

AUGUST 18, 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, August 18, 2015.

1. Roll call showed:

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

Absent - None

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

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

3. **APPROVAL OF MINUTES:**

Ms. Jarjura moved to approve the Minutes of the Regular Meeting of February 24, 2015, 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.

4. **PRESENTATIONS:**

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.

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

With regard to a prior comment expressed by Mr. Humanik about bike racks and bus shelters placed on Atlantic Avenue, the City Manager stated bike racks that are being installed are decorative bike racks from the Arts Commission and the bus shelters are being made ADA accessible.

Secondly, the City Manager introduced the new Human Resources Director Ms. Tennille Decoste.

5.B. From the Public.

5.B.1. Jim Smith, 1225 South Ocean Boulevard, Delray Beach, FL 33483, commented about some remarks that were made at the Commission meeting last Tuesday by the Commission and asked that they be more civil to one another. Mr. Smith urged the Commission to apologize to one another during tonight's closing comments.

5.B.2. Kathleen Hard, Vice President of Grants Administration for Alzheimer's Community Care, Headquarters located at 800 Northpoint Parkway, Suite #101-B, West Palm Beach, FL 33407, stated they applied for funding through the charity funding source for the Family Nurse Consultant Program and the family nurse consultants work in Delray Beach at no cost to caregivers or to patients. Ms. Hard stated their organization is unique because they are the only organization in Palm Beach County that provides these services without charge because they are all supported by grants and donations. She stated last year the organization served 315 residents of Delray Beach with these services (includes both patients and caregivers); 90% of the families that they serve are able to continue providing care for their loved one in the home throughout the disease progression and therefore avoiding costly nursing home care. Ms. Hard asked the City Commission to consider their request for funding (\$10,000.00) which will support approximately one month of services in Delray Beach.

5.B.3. Pauline Moody, 609 S.W. 8th Avenue, Delray Beach, FL 33444, expressed her opinion regarding public comments and Quasi-Judicial Hearing items.

5.B.4. Saralyn Ledbetter Buzen, 237 N.E. 14th Street, Delray Beach, FL 33444, stated she would appreciate the opportunity to serve on the Historic Preservation Board.

5.B.5. Ann Margo Cannon, 107 N.W. 9th Street, Delray Beach, FL 33444, stated she would like to yield her 3 minutes to Nancy Dockerty on behalf of the Delray Beach Public Library.

5.B.6. Nancy Dockerty, 95 N.E. 4th Avenue, Delray Beach, FL (President of the Delray Beach Library Board) and speaking as a citizen, commented about the proposed budget cuts for the non-profits in particular the library. She stated the library is not a department of the city but a separate 501(c)(3) and the City provides 75% of the annual operating budget. Ms. Dockerty commented about all the programs and resources the library offers children. She stated the library's summer program serve 5,426 children with 81 library programs and 36 outreach programs throughout the community at no cost. Ms. Dockerty stated the library also has a long partnership with the City's Education Board and work together on campaign for grade level reading and summer enrichment. She stated the library serves every school (public and private) in Delray Beach and partner with Parks and Recreation, Head Start, Village Academy, the Achievement

Center, Milagro Center, Spady Museum, and churches that have children's programming regardless of denomination. The library will embark on a 5,000 square foot expansion of the children's department completely funded by private donations. The work begins this week and the new department will have a recording studio, a mobile computer lab, a family reading center, and additional resources and programming. In addition, Ms. Dockerty stated the library offers things for teens and adults.

5.B.7. Shaneika Spells, 503 S.W. 3rd Street, Delray Beach, FL 33444, stated she has been going to the library since she was in elementary school and she supports it.

5.B.8. Christine C. Davies, 3224 N.E. Ocean Boulevard, Gulf Stream, FL 33483 (Co-President of the Sandoway House Nature Center and has served on the Board more than 17 years), stated she was a 5th and 3rd grade teacher at Pine Grove Elementary School for eight (8) years. Ms. Davies stated the Sandoway House Nature Center is a place for the public including thousands of Palm Beach County school children, residents, and tourists to learn about the beautiful beach environment. She stated last year 250 classes visited the nature center. Ms. Davies stated the Sandoway House opened in 1998 and receives a grant every year in the amount of \$20,000-\$30,000. She stated the Sandoway House is growing and this year they asked for \$57,000 to fund expanded two (2) temporary employees to full time. Ms. Davies urged the Commission to not cut the funding to \$10,000.

5.B.9. Michelle Donohue, newly elected board member of the Delray Beach Historical Society, stated the Delray Beach Historical Society appreciates the opportunity to give a presentation at the Commission meeting on September 3, 2015. Ms. Donohue stated cutting the library's funding will jeopardize the Historical Society's ability to preserve the city's archives and protect the cultural heritage for future generations.

5.B.10. Cameron Marshall, 700 NE Harbour Terrace, Apt. #226, Boca Raton, FL 33431, stated when she lived in Delray Beach she checked out her first book from the Delray Beach Library and last year she won the Martin Luther King, Jr. "I have a Dream" speech contest at the library. She stated one of the most important places for children in this community is the library.

5.B.11. Johanna Albreicht, M.D., 803 North Swinton Avenue, FL 33444, stated she is a Pediatrician and raised her son in Delray Beach with the help of the public library.

5.B.12. Wilberson Camilus, stated he supports the library and noted that some children cannot afford the internet, the computers, and the books so they utilize these resources at the library. He stated if the City cuts 50% of the library funding it will be cutting 50% of the children.

5.B.13. Lisa Archer, 5103 Military Trail, Suite #I-8, Delray Beach, FL 33445, speaking on behalf of the H.O.W. (Help Our Wounded) Foundation, stated they are

one of the 36 non-profits that applied for funding from the City and they have asked for \$2,500 of the proposed \$962,000 and they hope to be considered. Ms. Archer stated they are specifically asking for funding for their Veteran Program which provides these Hyperbaric Oxygen Therapy treatments to veterans that have Traumatic Brain Injury (TBI) and/or Post-Traumatic Stress Syndrome (PTSS). She stated the cost is approximately \$10,380.00 for forty (40) treatments and most veterans see a significant amount of improvement after the forty (40) treatments.

5.B.14. Rykizyah Williams, 805 S.W. 1st Street, Delray Beach, FL 33444, urged the City to not cut 50% of the funding for the library because this will cut 50% of those children who utilize the resources there.

5.B.15. Chuck Ridley, 210 NW 2nd Avenue, Delray Beach, FL 33444 (speaking as the Vice Chair of WARC), stated WARC is pleased that the Commission is supporting WARC's effort with respect to the branding initiative. Mr. Ridley thanked the Commission for their support and stated WARC looks forward to working with the Commission on many projects moving forward.

6. AGENDA APPROVAL.

The City Attorney requested that **Item 8.H., Resolution No. 52-15: Replacing One of the Citizen-At-Large Representatives of the Parking Management Advisory Board with a Member of the Green Implementation Advancement Board** be removed from the Agenda and staff will bring back in September 2015.

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

7. CONSENT AGENDA: City Manager Recommends Approval.

7.A. HOLD HARMLESS AGREEMENT/MCA DELRAY PRESERVE OWNER LLC: Motion to Approve a Hold Harmless Agreement with MCA Delray Preserve Owner LLC, to install brick pavers over public utility easements where the City will maintain sanitary sewer and water mains.

7.B. RESOLUTION NO. 50-15/LOCAL AGENCY PROGRAM AGREEMENT (LAP) WITH FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT)/ FEDERAL HIGHWAY BEAUTIFICATION PROJECT: Motion to Approve Resolution No. 50-15 to execute a supplemental Local Agency Program (LAP) agreement with Florida Department of Transportation (FDOT) for additional funding of the Federal Highway Beautification Project (Project No. 2009-009).

The caption of Resolution No. 50-15 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO INCREASE FUNDING FOR THE LOCAL AGENCY PROGRAM (LAP) AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION VIA A SUPPLEMENTAL AGREEMENT TO PROVIDE ADDITIONAL FUNDING IN THE AMOUNT OF \$12,800.00 FOR THE DEPARTMENT'S PARTICIPATION IN THE INSTALLATION OF 16 LINEAR FEET OF 48-INCH PIPE CULVERT, WITHIN IN THE CITY OF DELRAY BEACH.

(The official copy of Resolution No. 50-15 is on file in the City Clerk's office.)

7.C. CONSULTING AGREEMENT/CHICAGO BRIDGE & IRON INCORPORATED (CB & I)/COASTAL ENGINEERING CONSULTING SERVICES: Motion to Approve an agreement with Chicago Bridge & Iron Incorporated (CB&I) related to RFQ No. 2015-01 for Coastal Engineering Consulting Services, City Project No. 14-096. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(A)(2), "Request for Qualifications".

7.D. PURCHASE AWARD/TIRESOLES OF BROWARD COUNTY/GOODYEAR TRUCK TIRES: Motion to Approve a revised expenditure limit not to exceed \$48,000.00 with Tiresoles of Broward County utilizing State of Florida Contract No. 863-000-10-1. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(C)(7)(c), "Utilization of Other Governmental Entities' Contract". Funding is available from 501-3311-591-52.52 (Garage Fund: Intragovernmental Service Disbursement/Operating Supplies/ City Garage – Outside Service).

7.E. FOOD TRUCK PILOT PROGRAM EXTENSION AND AMENDMENT TO THE REGULATIONS: Motion to Approve the extension of the Food Truck Pilot Program from August 31, 2015 to February 28, 2016; and Motion to Approve an amendment to the Food Truck Pilot Program regulations to allow Food Trucks to operate in the General Commercial (GC) and Planned Commercial (PC) zoning districts and extend the hours of operation to midnight.

7.F. LICENSE AGREEMENT/MAE VOLEN SENIOR CENTER/WESTERN COMMUNITY CENTER SITE: Motion to Approve License Agreement with Mae Volen Senior Center for the use of Western Community Center building and parking lot for a term of three (3) years.

7.G. APPROVAL OF FISCAL YEAR (FY) 2015 SPENDING GREATER THAN \$25,000.00/WOODLAKE PSYCHOLOGICAL ASSOCIATES: Motion to Approve FY 2015 spending with Woodlake Psychological Associates in an amount not to

exceed \$35,000.00 to perform psychological exams for potential new hires by the Police Department. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.03(B), "Multiple Acquisitions from Vendor Exceeding \$25,000.00 in Any Fiscal Year". Funding is available from 001-2111-521-31.90 (General Fund: Police/Support Bureau/Law Enforcement/Other Professional Services).

7.H. LETTER OF SUPPORT/COUNTY JUSTICE ASSISTANCE GRANT (JAG): Motion to authorize the Mayor to sign a letter in support of the Criminal Justice Commission of Palm Beach County's funding allocation for Countywide Justice Assistance Grant (JAG) funds for FY 2015.

7.I. PROCLAMATIONS:

- 1.** None

7.J. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS: There are no appealable reports for the period from July 27, 2015 through August 7, 2015.

7.K. AWARD OF BIDS AND CONTRACTS:

- 1.** Motion to Approve a bid award (Bid No. 2015-56) to M.T. Causley, CAP Government, Inc. and GFA International for Building Inspection, Plan Review and Development Review Services as needed for a three (3) year term with two (2) additional one (1) year renewal periods. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(A)(1), "Competitive Bids". Funding is available from 001-2721-524-31.90 (General Fund: Community Improvement/Building Inspection/Professional Services/Other Professional Services).

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

8. REGULAR AGENDA:

8.A. FOURTH & FIFTH DELRAY, LOCATED SOUTH OF EAST ATLANTIC AVENUE, BETWEEN S.E. 4TH AVENUE AND S.E. 5TH AVENUE:
(Quasi-Judicial Hearing)

i. Consider two Conditional Use Requests:

- 1.** To allow for a building height in excess of 48 feet (59.5' proposed) within the development
- 2.** To allow a movie theater within the development.

- ii. **RESOLUTION NO. 49-15:** Consider an abandonment of a portion (north 196.18 feet) of the 16 foot wide north-south alley right-of-way, lying within Block 101.

The caption of Resolution No. 49-15 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF THE CITY OF DELRAY BEACH, FLORIDA, VACATING AND ABANDONING A PORTION OF THE 16-FOOT ALLEY RIGHT-OF-WAY DEDICATED BY THE TOWN OF LINTON (NOW DELRAY BEACH) SUBDIVISION PLAT, BLOCK 101, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING AN EFFECTIVE DATE.

(The official copy of Resolution No. 49-15 is on file in the City Clerk's office.)

Mayor Glickstein read the City of Delray Beach Quasi-Judicial Hearing into the record.

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

Mayor Glickstein asked the Commission to disclose their ex parte communications. Mr. Katz stated he met with the developer Hamid Hachemi and their attorney on more than one occasion and spoke on the telephone, met with members of the Planning and Zoning Board, met with members of the public, has received hundreds of emails, telephone calls, noted that all the emails are on the City server, and met with Jeff Costello, and spoke to Mayor George Vallejo of North Miami Beach. Ms. Jarjura stated over the past year she has met with the applicant and the applicant's attorney, representatives along with City staff, as well as communicated by email and conference calls several times, met with the George family and communicated with them by a conference call, several emails which are on the City server, several meetings with staff, telephone calls or in person conversations with Steve Blum, Connor Lynch, John Levinson, Sandy Simon, Lee Cohen, Ryan Boylston, subsequent to the Planning and Zoning Board vote she spoke with board member Robin Bird and Steven Mackey, multiple meetings with the City Attorney, City Manager, City Planning Director, staff, the CRA Director, hundreds of emails which are all on the City server, and multiple site visits. Vice Mayor Petrolia stated she has met with staff, Bonnie Miskel, owner of iPic, hundreds of emails, met with the George family on more than one occasion, met with Board members Gerry Franciosa, Chris Davey, Jeff Costello, and Bill Branning. Deputy Vice Mayor Jacquet stated he met with the Principal and the Principal's attorney, numerous numbers from the public, and emails on the City server. Mayor Glickstein stated he has received hundreds of emails which are on the City server, numerous conversations with staff including the Police Department, met with the applicant and/or

their attorney on three occasions with staff, held a community forum on Thursday, August 13, 2015 where 42 speakers spoke and expressed their views with respect to this project; the names of all of the speakers have been provided to the City Clerk so they are made part of the record and this list is available to the applicant or to any interested person. In addition, Mayor Glickstein stated he has spoken with or communicated with the following: Jorge Rodriguez, Reggie Cox, Scott and Ona Wyler, Steve Hacker, Ed McCall, Frank Frione, Diana Franco, Jena Sellers, Cathy Sellers, Donna Monroe, Richard Edict, Bill McCauley, Don Uderitz, David Henninger, Louis Smith, Carolyn and Price Patton, Bill Bathurst, Dr. Craig Spodak, Sandy Zeller, Tom and Nancy McManus, Stacy Winnick, Mike and Sandy Stains, Jeff Peterson, Bill Williams, Steve Snyder, Paul and Leslie Geller, Steve Groth, Ray and Bonnie Jones, Sven Mountner (sp), Laura Simon, Todd L'Herrou, Bill Branning, Winnie Edwards, Jeff Costello, Arlen Dominick, Mark Krall, Karen Granger, Hanna Connell, Dr. Robert George, Francisco Perez, Robert Toth, Albert Richwagen, Blake McDermid, Jeanne DuPont, Mike Busha, Dana Little, Anthea Giannotes, Bernie Dahlem, Steve Levine, former City Commissioners Fred Fetzer, Jon Levinson, Gary Eliopoulos, Bob Costin, and Mack Bernard; former Mayors Tom Lynch and David Schmidt, Mayors of Bolingbrook, Illinois, Charles Clare, and Mayor George Vallejo of North Miami Beach, both iPic locations, Janet Swors (sp), Pasadena Development Director (another iPic location), Robert Victorin, Bob Spavero, Chuck Halberg, Ameliana Brooks, Scott Porten, Connor Lynch, Gail Clark, Howard Ellingsworth, Mike Cruz, Tom Laudani, Steve Murray, George Brewer, Gary Eliopoulos, Rocky Goldman, Larry and Alma Frankel, Sue Tauriello, Linda Lake, Fred Devitt, Jestena Boughton, Charles Weiland, Rhonda Turner, Jocelyn Patrick, Kelly Barrette, Frank and JoAnn Varca, Joe and Terry Pike, Daryl Fink, Mary Walton, Mark Walsh, Tom McMurrian, Jack and Jackie Maloney, Janet Taggart, Mark Krall, Patsy Westall, Roy Simon, Sandy Simon, Bob Schmier, Jim Zengage, Howard Lewis, Billy Himmelrich, Rett Talbot, George Whitney, Frank McCluskey, Fran Marincola, Andy Spangler, Dr. Pat Rubseman (sp), Anita Casey, Bob Wexley, and Brian Styles.

Mayor Glickstein stated the City has received a request for party status.

Mayor Glickstein moved to approve party status for Abilene Properties, seconded by Deputy Vice Mayor Jacquet. 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.

The City Attorney stated Item 8.A., includes three (3) separate items; two (2) requests for a conditional use and a request to adopt a resolution to abandon an alleyway. The City Attorney stated it is best served if the City Commission hears this in totality and then at the conclusion of their discussion take sequentially each of those three (3) items. The City Attorney urged the City Commission that at a minimum to provide that 30 minute presentation so that the applicant has an opportunity to adequately present its case; however, Ms. Miskel is requesting 45 minutes.

Ms. Jarjura moved to approve 30 minutes time for the applicant, staff

and party (Abilene Properties), 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.

Tim Stillings, Director of Planning and Zoning, entered the Planning and Zoning Department project file #2014-146-ABR-CCA (Alley Abandonment) and #2014-143-USE-CCA (for the two (2) conditional use requests).

At this point, the time was 6:47 p.m.

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

8.B. SERVICE AUTHORIZATION NO. 1/CHICAGO BRIDGE & IRON INCORPORATED (CB&I)/BEACH MANAGEMENT PROGRAM: Motion to Approve Service Authorization No. 1 with Chicago Bridge & Iron Incorporated (CB&I) regarding the City’s Beach Management Program, Project No. 12-070, in an amount not to exceed \$78,483.00 for performing professional services subject to approval of the agreement with CB&I. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(C)(3), “Professional Services”. Funding is available from 332-4164-572.31-30 (Beach Restoration Fund: Parks and Recreation/Professional Services/Engineering/Architectural).

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

Mr. Katz moved to approve Service Authorization No. 1 with Chicago Bridge & Iron Inc. (CB&I), seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes. Said motion passed with a 5 to 0 vote.

8.D. CONTRACT AWARD/LINE-TEC, INC./FIRE HYDRANT FLUSHING: Motion to Approve a contract award to Line-Tec, Inc., utilizing an active contract with the City of Boynton Beach, Florida, Bid No. 050-28121-13/JMA, for services related to flushing fire hydrants. Estimated annual expenditure for the remainder of FY 2014-2015 in the amount of \$20,000.00 and an amount not to exceed \$100,000.00 for FY 2015-2016, subject to annual budget appropriations. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(C)(7)(c), “Utilization of Other Governmental Entities’ Contract”. Funding is available from 441-5123-536-34.90 (Water and Sewer Fund: Water/Sewer Services/Other Contractual Services).

Randal Krejcarek, Director of Environmental Services, presented this

item to the Commission.

Mr. Katz moved to approve an award to Line-Tec, Inc. utilizing an active contract with the City of Boynton Beach Estimated annual expenditure for the remainder of FY 2014-2015 in an amount not to exceed \$20,000, with FY 2015-2016 in an amount not to exceed \$100,000, subject to annual budget appropriations, seconded by Vice Mayor Petrolia. Upon roll call the Commission voted as follows: Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes. Said motion passed with a 5 to 0 vote.

8.C. PROPERTY CASUALTY INSURANCE RENEWAL ALTERNATIVES: The City's current property and casualty insurance coverage expires September 30, 2015. The City's broker, Ascension Benefits and Insurance Solutions, will provide information of plans for renewing the policies at the lowest available price.

Jack Warner, Chief Financial Officer, gave a few brief comments and stated this proposal is a reduction from last year's.

Tim McCreary, President of Ascension Insurance Benefits and Insurance Solutions, presented this item to the Commission.

Brief discussion by the Commission followed.

At this point, the time being 7:09 p.m., the Commission moved to the duly advertised Public Hearings portion of the Agenda.

9. PUBLIC HEARINGS:

9.A. ORDINANCE NO. 13-15 (SECOND READING): Motion to Approve Ordinance No. 13-15, amending the Land Development Regulations of the City Of Delray Beach, Florida, by amending Subsection 4.5.1(E)(6), "Relocation," to establish regulations and guidelines regarding the relocation of buildings or structures within, to, or from "Historic Districts" or Sites; by enacting Section 7.10.11, "Historic Structures," to establish a "Historic Structure Relocation Bond", and to provide for forfeiture of same for failure to successfully relocate a Historic Structure.

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

AN ORDINANCE OF THE CITY COMMISSION OF
THE CITY OF DELRAY BEACH, FLORIDA,
AMENDING THE LAND DEVELOPMENT
REGULATIONS OF THE CITY OF DELRAY BEACH,
FLORIDA, BY AMENDING SUBSECTION 4.5.1(E)(6),
"RELOCATION," TO ESTABLISH REGULATIONS
AND GUIDELINES REGARDING THE RELOCATION
OF BUILDINGS OR STRUCTURES WITHIN, TO, OR

FROM HISTORIC DISTRICTS OR SITES; BY ENACTING SECTION 7.10.11, "HISTORIC STRUCTURES," TO ESTABLISH A HISTORIC STRUCTURE RELOCATION BOND, AND TO PROVIDE FOR FORFEITURE OF SAME FOR FAILURE TO SUCCESSFULLY RELOCATE A HISTORIC STRUCTURE; PROVIDING A SAVING CLAUSE, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE.

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

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

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

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

Vice Mayor Petrolia moved to adopt Ordinance No. 13-15 on Second and FINAL Reading, 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. ORDINANCE NO. 18-15 (FIRST READING/FIRST PUBLIC HEARING): Motion to Approve Ordinance No. 18-15, amending the Land Development Regulations of the City of Delray Beach; amending Article 4.4.13(B)(6) "Old School Square Historic Arts District (OSSHAD) Zoning With CBD Overlay"; Section 4.4.13(B) Figure 4.4.13-5 "Central Core & Beach Sub-Districts Regulating Plan"; Section 4.4.13(B) "West Atlantic Neighborhood Sub-District Regulating Plan"; amending Section 4.4.13(C) "Allowable Uses"; amending Section 4.4.13(D)(1)(A) "Building Height"; amending Section 4.4.13(E)(4) "Frontage Types"; amending Section 4.4.13(F) "Architectural Standards"; amending Section 4.4.13(G) "Civic Open Spaces"; amending Section 4.4.13(I)(2) "Minimum Number of Off-Street Spaces"; amending Section 4.4.13(K)(7) "Conditional Uses"; amending Section 4.4.24(B) "Principal Uses And Structures"; amending Section 4.4.24(C) "Accessory Uses and Structures Permitted"; amending Section 4.4.24(F) "Development Standards"; amending Section 4.51(E)(2) "Major And Minor Development"; amending Section 4.5.6(B) "Defined"; amending Section 4.7 "Findings"; amending Appendix A "Definitions".

(STAFF HAS REQUESTED THAT THIS ITEM BE POSTPONED)

TO A DATE CERTAIN OF SEPTEMBER 15, 2015)

At this point, the time being 7:11 p.m., the Commission moved back to Item 8.A. of the Regular Agenda.

Mr. Stillings presented this item to the Commission and gave a brief overview of the elevations. Based on staff's review positive findings can be made for each relative to the project as presented. At its meeting of July 20, 2016, the Planning and Zoning Board recommended denial on all three (3) parts; 5-2 vote for the movie theatre and alley abandonment and a 7 to 0 vote for the height increase. Mr. Stillings stated the primary concerns were traffic, valet circulation and queuing, some of the height and intensity as presented. Mr. Stillings stated staff has provided conditions of approval should the Commission wish to approve the request which were presented to the Planning and Zoning Board (#2 – after the Planning and Zoning Board meeting staff engaged with Simmons & White Engineering to do a more detailed analysis). Mr. Stillings stated staff did not want to rely on Palm Beach County to give comments, but staff wanted more detailed conditions relative to the valet and queuing and is presented in the letter from Simmons & White Engineering breaking down into four (4) pieces three (3) that would be required prior to site plan approval related to a detailed valet operational plan, detailed garage operational plan, and detailed directional signage. Mr. Stillings stated following the opening staff wants to ensure that everything is working according to what has been presented so performing an intersection analysis at S.E. 4th and Atlantic Avenue and S.E. 5th and Atlantic Avenue, a comprehensive review of the valet operations, and a commitment to modify should there be an issue with the circulation and queuing, and a review of the public and parking operations, and addressing the concerns on the drop-offs along southbound Federal Highway and ensuring that the connection between the north/south alley would be provided earlier in the process so that circulation could be maintained while the project is under construction.

Brief discussion between staff and the Commission ensued.

Mr. Katz commented about the original plan not having enough open space.

Deputy Vice Mayor Jacquet asked how many square feet did the applicant offer before and how many square feet is it now.

Scott Pape, Principal Planner, gave a few brief comments regarding the plans and stated the total square footage.

Hamid Hachemi, Applicant, 21 Compass Isle, Fort Lauderdale, FL (Chairman and Founder of iPic Theatres), showed a brief video presentation and gave a few brief comments regarding the project.

Bonnie Miskel, Land Use and Zoning Attorney with Dunay, Miskel and Backman, LLP, 14 S.E. 4th Street, Suite #36, Boca Raton, FL 33432, stated they

are requesting the abandonment of the portion of the north/south alley between the parking garage area and the movie theatre and commented about the criteria that they must demonstrate.

At this point, Mr. Hachemi made a few brief comments.

Brief discussion between the Commission and Ms. Miskel followed.

Vice Mayor Petrolia asked with respect the parking do they mean spaces or valets. Ms. Miskel stated there are ninety (90) public parking spaces as part of this overall project; on the upper deck they are able to add fifty-two (52) additional spaces because the upper deck will be the valet deck. Ms. Miskel stated of the 388 parking spaces, 52 of them are new spaces created by stacking on the upper level and the rest of the spaces are the traditional spaces that are within the garage.

Vice Mayor Petrolia stated Ms. Miskel was comparing it to those that were parking in the area around there. Therefore, Vice Mayor Petrolia asked if they are talking about 271 *spaces* or 271 *valet spaces*. Ms. Miskel entered into the record “A Valet Que Overview” created by Mr. Scott Aronson, Parking Manager and stated the number she has provided is from this document.

Robert George, his parents established a business in downtown Delray Beach in 1911, stated he is not against growth. Mr. George stated the library building along with eight (8) parking spaces on the north end will be eliminated; on the east side of the library there are seventeen (17) parking spaces that will be eliminated; the north/south alley will also be eliminated in its northern one-half. Mr. George stated going eastward, Lots 14, 15, 16 and 17 which constitutes the public parking open surface free ingress/egress public parking will be eliminated; Lot 18 where the Chamber of Commerce building is located will come down and the lot will be consumed in there. Mr. George stated there are going to be ninety-eight (98) parking spaces that will be gone so those ninety-eight (98) parking spaces plus an extra five (5) parking spaces estimated on the west side of the parking garage to allow for the ingress/egress (angled parking) and noted that a total of 103 parking spaces will be eliminated; eight (8) parking spaces will not be counted because the parking lot was restriped in September 2014 and the lot reduced down to fifty (50) parking spaces. Mr. George described the size of the building and stated the garage is a *private parking garage* because the City lost 103 parking spaces. Mr. George stated with respect to the abandonment of the northern one-half of the north/south alley, he expressed concern over the resulting impact that it has on small businesses in and around Block 101. Mr. George commented about the dumpsters being eliminated and stated a representative from the CRA informed him about putting dumpsters on their own land and when that happens it consumes additional parking which gets added to the 103 spaces. In July 1896, Mr. George stated W.S. Linton dedicated the streets and the alleys of this town (Town of Linton) to the public for use as roads in perpetuity. In his opinion, Mr. George stated the abandonment of the north/south alley is going to be a mistake because it will negatively impact the small businesses and the taxpaying businesses of this town. Mr. George stated the alleys are

commercial alleys serving a specific function which is to supply these businesses with goods and services and emphasized that there is no loading zones in these alleys; large trucks (i.e. 14, 16 and 18-wheelers) service these businesses and when the trucks come into the alley they have no place to park except in the roadway. Mr. George stated although the developer is going to make the road wider from 16 feet to 20 feet. However, Mr. George stated if there is an 18-wheeler and a 14-wheeler going in opposite directions there is a totally obstructed road and any traffic in back of either one of them cannot get out. He stated the north/south alley intersects the east/west alley perpendicularly so that traffic in back of these trucks can get out; the north/south alley serves as an escape route. Mr. George stated once this building is built, the effect on deliveries of the east/west alleys by service vehicles will not go down, but the number of service vehicles will increase. Mr. George stated the developer has stated that 1,849 extra trips per day are going to go to that building. Mr. George stated these trucks are finished loading and unloading they back out into S.E. 4th Avenue and they encounter the traffic backup from the stop light on East Atlantic Avenue (this is a blind corner). He stated on the east end of the east/west Alley there is Federal Highway (also a blind corner). Mr. George stated that the Planning and Zoning Board has pointed out that closing the alley will result in a closed in road on the southern one-half and the developer has purchased the Martini building and will construct a road that allows it to go out to 4th Avenue. However, Mr. George stated this road does nothing to alleviate the congestion on the east/west alley because it is the intersection of north/south alley and the east/west alley is where the relief and the access come in.

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

The following individuals from the public came forward to speak:

Steve Blum, Dennis Rooney, Judy Craig, Kathy Barstow, Robert Geller, Jestena Boughton, Alan Schlossberg, Kevin Homer, Carole Andersen, Gary Shusas, Jim Chard, Ryan Boylston, Natalia Noah, Claudia Willis, Bob Ganger, Peter Humanik, Karen Granger, Chuck Ridley, Connor Lynch, Cindi Freeburn, Carl Wells, Rita Rahn, Bruce Gimmy, Andy Katz, Christina Morrison, Todd L'Herrou, Terra Spero, Richard Veens, Jeff Costello, Tom Lynch, Tom McMurrian, and Bill Bathhurst.

Staff had no cross-examination.

Ari Glazer, Counsel for the Applicant, asked the following of Dr. George through Mayor Glickstein: (1) Is Dr. George a traffic engineer? (2) Did Dr. George perform any traffic study to support his statements that abandonment of the alley will create congestion and cause a traffic problem (3) With respect to Dr. George's calculation of the parking spaces publicly available, Why does Dr. George contend the fifty (50) spots are not the actually spots available after the restriping of the parking lot and (4) Does Dr. George own any property currently on Atlantic Avenue that utilizes the east/west alley?

Mr. George stated he is not a traffic engineer; Dr. George stated he has not conducted any engineering studies; however, he has been located at that spot for quite some time and has witnessed what he said to be fact and true; Dr. George stated he physically went down to the parking lot and counted the spaces several times before September 2014 and shortly thereafter when the parking lot was restriped he went back and counted fifty (50) spaces; Dr. George stated he owns property on Atlantic Avenue and in Block 101.

Mr. George gave a brief cross-examination and stated his understanding that the difference between iPic and other theatres is that iPic serves food. Dr. George asked if they serve food to its customers and what makes them different from a restaurant and if they serve food beyond concession type food why are they not classified as a restaurant would be.

Mr. Hachemi gave a few brief comments.

Ms. Miskel stated with every principal use there are ancillary uses; the principal use is a theatre and 95% of the building is devoted to a theatre use; the kitchen area and the concession area where the food is picked up and brought into the theatres is not close to the principal use of this site.

Staff had no rebuttal.

Ms. Miskel, speaking on behalf of the applicant, gave a brief rebuttal.

Mr. George gave a brief rebuttal.

Vice Mayor Petrolia inquired about the Martini property. Mr. Stillings stated it has been included as a condition of approval for the abandonment.

The City Attorney stated if the Commission were to choose to act favorably with respect to the alleyway abandonment they would first have to make the required findings and if they are able to make those required findings, then the Commission can impose conditions and should the Commission be able to make those positive findings, one of the conditions would be that they are required to provide the appropriate dedication of that alleyway. Mr. Stillings stated this is providing mitigation for potential impact.

Brief discussion between Ms. Jarjura and Mr. Stillings followed.

Ms. Jarjura moved to continue the meeting past 11:00 p.m., seconded by Mr. Katz. Upon roll call the Commission voted as follows: Vice Mayor Petrolia – No; Deputy Vice Mayor Jacquet – No; Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes. Said motion passed with a 3 to 2 vote, Vice Mayor Petrolia and Deputy Vice Mayor Jacquet dissenting.

Further discussion between Ms. Jarjura and Mr. Stillings ensued.

Robert Rennebaum, Simmons and White Engineers, stated this mixed use development and the traffic associates with it, if the Commission wanted to do a different use, there is all different levels of traffic generation. Mr. Rennebaum stated it is a nice mix of uses from a traffic generation and circulation standpoint.

Brief discussion followed between Mr. Costello and the Commission regarding the 2004 Cluster Study.

Mr. Katz inquired whether or not a Cluster Study was done again in 2012 to ensure that this RFP was being done correctly. Mr. Costello stated the DDA had budgeted for either this year or next year to update the Cluster Study.

Ms. Jarjura asked what the cost of construction is for the ninety (90) parking spaces for the City. The City Manager stated it would be a minimum of \$2.2 million and the applicant is handling the future maintenance of those spaces.

Mr. Costello stated the details with regard to the maintenance will still need to be worked out.

Brief discussion by the Commission ensued.

Scott Pape, Principal Planner, came forward and gave a few brief comments.

Brief discussion continued between the Commission and staff regarding the pedestrian use of the alley.

Vice Mayor Petrolia read a brief statement into the record.

Deputy Vice Mayor Jacquet gave a few brief comments.

Ms. Miskel gave a few brief comments with respect to the FPL access to utilities. Ms. Miskel stated they met FPL at the site and when they come in with a formal site plan they will likely be required to relocate some utilities and they will do so in connection with the plan. Furthermore, Ms. Miskel stated there was no objection to what they are proposing.

Mr. Katz gave a few brief comments and stated he could support if the Commission were to add a condition that the upper deck be more of an open/public space and a condition that there be a plat dedication back to the City of the Martini Property.

Brief discussion continued regarding the east elevation.

Mr. Katz moved to extend the meeting past 12:00 midnight, seconded by

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

Mr. Katz continued his comments.

Mayor Glickstein gave a few brief comments and stated he would like to ensure that those public parking spaces remain public and he does not want it left up to SPRAB to figure out and does not want the developer dictating how that is going to work either.

Mr. Katz stated he would like to see a decent portion of this economic impact going to the entire City of Delray Beach not just the CRA.

Mayor Glickstein stated there has been a lot of discussion by people about the price of the property and if the City puts it out for sale today we could get more; however, he expressed concern over the reputational risk of a city or any organization that this could potentially have.

The City Attorney briefly reviewed the Board Order for the Building Height and the movie theatre with the Commission who made findings according to their consensus (attached hereto is a copy and made an official part of the minutes) subject to the conditions (#1-#4) in Exhibit “A” and the additional conditions (#5-#8).

For the record, The City Attorney stated when the Commission talked about parking equivalency there was a confirmative nod from the applicant.

Deputy Vice Mayor Jacquet moved to adopt the Board Order approving the conditional use request to allow a movie theatre downtown for Fourth and Fifth Delray (iPic Movie Theatre) subject to the conditions (#1-#8) listed in Exhibit “A”, seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – No; Deputy Vice Mayor Jacquet – Yes. Said motion passed with a 4 to 1 vote, Vice Mayor Petrolia dissenting.

Deputy Vice Mayor Jacquet moved to adopt the Board Order approving the conditional use request for an increase in building height for Fourth and Fifth Delray (iPic Movie Theatre), seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – No; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – No. Said motion passed with a 3 to 2 vote, Vice Mayor Petrolia and Mr. Katz dissenting.

Deputy Vice Mayor Jacquet moved to approve Resolution No. 49-15 for the alley abandonment, seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Mayor Glickstein – Yes; Vice Mayor Petrolia – No; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – No; Ms. Jarjura – Yes. Said motion passed with a 3 to 2 vote,

Vice Mayor Petrolia and Mr. Katz dissenting.

8.E. CHANGE ORDER NO. 1 TO NEIGHBORHOOD STABILIZATION PROGRAM (NSP) GRANT AWARD/510 S.W. 14TH AVENUE AND AMENDMENT NO. 1 TO PURCHASE AND SALE CONTRACT: Motion to Approve Change Order No. 1 in the amount of \$2,430.00 and approve spending that will exceed \$25,000.00 in FY 2015 to CJ Contracting, LLC to facilitate housing rehabilitation work to the property located at 510 S.W. 14th Avenue to bring the home to minimum standards to obtain mortgage loan on behalf of the buyer; and Second Motion to Approve Amendment No. 1 to the Purchase and Sale Contract for the buyer to October 31, 2015. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.06(A)(1), "Beyond Scope of Work", and Section 36.03(B), "Multiple Acquisitions from Vendor Exceeding Twenty-Five Thousand Dollars (\$25,000.00) in Any Fiscal Year". Funding is available from 118-1935-554-62.12 (Neighborhood Services Fund: Housing/Urban Development/Acquisition Rehabilitation).

This item has been moved to the City Commission regular meeting of September 3, 2015.

8.F. MAINTENANCE AND SUPPORT AGREEMENT/MOTOROLA SOLUTIONS, INC./RADIO SYSTEM: Motion to Affirm sole source provider determination of Motorola Solutions, Inc.; and Second Motion to Approve a one-year Motorola Maintenance and Support Agreement in the amount of \$116,847.72 for contract term October 1, 2015 through September 30, 2016. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(C)(6)(a), "Sole Source". Funding is available from various sources contingent upon FY 2015-2016 budget approval.

This item has been moved to the City Commission regular meeting of September 15, 2015.

8.G. RESOLUTION NO. 51-15 – SERVICE OF PROCESS: Motion to Approve Resolution No. 51-15, authorizing the City Manager, any Assistant City Manager, the City Attorney, or any Assistant City Attorney to accept service of process on behalf of the City of Delray Beach and any member of the City Commission who is sued in his or her official capacity.

The caption of Resolution No. 51-15 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER, ANY ASSISTANT CITY MANAGER, THE CITY ATTORNEY, OR ANY ASSISTANT CITY ATTORNEY TO ACCEPT SERVICE OF PROCESS ON BEHALF OF THE CITY OF DELRAY BEACH, FLORIDA AND ANY

MEMBER OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA WHO IS SUED IN HIS OR HER OFFICIAL CAPACITY EXCEPT AS PROVIDED HEREIN; PROVIDING A SAVING CLAUSE AND AN EFFECTIVE DATE.

(The official copy of Resolution No. 51-15 is on file in the City Clerk's office.)

This item has been moved to the City Commission regular meeting of September 3, 2016.

8.H. RESOLUTION NO. 52-15: REPLACING ONE OF THE CITIZEN-AT LARGE REPRESENTATIVES OF THE PARKING MANAGEMENT ADVISORY BOARD WITH A MEMBER OF THE GREEN IMPLEMENTATION ADVANCEMENT BOARD: Motion to Approve Resolution No. 52-15, amending Resolution No. 88-97 which established the Parking Management Advisory Board, as subsequently amended by Resolutions 10-98, 33-98, 63-00, and 20-04 by amending Section 3 pertaining to Membership Composition to provide for one of the Citizen-At-Large Representatives to be replaced by a member of the Green Implementation Advancement Board.

The caption of Resolution No. 52-15 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING RESOLUTION NO. 88-97 WHICH ESTABLISHED THE PARKING MANAGEMENT ADVISORY BOARD, AS SUBSEQUENTLY AMENDED BY RESOLUTIONS 10-98, 33-98, 63-00, and 20-04 BY AMENDING SECTION 3 PERTAINING TO MEMBERSHIP COMPOSITION TO PROVIDE FOR ONE OF THE CITIZEN-AT-LARGE REPRESENTATIVES TO BE REPLACED BY A MEMBER OF THE GREEN IMPLEMENTATION ADVANCEMENT BOARD; PROVIDING AN EFFECTIVE DATE.

(The official copy of Resolution No. 52-15 is on file in the City Clerk's office.)

This item has been moved to the City Commission regular meeting of September 15, 2015.

8.I. SORICE V. CITY OF DELRAY BEACH: The City Attorney, the Chief of Police and the Claim Adjuster, PGCS, recommend acceptance of this offer of settlement for the reasons discussed in the Confidential Memo previously distributed to

the City Commission.

This item has been moved to the City Commission regular meeting of September 3, 2015.

8.J. GRIFFIN V. CITY OF DELRAY BEACH: The City Attorney, the Chief of Police and the Claim Adjuster, PGCS, recommend acceptance of this offer of settlement for the reasons discussed in the Confidential Memo previously distributed to the City Commission.

This item has been moved to the City Commission regular meeting of September 3, 2015.

8.K. INTERACTIVE VOICE RESPONSE SYSTEM (IVR) UPGRADE/ SELECTRON TECHNOLOGIES, INC: Motion to Approve upgrade of Selectron, the interactive voice response system and web payments system used for utility billing and permitting, from Selectron Technologies, Inc., as “Sole Source” provider, in the amount of \$23,000.00. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(C)(6)(a), “Sole Source and City Standard”, and Section 36.03(B), “Multiple Acquisitions from Vendor Exceeding Twenty-Five Thousand Dollars (\$25,000.00) in Any Fiscal Year”. Funding is available from 334-6111-519-64.11 (General Construction Fund: General Government Service/Computer Equipment).

This item has been moved to the City Commission regular meeting of September 3, 2015.

8.L. NOMINATIONS FOR APPOINTMENT TO THE HISTORIC PRESERVATION BOARD (HPB): Nominations for appointment of three (3) regular members to serve on the Historic Preservation Board to serve two-year terms ending August 31, 2017. Based on the rotation system, the nominations for appointment will be made by Vice Mayor Petrolia (Seat #1), Deputy Vice Mayor Jacquet (Seat #2) and Commissioner Katz (Seat #3).

This item has been moved to the City Commission regular meeting of September 15, 2015.

8.M. NOMINATIONS FOR APPOINTMENT TO THE PLANNING AND ZONING BOARD (P&Z): Nominations for appointment of three (3) regular members to serve on the Planning and Zoning Board to serve two-year terms ending August 31, 2017. Based on the rotation system, the nominations for appointment will be made by Mayor Glickstein (Seat #5), Vice Mayor Petrolia (Seat #1) and Deputy Vice Mayor Jacquet (Seat #2).

This item has been moved to the City Commission regular meeting of September 15, 2015.

8.N. NOMINATIONS FOR APPOINTMENT TO THE SITE PLAN REVIEW AND APPEARANCE BOARD (SPRAB): Nominations for appointment of two (2) regular members to serve on the Site Plan and Review Board to serve a two (2) year term ending August 31, 2017. Based on the rotation system, the nominations for appointment will be made by Commissioner Jarjura (Seat #4) and Mayor Glickstein (Seat #5).

This item has been moved to the City Commission regular meeting of September 3, 2015.

At this point, the time being 7:09 p.m., the Commission moved to the duly advertised Public Hearings portion of the Agenda.

10. FIRST READINGS:

A. **NONE**

11. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS.

- A. City Manager
 - 1. Fiscal Year 2016 Non-Profit Funding Recommendations
- B. City Attorney
- C. City Commission

11. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS.

11.A. City Manager

None.

11.B. City Attorney

None.

11.C. City Commission

11.C.1. Deputy Vice Mayor Jacquet

None.

11.C.2. Vice Mayor Petrolia

None.

11.C.3. Commissioner Jarjura

None.

11.C.4. **Commissioner Katz**

None.

11.C.5. **Mayor Glickstein**

None.

There being no further business, Mayor Glickstein declared the meeting adjourned at 12:33 a.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 August 18, 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.