JULY 14, 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, July 14, 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
Michael Dutko, Assistant 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:**

A. None

4. **PRESENTATIONS:**

4.1. **RESOLUTION NO. 40-15:** Motion to Approve Resolution No. 40-15 recognizing and commending Jeffrey Messer for 30 years of dedicated service to the City of Delray Beach.

The caption of Resolution No. 40-15 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, RECOGNIZING AND COMMENDING **JEFFREY T. MESSER** FOR THIRTY YEARS OF SERVICE TO THE CITY OF DELRAY BEACH.

(The official copy of Resolution No. 40-15 is on file in the City Clerk's office.)

Mayor Glickstein read and presented Resolution No. 40-15 to **Jeffrey T. Messer** for thirty years of dedicated service to the City of Delray Beach.

Deputy Vice Mayor Jacquet moved to approve Resolution No. 40-15, 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.

At this point, Mayor Glickstein also presented a plaque to Jeffrey T. Messer for thirty years of outstanding contributions and distinguished service to the City of Delray Beach. Jeffrey T. Messer came forward to accept the resolution and gave a few brief comments.

On behalf of the City Commission, Mayor Glickstein thanked Jeffrey T. Messer for all he has done for the City of Delray Beach and his thirty years of dedicated service.

4.2. Congress Avenue Task Force Status Update

Jeff Perlman, Former Mayor and Chair of the Congress Avenue Task Force, gave a brief PowerPoint presentation updating the City Commission on the status of the Congress Avenue Task Force.

Brief discussion between Mr. Perlman and Mayor Glickstein regarding the Congress Avenue Corridor ensued.

Mayor Glickstein asked if the Task Force can get some information as to whether or not there is additional right-of-way beyond the sidewalks in that area where there is single-family and multi-family and commented about the aesthetics. Mayor Glickstein asked Isaac Kovner to help assist the Task Force with options for the area around 10th and South.

Brief discussion by the Commission ensued.

Mr. Perlman stated the next Congress Avenue Task Force meeting is August 5, 2015.

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 concern expressed by Mr. Chard from the July 7, 2015 meeting about Save the Tree initiative, the City Manager stated he has been in communication with Mr. Chard and asked him and HPD (Human Powered Delray) to put forth some proposed regulations and policies that can be examined by the City for implementation. The City Manager stated given the staff's time and ability on this particular issue, he feels it would be more appropriate for Mr. Chard to provide the City to begin to work off of. The City Manager stated Mr. Chard has indicated he will do so.

5.B. From the Public.

5.B.1. Michael Young, 1807 Spanish Trail, Delray Beach, FL (Tropic Isle behind the new Delray Place Shopping Center), stated last week they were invited to a preliminary meeting and presentation by the developer who also owns the Tropic Bay Plaza (where Dunkin Donuts is located). Mr. Young stated the developer is proposing to change the South entrance off of Eve Street to come through Tropic Bay Plaza so that they can have traffic go North and South from the entrance at Tropic Boulevard. He stated a lot of the negotiations they had originally with Delray Place is that they wanted all the traffic to stay at Linton Boulevard as far away from the Tropic Isle community as possible and not be intrusive into their lifestyle. However, Mr. Young stated this proposal would bring it right into their living rooms.

Mayor Glickstein assured Mr. Young the he will very much have a voice and noted that categorically the way that project was presented to himself as part of this Commission, that in no uncertain terms would that shopping center (Tropic Bay Plaza) or that entrance (at Tropic Boulevard) ever be part of the shopping center.

5.B.2. Jule Guaglardi, Roxy and Lulu, 119 N.E. 2nd Avenue, Delray Beach, FL 33444, stressed the value of the Downtown Development Authority (DDA) to the downtown merchants. Ms. Guaglardi stated she is going to build a 30 foot pergola for the Miami Convention Center for a trade show because she has been in business for six (6) years she has now been able to go from being a retailer to a designer and is now wholesaling internationally as a result of the DDA's help.

5.B.3. Stephanie Granniero, owner of Oh My Bod, 1128 East Atlantic Avenue, Delray Beach, FL 33483 (12 years), concurs with comments expressed by the previous speaker and stated the DDA has helped her grow her business and she has opened a second store at the Delray Marketplace.

5.B.3. Alice Finst, 707 Place Tavant, Delray Beach, FL 33445, expressed concern over the volume of the music emitted from the amphitheater at Old School Square and stated it is too loud. Ms. Finst urged the City to get the volume turned down to a reasonable and non-invasive volume for the following reasons: (1) it is so loud and heavy on the bass that it blocks the words that the performers are singing, (2) the volume is so high that it is so loud that it is limiting the outdoor seating at the restaurants on Atlantic Avenue which creates an unhappy financial situation for restaurant owners when guests go elsewhere because of the loud noise coming from the amphitheater they do not want to sit outside. She stated it was especially difficult this weekend because there were two (2) musical events both on Friday and Saturday night. Mrs. Finst urged the City to look into this issue.

5.B.5. Adam Shuman, 116 N.E. 6th Street, Delray Beach, FL 33444 (business owner), stated the rent on the side streets is now the same as Atlantic Avenue and he has been pushed out of his location because the rent has tripled. Mr. Shuman thanked the DDA for finding him another place to go and they are the #3 eco-friendly green hair salon in the world.

5.B.6. Gary Eliopoulos, 205 George Bush Boulevard, Delray Beach, FL 33444, stated at the last Commission meeting he discussed the new ordinance with respect to the move of a historic house and he has been working with staff on some of the things that can be improved. Mr. Eliopoulos stated part of his presentation was about bringing historic houses into the districts that are not protected. He stated he understands that the ordinance the city is working on is meant to prohibit people from moving houses or make it extremely difficult to do. However, Mr. Eliopoulos stated he feels that is wrong and when someone wants to relocate a historic home the mission is to save these historic houses too. He urged the City to promote saving historic houses in Delray Beach and that the Commission work on incentives to inform people that if you have a house that is *not* in the historic district, to place it on the local register.

5.B.7. Pauline Moody, 609 S.W. 8th Avenue, Delray Beach, FL 33444, commented on the Congress Avenue Task Force and stated the City needs a Task Force for the sober home issue.

Secondly, Ms. Moody urged the Commission to work on the budget.

5.B.8. Tim Schwab, represents JES Publishing Delray Magazine, stated he manages the business side of the Delray Beach Magazine and the Boca Magazine, stated he has worked very closely with the DDA and they partner on the Savor the Avenue event. Mr. Schwab stated and they get calls from all over the country from people that would like to model it because it is phenomenal done. Mr. Schwab stated they are especially pleased in which DDA works with the local merchants and urged the City to keep the DDA.

5.B.9. Mary Ann Brown, Hairdresser in the downtown, supports the DDA and stated the DDA gives her the opportunity to be involved in many events in particular the Fashion Week. Ms. Brown stated the DDA does other things as well for her business on a monthly basis (the promotional website, safety issues, and transportation abilities for the guests to be able to get to places around the city). She stated the promotional/marketing part of the DDA has helped her business and many other salons in the downtown area.

5.B.10. Glavidia Alexis, salon owner and fashion designer, 200 N.E. 2nd Avenue Ste. #112, Delray Beach, FL 33483, the grand opening of her salon was November 2014 and she had the opportunity to work with the DDA for Fashion Week. Ms. Alexis stated trough the DDA she showcased her fashion designs and the exposure she needed so that the local community can find out who she is, what she is about, and where she is located. She stated the DDA is very important to have in this community especially for small businesses.

<u>5.B.11.</u> **<u>Mark Denkler, 335 & 310 East Atlantic Avenue, Delray Beach, FL 33483 (owns two shoe stores on the Board of Directors of the DDA),</u>** urged the Commission to approve the 1% tax and as a Board member he will spend the money wisely.

<u>5.B.12.</u> **<u>Mavis Benson, 800 Greensward Court #204, Delray Beach, FL 33445 (merchant and co-chair for the Merchants' Association),</u>** briefly spoke about the increase revenue for the DDA from 2008-2013 and read a brief statement into the record. In addition, Ms. Benson also commented about the Award Winning Practical Guide for Downtown Businesses. She stated Delray's Fabulous Fashion Week was a Merit Award Winner in 2014 by the International Downtown Association. Ms. Benson stated Fashion Week, Savor the Avenue, and Mother's Day Orchid Give-a-way are all events which work hand-in-hand with the restaurants and retail. Ms. Benson stated at year-end when she looks at the profit/loss and it is in a positive, she feels that it is the DDA that has helped her business and the success of the downtown.

<u>5.B.13.</u> **<u>Bruce Gimmy, 439 East Atlantic Avenue, Delray Beach, FL 33483 (was on the original Joint Venture Board that hired Marjorie Ferrer),</u>** stated the DDA is more effective than it was then social media being a part of it. Mr. Gimmy urged the City to leave the proposed millage levy rate for the DDA for fiscal year 2016 at 1.0000 mill.

<u>5.B.14.</u> **<u>Alan Schlossberg, 200 MacFarlane Drive, Delray Beach, FL 33483,</u>** stated the July 7, 2015 City Commission meeting regarding Atlantic Crossing and in his opinion, the traffic evaluation that was done does not make sense. Mr. Schlossberg stated the engineer's analysis was based upon a summer traffic schedule of 6,000 daily trips instead of a seasonal amount that would potentially be double or triple that amount. In addition, Mr. Schlossberg stated the analysis was based solely on the given defective design; the plan that already exists without any attempt to suggest any modifications to it in order to integrate a satisfactory traffic plan. He stated the community has given so much to Atlantic Crossing and he feels the project should meet the needs of the residents. Mr. Schlossberg urged the City to require further evaluation of this development with some structural changes and modifications. He stated the residents who live here are fully aware of the traffic problems along Atlantic Avenue and by the bridge. Mr. Schlossberg suggested that a two-way access road into and out of the project could help to alleviate some of the traffic. However, Mr. Schlossberg stated the design plan needs to be modified slightly in order to accommodate a two-way Atlantic Court. Mr. Schlossberg stated this road was in the original contract and the residents have overwhelmingly expressed the desire to have Atlantic Court to help alleviate the traffic and about 30% of the population. Mr. Schlossberg stated the City Attorney should not be discussing things with the developer at this point until the City Commission is clear about what needs to be done.

5.B.15. 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), stated he feels the City needs to get money from the Community Redevelopment Agency (CRA) *not* from the Downtown Development Authority (DDA). Dr. Kirson stated at the Chambers Government of Affairs Meeting the City Manager stated that the CRA has $7.5 million that could be the City's; at the City Commission meeting with the City Commission and the CRA, Annette Gray stated that by thirty years most CRA's have been downsized tremendously or eliminated. Dr. Kirson stated he read that the CRA is going to give the City back $1.2 million, but he would like to see the CRA give back $7.5 million to the City. Dr. Kirson stated there is nothing more the CRA can do to improve their territory on Atlantic Avenue and he urged the City to get the money.

6. AGENDA APPROVAL.

The City Manager requested to remove **Item 7.C, Acceptance of a Right-of-Way Deed for N.E. 8th Avenue**.

Mr. Katz moved to approve the Agenda as amended, 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.

7. CONSENT AGENDA: City Manager Recommends Approval.

7.A. FINAL SUBDIVISION PLAT/DELRAY PRESERVE: Motion to approve the Final Plat for Delray Preserve Replat, by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in Section 2.4.5(J) (Major Subdivisions), Section 3.2.3 (Standards for Site Plan and/or Plat Actions) and Section 3.1.1 (Required Findings for Land Use and Land Development Applications) of the Land Development Regulations.

7.B. LIMITED ACCESS EASEMENT/200 N.E. 5TH COURT: Motion to Approve a Limited Access Easement for the property located at 200 N.E. 5th Court, to restrict vehicular access onto the property from N.E. 2nd Avenue, subject to approval of a variance by the Historic Preservation Board for the resulting front setback non-conformity prior to recordation.

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

7.D. CHANGE ORDER NO. 1/JOHNSON-DAVIS, INC./DOVER LOWSON CULVERT REHABILITATION: Motion to Approve Change Order No. 1 in the amount of $14,757.00 and a 60-day contract extension to Johnson-Davis, Inc. for additional work due to unforeseen site conditions for the Dover/Lowson Culvert Replacement Project No. 14-100, Bid No. 2015-23. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.06(A)(1), "Beyond the Scope of Work", and Section 36.06(A)(3), "Extension of Completion Dates". Funding is available from 448-5461-538-69.30 (Storm Water Utility Fund: Flood Control/Other Improvements/Dover Lowson Culvert Replacement).

7.E. SERVICE AUTHORIZATION NO. 12-08/ WANTMAN GROUP, INC./BLOCK 63 ALLEY: Motion to Approve Service Authorization No. 12-08 with Wantman Group, Inc. in the amount of $34,637.00 for professional design services related to the Block 63 Alley, Project No. 15-001. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(C)(3), "Professional Services". Funding is available from 334-3162-541-68.98 (General Construction Fund: Streets, Alleys, Sidewalks/Transportation/Road and Street Facilities/Other Improvements/Alley Improvements).

7.F. AMENDMENT NO. 3 TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE SCHOOL BOARD OF PALM BEACH COUNTY: Motion to Approve Amendment No. 3 to the Interlocal Agreement between the City of Delray Beach and the School Board of Palm Beach County to share data with the Naoma Donnelly Haggin Boys and Girls Club and to exercise the City's right to extend the term of the Agreement for one year until July 30, 2016.

7.G. PROCLAMATIONS:

1. None

7.H. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS: Motion to accept the actions and decisions made by the Land Development Boards for the period June 22, 2015 through June 26, 2015.

7.I. AWARD OF BIDS AND CONTRACTS:

1. None

Ms. Jarjura 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.

At this point, the time being 7:08 p.m., the Commission moved to the duly advertised Public Hearings portion of the Agenda.

9. PUBLIC HEARINGS:

9.A. RESOLUTION NO. 34-15: Motion to Approve Resolution No. 34-15 establishing a budget for the Stormwater Utility System, establishing the rates for FY 2016 Stormwater Management Assessments, and certifying and adopting the Stormwater Assessment Roll.

The caption of Resolution No. 34-15 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ESTABLISHING A BUDGET FOR THE STORMWATER UTILITY SYSTEM; ESTABLISHING RATES FOR STORMWATER MANAGEMENT ASSESSMENTS FOR EACH PARCEL WITHIN THE BENEFITTED AREA, OTHER THAN NON-ASSESSED PROPERTY; PROVIDING FOR A PUBLIC HEARING; PROVIDING FOR THE CERTIFICATION AND ADOPTION OF THE STORMWATER ASSESSMENT ROLL IN ACCORDANCE WITH CHAPTER 56 OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

(The official copy of Resolution No. 34-15 is on file in the City Clerk's office.)

On behalf of Assistant City Attorney Michael Dutko, the City Manager read the caption of the resolution.

Mr. Katz moved to approve Resolution No. 34-15, 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.

9.B. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FIVE YEAR CONSOLIDATED PLAN FISCAL YEARS (FY) 2015-2019 AND ANNUAL ACTION PLAN FY 2015-2016: Motion to Approve the Five Year Consolidated Plan FY 2015-2019 and Annual Action Plan FY 2015-2016 required by the United States Housing & Urban Development Agency (HUD) for utilization of Federal grant funds. ***(STAFF HAS REQUESTED THAT THIS ITEM BE POSTPONED TO AUGUST 11, 2015)***

At this point, the time being 7:13 p.m., the Commission moved back to **Item 8.A. of the Regular Agenda.**

8. REGULAR AGENDA:

8.A. REQUEST FOR SIDEWALK RELIEF IN THE FORM OF A WAIVER/233 VENETIAN DRIVE: Consider a request for sidewalk relief in the form of a waiver for the property located at 233 Venetian Drive within the Nassau Park Historic District to eliminate the requirement for a 5' sidewalk along Nassau Street. **(*Quasi-Judicial Hearing*)**

Mayor Glickstein read the City of Delray Beach Quasi-Judicial rules into the record for **Item 8.A.** or **Item 8.B.**

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. Vice Mayor Petrolia, Deputy Vice Mayor Jacquet, Mayor Glickstein, and Commissioner Katz stated they had no ex parte communications to disclose. Ms. Jarjura stated she received emails which on the City server and she spoke with Kevin Warner on this.

Mark McDonnell, Assistant Director of Planning and Zoning, entered the Planning and Zoning Department project file #2015-040COA into the record and presented this item to the Commission.

Gary Eliopoulos, G.E. Architecture, 205 George Bush Boulevard, Delray Beach, FL 33444 (Applicant), stated his client is asking for that in-lieu payment to be deferred and he urged the City Commission to reconsider this.

Mayor Glickstein stated if anyone from the public would like to speak in favor or in opposition of the request.

Christopher Heffernan, 1200 Thomas Street, Delray Beach, FL 33483 read a statement into the record from a letter written by his brother James Heffernan.

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), expressed concern that someone can be charged for something that is not going to be done in an area where it will never be done and then take that money and use it somewhere else for an area where sidewalks are being done.

Kevin Warner, 248 Venetian Drive, Delray Beach, FL 33483 (speaking on behalf of the Marina Homeowners Association directly across the street from this property), stated he feels it is Mr. Eliopoulos' job to know the City Code when he is consulting with clients about renovation projects. Mr. Warner referenced his email where staff indicated in their analysis that if the Commission accepts this waiver request they will be creating special privileges for certain applicants. He noted the recent history of sidewalk incidents has been to build a sidewalk or make an in-lieu payment.

Christina Morrison, 2809 Florida Boulevard, #207, Delray Beach, FL 33483, stated that money will be able to be used for where it is needed and urged the City to keep this program going because it is needed for other areas throughout the community.

There being no one else from the public who wished to address the Commission regarding Item 8.A., the public comment was closed.

Staff had no cross-examination or rebuttal.

Mr. Eliopoulos gave a brief rebuttal.

Michael Dutko, Assistant City Attorney, read LDR Section 6.1.3. into the record: "Situations where it is inappropriate to install a sidewalk concurrent with development the sidewalk installation requirement may be met by the payment of funds sufficient to install the sidewalk. Such funds shall be escrowed and used at a later date for the installation of said sidewalk."

Brief discussion by the Commission and staff ensued.

Michael Dutko, Assistant City Attorney, briefly reviewed the Board Order with the Commission who made findings according to their consensus (attached hereto is a copy and made an official part of the minutes).

Deputy Vice Mayor Jacquet moved to approve the Board Order subject to the Commission consensus that staff will review the legality of the current language relative to this application and if they determine that the ambiguity is such that it is not enforceable pursuant to the Board Order that the money would be refunded; and also, that there should be no delay in the issuance of building permit during the pendency of the City Attorney's office review, 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.

8.B. IN-LIEU OF PARKING FEE AGREEMENT/120 N.E. 1ST AVENUE: Consider approval of a request for the purchase of one (1) in-lieu parking space located at 120 N.E. 1st Avenue associated with a Class IV site plan submission to accommodate the construction of a 2,193 square foot office building. ***(Quasi-Judicial Hearing)***

Mayor Glickstein asked the Commission to disclose their ex parte communications. The Commission had no ex parte communications to disclose.

Randal Krejcarek, Director of Environmental Services, presented this item to the Commission and stated this is to approve the request for one (1) in-lieu parking space through a payment agreement for 120 N.E. 1st Avenue.

Jeffrey Silberstein, Silberstein Architecture, 524 N.E. 2nd Street, Delray Beach, FL 33483, speaking on behalf of the Applicant, stated he is present for any questions the Commission may have.

Mayor Glickstein asked if anyone from the public would like to speak in favor or in opposition of **Item 8.B.,** to come forward at this time. There being no one else from the public who wished to address the Commission regarding **Item 8.B.,** the public comment was closed.

There was no cross-examination or rebuttal.

Michael Dutko, Assistant City Attorney, briefly reviewed the Board Order with the Commission who made findings according to their consensus (attached hereto is a copy and made an official part of the minutes).

Deputy Vice Mayor Jacquet stepped away from the dais.

Vice Mayor Petrolia moved to approve the request for the purchase of one (1) in-lieu parking space and associated payment agreement for 120 N.E. 1st Avenue, 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. Said motion passed with a 4 to 0 vote.

8.C. RESOLUTION NO. 36-15/BEST INTEREST RESOLUTION - CLASSIC AUTO COLLISION CORPORATION: Motion to Approve Resolution No. 36-15 approving acquisitions with Classic Auto Collision Corporation in an amount not to exceed $30,000.00 for FY 2015 for accident/collision repairs to City vehicles; declaring by a four-fifths affirmative vote that the acquisitions from Classic Auto Collision Corporation of Delray Beach is in the Best Interest of the City; until such time that an RFQ is issued by the Purchasing Department for services related to collision repairs to City vehicles. 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", and Section 36.02(C)(11), "Best Interest Acquisitions". Funding is available from 501-3311-591-52.52 (Garage Fund: Intra-governmental Services/Operating Supplies/City Garage - Outside Services).

The caption of Resolution No. 36-15 is as follows:

> A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING ACQUISITIONS WITH CLASSIC AUTO COLLISION CORP. NOT TO EXCEED $30,000 FOR FISCAL YEAR 2015 FOR ACCIDENT/COLLISION REPAIRS TO CITY VEHICLES, DECLARING BY A FOUR-FIFTHS AFFIRMATIVE VOTE THAT THE ACQUISITIONS FROM CLASSIC AUTO COLLISION CORP. OF DELRAY BEACH IS IN THE BEST INTEREST OF THE CITY, UNTIL SUCH TIME THAT AN RFQ IS ISSUED BY THE PURCHASING DEPARTMENT FOR SERVICES RELATED TO COLLISION REPAIRS TO CITY VEHICLES.

(The official copy of Resolution No. 36-15 is on file in the City Clerk's office.)

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

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

Vice Mayor Petrolia moved to approve Resolution No. 36-15, 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.

8.D. SERVICE AUTHORIZATION NO. 12-16/KIMLEY-HORN AND ASSOCIATES, INC./NORTH DIXIE HIGHWAY PROJECT: Motion to Approve Service Authorization No. 12-16 with Kimley-Horn and Associates, Inc. in the amount of $69,624.00 for professional design services related to the North Dixie Highway Project (Project No. 15-005). This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(C)(3), "Professional Services". Funding is available from 334-3162-541-69.26 (General Construction Fund: Transportation/ Road and Street Facilities/Other Improvements/North Dixie Highway).

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

Vice Mayor Petrolia stated she does not see a need for this because it is basically a back road to get into many of the businesses that are already fronting Federal Highway.

Jeff Costello, Executive Director of the Community Redevelopment Agency (CRA), presented this item to the Commission.

Ms. Jarjura stated there should be a plan for the entire city versus paying for a concept plan for small pockets of areas. She stated anytime infrastructure goes into place (i.e. bike lanes, sidewalks, signage, trash cans) it should all match. Ms. Jarjura stated she would rather pull the CRA's money together and have a conceptual design plan for the entire infrastructure.

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

Mayor Glickstein stated he would like to see a map on the wall that shows where the City's critical infrastructure needs are.

Deputy Vice Mayor Jacquet moved to ***deny*** Service Authorization No. 12-16, seconded by Mr. Katz. Upon roll call the Commission voted as follows: Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes. Said motion to ***deny*** passed with a 5 to 0 vote.

8.E. **PROVIDE DIRECTION FOR 100 FOOT CHRISTMAS TREE:** Staff is requesting the Commission's direction from one of three options with respect to the City's 100 foot Christmas Tree which include rehabilitating the City owned tree, purchasing a new aluminum tree or renting a tree.

Isaac Kovner, City Engineer, presented this item to the Commission and stated staff requests Commission direction from one of three options with respect to the City's existing 100 foot Christmas tree. Mr. Kovner stated the three (3) options are as follows: (1) Rehabilitate existing steel 100 foot steel tree, (2) Purchase new aluminum 100 foot tree, (3) Rental of 100 foot tree. Mr. Kovner gave a brief history of the structural integrity of the existing steel Christmas tree and what would be used as storage for the tree. Mr. Kovner stated this proposal is for December 2016.

Brief discussion by the Commission and Mr. Kovner ensued.

Les Hensley, President of Eagle Metal Products, stated the tree has to be properly maintained, covered, and repaired on a regular basis because the tree is rusting from the inside out.

Mr. Kovner stated he would be comfortable with the $30,000.00 repair as long as the City has a structural engineer overseeing the repairs and the construction of what areas need to be repaired, what areas do not need to be repaired, and the engineering certifying that it will stay for one year. In addition, Mr. Kovner stated the City will need someone to supervise and oversee the corrections and modifications from an engineer. The City Manager stated the tree would have to be placed in a secure storage area.

Mayor Glickstein stated he would like to look at the cost of a pre-fab building to store the Christmas tree on property the City already owns before the City spends anymore money.

Patrick J. Brandano, Brandano Displays, Inc., gave a few brief comments regarding the tree.

After brief discussion, it was the consensus of the Commission to continue repairing the Christmas tree and direct staff to price out costs for galvanized coated steel; and, direct the construction staff in-house to estimate the cost of building its own storage facility on City owned land to store the Christmas tree and any other things that can fit in that space.

8.F. **RESOLUTION NO. 41-15 – BEST INTEREST RESOLUTION/HOUSING REHABILITATION PROJECTS:** Motion to Approve Resolution No. 41-15, for Housing Rehabilitation Construction at 134 S.W. 5th Avenue, 618 S.W. 9th Court, 640 S.W. 6th Avenue, 39 N.W. 11th Avenue, 221 S.W. 15th Avenue and 508 S.W. 6th Avenue utilizing Community Development Block Grant and State Housing Initiative Partnership Funding for the Community Improvement Department from CJ Contracting LLC, South Florida Construction Services and Cordoba Construction Co., declaring by a four-fifths affirmative vote that the City's Sealed Competitive Method is not in the Best Interest of the City. 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" and Section 36.02(C)(11), "Best Interest Acquisitions".

The caption of Resolution No. 41-15 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, FOR HOUSING REHABILITATION CONSTRUCTION AT 134 SW 5TH AVENUE, 618 SW 9TH COURT, 640 SW 6TH AVENUE, 39 NW 11TH AVENUE, 221 SW 15th AVENUE AND 508 SW 6TH AVENUE UTILIZING COMMUNITY DEVELOPMENT BLOCK GRANT AND STATE HOUSING INITIATIVE PARTNERSHIP FUNDING FOR THE COMMUNITY IMPROVEMENT DEPARTMENT FROM CJ CONTRACTING LLC, SOUTH FLORIDA CONSTRUCTION SERVICES AND CORDOBA CONSTRUCTION CO., DECLARING BY A FOUR-FIFTHS AFFIRMATIVE VOTE THAT THE CITY'S SEALED COMPETITIVE METHOD IS NOT IN THE BEST INTEREST OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE.

(The official copy of Resolution No. 41-15 is on file in the City Clerk's office.)

Michael Dutko, Assistant City Attorney, read the resolution into the record.

Michael Coleman, Director of Community Improvement, presented this item to the Commission.

Vice Mayor Petrolia moved to approve Resolution No. 41-15, seconded by Mr. Katz. Upon roll call the Commission voted as follows: Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes. Said motion passed with a 5 to 0 vote.

At this point, Mayor Glickstein commended Mr. Coleman for his work and his staff's work on 2nd Avenue.

Vice Mayor Petrolia commended Mr. Coleman for doing wonderful things downtown with very little money downtown with respect to the Clean and Safe Program. She stated the City Commission is very pleased with what Mr. Coleman has been able to accomplish.

<u>8.G. EMPLOYER MUTUAL, INC./RATIFICATION OF DECISION FROM CITY MANAGER FOR EMERGENCY PURCHASE OF LIABILITY INSURANCE:</u> Motion to ratify the City Manager's decision for emergency acquisition of Liability Insurance Coverage for the Skatepark, Railroad Crossings and Women's Club from Employer's Mutual Inc., declaring by a four-fifths affirmative vote that the City's Sealed Competitive Method is not in the Best Interest of the City. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(C)(5), "Emergency Acquisitions", 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 551-1575-591-45.90 (Insurance Fund: Business Insurance/Intra-governmental Services/Insurance/Other Insurance Costs).

Jack Warner, Chief Financial Officer, gave a brief explanation of this item to the Commission and stated the caption on the Agenda is not correct; this is not a Best Interest item and it does *not* require a four-fifths vote but it is a ratification of the action taken by the City Manager.

Mr. Katz moved to approve the City Manager's June 11th approval of the emergency acquisition of four insurance policies with a total annual premium of $47,845, 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.

<u>8.H. AMENDMENT NO. 1 TO TRIPARTY INTERLOCAL AGREEMENT REGARDING THE OLD LIBRARY SITE AND CHAMBER OF COMMERCE RELOCATION:</u> Motion to approve Amendment No. 1 to the Triparty Interlocal Agreement between the City, the Community Redevelopment Agency (CRA) and the Greater Delray Beach Chamber of Commerce relative to the Old Library Site and Chamber of Commerce relocation.

Michael Dutko, Assistant City Attorney, presented this item to the Commission and stated this is Amendment No. 1 to the Triparty Interlocal regarding the Old Library Site and Chamber of Commerce relocation. Mr. Dutko stated the original agreement was entered into in February 2008 and this amendment updates the payment schedule of the agreement to authorize the Community Redevelopment Agency (CRA) to make an additional $1 million to the City during this fiscal year. Mr. Dutko stated this will have the effect of shortening the full payment period from ten (10) years to six (6) years and save the City approximately $200,000.00 in interest. He stated this $1 million payment would be (if approved) in addition to the payment that is already envisioned under the current payment schedule for this current fiscal year so all that would be left at this time would is a $1 million payment for this year. And that payment has already been made. Mr. Dutko gave a brief history of the agreement.

Vice Mayor Petrolia read a brief statement into the record and expressed concern over the transaction of this property and issues with respect to this property.

Brief discussion between the City Commission and Mr. Costello followed.

Mr. Warner gave a few brief comments.

Ms. Jarjura gave a few brief comments.

Mayor Glickstein gave a few brief comments and stated he is comfortable with the City Attorney's analysis with every other issue with the exception of this *new* information about the City of West Palm Beach paying grantors on old deeds (is that factual and are those circumstances different from the City of Delray Beach). Secondly, Mayor Glickstein stated the representation that was relied upon at the City Commission meeting of July 1, 2014 where it was specifically excluded. Assistant City Attorney Michael Dutko stated he ensure that both of those issues are specifically addressed and will make sure that the backup reflects the opinions that have been provided in the past.

Mr. Katz moved to defer Item 8.H. to the City Commission regular meeting of August 11, 2015, seconded by Vice Mayor Petrolia. Upon roll call the Commission voted as follows: Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – No; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes. Said motion passed with a 4 to 1 vote, Deputy Vice Mayor Jacquet dissenting.

8.I. **DESIGNATION OF VOTING DELEGATE:** Designate the City's voting delegate to the Florida League of Cities' 89th Annual Conference to be held at World Center Marriott in Orlando, Florida on August 13-15, 2015.

Deputy Vice Mayor Jacquet moved to approve to designate Commissioner Katz as the voting delegate to the Florida League of Cities' 89th Annual Conference to be held in Orlando, Florida on August 13-15, 2015, seconded by Vice Mayor Petrolia. Upon roll call the Commission voted as follows: Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes. Said motion passed with a 5 to 0 vote.

8.J. **DISCUSS THE NOMINATION OF AN ELECTED OFFICIAL FOR THE "E. HARRIS DREW" AWARD:** Discuss the nomination of an elected official for the "E. Harris Drew" Municipal Official Lifetime Achievement Award.

The City Manager stated this nomination can be for past or present elected officials.

After brief discussion, it was the consensus of the City Commission that this award be given to some people in the community.

8.K. **FISCAL YEAR (FY) 2016 PROPOSED MILLAGE LEVY RATE:** Motion to consider Staff recommendation to set an operating millage rate of 7.1611 for FY 2016 for a total millage rate of 7.4367 including the debt service millage rate of 0.3028.

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

Randal Krejcarek, Director of Environmental Services, briefly spoke about the level of service with respect to City vehicles.

Michael Coleman, Director of Community Improvement, gave a few brief comments with regard to the Clean and Safe issues.

The Commission commended Mr. Coleman for addressing the Code Enforcement issues.

Joan Goodrich, Economic Development Director for the Community Redevelopment Agency (CRA) and the City of Delray Beach, briefly spoke about the special events.

Suzanne Davis, Director of Parks and Recreation, gave a few brief comments.

Francine Ramaglia, Assistant City Manager, gave a few brief comments.

Tim Stillings, Director of Planning and Zoning, gave a few brief comments.

Mr. Katz moved to approve to set the millage rate at 7.1611 for fiscal year 2016, 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.

Mr. Katz moved to approve to continue the meeting past 11:00 p.m., 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 – No; Mr. Katz – Yes. Said motion passed with a 3 to 2 vote, Vice Mayor Petrolia and Deputy Vice Mayor Jacquet dissenting.

8.L. PROPOSED MILLAGE LEVY RATE/DOWNTOWN DEVELOPMENT AUTHORITY (DDA): Motion to consider a proposed maximum millage rate of 1.0000 for FY 2016. The Downtown Development Authority's current year millage rate is 1.0000. The DDA Board voted on their proposed budget on July 13, 2015.

Seabron Smith, Vice Chair Downtown Development Authority, presented this item to the Commission.

Michael Dutko, Assistant City Attorney, stated this is a tentative proposed millage rate for TRIM purposes; there will be another hearing where the City Commission will set a final millage rate.

Vice Mayor Petrolia asked about the survey results. The City Manager stated the survey closes tomorrow and as soon as staff receives the results they will provide it to the Commission.

Mr. Katz thanked the businesses who came out to speak about this and thanked Vice Mayor Petrolia for initiating the efforts for the City to do the survey.

Ms. Jarjura echoed comments expressed by Commissioner Katz and stated now that the City is looking to rebrand and grow that area of the downtown development district she is happy that the DDA committed that additional funding to approve that rebranding.

Vice Mayor Petrolia stated the branding was brought out in "Delray Meets Delray" and she believes this is key to what is happening with West Atlantic Avenue.

Mr. Katz moved to approve the DDA millage rate at 1.0000 for fiscal year 2016, 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.M. NOMINATION FOR APPOINTMENT OF CHAIRPERSON AND VICE-CHAIRPERSON FOR THE COMMUNITY REDEVELOPMENT AGENCY (CRA) BOARD: Consider appointment of a Chairperson and Vice-Chairperson for the Community Redevelopment Agency (CRA) Board.

Mr. Katz inquired as to why Mr. Herman Stevens cannot serve for another year on this board as Chairperson.

Brief discussion by the Commission ensued.

The City Clerk stated the City's LDRs, Section 8.1.1(B)(3) state that the Commission shall designate the Chair and Vice Chair on an annual basis, with the terms beginning on August 1st and ending July 31st.

Mr. Katz stated to be a member of this board you do not have to be a resident but can be a business owner within the City. However, Mr. Katz stated when looking at the Chairs and Vice Chairs he would like to see the Board consider as priorities for those positions residents within the City and Mr. Reginald Cox meets that.

Deputy Vice Mayor Jacquet moved to nominate Reginald Cox as Chairperson to the Community Redevelopment Agency (CRA), 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.

Prior to the vote, Mr. Katz stated Ms. Balestriere is a business owner but not a resident of the City. Mr. Katz stated Ms. Balestriere has done a great job; however, he feels that those key positions should be held by residents.

Brief discussion by the Commission ensued.

Ms. Jarjura stated the language for the resident criteria mirrors the Florida Statute and that is why it is set up that way.

Vice Mayor Petrolia moved to nominate Cathy Balestriere as Vice Chairperson to the Community Redevelopment Agency (CRA), seconded by Deputy Vice Mayor Jacquet. Upon roll call the Commission voted as follows: Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes. Said motion passed with a 5 to 0 vote.

8.N. NOMINATIONS FOR APPOINTMENT TO THE EDUCATION BOARD: Nominations for appointment of five (5) regular members to serve on the Education Board to serve a two-year term ending July 31, 2017 and one (1) student member to serve on the Education Board for a two (2) year term ending July 31, 2017 and for one (1) regular member to serve an unexpired term ending July 31, 2017. Based on the rotation system, the nominations for appointment will be made by Deputy Vice Mayor Jacquet (Seat #2), Commissioner Katz (Seat #3), Commissioner Jarjura (Seat #4), Mayor Glickstein (Seat #5) and Vice Mayor Petrolia (Seat #1).

Deputy Vice Mayor Jacquet moved to nominate Marjorie Waldo to the Education Board as a regular member to serve a two (2) year term ending July 31, 2017, 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.

Mr. Katz moved to nominate Catherine DeMatto (incumbent) to the Education Board as a regular member to serve a two (2) year term ending July 31, 2017, seconded by Deputy Vice Mayor Jacquet. Upon roll call the Commission voted as follows: 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.

Vice Mayor Petrolia moved to nominate Brian Weber to the Education Board as a regular member to serve an unexpired term ending July 31, 2017, 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.

Ms. Jarjura moved to nominate Joyce Warner (incumbent) to the Education Board as a regular member to serve a two (2) year term ending July 31, 2017, 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.

Mayor Glickstein moved to nominate Drew Tucker to the Education Board as a regular member to serve a two (2) year ending July 31, 2017, 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.

Vice Mayor Petrolia moved to nominate Daryl Pauling to the Education Board as a regular member to serve a two (2) year term ending July 31, 2017, seconded by Mr. Katz. Upon roll call the Commission voted as follows: 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.

Deputy Vice Mayor Jacquet moved to nominate Nikkie Dugan (student/incumbent) to the Education Board as a regular member to serve a two (2) year ending July 31, 2017, seconded by Ms. Jarjura. 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.

<u>8.O. NOMINATION FOR APPOINTMENT TO THE KIDS AND COPS COMMITTEE:</u> Nomination for appointment of one (1) regular member to serve on the Kids and Cops Committee for a two (2) year term ending July 31, 2017. Based on the rotation system, the nomination for appointment will be made by Commissioner Jarjura (Seat #4).

Ms. Jarjura moved to nominate Phyllis Willingham (incumbent) to the Kids and Cops Committee for an At-Large Representative to serve a two (2) year term ending July 31, 2017, 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.

<u>8.P. NOMINATION FOR APPOINTMENT TO THE GREEN IMPLEMENTATION ADVANCEMENT BOARD:</u> Nomination for appointment of two (2) alternate members to serve on the Green Implementation Advancement Board for a two (2) year term ending July 31, 2017. Based on the rotation system, the nomination for appointment will be made by Vice Mayor Petrolia (Seat #1).

Mr. Katz moved to nominate Anne Kingsbury (incumbent) to the Green Implementation Advancement Board as an alternate member for a two (2) year term ending July 31, 2017, 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 deferred her nomination to the next regular meeting of August 11, 2015.

<u>8.Q. NOMINATION FOR APPOINTMENT TO THE PUBLIC ART ADVISORY BOARD:</u> Nomination for appointment of one (1) regular member to serve on the Public Art Advisory Board for a two (2) year term ending July 31, 2017. Based on the rotation system, the nominations for appointment will be made by Vice Mayor

Petrolia (Seat #1).

Vice Mayor Petrolia moved to nominate Diane Carter to the Public Art Advisory Board as a regular member to serve a two (2) year term ending July 31, 2017, 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.R. NOMINATIONS FOR APPOINTMENT TO THE POLICE ADVISORY BOARD: Nominations for appointment of five (5) regular members to serve on the Police Advisory Board to serve a two (2) year term ending July 31, 2017 and three (3) regular members to serve unexpired terms ending July 31, 2016. Based on the rotation system, the nomination for appointment will be made by Commissioner Katz (Seat #3), Commissioner Jarjura (Seat #4), Mayor Glickstein (Seat #5), Vice Mayor Petrolia (Seat #1), Deputy Vice Mayor Jacquet (Seat #2) and Commissioner Katz (Seat #3).

Mr. Katz moved to nominate Ashley Ridley to the Police Advisory Board as a regular member to serve a two (2) year term ending July 31, 2017, seconded by Deputy Vice Mayor Jacquet. Upon roll call the Commission voted as follows: Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes. Said motion passed with a 5 to 0 vote.

Ms. Jarjura moved to nominate Michael Caruso to the Police Advisory Board as a regular member to serve a two (2) year term ending July 31, 2017, seconded by Vice Mayor Petrolia. Upon roll call the Commission voted as follows: Ms. Jarjrua – 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.

Mayor Glickstein moved to nominate Patsy Westall to the Police Advisory Board as a regular member to serve a two (2) year term ending July 31, 2017, 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.

Vice Mayor Petrolia moved to nominate Alexander Christopher to the Police Advisory Board as a regular member to serve a two (2) year term ending July 31, 2017, 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.

Deputy Vice Mayor Jacquet moved to nominate Jackie Jones to the Police Advisory Board as a regular member to serve a two (2) year term ending July 31, 2017, 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.

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

Ms. Jarjura moved to nominate John Jackson (incumbent) to the Police Advisory Board as a regular member to serve an unexpired term ending July 31, 2016, seconded by Vice Mayor Petrolia. Upon roll call the Commission voted as follows: 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.

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

At this point, the time being 7:00 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.

11.A. City Manager

The City Manager stated he has a request to waive a café permit based upon the impacts on US-1 and he has made a recommendation in his memo that if the Commission so desires pursuant to LDR Section 2.4.7(B) Special Powers of the Commission to waiver nine (9) café outdoor dining permits that were impacted by the US-1 project for one (1) year only and that they are retroactive.

It was the consensus of the City Commission to direct the City Manager to present this item on the August 11, 2015 Agenda.

11.B. City Attorney

Michel Dutko, Assistant City Attorney stated he was asked to look at the composition of the Police and Fire Board of Trustees specifically former Commissioner Adam Frankel who is a current member of the board and was appointed as a public member, but when he was appointed he was appointed as a public member having consideration upon his serving on the City Commission. Mr. Dutko stated former Commissioner Adam Frankel was appointed last June and the terms for that board are two (2) years. Mr. Dutko stated the question was asked whether there is a mechanism or allowance in the law for this board to reconsider that appointment. Mr. Dutko stated the way the City's Code is structured; the City Commission member is a public of the board. Therefore, Mr. Dutko stated under Chapter 175 and 185 this Commission has the authority to revoke that appointment and to make another appointment so there can be another member of the public or another member of the City Commission. Mr. Dutko stated he researched this and this board can do that and asked for direction from the City Commission whether they would like him to place this item on a future agenda.

Commissioner Jarjura stated she was supposed to have an appointment on this board a month or two ago; she stated there were not enough applicants and each of the applicants had an issue because one wanted to be reappointed but he was term limited out and former Commissioner Frankel has been emailing and calling her on this. In addition, Commissioner Jarjura stated another applicant was appointed by Vice Mayor Petrolia to another board that same night and there was conflict issue with another applicant. Commissioner Jarjura stated she understands that Mr. Dutko is explaining about revoking another board member, but she does not have applicants to be able to nominate someone to fill the position and it is an outstanding position. Commissioner Jarjura thanked the City Clerk for sending out the SPRAB notices. However, Commissioner Jarjura requested that staff start getting applicants because there is nobody available for her to nominate and there will be another open position. Therefore, Commissioner Jarjura stated that now there will be two (2) open positions.

Mayor Glickstein stated staff needs to get qualified applicants. With respect to Mr. Dutko's comments, Mayor Glickstein stated he thought the intent was that there is Commission representation. Mr. Dutko stated there is no requirement that somebody is a City Commissioner to be the representative; you are a public member of the board and it does not disqualify former Commissioner Frankel that he was a City Commissioner. Mayor Glickstein stated staff needs to get qualified applicants and the criteria should be that they have financial planning experience. Mayor Glickstein asked if any of the current Commission has an interest in serving on this board.

Vice Mayor Petrolia stated she would be interested; however, she needs to have more information about when they meet.

Jack Warner, CEO of the Finance Department, stated the Police and Fire Pension Board meets four (4) times a year from 1:00-3:00 p.m. and then there is an investment committee which has three (3) members. Mr. Warner stated the meetings are efficient and not too time consuming. Vice Mayor Petrolia stated she can attend 1:00-3:00 p.m. but she cannot do beyond 3:00 p.m. because her children get out of school at this time. Vice Mayor Petrolia stated that staff needs to work on getting more people on the list of "At-large" people and then move forward. Commissioner Jarjura asked the City Clerk to start sending out email notices on that. Mayor Glickstein suggested that the City Clerk ask Jack Warner to weigh in on the criteria that he would like to have seeing an At-Large appointment. The City Clerk suggested that staff also publish an advertisement for this similar to one that was done in the past.

11.C. City Commission

11.C.1. Deputy Vice Mayor Jacquet

Deputy Vice Mayor Jacquet stated he is traveling to the south province of Haiti; Sister City of Aquin and if there is any correspondence that the City of Delray Beach would like to make to our new sister city he would be honored to relay that to them. Deputy Vice Mayor Jacquet stated he will be leaving July 25th and returning the first week of August.

11.C.2. Vice Mayor Petrolia

Vice Mayor Petrolia commented about the letter from the lobbyist who is still employed with the City and stated the Commission may want to discuss this further only because she does not want to lose momentum in anything relating to these sober homes issue. Vice Mayor Petrolia stated there needs to be plan going forward and she feels this is worthy of addressing. Also, Vice Mayor Petrolia stated she noticed that there a lot of money received by other cities for lobbying purposes for other reasons.

Secondly, Vice Mayor Petrolia stated she does not know where this rumor about the DDA going away came from and for clarification she stated because it is not about the DDA going away. Vice Mayor Petrolia stated the intent of the survey was more about trying to get an outstanding of what the true consensus was for those that were paying the proposed millage levy rate and giving them options (i.e. if it was fair or not, if they wanted half the rate, or if they did not want it at all) and hopefully that the DDA might add some things that would be helpful to the city to be able to be more effective downtown.

Lastly, Vice Mayor Petrolia stated the Commission received a proposal from the Delray Beach Housing Group with respect to the Auburn Trace property. In her opinion, Vice Mayor Petrolia stated although it is preliminary, but she feels it gives her a better idea of what the value might be of this property.

11.C.3. Commissioner Jarjura

Commissioner Jarjura stated she completely agrees with Vice Mayor Petrolia's comments about the lobbyist. Commissioner Jarjura stated the lobbyist is the State lobbyist not the Federal lobbyist. She stated she sent the City Manager and the City Attorney the Legislative Session schedule and most cities engage a lobbyist (Delray Beach did this for a limited scope of services) to try to capture dollars and funding.

Secondly, with respect to workforce/affordable housing, Commissioner Jarjura stated there are some issues in the City's Code where it is referred to as "workforce housing" and other places where it is referred to as "affordable housing" and asked how we spend that money because there is no money. She stated it says that it goes into a fund at the City level and she discussed with the City Manager about analyzing that and putting together a working group to make some recommendations to him. Commissioner Jarjura recommended that Mr. Jon Levinson be on that working group since he was part of the Commission that put those original Codes into place and he was the President of the Florida Preservation Trust. Commissioner Jarjura stated the City Manager supported that idea and asked the Commission for a consensus. She stated for each of the different issues there are ambiguities and inconsistencies in the Code and the workforce/affordable housing issue is one of them. Commissioner Jarjura stated the City has no plan so the different groups are lobbying the City Manager saying that they want that money, but the City does not have it memorialized in the Code on how the City is supposed to spend it. It was the consensus of the Commission to direct the City Manager to contact Mr. Jon Levinson and ask him to put together a working group for this.

<u>11.C.4.</u> **<u>Commissioner Katz</u>**

Commissioner Katz stated at the June 16, 2015 City Commission meeting Mr. Robert Furr, Special Bankruptcy Counsel (Auburn Trace) was present and was asked a specific question about filing a motion for receivership and Mr. Furr informed him that the City was not in the process yet to do that, but he would be doing that going forward. Commissioner Katz stated he read an email dated May 11, 2015 sent to Vice Mayor Petrolia where Mr. Furr specifically stated that a motion had already been filed. Commissioner Katz requested a copy of that motion that was filed previously to May 11, 2015. Mayor Glickstein clarified that Mr. Furr stated a motion for *trustee* not *receivership*. Commissioner Katz expressed concern that the email contradicts what Mr. Furr said and he would like to see what really occurred. Mike Dutko, Assistant City Attorney asked Commissioner Katz to forward the email to him.

Secondly, with respect to the League of Cities, Commissioner Katz stated in addition to the lobbying some of these cities are getting some things done by the Commission lobbying as well along with our lobbyist. Commissioner Katz suggested that the City look at whatever we can do to move sober home legislation a level ahead without spending millions of dollars.

At this point, Vice Mayor Petrolia stated recently she had the opportunity of speaking with Congresswoman Lois Frankel and one of the things they discussed was the ALS homes and how they have to be separated by approximately 1,000 feet and maybe there is a potential of piggybacking on that idea with sober homes in areas. She stated the whole idea is not to impact the neighborhood or change the dynamic of the neighborhood. For example, Vice Mayor Petrolia stated there are some neighborhoods where every other home is a sober home so this would eliminate that or at least spread it out because Delray Beach is really being affected by this. She stated nobody else has the same level of intensity that Delray Beach is experiencing and she feels that this could be one of the reasons that Delray Beach cannot get other legislative people to agree to this. Commissioner Katz stated there are really good operators helping people in this town but at the same time there are some really bad operators of the sober homes ruining it for everybody. Commissioner Katz suggested that the City find a way to work with whatever legislative entity it is to figure out a way to get those bad operators out of this town so that the good ones can help the people that truly need the help.

Deputy Vice Mayor Jacquet suggested that whatever committee Commissioner Katz is part of when the Florida League of Cities develops their priorities during the August meetings, that he makes sure that *sober homes* is one of the Top #3 priorities.

11.C.5. Mayor Glickstein

With respect to the sober home issue, Mayor Glickstein stated there was a conference call last week with HUD, himself, Terrill Pyburn, and Senator Nelson's office. Mayor Glickstein stated there is also some movement with Representative Frankel's efforts and our City's efforts in getting administrative rules which are the mandate of the Department of Justice and HUD in terms of how Federal law is interpreted in current context. He stated the letter that was sent to HUD and the Department of Justice was signed by Representative Frankel. Mayor Glickstein stated there is not only bicoastal support but very distinct bipartisan support and other representatives sign that letter as well.

Secondly, Mayor Glickstein congratulated the DBMC for the 4th of July event and stated according to the DBMC, the economic impact of that event is $2 million.

There being no further business, Mayor Glickstein declared the meeting adjourned at 11:53 p.m.

____
City Clerk

ATTEST:

____
M A Y O R

The undersigned is the City Clerk of the City of Delray Beach, Florida, and the information provided herein is the Minutes of the Regular City Commission Meeting held on July 14, 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.