

APRIL 6, 2015

A Regular Meeting of the City Commission of the City of Delray Beach, Florida, was called to order by Mayor Cary Glickstein in the Commission Chambers at City Hall at 6:00 p.m., Tuesday, April 6, 2015.

1. Roll call showed:

Present - Vice Mayor Shelly Petrolia
Deputy Vice Mayor Alson Jacquet (Arrived at 6:04 p.m.)
Commissioner Mitch Katz
Commissioner Jordana Jarjura (Arrived at 6:11 p.m.)
Mayor Cary Glickstein

Absent - None

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

2. The opening prayer was delivered by Reverend Kathleen Gannon.

3. The Pledge of Allegiance to the flag of the United States of America was given.

4. **APPROVAL OF MINUTES:**

Vice Mayor Petrolia moved to approve the Minutes of the Regular Meeting of October 21, 2014, seconded by Mr. Katz. Upon roll call the Commission voted as follows: Mr. Katz – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes. Said motion passed with a 3 to 0 vote.

Vice Mayor Petrolia moved to approve the Minutes of the Regular Meeting of November 4, 2014, seconded by Mr. Katz. Upon roll call the Commission voted as follows: Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Mr. Katz – Yes. Said motion passed with a 3 to 0 vote.

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

6. **PROCLAMATIONS:**

6.A. None

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.**

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

The City Manager stated comments concerning the Lake Ida property will be discussed at the City Commission Workshop meeting of April 14, 2015. However, the City Manager stated he received and forwarded to the City Commission information from the Palm Beach County Administrator's office indicating that Palm Beach staff has recommend that they go forward with the sale of the property to a private individual in the amount of \$500,000 and they have not indicated sale to Delray Beach. The City Manager stated he has met with Mr. Taylor Levy on April 2, 2015 and hopes to finalize his proposed donation.

Secondly, with regard to prior comments expressed by Mr. MacNamee about the Public Safety pension, the City Manager stated Mr. MacNamee's concerns are valid; however, the subject matter of collective bargaining and the City's ability to address that issue depends upon the outcome with the Fire union.

With regard to prior comments expressed by Ms. MacManus about bus delays or lack of bus space, the City Manager stated the design was deliberate on a part of FDOT based upon right-of-way and design requirements. The City Manager stated the stopping time of the bus is due to operational issues involving Palm Tran which the City is working to avoid the traffic backups. The City Manager stated that this was not a design omission.

Lastly, the City Manager stated he met with Mr. David Schmidt concerning the Sister City Program for Haiti pursuant to the resolution and the City is beginning that process.

6.B. From the Public.

6.B.1. Jim Smith, 1225 South Ocean Boulevard, Delray Beach, FL 33483 (speaking on behalf of S.A.F.E.), congratulated Senior Planner Amy Alvarez on her excellent presentation at last week's MPO (Metropolitan Planning Organization) Sub-Committee Meeting earning the Seacrest Beautification Project at a #1 transportation alternative ranking out of eleven (11) projects submitted through other cities throughout Palm Beach County.

6.B.2. Gary L. Fishman, 3504 Diane Drive, Boynton Beach, FL 33435 (Acting President of the Diane Drive Neighborhood Association and surrounding neighborhoods north of Lake Ida Park), stated they would be in the immediate pathway of the traffic towards the park or natural area and he expressed concern that Diane Drive is not adequate to handle the increased traffic. Mr. Fishman stated less than a week ago a dog suffered fatal wounds from a large alligator bite to the north of the 4.85 acre parcel. He commented about the dangers of parks and natural areas if not adequately prepared for a

pathway (i.e. berm, seawalls, and removal of aquatic vegetation) is necessary along with a raised boardwalk. Mr. Fishman stated he and hundreds of other residents do not support the purchase, development, and maintenance of this land because of what it would cost Delray Beach.

6.B.3. Lakmichand Kalra, 3842 South Lake Drive, Boynton Beach, FL 33435 (has lived here for over 30 years), stated he will not give access from his private land to a public bikeway because he feels it will destroy his gated community. Mr. Kalra expressed concerns over security issues and read an email into the record dated April 1, 2015 from Palm Beach County Administrator Robert Weisman to Delray Beach City Manager Donald Cooper.

6.B.4. Pauline Moody, 609 S.W. 8th Avenue, Delray Beach, FL 33444, commented about an incident that happened to her last Thursday at the Caring Kitchen.

Secondly, Ms. Moody commented about the traffic congestion on Atlantic Avenue heading east and stated some of the restaurants could have been built west of Swinton instead of trying to pack everything east. She suggested that a proper traffic management assessment be done and stated it is difficult to cross the road to get to the library. Ms. Moody stated when the Courthouse parking is filled they use the parking garage for the library. She stated Hudson Holdings wants to build a hotel in this area.

6.B.5. Jeanne Byron, 1010 Nassau Street, Delray Beach, FL 33483 (has owned this home for 20 years), stated beachgoers are using Nassau Street because there is not enough parking. She stated they do their best to not park on the street but there are occasions when that is the only option. Ms. Byron stated this is an issue particular for those people with children and because of the enormous growth in Delray the residents on this street have to bear the burden due to not having sufficient parking for the beachgoers.

The City Manager stated he has had telephone conversations with individuals who live on Nassau Street concerning service providers that is an issue for anybody that has guests, etc. on Nassau Street. Furthermore, the City Manager stated he has personally inspected that area and he envisions something like the Marina Historic District ultimately being implemented for that area.

6.B.6. Don Klein, 4552 North Barwick Ranch Circle, Delray Beach, FL 33445, stated he was the individual that raised the issue about the guardrails on Barwick Road and appreciates the expeditious response. However, he stated this is the second time that their community has been overlooked and his community does not have access to the walking path on the other side of Barwick Road. Mr. Klein urged the Commission to consider the aesthetics of the guardrails and that going forward to stop this Band-Aid approach to solve the immediate problem of the vocal groups and look at the broader long-term plan for Barwick Road.

Deputy Vice Mayor Jacquet stated that the Commission needed something to be done as soon as possible because any day another child could have been hurt.

Mr. Katz stated the guardrail was only supposed to be about 100 yards (a quarter mile) until where the curb began because the whole point the Commission brought forward in the beginning was there was no curb. He stated all the discussions were about this small section without a curb because one of the options brought before the Commission was actually adding curb for that section but when it started getting installed it went three times as long as the original plan. Furthermore, Mr. Katz stated the City has safety there with a curb for that portion already and there was no reason to install the extra guardrail and spend that money because it was never part of the discussion. Mr. Katz stated the temporary fix would be to open it up so that people from Barwick Ranch Estates can get over to the crosswalk and there also needs to be an opening for the South Florida Water Management District (SFWMD) to have access to canal.

Deputy Vice Mayor Jacquet stated there have been numerous concerns over the years about cars parked on the outside for Barwick Park. The City Manager stated the issue brought before the City Commission in February 2015 was that the guard rail would be approximately 2,700 lineal feet (LF); the City can make openings for pedestrians. However, the City Manager stated the City will have to stripe Barwick Road for that pedestrian crossing to do it properly and to put up the appropriate signage. The City Manager stated he personally met with the Construction Inspector at Barwick Road and they stopped just short of 2,700 lineal feet (LF) but the City can fix the issue of pedestrian access easily.

6.B.7. Alan Schlosberg, 200 MacFarlane Drive, Delray Beach, FL 33483, extended his congratulations Mayor Glickstein, Vice Mayor Petrolia, and Commissioner Katz for a very successful campaign.

Secondly, Ms. Schlosberg stated he sent a copy of the lawsuit that was filed by Indian River County against Florida All Aboard. He stated Treasure Coast has committed about \$4 million towards other legal suits with maybe more to come. Mr. Schlosberg urged the City Commission to pass a resolution objecting to Florida All Aboard running through the streets 24/7 and join the rest of the coastal community in their efforts and support those efforts.

6.B.8. Bob Ganger, 1443 North Ocean Boulevard, Gulf Stream, FL 33483, stated on April 20, 2015 there is a hearing in Tallahassee on the subject of All Aboard Florida in which a newly formed group of people will be determining next steps on the \$1.75 billion financial package for the railroad. Mr. Ganger urged the City to take a stand now on All Aboard Florida.

Secondly, Mr. Granger stated the appeal of the Court decision on what a lot of towns wanted with respect to the Office of Inspector General (OIG) and the real issue is taxation. Mr. Ganger stated what was proposed and what the voters voted on and voted for the right reasons to have the office but they voted for the wrong reasons in terms about how to pay for it.

6.B.9. **Jim Knight, 123 East Atlantic Avenue, Delray Beach, FL 33483,** stated he is available for any questions with respect to **Item 9.H.**

6.B.10. **Arie Whiteman, 5091 Washington Road, Delray Beach, FL 33484,** stated he rode with Interim Community Improvement Director Michael Coleman and he and Code Enforcement are doing a phenomenal job keeping the downtown and beaches clean. In addition, Mr. Whiteman stated Code Enforcement is doing a great job instructing the business owners about the six (6) foot sidewalk rule that is going to be implemented and the business owners are also informing customers. Mr. Whiteman urged the City Manager to find a few more positions for Code Enforcement throughout the city.

6.B.11. **Steve Blum, 115 Venetian Drive, Delray Beach, FL 33483,** stated the downtown is filthy with litter such as gum, cigarettes, etc. and nothing is being done to clean it up.

7. **AGENDA APPROVAL.**

The City Manager stated with regard to **Item 8.K., Resolution No. 23-15** the cover memo is incorrect and the dates of the contract should read December 1, 2014 through September 30, 2016.

Secondly, the City Manager stated the attachments for **Item 9.B., Street Lighting Agreement/Florida Power and Light Company (FPL)/Federal Highway Beautification Project No. 2009-009** are incorrect; Randal Krejcarek will have revised attachments to provide to the Commission.

Ms. Jarjura requested that **Item 8.A., Resolution No. 18-15/Abandonment of a portion of Enfield Road Right-of-Way** be moved to the Regular Agenda as **Item 9.A.A.**

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

8. **CONSENT AGENDA:** City Manager Recommends Approval.

8.A. **THIS ITEM WAS MOVED TO THE REGULAR AGENDA AS ITEM**
9.A.A.

8.B. **HOLD HARMLESS AGREEMENT/JM TODO LLC./ 2645 N. FEDERAL HIGHWAY:** Approve a Hold Harmless Agreement with JM Todo LLC., related to the property located at 2645 North Federal Highway.

8.C. **AMENDED AND RESTATED LANDSCAPE MAINTENANCE AGREEMENT/ F.P. DINO & ASSOCIATES, INC.:** Approve an Amended and Restated Landscape Maintenance Agreement with F.P. Dino & Associates, Inc. to incorporate maintenance of a portion of the drainage system in the City's right-of-way, adjacent to the

Tropic Cay Townhouse Development; and the previously approved landscaped maintenance area located at 2601-2617 Frederick Boulevard.

8.D. RATIFICATION OF EMERGENCY CHANGE ORDER/HINTERLAND GROUP, INC./DOTTEREL ROAD SEWER REPAIRS:

Approve ratification of an Emergency Change Order in the amount of \$25,940.00 to Hinterland Group, Inc. for performing sanitary sewer repairs along Dotterel Road, west of Lindell Boulevard utilizing pricing under the active Palm Beach County contract. This is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(C)(5), "Emergency Acquisitions" and Section 36.02(C)(7), "Utilization of Other Governmental Entities' Contracts". Funding is to be paid out of the Contract's Undefined General Allowance.

8.E. EASEMENT DRAINAGE DEED/PALM TRAIL ENCLAVE, LLC./PALM TRAIL LOT B, LLC: Approve a 6-foot easement drainage deed with Palm Trail Enclave, LLC. for the property located at 1745 Palm Trail; and a 6-foot easement drainage deed with Palm Trail Lot B, LLC. for the property located at 1785 Palm Trail.

8.F. RETROACTIVE APPROVAL OF AGREEMENT/STEVE PROCKO PRODUCTIONS, LLC./USE OF TENNIS CENTER: Approve retroactive agreement with Steve Procko Productions, LLC., for use of the Tennis Center on March 20, 2015 for the filming of a television commercial.

8.G. RETROACTIVE APPROVAL OF AGREEMENT/ACRES AND COMPANY, LLC./USE OF TENNIS CENTER: Approve retroactive agreement with Acres and Company, LLC., for use of the Tennis Center on March 5-6, 2015 for the filming of a television commercial.

8.H. RETROACTIVE APPROVAL OF AGREEMENT/SPUR PRODUCTIONS, INC./USE OF TENNIS CENTER AND STADIUM: Approve retroactive agreement with Spur Productions, Inc., for use of the Tennis Center and Stadium on March 5-6, 2015 for the filming of a television commercial.

8.I. RETROACTIVE APPROVAL OF AGREEMENT/IMPERIAL WOODPECKER/USE OF ANCHOR PARK: Approve retroactive agreement with Imperial Woodpecker for use of Anchor Park, Anchor Park Parking Lot, and the Municipal Beach Volleyball court on March 4, 2015 for the filming of a television commercial.

8.J. REQUEST TO ATTEND FLORIDA CITY AND COUNTY MANAGEMENT ASSOCIATION (FCCMA) 2015 ANNUAL CONFERENCE: Approve a request for City Manager Donald B. Cooper, to attend the Florida City and County Management Association (FCCMA) 2015 Annual Conference sponsored by the Florida League of Cities on May 27-30, 2015 in Orlando, Florida; and authorize the payment of travel expenses in the amount of \$1,394.04.

8.K. RESOLUTION NO. 23-15: Approve Resolution No. 23-15; supporting Senate Bill 246 sponsored by Florida State Senator for District 34 Maria Sachs that amends Chapter 316, Section 305, Florida Statutes to include enhanced penalties for texting while driving violations when committed in a School Zone or School Crossing and removes the

requirement that specified provisions be enforced as a Secondary Action by a Law Enforcement Agency.

The caption of Resolution No. 23-15 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, SUPPORTING SENATE BILL 246 SPONSORED BY FLORIDA STATE SENATOR FOR DISTRICT 34 MARIA SACHS THAT AMENDS CHAPTER 316, SECTION 305, FLORIDA STATUTES TO INCLUDE ENHANCED PENALTIES FOR TEXTING WHILE DRIVING VIOLATIONS WHEN COMMITTED IN A SCHOOL ZONE OR SCHOOL CROSSING AND REMOVES THE REQUIREMENT THAT SPECIFIED PROVISIONS BE ENFORCED AS A SECONDARY ACTION BY A LAW ENFORCEMENT AGENCY; PROVIDING FOR AN EFFECTIVE DATE.

(The official copy of Resolution No. 18-15 is on file in the City Clerk's office.)

8.L. PROCLAMATIONS:

- 1.** Paralyzed Veterans of America Awareness Month – April 2015
- 2.** Water Conservation Month – April 2015

8.M. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS: Accept the actions and decisions made by the Land Development Boards for the period March 9, 2015 through March 27, 2015.

8.N. AWARD OF BIDS AND CONTRACTS:

- 1.** Bid award to Republic Construction Corporation (Bid No. 2015-17) in the amount of \$47,010.00 for replacement of the North and South Ocean Boulevard Beach Gazebos. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(A)(1), "Competitive Bids". Funding is available from 334-4141-572-68.83 (General Construction Fund/Parks & Recreation/Beach Pavilion).

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

9. REGULAR AGENDA:

9.A. RESOLUTION NO. 18-15/ABANDONMENT OF A PORTION OF ENFIELD ROAD RIGHT-OF-WAY: Approve Resolution No. 18-15; abandonment of a portion of an unimproved area of the Enfield Road right-of-way located west of the intersection of N.W. 4th Avenue and Enfield Road.

The caption of Resolution No. 18-15 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, VACATING AND ABANDONING THE 25 FOOT WIDE RIGHT-OF-WAY DEDICATED BY THE PLAT OF "LAKE IDA MANOR ADDITION NO. 1" AS RECORDED IN PLAT BOOK 24, PAGE 201, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND LOCATED WEST OF THE INTERSECTION OF NW 4TH AVENUE AND ENFIELD ROAD, BUT RESERVING AND RETAINING TO THE CITY A GENERAL UTILITY EASEMENT FOR PUBLIC AND PRIVATE UTILITIES OVER THE ENTIRE AREA THEREOF, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING AN EFFECTIVE DATE.

(The official copy of Resolution No. 18-15 is on file in the City Clerk's office.)

Brief discussion between Ms. Jarjura, the City Attorney and staff followed. The City Attorney recommended that this should be done as follows: (1) abandon the right-of-way, (2) create a general utility easement for the benefit of the public utilities.

Ms. Jarjura moved to approve subject to the property owner delivering to the City the appropriate utility easement with the legal description approved by staff, seconded by Vice Mayor Petrolia. Upon roll call the Commission voted as follows: Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes. Said motion passed with a 5 to 0 vote.

9.A. SERVICE AUTHORIZATION NO. 12-06/DENNIS J. LEAVY & ASSOCIATES, INC./SURVEY OF N.E. 7TH AVENUE ALLEY: Consider approval of Service Authorization No. 12-06 with Dennis J. Leavy & Associates, Inc. in the amount of \$5,530.00 for the survey of N.E. 7th Avenue Alley Improvements (Project No. 2015-035). This is in compliance with the Code of Ordinances, Chapter 36, Section 36.03(B), "Multiple Acquisitions From Vendor Exceeding Twenty-Five Thousand Dollars (\$25,000.00) in Any Fiscal Year" and Section 36.06(A)(3), "Extension of Completion of Dates". Funding is available from 448-5461-538-63.90 (Storm Water Utility Fund: Physical

Environment/Flood Control/Other Improvement).

Mr. Katz moved to approve Service Authorization No. 12-06 with Dennis J. Leavy & Associates, Inc. in the amount of \$5,530.00 for the survey of N.E. 7th Avenue Alley Improvements, seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes. Said motion passed with a 5 to 0 vote.

9.B. STREET LIGHTING AGREEMENT/ FLORIDA POWER AND LIGHT COMPANY (FPL)/FEDERAL HIGHWAY BEAUTIFICATION PROJECT

NO. 2009-009: Consider approval to execute a Street Lighting Agreement with Florida Power and Light Company (FPL) in the amount of \$63,805.80 for the removal of existing cobra head street lights and poles in conjunction with the Federal Highway Beautification Project No. 2009-009. Funding is available from account 334-3162-541-68.52 (Construction Fund: Public Works/Road and Street Facilities/Other Improvements/Federal Highway Beautification).

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

Mayor Glickstein inquired about the timeframe of this project.

Ms. Jarjura inquired about the cost for the removal of existing cobra head street lights and poles for 5th Avenue. Mr. Krejcarek stated the cost is \$34,000 for 5th Avenue and \$29,000 for 6th Avenue.

Vice Mayor Petrolia moved to approve the *revised* Street Lighting Agreements (SLA) with Florida Power and Light (FPL) for the removal of existing cobra head street lights and poles in conjunction with the Federal Highway Beautification Project #2009-009, seconded by Mr. Katz. Upon roll call the Commission voted as follows: Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes. Said motion passed with a 5 to 0 vote.

9.C. CONTRACT AWARD/ DEVLAND DEMOLITION AND SITE, INC./ LIME SLUDGE REMOVAL AND DISPOSAL:

Consider a contract award to Devland Demolition and Site, Inc. for Lime Sludge Removal and Disposal from the Water Treatment Plant at a unit cost of \$5.97/cubic yard, at an estimated annual cost not to exceed \$210,000.00 This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(A)(1), “Competitive Bids”. Funding is available from account 441-5122-536-34.90 (Water and Sewer Fund: Water Treatment and Storage/Other Contractual Services).

Randal Krejcarek, Director of Environmental Services, presented this item to the Commission and stated this is a two-year contract with the right to renew for two consecutive one-year additional one-year terms.

Vice Mayor Petrolia commented about the price difference between Proline and Devland.

Vice Mayor Petrolia moved to approve the contract award to Devland Demolition and Site, Inc. for Lime Sludge Removal and Disposal from the Water Treatment Plant for an initial term of two years, at a unit cost of \$5.97/cubic yard, at an estimated annual cost not to exceed \$210,000 per fiscal year, contingent upon subsequent approval of yearly operating budgets, seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes. Said motion passed with a 5 to 0 vote.

9.D. SIDEWALK AND PARALLEL PARKING CLOSURE/ CANNERY ROW DELRAY BEACH: Consider approval to close the existing sidewalks and parallel parking to pedestrian traffic along N.E. 1st Avenue, N.E. 3rd Street, and N.E. 2nd Avenue for a period of six (6) months for construction of the Cannery Row Delray Beach Phase II.

Mayor Glickstein declared a conflict of interest and recused himself from the dais.

Randal Krejcarek, Director of Environmental Services, stated Phase II is the construction of the townhouse in the southern half of the project and the request also includes closure of from pedestrian movement and from parallel parking (southern half of Pineapple Grove Way and 1st Avenue and the southern half of 1st Avenue). Mr. Krejcarek stated it is anticipated that the south half of this project will take approximately six (6) months and it should open late October this year. Staff requests to allow the applicant to close the sidewalks and the parallel parking along the streets.

Mr. Katz asked that the developer minimized that six (6) month period for construction of the Cannery Row Delray Beach Phase II and that the developer minimized the impact on the east side as much as possible.

At this point, a gentleman came forward and stated he was retained by the developer in July 2013 to continue and finish the building. He stated the approved site plan displays a five (5) foot setback; from the face of the building to the sidewalk is five (5) feet. He emphasized that they are not closing the roads, but the parking is right along the sidewalks. He explained that the west side is closed now (temporary 30 day permit because their building is up; May 1st they will begin bringing the east side up to a place where it is no longer safe for pedestrians. He stated their goal is to get the front of the building done in six (6) months.

Ms. Jarjura stated she feels it is the responsible thing to do and supports closing the sidewalks to pedestrian access.

Deputy Vice Mayor Jacquet stated thinking was not proactive enough because staff has indicated that the reason we have to do this is because of safety issues and that the road is so nearby, and that there is only a five (5) feet setback. Deputy Vice Mayor Jacquet stated supports this; however, going forward he feels there are setbacks for a reason.

Discussion between Deputy Vice Mayor Jacquet and Mr. Krejcarek ensued regarding the five (5) foot setback. Mr. Krejcarek reiterated that the sidewalks and the parallel parking will be closed not the streets.

Deputy Vice Mayor Jacquet moved to approve the closure of the existing sidewalks and parallel parking to pedestrian traffic for a period of six (6) months for the construction of Cannery Row Delray Beach Phase II, seconded by Mr. Katz. Upon roll call the Commission voted as follows: Mr. Katz – Yes; Ms. Jarjura – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes. Said motion passed with a 4 to 0 vote.

At this point, Mayor Glickstein returned to the dais.

9.E. BID AWARD/DP DEVELOPMENT OF THE TREASURE COAST, LLC/OSCEOLA PARK ALLEYS PHASE 2, PINEAPPLE GROVE DRAINAGE AND LIME LANE IMPROVEMENTS: Consider approval of a bid award to DP Development of the Treasure Coast, LLC., in the amount of \$303,720.00 for the following projects: 1) Osceola Park Alleys Phase II 2) Pineapple Grove Drainage and 3) Lime Lane Improvement Projects. This is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(A), “Sealed Competitive Method”. Funding is available from 334-3162-541-65.85 (General Construction Fund: Public Works/Transportation/Capital Outlay/Osceola Park) and 448-5461-65.85 (Storm Water Utility Fund: Physical Environment/Other Improvements/Osceola Park).

Randal Krejcarek, Director of Environmental Services, presented this item to the Commission and explained this is an award of a bid contract to DP Development of the Treasure Coast, LLC which includes three smaller separate projects: (1) Osceola Park Alleys Phase 2, (2) Pineapple Grove Drainage north of Atlantic Avenue, and (3) the completion of the paving of the south half of Lime Lane Improvements.

Ms. Jarjura moved to approve an award to DP Development of the Treasure Coast, LLC in the amount of \$303,720.00 for the Osceola Alleys Phase II, Pineapple Grove Drainage, and Lime Lane Improvements projects numbers: 2013-015, 2013-064, and 2015-068, seconded by Mr. Katz. Upon roll call the Commission voted as follows: Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes. Said motion passed with a 5 to 0 vote.

9.F. PURCHASE AWARD/MULTIPLE VENDORS FOR THE PURCHASE OF 18 VEHICLES: Consider purchase award to various vendors to purchase fourteen (14) cars and trucks using Florida Sheriff’s Contract No. 14-22-09-04; and four (4) cars from Garber Chevrolet using Florida State Contract No. 25100000-15-010. This is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(C)(7)(a), “Utilization of Other Governmental Entities’ Contracts”. Funding is available from account 501-3312-591-64.20 (Garage Fund: Vehicle Replacements/Intra-governmental Services/Machinery/Equipment/Automotive).

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

Ms. Jarjura asked that going forward and for clarification, that staff include the terms/criteria of the contracts that the City is actually piggybacking off and that it is made a part of the Agenda backup documentation.

The City Manager stated this particular piggyback with the Florida Sheriff's Association is done on an annual basis.

Ms. Jarjura moved to approve the purchase of eighteen (18) vehicles from multiple vendors; ten (10) from Don Reid Ford for a total amount of \$289,550, four (4) from Alan Jay Automotive Network for a total amount of \$101,707, and four (4) from Garber Chevrolet for a total amount of \$78,392 for a total award of \$469,649, seconded by Vice Mayor Petrolia. Upon roll call the Commission voted as follows: Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes. Said motion passed with a 5 to 0 vote.

At this point, Deputy Vice Mayor Jacquet stepped away from the dais.

9.G. RESOLUTION NO. 21-15/REIMBURSEMENT AGREEMENT/ PALM TRAIL ENCLAVE, LLC/ 1745 PALM TRAIL NORTH: Consider approval of Resolution No. 21-15; allowing a third party to obtain written quotations for the cost of material and labor for the installation of a drainage pipe for a portion of the Palm Trail/Allen Avenue drainage project, in an amount not to exceed \$24,900.00, which will be reimbursed by the City; declaring by a four-fifths affirmative vote that the City's written quotations method of procurement for this portion of the drainage project is not in the best interests of the City for the property located at 1745 Palm Trail North. Funding is available from account 448-5461-538-68.55 (Storm Water Utility Fund: Capital/Physical Environment/Flood Control/Other Improvement/Allen Drive Drainage).

The caption of Resolution No. 21-15 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ALLOWING A THIRD PARTY TO OBTAIN WRITTEN QUOTATIONS FOR THE COST OF MATERIAL AND LABOR FOR THE INSTALLATION OF A DRAINAGE PIPE FOR A PORTION OF THE PALM TRAIL/ALLEN AVENUE DRAINAGE PROJECT, THE COST OF WHICH WILL BE REIMBURSED BY THE CITY; DECLARING BY A FOUR-FIFTHS AFFIRMATIVE VOTE THAT THE CITY'S WRITTEN QUOTATIONS METHOD OF PROCUREMENT FOR THIS PORTION OF THE DRAINAGE PROJECT IS NOT IN THE BEST INTERESTS OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE.

(The official copy of Resolution No. 21-15 is on file in the City Clerk's office.)

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

Vice Mayor Petrolia asked how staff knows the price is right. Mr. Krejcarek stated staff asked them to obtain three (3) quotes.

Vice Mayor Petrolia moved to approve Resolution No. 21-15, seconded by Mr. Katz. Upon roll call the Commission voted as follows: Vice Mayor Petrolia – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes. Said motion passed with a 4 to 0 vote.

At this point, Deputy Vice Mayor Jacquet returned to the dais.

9.H. WORKFORCE HOUSING OPTIONS/SOFA DISTRICT LOFTS:

Consider approval of the available options for the Sofa District Lofts mixed use development to satisfy the workforce housing requirement by providing the units onsite, providing a monetary contribution, or delivery of offsite units; a combination of these three options is permissible.

Mark McDonnell, Assistant Director of Planning and Zoning, stated this item is to clarify the Board Order that was approved for the conditional use for the Sofa District Lofts.

The City Attorney stated this developer now wants the option of *not* providing the eight (8) units on site and the reason why eight (8) were on site because at the time this proposal went before Planning and Zoning because that was what the developer was intending to do at that time. The City Attorney stated the property owner wants to retain all three (3) options. The City Attorney commented that there was anything in the record at the time other than the Board Order that indicated a preference and this is why it is before the Commission now for clarification.

Brief discussion between Vice Mayor Petrolia and the City Attorney stated if they select the payment option, the money is put into the Delray Beach Community Land Trust (DBCLT) and they use that money toward construction of affordable housing.

Mr. Knight stated the applicant indicated that they were going to follow through with the workforce housing requirement and that is why the board order read that it had all three (3) options.

Brief discussion between Mr. Knight and the City Commission continued.

The City Attorney stated the action that is being requested of the City Commission tonight is to approve any of those three (3) options or some combination.

Joe White, owner of the property, stated he appeared before the Commission along with Richard Jones who made the presentation. Mr. White stated in the drawings that were submitted with the plan Mr. Jones displayed all the workforce units on one floor in one corner just clustered together and in City staff's representation was that the workforce requirements would be complied with.

Mayor Glickstein stated staff would have been remiss in allowing the clustering of workforce housing. Mayor Glickstein stated he supports approving this subject to staff's determination that in the Commissions deliberation the context of this statement that it was to explain that it can't be clustering not that the applicant is going to put workforce housing in as a condition of approval.

Mayor Glickstein commented about whether or not there was some kind of representation made in connection with the conditional use approval and stated the Commission should have the explanation in the Agenda backup.

Ms. Jarjura moved to approve given what is stated in the City Code and that the applicant would have had this option, subject to the City Attorney's review of this record that there was no representation made and there was no Commission approval based on that representation, seconded by Deputy Vice Mayor Jacquet. Upon roll call the Commission voted as follows: Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes. Said motion passed with a 5 to 0 vote.

9.I. AMENDMENT NO. 1 TO THE PARKING LICENSE AGREEMENT/LSMS, INC. D/B/A TRAMONTI RESTAURANT: Consider approval of Amendment No. 1 to the Parking License Agreement with LSMS, Inc. d/b/a Tramonti Restaurant to expand hours of its valet queue operation to provide daytime valet parking services while increasing valet queue spaces to \$141.94 per space per month located 111 East Atlantic Avenue.

Randal Krejcarek, Director of Environmental Services, presented this item to the Commission. Mr. Krejcarek stated Tramonti Restaurant is requesting to expand hours of its valet queue operation to daytime use starting at 10:00 a.m. Sundays-Fridays and 8:00 a.m. on Saturdays. The current cost per on-street space is \$133.56 and going to daytime staff would adjust the cost to be similar to Café Lune Rosa which the only other daytime valet service which is \$141.95 per space.

Commissioner Katz stated he is not in favor of doing anything with parking until a comprehensive parking review is looked into.

Ms. Jarjura stated this valet parking agreement impacts three (3) public spaces and suggested that it be looked at as a whole as part of a comprehensive parking program,; she is happy to see that the cost is bumped up to make it the same price as Café Luna Rosa and she feels the Finance Department raises two (2) good points: (1) the City increased the hours of operation 80%, however, the rate was only raised 25%; and (2) the general comment about all valet license prices which she feels should be part of a comprehensive parking agreement and she does not support this right now.

Vice Mayor Petrolia stated she does not support at this time.

Mr. Krejcarek stated a little over a little ago there was extensive discussion about the pricing of all the valets once staff does a comprehensive management program with respect to parking and staff intends to bring that back as part of that program.

Ms. Jarjura moved to **defer Item 9.I.**, subject to staff bringing this back to the City Commission when it is more appropriate, seconded Vice Mayor Petrolia. Upon roll call the Commission voted as follows: Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes. Said motion to **DEFER** was approved with a 5 to 0 vote.

9.J. BID AWARD/ EARTHLY DESIGN & RESOURCES, INC. D/B/A MOBILE LAWN SERVICE/ LANDSCAPE MAINTENANCE: Consider bid award (Bid No. 2015-28) to Earthly Designs & Resources, Inc. d/b/a Mobile Lawn Service in the amount of \$58,200.00 for landscape maintenance along Congress Avenue North to Lake Ida; Homewood Boulevard, Linton Boulevard, and three medians on Military Trail. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section (A), “Acquisitions of Twenty-Five Thousand Dollars (\$25,000.00) or Greater”. Funding is available from 119-4144-572-46.40 (Beautification Trust Fund: Repair & Maintenance Services: Beautification Maintenance).

Suzanne Davis, Director of Parks and Recreation, presented this item to the Commission and stated Earthly Designs & Resources, Inc. d/b/a Mobile Lawn Service was the low bidder at \$58,200.00. Ms. Davis stated this was a five parcel bid and staff requests a one-year term with two (2) additional one-year renewals.

Deputy Vice Mayor Jacquet moved to approve the bid award to Earthly Designs & Resources, Inc. d/b/a Mobile Lawn Service in the amount of \$58,200.00 for a one-year term with two additional one-year renewals for landscape median maintenance, seconded by Mr. Katz. Upon roll call the Commission voted as follows: Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes. Said motion passed with a 5 to 0 vote.

9.K. RESOLUTION NO. 20-15/JCD SPORTS GROUP, INC; DELRAY BEACH TENNIS CENTER: Motion to adopt Resolution No. 20-15 by four-fifths vote, declaring that the City’s sealed competitive method or written quotations procurement method is not in the best interests of the City, and to approve a retroactive contract for the period of December 1, 2014 through September 30, 2016 in the annual amount of \$27,609.24 between the City of Delray Beach and JCD Sport Group, Inc. for tennis management services for the Delray Beach Tennis Center.

The caption of Resolution No. 20-15 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING THE PURCHASE OF TENNIS EVENT MANAGEMENT SERVICES FOR THE DELRAY BEACH TENNIS CENTER TO JCD SPORTS GROUP, INC., DECLARING BY A FOUR-FIFTHS AFFIRMATIVE VOTE THAT THE CITY’S SEALED COMPETITIVE METHOD OR WRITTEN QUOTATIONS PROCUREMENT METHOD FOR THE

PURCHASE IS NOT IN THE BEST INTEREST OF THE
CITY; PROVIDING FOR AN EFFECTIVE DATE.

(The official copy of Resolution No. 20-15 is on file in the City Clerk's office.)

Suzanne Davis, Director of Parks and Recreation, presented this item to the Commission. Brief discussion ensued between staff and the Commission with respect the cost (\$2,300.77 per month/total yearly cost \$27,609.24).

Vice Mayor Petrolia asked if JCD Sports Group, Inc. is doing the management *and* the special events for the price of \$2,300.77. Ms. Davis stated the City did five (5) commercials last month and two (2) more this week.

Mayor Glickstein asked if the City receives revenue from the commercials. Ms. Davis stated the City made approximately \$40,000 last month and it is priced out daily.

Deputy Vice Mayor Jacquet moved to approve Resolution No. 20-15 and to approve a contract for consultant and event management services to JCD Sports Group, Inc. to expire on September 30, 2016 in the amount of \$2,300.77 per month/\$27,609.24 per year, seconded by Mr. Katz. Upon roll call the Commission voted as follows: Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes. Said motion passed with a 5 to 0 vote.

9.L. PARTICIPATION IN APPEAL OF CIRCUIT COURT DECISION TOWN OF GULFSTREAM, ET.AL V. PALM BEACH COUNTY – OFFICE OF THE INSPECTOR GENERAL (OIG) FUNDING LITIGATION: Provide direction on whether or not to participate in an appeal of Circuit Court decision of the Town Gulfstream, *et al* v. Palm Beach County – Office of the Inspector General (OIG) Funding Litigation.

The City Attorney stated he is seeking direction to the recent ruling of the Inspector General (OIG) lawsuit. In November 2011, fifteen (15) cities including Delray Beach filed a lawsuit over the referendum language “funding by governmental entities.” The City Attorney stated the referendum language did not infringe on the budgetary power of cities. The City now has the opportunity to consider whether or not this City Commission desires to participate as this matter continues to be litigated. The City Attorney stated the City of Palm Beach intends and several other cities intend on continuing to pursue their appellant remedies to conclusion; any ruling by the court would likely be binding on all thirty-eight (38) cities so the City of Delray Beach does not need to be party to get the benefit of the ruling. The City Attorney stated the basis for the lawsuit was not only the language he just read into the record, but also the methodology by which the cities are being charged. He stated no city has paid since the fee was imposed in 2011; however, had the City of Delray Beach initially paid in 2011, the City's proportionate share based on the then formula proposed by the County would have been approximately \$150,000 a year. The City Attorney stated it is largely symbolic as a policy decision whether or not the Commission would like to continue to oppose the efforts by the County to impose some proportionate fee

by the cities. The City Attorney stated the two (2) big issues are: (1) it is a regional service, (2) the County should pay, and (3) we don't like the metrics you are using to charge us. The City Attorney stated since the lawsuit is pending, the City is not being billed for the service. The City Attorney stated the referendum language did not infringe on the budgetary power of cities.

Brief discussion between Vice Mayor Petrolia and the City Attorney ensued. The City Attorney explained that in all the required elements this is a very technical legal lawsuit. The City Attorney stated initially each of the cities made some contribution towards legal fees; the City of Palm Beach is not asking for anymore contributions and if Delray Beach falls out there is no consequence because Palm Beach is doing it on their own now. Mr. Katz stated instead of dropping out from the fifteen (15) municipalities, he sees this as an opportunity to join the twenty-three (23) that have not opted to be part of this since there are thirty-eight (38) municipalities in the county. Mr. Katz stated he supports out of this lawsuit.

Ms. Jarjura stated the perception is that if the City files this lawsuit they somehow are opposing the OIG's office and she feels that oversimplifies the actual core of this issue which is Home Rule power both to the state level to the county and the local level. Ms. Jarjura stated he she was a city that has not utilized the OIG's office as much as Delray Beach has, she would have a real concern over how the fees were being mandated especially because some cities are utilizing it more than others. Ms. Jarjura stated she defers to her colleagues because she is split either way on this and if the majority is to drop out of this, then she is okay with that as well.

Deputy Vice Mayor Jacquet commented about the matrix and who pays and the matrix of what Delray Beach pays is important. Deputy Vice Mayor Jacquet stated the Delray Beach needs to protect its residents and we need to make sure that neighboring cities are not paying less than we are but getting more service. Deputy Vice Mayor Jacquet stated he supports Delray Beach to participate in the appeal just on principle.

Mayor Glickstein stated he read the order and feels it is well written. Mayor Glickstein stated the OIG has been a big part of assisting the City of Delray Beach with focusing on Best Practices. Mayor Glickstein concurs with the City Attorney that whether the City of Delray Beach participates or not, there is no monetary difference; it is whatever the court decides. Mayor Glickstein stated he would like to see Delray Beach extricate them from this as soon as possible.

Mr. Katz moved to approve to direct the City Attorney to file a Notice of Withdrawal for pending action, seconded by Vice Mayor Petrolia. Upon roll call the Commission voted as follows: Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes. Said motion passed with a 5 to 0 vote.

9.M. AMENDMENT TO A SETTLEMENT AGREEMENT AND CONSENT ORDER/CARON FOUNDATION OF FLORIDA, INC.: Motion to approve amending the Settlement Agreement and Consent Order with Caron Foundation of Florida, Inc. to require Caron to pay an annual sum equal to the amount of public school board taxes in lieu of providing in-kind services, specifically, substance abuse training and education.

The City Attorney presented this item to the Commission and explained the amendment to the Settlement Agreement and Consent Order with Caron Foundation of Florida, Inc.

The City Manager stated if the Commission approves this, the money will be used for educational programs.

Ms. Jarjura asked who was monitoring compliance with the settlement agreement, was there any reporting done and was there any reporting done to show what the in-kind services were and whether or not they were complying with that provision as well as the other provisions of the settlement agreement. Ms. Jarjura stated someone needs to be monitoring performance on those agreements, compliance to those agreements, and whether or not there have been any deviations from the material terms of those contracts.

Deputy Vice Mayor Jacquet confirmed that the list of educational programs is not exhausted.

Brief discussion between Mayor Glickstein and the City Attorney ensued regarding the tax exempt status.

Michael Weiner, Attorney representing the Caron Foundation of Florida, Inc., stated there was some reorganization of it but it is actually split into two (2) 501(c)(3).

Deputy Vice Mayor Jacquet stated the Delray Beach Sports Exhibitors is a large organization in town and he requested that this organization be added to the list as well.

Mayor Glickstein suggested to the City Manager to contact the Drug Abuse Foundation in Delray if he is trying to match the dollars to what the Caron Foundation was doing in terms of in-kind services if the City is trying to use those dollars for educational purposes.

Vice Mayor Petrolia moved to approve the Amendment to a Settlement Agreement and Consent Order with Caron Foundation of Florida, Inc., seconded by Deputy Vice Mayor Jacquet. Upon roll call the Commission voted as follows: Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes. Said motion passed with a 5 to 0 vote.

9.N. NOMINATION FOR APPOINTMENT TO THE PUBLIC ART ADVISORY BOARD: Nomination for appointment of one (1) regular member to serve on the Public Art Advisory Board to serve an unexpired term ending July 31, 2016. Based on the rotation system, the nomination for appointment will be made by Mayor Glickstein (Seat

#5).

Mayor Glickstein moved to nominate Steven Blackwood to the Public Art Advisory Board (PAAB) as a regular member to serve an unexpired term ending July 31, 2016, seconded by Vice Mayor Petrolia. Upon roll call the Commission voted as follows: Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes. Said motion passed with a 5 to 0 vote.

9.O. NOMINATIONS FOR APPOINTMENT TO THE POLICE ADVISORY BOARD: Nominations for appointment of one (1) regular member to serve on the Police Advisory Board to serve an unexpired term ending July 31, 2017; and for three (3) regular members to serve unexpired terms ending July 31, 2016. Based on the rotation system, the nominations for appointment will be made by Commissioner Katz (Seat #3) for one (1) regular member to serve an unexpired term ending July 31, 2017. Ms. Jarjura (Seat #4), Mayor Glickstein (Seat #5) and Commissioner Petrolia (Seat #1) will make nominations for three (3) regular members to serve unexpired terms ending July 31, 2016.

Ms. Jarjura inquired as to what the purpose is of the Police Advisory Board (PAB).

Chevelle Nubin, City Clerk, stated the purpose of the Police Advisory Board (PAB) was initially formed was so that the community could bring any type of issues to that particular board who could rely that information to the City Commission in hopes of forging a relationship so that any type of public safety issues or nuisances in the community could be discussed. In addition Ms. Nubin stated at the time the board was originally formed some of the board members went on ride-a-longs with different Police Officers.

Ms. Jarjura stated she emailed the City Clerk an example of how the City of Fort Lauderdale does this on their website (i.e. a list of every advisory board, the purpose, the term, every member, who was appointed by, and their contact information). Ms. Jarjura stated this is made readily available to residents so they can monitor what terms are coming up and on the same page, it has the minutes of every board, the agendas of every board, applications, and upcoming postings. Ms. Jarjura suggested to the Police Chief that since this is a new Commission to a ride-along so that they can see what is going in different pockets of the neighborhood because she feels it would be beneficial. The City Clerk stated she received the information from Ms. Jarjura via email from the City of Fort Lauderdale's webpage and the City is working on consolidating that information and placing it on the City's website.

Deputy Vice Mayor Jacquet stated the Police Advisory Board (PAB) is going to be people from different parts of town who are going to meet and talk about public safety issues and bring it directly to the Police; however, he does not believe that has been happening because the Police Chief said during the summers a lot of people are not here and Deputy Vice Mayor Jacquet suggested adding people to the board who are here.

Mr. Katz stated he would like to defer his appointment and asked that the City Manager meet with the Police Chief and make recommendations to the Commission. The City Manager stated he can do this; however, he reminded the Commission that this is a Commission advisory board.

Deputy Vice Mayor Jacquet stated he would like to see this board meeting somewhere other than in City Hall and that ride-a-longs be required.

Ms. Jarjura stated she would like to defer her appointment and she agrees with the purpose of this board and directed the City Manager to speak with the Police Chief and figure out ways to accomplish that purpose and noted some of the applicants are on other boards and are people applying and then they would have to resign from another board. Ms. Jarjura stated she would like to see these changes done before the July/August appointment terms expire.

Vice Mayor Petrolia moved to defer any appointments to the Police Advisory Board (PAB), seconded by Mr. Katz. Upon roll call the Commission voted as follows: Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes. Said motion passed with a 5 to 0 vote.

10. PUBLIC HEARINGS:

A. None

11. FIRST READINGS:

A. None

12. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS.

12.A. City Manager

None.

12.B. City Attorney

None.

12.C. City Commission

12.C.1. Mr. Katz

Mr. Katz commented about the Police and Fire Pension Board and stated information he received from the CFO as well as the Chair of the Board that they do not operate on a budget. Mr. Katz stated he is appalled that any board that spends this type of money (last year \$713,364.00 without a budget which was an increase from \$556,329.00 then how do they know where they are trending for their budget unless they actually have a

budget. In addition, Mr. Katz stated the General Employees' Pension Board does not have a budget either; however, they should still have a budget. Mr. Katz suggested that the City should require both boards to have a budget.

Secondly, Mr. Katz stated 6th Avenue (Federal Highway) is being closed for Atlantic Crossing to install underground utilities. He stated this Friday the Delray Affair will be held which is the largest event of the year where the City has to have road closings. Mr. Katz asked if the City issued the permit to close the road. The City Manager stated City issued on Delray jurisdiction permits but FDOT would have to authorize for Federal Highway. Mr. Katz stated it needs to be taken into consideration what else is going on in the city at the time we are issuing permits and communication within the city.

With respect to All Aboard Florida, Mr. Katz stated he requested from "Not All Aboard Florida" some of the resolutions that have been passed by other counties.

Lastly, Mr. Katz asked what the process is to get an item placed on the Agenda. The City Manager stated he will coordinate this with the Mayor.

12.C.2. **Ms. Jarjura**

Ms. Jarjura stated going into the budget season she would like to see the City Manager analyze and rebuild his recommendations for rebuilding the city.

Secondly, Ms. Jarjura stated with respect to the City's infrastructure and feels there should be a citywide plan so that at least on city jobs we are setting the standard and example for private development to follow.

Ms. Jarjura stated the Local Small Business Preference Program is scheduled for the Agenda of April 21, 2015.

With respect to a follow on the Beach Erosion Workshop the City Commission had a few months ago, Ms. Jarjura stated the Commission agreed that beach erosion maintenance is a small upkeep cost but long-term huge benefit and something that they would like to prioritize along with the Beach Master Plan. Ms. Jarjura asked for an update.

With regard to sidewalk cafés, Ms. Jarjura stated the Commission received an email with an attachment listing the different restaurants that are going to be impacted and stated it seems that *every* restaurant is going to be impacted by the zoning changes. She stated it would be helpful for her to see actual site plans of where exactly the City would be impacting the outdoor dining rather than just a list of restaurants (i.e. is it taking away three (3) tables from a restaurant or is it taking away all of its tables). She stated the attachment to the Agenda item was not clear enough for her to understand how much might be impacting the downtown core and the businesses.

With regard to the City's events, Ms. Jarjura stated the Commission discussed that in addition of the number of events in the city some of the events are not

paying to cover the cost of their services much less their impact onto the community from a safety and maintenance perspective, etc. She stated as the City leads into the next calendar year it would be important to the city so that the companies who put on these events could have some notice for the City to have those procedures and policies in place and the application process so that coming into the following year they could plan their own budgets and calendars as well. The City Manager stated staff will presenting that to the City Commission in June and dune maintenance will be incorporated into the fiscal budget 2016.

Lastly, Ms. Jarjura inquired about an RFP for none-motorized water activities such as paddle boarding, kayaking and whether or not it is feasible and what locations would staff recommend to put those in along the Intracoastal in the city.

12.C.3. Vice Mayor Petrolia

Vice Mayor Petrolia stated with respect to the Trolley Workshop, they agreed to be funded at \$75,000 non-matching funds from July 15 through June 16, 2015 through the South Regional Authority. She stated now is the time to discuss this for 2016 as to whether or not this is the vehicle of transportation that we want to continue in this city. Vice Mayor Petrolia stated she would like to discuss and see if there are good suggestions as to maybe alternatives or if this is the best that we have gotten what we want to keep.

Secondly, Vice Mayor Petrolia stated today she spent time at St. Paul's Episcopal Church at the Children's Community Garden which is coming along and is an effort by a non-profit organization. She stated they are looking for financial help if anybody has any ways of being able to reach out. Vice Mayor Petrolia stated it is going to be something that is unique to the community and they have a thatched tiki roof for lectures, and for listening and learning. She stated if anyone is interested in being a potential sponsor Shelly Zacks is the contact person.

Vice Mayor Petrolia commented about the Styrofoam ban and stated she would like to know the thoughts of the Commission maybe starting off with the City banning and then moving out so that we can set the example for everybody else. She stated Styrofoam is a material that does not degrade and requested that the City start working on this. Vice Mayor Petrolia stated Miami has already started it and Sunrise has done an abbreviated form to start it out. She stated she would like to see the restaurants change over because it is the right thing to do and if Delray Beach starts out doing ourselves it might leach out that way.

With respect to the Barwick Road issue, Vice Mayor Petrolia stated the price went from \$50,000.00 to \$75,000.00 and the guard rail is much larger and longer than the Commission had originally anticipated. She stated people have been asking for this for ten (10) years and is this is what the city could get now. Vice Mayor Petrolia stated it is the children's safety that the City Commission is concerned about and suggested that cuts be made into the guard rails where it is necessary so that pedestrians have access; however, she feels it should have been foreseeable.

Mr. Katz stated he walked Barwick road with the City Managers two predecessors and himself and feels the City Commission should not have to “babysit” every step of every process. Mr. Katz stated the guard rails were supposed to go from the corner of the Fire Station to where the *curb begins* (about 50 feet past the Sabal Lakes sign) and expressed concern that staff did not know exactly where the curb was supposed to go to. Mr. Katz stated he watched the video and Ms. Jarjura had a question about the cost of the curbing because she thought the City could maybe actually afford to do curbing because she did not feel it was priced correctly. He commented about the cut-outs for pedestrians and stated people have to have access to the canal. Mr. Katz expressed concern that the City is now going to have to pay to have that part of the guardrail removed so that the South Florida Water Management District (SFWMD) has access to that canal. Mr. Katz stated the City Commission should not have to micro-manage every project and noted that this was a small project.

Vice Mayor Petrolia stated this was a temporary measure to be able to provide some safety for the children especially latchkey kids that are walking home by themselves. Vice Mayor Petrolia expressed her disappointment that this project did not get done as the City Commission had hoped for and there is waste.

Vice Mayor Petrolia stated she would like to know when and how the garbage cart fee is going to be taken care of.

Vice Mayor Petrolia stated she was informed that there is a very recent State law that has changed with respect to how the public can speak on items on the Agenda inclusive of removing items from the Consent Agenda and putting them on the Regular Agenda. Vice Mayor Petrolia stated the change would allow the public to speak on every item and she suggested that this be placed on the Workshop meeting for discussion.

The City Manager stated he has seen some of the Florida League of Cities and the issue has been that you have to require an opportunity to speak at the meeting which we do and he believes the City is in compliance.

The City Attorney stated the Anti-Shushing Law was enacted in 2012 which is the most recent law which requires everyone to have an opportunity to speak on any matter on which there is going to be official action. The City Manager stated there were some modifications last session. Vice Mayor Petrolia reiterated that the modifications were done and is something that makes it so much broader then she would like to discuss this at a Workshop meeting.

Lastly, Vice Mayor Petrolia expressed her condolences to Mayor Glickstein for his loss.

12.C.4. Deputy Vice Mayor Jacquet

Deputy Vice Mayor Jacquet thanked the City Commission regarding the Sister Cities for Haiti and stated this is groundbreaking for the City of Delray Beach.

12.C.5. Mayor Glickstein

Mayor Glickstein stated the Styrofoam issue is something the Commission discussed because they saw what they had been done in Miami. Mayor Glickstein stated he talked to John Morgan about it and asked him to speak to the City Commission because different Solid Waste Authorities have different ways of treating the Styrofoam and Mr. Morgan informed him that the City actually makes money from the way they burn the Styrofoam. Mayor Glickstein stated it is a good branding policy for the City; however, he would like to hear more input from Mr. Morgan.

Secondly, with respect to the sidewalk cafés, Mayor Glickstein stated it has been brought to his attention that the restaurants in Pineapple Grove will not be able to comply with this and they have shown him why. Mayor Glickstein suggested that the Commission consider revisiting the sidewalk café issue in the sense that the pedestrian traffic in Pineapple Grove is different than the pedestrian traffic on Atlantic Avenue in particular the restaurants on 2nd Avenue and Atlantic Avenue. He stated there is a new restaurant that opened up with tables that are in complete conflict with the new LDRs that were just passed. With respect to Deputy Vice Mayor's comments about the attachment of restaurants provided by staff that is going to be impacted by the new LDRs, Mayor Glickstein stated the attachment is just a *list* of restaurants but he would like to know if the City would be putting somebody out of business or do they mean one (1) table. Mayor Glickstein stated he does not feel the Commission needs the minutes to meetings because of the delay, but if the Commission does not have the minutes or the backup then staff should be present until that Agenda item is called so that the Commission has the requisite expertise to answer that question. Mayor Glickstein stated he understands there is a delay in preparing minutes; however, it would be nice to have that complete package. Mayor Glickstein reiterated that staff should be present and the Commission should not be in limbo on a decision because they are lacking expertise for context. The City Manager stated given the complexity of the LDRs and the broad scope, the City is going to run into these issues and staff has to just correct them.

Mayor Glickstein stated with respect to All Aboard Florida the Commission is going to have to make a decision whether or not it wants to put forth a resolution comparing Palm Beach, Broward, and Dade County to Indian River County is comparing Iowa to California. He stated there is not a city in Broward, Dade, or Palm Beach County that has proffered a resolution against All Aboard Florida with the exception of Fort Lauderdale. Mayor Glickstein stated Delray Beach is unique and affected more by the number of crossings than other cities.

Mayor Glickstein asked if the City Commission would like to see a resolution regarding All Aboard Florida.

At this point, Ms. Jarjura stated she would like to recuse herself from the dais.

Deputy Vice Mayor Jacquet stated he does not wish to move forward with a resolution.

Vice Mayor Petrolia and Commissioner Katz stated they would like to move forward with a resolution to not support All Aboard Florida. Mayor Glickstein stated he does not support All Aboard Florida and the reasons we are distinct from some of those northern counties is he would like the City's support to be conditioned on assurances that we are going to get commuter rail. Mayor Glickstein stated if the State is spending tax dollars on All Aboard Florida related improvements then the State can perhaps weigh in on that because the City is going to need State support to get that commuter rail.

Deputy Vice Mayor Jacquet stated if the Commission wants to move forward that the resolution be tailored specifically for Delray Beach.

Mayor Glickstein stated that in the resolution the City Attorney will have to address safety, cost and assurances that Delray Beach is getting something other than more freight and a high-speed train.

12. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS.

There being no further business, Mayor Glickstein declared the meeting adjourned at 8:48 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 April 6, 2015, which Minutes were formally approved and adopted by the City Commission on _____.

City Clerk

NOTE TO READER:

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

DRAFT