

JULY 7, 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., July 7, 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 - Vice Mayor Petrolia and Commissioner Jarjura

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:**

A. None.

4. **PRESENTATIONS.**

4.1. **Recognizing and commending Nathan Price for his 100th birthday**

Mayor Glickstein read into the record a proclamation recognizing and commending **Nathan Price** for his 100th birthday. Mr. Nathan Price came forward to accept the proclamation.

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.**

In response to prior comments from the June 16, 2015 City Commission meeting, the City Manager stated the computers are now working; two (2) computers were down as a result of a power surge and the Wi-Fi service is being established working with Comcast.

Secondly, the City Manager stated the City is examining an Adopt a Tree Program at The Metropolitan development and whether or not staff can support such a program given the City's present demands.

Lastly, the City Manager stated staff is examining the issues with respect to temporary rentals.

5.B. From the Public.

5.B.1. Jim Smith, 1225 South Ocean Boulevard, Delray Beach, FL 33483 (speaking on behalf of S.A.F.E.), apologized for losing his temper at the last City Commission meeting when he was afraid that his wife after waiting for four (4) hours was not going to be able to speak in favor of building a sidewalk on Hibiscus Road. Mr. Smith stated it is important to him, his wife, and all the pedestrians who walk that road because it is unsafe walking in the street. He stated Hibiscus Road is the first through street off A1A north of Linton Boulevard and it is used as a backup street route alternative to A1A by many residents. Mr. Smith stated Hibiscus Road is a very short street and there are only two houses connecting A1A to Seagate Drive which continues to Gleason Street all the way to Atlantic Avenue. Mr. Smith stated many drivers turning onto Hibiscus Road from Seagate do not stop or slow down when turning onto Hibiscus Road. He urged the City to inform residents when a request for an in-lieu sidewalk comes up so that they can come speak about it.

5.B.2. Ron Nobili, 159 Marine Way, Slip #15, Delray Beach, FL 33483 (member of the discriminated class of residents living within the Marina Historic District), expressed concern that Ordinance No. 05-15 is flawed and discriminatory. Mr. Nobili suggested that there be a better solution where everyone can live in harmony without jeopardizing the original intent of Ordinance No. 05-15.

5.B.3. Pauline Moody, 609 S.W. 8th Avenue, Delray Beach, FL 33444, stated her television was stolen and she entered the Police Report into the record. In addition, Ms. Moody stated she did not attend the last City Commission meeting because she had health problems.

Secondly, Ms. Moody expressed concern about the way she is being treated by some employees and she has brought this to the City Manager's attention.

Ms. Moody commented about the Federal Highway Beautification Project but she stated it is disastrous getting to the bus by Big Al's Steaks. She asked when this project will be completed. Ms. Moody requested that the City remove the big tree that is in the middle of the bus stop because it blocks the entire bus stop.

5.B.4. Arie Whiteman, 5091 Washington Road, Delray Beach, FL 33484, stated over the years Delray Beach has experienced a great deal of success with several local organizations such as the DDA, DBMC, and the CRA and they have done a phenomenal job with revitalizing the city especially the downtown and the beach area.

Mr. Whiteman urged the Commission to join a coalition with those organizations and focus on redeveloping the west side from Swinton Avenue to I-95.

5.B.5. Jim Chard, 401 S.E. 4th Avenue, Delray Beach, FL 33483 (Human Powered Delray and SPRAB member), stated SPRAB recently made a decision in compliance with the Quasi-judicial rules to turn sixty (60) full grown mature trees into mulch on The Metropolitan Development. Mr. Chard stated the developer is willing to work with the citizens group to save those trees and put them where they are needed. He suggested that the City put together a task force and try to accomplish the following goals: (1) save mature trees instead of turning them into mulch, (2) move trees slated for mulching to locations where they are needed, (3) increase the tree canopy, (4) minimize wastewater run-off, and (5) create a Tree Board, an Urban Forester, or an Arborist.

5.B.6. Allen Zeller, 26 Marine Way, Delray Beach, FL 33483, thanked the City Commission for taking the time in making the effort to bring it to the attention of an outside traffic engineer to review it. Mr. Zeller stated he has looked at the report and understands that Option #2 being recommended by the developer and traffic engineer appears to be the better of the two (2) proposals. He requested that there be further tweaking of Option #2 so that the roadway can be a two-way roadway into the site and also access the garage. Also, with respect to the exit off 7th Avenue, Mr. Zeller requested that the exit off 7th Avenue to Atlantic Avenue have signage installed to state “Federal Highway to the right” so that the trucks and other cars would not go directly across Atlantic Avenue down 7th Avenue into the Marina Historic District which is already having an overflow of traffic, in particular with the Atlantic Crossing project coming in. He stated if something were to occur where 7th Avenue were blocked off because of a fire or an accident there is virtually no access by fire equipment to get into that site.

5.B.7. Mitzi Kaitz, 331 N.E. 8th Avenue, Delray Beach, FL 33483, echoed comments expressed by Mr. Zeller regarding the access that the trucks will have for the Atlantic Crossing Project and stated the developers did not address this in the last meeting. Ms. Kaitz stated she does not know where the trucks are coming in and out of or where they are going to park. She urged staff to make this part of the agreement that the City provides them.

5.B.8. Alan Schlossberg, 200 MacFarlane Drive, Delray Beach, FL 33483, stated the Atlantic Crossing design plan does not take into consideration the outside traffic reality that will impact numerous communities because this is the busiest area in Delray Beach. Mr. Schlossberg stated the Atlantic Court two-way road should be non-negotiable as it was previously approved and agreed upon until changed by the developer. He stated the residents have overwhelmingly requested it. Mr. Schlossberg stated they have been advised that the road above the underground garages cannot accommodate two-way traffic and that some structural improvements may be necessary. He stated it is expected that there will be a lot of moving trucks/delivery trucks, garbage trucks, and fire/emergency vehicles which needs to be thoroughly planned out. Mr. Schlossberg urged the Commission that any final decisions that are made will be those that we can live with and one that includes a two-way Atlantic Court.

5.B.9. **Bob Ganger, Florida Coalition**, stated whatever the Commission does with respect to the two (2) options that they carefully look at the parking plan for the underground garage as well.

Commissioner Katz thanked and congratulated Mr. Ganger who was recently recognized by the Florida League of Cities for legislative work in this past session on behalf of the entire city.

5.B.10. **Charlie Dortch, 112 S.E. 7th Avenue #2, Delray Beach, FL 33483 (Marina Historic District)**, read a letter from Bruce Leiner, President of the Harbour House Condominium Association into the record.

Secondly, Mr. Dortch stated he attended the fireworks at the Intracoastal in the Marina Historic District and this was the best handled traffic situation in 25 years that he has ever seen.

5.B.11. **Dr. Victor Kirson, D.D.S., 2050 Alta Meadows Lane #2110, Delray Beach, FL 33444 (President of the Board of Directors of Tierra Verde at Delray Beach and Member of the Alliance)**, thanked Mayor Glickstein for going the extra mile to get this and Carl DeSantis who had no legal obligation for giving the City the plan for Atlantic Crossing. Dr. Kirson stated the City is being sued for failure to give a final plat. Dr. Kirson stated he is not in favor of what was done, but feels the developer has the rights.

5.B.12. **Jeff Costello, Executive Director of the Community Redevelopment Agency (CRA)**, stated the CRA issued a Request for Qualifications (RFQ) for professional services related to the design for the Center of the Arts Old School Square Park. Mr. Costello stated there is a Selection Committee with representatives from the City, CRA, and the Center for the Arts, West Atlantic Redevelopment Coalition (WARC), as well as the Public Arts Advisory Board (PAAB).

5.B.13. **Dr. Robert George**, commented about the Release of Right of Reverter encumbering the real property with respect to the Old Library Site and Chamber of Commerce relocation. Dr. George stated approximately one (1) month ago he came before the Commission and pointed out some things and noted that this Release of Right of Reverter has already been signed, and in his opinion, there is some question as to the validity of this Release of Right of Reverter with regard to public hearings, etc. He urged the Commission to consider all points that have been made.

6. **AGENDA APPROVAL.**

The City Manager requested that **Item 7.C., Change Order No. 1/Johnson-Davis, Inc./Dover Lowson Culvert Rehabilitation** be removed from tonight's Consent Agenda.

The City Clerk stated staff received a request from applicant Joyce Warner that her application be withdrawn for the Public Art Advisory Board (PAB).

The City Attorney requested that **Item 8.C., Resolution No. 36-15/Best Interest Resolution Classic Auto Collision Corporation** be moved to the next regular meeting of July 14, 2015.

Mr. Katz moved to approve the Agenda as amended, seconded by Deputy Vice Mayor Jacquet. Upon roll call the Commission voted as follows: Mr. Katz – Yes; Mayor Glickstein – Yes; Deputy Vice Mayor Jacquet – Yes. Said motion passed with a 3 to 0 vote.

7. CONSENT AGENDA: City Manager Recommends Approval.

7.A. RESOLUTION NO. 39-15/INTERLOCAL AGREEMENT WITH MULTIPLE AGENCIES: Motion to Approve Resolution No. 39-15 and the Interlocal Agreement between the Florida Department of Transportation, Palm Beach County, and Palm Beach County Municipalities for the expansion of the membership of the Palm Beach Metropolitan Planning Organization (MPO) to include a voting representative for the Village of Palm Springs, and permanent seats for the City of Greenacres and the Village of Royal Palm Beach.

The caption Resolution No. 39-15 is as follows:

A RESOLUTION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING EXECUTION OF AN INTERLOCAL AGREEMENT FOR THE PALM BEACH METROPOLITAN PLANNING ORGANIZATION TO INCLUDE A VOTING REPRESENTATIVE FOR THE VILLAGE OF PALM SPRINGS AND PERMANENT SEATS FOR THE CITY OF GREENACRES AND THE VILLAGE OF ROYAL PALM BEACH.

(The official copy of Resolution No. 39-15 is on file in the City Clerk's office.)

7.B. RESOLUTION NO. 04-15/BEACH RENOURISHMENT PROJECT: Motion to Approve Resolution No. 04-15 providing support for the City Of Delray Beach Renourishment Project; providing for the ongoing funding commitment and providing for the Local Match.

The caption of Resolution No. 04-15 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA; PROVIDING ITS SUPPORT FOR THE CITY OF DELRAY BEACH

RENOURISHMENT PROJECT; PROVIDING FOR ITS ONGOING FUNDING COMMITMENT TO PROVIDE FOR THE LOCAL MATCH; AND PROVIDING FOR AN EFFECTIVE DATE.

(The official copy of Resolution No. 04-15 is on file in the City Clerk's office.)

7.C. THIS ITEM HAS BEEN REMOVED FROM THE AGENDA.

7.D. SERVICE AUTHORIZATION NO. 12-06/CALVIN GIORDANO AND ASSOCIATES, INC./SIDEWALKS ON S.E. 4TH STREET: Motion to Approve Service Authorization No. 12-06 to Calvin Giordano and Associates, Inc. in the amount of \$11,088.44 for professional services related to design of the S.E. 4th Street sidewalks, RFQ No. 2012-06. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(C)(3), "Professional Services". Funding is available from 334-3162-541-63.11 (General Construction Fund: Road and Street Facilities/Improvements Other than Buildings/Bike Path/Sidewalks).

7.E. APPROVAL OF THE EXECUTION OF THE SATISFACTION OF MORTGAGE AND RELEASE/CRC RECOVERY FOUNDATION, INC.: Motion to Approve the execution of the Satisfaction of Mortgage and Release document acknowledging full payment and releasing in full the lien and effect of said note and mortgage executed by CRC Recovery Foundation on the property located at 1700 Lake Ida Road.

7.F. PROCLAMATIONS:

1. None

7.G. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS: Motion to accept the actions and decisions made by the Land Development Boards for the period June 8, 2015 through June 19, 2015.

7.H. AWARD OF BIDS AND CONTRACTS:

None

Mr. Katz moved to approve the Consent Agenda as amended, seconded by Deputy Vice Mayor Jacquet. Upon roll call the Commission voted as follows: Mayor Glickstein – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes. Said motion passed with a 3 to 0 vote.

8. REGULAR AGENDA:

8.A. REPORT ON ATLANTIC CROSSING: Presentation by Simmons & White of its review of the two proposed site plan access alternatives for the Atlantic Crossing project.

The City Attorney stated at the conclusion of the Special Meeting on June 16, 2015, the City Commission directed staff to engage a traffic engineer selected by the City to evaluate the two proposed site plan amendments that were proposed by the developer to replace what was the former Atlantic Court. The City Attorney stated no vote was taken and it did not require that the item come back to the City Commission but that staff meet with the developer for the purpose of trying to implement whatever preferred road design was selected by that traffic engineer. The City Attorney stated for purposes of transparency and public discussion, staff prepared a presentation for tonight by the Engineering firm that prepared a review, an analysis, and a recommendation with respect to those two site plans. The City Attorney stated the City retained the firm of Simmons & White.

Robert F. Rennebaum, President with Simmons & White (Registered Professional Engineer for approximately 30 years), 2581 Metrocentre Boulevard, Suite #3, West Palm Beach, FL 33407, stated Simmons & White has been retained to evaluate two options as an alternative to an approved site plan.; the developer is offering two alternatives to determine whether or not this is something that can make it better. Mr. Rennebaum stated this was in a traffic concurrency exemption area and it qualifies for the coastal residential exemption.

Mr. Rennebaum stated **Option #1 is a Two-Way Surface Street/Mid-Block Alley** under the approved site plan the frontage on Federal Highway had an in and out into an underground parking garage and as an alternative, he presented a two-way surface street/mid-block alley; the northwest quadrant of the center has an underground parking garage that under the approved site plan has access off Federal Highway and a secondary access off N.E. 7th Avenue. Mr. Rennebaum stated this first alternative eliminates the access into the parking garage from Federal Highway and this parking garage is served now from a single access; it eliminates in and out from Federal Highway into the parking garage and the garage functions with one access point. Mr. Rennebaum stated it was made clear to them and by the developer that the movement from the parking garage (a U-turn) to get out back to Federal Highway *cannot* be made because that is too tight a radius. He stated vehicles can come in and be directed to the central core; they cannot come out and make the turn. Mr. Rennebaum stated a “pro” of Option #1 provides a mid-block two-way surface street to that central core, it responds to the community’s request in the previous public hearings; however, a “con” of Option #1 would be that it takes away the access from Federal Highway directly into the parking garage and reduces the North/Westerly parking garage access to a single point at that central core. Mr. Rennebaum stated you cannot get from the parking garage back out to Federal Highway with the U-turn movement. Mr. Rennebaum stated with respect to the two-way surface street when people come in from Federal Highway on that surface road into the project and into the central area, it creates a *huge congestion/conflict point* with people coming in from the valet and the other parking garage trying to get out, and the North/South traffic on N.E. 7th Avenue. Mr. Rennebaum stated people have the perception that a parking garage in an urban area right off the main drag will cause congestion with people coming in and how the gates are operated; the original proposal has the gates set back a distance from Federal Highway and Federal Highway is controlled by Florida Department of Transportation (FDOT). Mr. Rennebaum stated it

has been represented to them that the alternatively approved site plan with access directly into the parking garage has been analyzed and approved by FDOT under their access management approval process. He stated in looking at the approved site plan and the distance from the entry to the garage back to Federal Highway is referred to as a “throat length” or a “reservoir” on that access way into the underground garage. In his professional opinion, Mr. Rennebaum stated it is more likely to have backups and congestion under this alternative from this conflict point all the way back onto Federal Highway.

Mr. Rennebaum stated **Option #2 – One-Way Eastbound into the Parking Garage from Federal Highway and a One-Way Westbound out of the site from N.E. 7th Avenue out to Federal Highway** – by making it a one-way into the parking garage and a one-way out surface street there is now the room for passenger car U-turns out of the parking garage. Mr. Rennebaum reviewed the “pros” of this option which are the one-way surface street to Federal Highway from the central core which eliminates that eastbound surface street into that conflict point and it does still provide a direct access into the parking garage from Federal Highway and maintains two access points to that significant parking structure. Mr. Rennebaum stated the internal geometry now allows for that U-turn and return of vehicles from the parking garage in the Northwest corner back out to Federal Highway and the reality of reduced congestion at that key conflict point at the central area, as well as the potential for backups onto Federal Highway because of congestion at that main point at N.E. 7th Avenue and the alley. Mr. Rennebaum stated from a “con” standpoint this option eliminates the direct exit from the parking garage out to Federal Highway, and it does not prioritize what the Commission has heard from the public that they would like to see a two-way surface street. In his opinion, Mr. Rennebaum stated **Option #2 with the one-way surface street** is the best option.

Brief discussion by the Commission ensued.

Mr. Katz asked if the trucks coming in and out every day are being taken into consideration. Mr. Rennebaum stated the trucks with a development like this are closely regulated by the users; any urban core deliveries (i.e. the route and the timing) is closely controlled and predetermined and agreed upon by the vendors and the owners of the facilities and they would have to go to 1st or Atlantic. Mr. Katz asked if a better option would be to have a two-way road with ingress into the garage or you continue would that have been a better option if it had been available. Mr. Rennebaum stated any benefits of an eastbound surface road into that central core would be far outweighed by the negatives of adding that movement at that central point/congestion point at that location. Mr. Katz expressed concern that the second the parking garage is full (with thousands of cars a day like the engineers have said) that all the cars and traffic will go over to N.E. 1st Street and come in on N.E. 7th Avenue or south to Atlantic Avenue. Mr. Katz stated a “pro” of the two-way is that there is a relief valve that can still go east. Mr. Rennebaum stated discharging the traffic to N.E. 7th Avenue from the north or the south from Atlantic Avenue or N.E. 1st Street is a better option rather than directing everybody right to the central point. Mr. Katz reiterated that there is no relief valve except for N.E. 1st Street which is a residential street.

Deputy Vice Mayor Jacquet thanked Mr. Rennebaum for his report that Option #2 makes more sense.

Mayor Glickstein asked Mr. Rennebaum that whether it is Option #1 or Option #2, does he believe that it represents a fundamental improvement over what he is considering the approved site plan. Mr. Rennebaum stated the approved site plan is a better option than alternative #1 that was presented. Mayor Glickstein inquired about alternative #2. Mr. Rennebaum stated he does not believe that alternative #2 is a significant or substantial clear improvement, but he feels it is a *slight* improvement over what he is considering the approved site plan.

Mayor Glickstein expressed concern over a numerical discrepancy in the Kimley-Horn report on an exhibit study that indicates 2,200 daily trips. Mr. Rennebaum stated the total project trips and everything from the Kimley-Horn report that when everything is torn down and at full build out they are going to be generating 6,400 daily trips, but the vested trips from the office, retail, etc. are generating about 4,200 trips (the difference between everything that is going to be out there subtract the credit for what is out there now the net difference is approximately 2,000 trips). Mr. Rennebaum stated 6,400 are complete trips when everything is built out. Mayor Glickstein stated Kimley-Horn represented at their last meeting for purposes of this analysis of Option #1 and Option #2 that they used peak hours and asked Mr. Rennebaum if those numbers represent peak hours to him. Mr. Rennebaum stated all traffic engineers are mandated to use this peak hour standard; the County's traffic performance standards used to be a daily standard of 6,000 trips, but that is not a factor in the technical analysis in the approval by the County and staff.

Brief discussion between Mayor Glickstein and Mr. Rennebaum followed about the term mid-block alley.

Mayor Glickstein stated he feels there is a perception issue here relative to what they are trying to accomplish. Mayor Glickstein feels that most people would look at this and agree that this does not look like the street that was proposed which was an iteration of this site plan with Atlantic Court (two-way traffic, parallel parking on each side) and although it was a mid-block circumstance it had the perception and feel of a fully functioning road. Mayor Glickstein stated they should not be focused on the perception but rather what is going to function better. Mayor Glickstein stated this perception of a fully functioning road is not there and has been now replaced in these proposals with something less of that and he asked Mr. Rennebaum to explain in terms of the importance of what was proposed and what is proposed and whether the City is in a better place now than before. Mr. Rennebaum stated for the single reason of avoiding a surface entrance into that central core, he believes the City is in a better place with Option #2; Option #1 with the two-way surface road sounds identical from a traffic standpoint with the Atlantic Court concept incorporating some parallel parking and introducing that surface eastbound movement into that central area and introducing that congestion and conflict, Mr. Rennebaum stated this is the overwhelming criteria for his position. Mayor Glickstein asked Mr. Rennebaum to explain the pedestrian piece in terms of the internal conflicts. Mr. Rennebaum stated eliminating one more movement

with what is going to be a pedestrian heavy area is a benefit. Mayor Glickstein stated internal circulation is going to be management controlled which is not uncommon and he sees the possibility of early morning deliveries using Option #2 for eastbound deliveries; if that road had load bearing capacity you can move trucks eastbound on that road using that westbound lane.

Mr. Katz commented about Mr. Rennebaum's statement in the Agenda backup under the level of service of adjacent intersections and roadways "Option #1 creates slightly better accessibility than Option #2 by allowing both ingress and egress to the interior of the site while Option #2 only allows ingress directly to the garage. This better accessibility equates to more dispersion of traffic onto and off the adjacent roadway network." Mr. Rennebaum stated Option #1 creates better surface accessibility from Federal Highway at that driveway location, but when moving easterly to the internal circulation, that congestion and introducing that conflict overweighs that. Mr. Katz reiterated his concern that this is going to send all that traffic to N.E. 1st Street. Mr. Katz stated if that driveway was just 50 feet north so that people could make a U-turn then it would avoid that conflict. Mr. Rennebaum stated if you move it from a mid-block right into the central core and move it another quarter of the way up, it may change the analysis a little bit. Mr. Katz stated this is something that the Commission has not been presented with, but if the developer looked at moving that then Option #1 becomes potentially a better option. Mr. Rennebaum stated they would have to look at it.

The City Attorney stated based on the direction from the Special Meeting on June 16, 2015 and based on the recommendation of the traffic engineer this evening, he will meet with the developer to see if staff and the developer can mutually agree upon a process to amend the site plan to put in what they now tonight have called Option #2. The City Attorney stated he has had a series of conference calls with the developer and counsel; it's included co-counsel and he has arranged later this month to have a sit down meeting. The City Attorney stated simultaneous with that process with co-counsel they will file as appropriate the responses they feel are necessary to defend the position of the City with respect to that litigation. The City Attorney stated he will provide the Commission with an update regularly and he expects a lawsuit formally served on the City later this week and the City will then have forty (40) days to file a response to the pleading. Therefore, the City Attorney stated the City's first response to the litigation will occur in the middle of August.

At this point, the time being 7:19 p.m., the Commission moved to the duly advertised Public Hearings portion of the Agenda.

9. PUBLIC HEARINGS:

9.A. ORDINANCE NO. 10-15 (SECOND READING): Motion to approve Ordinance No. 10-15, amending Chapter 33, "Police and Fire Rescue Departments", Section 33.60, "Definitions"; Section 33.62, "Benefit Amount and Eligibility", and Section 33.689, "Retirement Benefit Enhancement"; to conform the Code to the terms of the new Collective Bargaining Agreement.

The caption of Ordinance No. 10-15 is as follows:

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING CHAPTER 33 "POLICE AND FIRE-RESCUE DEPARTMENTS" AT TITLE 3 "PENSIONS," BY AMENDING SECTION 33.60, DEFINITIONS; AMENDING SECTION 33.62, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 33.689, RETIREMENT BENEFIT ENHANCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(The official copy of Ordinance No. 10-15 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. A public hearing was held having been legally advertised in compliance with the laws of the State of Florida and the Charter of the City of Delray Beach, Florida.

Mayor Glickstein declared the public hearing open. There being no one from the public who wished to address the Commission regarding Ordinance No. 10-15, the public hearing was closed.

Mr. Katz moved to adopt Ordinance No. 10-15 on Second and FINAL Reading, seconded on Deputy Vice Mayor Jacquet. Upon roll call the Commission voted as follows: Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Mayor Glickstein – Yes. Said motion passed with a 3 to 0 vote.

9.B. ORDINANCE NO. 12-15 (SECOND 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".

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. A public hearing was held having been legally advertised in compliance with the laws of the State of Florida and the Charter of the City of Delray Beach, Florida.

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

Mayor Glickstein declared the public hearing open. There being no one from the public who wished to address the Commission regarding Ordinance No. 12-15, the public hearing was closed.

Mr. Katz moved to adopt Ordinance 12-15 on Second and FINAL Reading, seconded by Deputy Vice Mayor Jacquet. Upon roll call the Commission voted as follows: Mr. Katz – Yes; Mayor Glickstein – Yes; Deputy Vice Mayor Jacquet – Yes. Said motion passed with a 3 to 0 vote.

9.C. ORDINANCE NO. 13-15 (SECOND READING): Motion to approve Ordinance No. 13-15, amending the Land Development Regulations (LDR) 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.

The caption of Ordinance No. 13-15 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 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.

(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. A public hearing was held having been legally advertised in compliance with the laws of the State of Florida and the Charter of the City of Delray Beach, Florida.

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

Mayor Glickstein declared the public hearing open.

Gary Eliopoulos, 205 George Bush Boulevard, Delray Beach, FL 33483 (GE Architecture), stated if you want to move a structure you must be a certified licensed house mover not a general contractor. He stated the homes that he has moved have been based on passion and commitment to historic preservation of these homes. Mr. Eliopoulos stated a lot of the restrictions in the ordinance are actually thrown back onto the owner and the architects, and he feels these restrictions may hurt them in long-term.

Claudia Willis, 160 Marine Way, Delray Beach, FL 33483, stated a building does not have to be relocated to be saved and the Secretary of Interior Standards is against relocation.

There being no one else from the public who wished to address the Commission regarding Ordinance No. 13-15, the public hearing was closed.

Brief discussion by Mayor Glickstein and Mr. Eliopoulos ensued about the requirement that house movers must be licensed by the State. The City Attorney stated this change would need to be incorporated into the ordinance.

Amy Alvarez, Senior Planner/Historic Preservation, stated most of the ordinance applies to contributing properties, individually designated properties, and eligible historic properties (structures that will be relocated into the district). Ms. Alvarez stated the criteria and the relocation plan applies to all of those; the relocation bond does not apply to the ones moving into the district because the City did not want that to discourage them.

Mayor Glickstein asked if there is anything in the ordinance that would be prohibitive to somebody doing what Mr. Eliopoulos has suggesting bringing a house into the district. Ms. Alvarez stated she does not believe the criteria are prohibitive.

In his opinion, Mayor Glickstein suggested that the ordinance reflect that you keep intact what you have for things already in the district adding the element of only a State licensed home mover can even move a house if it is approved and incentivize people to increase the quantity of historic structures in a district. Ms. Alvarez stated she believes staff has done everything they can to look at contributors and individually designated structures. Ms. Alvarez emphasized that we do not want to dis-incentivize.

Mr. Katz suggested that the Commission pass this ordinance tonight and create an ordinance in order to incentivize people to bring those homes into the district.

Mayor Glickstein suggested that staff look at best practices in other places and see what they have done to create real incentives and talk to people like Mr. Eliopoulos that have moved a lot of houses that are in the design field and what they feel would be a compelling argument that they could make to a client which is why you want to do this. Ms. Alvarez stated there are varying types of incentives and the primary one being the ad valorem tax exemption (which the City has now) where you are eligible for a ten year tax exemption on the increased value based upon improvements from a historic property.

After brief discussion, Mayor Glickstein stated he supports moving forward and staff coming back to the Commission with a sister ordinance that would create some incentives for people to specifically add to the City's historic housing stock.

Deputy Vice Mayor Jacquet gave a few brief comments and stated since one of the Commissioners who was very passionate about this is not present this evening he suggested that the Commission table this item.

Brief discussion followed by the Commission and Ms. Alvarez.

Mr. Katz supports moving forward with this and thanked Ms. Alvarez for all her work on this ordinance between the first reading and second reading.

Mr. Katz moved to adopt Ordinance No. 13-15 on Second and FINAL Reading. Mayor Glickstein passed the gavel to Deputy Vice Mayor Jacquet and seconded the motion. Upon roll call the Commission voted as follows: Mayor Glickstein – Yes; Deputy Vice Mayor Jacquet – No; Mr. Katz - Yes. Said motion **FAILED** with a 2 to 1 vote, Deputy Vice Mayor Jacquet dissenting.

Mr. Katz moved to *reconsider* this item, seconded by Mayor Glickstein. Upon roll call the Commission voted as follows: Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Mayor Glickstein – Yes. Said motion passed with a 3 to 0 vote.

Deputy Vice Mayor Jacquet moved to *continue this public hearing to a time certain of August 18, 2015*, seconded by Mr. Katz. Upon roll call the Commission voted as follow: Mr. Katz – Yes; Mayor Glickstein – Yes; Deputy Vice Mayor Jacquet – Yes. Said motion passed with a 3 to 0 vote.

9.D. **ORDINANCE NO. 14-15 (SECOND READING):** Motion to approve Ordinance No. 14-15, amending the Land Development Regulations (LDR) 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.

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. A public hearing was held having been legally advertised in compliance with the laws of the State of Florida and the Charter of the City of Delray Beach, Florida.

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

Mayor Glickstein declared the public hearing open. There being no one else from the public who wished to address the Commission regarding Ordinance No. 14-15, the public hearing was closed.

Deputy Vice Mayor Jacquet asked by moving this item forward how does this relate to the previous item that the Commission deferred (Ordinance No. 13-15). Amy Alvarez, Historic Preservation Planner stated this does not relate to the previous item that the Commission deferred (Ordinance No. 13-15).

Mr. Katz moved to adopt Ordinance No. 14-15 on Second and FINAL Reading, seconded by Deputy Vice Mayor Jacquet. Upon roll call the Commission voted as follows: Mayor Glickstein – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes. Said motion passed with a 3 to 0 vote.

9.E. ORDINANCE NO. 15-15 (SECOND READING): Motion to approve Ordinance No. 15-15, amending the Land Development Regulations (LDR) 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.

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 and presented this item to the Commission. A public hearing was held having been legally advertised in compliance with the laws of the State of Florida and the Charter of the City of Delray Beach, Florida.

Mayor Glickstein declared the public hearing open. There being no one from the public who wished to address the Commission regarding Ordinance No. 12-15, the public hearing was closed.

Mr. Katz moved to adopt Ordinance No. 15-15, seconded by Deputy Vice Mayor Jacquet. Upon roll call the Commission voted as follows: Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Mayor Glickstein – Yes. Said motion passed with a 3 to 0 vote.

9.F. ORDINANCE NO. 17-15: CIVIL RIGHTS (SECOND 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.

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. A public hearing was held having been legally advertised in compliance with the laws of the State of Florida and the Charter of the City of Delray Beach, Florida.

Mayor Glickstein declared the public hearing open. There being no one from the public who wished to address the Commission regarding Ordinance No. 17-15, the public hearing was closed.

Deputy Vice Mayor Jacquet moved to adopt Ordinance No. 17-15, seconded by Mr. Katz. Upon roll call the Commission voted as follows: Mr. Katz – Yes; Mayor Glickstein – Yes; Deputy Vice Mayor Jacquet – Yes. Said motion passed with a 3 to 0 vote.

8.B. RESOLUTION NO. 30-15: FY 2014/2015 BUDGET AMENDMENT:
Motion to approve by majority vote, Resolution No. 30-15 amending the Fiscal Year 2014-15 budget.

The caption of Resolution No. 30-15 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING RESOLUTION NO. 48-14 ADOPTED SEPTEMBER 16, 2014 WHICH MADE APPROPRIATIONS OF SUMS OF MONEY FOR ALL NECESSARY EXPENDITURES OF THE CITY OF DELRAY BEACH, FLORIDA, FOR THE FISCAL YEAR 2014/2015, BY SETTING FORTH THE ANTICIPATED REVENUES AND EXPENDITURES FOR THE OPERATING FUNDS OF THE CITY FOR THE FISCAL YEAR 2014/2015; REPEALING ALL RESOLUTIONS INCONSISTENT HEREWITH.

(The official copy of Resolution No 30-15 is on file in the City Clerk's office.)

Jack Warner, Chief Financial Officer (CFO), presented this item to the Commission.

Mr. Katz moved to approve Resolution No. 30-15, seconded by Deputy Vice Mayor Jacquet. Upon roll call the Commission voted as follows: Mr. Katz – Yes; Mayor Glickstein – Yes; Deputy Vice Mayor Jacquet – Yes. Said motion passed with a 3 to 0 vote.

8.C. THIS ITEM HAS BEEN MOVED TO THE NEXT REGULAR MEETING OF JULY 14, 2015.

8.D. SERVICE AUTHORIZATION NO. 12-07/CALVIN GIORDANO AND ASSOCIATES, INC./S.E. 4TH AVENUE BEAUTIFICATION: Motion to

Approve Service Authorization No. 12-07 with Calvin, Giordano and Associates, Inc. in the amount of \$129,968.16 for professional design services for the S.E. 4th Avenue Beautification (Project No. 15-011). This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(C)(3), "Professional Services". Funding is available from 334-3162-541-69.25 (General Construction Fund: Transportation/Road and Street Facilities/Other Improvements/S.E. 4TH Avenue Beautification) and 448-5461-538-69.25 (Storm Water Utility Fund: Physical Environment/Flood Control/Other Improvement/ S.E. 4TH Avenue Beautification).

Randal Krejcarek, Director of Environmental Services, presented this item to the Commission. Mr. Krejcarek stated this project is S.E. 4th Avenue from S.E. 2nd Street to Atlantic Avenue.

Mr. Katz moved to approve Service Authorization No. 12-07 with Calvin, Giordano and Associates, Inc. in the amount of \$129,968.16 for professional design services for the S.E. 4th Avenue Beautification, seconded by Deputy Vice Mayor Jacquet. Upon roll call the Commission voted as follows: Mayor Glickstein – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes. Said motion passed with a 3 to 0 vote.

8.E. RESCIND BID AWARD, BID NO. 2015-17/REPUBLIC CONSTRUCTION/ REBID THE NORTH AND SOUTH OCEAN BOULEVARD BEACH GAZEBOS: Motion to approve rescinding the April 6, 2015 bid award to Republic Construction, Bid No. 2015-17, and rejecting all bids received for the North and South Ocean Boulevard Beach Gazebos replacement project, and authorize staff to re-advertise the scope of work.

Randal Krejcarek, Director of Environmental Services, presented this item to the Commission and stated this is a request to rescind the award to Republic Construction that was awarded in April 2015 and reject all bids so that staff can rebid.

Mr. Katz asked when this is rebid will some of the mistakes be addressed. Mr. Krejcarek stated staff will review the bid documents to make sure they have the correct specs/materials.

Mayor Glickstein suggested that if the specs are requesting painted that there is a way in the process to have that broken out as a separate line item broken out in the bid. Mr. Krejcarek stated staff can look into this.

Deputy Vice Mayor Jacquet moved to approve to **rescind** the bid award to Republic Construction awarded in April 6, 2015 and **reject** all bids so that staff can rebid, seconded by Mr. Katz. Upon roll call the Commission voted as follows: Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Mayor Glickstein – Yes. Said motion passed with a 3 to 0 vote.

8.F. BID AWARD/F2 INDUSTRIES, LLC./CHEMICALS FOR WATER TREATMENT PLANT: Motion to approve a bid award, Bid No. 2015-41, to F2 Industries, LLC. at an annual cost not to exceed \$95,000.00 for the purchase and delivery of Poly Phosphate for use in the water treatment process. The contract term is

for two (2) years, with an option to renew for two (2) one (1) year periods, subject to annual budget appropriations. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(A)(1), "Sealed Competitive Method". Funding is available from 441-5211-536-52.21 (Water and Sewer Fund: Physical Environment/Water/Sewer Services/Operating Supplies/Chemicals).

Randal Krejcarek, Director of Environmental Services, presented this item to the Commission and stated this is for the purchase and delivery of Poly Phosphate for use in the water treatment process and is part of the City's permit with DEP.

Mr. Katz moved to approve the bid award to F2 Industries, LLC (*low bidder*), seconded by Deputy Vice Mayor Jacquet. Upon roll call the Commission voted as follows: Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Mayor Glickstein – Yes. Said motion passed with a 3 to 0 vote.

8.G. BID AWARD/B & B UNDERGROUND CONTRACTOR, INC./ALLEN AVENUE DRAINAGE IMPROVEMENTS PROJECT: Motion to Approve a bid award, Bid No. 2015-46, to B & B Underground Contractor, Inc. in the amount of \$81,278.00 for construction of the Allen Avenue Drainage Improvements Project (Project No. 2009-0015). This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02 (A)(1), "Competitive Bids". Funding is available from 448-5461-538-68.55 (Storm Water Utility Fund: Physical Environment/Flood Control/Other Improvements/Allen Drive Drainage).

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

Mr. Katz moved to approve a bid award to B & B Underground Contractor, Inc. in the amount of \$81,278.00, seconded by Deputy Vice Mayor Jacquet. Upon roll call the Commission voted as follows: Mr. Katz – Yes; Mayor Glickstein – Yes; Deputy Vice Mayor Jacquet – Yes. Said motion passed with a 3 to 0 vote.

8.H. BID AWARD/ CLUB CAR, INC./ LEASE AGREEMENT FOR USED GOLF CARTS: Motion to Approve a bid award, Bid No. 2015-43, to Club Car, Inc. in the amount of \$236,100.00 to lease 60 used golf carts for a 60-month term for use at the Lakeview Golf Course; consider approval to trade-in 60 used golf carts for \$96,000.00 for a net cost to the City of \$140,100.00 and approve the vendor financing a lease agreement for \$2,535.60 per month for a 60-month term. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(A)(1), "Competitive Bids", and Section 36.08(A), "Trade-in". Funding is available from 446-7111-582-71.30 (Lakeview Golf Course Fund: Debt Service/Principal/Capital Lease-Principal).

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

Suzanne Davis, Director of Parks and Recreation, stated this would be a trade-in for a lease; the golf carts are 60 days old and used at another course for tournament and then turned back in. Ms. Davis stated the golf carts the City has now are seven (7) years old; the City is trading seven (7) year old golf carts in for sixty (60) day old golf carts through a leasing method.

Deputy Vice Mayor Jacquet moved to approve a bid award Bid No. 2015-43 to Club Car, Inc. in the amount of \$236,100.00 whereas the City is trading seven (7) year old golf carts in for sixty (60) day old golf carts through a leasing method, seconded by Mr. Katz. Upon roll call the Commission voted as follows: Mayor Glickstein – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes. Said motion passed with a 3 to 0 vote.

8.I. PURCHASE AWARD/WATER TREATMENT & CONTROLS COMPANY/LIME SLAKER UNIT FOR THE WATER TREATMENT PLANT:

Motion to Approve the purchase of a replacement Lime Slaking Unit for the Water Treatment Plant from Water Treatment & Controls Company, a “Sole Source” provider, in the amount of \$184,727.00. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(C)(6)(a), “Sole Source”, and Section 36.02(C)(6)(b), “City Standard”. Funding is available from 442-5178-536-64.90 (Water and Sewer Renewal and Replacement Fund: Physical Environment/Water/Sewer Services/Machinery/Equipment/Other Machinery/Equipment).

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

Mr. Katz moved to approve the purchase award for a replacement Lime Slaking Unit for the Water Treatment Plant from Water Treatment & Controls Company in the amount of \$184,727.00, seconded by Deputy Vice Mayor Jacquet. Upon roll call the Commission voted as follows: Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Mayor Glickstein – Yes. Said motion passed with a 3 to 0 vote.

8.J. BID AWARD /MULTIPLE VENDORS/COOPERATIVE BID:

Motion to approve a one-year extension through July 2, 2016 for Bid 051-2210-14, City of Boynton Beach is lead agency for JMA to Bound Tree Medical, LLC., Henry Schein, Inc. and Nashville Medical & EMS Products, Inc. in an amount not to exceed \$200,000.00 for medical and medication supplies. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(C)(8), “Cooperative Acquisitions”. Funding is available from various sources.

Holly Vath, Chief Purchasing Officer, presented this item to the Commission and stated the City of Delray Beach and Boynton Beach do a joint bid and stated this is an extension of the bid award done in August of 2014 for medical supplies that are used in the EMS facility and everything used through EMS patient care that goes in the ambulance is part of this cooperative bid.

Mr. Katz moved to approve the bid award for a one year extension to multiple vendors in the amount not to exceed \$200,000.00 for medical and medication supplies, seconded by Deputy Vice Mayor Jacquet. Upon roll call the Commission voted as follows: Mr. Katz – Yes; Mayor Glickstein – Yes; Deputy Vice Mayor Jacquet – Yes. Said motion passed with a 3 to 0 vote.

8.K. AMENDMENT NO. 1 TO TRIPARTY INTERLOCAL AGREEMENT FOR THE RELEASE OF RIGHT OF REVERTER ENCUMBERING REAL PROPERTY RELATIVE TO THE OLD LIBRARY SITE AND CHAMBER OF COMMERCE RELOCATION: Motion to approve Amendment No. 1 to the Triparty Interlocal Agreement between the City, the Community Redevelopment Agency (CRA) and the Greater Delray Beach Chamber of Commerce for the Release of Right of Reverter Encumbering Real Property relative to the Old Library Site and Chamber of Commerce relocation.

The City Attorney stated the agreement to Amendment No. 1 requires the Community Redevelopment Agency (CRA) to pay the sum of \$2.27 million for property which was previously sold by the City to the CRA. The CRA has been paying this purchase price by making annual installments for this purchase. The City Attorney stated Amendment No. 1 modifies a payment schedule by providing an extra \$1 million in fiscal year 2015 and this will shorten the repayment period from ten years to six years and will save the CRA approximately \$200,000.00 of interest. The City Attorney stated there are no substantive changes to this amendment other than amending the payment schedule. In 2008, the City Attorney stated the City agreed to convey this property to the CRA as a site for the future development of a hotel facility and the agreement contained a reverter clause which provided that if the CRA failed to convey the property to the developer as required by the terms of the Contract for Purchase and Sale, the City had a Right of Reverter to get the property back. The City Attorney stated this property never closed and in 2012 three parties entered into an agreement where the City waived its contractual right to the reverter. The City Attorney stated one year ago the City adopted a resolution approving the conveyance of some additional small strips of land on the perimeter of the site which was thought to be dedicated right-of-way; however, when they obtained a title commitment it turned out that it was not dedicated right-of-way but it was owned by the City. The City Attorney made reference to his memorandum that captures a lot of the questions that were asked with respect to the underlining agreements.

Brief discussion between Mr. Katz and Mayor Glickstein ensued.

After brief discussion, the City Attorney suggested that the Commission approve the agreement as amended and direct the City Attorney to revise the agreement to limit the scope of the amendment to revising the payment schedule only.

Mr. Katz stated he would like to reconsider a new motion next week to approve a new payment plan for this with no conditions.

The City Attorney stated he will do a revised form of an amendment and it will be limited in scope to only address the repayment schedule with no reference to the reverter.

Mr. Katz moved to **table** to the July 14, 2015, City Commission regular meeting, seconded by Deputy Vice Mayor Jacquet. Upon roll call the Commission voted as follows: Mayor Glickstein – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes. Said motion to **table** passed with a 3 to 0 vote.

8.L. NOMINATION FOR APPOINTMENT OF CHAIRPERSON AND VICE-CHAIRPERSON FOR THE COMMUNITY REDEVELOPMENT AGENCY (CRA) BOARD: Consider appointment of a Chairperson and Vice-Chairperson for the Community Redevelopment Agency (CRA) Board.

Mr. Katz moved to **table** the nomination for appointment of Chairperson and Vice-Chairperson for the Community Redevelopment Agency (CRA), seconded by Deputy Vice Mayor Jacquet. Upon roll call the Commission voted as follows: Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Mayor Glickstein – Yes. Said motion to **table** passed with a 3 to 0 vote.

8.M. NOMINATION FOR APPOINTMENT TO THE DOWNTOWN DEVELOPMENT AUTHORITY: Nomination for appointment of one (1) regular member to serve on the Downtown Development Authority for a three (3) year term ending July 1, 2018. Based on the rotation system, the nomination for appointment will be made by Commissioner Katz (Seat #3).

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

8.N. NOMINATIONS FOR APPOINTMENT TO THE KIDS AND COPS COMMITTEE: Nominations for appointment of three (3) At-Large Representatives and one (1) Citizen-at-Large Representative to serve on the Kids and Cops Committee for two (2) year terms ending July 31, 2017. Based on the rotation system, the nominations for appointment will be made by Deputy Vice Mayor Jacquet (Seat #2), Commissioner Katz (Seat #3), Commissioner Jarjura (Seat #4) and Mayor Glickstein (Seat #5).

Deputy Vice Mayor Jacquet moved to nominate Kenya Madison to the Kids and Cops Committee as an At-Large Representative to serve a two (2) year term ending July 31, 2017, seconded by Mayor Glickstein. Upon roll call the Commission voted as follows: Mayor Glickstein – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes. Said motion passed with a 3 to 0 vote.

Mr. Katz moved to nominate Jennifer Aracri (incumbent) to the Kids and Cops Committee as an At-Large Representative to serve a two (2) year term ending July 31, 2017, seconded by Deputy Vice Mayor Jacquet. Upon roll call the Commission voted as follows: Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Mayor Glickstein – Yes. Said motion passed with a 3 to 0 vote.

Due to Commissioner Jarjura's absence, her nomination for appointment will be deferred to the next regular meeting of July 14, 2015.

Mayor Glickstein moved to nominate Cory Cassidy (incumbent) to the Kids and Cops Committee as a Citizen-at-Large Representative to serve a two (2) year term ending July 31, 2017, seconded by Deputy Vice Mayor Jacquet. Upon roll call the Commission voted as follows: Mr. Katz – Yes; Mayor Glickstein – Yes; Deputy Vice Mayor Jacquet – Yes. Said motion passed with a 3 to 0 vote.

8.O. NOMINATIONS FOR APPOINTMENT TO THE NUISANCE ABATEMENT BOARD: Nominations for appointment of three (3) regular members to serve on the Nuisance Abatement Board for two (2) year terms ending July 31, 2017. Based on the rotation system, the nominations for appointment will be made by Mayor Glickstein (Seat #5), Vice Mayor Petrolia (Seat #1) and Deputy Vice Mayor Jacquet (Seat # 2).

Mayor Glickstein moved to nominate Philip Friedman (incumbent) to the Nuisance Abatement Board as a regular member to serve a two (2) year term ending July 31, 2017, seconded by Deputy Vice Mayor Jacquet. Upon roll call the Commission voted as follows: Mr. Katz – Yes; Mayor Glickstein – Yes; Deputy Vice Mayor Jacquet – Yes. Said motion passed with a 3 to 0 vote.

After brief discussion, it was the consensus of the Commission to direct the City Attorney to demolish this board and merge its functions with the Police Advisory Board.

8.P. NOMINATIONS FOR APPOINTMENT TO THE GREEN IMPLEMENTATION ADVANCEMENT BOARD: Nominations for appointment of two (2) regular members and two (2) alternate members to serve on the Green Implementation Advancement Board for two (2) year terms ending July 31, 2017. Based on the rotation system, the nominations for appointment will be made by Mayor Glickstein (Seat #5), Vice Mayor Petrolia (Seat #1), Deputy Vice-Mayor Jacquet (Seat #2) and Commissioner Katz (Seat #3).

Mayor Glickstein moved to nominate Cindi Freeburn to the Green Implementation Advancement Board as a regular member to serve a two (2) year term ending July 31, 2017, seconded by Mr. Katz. Upon roll call the Commission voted as follows: Mayor Glickstein – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes. Said motion passed with a 3 to 0 vote.

Due to her absence, Vice Mayor Petrolia's appointment will be deferred to the next regular meeting of July 14, 2015.

Deputy Vice Mayor Jacquet moved to nominate Giulia Pace (incumbent) to the Green Implementation Advancement Board as an alternate member to serve a two (2) year term ending July 31, 2017, seconded by Mayor Glickstein. Upon roll call the Commission voted as follows: Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Mayor Glickstein – Yes. Said motion passed with a 3 to 0 vote.

Mr. Katz stated he would like to defer his appointment to the next regular meeting of July 14, 2015.

Mr. Katz suggested that a member of the Green Implementation Board also serve on the Parking Advisory Board as *a full voting member* so that the Parking Advisory Board is starting to look at some green initiatives, etc. In other words, Mr. Katz stated he would like to eliminate an At-Large member (but still keeping the number of board members the same) and making that At-Large a Green Implementation Board member.

Brief discussion followed by the Commission that they would like to see that a Green Implementation Board member also be a Parking Advisory Board member.

The City Attorney stated if it is a categorical requirement then it is *not* a conflict, if it was *not* a categorical requirement, then the Commission could not put another board member on a board.

The City Commission directed the City Attorney to draft a resolution to add a Green Implementation Board member to the Parking Management Advisory Board.

8.Q. NOMINATIONS FOR APPOINTMENT TO THE PUBLIC ART ADVISORY BOARD: Nominations for appointment of three (3) regular members to serve on the Public Art Advisory Board for two (2) year terms ending July 31, 2017. Based on the rotation system, the nominations for appointment will be made by Vice-Mayor Petrolia (Seat #1), Deputy Vice Mayor Jacquet (Seat #2) and Commissioner Katz (Seat #3).

Due to her absence, Vice Mayor Petrolia's appointment will be deferred to the next regular meeting of July 14, 2015.

Deputy Vice Mayor Jacquet moved to nominate Daniel Bellante (incumbent) as a regular member to the Public Art Advisory Board to serve a two (2) year term ending July 31, 2017, seconded by Mr. Katz. Upon roll call the Commission voted as follows: Mr. Katz – Yes; Mayor Glickstein – Yes; Deputy Vice Mayor Jacquet – Yes. Said motion passed with a 3 to 0 vote.

Mr. Katz moved to nominate Francesca Mallows to the Public Art Advisory Board as a regular member to serve for a two (2) year term ending July 31, 2017, seconded by Deputy Vice Mayor Jacquet. Upon roll call the Commission voted as follows: Mayor Glickstein – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes. Said motion passed with a 3 to 0 vote.

Mr. Katz moved to approve the Consent Agenda as amended, seconded by Deputy Vice Mayor Jacquet. Upon roll call the Commission voted as follows: Mayor Glickstein – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes. Said motion passed with a 3 to 0 vote.

10. FIRST READINGS:

A. None

11. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS.

11.A. City Manager

The City Manager stated he has been asked by the Commission to provide an update for senior staff hiring. The City Manager stated he has made an offer verbally and it has been accepted verbally for Chief Information Technology Officer Director of IT and the City is in the process of finalizing a contract. Secondly, the City Manager stated he met with Slavin and Associates for the recruitment and hiring of the Assistant City Manager (ACM) and he fully expects that to be completed by the end of August 2015. Lastly, the City Manager stated he will be interviewing the Human Resources Director candidates this week and next week and hopes to make that decision by the end of the month.

11.B. City Attorney

The City Attorney stated he will be on vacation beginning Thursday, July 9, 2015 for approximately twelve (12) days, therefore Assistant City Attorney Michael Dutko will be present at the July 14, 2015 City Commission meeting.

11.C. City Commission

11.C.1. Deputy Vice Mayor Jacquet

Deputy Vice Mayor Jacquet stated the end of July he will be in Haiti and he is hoping to be back for the August 11, 2015 City Commission meeting.

11.C.2. Commissioner Katz

Commissioner Katz complimented the DBMC and the Parks and Recreation Department for the 4th of July activities downtown and stated it was very well done. In addition, Commissioner Katz gave kudos to the Police Department and Fire-Rescue Department for the crowd control.

Secondly, with regard to the mature trees, Commissioner Katz stated he would like to consider making sure staff is potentially utilizing volunteers within the

community to help alleviate some of that pressure. He stated there are citizens that might step up if staff cannot handle that.

Commissioner Katz asked the City Manager to see if the City's Marina is fit for live-aboards.

Lastly, Commissioner Katz stated he will be attending the Florida League of Cities Conference August 13-15, 2015. Mr. Jacquet stated he plans to attend this conference as well.

11.C.3. Mayor Glickstein

Mayor Glickstein commented about whether the City's Landscape Planner is a certified Arborist. Mayor Glickstein stated tree preservation is not something new and there are a lot of ways that the City can prohibit that and more importantly incentivize the transplantation of these trees because the problem seems to be in urban areas where there are canopy trees that are in service parking lots that cannot survive, or are not compatible with the setbacks that we have. He stated the City has beautiful live oaks scattered around the downtown and those are things that we should be looking at to save. However, Mayor Glickstein stated live oaks are probably the most problematic tree to transplant and move. Mayor Glickstein suggested that staff look at an ordinance that prohibits the clear cutting of trees.

Secondly, Mayor Glickstein stated as in drove in tonight on Atlantic Avenue on N.E. 2nd Avenue he looked to his right and left and saw a clear sidewalk next to The Office and the restaurants on the south side. He stated it was a noticeable difference because there was not double stacking of tables. Mayor Glickstein complimented Mr. Coleman and the Community Improvement staff for doing a great job with in getting compliance on Atlantic Avenue.

Mayor Glickstein stated he was hoping that the beach area would get their update to their design manual to staff and asked that Mr. Stillings look into this. Mayor Glickstein stated there has been some things in the beach area either through the aggregation of an adjacent lot or the placement of the front entry door in a different location where people that live on the end of the street are changing the view plane of the street by now changing what was a front setback of thirty (30) feet to a side setback of seventeen (17) feet. For example, Mayor Glickstein stated at the east end of Seaspray Avenue there is an example of where they have aggregated property. He stated there is a parallel line of setbacks; everybody is on the same front setback, but then someone at the end of the street (because they have acquired more land) where they have moved the front entry door are now treating what was the front as their side; you have now taken away fifteen (15) feet of view down the street for everybody that is the other direction of that. Therefore, Mayor Glickstein stated he would like to see something that would eliminate that from occurring. He stated it creates a hardship for everybody on the street by somebody recasting that front entry through various means.

With respect to the mid-year budget, Mayor Glickstein stated staffing and retention continues to be an issue to the City's salary structure and there have been some improvements since the Ocean Rescue has come under the Fire-Rescue Department. However, Mayor Glickstein stated he would like an update on this from staff.

Mayor Glickstein stated the developer's availed themselves of improvements that were going in along Federal Highway and they did something while the roadwork was being done so that they would not have to come back and rip up the road. He stated the section of sidewalk between northbound Federal Highway and 7th is an obstacle course. Mayor Glickstein stated this is ultimately the property owner's responsibility and you cannot walk there safely. Furthermore, Mayor Glickstein stated that the temporary fence should be anchored so that it is completely out of the sidewalk or they need to get rid of the fence.

Lastly, Mayor Glickstein complimented the DBMC, the Police Department, and the Fire-Rescue Department and stated he has heard nothing but glowing reviews regarding the 4th of July Celebration.

There being no further business, Mayor Glickstein declared the meeting adjourned at 8:59 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 July 7, 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.

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