

MAY 5, 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, May 5, 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 opening prayer was delivered by 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 December 2, 2014, seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes. Said motion passed with a 5 to 0 vote.

Vice Mayor Petrolia moved to approve the Minutes of the Regular Meeting of December 9, 2014, 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.

5. **PRESENTATIONS:**

5.A. **Update on the Legislative Session – Representative Bill Hager**

Representative Bill Hager gave a brief update on the Legislative Session and explained a bill he worked on for three (3) years relating to the registration of sober

homes which passed successfully; he worked on a military bill and stated in the United States you can join the military at age 17, however, the minimum age to check into a hotel/motel is 25 and this will change under this law which facilitates check-in of anyone who holds a military ID; they have decreased taxes two-thirds of a billion dollars; a bill will be signed that caps the amount of time at 5% for students in terms of standardized tests; they will be funding K-12 at the highest per pupil basis; they have cut business tax on 70% of their businesses and continue to focus on tax cuts; Florida has the second highest job growth in the United States and Chief Executive Officers 500 in a survey throughout the United States declare Florida the No. 2 state in the United States as a place to start and grow a business. Representative Hager stated they will convene between now and June 30th and finalize the budget.

On behalf of Delray Beach, Mayor Glickstein thanked Representative Bill Hager for his presentation.

5.C. Update on the Legislative Session – Senator Maria Sachs

Senator Maria Sachs gave a brief update on the Legislative Session and stated the City of Delray Beach was the first city in Palm Beach County to come out with a resolution for a ban on texting and driving. Senator Sachs commented about the sober home bill and thanked Representative Bill Hager because he was very proactive in the Florida House in getting it passed and Senator Clemons and she carried it through the Senate where it passed. Senator Maria Sachs thanked the City Commission for taking a lead role in this and provided the City Clerk with the “enrolled bill” that passed the Senate and noted she does not have the “engrossed bill” until it is signed by the Governor.

5.B. We Love Small Biz Month – May 2015

Joan Goodrich, Economic Development Director for the City and the Community Redevelopment Agency (CRA), and stated the local team is comprised of more than eighteen (18) plus professionals from the City, the CRA, Delray Beach Chamber of Commerce, DDA, the DBMC, and the West Atlantic Redevelopment Coalition (WARC) who works with regional and state partners at the Small Business Development Center at Palm Beach State, the Business Development Board of Palm Beach County, Palm Beach County of Economic Development, Career Source, Enterprise Florida, etc. She stated this is their first initiative where they will hold workshops, seminars, mini conferences, business walks in Osceola Park and down West Atlantic Avenue, etc. Ms. Goodrich urged everyone to go to their website (www.welovesmallbiz.org) to obtain a full list of schedules and activities.

Deputy Vice Mayor Jacquet thanked Ms. Goodrich for what she is doing with the “We Love Small Biz” and thanked Ms. Elizabeth Burrows for taking the time to go to radio stations and media outlets throughout the community this week and weeks

coming to promote this and let the people know.

. 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 introduced the new Planning and Zoning Director Mr. Tim Stillings. Mr. Stillings came forward to explain his credentials and gave a few brief comments. Mr. Stillings stated he will begin employment with the City on June 15, 2015.

6.B. From the Public.

6.B.1. Dr. Victor Kirson, D.D.S., 2050 Alta Meadows Lane #2110, Delray Beach, FL 33444 (President of the Board of Directors of Tierra Verde at Delray Beach and Member of the Alliance), briefly spoke about a bill that was passed waiting the Governor's signature that would help the City with its issue with the sober houses. Dr. Kirson stated to his knowledge this is still voluntary compliance, and in his opinion that bill means. Dr. Kirson stated he knows the people that buy these sober houses and he feels they are only interested in the bottom dollar. In addition, Dr. Kirson commented about the armed drug dealers in the community. Dr. Kirson stated we need a very strong Police force but the City does not have the money to build up such a Police force.

6.B.2. Charlie Bonfield, 220 MacFarlane Drive, Delray Beach, FL 33483 (President of S.A.F.E.), read a brief statement into the record and stated the City approved LDRs increased the free space from five (5') feet to six (6') feet to allow for the throng of people that are here in the daytime. Mr. Bonfield stated increasing the free space on the City sidewalks would impact some of the restaurants who offer sidewalk dining. He stated the City should not compromise or change the decisions that have been made now that some of the restaurants will have to make changes in their table and chair setups. Mr. Bonfield urged the City Commission not to approve any waivers or special accommodations to the new sidewalks LDRs.

6.B.3. Trey Kauffman, 235 N.E. 1st Avenue, Delray Beach, FL 33444, stated the plan to extend the five (5') feet to six (6') feet will help a lot; however, the City will still need to get some restaurants on board with this. He stated it gets very congested around some of these sidewalk cafés and it is impossible to get through. Mr. stated he likes these cafés and enjoys the bars on Atlantic Avenue but reiterated it is too congested.

6.B.4. Steve Blum, 115 Venetian Drive, Delray Beach, FL 33843, stated the beach pavilion is one year old and the tie-downs are rusting/staining, the large bolts are rusting and causing stains, the paint is peeling on all four sides, the paint is fading in large sections, some of the slats are leaning, the wooden boards in areas are separating, and the wooden deck is showing signs of wear.

Secondly, Mr. Blum stated construction will begin this month on two (2) new mini-me gazebos to the north and south that will complement the original structure. He stated even though the cost will come from private donations the City has a fiduciary responsibility not to make the same mistakes on the new structures. Mr. Blum suggested that an outside contractor assess the damage to the new pavilion and offer a plan to correct the original mistakes before the City continues with the planned construction of the mini gazebos.

Vice Mayor Petrolia stated when the City Commission was going through the process of approving this, there was a time period that they had to re-negotiate and it was something to do with the nails/bolts not able to withstand the salt air.

Mayor Glickstein stated they were supposed to be galvanized and/or stainless connections.

6.B.5. Karen Granger, Greater Delray Beach Chamber of Commerce, 140 N.E. 1st Street, Delray Beach, FL 33444, stated they have an advocacy group at the Delray Beach Chamber that is gathered to meet fairly often to follow some of the issues and vet them. Ms. Granger stated the issue of All Aboard Florida is lengthy and complicated; however, she encouraged the Commission to engage with the people from All Aboard Florida because they are will to make things work for Delray.

Secondly, with respect to the Preference for Local Business the Chamber of Commerce wants to advocate for the local businesses.

Lastly, with respect to sidewalk cafés, Ms. Granger stated the landscape of the sidewalk varies in different areas of the city. She stated if a blanket decision is made, some of the local businesses are going to hurt and she feels we should be supporting them. Ms. Granger stated in speaking to the local businesses there is a way that they can keep to that five foot (5') regulation that honors ADA legal requirements to make it accessible. Ms. Granger encouraged a sensitivity to ADA but something that also makes sense for the particular blocks that the businesses are in.

6.B.6. Ali Soule, Public Affairs Manager for All Aboard Florida, stated since last September they have been working with City staff finalizing their 90% plans while continuing to coordinate with Nick Uhren with the Palm Beach Metropolitan Planning Organization (MPO) and Jack Stephens with the South Florida Regional Transportation Authority (SFRTA). Ms. Soule stated when their downtown Miami station opens Tri-Rail is looking to have 26 of its 52 trains come into Miami Central so a resident living in Delray Beach could take a one seat ride to Delray Beach and take the trolley over to Atlantic Avenue. She stated All Aboard Florida is paying for safety improvements required for its system this covers the majority of the costs needed to build the quiet zones in Delray Beach. The Palm Beach MPO is funded the additional amount to reach that level (approximately \$1.25 million in Delray Beach). She stated All Aboard Florida will construct these improvements at the same time as they make their safety

improvements as well as the pedestrian improvements.

6.B.7. Jose Gonzalez, Senior Vice President with Florida East Coast Industries (parent company of All Aboard Florida), specifically addressed the financing of the project and explained that the resolution requires All Aboard Florida to pay for the cost of the project. Mr. Gonzalez reassured the Commission that they will be paying for the cost of the project and stated that All Aboard Florida is a privately funded company and will be financed through a mix of debt and equity. He stated they invested their own capital and have raised more than \$400 million in private bonds to date.

6.B.8. Michael Lefever, Manager of Operations Planning for All Aboard Florida, briefly explained the specific improvements will be made at the eleven (11) grade crossings in Delray Beach expanding from N.E. 14th Street to Lindell Boulevard. Mr. Lefever stated All Aboard Florida has made a voluntary commitment to fund the related projects at each of those grade crossings which are in the millions.

6.B.9. Jack Stephens, Executive Director of the South Florida Regional Transportation Authority (SFRTA), stated they had some serious concerns which they took to Washington, D.C. and as a result of that they received all kinds of assurances in terms of the Federal Government and their procedures in order to protect the commuter rail service. Mr. Stephens stated All Aboard Florida particularly in Palm Beach and throughout the rest of the corridor in order to their business on the corridor are going to have to double track it and now he has to negotiate for access to it. He stated All Aboard Florida is critical in terms of moving forward with this. Mr. Stephens stated with FDOT's support, they have a \$47 million project fully funded. He stated some of the money is coming from All Aboard Florida, some from the South Florida Regional Transportation Authority (SFRTA), most of it coming from FDOT and the Federal Government that are going to connect the two (2) corridors for the first time in history; one on the south (downtown Miami) and one on the north end. Mr. Stephens stated what that will create for the City, SFRTA, and South Florida is the opportunity to divert some of the freight whenever it is appropriate and proper to the South Florida Rail Corridor which the South Florida Regional Transportation Authority now controls. Therefore, Mr. Stephens stated they will be able to assume some of those freight responsibilities.

6.B.10. Nick Uhren, Director of the Palm Beach Metropolitan Planning Organization (MPO), speaking on behalf of the 19 locally elected officials that make up the MPO Board of which Mayor Glickstein is one, stated the communities throughout Palm Beach County have had a long standing desire to introduce a quiet zone designation to the FEC Corridor to minimize the noise impacts of trains running on that corridor, in September 2013 the MPO Board voted to adopt a designation of a quiet zone and funding of the needed improvements to support a quiet zone designation on the FEC as an MPO priority. Mr. Uhren stated that vote authorized the use of Federal gas tax revenue under the discretion of the MPO Board to be allocated to the additional safety improvements at individual crossings that would be needed to support the quiet zone designation. He stated the MPO has identified eight (8) crossings within the city that will be receiving additional safety gates/exit gates and the construction of these gates will be

funded with the MPO Federal gas tax revenue. Mr. Uhren stated the total cost for the quiet zone required exit gates is \$930,000; the additional \$325,000 that will be spent in Delray Beach will be accomplishing the pedestrian improvements. He stated the All Aboard Florida Project double tracking does allow them to advance the Tri-Rail Coastal Link Project and noted there was TIGER grant that was awarded to southeast Florida to make a connection between the FEC and CSX rail corridors in West Palm Beach and Miami. Mr. Uhren stated the \$1.25 million in Federal gas tax funding that the MPO prioritized for quiet zone designation and safety improvements in Delray Beach allows them to provide a safer quieter rail corridor at a faster timeframe and a lesser expense for city residents.

6.B.11. Mike Campbell, Habitat for Humanity South Palm Beach, thanked the City Commission for their work in the last six (6) weeks on the inclusionary zoning opportunities for off-site units. Mr. Campbell stated Habitat for Humanity works with off-site units and provides housing for the low and very low income in single family homes. He asked the Commission to consider the opportunities that Habitat for Humanity can provide. Mr. Campbell stated with regard to workforce housing what was approved was for families and/or individuals who qualify for bank loan mortgages; Habitat for Humanity does non-traditional/non-bank loans at zero interest which allows them to serve a 40% median income family or individual all the way up to 60%.

6.B.12. Mitzi Kaitz, 331 N.E. 8th Avenue, Delray Beach, FL 33483, the benches on Federal Highway have been installed backwards.

6.B.13. Peter Humanik, 704 N.E. 5th Street, Delray Beach, FL 33483, briefly spoke about the sidewalks downtown and stated a couple cannot walk down the street. He stated it is keeping the people who live here away.

Secondly, Mr. Humanik stated with respect to the pavilion if the City has to bear the brunt of the insurance and the maintenance the Commission may want to look into this.

Mr. Humanik stated it is a start with respect to the Bill for the sober houses.

Mr. Humanik stated with regard to the Rail Project people do not want double tracks or sound crossings but what they would like is the freight traffic to move to the west where the lines are and at best keep the Tri-Rail Station on the east track. He stated the problem is the noise and it will not get better no matter what the City decides to do.

Lastly, Mr. Humanik commented about the parking and asked if there is a parking problem from May through December. He urged the City Commission to not approve putting meters on Atlantic Avenue; however, if the City has to for a certain number of days to do that but exclude May through December. Mr. Humanik stated the City has a good parking permit program and suggested that this program be expanded to

make a lot more parking for Delray Beach residents only and designate certain parking lots for Delray Beach residents only. He suggested that the cost for people who do not live here be higher and that the City encourage the people who do live here to come into town by making it free.

6.B.14. Kim Coe, 1111 N.W. 3rd Avenue, Delray Beach, FL 33444 and a native Floridian from Miami, supports All Aboard Florida because she has commuted to Miami for 35 years and urged the City Commission to work with All Aboard Florida to make this happen. She stated for future generations we have to look forward 20-30 years because Delray Beach is not a small sleepy town but it is a hub and it needs to be connected, especially for travel.

6.B.15. Evelyn Dobson, Executive Director of the Delray Beach Community Land Trust (CLT), stated the Workforce Housing ordinance and the Housing Trust Fund were designed to expand the opportunity for residents to acquire homeownership in Delray Beach primarily essential service workers, Police Officers, teachers, etc. Ms. Dobson stated it is not the intentions of the CLT to try to use up all the funds because there are other entities in Delray Beach such as the CDC which was designed for them to use the program and the Delray Beach Housing Authority also provides housing; the cap for workforce housing is 140% of the AMI (Average Median Income) and for household of four (4) that household income cannot exceed \$93,000.00. She stated even with the Coda Homes at \$200,000 and \$235,000 they could still not secure enough of a loan without some sort of subsidy or soft second to satisfy that gap. Ms. Dobson emphasized that the Workforce Housing Program is to expand housing primarily for that group of people.

6.B.16. Ron Nobili, 159 Marine Way, Boat Slip #15, Delray Beach, FL 33483 (lives in the Marina Historic District), read a brief statement into the record and stated he is being discriminated against because he and his significant other is only permitted to utilize only two (2) vacant on-street parking spaces whereas married non-Marina Historic District resident slip occupiers are permitted to utilize up to three (3) on-street parking spaces.

6.B.17. Pauline Moody, 609 S.W. 8th Avenue, Delray Beach, FL 33444, commented about a recent incident in Delray where someone committed suicide by jumping off the parking garage. She requested that at the next regular meeting that the City Manager addresses this incident for the benefit of the public.

Secondly, Ms. Moody commented about All Aboard Florida and urged the City Commission to wait until they have some literature from Amtrak and have someone here from Amtrak to discuss this.

At this point, the time being 7:18 p.m., the Commission moved to the duly advertised Public Hearings portion of the Agenda.

10. PUBLIC HEARINGS:

10.A. ORDINANCE NO. 11-15 (SECOND READING): Motion to Approve Ordinance No. 11-15, amending Chapter 36, "Acquisition of Goods and Services and Disposal of City Property"; amending Section 36.02, "Method of Acquisition," Subsection (A), "Sealed Competitive Method"; Creating Section 36.14, "Local Business Preference"; Establishing a Local Business Preference in the Acquisition of Goods and Services; Providing Definitions and Certification Requirements for same; Providing for Exclusions from and Waiver of Local Business Preference.

The caption of Ordinance No. 11-15 is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING CHAPTER 36, "ACQUISITION OF GOODS AND SERVICES AND DISPOSAL OF CITY PROPERTY"; AMENDING SECTION 36.02, "METHOD OF ACQUISITION," SUBSECTION (A), "SEALED COMPETITIVE METHOD"; CREATING SECTION 36.14, "LOCAL BUSINESS PREFERENCE"; ESTABLISHING A LOCAL BUSINESS PREFERENCE IN THE ACQUISITION OF GOODS AND SERVICES; PROVIDING DEFINITIONS AND CERTIFICATION REQUIREMENTS FOR SAME; PROVIDING FOR EXCLUSIONS FROM AND WAIVER OF LOCAL BUSINESS PREFERENCE; PROVIDING A SAVING CLAUSE, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE.

(The official copy of Ordinance No. 11-15 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.

Holly Vath, Chief Purchasing Officer, presented this item to the Commission and stated Ordinance No. 11-15 amends Chapter 36 of the City Code by adding a Local Business Preference to the City's Purchasing Code.

Mayor Glickstein declared the public hearing open. There being no one from the public who wished to address the Commission regarding Ordinance No. 11-15, the public hearing was closed.

Ms. Jarjura moved to adopt Ordinance No. 11-15 on Second and FINAL Reading, seconded by Deputy Vice Mayor Jacquet. 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.

At this point, Mayor Glickstein thanked Commissioner Jarjura for bring this forward.

7. AGENDA APPROVAL.

The City Manager requested that **Item 8.E., Review of Appealable Land Development Board Actions, (Item “A” Under Planning and Zoning Board Meeting of April 20, 2015)** be deferred to the first meeting in June.

Vice Mayor Petrolia requested that **Item 8.F., Award of Bids and Contracts to ALSCO (Bid No. 2015-14)** be moved to the Regular Agenda as **Item 9.A.A.**

Ms. Jarjura moved to approve the Agenda as amended, 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.

8. CONSENT AGENDA: City Manager Recommends Approval.

8.A. ACCEPT FUNDING FOR TROLLEY SERVICES FROM SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY (SFRTA): Motion to Approve an agreement with the South Florida Regional Transportation Authority (SFRTA) for funding in an amount not to exceed \$75,000.00 for trolley services for the period of July 1, 2015 through June 30, 2016.

8.B. RETROACTIVE APPROVAL OF AGREEMENT/FATKING FILMS, LLC/USE OF TENNIS STADIUM: Motion to Approve a retroactive agreement with Fatking Films, LLC., for use of the Tennis Stadium on April 8, 2015 for the filming of a television commercial.

8.C. GRANT APPLICATION/DEPARTMENT OF JUSTICE BULLETPROOF VEST PROGRAM: Motion to Approve a grant application to the Department of Justice’s Bulletproof Vest Program. If awarded, the program reimburses 50% of the costs associated with purchasing bulletproof vests.

8.D. PROCLAMATIONS:

- 1.** Lyme Disease Awareness Month – May 2015
- 2.** Better Hearing Month – May 2015

3. Civility Month – May 2015
4. National Safe Boating Week – May 16-22, 2015
5. Water Reuse Week – May 17-23, 2015
6. Trauma Awareness Day – May 18, 2015

8.E. THIS ITEM HAS BEEN REMOVED FROM THE AGENDA.

8.F. THIS ITEM HAS BEEN MOVED TO THE REGULAR AGENDA AS ITEM 9.A.A.

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

9. REGULAR AGENDA:

9.A.A. AWARD OF BIDS AND CONTRACTS: Motion to Approve a Bid Award to ALSCO (Bid No. 2015-14) in an annual amount not to exceed \$27,000.00 for linen rental services at the Municipal Golf Course. This is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(A), “Sealed Competitive Method”. Funding is available from 445-4715- 572-52.22 (Delray Beach Municipal Golf Course: Operating Supplies/Uniforms/Linen Service).

Vice Mayor Petrolia asked where this is being advertising it in order to be able to ensure that the City is getting it to the people who would normally come in and bid.

Holly Vath, Chief Purchasing Officer, stated all the City’s bids are advertised in The Palm Beach Post as well as on Demand Star and is also on the City’s website.

Ms. Jarjura inquired if there is a reason the City use DemandStar and not BidSync.

Ms. Vath stated some websites do both BidSync and DemandStar.

Vice Mayor Petrolia moved to approve a Bid Award to ALSCO (Bid No. 2015-14) in an annual amount not to exceed \$27,000.00 for linen rental services at the Municipal Golf Course, seconded by Mr. Katz. Upon roll call the Commission voted as follows: Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes. Said motion passed with a 5 to 0 vote.

9.A. RESOLUTION NO. 28-15/ALL ABOARD FLORIDA: A Resolution expressing concern that All Aboard Florida will have an adverse impact on the City; stating that the City cannot support the All Aboard Florida Project unless the City's concerns are adequately addressed; encouraging the Federal Rail Administration and all other Federal, State and local agencies to require All Aboard Florida to pay for the cost of constructing Quiet Zones, pedestrian sidewalks, required safety devices, right-of-way improvements, and other improvements to the Florida East Coast Industries at-Grade Railroad Crossings located within the City.

The caption of Resolution No. 28-15 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, EXPRESSING CONCERN WHETHER ALL ABOARD FLORIDA WILL HAVE AN ADVERSE IMPACT ON THE CITY; STATING THAT THE CITY WITHHOLDS ITS SUPPORT FOR THE ALL ABOARD FLORIDA PROJECT UNTIL CERTAIN REQUIREMENTS ARE MET; ENCOURAGING THE FEDERAL RAILROAD ADMINISTRATION AND ANY OTHER FEDERAL, STATE OR LOCAL AGENCY TO REQUIRE ALL ABOARD FLORIDA TO PAY FOR THE COST OF CONSTRUCTING QUIET ZONES AND OTHER IMPROVEMENTS TO THE FLORIDA EAST COAST RAILWAY AT-GRADE RAILROAD CROSSINGS LOCATED WITHIN THE CITY; PROVIDING A SAVING CLAUSE AND AN EFFECTIVE DATE.

(The official copy of Resolution No. 28-15 is on file in the City Clerk's office.)

At this point, Commissioner Jarjura declared a conflict of interest and recused herself from the dais.

The City Attorney presented Resolution No. 28-15 to the Commission.

Brief discussion by the Commission followed.

A representative from All Aboard Florida briefly spoke regarding the quiet zones and noted that All Aboard Florida will pay for the safety improvements that are the responsibility of the local cities and counties, but if a quiet zone is wanted then that has to be paid for by the locals. All Aboard Florida has been committed to working with the MPO to fund these improvements.

Mr. Katz moved to approve Resolution No. 28-15, seconded by Vice Mayor Petrolia. Upon roll call the Commission voted as follows: Mr. Katz – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – No.

Said motion passed with a 3 to 1 vote, Deputy Vice Mayor Jacquet dissenting.

At this point, the time being 8:02 p.m., Commissioner Jarjura returned to the dais.

9.B. BID AWARD/ROSSMAN ENTERPRISES INCORPORATED D/B/A CLEAN AIR CONCEPTS/FIRE APPARATUS DIESEL EXHAUST SYSTEM REPLACEMENT: Motion to Approve a Bid Award (Bid No. 2015-22) to Rossman Enterprises Incorporated d/b/a Clean Air Concepts, the lowest responsive bidder, in the amount of \$301,179.00 for the fire apparatus diesel exhaust system project (Project No. 2014-089). This is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(A)(1), "Competitive Bids". Funding is available from 334-2311-522-64.90 (General Construction Fund: Fire Control/Other Machinery & Equipment).

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

Brief discussion between Chief Conner and the Commission followed.

Mr. Katz moved to approve a Bid Award (Bid No. 2015-22) to Rossman Enterprises Incorporated d/b/a Clean Air Concepts, the lowest bidder, in the amount of \$301,179.00 for the fire apparatus diesel exhaust system project, seconded by Deputy Vice Mayor Jacquet. 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.C. PURCHASE AWARD/HALL-MARK FIRE APPARATUS/HORTON ALS RESCUE AMBULANCE: Motion to Approve a purchase award to Hall- Mark Fire Apparatus in the amount of \$284,015.00 through the Florida Sheriff's Contract No. 15- 11-0116 for one (1) new Horton ALS Rescue Ambulance Specification No. 2. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(C)(7), "Utilization of Other Governmental Entities' Contracts". Funding is available from 501-3312-591-64.25 (Garage Fund: Vehicle Replacement/ Machinery/Equipment/Heavy Equipment).

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

Mr. Katz moved to approve the purchase of a new 2016 Horton Model 623 Rescue Ambulance from Hall-Mark Fire Equipment in the amount of \$284,015.00, 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.D. APPROVAL OF SPENDING GREATER THAN \$25,000.00 AND PURCHASE AWARD/FLORIDA BULLET, INC:

Motion to Approve a purchase award to Florida Bullet, Inc., in an amount not to exceed \$65,000.00 for acquisitions of ammunition with Florida Bullet, Inc. for the Police Department. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.03(B), "Multiple Acquisitions from Vendor Exceeding Twenty-Five Thousand Dollars (\$25,000.00) in Any Fiscal Year". Funding is available from 001-2111-521-52.20 (General Fund: Police/Public Safety/Operating Supplies/General Operating Supplies).

Kristina Maricic, Administrative Officer/Police Department, presented this item to the Commission. Ms. Maricic stated in this fiscal year staff anticipates to not go over the total amount of \$65,000.00; the amount currently spent with the vendor is \$18,426.00 is from the purchases of ammunition that were previously approved by the Commission in prior fiscal years.

Deputy Vice Mayor Jacquet asked staff for a comparison of other agencies of Delray's size with respect to how much ammunition Delray purchases.

The City Manager stated it varies across jurisdictions.

Jeffrey Goldman, Police Chief, stated every organization does it differently. Chief Goldman stated by law you have to qualify once every two (2) years and Delray qualifies every year.

Mr. Katz moved to approve purchase with Florida Bullet, Inc., in the amount of \$18,628.20 as a Sole Source purchase in compliance with Chapter 36, Section 36.02 (C) 6 0 (a) Sole Source, 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.E. RESOLUTION NO. 25-15/BANC OF AMERICA/PUBLIC CAPITAL CORPORATION MASTER LEASE PURCHASE AGREEMENT:

Motion to Approve Resolution No. 25-15; approving the form and authorizing the execution and delivery of a Master Equipment Lease/Purchase Agreement in an aggregate principal amount not to exceed \$10,000,000.00 with Banc of America Public Capital Corporation.

The caption of Resolution No. 25-15 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF MASTER EQUIPMENT LEASE/PURCHASE AGREEMENT WITH BANC OF

AMERICA PUBLIC CAPITAL CORP., AS LESSOR, TOGETHER WITH SEPARATE SCHEDULES THERETO; AUTHORIZING THE ACQUISITION, PURCHASE, FINANCING AND LEASING OF CERTAIN EQUIPMENT FROM TIME TO TIME, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$10,000,000; NO GENERAL OBLIGATION; AUTHORIZING THE PROPER OFFICERS OF THE CITY TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE TO CONSUMMATE THE TRANSACTION CONTEMPLATED HEREIN; SEVERABILITY OF INVALID PROVISIONS AND PROVIDING FOR AN EFFECTIVE DATE.

(The official copy of Resolution No. 25-15 is on file in the City Clerk's office.)

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

The City Attorney stated every time the City makes a draw the Commission has to execute a new set of exhibits to the agreement and suggested that the Commission delegate to the City Manager authority to make subsequent draws on the \$10 million loan so that this would not have to come before the Commission again and again. Furthermore, the City Attorney suggested that the City Manager give the Commission a written memorandum no later than three (3) days after subsequent draw that he makes.

The City Manager stated this will primarily be used for equipment and should not be used for maintenance.

It was the consensus of the City Commission to support the City Attorney's recommendation to give the City Manager authority to make subsequent draws on the \$10 million loan and that the City Manager provide a written memorandum to the City Commission within three (3) business days of making that draw.

Ms. Jarjura moved to approve Resolution No. 25-15 as amended as discussed by the City Attorney, seconded by Mr. Katz. Upon roll call the Commission voted as follows: Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes. Said motion passed with a 5 to 0 vote.

9.F. RESOLUTION NO. 26-15/BANC OF AMERICA/CAPITAL CORPORATION REIMBURSEMENT AGREEMENT: Motion to Approve Resolution No. 26-15; to consider approval of reimbursement for certain Capital Expenditures by incurring debt; maximum principal amount of debt; nature of project costs; authorizing incidental action; and repeal of prior inconsistent Resolutions.

The caption of Resolution No. 26-15 is as follows:

DECLARATION OF OFFICIAL INTENT OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, TO REIMBURSE ITSELF FOR CERTAIN CAPITAL EXPENDITURES BY INCURRING DEBT; MAXIMUM PRINCIPAL AMOUNT OF DEBT; NATURE OF PROJECT COSTS; AUTHORIZING INCIDENTAL ACTION; AND REPEAL OF PRIOR INCONSISTENT RESOLUTIONS.

(The official copy of Resolution No. 26-15 is on file in the City Clerk's office.)

Jack Warner, Finance Director stated Teresa Cantore, Treasurer presented this item to the Commission.

The City Attorney gave a brief explanation of this resolution and stated this is a requirement of the IRS.

Vice Mayor Petrolia asked what will determine what equipment this will be used for versus what the taxpayers have already paid for through tax dollars. Mr. Warner stated there are two (2) principal criteria those being as follows: (1) general financial principle of aligning expenses with the useful life of an asset; (2) what are the alternative methods other financing.

Brief discussion followed by staff with respect to this being a conventional line of credit which the City has been using.

The City Manager stated this is a better use of cash given the low interest rates and the low inflationary environment.

Mr. Katz moved to approve Resolution No. 26-15, 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.

9.G. NOMINATION FOR APPOINTMENT TO THE EDUCATION BOARD: Nomination for appointment of one (1) regular member to serve on the Education Board to serve an unexpired term plus an additional full term ending July 31, 2017. Based on the rotation system, the nomination for appointment will be made by Commissioner Petrolia (Seat #1).

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

Prior to the vote, Vice Mayor Petrolia stated she selected Harold Van Arnem because he has been a tremendous asset to this board previously and he is a CEO Commercial Real Estate and Developer background which she feels would be a great way to diversify the board. In addition, Vice Mayor Petrolia stated there are a lot of women on this board and they just lost a gentleman who had recently been appointed to that board.

Vice Mayor Petrolia moved to nominate Harold Van Arnem to serve on the Education Board as a regular member to serve an unexpired term plus ending July 31, 2017, seconded by Mr. Katz. Upon roll call the Commission as follows: Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Mr. Katz – Yes. Said motion passed with a 4 to 0 vote.

9.H. NOMINATION FOR APPOINTMENT TO THE POLICE AND FIREFIGHTERS RETIREMENT SYSTEM BOARD OF TRUSTEES:

Nomination for appointment of one (1) regular member to serve on the Police and Firefighters Retirement System Board of Trustees to serve a two-year (2) term ending April 22, 2017. Based on the rotation system, the nomination for appointment will be made by Commissioner Jarjura (Seat #4).

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

After brief discussion, Ms. Jarjura stated she would like to defer her appointment to the next regular meeting.

Mr. Katz moved to **defer Item 9.H.** until staff brings this back to the City Commission, 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.I. DISCUSSION REGARDING PEDICABS AND PEDAL TROLLEYS: Provide direction from the Commission on whether to allow Pedicabs and Pedal Trolleys.

After brief discussion, it was the consensus of the Commission to hold off on this item for six (6) months.

9.J. ENGAGEMENT OF SPECIAL COUNSEL FOR LEGAL OPINION, RE: ATLANTIC CROSSING PROJECT/ATLANTIC COURT: The City Attorney proposes that the City retain special counsel to obtain a legal opinion in connection with the proposed Atlantic Crossing Project.

The City Attorney presented this item to the Commission.

Mayor Glickstein stated he has had two meetings with the Atlantic Crossing developer impressing upon them that putting a road back in to the project is not only perhaps a faster way to get their project started, but instead of being a divisive

project, would engender community support on some level. Mayor Glickstein stated he met 2-3 weeks ago with the developer who indicated they would give it consideration and they produced two conceptual site plans which he felt were a vast improvement on the project site plan in general and the road possibilities that they have added, in his opinion, are better solutions than the previous that what was largely a service road known as Atlantic Court. Mayor Glickstein stated the developer is acting in good faith and has produced a site plan with the road in it, he does not feel it is appropriate to be engaging a lawyer today when he sees meaningful progress in regard to what he understands peoples primary concern to be. Mayor Glickstein stated he does not support engaging special counsel at this time.

The City Attorney stated from his conversation with the developer he sees an attempt to come to a potential solution with respect to this matter.

Ms. Jarjura concurs with Mayor Glickstein's comments that it would be wasteful to engage outside counsel right now when the whole point is to get Atlantic Court back in. Ms. Jarjura stated she recognizes it would be a huge improvement to have Atlantic Court in and she is happy to hear that they are moving forward and trying to find a way to do that.

In his opinion, Mayor Glickstein stated what he saw in terms of how he viewed the previous plan and what Atlantic Court did for the project, he felt one of the designs subject to their further development, may be an improvement on what was Atlantic Court relative to the circulation of the project.

Vice Mayor Petrolia stated she does not understand why this is being dropped right now because the last time the City Commission met, they decided that this would be the right way to go. Vice Mayor Petrolia questioned the integrity of this recognizing what has happened in the past as a predictor as to what may happen in the future. Vice Mayor Petrolia asked, "What would be the downside of Atlantic Crossing proceeding with a lawsuit against the City?" Vice Mayor Petrolia stated she is going by the basis that the developer is not putting a road back in and looking at it from the perspective of what rights does the City have to put that road back in.

The City Attorney stated whatever remedies that the City feels are appropriate or available the Commission could raise them in that lawsuit, and a lawsuit is a potential vehicle for a settlement as well. The City Attorney stated the City can do what is authorized by Statute, ordinance, or by Order by the Court and it gives the City to pursue their legal grievance if things do not work out well, but the City also has a forum for a potential settlement as well. The City Attorney stated the reason for the discussion now is because there is a substantial change in facts, where in concept the developer seems to be agreeable without exploring a method to put Atlantic Court back in and they seem to be agreeable to do that on a very fast track and the developer is backing that by deferring an item that they have the right to request be put on the Planning and Zoning Agenda. The City Attorney stated these events unfolded rapidly during the course of

today and thus the reason he was not able to speak to the City Commission prior to that. The City Attorney stated those are new facts that the Commission needs to consider.

Mr. Katz commented on this project and thanked Mayor Glickstein for his leadership in this. However, Mr. Katz expressed concern that the developer would need to delay this for one (1) month.

Mayor Glickstein stated the fact that the developer was agreeable to do this in thirty (30) days to him is meaningful. In his opinion, Mayor Glickstein stated the objective is to get the best possible plan and the developer has demonstrated good faith. Mayor Glickstein stated their remedies and rights are going to be unchanged by the fact that they have agreed to freeze their project.

Mr. Katz asked if the developer is also going to freeze the infrastructure work. Mayor Glickstein stated he believes the only reason that work was accelerated in advance was to tie-in with the work the City was doing on Atlantic Avenue.

The City Manager stated he has not seen the proposal; however, he believes the water/sewer infrastructure is not going to change.

Brief discussion between the City Attorney and the City Commission followed.

Vice Mayor Petrolia stated she is prepared to support the Mayor's movement for one (1) month; however, she would like to make a selection only to be exercised in the event that this does not come to fruition.

Vice Mayor Petrolia moved to approve that should the City Commission elect to engage special counsel with respect to any issue regarding Atlantic Court, the law firm that the City Commission is identifying as that special counsel is Weiss, Serota, Helfman, Cole & Bierman, 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.

At this point, the time being 9:30 p.m., the Commission moved to **Item 11, First Readings.**

11. FIRST READINGS:

11.A. ORDINANCE NO. 07-15 (FIRST READING): Motion to Approve Ordinance No. 07-15, an amendment to Chapter 51, "Garbage and Trash", of the Code of Ordinances Section 51.70, "Regular Charges Levied", to provide for new Residential Collection Service Rates for the remaining Fiscal Year 2015. If passed, a

public hearing will be held on May 19, 2015.

The caption of Ordinance No. 07-15 is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 51, "GARBAGE AND TRASH", OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, BY AMENDING SECTION 51.70, "REGULAR CHARGES LEVIED", TO PROVIDE FOR NEW RESIDENTIAL COLLECTION SERVICE RATES FOR THE REMAINING FY 2015; PROVIDING A GENERAL REPEALER CLAUSE, A SAVING CLAUSE, AND AN EFFECTIVE DATE.

(The official copy of Ordinance No. 07-15 is on file in the City Clerk's office.)

The City Attorney read the caption of the ordinance.

Jack Warner, Chief Financial Officer (CFO), presented this ordinance to the Commission. Mr. Warner stated this is the first reading of the ordinance that implements the rates that are contained in the contract with SWS and the rates become effective June 1, 2015 with seconding reading on May 19, 2015. Mr. Warner stated the second part of this is staff is requesting direction from the Commission on how to implement returning back the excess cart replacement fee to the residents that have been collected since 1997.

Vice Mayor Petrolia moved to approve Ordinance No. 07-15 on FIRST Reading, seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes. Said motion passed with a 5 to 0 vote.

Mr. Warner stated that the change the City made in this contract was to make the hauler responsible for providing the carts. Vice Mayor Petrolia inquired about the contingency fund. Mr. Warner stated the contingency is not something that is in place when everything is smooth, but it is there if something goes wrong.

The City Attorney stated the ordinance breaks down 8-9 different cost categories and cart replacement is .90 therefore that money needs to be used exclusively for that purpose.

In addition, Mr. Katz suggested that there be a brief explanation to all the customers on their water/garbage bill that they are getting a new trash customer and the reason for the credit.

The City Attorney stated he will work with Mr. Warner on this. Mr. Warner asked the Commission if the credit somehow cannot be used against the other line items on the bill (which would mean that people would receive the credit and earn it off over a period of months) would the Commission still want to proceed forward on that basis. It was the consensus of the Commission to refund customers in the form of a credit on their utility bill and to *not* issue the credit in the form of a check.

In addition, Mr. Katz suggested that there be a brief explanation to all the customers that they are getting a new trash customer and the reason for the credit.

Vice Mayor Petrolia moved to refund the \$1.7 million collected for cart fees to customers in the form of a credit on their utility bill within four (4) months, 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; Mr. Jacquet – Yes. Said motion passed with a 5 to 0 vote.

11.B. ORDINANCE NO. 09-15 (FIRST READING): Motion to Approve Ordinance No. 09-15, an amendment to Land Development Regulations Section 4.6.9, “Off-Street Parking Regulations”, Subsection 4.6.9 (E), “Locations of Parking Spaces”, Paragraph 3, “In Lieu Fee”, to create two new areas. If passed, a public hearing will be held on May 19, 2015.

The caption of Ordinance No. 09-15 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 SECTION 4.6.9, “OFF-STREET PARKING REGULATIONS”, SUBSECTION 4.6.9 (E), “LOCATIONS OF PARKING SPACES”, PARAGRAPH 3 “IN LIEU FEE” TO CREATE TWO NEW AREAS; PROVIDING A SAVING CLAUSE, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE.

(The official copy of Ordinance No. 09-15 is on file in the City Clerk’s office.)

The City Attorney read the caption of the ordinance.

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

Deputy Vice Mayor Jacquet asked where the northern tip of Area 5 starts.

Mr. Krejcarek stated this street is 2nd Street.

Ms. Jarjura moved to approve Ordinance No. 09-15 on FIRST Reading, seconded by Deputy Vice Mayor Jacquet. 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.

12. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS.

12.A. City Manager

1. Workforce Housing Trust Fund

Mr. Cooper stated this item is just a matter of information.

Commissioner Jarjura stated saying that there have only been two (2) in-lieu payments made versus only two (2) applicants committed to due in-lieu payments. She stated Don has directed Francine to pull all the Workforce Housing agreements and all the conditional use approvals because going back to comments the City Commission made before there is not a master list that lists what the obligations were and whether or not staff is performing on those obligations. Commissioner Jarjura stated staff needs to find out whether people committed to off-site, on-site, and in-lieu payments; and, if they committed to in-lieu payments why has the City not received them. The City Manager stated he received a list late this afternoon but has not had the chance to review it. Mayor Glickstein confirmed that at some point there is going to be a discussion on what to do with the money that the City does have. The City Manager stated at some point the City will have to make that decision because it is sitting in the Housing Trust Fund right now. Commissioner Jarjura stated with regard Mr. Campbell's comments, Habitat for Humanity and stated when looking at spending these funds a strong city provides mixed income housing opportunities for everyone not just a certain market. Commissioner Jarjura stated she understands the City is trying to find appropriate housing for teachers and firefighters but we also need to find appropriate housing for people that are below that level and not limit it to any one market. She stated parts of the City's Code considers it low and moderate and parts of the Code considers it very, very low which is what Habitat for Humanity provides.

Vice Mayor Petrolia stated she had questions addressing some of the same issues that Commissioner Jarjura has commented about (i.e. how many developers have used the in-lieu, where is the money, and who is accounting for it). Also, Vice Mayor Petrolia stated she has asked that the City Attorney look into the possibility of if there was a legal way of being able to hold back maintenance fees on those few units that would be built into Workforce Housing units like in the downtown situation.

2. Update on Impacts of New LDR Requirements for five (5) feet and six (6) feet Clearance on Pedestrian Access and Impacts on Various Restaurants within the City of Delray Beach

Mr. Cooper stated this item is a matter of anticipation and information responding to Commissioner Jarjura's request.

Mayor Glickstein commented about a place that has zero percent loss and the restaurant next to it has a high percentage of loss; Lemon Grass was in complete compliance and yet Orange Leaf was 30% outside it and they occupy the exact same storefront. Captain Michael Coleman, Interim Community Improvement Director stated there are obstructions such as light poles right in the middle of the sidewalk and trash cans. Commissioner Jarjura stated there are obstructions even for the new infrastructure for Federal Highway and the City is putting tree boxes in that are only going to allow for a 2½-3 foot pedestrian clearance. Commissioner Jarjura stated obstructions such as garbage cans, signage, etc. are impacting that and noted that the City needs to provide a clear zone for ADA compliance. She stated it is not just the tables but the infrastructure that is put in. Mr. Coleman stated with the way some of the sidewalks are designed downtown, they cannot get the six (6) foot rule no matter what they do because the sidewalks are not configured throughout the city the same. Mayor Glickstein stated Pineapple Grove does not have the pedestrian impact that Atlantic Avenue has.

Brief discussion by the Commission followed regarding the restaurants on Atlantic Avenue versus those in Pineapple Grove.

Commissioner Katz suggested that maybe the CRA could use some capital to remove some of the infrastructure (i.e. one of the poles) to help save a business especially if it means losing a business it might be worth the investment in the business (i.e. J&J Seafood Bar and Grill). Commissioner Jarjura stated if it is a four (4) foot sidewalk it probably should have never been approved for outdoor dining because there is no clearance; however, if it is in an area that has adequate room to have those sidewalks but has obstructions. Mr. Coleman stated the sidewalk from Federal Highway to the beach belongs to FDOT.

The City Manager stated per the direction of the Commission the City will enforce the ordinance and when those people come before the Commission then the City can look at those individual circumstances particularly if there is infrastructure that is creating situations that make being in compliance impossible.

Brief discussion followed by the Commission regarding Prime restaurant and the planters. Mr. Coleman explained that the planters are on private property.

Mr. Coleman stated the City is trying to work with some of the restaurants to get voluntary compliance and if they do not have everything approved by July 31, 2015 after that they will get fined 10% of their permit fees, after that it will be 15%, and after that it will be 20%.

Mayor Glickstein stated on numerous occasions he has seen people have to walk out into the road to get by restaurants and has seen handicapped people forced (in particular at The Office). Mayor Glickstein stated the only possible hardship he would be looking is if there is enough right-of-way but there is some movable fixture and would look to the DDA or the CRA to look to work with that if it is workable. He stated if a light pole can be shifted five (5) feet or some other fixture that the Commission can look at providing that the restaurant has the adequate space. Mr. Coleman stated the City is making some adjustments by moving trash cans around; however, other fixtures are going to be hard. Mr. Coleman pointed out that if tables are removed some restaurants have bars and this could free up space for those people standing at the bar to stand on the sidewalk. Vice Mayor Petrolia stated it should be that the restaurant understands that they are about ready to lose their spot with respect to having a bar if they are going to encroach on the sidewalk. Mr. Jacquet stated it is a legitimate concern but feels a group of people standing can move out of the way versus tables, people walking, and strollers is different. After brief discussion, Mayor Glickstein stated the restaurant would have to be cited and management would have to control it because that would still be blocking the right-of-way. Mayor Glickstein stated the encroachments have increased well beyond what the original intention was and emphasized that this is supposed to be a pedestrian walkable city. The Commission thanked Captain Coleman for the great job he did on the report.

3. Report Regarding Meeting with All Aboard Florida

Mr. Cooper stated he will be meeting with All Aboard Florida.

4. Commission Direction Regarding Fire Department

Mr. Cooper stated he met with Deputy County Administrator Brad Merriman who briefed him on past events. Mr. Cooper stated he is looking for direction on whether to explore further.

Mayor Glickstein stated he would like to know his options.

Commissioner Jarjura stated if it improves or maintains response times, level of service, pay, benefits, and equipment and cannot make that decision without knowing what the costs are and the financial impacts are.

Commissioner Katz asked if the City Manager would like more time before the Commission gives him direction to work on this. The City Manager stated it is a fairly simple contract negotiation with the exception of the pension issue.

Deputy Vice Mayor Jacquet stated this is crucial for the City Manager to get as much information as possible and he feels this is great leadership. Deputy Vice Mayor Jacquet stated considering the Commission spoke about this last year at a Workshop meeting and though the City Commission had already given direction to staff to come back with the information that they had asked. Therefore, Deputy Vice Mayor

Jacquet asked the City Manager to get the information that he needs to be able to know whether this is something the Commission wants to do or not.

It was the consensus of the Commission to direct the City Commission to have the County to provide options and come back with the information that the Commission needs to make a policy decision.

5. Creation of Purchasing Department

The City Manager stated it is prudent and necessary to create a Purchasing Department to control all purchases over \$2,500.00. The City Manager stated there are significant problems with purchasing and he wants clear accountability and in his opinion the only way to do that is to put this under one roof and control the warehouse. He stated it will require two (2) additional buyers for the high volume departments so that the City can expeditiously acquire goods and services that they acquire. The City Manager stated this will start to bring a level of control that the City Commission desires and he feels is necessary. The City Manager stated staff is going to implement best practices.

Mayor Glickstein stated he appreciates the City Manager taking care of this and he likes the organizational chart. The City Manager stated with regard to Purchasing he will bring a resolution to the City Commission at the first meeting in June and implement immediately.

6. Proposed Staff Reorganization

The City Manager stated he will implement the new organizational chart in fiscal year 2016 and some of those issues (i.e. additional Code Enforcement Officers will be implemented in the mid-year budget and then if the City can afford it additional Code Enforcement Officers to bring it up to what it used to be beginning of fiscal year 2016). Based on the organizational chart, the City Manager stated he is advertising for the Assistant City Manager (ACM) for Operations and hopes to have that person selected and on board by the commencement of fiscal year 2016. The City Manager stated there are certain core services that as a City Manager you want to make sure that they report directly to you.

12.B. City Attorney

The City Attorney suggested that the City have a policy with respect to invocations at City Commission meetings. The City Attorney stated there has been recent Case Law with respect to this subject matter and although invocations must be solemn and respectful Case Law provide that those people who can be permitted to speak at the invocation the policy would have to be non-discriminatory so any recognized religious group or secular group has the right to request that they speak at the invocation. The City Attorney stated this has been a problem in other communities in the State of Florida and requested to amend the Parliamentary Rules to eliminate the Invocation from the City Commission meetings. He stated it is a source of controversy with people who

have deeply held beliefs and you cannot screen or pre-filter what someone is going to say at the dais. Although it has not been problem here, it has been a problem elsewhere. The City Attorney stated a lot of cities are doing this as a matter of practicality and as part of the amendments he is going to put this in.

Mayor Glickstein, Commissioner Jarjura, and Commissioner Katz agreed with the City Attorney; Commissioner Jacquet stated he does like it and Vice Mayor Petrolia stated she is neutral.

Commissioner Jarjura stated given the Supreme Court's ruling this past summer she feels this is necessary.

Deputy Vice Mayor Jacquet stated it is addressing a legitimate concern that some have had with certain invocations. In his opinion, Deputy Vice Mayor Jacquet stated it is not necessarily the individual invocation, what words the individuals choose to use, or whom they choose to consider as their creator. Deputy Vice Mayor Jacquet stated he does understand the concern and feels it is appropriate that it is coming from legal considering the Court cases and issues that other municipalities are dealing with. However, Deputy Vice Mayor Jacquet stated in his opinion, it is allowing people to express themselves freely regardless of who they choose to make their pray to.

12.C. **City Commission**

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

Commissioner Katz stated he is really pleased with the meeting the Commission had with the CRA last week and he hopes that everyone follow-up with that soon because it was very productive. He stated at the end of the meeting there was a discussion about Old School Square and he has been receiving feedback from residents. Commissioner Katz asked Old School Square to do some more public outreach and get more opinions.

Secondly, Commissioner Katz stated the Boca Council members have started something called "Coffee with a Council Member" (the Delray Beach Police Department does something similar). Commissioner Katz stated he would like to try to this a least for himself and would like to hold the first "Coffee or Chat with a Commissioner" in the western part of the community. He stated people want to have a voice and not everyone can attend a Commission meeting.

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

Commissioner Jarjura stated Patrick Murphy raised this during public comments and it was also raised during the CRA meeting that maybe other areas would want to pick up an event. She states when looking at the rules, procedures event. For example, Commissioner Jarjura stated a 5-K event that stops traffic on A-1-A from 6:30-7:30 a.m. is very different from closing roads down for three (3) days. Commissioner

Jarjura stated when looking at making rules and procedures staff has to weigh the area, what neighborhood, and the type of event. She stated there may be some events that the City may want to move to other areas that would invite that type of activity. Commissioner Jarjura reiterated for staff to consider the following three (3) things: (1) *type*, (2) *impact* and (3) *location* when doing this.

12.C.3. Vice Mayor Petrolia

Vice Mayor Petrolia asked if the DDA if the City is in the process of sending out a survey to find out that those paying that 1% feel about how it is being spent. She stated every year the Commission is asked to approve this 1% but have no idea if those people that are actually paying for it feel like it is being spent properly. She asked the City Manager to look into this.

Secondly, Vice Mayor Petrolia commented about the Police and Fire Actuarial Report and what is coming tomorrow is the City's ability to withdraw (written documentation for the 175/185 withdrawal). She stated the Police and Fire Actuarial Report was promised in April but as of this date the Commission still does not have it.

Vice Mayor Petrolia stated the bond default penalty interest and rectification statement for the City's Comprehensive Annual Financial Report (CAFR) and noted this should be forced to be made proper because they are saying that the City had a late fee. The City Manager stated he will have Mr. Warner respond to that because that should have been responded to as part of the response to the management letter. Also, Vice Mayor Petrolia asked the City Manager about information with respect to the DROP Plan accounts and paying their fair share of the Plan investment expenses.

Vice Mayor Petrolia thanked staff for the Performance Evaluation paperwork and the Workforce Housing update.

Vice Mayor Petrolia stated there is such a minimal amount of people that are applying for the boards and found out that it is a cumbersome process because you have to download the board application, fill it out, and then bring it in or send it to the City Clerk's office. Vice Mayor Petrolia suggested that this all be online to get this entire process computerized so that it would be easier for people to apply for the board positions.

Lastly, Vice Mayor Petrolia stated the children's garden behind St. Paul's Episcopal Church was dedicated last Friday. She stated from the Charrettes to the Groundbreaking she has been somewhat involved in being an observer and the children designed and planted this garden, and will eventually enjoy the fruits of their imagination and their labor.

12.C.4. Deputy Vice Mayor Jacquet

Deputy Vice Mayor Jacquet stated on Earth Day event he attended by the Delray Students First, the Boys and Girls Club, and Lowe's. He stated it was a great partnership of people who came together to plant trees and get the students involved. Deputy Vice Mayor Jacquet presented a framed photo to the City Commission with the students' signatures and thanked each Commission member for their continued support.

12.C.5. Mayor Glickstein

Mayor Glickstein stated Dolores Rangel contacted the rest of the Commission about a conflict that he and Vice Mayor Petrolia have on May 19, 2015 and requested to move the City Commission meeting to Wednesday, May 20, 2015. Commissioner Katz stated he will be out-of-town May 20-22, 2015. It was the consensus of the City Commission to move the regular meeting from Tuesday, May 19, 2015 to Wednesday, May 20, 2015.

Secondly, Mayor Glickstein expressed concern over the comments about the pavilions in particular because the City is about to embark on building two (2) more pavilions using the same architect specifications, etc.

Mayor Glickstein stated when the City gets to the next stage of doing the licenses for the outdoor cafés he would like to look at marking that to market for that space. He inquired about when was the last time that was looked at in terms of what is the value of that space and asked that staff analyze that and does not believe the City is getting fair market value for that very valuable space.

Mayor Glickstein stated the City Manager made mention at a Commission meeting that the City's hiring practices were not conducive and there were structural problems. It was the consensus of the City Commission to change the City's hiring process to make it work. The City Manager stated it takes too long to get things done; however, he has been informed by the City Attorney that the Civil Service rules were set by Special Act in 1949 and the ability to change these rules may be limited. The City Manager stated he is running into a problem with the recruitment part of the process along with some other issues. The City Manager stated when a new Human Resources Director begins employment he will ask this person to do a complete system analysis.

The City Attorney stated as he researches the issue of Civil Service amendments he was surprised to learn that the Civil Service rules were created by a Special Act enacted in 1949 and Home Rule powers give the City Commission all powers of self-government except for prior special acts with respect to employees. The City Attorney stated over time there has been several special acts amending those Civil Service rules most recently in 1997 when some positions were made exempt.

Lastly, with respect to Commissioner Katz's comments regarding the Workshop meeting, Mayor Glickstein stated the follow-up direction was the City was

going to work with the CRA to look at incremental boundary changes; the suggestion was A-1-A to Intracoastal and then Intracoastal to US-1.

There being no further business, Mayor Glickstein declared the meeting adjourned at 11:00 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 May 5, 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.