

City of Delray Beach

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Minutes - Final

Tuesday, January 10, 2017

6:00 PM

Regular Meeting at 6:00 PM

Delray Beach City Hall

City Commission

1. ROLL CALL

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 6:00 p.m., on Tuesday, January 10, 2017

Roll call showed:

Present:

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

Absent:

None

Also present were:

Neal deJesus, Interim City Manager
Max Lohman, City Attorney
Chevelle D. Nubin, City Clerk

2. PLEDGE OF ALLEGIANCE TO THE FLAG**3. PRESENTATIONS:**

3.A. [17-044](#) PRESENTATION FROM THE SCHOOL DISTRICT OF PALM BEACH COUNTY SOUTH REGIONAL OFFICE REGARDING PINE GROVE ELEMENTARY SCHOOL

Sponsors: Community Improvement

Mr. Neal deJesus, Interim City Manager, introduced Acting Fire Chief Keith Tomey. Chief Tomey gave brief comments. Mayor Glickstein welcomed Chief Tomey and provided brief comments.

Ms. Jamie Wyatt introduced Ms. Shanta King as the new principal of Pine Grove Elementary School. Ms. King gave brief comments.

Mayor Glickstein welcomed Ms. King on behalf of the City Commission.

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

Mr. de Jesus, Interim City Manager, spoke regarding the First Responders Week Proclamation the city received yesterday via email.

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

Mr. de Jesus had no outstanding comments from the last meeting.

4.B. From the Public

Public Comments:

1. Mr. Bob Lewandowsky spoke regarding Federal Highway.
2. Ms. Marjorie Walden spoke regarding the Arts Garage and introduced the staff.
3. Mr. Steve Blum spoke regarding the election.
4. Ms. Pauline Moody spoke regarding developers and contractors. She also spoke regarding staff.
5. Ms. Bruce Bastian spoke regarding the Bike Share program item on the Consent Agenda and stated he is representing Human Powered Delray (HPD).
6. Mr. Hugh Garvey spoke regarding Federal Highway.
7. Mr. Kevin Warner stated he is speaking against the requested extension for Delray Place and elections.
8. Mrs. Yvonne Odom thanked those who spoke on her behalf to be appointed to Seat #2. She stated the city has always had a communication piece and spoke regarding politics. She stated she is disappointed in what happened with the seat.
9. Mr. Lewis Andrews spoke regarding traffic on Lake Ida road and Village Academy.
10. Mr. Gabriel Lewis spoke regarding his company and the help that has been provided by Little Caesar's Pizza at his events.
11. Mr. Albert Richwagen spoke regarding the Bike Share Program.
12. Mr. Ari Whiteman stated for the last five years he has observed the City Commission and feels that the vision of the city has been lost. He asked the City Commission to get it together.
13. Mr. Jason Bregman spoke regarding the Bike Share program and

commented regarding Delray Place.

14. Mr. Kevin Homer stated he is on the Code Enforcement Board and discussed the appointment.

15. Mr. Martin Cherry discussed the delay regarding the Delray Place appeal.

16. Ms. Justina Boughton stated she owns the Colony Hotel and discussed Federal Highway and the Bike Share program and where the stations would be located on Atlantic Avenue.

17. Ms. Kelli Freeman spoke regarding Delray Place South and asked that it not be postponed.

18. Ms. Christina Morrison spoke regarding Delray Place and discussed the area that is not being maintained. She also spoke regarding the Bike Sharing program.

19. Mr. James Quillien spoke about a code enforcement issue and commended Mr. Coleman for great work. He stated he would like a review of how code enforcement and community improvement is relayed to the neighborhoods.

20. Mr. Ron Gilinsky spoke regarding the traffic on South Federal Highway and speeding on North Federal Highway and stated there is no enforcement there.

21. Mr. Gerry Franciosa spoke regarding the Delray Place extension.

22. Mr. Douglas Hawk spoke regarding the Beacon Plat.

23. Mr. Odie Botson (sp) stated he echoes what Mr. Hawk just spoke about regarding Beacon Plat and stated having a through road would be very disruptive.

24. Ms. Linda Amstead (sp) spoke regarding the Beacon Plat.

25. Mr. Phil Colnon stated he is in favor of the approval of the Beacon Plat but stated his concern is the direction that was given by the Planning and Zoning Board regarding traffic calming and stated this was not added to the plat design. He discussed the road.

26. Ms. Amy ? spoke regarding the Beacon Plat, the tree and stated she does not want a through street.

There being no further request, Mayor Glickstein closed public comments.

5. AGENDA APPROVAL.

Mr. de Jesus stated staff requests that Items 7.A.1. and 7.A.6. be pulled from the agenda and Items 6.A. moved to 7.A.A., Item 6.C. moved to Item 7.B.B. and Item 6.J. moved to Item 7.C.C. In addition, Mayor Glickstein requested that Item 10.A.1. be moved to the beginning of the Regular Agenda.

approved as amended

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

6. CONSENT AGENDA: City Manager Recommends Approval

approved as amended

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

6.A. [17-038](#) CERTIFICATION OF THE FINAL PLAT FOR BEACON PLAT

Recommendation: Motion to Certify the Final Plat for the **Beacon Plat**, by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in Land Development Regulations Section 2.4.5(J)(Major Subdivisions), Section 3.2.3 (Standards for Plat Actions) and Section 3.1.1 (Required Findings).

Sponsors: Planning & Zoning Department

Attachments: [Beacon Plat - Complete Staff Report with Attachments - 12-19-16](#)

Mr. Stillings presented this item.

Vice Mayor Jarjura stated concerns have been raised about this and commented regarding the parameters of the plat approval that the City Commission has to operate under. She asked Mr. Lohman to discuss purview.

Mr. Lohman explained plat approvals.

Vice Mayor Jarjura spoke regarding the plat approval, the tree and the suggestions/configurations sent in by Mr. Jefferson.

Commissioner Petrolia spoke regarding the plat change to five lots from four lots.

Mr. Stillings discussed the current and proposed layouts and a conversation he had with Mr. Marc Julien.

Mayor Glickstein asked where exactly is the tree.

Michael Weiner, on behalf of Michael J. Sebastian, Jr., spoke regarding the plat.

Mayor Glickstein asked what is the mechanism beyond the plat process that will resolve this-will the tree remain forever. He also commented regarding ingress and egress.

Vice Mayor Jarjura spoke regarding neighborhood streets.

Commissioner Katz asked the City Attorney to explain the plat approval.
approved

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

6.B. [17-043](#) APPROVAL OF HISTORIC DEPOT SQUARE CERTIFICATION OF FINAL PLAT

Recommendation: Motion to Certify the Final Plat for **Historic Depot Square Replat**, by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in Section 2.4.5(J) (Major Subdivisions), Section 3.2.3 (Standards for Site Plan and/or Plat Actions) and Section 3.1.1 (Required Findings for Land Use and Land Development Applications) of the Land Development Regulations).

Sponsors: Planning & Zoning Department

Attachments: [Depot Square Apartments location map](#)
[Depot Square Apartments Aerial](#)
[Historic Depot Square Replat - Plat revised 11-17-16](#)
[Historic Depot Square Replat - Survey revised 11-17-16](#)
[Planning and Zoning Board Certification of Final Plat Report](#)

6.C. [17-004](#) APPROVAL OF RANKING AND AUTHORIZATION TO ENTER INTO NEGOTIATIONS FOR A BICYCLE SHARING PROGRAM

Recommendation: Motion to Approve the ranking of responses and authorize staff to enter into negotiations for an Agreement for a Bicycle Sharing Program.

Sponsors: Purchasing Department

Attachments: [2017-003 Bike Sharing Program \(Complete\)](#)
[2017-003 Scoring Summary-FINAL](#)

Theresa Webb, Purchasing Director, presented this item and stated purchasing recommends approval.

Vice Mayor Jarjura explained why she pulled this item and stated she had a lot of the same concerns that the community and business owners raised. She stated when she pulled the proposal it answered a lot of her questions.

Javier ?, Environmental Services Department, spoke regarding the item.

Vice Mayor Jarjura encouraged staff to work with Human Powered Delray regarding this program.

Javier discussed his previous experience with the development of a bike share program.

Deputy Vice Mayor Katz asked about helmets.

Commissioner Petrolia spoke regarding bike to auto incidents and stated she feels the city is moving on this too soon and commented regarding the stations.

Mr. John Morgan, Environmental Services Director, discussed the program and the priorities that were previously set by the City Commission.

Mayor Glickstein stated he is skeptical and referenced other programs. He stated he likes the idea of starting small. He stated he appreciates the work.

approved

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

- 6.D.** [17-007](#) AMENDMENT TO EXTEND THE AGREEMENT WITH BJCE, INC. FOR MUNICIPAL GOLF CLUB AND LAKEVIEW GOLF CLUB MANAGEMENT
- Recommendation:** Motion to Approve an amendment to extend the Agreement with BJCE, Inc. for Municipal Golf Club and Lakeview Golf Club Management Agreement for thirty days through January 31, 2017.

Sponsors: Purchasing Department

Attachments: [Amendments Golf](#)

- 6.E.** [17-009](#) AMENDMENT TO EXTEND THE AGREEMENT WITH DUBIN & ASSOCIATES, INC. FOR DELRAY BEACH MUNICIPAL TENNIS CENTER AND DELRAY SWIM AND TENNIS CLUB MANAGEMENT

Recommendation: Motion to Approve an amendment to extend the Agreement with Dubin & Associates, Inc. for Delray Beach Municipal Tennis Center and Delray Swim and Tennis Club Management Agreement for sixty days through February 28, 2017.

Sponsors: Purchasing Department

Attachments: [DUBIN & ASSOCIATES](#)

6.F. [17-010](#) AMENDMENT TO EXTEND THE AGREEMENT WITH JCD SPORTS GROUP, INC. FOR CONSULTING SERVICES FOR THE CITY OF DELRAY BEACH TENNIS CENTER

Recommendation: Motion to Approve an amendment to extend the Agreement with JCD Sports Group, Inc. for sixty days through February 28, 2017 for Consulting Services to develop strategies to attract special events, for event management, and to assist in the development of additional revenue sources for the City of Delray Beach Tennis Center Agreement.

Sponsors: Purchasing Department

Attachments: [JCD SPORTS GROUP](#)

6.G. [17-065](#) APPROVAL OF THE FIRST ADDENDUM TO THE EMPLOYMENT AGREEMENT WITH NEAL DEJESUS

Recommendation: Motion to Approve the First Addendum to the employment agreement with Neal DeJesus for the position of Interim City Manager of the City of Delray Beach.

Attachments: [First Addendum to Employment Agreement Dated 11222016 \(Interim CM\)](#)

6.H. [17-019](#) RATIFICATION OF AN EMERGENCY PURCHASE TO SOUTHERN SEWER EQUIPMENT SALES FOR THE REPLACEMENT OF THE DEBRIS TANK ON VACCON SEWER VAC TRUCK #6185

Recommendation: Motion to Ratify an emergency purchase to Southern Sewer Equipment Sales in the amount of \$32,126.65 for the replacement of the debris tank on VacCon sewer truck #6185, assigned to the ESD Storm Water Maintenance Department.

Sponsors: Purchasing Department

Attachments: [Acquisition Approval to Southern Sewer Equipment Sales - replace debris tank on VacCon sewer vac truck #6185](#)

6.I. [17-023](#) REJECT ALL BIDS FOR ITB 2017-017 SAFETY SUPPLIES

Recommendation: Motion to Reject all bids received in response to ITB 2017-017 for safety supplies for the City Central Warehouse inventory.

Sponsors: Purchasing Department

Attachments: [2017-017 Tab Sheet](#)
[2017-017 ITB](#)
[2017-017 Addendum No. 1](#)
[2017-017 Addendum No. 2](#)

- 6.J. [17-026](#) AMENDMENT NO. 1 TO SERVICE AUTHORIZATION 12-07 TO KIMLEY-HORN AND ASSOCIATES, INC. FOR THE EAST ATLANTIC AVENUE MEDIAN AND CROSSWALKS PROJECT.

Recommendation: Motion to approve Amendment No. 1 to Service Authorization No. 12-07 with Kimley-Horn and Associates, Inc. in the amount not-to-exceed \$15,643 for additional professional engineering services related to the East Atlantic Avenue Median and Crosswalks Project (Project No. 14-008).

Sponsors: Environmental Services Department

Attachments: [12-07.1 KHA](#)
[KHA SA 12-07](#)
[Location_Map_Venetian Gleason](#)

Mr. Morgan presented this item.

Commissioner Petrolia discussed sidewalks and permeable surfaces.

Vice Mayor Jarjura commented regarding infrastructure plan.
approved

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

- 6.K. [17-027](#) APPROVAL OF AN AGREEMENT WITH OFFICE DEPOT, INC. UTILIZING THE STATE OF FLORIDA CONTRACT NO. 618-000-11-1

Recommendation: Motion to Approve an Agreement with Office Depot, Inc. for office supplies through April 17, 2017 in an amount not-to-exceed \$75,000 utilizing the State of Florida Term Contract No. 618-000-11-1.

Sponsors: Purchasing Department

Attachments: [Contract 618-000-11-1](#)
[Best Price Certification](#)

- 6.L. [17-041](#) PURCHASE AGREEMENT TO HD SUPPLY WATERWORKS, LTD. FOR PIPE, VALVES, AND FITTINGS

Recommendation: Motion to award an annual purchase agreement to HD Supply Waterworks, LTD. in a not-to-exceed amount of \$65,000 for Pipe, Valves, and Fittings.

Sponsors: Purchasing Department

Attachments: [2017-023 Bid Tabulation](#)
[2017-023 Price Comparison](#)
[2017-023 Complete ITB](#)
[2017-023 Addendum No. 1](#)
[2017-023 Addendum No. 2](#)
[2017-023 Addendum No. 3](#)

6.M. [17-016](#) PALM BEACH COUNTY INFORMATION SYSTEMS SERVICES NON-AD VALOREM ASSESSMENT SUPPORT SERVICES INTERLOCAL AGREEMENT

Recommendation: Motion to Approve an interlocal agreement with Palm Beach County to utilize the County's Information Systems Services Department to calculate the annual non-ad valorem tax role for the City of Delray Beach Stormwater Utility.

Sponsors: Environmental Services Department

Attachments: [Interlocal Agreement for Assignment of Property Data and Development of Annual Assessments for Palm Beach County Non-Ad Valorem Districts \(February 9, 2016\)](#)
[EXHIBIT 1 Non-Ad Valorem Assessment Support Services](#)

6.N. [17-067](#) RESOLUTION NO. 02-17

Recommendation: Motion to Approve Resolution No. 02-17 regarding the March 14, 2017 First Non-Partisan Election.

Attachments: [Res 02-17 Calling for Election 03142017](#)

6.O. PROCLAMATIONS:

6.O.1. [17-072](#) Martin Luther King, Jr. Day - Proclamation

Sponsors: City Clerk Department

Attachments: [MARTIN LUTHER KING JR. DAY 2017](#)

Mayor Glickstein read the proclamation into record.

6.O.2 [17-066](#) CALLING FOR THE FIRST NON-PARTISAN ELECTION TO BE HELD ON MARCH 14, 2017

Recommendation: Proclamation calling for the Delray Beach First Non Partisan Election to be held on March 14, 2017.

Attachments: [ELECTION PROCLAMATION](#)

6.P. [17-037](#) REPORT OF APPEALABLE LAND USE ITEMS NOVEMBER 26, 2016 THROUGH DECEMBER 9, 2016

Recommendation:

Motion to receive and file this report.

Sponsors: Planning and Zoning Board

Attachments: [Location Map .pdf](#)
[Wheels From the Heart 12212016](#)
[D&B Tile 12212016](#)
[SilverBall Museum 12212016](#)
[Seaglass Cottages - Appealable Report](#)
[Seaglass Cottages CLV - SPRAB Report - 11-30-16.pdf](#)
[231 NE 1st Avenue Appealable Report.pdf](#)
[218 NE 5th Court Demolition Appealable Report.pdf](#)

6.Q. AWARD OF BIDS AND CONTRACTS:

6.Q.1. None

7. REGULAR AGENDA:

7.A. [17-073](#) ROUTINE BUSINESS: (All Items Under this Subsection to be Approved by one Motion. Any Item Under Routine Business May Be Moved by Commission for Separate Consideration)

Approved Items 7A2 and 7A5

Items 7A3 and 7A4 were pulled for questions.
approved as amended

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

7.A.1. [17-001](#) AWARD OF AGREEMENT TO CDM SMITH, INC. IN AN ANNUAL AMOUNT NOT-TO-EXCEED \$250,000 FOR CITY-WIDE PROJECT MANAGEMENT SERVICES

Recommendation: Motion to Award a one year Agreement to CDM Smith, Inc. in an annual not-to-exceed amount of \$250,000.for City-wide Project Management Services.

Sponsors: Purchasing Department

Attachments: [2016-111C - Agreement no expense reimb](#)
[Project List](#)

7.A.2. [17-020](#) PURCHASE AWARD TO HUB CITY FORD-MERCURY, INC. FOR THE PURCHASE OF THREE FORD F-150 4X2 PICKUP TRUCKS AND ONE (1) FORD F-250 PICKUP TRUCK

Recommendation: Motion to Approve a purchase award to Hub City Ford-Mercury, Inc. for three Ford F-150 4x2 pickup trucks (Specification #49) and one Ford F-250 pickup truck (Specification #55) for the Water and Sewer Department in the amount of \$98,915.30 utilizing the Florida Sheriff's Association Contract #FSA16-VEL24.0.

Sponsors: Purchasing Department

Attachments: [FSA16-VEL24.0 Bid Document 9-30-162](#)
[FSA Contract Spec. 49 Ford F-150 4x2](#)
[Hub City Quote F-250](#)
[Hub City Quote F-150](#)
[FSA Contract Spec. 55 Ford F-250 4x2](#)
[FSA 2017 Vehicle Bid Award System - Light Bid Award Summary](#)

7.A.3. [17-021](#) AWARD OF AN AGREEMENT TO FOSTER MARINE CONTRACTORS, INC. FOR THE CONSTRUCTION OF THE SE 2ND STREET AND SE 2ND AVENUE STREETScape IMPROVEMENTS PROJECT.

Recommendation: Motion to Approve the award of an agreement to Foster Marine Contractors, Inc. in the amount of \$1,664,396 for the SE 2nd Street and SE 2nd Avenue Streetscape Improvements (Project No.2013-020).

Sponsors: Purchasing Department

Attachments: [2017-011 ITBC - SE 2nd Street Improvements Complete](#)
[Foster Marine Contractors, Inc.](#)
[ITBC 2017-011 Detailed Tabulation Sheet - SE 2nd Street Improvements](#)
[Location Map](#)
[Award to Foster Marine Memo Recommendation](#)
[2017-011, Agreement with Foster Marine Contractors, Inc](#)

Commissioner Petrolia asked questions regarding the pavers.

Mr. Morgan explained the project.
approved

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

7.A.4. [17-022](#) AWARD OF AN AGREEMENT TO LINE-TEC, INC. IN THE AMOUNT NOT TO EXCEED \$191,000 UTILIZING THE CITY OF BOYNTON BEACH CONTRACT

Recommendation: Motion to Approve an Agreement with Line-Tech, Inc. utilizing the City of Boynton Beach Contract Bid No. 050-2821-13/JMA in an amount not-to-exceed \$191,000 for connecting utility customers to the recently completed area 12B reclaimed water system (Project No. 17-018).

Sponsors: Purchasing Department

Attachments: [Line-Tec Boynton Bid 2013 2017](#)
[Best Price Guarantee 20161202](#)
[Quote](#)
[Agreement, Line-Tech-signed](#)

Commissioner Petrolia commented regarding the costs.

Mr. Morgan explained water quality for irrigation uses and costs.

approved

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

- 7.A.5. [17-028](#)** AGREEMENT WITH HINTERLAND GROUP, INC. FOR SANITARY SEWER AND STORMWATER REHABILITATION AND INFRASTRUCTURE REPAIRS (PROJECT NO. 2017-052) UTILIZING THE CITY OF WEST PALM BEACH CONTRACT NO. 16-293

Recommendation: Motion to Approve an Agreement through September 21, 2018 with Hinterland Group, Inc. in a not-to-exceed annual amount of \$275,000, utilizing the City of West Palm Beach Contract No. 16293 for Sanitary Sewer and Stormwater Rehabilitation and Infrastructure Repair.

Sponsors: Purchasing Department

Attachments: [WPB_Hinterland Sanitary Sewer Signed Contract](#)
[Best Price Letter_Hinterland](#)
[Executed by Hinterland](#)

- 7.A.6. [17-030](#)** AWARD OF AN AGREEMENT TO WEST ARCHITECTURE + DESIGN, LLC FOR ARCHITECTURAL CONSULTING SERVICES FOR DELRAY BEACH RAILWAY STATION IN A NOT-TO-EXCEED AMOUNT OF \$148,690

Recommendation: Motion to Award an Agreement to West Architecture + Design, LLC for Architectural Consulting Services for Delray Beach Railway Station in a not-to-exceed amount of \$148,690.

Sponsors: Purchasing Department

Attachments: [2016-081C - ADDENDUM 1](#)
[2016-081C - Consulting Services Delray Beach Railroad Station](#)
[Addendum 2 with Plans](#)
[Agreement for Train Depot Consulting Services \(r1\)](#)

- 7.B. [17-015](#)** APPROVAL TO EXECUTE A GRANT AGREEMENT WITH THE COUNCIL FOR EDUCATION CHANGE BENEFITING CARVER MIDDLE

SCHOOL

Recommendation: Motion to Approve the Mayor's execution of a new grant agreement between the City of Delray Beach and the Council for Educational Change for the Partnership to Advance School Success (PASS) Agreement, and acknowledge the matching grant dollars will need to be encumbered in FY 2018 as outlined in the agreement.

Sponsors: Community Improvement

Attachments: [PASS Grant Agreement](#)
[PASS Grant Application](#)

Ms. Janet Meeks, presented this item. Kiwana Alexander-Prophete, Principal of Carver Middle School, discussed the PASS and AVID programs at her school. She discussed the development of a feeder program into Atlantic Community High School and an upcoming project with Shanta King, Principal of Pine Grove Elementary school. She discussed the school's grade. She asked the City Commission to consider the reallocation of funding.

Commissioner Petrolia stated she wanted to understand why the school went from a letter C to a letter D.

Vice Mayor Jarjura stated she supports this and provided comments.

Deputy Vice Mayor Katz asked about the match.

Mayor Glickstein elaborated on the program.

Dr. Elaine Liften (sp) spoke regarding the Annenberg Challenge (sp) and introduced Dr. Geneva Woodard.

approved

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

7.C. [17-036](#) THIRD AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY FOR FUNDING CONSTRUCTION / PROFESSIONAL SERVICES FOR CAPITAL PROJECTS - FY 2015-2016.

Recommendation: Motion to Approve the Third Amendment to the Interlocal Agreement (ILA) between the City and the Community Redevelopment Agency (CRA) to provide for changes in the amount to 2015-2016 projects listed in Exhibit

'A' to the Original Agreement.

Sponsors: Environmental Services Department

Attachments: [Original Amendment Interlocal Agreement Between City of Delray Beach and CRA for Funding Construction-Professional Services](#)
[First Amendment Interlocal Agreement Between City of Delray Beach and CRA for Funding Construction-Professional Services](#)
[Second Amendment Interlocal Agreement Between City of Delray Beach and CRA for Funding Construction-Professional Services](#)
[Third Amendment Interlocal Agreement Between City of Delray Beach and CRA for Funding Construction-Professional Services](#)

Mr. Morgan presented this item.

approved

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

7.D. [17-040](#) RESOLUTION NO. 01-17: LOCAL AGENCY PROGRAM AGREEMENT (LAP) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR THE NE 2ND AVENUE / SEACREST BEAUTIFICATION PHASE 1 PROJECT.

Recommendation: Motion to Adopt Resolution No. 01-17; and consider approval to execute the Local Agency Program Agreement with the Florida Department of Transportation for the funding of the NE 2nd Avenue Beautification Phase 1 (Project No. 14-071).

Sponsors: Environmental Services Department

Attachments: [1 LAP Agreement](#)
[2 Exhibit A](#)
[3 Exhibit B](#)
[4 Exhibit C](#)
[4 Exhibit C.1](#)
[5 Exhibit E](#)
[6 Exhibit F](#)
[8 Exhibit 1](#)
[9 Federal Aid Funding request1](#)
[Resolution 01-17 Local Agency Agreement - FDOT](#)

Mr. Morgan presented this item.

approved

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

7.E. [17-003](#) NOMINATION FOR APPOINTMENT TO THE POLICE ADVISORY BOARD

Recommendation: Motion to Approve a nomination for appointment for one (1) regular member to serve on the Police Advisory Board for an unexpired term ending July 31, 2018.

Sponsors: City Clerk Department

Attachments: [Police Advisory Board Member List](#)
[Police Advisory Board Attendance List](#)

Nominated Anthony Rivera and approved, 4-0.
approved

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

7.F. [17-005](#) NOMINATIONS FOR APPOINTMENT TO THE CODE ENFORCEMENT BOARD

Recommendation: Motion to Approve nominations for appointment for one (1) regular member to serve on the Code Enforcement Board for a three (3) year term ending January 14, 2020 and for one (1) regular member to serve an unexpired term ending January 14, 2018.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)
[Code Enforcement Board Member List](#)
[Code Enforcement Board Attendance List](#)

Deputy Vice Mayor Katz nominated Ross Freeman and it was approved, 4-0.

Vice Mayor Jarjura nominated Ron Gilinsky. The motion was ultimately withdrawn.

Vice Mayor Jarjura nominated Lea DeRigne and it was approved, 4-0.

7.G. [17-006](#) NOMINATION FOR APPOINTMENT TO THE PLANNING AND ZONING BOARD

Recommendation: Motion to Approve a nomination for appointment of one (1) regular member to serve on the Planning and Zoning Board for an unexpired term ending August 31, 2017.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)
[Planning & Zoning Board Member List](#)
[Planning and Zoning Board Attendance List](#)

This appointment was deferred. The City Commission asked that this appointment be advertised in the paper with the ten day application rule waived and set to come back before the City Commission at the February 7, 2017 Regular Meeting.

7.H. [17-071](#) RATIFICATION OF APPOINTMENT TO THE BOARD OF TRUSTEES FOR THE FIREFIGHTERS' RETIREMENT SYSTEM

Recommendation: Motion to Ratify the appointed member to the Board of Trustees for the Firefighters' Retirement System.

Sponsors: City Clerk Department

approved

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

8. PUBLIC HEARINGS:

8.A. [17-013](#) ORDINANCE NO. 36-16: 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; ARTICLE 4.4, "BASE ZONING DISTRICT", SECTION 4.4.9 "GENERAL COMMERCIAL (GC) DISTRICT", SECTION 4.4.11 "NEIGHBORHOOD COMMERCIAL (NC) DISTRICT", SECTION 4.4.12 "PLANNED COMMERCIAL (PC) DISTRICT", SECTION 4.4.13 "CENTRAL BUSINESS DISTRICT (CBD)", SECTION 4.4.15 "PLANNED OFFICE CENTER (POC) DISTRICT", SECTION 4.4.16 "PROFESSIONAL AND OFFICE (POD) DISTRICT", SECTION 4.4.17 "RESIDENTIAL OFFICE (RO) DISTRICT", SECTION 4.4.18 "PLANNED COMMERCE CENTER (PCC) DISTRICT", SECTION 4.4.19 "MIXED INDUSTRIAL AND COMMERCIAL (MIC) DISTRICT", SECTION 4.4.26 "LIGHT INDUSTRIAL (LI) DISTRICT", AND SECTION 4.4.29 "MIXED RESIDENTIAL, OFFICE AND COMMERCIAL (MROC) DISTRICT" TO ALLOW NEV TRANSACTIONS LIMITED TO OFFICES ONLY WITH NO INVENTORY ON SITE FOR ANY PURPOSE; AMENDING SECTION 4.4.10 "AUTOMOTIVE COMMERCIAL (AC) DISTRICT" TO INCLUDE NEV WITH RECREATIONAL VEHICLES; AMENDING APPENDIX "A" "DEFINITIONS" TO DEFINE THE TERMS "NEIGHBORHOOD ELECTRIC VEHICLE (NEV)" AND "NEV TRANSACTIONS" MAKING OTHER TECHNICAL CHANGES; PROVIDING A SAVING CLAUSE, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE. (SECOND READING)

Recommendation: Motion to Approve Ordinance No. 36-16 regarding the inclusion of Neighborhood Electric Vehicle (sales, lease or rental) offices in commercial zoning districts currently permitted offices.

Sponsors: Planning & Zoning Department

Attachments: [Ordinance No. 36-16](#)
[Plan Zoning Board Staff Report November 21, 2016](#)

Commissioner Petrolia declared a conflict of interest and left the dais.

Mr. Max Lohman, City Attorney, read the caption of the ordinance.

Mr. Tim Stillings, Planning, Zoning and Building Director, presented the item.

Public Comment:

Ms. Christina Morrison spoke regarding this item.

Mayor Glickstein asked if staff has looked into the concerns as expressed by Ms. Morrison.

Mr. Stillings stated staff looked at it as office uses.

Vice Mayor Jarjura stated no one is allowed to house vehicles at the site.
approved

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

Abstain: 1 - Petrolia

9. FIRST READINGS:

- 9.A. [17-051](#) ORDINANCE NO. 01-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 91, "ANIMALS", BY REPEALING SECTION 91.18, "RETAIL SALE OF DOGS AND CATS" AND READOPTING SAME, AS REVISED IN ORDER TO REQUIRE PERMITS FOR ADOPTION EVENTS, PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 91. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Recommendation: Motion to Adopt Ordinance No. 01-17, amending section 91.18 in order to limit the number of adoption events that may be hosted by a pet store. Such events shall now require a permit prior to hosting an adoption event. If passed, a public hearing will be held on January 24, 2017.

Sponsors: City Attorney Department

Attachments: [Ord 01-17 amending Retail Sale of Dogs and Cats](#)

City Attorney Lohman read the caption of the ordinance and presented this item.

City Attorney Lohman will reach out to have concerns addressed.
approved on first reading

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

- 9.B. [17-042](#) ORDINANCE NO. 02-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS, BY AMENDING APPENDIX "A", "DEFINITIONS", TO PROVIDE UPDATED DEFINITIONS FOR "MEDICAL OFFICE", "NON-RESIDENTIAL LICENSED SERVICE PROVIDER", "RESIDENTIAL LICENSED SERVICE PROVIDER", AND DELETING THE OBSOLETE DEFINITION OF "SUBSTANCE ABUSE"; PROVIDING A SAVING CLAUSE, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE. (FIRST READING)

Recommendation: Motion to Approve Ordinance No. 02-17 on First Reading, as presented. If passed, a public hearing will be held on January 24, 2017.

Sponsors: Planning & Zoning Department

Attachments: [Ordinance No. 02-17](#)
[PZB staff report Dec 19 2016 - Definitions Update](#)

City Attorney Lohman read the caption of the ordinance.

Mr. Tim Stillings presented this item.

Ms. Terrill Pyburn was present for questions.
approved on first reading

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

- 9.C. [17-034](#) ORDINANCE NO. 03-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS, BY AMENDING SECTION 2.4.7(G), "REQUESTS FOR ACCOMMODATION"; SUBSECTIONS (1), "PURPOSE", (5), "NOTICE OF PROPOSED DECISION", (6), "APPEAL", AND (8), "REQUEST FORM FOR REASONABLE ACCOMMODATION", TO UPDATE AND CLARIFY SAME; ENACTING A NEW SUBSECTION 2.4.7(G)(10), "RE-CERTIFICATION" TO PROVIDE FOR ANNUAL RE-CERTIFICATION OF REASONABLE ACCOMMODATIONS; ENACTING A NEW SUBSECTION 2.4.7(G)(11), "SEVERABILITY" TO PROVIDE FOR SEVERABILITY; PROVIDING A SAVING CLAUSE, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE.(FIRST READING)

Recommendation: Motion to Approve Ordinance No. 03-17 on First Reading, as presented. If passed, a public hearing will be held on January 24, 2017.

Sponsors: Planning & Zoning Department

Attachments: [Ord 03-17 Reasonable Accommodation Request Process 12.20.16](#)
[Reasonable Accommodation Request Form-revised with owners consent 12.20.16](#)
[RAR Plan Zoning Brd staff report Dec 2016 Final 12-9](#)

City Attorney Lohman read the caption of the ordinance.

Ms. Tim Stillings presented this item.

Mayor Glickstein stated it was nice to see Terrill Pyburn back and asked her to speak regarding the progress that has been made in this area.

Ms. Pyburn spoke regarding the ordinance and Mr. Lohman spoke regarding the timeframe. He stated that there will be a brief special meeting after the workshop meeting next week.

Mayor Glickstein stated the city is going about this methodically and carefully and referenced the joint statement.

Deputy Vice Mayor Katz thanked Coconut Creek for allowing Ms. Pyburn to work on this for us.

Ms. Pyburn thanked the City Commission for asking her to work on this with the city. Mr. Lohman stated this was wise move of the City Commission to retain her services on this.
approved on first reading

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

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

Mr. deJesus stated he has heard the comments regarding the Bike Sharing program loud and clear and will work with Mr. Lohman regarding this.

10.A.1. [17-078](#) Postponement of Delray Place South Appeal

Sponsors: City Manager Department

Attachments: [Applicant letter for postponement](#)

Commissioner Petrolia returned to the dais.

Mr. deJesus stated this letter was received prior to his becoming Interim City Manager and he added it to the agenda so that it could be provided to the City Commission.

Mr. Lohman provided comments regarding the letter. He stated it is at the City Commission's pleasure as to whether they grant an extension or not.

Mayor Glickstein asked the City Attorney to explain his comments regarding the extension.

Commissioner Petrolia asked that Mr. Lohman speak to the de novo review.

Commissioner Katz spoke regarding a previous extension that was granted.

Discussion ensued by the City Commission regarding the extension.

It was the decision of the City Commission to deny the extension.
denied

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

10.B. City Attorney

Mr. Lohman responded regarding the inspector general lawsuit. He stated the lawsuit was won and discussed the appeal timeline.

Commissioner Petrolia asked what will that mean to the Inspector General's office.

Discussion ensued regarding the Inspector General's Office.

10.C. City Commission

Deputy Vice Mayor Katz discussed the emails received regarding Lake Ida and asked that staff analyze if and where a traffic light will benefit the area. He discussed his coffee with the Commissioner will be held at Saltwater Brewery tomorrow night.

Vice Mayor Jarjura asked if the March 7, 2017 meeting date can be changed to March 1, 2017. This date was approved by the City Commission.

Vice Mayor Jarjura asked about tree preservation and Mr. Stillings provided an update. She also asked about the executive golf course and repurposing of that golf course into to a multi use park. Deputy Vice Mayor Katz asked about more data regarding the usage of both golf courses. It was the consensus of the City Commission to obtain more data regarding the golf courses.

Commissioner Petrolia wished everyone a happy new year. She mentioned the garbage cans in the Osceola Park area and asked when the pedicab issue will be brought before the Commission. She also commented regarding responses she has received from Mr. deJesus and stated they include dates as to when the Commission can expect for certain things to be done. She commended Mr. deJesus regarding the fire trucks and assignments of cars versus trucks and stated she is really happy. She discussed follow up for preparation for the City Commission Meeting and gave kudos to Mr. deJesus.

Vice Mayor Jarjura asked Mr. deJesus to discuss equipping the trucks.

Mr. deJesus stated he appreciates staff.

Mayor Glickstein thanked the Police and Fire Personnel for managing the crowds of people over the holidays. He also thanked the event coordinators for the tree and first night. He also asked the City Commission if they are willing to move the agenda approval prior to public comment. It was consensus of the City Commission to change the order of the agenda to have the agenda approval prior to public comments and to eliminate the routine business agenda.

The City Commission discussed the previous Delray Place presentation by the planner. Mayor Glickstein asked the staff to look at the adjacent property.

There being no further business, Mayor Glickstein adjourned the meeting at 10:03 p.m.