

# City of Delray Beach

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## Minutes - Final

Tuesday, March 1, 2016

6:00 PM

Delray Beach City Hall

**City Commission**

A 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., on Tuesday, March 1, 2016.

## 1. ROLL CALL

**Present:** 5 - Mayor Cary Glickstein, Vice-Mayor Shelly Petrolia, Deputy Vice Mayor Al Jacquet, Commissioner Jordana Jarjura, and Commissioner Mitchell Katz

Also Present: Donald B. Cooper, City Manager, Noel Pfeffer, City Attorney, and Chevelle D. Nubin, City Clerk.

## 2. PLEDGE OF ALLEGIANCE TO THE FLAG

## 3. APPROVAL OF MINUTES:

## 4. PRESENTATIONS:

## 5. COMMENTS AND INQUIRIES ON AGENDA AND NON-AGENDA ITEMS FROM THE PUBLIC- IMMEDIATELY FOLLOWING PRESENTATIONS:

Mr. Donald B. Cooper, City Manager, stated the only comment requiring response was in reference to traffic calming at 9th street.

Mr. Noel Pfeffer, City Attorney, spoke regarding Agenda Item 8.A. and stated Commission may want to move this item to before public comments. He referenced a letter submitted by the developer regarding a newly proposed site plan and discussed further consideration of the site plan.

Discussion ensued regarding the City Attorney's comments about Item 8.A. It was the consensus of the City Commission to send this back to SPRAB.

Public Comment:

1. Pauline Moody spoke regarding Atlantic Crossing.
2. Carolyn Simmons spoke regarding the marina rates. She asked Commission to reassess the rates.
3. ? spoke regarding the marina rates and discussed persons that have left the marina.
4. Ronnie Denier (sp) stated the Board of Directors of the Arts Garage

have met since the last meeting where they appeared before the City Commission. She provided an update regarding steps that they have taken.

5. Cindy Burns asked the City Commission to support Ordinance No. 7-16.

6. Dorian Zicock (sp) stated she supports Ordinance No. 7-16.

7. Cindi Freeburn stated she supports Ordinance No. 7-16 and stated she feels the action the City Commission took earlier disrespects the residents who came out to hear the item. She discussed a two way road.

8. David Harden read a statement into record regarding Agenda Item 8.C.

9. Joy Howell spoke regarding Atlantic Crossing being sent back to SPRAB and the two way road.

10. Alan Schlossberg stated he echoes the sentiments of prior speakers regarding process, development and a two way road.

11. Dylan Henderson spoke regarding the marina rates.

12. Melanie Wolf spoke regarding Ordinance No. 7-16 and asked Commission to vote to move this to second reading.

13. Anthony ? stated they support Ordinance No. 7-16 as is and asked Commission to move the Ordinance to second reading and approve it.

14. Carrie Tobias stated she supports Ordinance No. 7-16.

15. ? spoke regarding Ordinance No. 7-16.

16. Mindy Farber stated she supports Ordinance No. 7-16.

17. Jenny Reuter stated she supports Ordinance No. 7-16.

18. Rita Ronna spoke regarding the Old School Square Charette and provided three verbal requests.

19. Craig Osteen, owner of Westway Towing, spoke regarding bid specifications and franchise fees.

Discussed ensued regarding the bid process and the RFP.

20. Neil Schiller, Becker Poliakoff, representing Westway Towing, asked

the City Commission to direct staff to rescind the current bid and come back with evaluation criteria.

21. Kevin Warner spoke regarding Item 8.A. and stated he wants the process to go forward with legal confidence.

22. Bob Ganger spoke regarding Atlantic Crossing and commented regarding the traffic study.

23. Bruce Leiner stated process does matter and passed around a handout for the City Commission to review and asked the City Commission to develop a "certificate form" for persons to sign. He also spoke regarding developer's agreements.

24. Jim Chard spoke regarding the Charette/Community Conversation process held regarding Old School Square.

25. Victor Kirson spoke regarding the Old School Square Charette.

## 6. AGENDA APPROVAL

There were no staff or City Commission requested agenda changes.  
**approved**

**Yes:** 5 - Mayor Glickstein, Vice-Mayor Petrolia, Deputy Vice Mayor Jacquet, Commissioner Jarjura, and Commissioner Katz

## 7. CONSENT AGENDA: City Manager Recommends Approval

**approved**

**Yes:** 5 - Mayor Glickstein, Vice-Mayor Petrolia, Deputy Vice Mayor Jacquet, Commissioner Jarjura, and Commissioner Katz

### 7.A [16-097](#) FINAL PLAT FOR 101 SE 7TH AVENUE, MARINA HISTORIC DISTRICT

**Sponsors:** Planning & Zoning Department

**Attachments:** [101 SE 7TH Avenue Plat Sheet 1](#)

[101 SE 7TH Avenue Plat Sheet 2](#)

[Approved Site Plan](#)

[101 SE 7th Avenue - Plat CC Review Owner Approval For Consent](#)

**approved**

### 7.B [16-172](#) APPROVE SELECTION COMMITTEE'S RANKING AND ENTER INTO

CONTRACT NEGOTIATIONS WITH R.J. BEHAR AND COMPANY, INC.  
FOR CONSTRUCTION AND ENGINEERING INSPECTION SERVICES  
FOR THE NE 2ND AVENUE / SEACREST BOULEVARD  
BEAUTIFICATION PROJECT (RFQ 2016-22)

**Attachments:** [2016-022 - Evaluation Ranking Sheet \(5\).pdf](#)

approved

7.C [16-186](#) ACCEPTANCE OF A DEED FOR RIGHT-OF-WAY AND EASEMENT  
FOR PUBLIC HIGHWAY, STREET, AND PUBLIC UTILITY PURPOSES  
AT 1011 N. SWINTON AVENUE

**Sponsors:** Environmental Services Department

**Attachments:** [Right of Way Deed and Sketch Drawing](#)

[Map Location 1011 N. Swinton Ave](#)

[PAPA\\_1011 N. Swinton Ave](#)

approved

7.D [16-238](#) HOUSING REHABILITATION GRANT AWARD FOR 222 SE 5TH STREET  
AND 38 NW 11TH AVENUE (BID 2016-046)

**Sponsors:** Community Improvement

**Attachments:** [Packet for Bid 2016-046](#)

[Daniels Bid Information Sheet](#)

[Contract - Daniels](#)

[Lien Agreement \(CDBG\)](#)

[Lien Agreement-\(RCMP\)](#)

[Memorandum of Understanding](#)

[Notice to Proceed](#)

[Rolle Bid Information Sheet](#)

[Contract - Rolle](#)

[Lien Agreement \(CDBG\)](#)

[Lien Agreement-\(RCMP\)](#)

[Memorandum of Understanding](#)

[Notice to Proceed](#)

approved

7.E [16-225](#) INTERLOCAL AGREEMENT/FIBER TRANSPORTATION/PALM BEACH  
COUNTY/CITY OF DELRAY BEACH

**Sponsors:** Purchasing Department

**Attachments:** [Tabulation Packet for 2016-061](#)  
[Granite Telecommunications](#)  
[KB Technologies](#)  
[Comcast 2016-61 RFP Formal Response](#)  
[Comcast Bid 2016-061 Signature Pages Completed](#)

**approved**

7.F PROCLAMATIONS:

7.F.1 [16-216](#)

**Sponsors:** City Clerk Department

**Attachments:** [All Peoples Day 2016](#)

**approved**

7.G AWARD OF BIDS AND CONTRACTS:

7.G.1 [16-171](#)

SERVICE AUTHORIZATION NO. 12-02 WITH WALTERS ZACKRIA ASSOCIATES, PLLC FOR ARCHITECTURAL DESIGN SERVICES RELATED TO THE MAINTENANCE AND REPAIR OF THE EXISTING FACADE AND ROOF ELEMENTS OF THE OLD SCHOOL SQUARE COMPLEX

**Sponsors:** Environmental Services Department

**Attachments:** [Service Authorization No. 12-02](#)  
[Walters Zackria Hourly Rates](#)  
[Location Map](#)  
[Interlocal Agreement for Construction Professional Services Funding](#)

**approved**

8. REGULAR AGENDA:

8.A [16-241](#)

Applicant appeal of the Site Plan Review and Appearance Board denial of the Class II site plan modification for a one-lane surface drive that connects NE 6th Avenue and NE 7th Avenue associated with the Atlantic Crossing project.

**Attachments:** [Appeal Letter](#)  
[Original Approved Site Plan \(January 21, 2014\)](#)  
[SPRAB Denied Class II Site Plan \(January 27, 2016\)](#)  
[Revised Site Plan \(February 9, 2016\)](#)  
[Atlantic Crossing Location Map](#)  
[Greenman-Pedersen, Inc memorandum dated January 22, 2016](#)  
[Greenman-Pedersen, Inc. memorandum dated February 12, 2016](#)  
[SPRAB Staff Report dated January 27, 2016](#)  
[01-27-16 SPRAB Minutes - Draft](#)

It was the consensus of the City Commission to send this item back to the Site Plan Review and Appearance Board (SPRAB).

**8.B**     [16-251](#)

**Sponsors:** City Clerk Department and Wright  
**approved**

**Yes:** 5 - Mayor Glickstein, Vice-Mayor Petrolia, Deputy Vice Mayor Jacquet, Commissioner Jarjura, and Commissioner Katz

**8.B.1**    [16-224](#)     APPROVAL OF SELECTION COMMITTEE RANKINGS FOR VOICE OVER INTERNET PROTOCOL (VoIP) TURNKEY SYSTEM (RFP 2016-049)

**Sponsors:** Purchasing Department

**Attachments:** [2016-049 Selection Committee Ranking](#)  
[Packet for Bid 2016-049](#)  
[Maxis360](#)  
[Verteks Consulting, Inc.](#)  
**approved**

**8.B.2**    [16-230](#)     RESOLUTION NO. 09-16 SUPPORTING HOUSE BILL 1223 AND SENATE BILL 1544 ENACTING WEATHER IMPACTS LEGISLATION AND CREATING AN INTERAGENCY WORKGROUP OF STATE AGENCIES TO SHARE INFORMATION AND COORDINATE STATE EFFORTS TO ADDRESS WEATHER IMPACTS

**Attachments:** [Resolution 09-16 supporting HB 1223-SB 1554 weather impacts bills](#)  
[HB 1223](#)  
[SB 1544](#)

**approved**

**8.C**     [16-228](#)     COMMISSION DIRECTION/RENEWAL OF THE INTERLOCAL

## AGREEMENT WITH THE TOWN OF HIGHLAND BEACH FOR FIRE RESCUE TRANSPORTATION

**Sponsors:** City Manager Department

**Attachments:** [Chief Connor memo- 02-19-2016](#)  
[Chief Connor Memo Fire Rescue Services- 02-12-2016](#)  
[Letter to Highland Beach- 02-11-2016](#)  
[Chief Connor Email- 02-09-2016](#)

Mayor Glickstein provided comments regarding Item 8.C. He stated he does not support the City Manager's recommendation at this time.

Mr. Cooper commented regarding equipment issues, a mutually beneficial agreement and Highland Beach resources. He stated the basic policy question had not been previously discussed. He commented about the letter received from the Town of Highland Beach's attorney.

Discussion ensued regarding the contract.

Vice Mayor Petrolia stated she has no issue moving forward with a contract.

Deputy Vice Mayor Jacquet stated he disagrees with Chief Connor's recommendation. He stated the city should continue working on this.

Commissioner Katz stated the type of analysis provided by the Mayor should be coming from the staff. He stated this process was broken and commented regarding the letter received today from the Town of Highland Beach and emails he received from the Clerk of the Town of Highland Beach.

Commissioner Jarjura stated the tone regarding this issue needs to be changed. She stated she is supportive of going forward should Highland Beach decide they want to move forward with the agreement. She commented regarding positions and employees in the Deferred Retirement Option Plan (DROP) and stated she is looking for staff to provide costs for providing services to that area.

### 9. PUBLIC HEARINGS:

- 9.A [16-102](#) ORDINANCE NO. 02-16, A PRIVATELY-INITIATED TEXT AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS SECTION 4.4.24(C), TO ADD SINGLE-LEVEL MECHANICAL PARKING LIFTS AS AN ACCESSORY USE IN THE OLD SCHOOL SQUARE HISTORIC ARTS DISTRICT (OSSHAD). (SECOND READING/ SECOND PUBLIC HEARING)

**Sponsors:** Planning & Zoning Department



**Attachments:** [Ordinance No. 2-16](#)  
[Planning & Zoning Board Staff Report 122115](#)  
[Mechanical Parking Lifts LDR Sections](#)

Mr. Tim Stillings, Planning and Zoning Director, entered project file 2015-249 into record and presented this item.

John Zurdick (sp), spoke on behalf of the applicant, regarding the Ordinance.

Wes Blackman, CWD and Associates, spoke regarding the OSSHAD zoning district and the Secretary of Interior Standards. He discussed mechanical parking lifts.

No one from the public came forward to speak on this item.

Deputy Vice Mayor Jacquet asked about the percentage of parking that can be used regarding mechanical parking lifts. He also asked if engineering has reviewed this. He stated he supports this moving forward to second reading and stated it is currently allowed in the OSSHAD.

Commissioner Katz stated he supports this going to second reading and commented regarding mechanical parking lifts.

Commissioner Jarjura commented that these lifts are all interior and the land can be provided for more green space and stated she is in support of it.

Vice Mayor Petrolia stated she feels the best recommendation regarding the lifts is to have it as a conditional use and stated she will not support it going forward.

Mr. Stillings explained the review process for the mechanical lifts.

Vice Mayor Petrolia asked further questions regarding square footage of landscaping and open space.

Mayor Glickstein stated the examples used on the diagram were existing buildings versus new construction. He asked if staff sees a downside to this in terms of OSSHAD as an accessory use.

Discussion ensued regarding mechanical lifts as a conditional use.  
**approved on first reading**

**Yes:** 3 - Mayor Glickstein, Commissioner Jarjura, and Commissioner Katz

**No:** 1 - Vice-Mayor Petrolia

**Absent:** 1 - Deputy Vice Mayor Jacquet

**9.B**     [16-194](#)     ORDINANCE NO. 08-16 AMENDING CHAPTER 95 OF THE CITY'S CODE OF ORDINANCES FOR THE DIRECTOR OF EMERGENCY MANAGEMENT (SECOND READING)

**Sponsors:** Human Resources Department

**Attachments:** [Ordinance No. 08-16](#)  
[Director of EOC Job Description](#)

City Attorney Noel Pfeffer read the caption of this ordinance.

Ms. Tennille DeCoste, Human Resources Director, presented this item.  
**adopted**

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

**Absent:** 1 - Deputy Vice Mayor Jacquet

**10. FIRST READINGS:**

**10.A**     [16-124](#)     ORDINANCE NO. 07-16 RESTRICTING THE RETAIL SALES OF CATS AND DOGS (SECOND READING)

**Sponsors:** City Attorney Department

**Attachments:** [Ordinance No 07-16](#)  
[Delray Beach Pet Sales Ordinance Letter Jan 2016](#)  
[Delray Beach Letter](#)

Mr. Pfeffer read the caption of the ordinance and presented this item.

Commissioner Katz thanked the attorney in the City Attorney's Office who did the ordinance.

There was consensus of the City Commission to move the ordinance forward.

**approved on first reading**

**Yes:** 5 - Mayor Glickstein, Vice-Mayor Petrolia, Deputy Vice Mayor Jacquet, Commissioner Jarjura, and Commissioner Katz

**11. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:**

## A. City Manager

Mr. Cooper discussed setting a date for the Organizational meeting. It was the consensus of the City Commission for the meeting to be held on March 29, 2016 at 6:00 p.m.

## B. City Attorney

The City Attorney had no comments.

## C. City Commission

Vice Mayor Petrolia asked about the marina slip rentals and discussed the Old School Square Charette. She spoke regarding a comment that was made earlier by the public. She stated it is important to consider the long term overall issues and stated the city needs to focus on certain things.

Commissioner Katz apologized to Kevin Warner for interrupting him earlier. He commented regarding his coffee and conversation event and asked for staff and further information to speak to the residents at Tropic Isle. He stated the next one will be held on March 14, 2016. He stated he met with the Milagro Center president and discussed the use of space at the Arts Garage.

Commissioner Jacquet commented about the one cent tax issue that is being discussed at the County and they want to know if cities are in support. He stated the city should have input in how this goes forward and stated the city should have a local preference with how the monies are being spent in the cities.

Mayor Glickstein asked that a draft resolution be circulated amongst the Commission for comment regarding the one cent tax.

Commissioner Jarjura thanked Mr. Cooper and Steve Hynes for the training received on last week. She stated the city has to focus on public safety. She commented regarding the towing RFP.

Commissioner Katz thanked Representative Hager for meeting with him, Senator Clemons and Senator Allan Hayes while he was in Tallahassee on business last week.

Mayor Glickstein commented regarding an MPO retreat held last month and asked who controls our bus shelters that are not county. He provided a handout with photos of bus shelters. He commented regarding slip rentals and stated he would like pertinent feedback regarding the rentals. He also commented regarding Fire Rescue employees of the year and

commended Fire Rescue on their annual report. He commented regarding Chief Connor's retirement. He stated on March 11, 2016 Representative Frankel and HUD are coming to the city of Delray Beach for the purpose of discussing sober home legislation and they will do an hour ridealong and a meeting will be held. Congresswoman Frankel will hold a press conference after the meeting and will attend the City Commission meeting on April 5, 2016.

Deputy Vice Mayor Jacquet commented regarding affordable housing and asked that staff remains diligent on this issue. Mr. Cooper stated an affordable housing study is underway.

Commissioner Jarjura stated she echoes Deputy Vice Mayor Jacquet's comments on this. She commented regarding Delray Place and asked that staff focus on that development and see where there are deviations regarding compliance.

Mayor Glickstein commended Mr. Cooper regarding the organization of the emergency management course that the Commission attended. He stated special events will be discussed next week at the workshop and public safety will be included as part of that discussion.

City Commission discussion ensued regarding the towing RFP.

Mayor Glickstein adjourned the meeting at 9:21 p.m.