

JUNE 16, 2015

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., Tuesday, June 16, 2015.

1. Roll call showed:

Present - Vice Mayor Shelly Petrolia
Deputy Vice Mayor Alson Jacquet
Commissioner Mitch Katz
Commissioner Jordana Jarjura
Mayor Cary Glickstein

Absent - None

Also present were - Donald B. Cooper, City Manager
Noel Pfeffer, City Attorney
Chevelle D. Nubin, City Clerk

2. **PLEDGE OF ALLEGIANCE TO THE FLAG.**

3. **APPROVAL OF MINUTES:**

Vice Mayor Petrolia moved to approve the Minutes of the Regular Meeting of January 20, 2015, seconded by Mr. Katz. Upon roll call the Commission voted as follows: Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes. Said motion passed with a 5 to 0 vote.

4. **PRESENTATIONS:**

1. Spotlight on Education – Green Living Technologies

The Spotlight on Education presentation has been rescheduled to a later date.

At this point, the Commission moved to **Comments and Inquiries on Agenda and Non-Agenda Items from the City Manager and the Public Immediately Following Presentations.**

5.A. **City Manager's response to prior public comments and inquiries.**

None.

5.B. From the Public.

5.B.1. John Fisher, Delray Beach St. Patrick's Day Parade, stated he recently traveled to Belgium and attended the Memorial Day ceremonies at Flanders Field which is one of eight U.S. military cemeteries in Belgium which has 400 U.S. servicemen from World War I. Mr. Fisher stated 24 Belgium firefighters (the reason for this invitation) came over for Delray's St. Patrick's Day Parade and two years ago their plane crashed in Philadelphia. Mr. Fisher stated the U.S. Embassy invited them to the Memorial at Flanders Field and invited them to go to Belgium. He stated it was an amazing experience and noted we are at a timeframe right now where it is the 100 year mark of the anniversary of World War I. Mr. Fisher stated in 2018 they have been invited to go back and they are gathering a group of U.S. firefighters to go to Belgium and attend the ceremony. He stated this is a huge honor for Delray Beach.

5.B.2. Gary L. Fishman, 3504 Diane Drive, Boynton Beach, FL 33435 (Acting President of the Diane Drive Neighborhood Association and the surrounding neighborhoods), lives just north of the Delray line and expressed concern over the proposed nature area to the north of Lake Ida Park. Mr. Fishman stated neighborhoods to the North are being invaded by the animals that are extremely intrusive (i.e. iguanas, alligators, snakes, raccoons, and possums) moving on the land and swimming in the lake in large numbers. He stated this is dangerous and an annoying nuisance to the neighborhood. Mr. Fishman stated nature preserves work out west not in this residential neighborhood that is highly populated. He stated if the City decides to have a nature area here, then the City needs to control what is going on.

5.B.3. Ron Nobili, 159 Marine Way, Slip #15, Delray Beach, FL 33483 (member of the discriminated class of residents living within the Marina Historic District), read a brief statement into the record regarding the parking in the Marina Historic District and stated he and other residents living in the Marina Historic District area being discriminated against.

5.B.4. Lakhmichand Kalra, 3842 South Lake Drive, Boynton Beach, FL 33435 (lived here for over 30 years), distributed photographs of the Lake Ida parcel and stated after the City and the County agreed to buy and sell it, that HPD did not get the part to go through it. Mr. Kalra stated the City now has the responsibility of maintaining it.

Mayor Glickstein stated this issue is resolved and with regard to fencing off the property that is something the City is going to have to look at; he believes the Commission does not have any interest at all in rethinking its decision.

5.B.5. Jestena Boughton, owner of the Colony Hotel and lives behind it in a townhouse, thanked Anthea Giannotes with Treasure Coast Regional Planning Council (TCRPC) for doing what she asked and she urged the Commission to get the new LDRs in place.

5.B.6. **Nancy Schneider, Chair of the Rising Waters Task Force,** stated in January 2014 she made a presentation to the Commission in regard to the flooding threats related to sea level rise, storm surge, etc. and hoped that it would be a year that the Task Force would have their recommendations to the Commission; however, there has been a resistance to resolution of these problems. Ms. Schneider gave the Commission a brief update on what has occurred with the Task Force.

5.B.7. **Bob Ganger, Florida Coalition,** commended Nancy Schneider, Andy Katz, and the rest of the Task Force because they are so dedicated.

5.B.8. **Jean Nobili, (related to Ron Nobili by marriage),** stated they visit Delray Beach approximately four times a year and Ron Nobili who lives on Marine Way. She urged the Commission to find a way to allow for a second guest pass for those who do not have a spouse living at the boat because in Mr. Nobili's situation he is using a guest pass already for someone who is a significant other rather than a true spouse at the boat or anyone living there. Ms. Nobili stated it would be a nice feature where Mr. Nobili could purchase a second guest pass and make use of the parking spaces that are available.

5.B.9. **Dennis Nobili, cousin of Ron Nobili,** stated he has been coming to Delray Beach visiting for many years and out of the twenty-four (24) slips at the marina and there are seven of them including Mr. Nobili who live on their boats. Mr. Nobili urged the Commission to reconsider the permits that are given to residents especially those residents that live on their boats.

Commissioner Jarjura stated she thought that residents were allowed the option to purchase with an additional guest pass. Mr. Krejcarek stated he will review the ordinance and get back to the Commission.

5.B.10. **Jackie Jones, 201 N.W. 3rd Avenue, Delray Beach, FL 33444,** commented about how essential the Afterschool Program is and the access to the internet is a key component to linking the students. Ms. Jones stated there is not adequate technology (Wi-Fi) at the Pompey Park computer lab and she suggested that staff make sure the computer lab is functional.

5.B.11. **Carolyn Patton, 1020 Tamarind Road, Delray Beach, FL 33483,** gave a few brief comments on Items 10.B. and 10.C. and stated there is a misunderstanding that this ordinance is encouraging demolition or moving because it is not; it is to clear up some of the holes that are in it now so that there will not be a developer trying to move a house with a crane and losing the house when a house has never been moved with a crane. Ms. Patton stated moving a historic house or demolishing it is the last resort and there is a set of criteria that one has to meet. Ms. Patton read into the record a requirement that is in the historic ordinance "preservation standards require retention of the greatest amount of historic fabric including the landscapes historic form."

Vice Mayor Petrolia inquired about the criteria and Ms. Patton's comments. The City Attorney gave a few brief comments.

At this point, Ms. Patton stated there are clear standards for historic districts in the Secretary of Interior Standards that are currently not being addressed by the Board and asked that this be addressed because it needs clarification from the City Attorney.

5.B.12. Joann Peart, 107 N.W. 9th Street, Delray Beach, FL 33444 (speaking on behalf of the Preservation Trust), thanked the Historic Preservation Board (HPB) and the Planning and Zoning Department for all the time and research they have put into this. She suggested that staff tighten up the “demolition by neglect” ordinance.

5.B.13. Steve Blum, 115 Venetian Drive, Delray Beach, FL 33483, read a quote into the record by Thomas Jefferson and stated earlier this evening during the Atlantic Crossing discussion several of the Commissioners praised the people of Delray for carrying on the fight. Mr. Blum stated he did not agree with the comments from the Commission that were directed toward Mr. Kalra. In his opinion, Mr. Blum stated this forum should be for people to speak their mind no matter what it is and for the Commission to champion them for coming out and speaking their mind.

5.B.14. Jim Chard, 401 S.E. 4th Avenue, Delray Beach, FL 33483 (Human Powered Delray), stated most every board has approved the new Metropolitan development behind the SunTrust Bank (.92 acres) and it has over sixty (60) mature beautiful trees. Mr. Chard suggested that the City have an “Adopt a Tree Program” and find ways to save some of those trees.

5.B.15. Joseph Larue, President of Lakeside Condominium Association, 1915 Lavers Circle #E-507, Delray Beach, FL 33444, stated Delray Beach is now the hottest destination in the state and noted that the “Village by the Sea” has soared to 65,000 people. Mr. Larue expressed concern over rentals by owner (RBO) that are going to fill up this city very rapidly and stated someone owning a three bedroom unit can actually still live in their bedroom and rent out their other two bedrooms. He stated Lakeside Condominium Association is currently besieged by this problem. Mr. Larue stated every winter season Delray Beach will be a wall-to-wall hotel. He stated when the density problem is solved the streets did not get any bigger and Linton Boulevard will be the only practical way for the 65,000 to get to US-1 and Federal Highway. In addition, Mr. Larue stated All Aboard Florida will have another 32 trains coming north and blocking the exits; he distributed photos to the Commission and stated there have been numerous accidents in this area and he urged the Commission to provoke the people who can do something about it.

5.B.16. Alice Finst, 707 Place Tavant, Delray Beach, FL 33445, echoed comments about Mr. Chard’s comments about saving the trees on the project that is going to take out over sixty (60) mature trees. Ms. Finst stated several meetings ago she distributed Native Plant Magazines to the Commission describing what they could do with retention areas and she specifically spoke about Lake Ida Road. She suggested that the City get those trees on the retention pond on Lake Ida Road because it would not only save the trees it would and give everyone something nice to look at on Lake Ida Road.

5.B.17. Bill Bathurst, 1172 Canoe Point, Delray Beach, FL 33444 (Delray Lakes), challenged the Commission, Human Powered Delray (HPD), and everyone else to take it a step further and make some of the CRA programs more known and create new ones like loan packages and automatically renewing the tax abatement, and take a look at what else we can do to keep this historic framework around what the people of Delray see.

5.B.18. Pat Burdette, 14405 Congress Street, Orlando, FL 32826, owner of Modern House and Building Movers, Inc. stated he has moved several of the houses that have been moved around Delray Beach including the old City Manager's house. Mr. Burdette stated he was present for the hearing of the BSA demolition and understands there is an ordinance that was going to be imposed and he offered at that time to meet with staff to give some industry input to an ordinance. He stated has not seen the new proposed ordinance but it is unworkable in its present state that the foundations have to be built ahead of time. Mr. Burdette stated he cannot drive a house over a three foot stem wall. He stated it is not workable to build it ahead of time; it has to be built under the house to align with the house.

5.B.19. Steve Michael, Hudson Holdings, stated they are developing the Sundy House property and they plan to do a relocation and an adaptive reuse of the site. Mr. Michael stated they encourage and support ordinances that protect the historic homes and the move, and ensure that they are done for the right reason. He urged the Commission to give careful thought on the technical issues and the ordinances designed to help preserve the properties not to hinder that.

6. AGENDA APPROVAL.

The City Manager requested that **Item 7.D., Housing Rehabilitation Grant/Contract Award for 221 S.W. 15th Avenue** and **Item 7.E., Housing Rehabilitation Grant/Contract Award for 508 S.W. 6th Avenue** be removed from the Agenda.

The City Attorney requested that **Item 8.Q., Discussion: Status of Auburn Trace, LTD. Bankruptcy Case No. 15-10317-PCH** be moved to the beginning of the regular agenda as **Item 8.A.A.**

Ms. Jarjura noted that with respect to **Items 7F. and 7.G.** there was direction given that the Commission would like Ms. Davis expediting internet access for these items.

Mayor Glickstein requested that **Item 7.B., Service Authorization No. 12-12/Kimley-Horn and Associates, Inc./Four-Way Stop Sign Warrant Studies** be moved to the regular agenda as **Item 9.B.B.**

Ms. Jarjura moved to approve the Agenda as amended, seconded by Vice Mayor Petrolia. Upon roll call the Commission voted as follows: Mr. Katz - Yes; Ms. Jarjura - Yes; Mayor Glickstein - Yes; Vice Mayor Petrolia - Yes; Deputy Vice Mayor

Jacquet – Yes. Said motion passed with a 5 to 0 vote.

7. CONSENT AGENDA: City Manager Recommends Approval.

7.A. RESOLUTION NO. 33-15 (TAX EXEMPTION REQUEST FOR ELIGIBLE IMPROVEMENTS)/42 PALM SQUARE): Motion to Approve a tax exemption request for eligible improvements to the property located at 42 Palm Square within the Marina Historic District; and Motion to Approve Resolution No. 33-15.

The caption of Resolution No. 33-15 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION TO CLAUDIA WILLIS, FOR THE HISTORIC REHABILITATION OF THE PROPERTY LOCATED AT 42 PALM SQUARE, AS FURTHER DESCRIBED HEREIN; DETERMINING THAT THE COMPLETED IMPROVEMENTS ARE CONSISTENT WITH LAND DEVELOPMENT REGULATION (LDR) SECTION 4.5.1(J); PROVIDING AN EFFECTIVE DATE.

(The official copy of Resolution No. 33-15 is on file in the City Clerk's office.)

7.B. THIS ITEM HAS BEEN MOVED TO THE REGULAR AGENDA AS ITEM 8.B.B.

7.C. CONTRACT RENEWAL (BID NO. 2013-33)/COMPLETE PROPERTY SERVICES OF SOUTH FLORIDA, INC./LANDSCAPE MAINTENANCE AT ATLANTIC AVENUE GATEWAY FEATURE: Motion to Approve a one-year (1) contract renewal (Bid No. 2013-33) to Complete Property Services of South Florida, Inc. in the amount of \$29,180.00 for landscape maintenance at the Atlantic Avenue Gateway Feature. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.03(A), "Acquisitions of Twenty-Five Thousand Dollars (\$25,000.00) or Greater." Funding is available from 119-4144-572-46.40 (Beautification Trust Fund: Parks and Recreation/Repair & Maintenance Services/Beautification Maintenance).

7.D. HOUSING REHABILITATION GRANT/CONTRACT AWARD FOR 221 S.W. 15TH AVENUE: Motion to Award one (1) Housing Rehabilitation contract through the State Housing Initiatives Partnership Program (SHIP) to the lowest responsive bidder, Cordoba Construction Company, Inc. for 221 SW 15th Avenue in the amount of \$33,182.70. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(A), "Sealed Competitive Method". Funding is available from 118-1924-554-49.19 (Neighborhood Services Fund: SHIP Program–State

Grant/Housing Rehabilitation).

7.E. HOUSING REHABILITATION GRANT/CONTRACT AWARD FOR 508 S.W. 6TH AVENUE: Motion to Award one (1) Housing Rehabilitation contract through the State Housing Initiatives Partnership Program (SHIP) to the lowest responsive bidder, Cordoba Construction Company, Inc., for 508 SW 6th Avenue in the amount of \$34,659.10. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(A), "Sealed Competitive Method". Funding is available from 118-1924-554-49.19 (Neighborhood Services Fund: SHIP Program–State Grant/Housing Rehabilitation).

7.F. SCHOOL READINESS CHILD CARE PROVIDER AGREEMENT/EARLY LEARNING COALITION OF PALM BEACH COUNTY, INC.: Motion to Approve the School Readiness Child Care Provider Agreement between the City of Delray Beach and the Early Learning Coalition of Palm Beach County, Inc. to provide subsidized child care funding for the Afterschool Program located at Pompey Park and the Community Center.

7.G. AFTERSCHOOL PROGRAM PROVIDER AGREEMENT/EARLY LEARNING COALITION OF PALM BEACH COUNTY, INC.: Motion to Approve Continue-to-Care Afterschool Program Provider Agreement between Early Learning Coalition of Palm Beach County, Inc. and the City of Delray Beach to continue reimbursable funding through the Continue to Care-Afterschool Scholarship program for the Afterschool Program located at Pompey Park and the Community Center.

7.H. GRANT APPLICATION/EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG): Motion to Approve submission of an application for funding in the amount of \$34,516.00 through the U.S. Department of Justice Edward Byrne Memorial Justice Assistance Grant (JAG) program to support the Holiday Robbery Task Force, which reduces crime during the Holiday Season.

7.I. PROCLAMATIONS:

- 1.** Parks and Recreation Month – July 2015
- 2.** Summer Learning Day – June 19, 2015

7.J. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS: Motion to accept the actions and decisions made by the Land Development Boards for the period May 18, 2015 through June 5, 2015.

7.K. AWARD OF BIDS AND CONTRACTS:

- 1.** Motion to Approve a bid award to Gator Landscaping and Irrigation, Inc. (Bid No. 2015-39) in the amount of \$36,233.52 for lawn maintenance to seventeen (17) dry storm water retention areas and one (1) wet water retention area. This is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(A),

“Sealed Competitive Method”. Funding is available from 448-5416-538-34.90 (Storm Water Utility Fund: Storm Water System Maintenance/Physical Environment/Flood Control/Other Contractual Service).

Vice Mayor Petrolia moved to approve the Consent Agenda as amended, seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes. Said motion passed with a 5 to 0 vote.

8. REGULAR AGENDA:

8.A.A. DISCUSSION: STATUS OF AUBURN TRACE, LTD. BANKRUPTCY CASE NO. 15-10317-PCH: Mr. Robert Furr, Special Bankruptcy Counsel, will provide an update on the status of the case and to discuss potential next steps.

Mr. Robert Furr, Furr & Cohen, P.A., 2255 Glades Road, Suite #337, West Boca Raton, FL 33431, Special Bankruptcy Counsel for the City of Delray Beach in the Auburn Trace Bankruptcy filed January 7, 2015, gave a brief update to the City Commission regarding the Auburn Trace bankruptcy case and stated the City has completed its first purchase of the first mortgage with Iberiabank and now holds claim #13 in the bankruptcy case for \$4.63 million dollars effective June 5, 2015; Mr. Furr stated the City also holds claim #12 which is the second mortgage of the property which is approximately \$4.3 million. Mr. Furr stated the debtor has filed a plan of reorganization which they are negotiating with the debtor on and will be going to court in the next few days to file their own plan of reorganization. Mr. Furr stated the debtors plan is not satisfactory to himself or the City Attorney. Mr. Furr stated his job is to maximize the recovery for the City of Delray Beach of these two (2) mortgages and he believes to do that is to market test the property in terms of making the debtor do that in a way that would bring the most value here for the City. Mr. Furr stated the debtor has brought forth one potential investor into the property which is related companies from Miami. In addition, Mr. Furr stated he has spoken to a realtor who specializes in large apartment complexes and he will be engaging a company called ARA on a commission basis and this will be presented to the Commission at the appropriate time in an effort to try and force it into the bankruptcy so that they can get a market value for this property.

Mayor Glickstein asked Mr. Furr that in terms of marketing the property why would this have to come back to the City Commission. In response, Mr. Furr stated they have to do this in conjunction with the bankruptcy court and get the court approval to do it. Mayor Glickstein stated he understands the Court approval, but rather than delay that process Mr. Furr has a better understanding of who is doing a better job. The City Attorney stated he can address this during City Attorney comments and explained that this will not delay or slow the process down. Mayor Glickstein stated his preference would be to move the marketing effort forward and if the debtor wants to bring something that is competitive that is great. Mr. Furr stated at the beginning of the bankruptcy the debtor had \$119,000 in cash on hand; at the end of May, it had \$314,000

cash on hand and it is building up cash primarily because it is not paying mortgage payments and it is not paying the first or second payments, and it is not paying property taxes right now. Mr. Furr stated Auburn is operating on a quarter proof budget (which now they have to run by the City as the first mortgage holder) which is up for renewal July 15, 2015. Mr. Furr stated the debtor has to file debtor possession reports with the Court and as the first mortgage holder the City has the right to control the use of their cash and approve their budget going forward (expires July 15, 2015). Mr. Furr stated they have not performed an audit of Auburn's financial records and can see what was done during the bankruptcy; however, Mr. Furr stated he cannot speak to what Auburn did with the money previous to the bankruptcy.

Vice Mayor Petrolia inquired if Mr. Furr is filing anything with the bankruptcy court in order to get a trustee in place. Mr. Furr stated he has not filed motion for a trustee yet because he wanted to get the first mortgage owned (which they have had for only ten days). Mr. Furr stated there is also a lawsuit that the debtor is seeking to settle along with a number of related Auburn entities; however, Mr. Furr stated they have objected to that settlement because they do not believe it is treating the debtor fairly; so that money should come into the debtor for the City's benefit and that is another issue being raised with the Court. Vice Mayor Petrolia stated there has been no visual on the units to date and inquired about the condition of the units. The City Attorney stated as part of the due diligence, the City did a Property Inspection Report and the engineer was able to go on site and visit some vacant units.

Mr. Katz asked why the City did not file a motion for receivership immediately rather than waiting until *after* the City received the first mortgage. Mr. Furr stated unless you can prove fraud or theft of money, a judge is *not* likely to appoint a trustee at the beginning of the case. Also, Mr. Furr stated the first mortgage holder, until they actually assigned it to them and pays them, they control the cash.

Vice Mayor Petrolia stated she would like Mr. Furr to provide the City Commission with monthly reports with respect to what he is doing. The City Attorney stated he can arrange for the Commission to receive monthly reports. Vice Mayor Petrolia stated the Commission would like to see something move and not vacillate for a long period of time.

Mayor Glickstein stated monthly reports would help educate the public regarding both the process and where the City stands on this. In terms of the marketing of the asset, Mayor Glickstein urged Mr. Furr to get the terms of the marketing asset on the docket.

8.B.B. SERVICE AUTHORIZATION NO. 12-12/KIMLEY-HORN AND ASSOCIATES, INC./FOUR-WAY STOP SIGN WARRANT STUDIES: Motion to Approve Service Authorization No. 12-12 with Kimley-Horn and Associates, Inc. (RFQ No. 12-06) in the amount of \$7,900.00 for the completion of four-way stop sign warrant studies at the intersections located at N.W. 3rd Street and N.W. 10th Avenue; and N.W. 2nd Street and N.W. 8th Avenue. This is compliance with the Code of Ordinances, Chapter 36, Section 36.03(B), "Multiple Acquisitions from Vendor Exceeding Twenty-

Five Thousand Dollars (\$25,000.00) in Any Fiscal Year”. Funding is available from 334-3162-541-31.90 (General Construction Fund: Streets, Alleys, Sidewalks/Transportation/Professional Services/Other Professional Service).

Randal Krejcarek, Director of Environmental Services, presented this item to the Commission.

Brief discussion followed between the Commission and Mr. Krejcarek.

Vice Mayor Petrolia moved to approve **Item 8.B.B. (formerly Item 7.B.)**, seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes. Said motion passed with a 5 to 0 vote.

8.A. CONDITIONAL USE REQUEST/UPTOWN ATLANTIC/WEST ATLANTIC AVENUE NEIGHBORHOOD: Consider a conditional use request for Uptown Atlantic, to allow density exceeding twelve (12) dwelling units per acre in the West Atlantic Avenue Neighborhood for a mixed-use project located on the south side of West Atlantic Avenue between S.W. 6th Avenue and S.W. 9th Avenue. (*Quasi-Judicial Hearing*)

Mayor Glickstein read the City of Delray Beach Quasi-Judicial rules into the record for **Items 8.A., 8.B., 8.C., 8.D., 8.E., 8.F., and Item 8.G.**

Chevelle Nubin, City Clerk, swore in those individuals who wished to give testimony on these items.

Mayor Glickstein asked the Commission to disclose their ex parte communications. Deputy Vice Mayor Jacquet stated he had no ex parte communications to disclose. Ms. Jarjura stated in the past she has had meetings with the architect, residents; just not on this specific item before the Commission. Vice Mayor Petrolia stated she had a meeting with the architect residents, and somebody who is possibly going to build. Mayor Glickstein stated he met with Mr. Currie and Mr. Randolph on connection with this project as well as attending one or two public charrettes on the project. Mr. Katz stated he met with Mr. Currie and Mr. Randolph.

Mark McDonnell, Assistant Director of Planning and Zoning Department, entered the Planning and Zoning Department project file #2015-011USECCA into the record and recognized Principal Planner Scott Pape who is the Project Planner on this proposal. Mr. McDonnell gave a brief presentation to the Commission and stated on West Atlantic Avenue the maximum allowable density is 30 dwelling units per acre and the applicant is proposing 18 dwelling units. Mr. McDonnell stated the Planning and Zoning Staff Report explains that when you are in an area where there is an in-lieu option when you construct on-street spaces that are not currently there then you do not get credit. Staff recommends approval based upon the fifteen (15) conditions listed in the staff report. Mr. McDonnell stated there are more workforce housing units proposed and there are not enough market rates to balance that out; the applicant is required to provide

eight (8) and they are providing twenty-two (22).

Mayor Glickstein stated if anyone from the public would like to speak in favor or in opposition, to come forward at this time.

Bob Currie, Currie Sowards Aguila Architects (speaking on behalf of the Applicant), read into the record condition #15 “That the distribution be adjusted to make the proportions of workforce to market rate dwelling units compliant with LDR Section 4.7.9(c)(i) and (ii) to the greatest degree possible.” Mr. Currie stated they are ensuring that the units are spread out in the building and that there are no two together; they have them for the one’s, two’s, and three-bedroom units. However, Mr. Currie stated they have efficiency’s as well and the City Code does not allow workforce housing efficiencies.

Choli Aronson with Currie Sowards Aguila Architects came forward and briefly explained the project and stated they are exceeding the requirement voluntarily.

Mayor Glickstein stated if anyone from the public would like to speak in favor or in opposition of **Item 8.A.**, to come forward at this time.

The following individuals from the public gave brief comments: Jim Smith, Chuck Ridley, and Jeff Costello.

There being no one else from the public who wished to address the Commission regarding **Item 8.A.**, the public comment was closed.

There was no cross-examination or rebuttal.

Brief discussion by the Commission ensued.

The City Attorney briefly reviewed the Board Order with the Commission who made findings according to their consensus (attached hereto is a copy and made an official part of the minutes).

Ms. Jarjura moved to adopt the Board Order as presented, seconded by Mr. Katz. Upon roll call the Commission voted as follows: Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes. Said motion passed with a 5 to 0 vote.

8.B. REQUEST FOR SIDEWALK RELIEF IN THE FORM OF IN-LIEU FEE/1109 WATERWAY LANE: Consider a request for sidewalk relief in the form of in-lieu payment for the proposed residence located at 1109 Waterway Lane within the North Beach Overlay District to allow payment of a fee in-lieu of construction of a 5’ sidewalk along Waterway Lane. (*Quasi-Judicial Hearing*)

Mayor Glickstein asked the Commission to disclose their ex parte communications. The Commission had no ex parte communications to disclose.

Mark McDonnell, Assistant Director of Planning and Zoning, entered the Planning and Zoning Department project file #2015-099BEA into the record and gave a brief presentation.

Mayor Glickstein stated if anyone from the public would like to speak in favor or in opposition of **Item 8.B.**, to come forward at this time.

The following individuals from the public gave brief comments: Patrick Halliday and Christina Morrison.

There being no one else from the public who wished to address the Commission regarding **Item 8.B.**, the public comment was closed.

There was no cross-examination or rebuttal.

Brief discussion by Ms. Jarjura and Mr. Katz followed.

The City Attorney briefly reviewed the Board Order with the Commission who made findings according to their consensus (attached hereto is a copy and made an official part of the minutes).

Vice Mayor Petrolia moved to adopt the Board Order as presented, seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes. Said motion passed with a 5 to 0 vote.

8.C. REQUEST FOR SIDEWALK RELIEF IN THE FORM OF IN-LIEU FEE/1046 MELALEUCA ROAD: Consider a request for sidewalk relief in the form of in-lieu payment for the proposed residence located at 1046 Melaleuca Road within the Seagate Overlay District to allow payment of a fee in-lieu of construction of a 5' sidewalk along Melaleuca Road. (*Quasi-Judicial Hearing*)

Mayor Glickstein asked the Commission to disclose their ex parte communications. The Commission had no ex parte communications to disclose.

Mark McDonnell, Assistant Director of Planning and Zoning, entered the Planning and Zoning Department project file #2015-037BEA into the record and gave a brief presentation.

There were no applicant comments.

Mayor Glickstein stated if anyone from the public would like to speak in favor or in opposition of **Item 8.C.**, to come forward at this time.

Christina Morrison, 2809 Florida Boulevard, Apt. #207, Delray Beach, FL 33483, gave a few brief comments regarding this in-lieu program.

There being no one else from the public who wished to address the Commission regarding **Item 8.C.**, the public comment was closed.

There was no cross-examination or rebuttal.

Ms. Jarjura asked if the City has a mechanism to go back to these property owners that have been granted sidewalk deferrals and inform them that the City would like the in-lieu fee. The City Attorney stated he will look into this.

The City Attorney briefly reviewed the Board Order with the Commission who made findings according to their consensus (attached hereto is a copy and made an official part of the minutes).

Mr. Katz moved to adopt the Board Order as presented, seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes. Said motion passed with a 5 to 0 vote.

8.D. REQUEST FOR SIDEWALK RELIEF IN THE FORM OF IN-LIEU FEE/960 SOUTH OCEAN BOULEVARD: Consider a request for sidewalk relief in the form of in-lieu payment for the proposed residence located at 960 South Ocean Boulevard within the Seagate Overlay District to allow payment of a fee in-lieu of construction of a 5' sidewalk along Hibiscus Road. (*Quasi-Judicial Hearing*)

Mayor Glickstein asked the Commission to disclose their ex parte communications. The Commission had no ex parte communications to disclose.

Mark McDonnell, Assistant Director of Planning and Zoning, entered the Planning and Zoning Department project file #2015-082 BEA into the record and gave a brief presentation.

Andy Well, GTE Builders, Contractor on behalf of Patrick Lynch, supports the in-lieu fee.

Mayor Glickstein stated if anyone from the public would like to speak in favor or in opposition of **Item 8.D.**, to come forward at this time.

Charlene Smith, 1225 South Ocean Boulevard, Delray Beach, FL 33483, urged the Commission to *not* grant the in-lieu request because cars are turning off of A-1-A and Seagate causing residents to walk into the street is causing a dangerous situation.

Jim Smith, 1225 South Ocean Boulevard, Delray Beach, FL 33483 (Chairman of S.A.F.E.), read a brief statement into the record and he urged the Commission to *not* grant the sidewalk deferral but instead supports a sidewalk in this case.

Christina Morrison, 2809 Florida Boulevard, Apt. #207, Delray Beach, FL 33483, stated the homeowner is asking for a deferral for the Hibiscus Road *not* A-1-A; she objects to this request and stated there are currently no sidewalks on Hibiscus Road to hook it into.

There being no one else from the public who wished to address the Commission regarding **Item 8.D.**, the public comment was closed.

Brief discussion by the Commission and staff followed.

The City Attorney briefly reviewed the Board Order with the Commission who made findings according to their consensus (attached hereto is a copy and made an official part of the minutes).

Vice Mayor Petrolia moved to adopt the Board Order as presented, seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Mr. Jacquet – Yes; Mr. Katz – Yes. Said motion passed with a 5 to 0 vote.

8.E. REQUEST FOR SIDEWALK RELIEF IN THE FORM OF IN-LIEU FEE/812 SEASAGE DRIVE: Consider a request for sidewalk relief in the form of in-lieu payment for the proposed residence located at 812 Seasage Drive within the Seagate Overlay District to allow payment of a fee in-lieu of construction of a 5' sidewalk along Seasage Drive. (*Quasi-Judicial Hearing*)

Mayor Glickstein asked the Commission to disclose their ex parte communications. The Commission had no ex parte communications to disclose.

Mark McDonnell, Assistant Director of Planning and Zoning, entered the Planning and Zoning Department project file #2015-135BEA into the record and gave a brief presentation.

There were no applicant comments.

Mayor Glickstein stated if anyone from the public would like to speak in favor or in opposition of **Item 8.E.**, to come forward at this time. There being no one from the public who wished to address the Commission regarding **Item 8.E.**, the public comments was closed.

There was no cross-examination or rebuttal.

There were no Commission comments.

The City Attorney briefly reviewed the Board Order with the Commission who made findings according to their consensus (attached hereto is a copy and made an official part of the minutes).

Vice Mayor Petrolia moved to adopt the Board Order as presented, seconded by Mr. Katz. Upon roll call the Commission voted as follows: Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes. Said motion passed with a 5 to 0 vote.

8.F. REQUEST FOR SIDEWALK RELIEF IN THE FORM OF IN-LIEU FEE/1209 SEASPRAY AVENUE: Consider a request for sidewalk relief in the form of in-lieu payment for the proposed residence located at 1209 Seaspray Avenue within the North Beach Overlay District to allow payment of a fee in-lieu of construction of a 5' sidewalk along Beach Drive and Seaspray Avenue. *(Quasi-Judicial Hearing)*

Mayor Glickstein asked the Commission to disclose their ex parte communications. The Commission had no ex parte communications to disclose.

Mark McDonnell, Assistant Director of Planning and Zoning, entered the Planning and Zoning Department project file #2015-100BEA into the record and gave a brief presentation.

There were no applicant comments.

Mayor Glickstein stated if anyone from the public would like to speak in favor or in opposition of **Item 8.F.**, to come forward at this time. There being no one from the public who wished to address the Commission regarding **Item 8.F.**, the public comment was closed.

There was no cross-examination or rebuttal.

There were no Commission comments.

The City Attorney briefly reviewed the Board Order with the Commission who made findings according to their consensus (attached hereto is a copy and made an official part of the minutes).

Vice Mayor Petrolia moved to adopt the Board Order as presented, seconded by Mr. Katz. Upon roll call the Commission voted as follows: Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes. Said motion passed with a 5 to 0 vote.

8.G. REQUEST FOR SIDEWALK RELIEF IN THE FORM OF A WAIVER/524 ANDREWS AVENUE: Consider a request for sidewalk relief in the form of a waiver for the proposed residence located at 524 Andrews Avenue within the North Beach Overlay District to eliminate the requirement for a 5' sidewalk along the south side of Harbor Drive. *(Quasi-Judicial Hearing)*

Mayor Glickstein asked the Commission to disclose their ex parte communications. The Commission had no ex parte communications to disclose.

Mark McDonnell, Assistant Director of Planning and Zoning, entered the Planning and Zoning Department project file #2015-134BEA into the record and gave a brief presentation. Staff recommends denial of the request for the sidewalk relief in the form of a waiver for 524 Andrews Avenue and recommends accepting the in-lieu payment of \$3,075.20 for the South side of the property along Harbor Drive.

Gary Eliopoulos, Eliopoulos & Associates, 205 George Bush Boulevard, Delray Beach, FL 33444, briefly commented on this item and urged the City to establish a threshold and be consistent.

Mayor Glickstein stated if anyone from the public would like to speak in favor or in opposition of **Item 8.G.**, to come forward at this time. There being no one from the public who wished to address the Commission regarding **Item 8.G.**, the public comment was closed.

There was no cross-examination or rebuttal.

Brief discussion by the Commission followed.

Mayor Glickstein stated he would like to see staff bring forth an ordinance to codify what the consensus was by the Commission from the Workshop meeting.

The City Attorney stated this is not an informal policy; the City Commission is following what are the alternatives in the City's current Land Development Regulations (LDRs).

The City Attorney briefly reviewed the Board Order with the Commission who made findings according to their consensus (attached hereto is a copy and made an official part of the minutes).

Mr. Katz moved to **deny** the request for a waiver, seconded by Ms. Jarjura.

Mr. Katz amended his motion as follows:

Mr. Katz moved to provide relief in the form of an in-lieu payment in the amount of \$3,075.20, seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes. Said motion passed with a 5 to 0 vote.

8.H. RETROACTIVE PROFESSIONAL SERVICES AGREEMENT/THOMPSON & YOUNGROSS ENGINEERING CONSULTANTS/DESIGN SERVICES FOR FIRE STATION NO. 5: Motion to retroactively Approve a Professional Services Agreement with Thompson & Youngross Engineering Consultants in the amount of \$9,000.00 for professional engineering and design services related to Fire Station No. 5 Generator Upgrade Project, Project No. 14-011. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.03(B), "Multiple Acquisitions from Vendor Exceeding Twenty-Five

Thousand Dollars (\$25,000.00) in Any Fiscal Year”, and Section 36.02(C)(3), “Professional Services”. Funding is available from 334-2311-522-64.90 (General Construction Fund: Fire/Machinery/Equipment).

Randal Krejcarek, Director of Environmental Services, presented this item to the Commission.

Vice Mayor Petrolia moved to approve a retroactive approval of a Professional Services Agreement with Thompson & Youngross Engineering Consultants in the amount of \$9,000 for professional engineering and design services, seconded by Mr. Katz. Upon roll call the Commission voted as follows: Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Mr. Jacquet – Yes. Said motion passed with a 5 to 0 vote.

8.I. BID AWARD/L.V. SUPERIOR LANDSCAPING, INC./LANDSCAPE MAINTENANCE BID NO. 2015-47: Motion to Approve a bid award to L.V. Superior Landscaping, Inc. in the amount of \$77,190.00 for a one-year term, with two additional one-year renewal options, to provide landscape maintenance in the Atlantic Avenue I-95 Interchange, Linton Blvd I-95 Interchange and S.W. 10th Underpass. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(A)(1), “Competitive Bids”. Funding is available from 119-4144-572-46.40 (Beautification Trust Fund: Parks & Recreation/Repair & Maintenance Services/Beautification Maintenance).

Suzanne Davis, Director of Parks and Recreation, presented this item to the Commission.

Vice Mayor Petrolia commented that approximately \$100,000.00 for maintaining three (3) areas is a lot of green area and suggested it may be better to take some of that money and convert some of those where it is not going to be as high maintenance.

Vice Mayor Petrolia moved to approve a bid award of Bid 2015-47 for an annual landscape maintenance contract to LV Superior Landscaping, Inc. for a one (1) year term with two (2) additional one (1) year renewal periods for \$77,190 per year, seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes. Said motion passed with a 5 to 0 vote.

8.J. INTERLOCAL AGREEMENT WITH THE COMMUNITY REDEVELOPMENT AGENCY (CRA) FOR FUNDING/REPLACEMENT SOD AT OLD SCHOOL SQUARE PARK: Motion to Approve and authorize the City Manager to sign the Interlocal Agreement with the Community Redevelopment Agency (CRA) to provide funding for the replacement of the sod at Old School Square Park.

Suzanne Davis, Director of Parks and Recreation, presented this item to the Commission and stated \$7,100.00 represents one-half.

Mr. Katz moved to approve to authorize the City Manager to sign the Interlocal Agreement between the City of Delray Beach and the Delray Beach Community Redevelopment Agency to provide for funding for the replacement of the sod at Old School Square Park, seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura - Yes. Said motion passed with a 5 to 0 vote.

8.K. AMENDMENT NO. 3 TO MANAGEMENT AGREEMENT WITH DUBIN AND ASSOCIATES, INC./MUNICIPAL TENNIS CENTER AND DELRAY SWIM AND TENNIS CLUB: Motion to Approve Amendment No. 3 to the management agreement between Dubin and Associates, Inc. and the City of Delray Beach to reimburse them bi-weekly for their payroll costs and the addition of language to allow for auditing, Inspector General and public records.

Suzanne Davis, Director of Parks and Recreation, presented this item to the Commission and stated Amendment No. 3 clarifies the term to a biweekly basis whereas the contract stated monthly; and, it also adds provisions for the audit rights of the City, public records and Inspector General.

Vice Mayor Petrolia moved to approve Amendment No. 3 to the Agreement between the City of Delray Beach and Dubin & Associates for the Management of the Municipal Tennis Center and Delray Beach Swim and Tennis Club, seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes. Said motion passed with a 5 to 0 vote.

At this point, Ms. Jarjura stepped away from the dais.

8.L. AMENDMENT NO. 3 TO MANAGEMENT AGREEMENT WITH BJCE, INC./MUNICIPAL GOLF CLUB AND LAKEVIEW GOLF CLUB: Motion to Approve Amendment No. 3 to the management agreement between BJCE, Inc. and the City of Delray Beach to reimburse them bi-weekly for their payroll costs and the addition of language to allow for auditing, inspector general and public records.

Suzanne Davis, Director of Parks and Recreation, presented this item to the Commission and it has been a bi-weekly payment whereas the contract stated monthly; and, adding the audit rights, public records and inspector general.

Mr. Katz moved to approve Amendment No. 3 to the Agreement between the City of Delray Beach and BJCE, Inc. for Management of the Municipal Golf Club and Lakeview Golf Club, seconded by Vice Mayor Petrolia. Upon roll call the Commission voted as follows: Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes. Said motion passed with a 4 to 0 vote.

8.M. SCHOOL CROSSING GUARD CONTRACT/ACTION LABOR D/B/A STAFFING CONNECTION: Motion to Approve a contract award to Action Labor d/b/a Staffing Connection for school crossing guards in an amount not to exceed \$48,000.00 from July 1, 2015 through October 31, 2015, via a piggyback contract utilizing the City of Palm Beach Gardens' RFP No. 2010-003. This is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(C)(7), "Utilization of Other Governmental Entities' Contracts". Funding is available from 001-2115-521-34.90 (General Fund: Other Contractual Services).

Holly Vath, Chief Purchasing Officer, presented this item to the Commission.

Vice Mayor Petrolia commented about the \$48,000.00. Ms. Vath stated this amount is an estimate based on school starting and summer school going on as well.

Mr. Katz supports this; however, he requested that staff expedite the bid so that it will be done by the *start* of the school year in the Fall because in the event the City ends up with a new vendor potentially training new guards in the middle of the school year, it would be better when the kids start that the new guards are in place (if that ends up being what happens). Ms. Vath stated staff will try their best to get it done.

At this point, Ms. Jarjura returned to the dais.

Vice Mayor Petrolia moved to approve to utilize the City of Palm Beach Gardens contract for school crossing guard services from Action Labor (d/b/a Staffing Connection) in an amount not to exceed \$48,000 through October 31, 2015, seconded by Mr. Katz. Upon roll call the Commission voted as follows: Mr. Katz – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes. Said motion passed with a 4 to 0 vote.

8.N. RESOLUTION NO. 35-15: CREATION OF THE PURCHASING DEPARTMENT: Motion to Approve the City Manager's designation of a Purchasing Department pursuant to Section 32.01 of the Code of Ordinances of the City of Delray Beach; providing an effective date.

The caption of Resolution No. 35-15 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING THE CITY MANAGER'S DESIGNATION OF A PURCHASING DEPARTMENT PURSUANT TO SECTION 32.01 OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH; PROVIDING AN EFFECTIVE DATE.

(The official copy of Resolution No. 35-15 is on file in the City Clerk's office.)

The City Manager presented this item to the Commission.

At this point, Ms. Jarjura returned to the dais.

Ms. Jarjura moved to approve Resolution No. 35-15, seconded by Vice Mayor Petrolia. Upon roll call the Commission voted as follows: Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes. Said motion passed with a 5 to 0 vote.

8.O. BID AWARD/SLAVIN MANAGEMENT CONSULTANTS/EXECUTIVE SEARCH AND RECRUITING SERVICES:

Motion to Approve a contract to award RFP 2015-51, Executive Search and Recruiting Services, to Slavin Management Consultants for the twelve (12) months following contract execution. The cost per recruitment will be a fixed fee of \$15,800.00 and up to \$7,900.00 in reimbursable expenses for a total not to exceed \$23,700.00 per recruitment. At this point, the City anticipates using these services for a maximum of five recruitments for the twelve (12) months annual maximum not to exceed \$118,500.00 including expenses.

The City Manager presented this item to the Commission.

Brief discussion by the Commission and the City Manager followed.

Ms. Jarjura moved to approve the contract to Executive Search and Recruiting Services, to Slavin Management Consultants for the 12 months following contract execution for a maximum not to exceed \$118,500.00 including expenses, seconded by Mr. Katz. Upon roll call the Commission voted as follows: Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes. Said motion passed with a 5 to 0 vote.

8.P. ROSA GIESMAN AND MICHAEL GIESMAN V. CITY OF DELRAY BEACH: Consider an offer made by one of the Plaintiffs, Rosa Giesman, to settle her pending personal injury case against the City in the amount of \$100,000.00.

The City Attorney presented this item to the Commission and recommends that the Commission reject the settlement for reasons discussed in the Confidential Memo previously distributed to the City Commission.

Mr. Katz moved to reject the proposal for settlement in the amount of \$100,000.00 in the case of Rosa and Michael Giesman v. the City of Delray Beach.

Mr. Katz moved to *reject* the settlement in the amount of \$100,000.00 in the case of Rosa and Michael Giesman v. the City of Delray Beach, seconded by Vice Mayor Petrolia. Upon roll call the Commission voted as follows: Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor

Glickstein – Yes. Said motion to *reject* the settlement was approved with a 5 to 0 vote.

8.Q. THIS ITEM HAS BEEN MOVED TO THE REGULAR AGENDA AS ITEM 8.A.A.

8.R. NOMINATION FOR APPOINTMENT TO THE COMMUNITY REDEVELOPMENT AGENCY BOARD: Nomination for appointment of one (1) regular member to serve on the Community Redevelopment Agency Board for a four (4) year term ending July 1, 2019. Based on the rotation system, the nomination for appointment will be made by Vice Mayor Petrolia (Seat #1).

Vice Mayor Petrolia moved to nominate Daniel Rose to the Community Redevelopment Agency (CRA) as a regular member to serve a four (4) year term ending July 1, 2019, seconded by Mr. Katz. Upon roll call the Commission voted as follows: Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes. Said motion passed with a 5 to 0 vote.

8.S. NOMINATION FOR APPOINTMENT TO THE DOWNTOWN DEVELOPMENT AUTHORITY BOARD: Nomination for appointment of two (2) regular members to serve on the Downtown Development Authority Board for three year terms ending July 1, 2018. Based on the rotation system, the nomination for appointment will be made by Deputy Vice Mayor Jacquet (Seat #2) and Commissioner Katz (Seat #3).

Deputy Vice Mayor Jacquet moved to nominate Alan Costilo to the Downtown Development Authority Board as a regular member for a three (3) year term ending July 1, 2018, seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes. Said motion passed with a 5 to 0 vote.

Mr. Katz stated he would like to defer his nomination to the next regular meeting of July 7, 2015.

10. PUBLIC HEARINGS:

A. None

10. FIRST READINGS:

10.A. ORDINANCE NO. 12-15 (FIRST READING): Motion to Approve Ordinance No. 12-15, Adopting a Small-Scale Future Land Use Map Amendment from MD (Medium Density Residential 5-12 du/ac) to CC (Commercial Core), pursuant to the provisions of the “Community Planning Act”, Florida Statutes Section 163.3187, for land located on the West side of S.W. 6th Avenue, 334 feet South of West Atlantic Avenue, and land located on the East side of S.W. 7th Avenue, 365 feet South of West Atlantic Avenue, as more particularly described herein, and rezoning and placing said land presently zoned RM (Medium Density Residential) District to CBD (Central Business)

District; amending "Zoning Map Of Delray Beach, Florida, February 2015"; providing a General Repealer Clause, A Saving Clause, and an effective date. If passed, a Public Hearing will be held on July 7, 2015.

The caption of Ordinance No. 12-15 is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA ADOPTING A SMALL-SCALE FUTURE LAND USE MAP AMENDMENT FROM MD (MEDIUM DENSITY RESIDENTIAL 5-12 DU/AC) TO CC (COMMERCIAL CORE), PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT", FLORIDA STATUTES SECTION 163.3187, FOR LAND LOCATED ON THE WEST SIDE OF SW 6TH AVENUE, 334 FEET SOUTH OF WEST ATLANTIC AVENUE, AND LAND LOCATED ON THE EAST SIDE OF SW 7TH AVENUE, 365 FEET SOUTH OF WEST ATLANTIC AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, AND REZONING AND PLACING SAID LAND PRESENTLY ZONED RM (MEDIUM DENSITY RESIDENTIAL) DISTRICT TO CBD (CENTRAL BUSINESS) DISTRICT; AMENDING "ZONING MAP OF DELRAY BEACH, FLORIDA, FEBRUARY 2015"; PROVIDING A GENERAL REPEALER CLAUSE, A SAVING CLAUSE, AND AN EFFECTIVE DATE.

(The official copy of Ordinance No. 12-15 is on file in the City Clerk's office.)

The City Attorney read the caption of the ordinance.

Mark McDonnell, Assistant Director of Planning and Zoning, presented this item to the Commission and stated staff recommends approval.

Vice Mayor Petrolia asked if these properties are aggregated to the land.

Choli Aronson, Currie Sowards Aguila Architects, 185 N.E. 4th Avenue, #101, Delray Beach, FL 33483, stated these were submitted with the application as well as the Future Land Use Amendment at the same time that the overall site plan was submitted which was prior to the zoning in progress.

At this point, Mr. Katz stepped away from the dais.

Ms. Jarjura moved to approve Ordinance No. 12-15 on FIRST Reading, seconded by Vice Mayor Petrolia. Upon roll call the Commission voted as follows: Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor

Jacquet – Yes. Said motion passed with a 4 to 0 vote.

At this point, Mr. Katz returned to the dais.

10.B. ORDINANCE NO. 13-15 (FIRST READING): Motion to Approve Ordinance No. 13-15, amending the Land Development Regulations of the Code of Ordinances, by amending Subsection 4.5.1(E)(6), “Relocation,” to establish Regulations and Guidelines regarding the relocation of buildings or structures within, to, or from Historic Districts or Sites; by enacting Section 7.10.11, “Historic Structures,” to establish a historic structure relocation bond, and to provide for forfeiture of same for failure to successfully relocate a historic structure; providing a Saving Clause, a General Repealer Clause, and an effective date. If passed, a Public Hearing will be held on July 7, 2015.

The caption of Ordinance No. 13-15 is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA ADOPTING A SMALL-SCALE FUTURE LAND USE MAP AMENDMENT FROM MD (MEDIUM DENSITY RESIDENTIAL 5-12 DU/AC) TO CC (COMMERCIAL CORE), PURSUANT TO THE PROVISIONS OF THE “COMMUNITY PLANNING ACT”, FLORIDA STATUTES SECTION 163.3187, FOR LAND LOCATED ON THE WEST SIDE OF SW 6TH AVENUE, 334 FEET SOUTH OF WEST ATLANTIC AVENUE, AND LAND LOCATED ON THE EAST SIDE OF SW 7TH AVENUE, 365 FEET SOUTH OF WEST ATLANTIC AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, AND REZONING AND PLACING SAID LAND PRESENTLY ZONED RM (MEDIUM DENSITY RESIDENTIAL) DISTRICT TO CBD (CENTRAL BUSINESS) DISTRICT; AMENDING "ZONING MAP OF DELRAY BEACH, FLORIDA, FEBRUARY 2015"; PROVIDING A GENERAL REPEALER CLAUSE, A SAVING CLAUSE, AND AN EFFECTIVE DATE.

(The official copy of Ordinance No. 13-15 is on file in the City Clerk’s office.)

The City Attorney read the caption of the ordinance.

Mark McDonnell, Assistant Director of Planning and Zoning, presented this item to the Commission.

Brief discussion between Historic Preservation Planner Amy Alvarez and the City Commission followed.

Ms. Jarjura moved to approve Ordinance No. 13-15 on FIRST Reading, seconded by Vice Mayor Petrolia. Upon roll call the Commission voted as follows: Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes. Said motion passed with a 5 to 0 vote.

10.C. **ORDINANCE NO. 14-15 (FIRST READING):** Motion to Approve Ordinance No. 14-15, amending the Land Development Regulations of the Code of Ordinances, by Repealing Subsection 4.5.1(E)(7), “Demolition”; by renaming and amending Subsection 4.5.1(F), “Restrictions On Demolitions,” to amend Regulations and Guidelines regarding the Demolition of Historic Structures, to require the submission of a Demolition Plan, to require that property owners applying for Demolition Permits take certain steps to Document, Salvage, and Record Historic Structures, to establish additional requirements for demolition of more than 25 percent of a contributing or Individually Designated Structure; by amending Subsection 4.5.1(G), “Unsafe Buildings,” to require the Chief Building Official to provide the Historic Preservation Board with documentation regarding any structure within a designated historic site or designated historic district that is unsafe; providing a Saving Clause, a General Repealer Clause, and an effective date. If passed, a Public Hearing will be held on July 7, 2015.

The caption of Ordinance No. 14-15 is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH, FLORIDA, BY REPEALING SUBSECTION 4.5.1(E)(7), “DEMOLITION”; BY RENAMING AND AMENDING SUBSECTION 4.5.1(F), “RESTRICTIONS ON DEMOLITIONS,” TO AMEND REGULATIONS AND GUIDELINES REGARDING THE DEMOLITION OF HISTORIC STRUCTURES, TO REQUIRE THE SUBMISSION OF A DEMOLITION PLAN, TO REQUIRE THAT PROPERTY OWNERS APPLYING FOR DEMOLITION PERMITS TAKE CERTAIN STEPS TO DOCUMENT, SALVAGE, AND RECORD HISTORIC STRUCTURES, TO ESTABLISH ADDITIONAL REQUIREMENTS FOR DEMOLITION OF MORE THAN 25 PERCENT OF A CONTRIBUTING OR INDIVIDUALLY DESIGNATED STRUCTURE; BY AMENDING SUBSECTION 4.5.1(G), “UNSAFE BUILDINGS,” TO REQUIRE THE CHIEF BUILDING OFFICIAL TO PROVIDE THE HISTORIC PRESERVATION BOARD WITH DOCUMENTATION REGARDING ANY STRUCTURE WITHIN A DESIGNATED HISTORIC SITE OR DESIGNATED HISTORIC DISTRICT THAT IS UNSAFE; PROVIDING

A SAVING CLAUSE, A GENERAL REPEALER
CLAUSE, AND AN EFFECTIVE DATE.

(The official copy of Ordinance No. 14-15 is on file in the City Clerk's office.)

The City Attorney read the caption of the ordinance.

Mark McDonnell, Assistant Director of Planning and Zoning, presented this item to the Commission and stated for the record that the amendments regarding demolition by neglect issues require a revision to the Code of Ordinances (Section 100.10) Individually Designated Historic Structures and Structures in Historic Districts. Mr. McDonnell stated the topic is not included in this and will be processed under a separate ordinance.

Brief discussion between Historic Preservation Planner Amy Alvarez and the City Commission followed.

It was the consensus of the City Commission to direct staff to bring back the ordinance regarding the demolition by neglect in July or August.

Ms. Jarjura moved to approve Ordinance No. 14-15 on FIRST Reading, seconded by Vice Mayor Petrolia. Upon roll call the Commission voted as follows: Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes. Said motion passed with a 5 to 0 vote.

10.D. ORDINANCE NO. 15-15 (FIRST READING): Motion to Approve Ordinance No. 15-15, amending the Land Development Regulations of the Code Of Ordinances, by amending Section 4.7, "Family/Workforce Housing" to provide the City Commission with the discretion to determine the most appropriate means of meeting the Workforce Housing requirement for each applicant; providing that the applicant must elect the Preferred Option for meeting the Workforce Housing requirement at the time of application for Conditional Use approval; providing a Saving Clause, a General Repealer Clause, and an effective date. If passed, a Public Hearing will be held on July 7, 2015.

The caption of Ordinance No. 15-15 is as follows:

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 4.7, "FAMILY/WORKFORCE
HOUSING" TO PROVIDE THE CITY COMMISSION
WITH THE DISCRETION TO DETERMINE THE MOST
APPROPRIATE MEANS OF MEETING THE
WORKFORCE HOUSING REQUIREMENT FOR EACH
APPLICANT; PROVIDING THAT THE APPLICANT

MUST ELECT THE PREFERRED OPTION FOR MEETING THE WORKFORCE HOUSING REQUIREMENT AT THE TIME OF APPLICATION FOR CONDITIONAL USE APPROVAL; PROVIDING A SAVING CLAUSE, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE.

(The official copy of Ordinance No. 15-15 is on file in the City Clerk's office.)

The City Attorney read the caption of the ordinance.

Mark McDonnell, Assistant Director of Planning and Zoning, presented this item to the Commission. For the record, Mr. McDonnell stated the project was presented before the West Atlantic Redevelopment Coalition (WARC) tabled the item and said additional research was needed regarding the potential sliding scale and it was unclear whether or not the \$160,000 provided in-lieu would be sufficient or excessive; additional research and possible modification is necessary regarding who is the keeper of the funds and the Community Improvement staff stated that the City receives all the workforce housing funds via the Community Improvement Neighborhood Services; additional clarification of possible modification is needed to assure that the funds are actually being utilized to construct future workforce housing units and the response was that the funds would be expended on Workforce Housing projects approved by the City Commission based on the strategy and plan. Mr. McDonnell stated the Planning and Zoning Board recommended approval with a 6 to 0 vote and staff recommends approval.

Brief discussion between the City Commission, staff and Ms. Evelyn Dobson, Executive Director of the Delray Beach Community Land Trust (DBCLT) ensued.

In her opinion, Ms. Dobson stated if the Commission approves for a developer to build the units offsite, it is better for the DBCLT if the developer takes care of the development. Ms. Dobson stated the DBCLT recently entered into a Workforce Housing Agreement with New Urban Development to build two (2) workforce housing units and they are taking care of the construction.

Mr. Katz moved to approve Ordinance No. 15-15 on FIRST Reading, seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes. Said motion passed with a 5 to 0 vote.

Mr. Katz moved to approve to extend the meeting past 11:00 p.m., seconded by Vice Mayor Petrolia. Upon roll call the Commission voted as follows: Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – No. Said motion to approve passed with a 4 to 1 vote, Deputy Vice Mayor Jacquet dissenting.

10.E. ORDINANCE NO. 17-15: CIVIL RIGHTS (FIRST READING):

Motion to Approve Ordinance No. 17-15, Amending Title 13, “General Offenses”, of the Code Of Ordinances, by creating a new Section 137, “Civil Rights”, providing for Non-Discrimination within the City; providing a General Repealer Clause; Saving Clause; and an effective date. If passed, a Public Hearing will be held on July 7, 2015.

The caption of Ordinance No. 17-15 is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING TITLE 13, “GENERAL OFFENSES”, OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, BY CREATING A NEW SECTION 137, “CIVIL RIGHTS”, PROVIDING FOR NON-DISCRIMINATION WITHIN THE CITY; PROVIDING A GENERAL REPEALER CLAUSE; SAVING CLAUSE; AND AN EFFECTIVE DATE.

(The official copy of Ordinance No. 17-15 is on file in the City Clerk’s office.)

The City Attorney read the caption of the ordinance and presented this item to the Commission.

Mr. Katz moved to approve Ordinance No. 17-15 on FIRST Reading, seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes. Said motion passed with a 5 to 0 vote.

11. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS.

12.A. City Manager

The City Manager stated he received a request from ICMA asking the City of Delray Beach to participate in a federally funded program called “LOCAL” more specifically the ICMA administers that program through the USAID Program which they have asked the City of Delray Beach to participate. He stated this will require time and participation by preferable a Commissioner, a member of the manager’s staff, and a technical staff member for an exchange program with Kenscoff, Haiti a city of approximately 52,000 people. The City Manager stated if it is acceptable to the Commission that the City participate in this program, then staff will advise ICMA that we are willing participate and begin making arrangements. He stated this will require staff both to receive visitors from Haiti and to travel to Haiti the week of July 13th.

Deputy Vice Mayor Jacquet stated the fact that the Sister Cities relationship. The City Manager stated this does not affect the Sister City relationship at all.

Deputy Vice Mayor Jacquet stated he thinks that the ICMA is considering this is remarkable.

Deputy Vice Mayor Jacquet stated beginning this Thursday the Dominican Republic will start sending back approximately 300-500,000 Haitians that have been living there for generations. Deputy Vice Mayor Jacquet thanked everyone not only for considering the Sister Cities and moving forward with it, but also continuously letting the community know that we are inclusive and here to serve the entire community.

Commissioner Jarjura asked if Delray Beach was given an option to propose the city that we selected for Sister Cities. The City Manager stated the USAID Program is run at the State Department and they select the cities and because Fort Lauderdale picked the other two cities Delray Beach got the third city. Deputy Vice Mayor Jacquet asked if Fort Lauderdale currently has a sister city in Haiti and he would like to know if one of the two cities Fort Lauderdale chose is their sister city.

Commissioner Jarjura stated they would be combining resources toward each city they select.

After brief discussion, it was the consensus of the Commission to direct the City Manager to find out if Delray Beach can select their Sister City that they already have in Haiti but to go ahead a move forward with this.

The City Manager stated last week there was an EOC exercise and the Fire Department and Police Department staff did an outstanding job; however, the result of the exercise indicated that we are extremely deficient in our emergency management planning. The City Manager suggested that he will be proposing in the budget an Emergency Management Coordinator that can put together the plan and require departmental level plans and training so that the city is able to effectively deal with that issue.

Lastly, the City Manager stated the Planning and Zoning meeting was video streamed last night per the request of the City Commission.

12.B. **City Attorney**

None.

12.C. **City Commission**

12.C.1. **Commissioner Katz**

Commissioner Katz thanked the City Manager and staff for video streaming the Planning and Zoning meetings.

Secondly, Commission Katz commented about the trees and The Metropolitan project. He urged staff to be a little more proactive in trying to save some of these trees.

Mayor Glickstein stated for certain trees they have to be replaced with equal caliper; there has always been a concern on his part that the landscaping requirements in general for project approvals are not as intensive as they should be. Mayor Glickstein suggested that the Planning Director review the ordinance and work with the City Arborist.

Commissioner Katz thanked staff with respect to the special events and stated he continues to have meetings with residents and some of the stakeholders that were vehemently opposed to some of these ideas are now starting to come around. Commissioner Katz stated everyone is moving in the right direction with some of these events and the site plan the Chamber is going to put in is the same as last year with the Avenue. However, Commissioner Katz stated he would like to make sure that the business owners are aware that even though the Chamber is putting in the same plan to have 4th blocked, that they are vehemently working on a better plan to accommodate those businesses.

Lastly, Commissioner Katz stated Marc Woods who enforces the rental permits can look up the rental properties in Delray on the website and he may potentially find a few hundred people that are renting out rooms without a permit and thus collect a few thousand dollars a day. Commissioner Jarjura suggested that this could be a job for one of the City's interns.

12.C.2. **Commissioner Jarjura**

Commissioner Jarjura inquired about whether or not the City's Code has any tree preservation and tree relocation sections in it and she is glad Mayor Glickstein has asked for direction with respect to this issue.

Secondly, with respect to the special events, Commissioner Jarjura stated from a public safety perspective, what was lacking from the discussion is that the City does not have any emergency management procedures in place for events.

Commissioner Jarjura commented about a Traffic Engineer.

Commissioner Jarjura stated she thought that the City had Code provisions regarding vacation rentals/short-term rentals and asked the City Manager to look into this.

Lastly, Commissioner Jarjura expressed her disappointment in the Federal Highway Beautification Project and stated it is mis-matched by block, inconsistent within the blocks, and it changes from one side to the other side. She stated that she received an email from a resident who spoke to one of the contractors. Commissioner Jarjura stated this goes back to having a city standard for infrastructure and if the City does not have a Master Plan then we should have a city standard for where you put garbage cans, trees, what type of trees (encourage shade trees), benches, and recycle bins. She stated this project was supposed to accomplish certain things to make it more pedestrian friendly.

12.C.3. Vice Mayor Petrolia

Vice Mayor Petrolia stated she attended the Planning and Zoning Board meeting last night and she wanted to get an understanding about the LDRs and some of the tweaking that is going on. She stated it is going before other boards before coming to the Commission and she found some of the things in there to be things that the City Commission had never even discussed. Vice Mayor Petrolia stated she has expressed her opinions to the City Manager and asked who initiated this. Vice Mayor Petrolia expressed her disappointment and stated the City Commission worked very hard on those LDRs she does not feel it is up to anybody else to make those types of changes and to try to set policy from a non-elected position.

12.C.4. Deputy Vice Mayor Jacquet

Deputy Vice Mayor Jacquet wished everyone a goodnight.

12.C.5. Mayor Glickstein

For clarification, Mayor Glickstein stated the City Manager is budgeting for a Traffic Engineer.

Secondly, with respect to engineering, Mayor Glickstein stated he has received numerous complaints and he has also seen it, there seems to be a worsening condition at the intersection of Atlantic Avenue and Venetian Drive. He stated there is a similar situation with George Bush Boulevard and US-1 and this entire intersection is coming apart.

Mayor Glickstein stated he likes that staff is present; however, he requested that during the City Commission meetings that the front row be reserved for City staff.

Mayor Glickstein stated he is receiving increasing emails about the Building Department both on the front end (Plan Review) and to some extent on

Inspections that the City is losing people. Mayor Glickstein welcomed Mr. Tim Stillings and requested that he get with the Chief Building Official and meet with the builders because he feels part of the problem is that nobody is managing expectations (i.e. how long is the permit going to take, etc.).

Lastly, with respect to the LDRs, Mayor Glickstein stated he also shares in Vice Mayor Petrolia's consternation about how there has been somewhat of a backdoor approach to something that the City Commission has worked very hard on. Mayor Glickstein stated he would like to know the LDR changes in particular the ability to extend a building over an alley. Mr. Stillings stated he does not believe it is intended to be a backdoor attempt to make changes. Mr. Stillings stated Treasure Coast Regional Planning Council (TCRPC) was working off of requested changes from Mr. Little before he left in dealing with some of the development proposals that were coming through and some of the issues they were confronted with the new Code as well as some of the changes in terms of references and issues with the Code. Mr. Stillings stated he met with Ms. Giannotes of TCRPC and when she was going through her proposed changes they were looking at the available options because the intent was to not abandon any or to close any but there still might be a need for certain opportunity (which is already in the Code now). Mr. Stillings stated TCRPC has been working off of direction from staff and the comments that staff just received from the outside agents they have been in working with TCRPC through proposals.

There being no further business, Mayor Glickstein declared the meeting adjourned at 11:41 p.m.

City Clerk

ATTEST:

M A Y O R

The undersigned is the City Clerk of the City of Delray Beach, Florida, and the information provided herein is the Minutes of the Regular City Commission Meeting held on June 16, 2015, which Minutes were formally approved and adopted by the City Commission on _____.

City Clerk

NOTE TO READER:

If the Minutes you have received are not completed as indicated above, this means they are not the official Minutes of the City Commission. They will become the official Minutes only after review and approval which may involve some amendments, additions or deletions as set forth above.

DRAFT