic, and ill behavior of some people who came to the facility. Vice Mayor Johnson said that there was very likely an alternate location in Delray Beach to accommodate the needs of the Caring Kitchen.

Vice Mayor Chard said there was a lot of logistics and other considerations. He said that the great majority of people frequenting the Caring Kitchen were residents of this area. Vice Mayor Chard said there was some arguments about providing additional code enforcement or better security to provide a buffer with the neighborhood. Vice Mayor Chard said there were a number of parcels with room for parking spaces

and trucks north of the intersection of Congress and West Atlantic. On the east side of I-95 near Atlantic and 12th, north of the gateway signs.

Commissioner Katz said that the previous effort to find an alternative location for the Caring Kitchen had yielded only The Depot location. He inquired whether the Homeless Task Force had identified other potential locations. Mr. Tim Palloson, Chairman of the Task Force said that The Depot was the only option presented to the Task Force. Commissioner Katz said he agreed with a lot of the residents concerns about safety related matters. He suggested the possibility of using City owned property off NW 10th and Auburn. Commissioner Katz suggested the possibility of buying a property.

Deputy Vice Mayor Johnson inquired whether anyone had contacted the County about the use of their facilities on Congress Avenue.

Mayor Glickstein inquired whether there was consensus to give the City Attorney direction to draft a hold harmless agreement or a specific term lease. There was City Commission consensus to proceed in this manner. Mayor Glickstein said there was a universal consensus that this neighborhood had been put through enough in hosting the Caring Kitchen. He stated that the Depot would be a terrible location for relocation of the Caring Kitchen. Mayor Glickstein said he thought The Depot was a terrible location and he did not like the idea of being in the business of constructing a building for a non-profit. He stated that the City Commission wanted more options perhaps placing the onus on the buyer of The Depot site. Mayor Glickstein said he did not want The Depot to be the first thing they would see when someone came into the City.

Commissioner Katz suggested putting into an RFP a requirement to find a parcel of land to serve as a future location of the Caring Kitchen. Vice Mayor Chard said he thought possibly developing a public private partnership was a really good idea to develop public and business purposes. He also said there might be some challenges about working with the County about the use of their facilities. Interim City Manager deJesus said he did know the main reason to suggest The Depot was because it was a City-owned property. He noted that there were presently no funds to relocate the Caring Kitchen. He said that if the City was not careful, it could be another year before a new location was available to the Caring Kitchen. Vice Mayor Chard suggested working with the Florida Department of Transportation for access across the tracks at either NW 1st Street or NW 2nd Street.

Deputy Vice Mayor Johnson said she thought that it would be very difficult to get developers interested in a property with ties attached such as the

ones presently stipulated with The Depot. Mayor Glickstein said that he would not want to make this a single prong effort. He said that there were three pieces to this, the county ask, the request for proposals and there is a capable homeless task force which can make other recommendations to the City Commission. He asked the City Commission whether it was possible to move forward with a three-prong approach. There was agreement to proceed in this manner. Vice Mayor Chard suggesting adding a fourth leg of working with the State (FDOT). There was also agreement to add this prong. Mayor Glickstein said he wanted to assure the residents of Paradise Heights Neighborhood residents that enough was enough. He said the taxpayers of this neighborhood had suffered on a lot of levels for a long time. He also stated that the City Commission said that they heard the residents of the neighborhood clearly.

Interim City Manager deJesus said the common theme appeared to be moving forward as expediently as possible. He requested the City Commission's authorization to lead this effort throughout the process. The City Commission gave Interim City Manager deJesus full leadership on this issue. City Manager deJesus said that staff would move forward with a month to month lease at the present location of the Caring Kitchen.

## **Item 2 Pedicabs:**

Patrick Halliday, President of the Delray Beach Bicycle Club, said he spent countless hours in coordinating bicycle-related activities. Mr. Halliday said that bicycle safety was foremost on his agenda. He said that there was now technology to help us to be safer. Mr. Halliday said that a bicycle allowed to be on any City street. He said that addressing sustainable mobility in Delray Beach away from a car-centric community to green modes of transportation was a difficult one. Mr. Halliday said the Delray Beach Bicycle Club had received numerous occupational licenses to be a great business owner with safety on our minds.

John Morgan, Assistant Director of the Environmental Services Department, said the Police or Fire Department or Environmental Services Department did not support the pedicab because they would take an additional lane of traffic. Police Chief Goldman said Patrick has unbelievable passion but the pedicabs would slow down traffic even more than the present. He said there was no room for this additional mode of transportation.

Vice Mayor Chard said he disagreed with Police Chief Goldman on this matter. He said that pedicabs were working very successfully in a number of cities throughout Florida and around the nation. Vice Mayor Chard said that restaurants and hotels in Austin were in favor of using pedicabs. He

stated that driving pedicabs was an entry level job for young people in the community. Vice Mayor Chard said that the alleys downtown were a good means for transportation with some better lighting. He suggested permitting pedicabs for a six or twelve month trial period. Deputy Vice Mayor Johnson said that the pedicabs were environmentally friendly and would eliminate the need for a car for visitors. Deputy Vice Mayor Johnson said she would prefer having five pedicabs to one trolley. Commissioner Katz said he knew that Mr. Halliday would run a great pedicab business. Commissioner Katz inquired about limiting pedicab services to one firm. Mayor Glickstein said there would have to be a franchise agreement. He also said that he was willing to try the pedicab over a three-month period to get feedback from Police and Fire personnel. Commissioner Katz suggested working with the DDA Ambassadors to help with the evaluation of the pedicabs on a trial basis.

Mayor Glickstein said he was really disappointed that the Chamber of Commerce and the Downtown Development Authority did not have representatives in attendance this evening. Mayor Glickstein commented that Mr. Halliday was a very passionate advocate for bicycling. Mayor Glickstein stated that he did not support the proposed pedicab program. He noted that large scale projects off Atlantic Avenue, with three or more development projects are planned for the downtown area. Mayor Glickstein stated that pedicabs were interesting, but Fort Lauderdale had to separate the pedicabs to accommodate them along a separate pathway. Mayor Glickstein said he would not be supporting the implementation of pedicabs at this time.

Interim City Manager deJesus said this was not about Patrick and pedicabs. Interim City Manager de Jesus also stated that he and his family personally used the pedicab in Fort Lauderdale, but would not utilize one in Delray Beach due to the potential for harm caused by very limited space on West Atlantic Boulevard and other roadways. He noted that City staff had a great deal of concern about preserving the health, safety and welfare of residents along Atlantic Boulevard and the balance of the downtown area. Interim City Manager de Jesus stated that staff would carry out the will of the City Commission.

Police Chief Goldman said he thought that the pedicabs would cause more difficulties in the downtown area. Mayor Glickstein stated that this was not a franchise discussion. Mr. Halliday said that in 1998 there were a great many pedicab drivers who did not follow the rules of the road. Mr. Halliday said he was "over the top" in terms of bicycle safety and clean background checks and to pass his test. He said the only way to know whether the footprint would work today was to have a trial period for pedicabs. Mr. Halliday urged the Commission to have a trial period for pedicabs.

Commissioner Katz asked whether the app kept information about where drop-offs and pick-ups occurred. Mr. Halliday said that he would be pleased to share this information with the City. Mr. Halliday said that he was only asking for a trial program for pedicabs in the downtown area. Commissioner Katz said he would like to have a pedicab trial program on a very short leash. Vice Mayor Chard said that more cars were added to the downtown area every year. He said that there should be an alternative means of transportation to pedicabs. Police Chief Goldman said that he was very concerned about the City's liability in handling calls in the very busy and high traffic downtown area. Chief Goldman said he agreed with Interim City Manager deJesus about developing a proper footprint for handling a pedicab trial period in the future. Vice Mayor Chard asked whether he rather have a drunk driver in a pedicab or a car. Police Chief Goldman said that the City's Public Safety professionals were simply saying that the City was not ready for a pedicab program.

Commissioner Katz said that Uber and Lyft were positive choices for people not to drive while drunk. Interim City Manager deJesus said that staff's position was clear and he thoroughly backed their recommendations. He also noted that this was a policy decision and if it were the will of the City Commission, staff would move forward with a pilot program for pedicabs. Mayor Glickstein said that this was not a proxy on Mr. Halliday and his ability to do aspirational things. John Morgan, Assistant Director of Environmental Services, said that pedicabs were not regulated by the County because they were considered bicycles. He also noted that they would need to amend the local business tax schedule and land development regulations. Mr. Morgan also detailed a significant list of items which would need to be created or amended in order to move ahead with a pedicab program. Commissioner Katz said it would be possible to limit the number of decals and revisit the ordinance three or six months from now to have it evaluated. Mayor Glickstein inquired who would pay for the list of items referenced by Mr. Morgan. Deputy Vice Mayor Johnson said she would not be in favor of signage. Mayor Glickstein inquired how rules for pedicabs could be codified. He noted that City staff was looking for direction from the City Commission. He also said that he did not like having a pedicab program in Delray Beach due to the lack of capacity and would pay a price for it.

Vice Mayor Chard said he was impacted by the unanimity of staff who ultimately have to carry this out. Vice Mayor Chard said no to the potential pedicab program.

Deputy Vice Mayor Johnson said she was not aware of the safety issues and also would concur with staff's recommendation and would say no to the potential pedicab program.

Commissioner Katz said that he would like to see this matter come back before the Commission at some point in the future.

**WS.1. [17-383](#) CARING KITCHEN DISCUSSION**

**Recommendation:** Staff is seeking City Commission direction on the desired location for The Caring Kitchen operations.

**Sponsors:** City Manager Department

**WS.2. [17-379](#) PROPOSED PEDICAB SERVICE**

**Recommendation:** Staff is seeking City Commission direction on allowing a Pedicab Service as a permitted business; and need for rules and regulations to govern operations in the City of Delray Beach.

**Sponsors:** Environmental Services Department

**Attachments:** [Pedicab Policy Paper Update - April 2017.docx](#)

**WS.3. Commission Comments**

Commissioner Katz talked about the pedicab application being similar to Uber. He advised that he advocated for the pedicabs. He discussed the advantages of pedicabs.

Commissioner Katz talked about his reasons for agreeing with this program on a trial basis. He would like to see the program placed on a short lease and try it.

There being no further business, the workshop meeting stood adjourned at 5:56 p.m.