

City of Delray Beach

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Minutes - Final

Tuesday, April 19, 2016

6:00 PM

Delray Beach City Hall

City Commission

- 3.A. [16-330](#) PRESENTATION FROM THE FLORIDA GREEN BUILDING COALITION
CERTIFYING THE CITY OF DELRAY BEACH AS A GREEN LOCAL
GOVERNMENT AT THE SILVER LEVEL

Sponsors: Environmental Services Department

- 3.B. [16-357](#) SPOTLIGHT ON EDUCATION - ORCHARD VIEW ELEMENTARY

Sponsors: Community Improvement

Ms. Kathleen De Puma, Principal of Orchard View, talked about some of the initiatives at her school. She did an overview of her PowerPoint presentation focusing on Plumosa's goals and achievements. Ms. De Puma discussed some of the programs offered at the school such as the free summer camp program and the lunch program. She thanked Ms. Janet Meeks and the Commissioners for all of their support.

- 3.C. [16-364](#) "NATIONAL NIGHT OUT" OUTSTANDING PARTICIPATION AWARD

Recommendation:

Sponsors: Police Department

Jeffrey Goldman, Police Chief, talked about the National Night Out program.

- 3.D. [16-369](#) EMPLOYEE OF THE MONTH - MARCH

Recommendation: Motion to Approve Jamael Stewart as employee of the month.

Sponsors: Human Resources Department

Attachments: [Recognition Program](#)

Ms. Tennille DeCoste presented this item. She gave an overview of the Employee Recognition Program. She then introduced Mr. Michael Coleman, Director of Community Improvement, who discussed some of the achievements of Mr. Jamael Stewart and his outreach program for the youth in Delray Beach. Mr. Coleman presented Mr. Stewart with a plaque for his hard work and stated he will get a 8 hour day off with pay.

Mr. Stewart gave comments.

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

1. Dr. Victor Kirson thanked the Police Department for apprehending twelve (12) heroin dealers over the weekend in Delray Beach.

2. Mr. Kenneth Gray talked about the SW 9th Street/ Swinton/ SW 4th Street petition that staff gave him for the traffic calming. Mr. Cooper

provided a status report on the traffic report.

3. Mr. James Quillien gave a handout to the City Commission and discussed the Osceola Park Revitalization alleyway project.

4. Mr. Chad Jorberg (sp) request to be assisted with obtaining an Owner/Builder exemption to build a pool from the Building Department.

5. Mr. Joseph Bernadel talked about affordable housing in the city. He requested that the City designate the sale of Auburn Trace for affordable housing for low and moderate income housing.

6. Mr. Harry St. Louis talked about the lack of affordable housing in Delray Beach. Commissioner Katz asked for clarification if affordable housing was being requested.

7. Ms. Peggy Keller spoke on Osceola Park.

8. Unknown speaker discussed affordable housing for seniors in the community.

9. Mr. Morris (?) discussed affordable housing and how he lost 30% of his workforce due to the lack of affordable housing.

10. Mr. Chuck Ridley commented on the lack of affordable housing in Delray Beach. He talked about how the proceeds from the Auburn sale should be used. Mr. Cooper advised that this will be discussed in a workshop at a later date, possibly June. Deputy Vice Mayor Jarjura spoke about the limitation of how funds could be used.

11. Mr. Derek ? spoke about the remaining property owners in Osceola. He talked about the how the City had not asked the owners anything in over thirty (30) years. He stated that the City should ask the property owners their thoughts. He gave a handout to the Mayor and Commissioners from the Property Appraiser's website. Deputy Vice Mayor Jarjura talked about the Community Redevelopment Agency's (CRA) plan and how funds were allocated.

12. Mr. Allen Austin discussed the Osceola alleyway. He discussed how the traffic patterns had not been addressed but the City had to slow down and address what was there. He was against the City dumping commercial buildings in the neighborhood.

13. Mr. Jim Smith discussed the 1% sales tax, S.A.F.E. and traffic study in the Broward County proposal.

14. Mr. Emmanuel ? asked that the City and Police Department put a traffic light at the intersection of Davis and Lake Ida Road; there was a fatality over the weekend involving a church bus.

15. Mr. Pablo ? talked about Item 7.C. and he talked about the green space and the primary purpose. He discussed how a study was done at Florida Atlantic University where people that suffered from depression benefited from the stroll at the land.

16. Mr. Allen Slossberg discussed "All Aboard" Florida. He talked about the toxins, oil and sulfuric acid and an explosion. He stated there is a need to inform the community.

5. AGENDA APPROVAL

Staff requested that Item 6.G., Accept A Landscape Maintenance Agreement And Hold Harmless Agreement For Plantings Proposed In The State Right-Of-Way Of Atlantic Avenue And City Right-Of-Way Of NW 6th Avenue, NW 7th Avenue, NW 8 Avenue, and NW 9th Avenue In Association With The Uptown Atlantic Project; Item 7.J., Atlantic Crossing Project; Item 7.K., Uptown Atlantic (Generally Located with the 600, 700, 800 Block of West Atlantic Avenue) In Lieu Parking Fee Request and Agreement; Item 7.L., Request For A Waiver To LDR Section 4.4.13(F)(4)(B)(2) To Allow Reduced Setbacks For Upper Floors Above 37 Feet, and a Waiver To LDR Section 4.4.13(F)(4)(C)(1) To Allow Setbacks Greater Than Allowed For Lower Levels Along The Side Streets, For The Uptown Atlantic Mixed Use Development Located Along The South Side Of West Atlantic Avenue, Between SW 6th and SW 9th Avenues; Item 7.M., Resolution No. 14-16: Abandonment Of Two Unimproved Public Alleys And The Associated Rights-Of-Way Associated With The Uptown Atlantic Mixed-Use Development; Item 7.N., Workforce Housing Covenant For Uptown Atlantic; Item 7.O., Resolution No. 16-16 - Request For Abandonment Of Four Public Utility Easements And One Sewer Easement and Item 7.P., Final Plat Approval for Uptown Atlantic, be handled at the same time as one presentation under Public Hearings. Requested that Item 6.J.1., Review of Appealable Land Development Board Actions (Planning and Zoning Board Meeting Item 1 & Tattoo Establishment - Similarity of Use Determination), be moved to the Regular Agenda.

approved as amended

Present: 2 - Mayor Cary Glickstein, and Vice-Mayor Al Jacquet

6. CONSENT AGENDA: City Manager Recommends Approval

approved as amended

Yes: 5 - Mayor Glickstein, Petrolia, Vice-Mayor Jacquet, Jarjura, and Katz

Yes: 5 - Mayor Glickstein, Petrolia, Vice-Mayor Jacquet, Jarjura, and Katz

6.A [16-411](#) APPROVAL OF MINUTES

Recommendation: Motion to approve various sets of City Commission Meeting Minutes as listed below:

January 5, 2016 Regular Meeting
February 2, 2016 Regular Meeting
March 8, 2016 Workshop Meeting
March 29, 2016 Special Meeting (Closed Attorney/Client Session)
March 29, 2016 Special Meeting
March 29, 2016 Annual Organizational Meeting
April 12, 2016 Joint Session with CRA/Workshop Meeting

April 21, 2015 Regular Meeting
May 5, 2015 Regular Meeting
May 20, 2015 Regular Meeting

Attachments: [01-05-2016 Regular Meeting](#)
 [02-02-2016 Regular Meeting](#)
 [03-08-2016 Workshop Meeting](#)
 [03-29-2016 Special Meeting \(Closed Attorney/Client Session\)](#)
 [03-29-2016 Special Meeting](#)
 [03-29-2016 Annual Organizational Meeting](#)
 [04-12-2016 Joint Session/Workshop Meeting](#)
 [04-21-2015 Regular Meeting](#)
 [04-21-15 Board Order Item 9.B](#)
 [04-21-15 Board Order Item 9.C](#)
 [04-21-15 Board Order Item 9.D](#)
 [05-05-2015 Regular Meeting](#)
 [05-20-2015 Regular Meeting](#)
 [05-20-15 Board Order Item 9.A.](#)
 [05-20-15 Board Order Item 9.B.](#)

6.B. [16-229](#) CITY OF DELRAY BEACH SIDEWALK POLICY

Recommendation: Motion to Approve Resolution No. 08-16 establishing the Delray Beach Sidewalk Policy.

Sponsors: Planning & Zoning Department

Attachments: [Resolution 08-16 Sidewalk Policy CAO FINAL](#)
[Sidewalk Policy - FINAL](#)

- 6.C.** [16-322](#) SERVICE AUTHORIZATION NO. 12-22 WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR THE WARRANT STUDY LOCATED AT THE INTERSECTION OF: (1) S.W. 4TH STREET AND S.W. 7TH AVENUE AND (2) S.W. 9TH STREET AND S.W. 2ND AVENUE

Recommendation: Motion to approve Service Authorization No. 12-22 to Kimley-Horn and Associates, Inc. in the amount not to exceed \$8,000 for professional design services to conduct a warrant study located at the intersection of: (1) SW 4th Street and SW 7th Avenue and SW 9th Street and SW 2nd Avenue (Project #16-087).

Sponsors: Environmental Services Department

Attachments: [Service Authorization No. 12-22](#)
[Consultant Service Agreement Spreadsheet](#)
[Location Maps](#)

- 6.D.** [16-340](#) HOUSING REHABILITATION GRANT AWARD FOR 117 N.W. 11th Avenue (QUOTE 2016-066)

Recommendation: Motion to Approve acquisitions of services in the amount of \$26,372.20 from Cordoba Construction Co. for work being conducted at 117 N.W. 11th Avenue. This acquisition 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".

Sponsors: Community Improvement

Attachments: [Barr Information Sheet](#)
[Packet for Bid 2016-066](#)
[Contract - Barr](#)
[Lien Agreement \(CDBG\)](#)
[Lien Agreement-\(RCMP\)](#)
[Memorandum of Understanding](#)
[Notice to Proceed](#)

- 6.E.** [16-341](#) INTERLOCAL AGREEMENT BETWEEN CITY OF DELRAY BEACH AND DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY (CRA) FOR FUNDING HOUSING STUDY

Recommendation: Motion to Approve an Interlocal Agreement between the City of Delray Beach and Delray Beach Community Redevelopment Agency (CRA) in the amount not to exceed \$15,000 for current housing stock review and analysis within the CRA District and the City limits (incorporated areas) of Delray Beach.

Sponsors: Community Improvement

Attachments: [Interlocal Agreement CRA & City for Housing Study](#)
[03-24-16 Interlocal Agreement - Housing Study CRA Board Summary](#)

6.F. [16-346](#) ACCEPTANCE OF A 10-FOOT DRAINAGE EASEMENT DEED FOR
617 PALM TRAIL

Recommendation: Motion to Approve and accept a 10-foot drainage easement deed at 617
Palm Trail.

Sponsors: Environmental Services Department

Attachments: [Easement Deed](#)
[Exhibit A - Sketch of Description](#)
[Map Location](#)
[PAPA](#)
[Sunbiz Owner Azure Palm Trail Preserve LLC.](#)
[Survey](#)
[Azure Registered Agent](#)

6.G. [16-385](#) ACCEPT A LANDSCAPE MAINTENANCE AGREEMENT AND HOLD
HARMLESS AGREEMENT FOR PLANTINGS PROPOSED IN THE
STATE RIGHT-OF-WAY OF ATLANTIC AVENUE AND CITY
RIGHT-OF-WAY OF NW 6TH AVENUE, NW 7TH AVENUE, NW 8TH
AVENUE, AND NW 9TH AVENUE IN ASSOCIATION WITH THE
UPTOWN ATLANTIC PROJECT

Recommendation: Motion to accept the Landscape Maintenance and Hold Harmless
Agreements to allow landscaping in the State Right-of-Way of Atlantic
Avenue and City Right-of-Way of NW 6th Avenue, NW 7th Avenue, NW 8th
Avenue, and NW 9th Avenue.

Sponsors: Planning & Zoning Department

Attachments: [UptownAtlantic memo_4-6-16.pdf](#)
[Uptown Atlantic_Hold Harmless.pdf](#)
[Uptown Atlantic_signed LMA.pdf](#)
[Uptown Atlantic_ Ex B.pdf](#)
[Uptown Atlantic_ Ex A.pdf](#)

approved

Yes: 5 - Mayor Glickstein, Petrolia, Vice-Mayor Jacquet, Jarjura, and Katz

6.H. [16-388](#) APPROVE SELECTION COMMITTEE'S RANKING AND ENTER INTO
CONTRACT NEGOTIATIONS WITH EDSA, INC. FOR DESIGN
SERVICES AND CONSTRUCTION ADMINISTRATION FOR THE BEACH
AREA MASTER PLAN (RFQ 2016-56)

Recommendation: Motion to Approve the Selection Committee's ranking of responses for RFQ 2016-056 for Design Services and Construction Administration for the Beach Area Master Plan and to authorize staff to enter into contract negotiations with the top ranked firm, EDSA, Inc. (Project No. 2015-008)

Attachments: [Location Map - Beach Area Master Plan](#)

6.I. PROCLAMATIONS:

6.I.1. [16-358](#) WE ♥ SMALL BIZ MONTH PROCLAMATION

Recommendation: Proclaim May 2016 as “We ♥ Small Biz” Month in Delray Beach, Florida

Sponsors: Economic Development Department

Attachments: [Proclamation - 2016 We Heart Small Biz Month](#)
[We Heart Small Biz Month Flyer](#)

6.I.2. [16-371](#) KIDS TO PARK DAY - MAY 21, 2016

Recommendation: Proclamation for Kids to Park Day

Sponsors: City Clerk Department

Attachments: [Kids To Parks Day](#)

6.J. [16-387](#) REPORT OF APPEALABLE LAND USE ITEMS MARCH 21, 2016 THROUGH APRIL 1, 2016

Recommendation: By motion, receive and file this report.

Sponsors: Planning and Zoning Board and Allen

Attachments: [Location Map](#)
[Tattoo Establishment- Similarity of Use Determination](#)
[Patio Beach Delray](#)
[Purlife Fitness Center](#)
[Brighton Beach Bagel & Bakery Sign](#)
[Brighton Beach Bagel & Bakery Awning](#)
[Banyan Restaurant](#)
[Delray Square II](#)
[Cut 432](#)
[198 NE 6th Avenue](#)

6.K. AWARD OF BIDS AND CONTRACTS:

6.K.1. [16-360](#) PURCHASE AWARD TO ALAN JAY FOR ONE (1) 2016 NISSAN FRONTIER, UTILIZING FLORIDA SHERIFF'S ASSOCIATION BID

15-23-0904, IN AN AMOUNT NOT TO EXCEED \$19,934.25.

Recommendation: Motion to award a purchase to Alan Jay for one (1) 2016 Nissan Frontier, utilizing Florida Sheriff's Association Bid # 15-23-0904, in an amount not to exceed \$19,934.25.

Sponsors: Purchasing Department

Attachments: [Purchasing Checklist](#)
[Best Price Letter](#)
[Alan Jay Quote-Nissan Frontier 3-31-16](#)
[Bid Award Announcement 15-23-0904](#)

7. REGULAR AGENDA:

7.A. [16-293](#) ROUTINE BUSINESS: (All Items Under this Subsection to be Approved by one Motion. Any Item Under Routine Business May Be Moved by Commission for Separate Consideration):

Commissioner Petrolia requested to move items 7.A.1. and 7.A.2. off of Routine Business.

Vice Mayor Jaquet requested to move 7.A.4. off of Routine Business for further discussion.
approved as amended

Yes: 5 - Mayor Glickstein, Petrolia, Vice-Mayor Jaquet, Jarjura, and Katz

7.A.1. [16-325](#) PURCHASE AWARD TO EMERGENCY VEHICLES INC. FOR ONE (1) MOBILE COMMAND CENTER VEHICLE

Recommendation: Motion to Award a purchase to Emergency Vehicles, Inc. in the amount of \$581,334 for one (1) Mobile Command Center vehicle utilizing General Services Administration (GSA) Disaster Purchasing Program contract #GS-30F-0005R in accordance with Code of Ordinances, Chapter 36, Section 36.02(C)(7)(a), "Utilization of Other Governmental Entities' Contracts".

Sponsors: Purchasing Department

Attachments: [Purchasing Checklist](#)
[GSA Terms and Conditions](#)
[Best Price Letter](#)
[Proposal](#)
[Quotation Drawings](#)

Chief Goldman presented this item. He advised this was done through a GSA contract.

Commissioner Petrolia asked what other cities have this type of command

center and what did they pay for their command center.

Chief Goldman advised that we borrowed the City of Boynton Beach and the City of Boca Raton's command center whenever we have a big event.

The Commissioners spoke briefly about this item and concurred that they supported the Police Department moving forward with getting the command center.
approved

7.A.2. [16-338](#) CONTRACT AWARD TO ACCOUNTS RECEIVABLES, INC. DBA ARI FOR COLLECTION OF THE CITY'S CONSUMER DEBT (2016-040)

Recommendation: Motion to Approve the Selection Committee's ranking and award a contract for RFP NO. 2016-040 to Accounts Receivables, Inc. d/b/a ARI, for collection of the City's past due consumer debt, for a two year term with two additional one year renewal options.

Sponsors: Purchasing Department

Attachments: [Purchasing Checklist](#)
[2016-040 Score Card](#)
[2016-040 Scoring Sheets](#)
[Accounts Receivables](#)
[2016-040 RFP with Addendums](#)
[2016-040 Tab Sheet](#)

7.A.3. [16-347](#) RENEWAL OF CONTINUING CONTRACTS FOR SURVEYING CONSULTING SERVICES WITH MULTIPLE VENDORS FOR SURVEYING SERVICES FOR PROJECTS INCLUDED IN THE APPROVED FIVE YEAR CAPITAL IMPROVEMENTS PLAN

Recommendation: Motion to Approve renewal of the agreements of (1) Wantman Group, Inc. and (2) Dennis J. Leavy & Associates, Inc. and to approve the amendments for retroactive nunc pro tunc renewal of (3) Avirom & Associates, Inc., and (4) Caulfield & Wheeler, Inc., for a period of one (1) year. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.07(A)(3), "City Commission Approved Contracts, Renewal".

Sponsors: Environmental Services Department

Attachments: [Executed Agreement Avirom](#)
[Avirom Renewal Ltr](#)
[Executed Amendment 1 for Avirom](#)
[Executed Amendment 2 for Avirom](#)
[Caulfield Renewal Ltr](#)
[Executed Agreement Caulfield Wheeler](#)
[Executed Amendment 1 for Caulfield Wheeler](#)
[Executed Amendment 2 for Caulfield Wheeler](#)
[Dennis Levy Renewal Ltr](#)
[Executed Agreement Dennis Leavy](#)
[Executed Amendment 1 for Dennis Leavy](#)
[Executed Amendment 2 for Dennis Leavy](#)
[Wantman Renewal Ltr](#)
[Executed Agreement Wantman Group](#)
[Executed Amendment 1 for Wantman Group](#)
[Executed Amendment 2 for Wantman](#)
[Third Amendment to Agreement for Land Surveying Consulting Services Caulfield Wheeler Inc](#)
[Third Amendment to Agreement for Land Surveying Consulting Services Avirom Associates Inc](#)

7.A.4. [16-390](#) STATE HOUSING INITIATIVES PARTNERSHIP LOCAL HOUSING ASSISTANCE PLAN (LHAP) FY2016-2019

Recommendation: Motion to authorize and approve the Local Housing Assistance Plan (LHAP) for Fiscal Years 2016-2019, by adopting Resolution #13-16, pursuant to Title 67-37 of the Florida Administrative Code.

Sponsors: Community Improvement

Attachments: [2016-2019 LHAP FINAL 040616](#)
[Administrative Budget-Exhibit A](#)
[Timeline Exhibit B](#)
[Housing Delivery Goals Chart Exhibit C](#)
[Certification Form - Exhibit D](#)
[Resolution # 13-16 Exhibit E](#)
[Subordination Policy Exhibit H](#)

Ms. Ferline Mesidort, Neighborhood Services Administrator, discussed this item. She explained the changes in the new agreement for 2016. The Affordable Housing Committee was instrumental in the contribution for many of the changes. Vice Mayor Jacquet asked how could the gap be bridged for affordable housing and low income housing. Ms. Mesidort advised that the city currently holds an annual meeting.

approved

Yes: 5 - Mayor Glickstein, Petrolia, Vice-Mayor Jacquet, Jarjura, and Katz

7.B. [16-237](#) S.W. 2ND AVENUE ABANDONMENT - RESOLUTION NO. 17-16

Recommendation: Motion to Approve Resolution No. 17-16 *(Formerly Resolutuon No. 25-14) to abandon a portion of the road right-of-way of SW 2nd Avenue, and finding that the privately initiated request and approval is consistent with the Comprehensive Plan and meets criteria set forth in Section 2.4.6(M)(5) of the Land Development Regulations.

Sponsors: Planning & Zoning Department

Attachments: [Resolution No. 17-16](#)

[Location Map](#)

[Aerial Location Map](#)

[Planning and Zoning Board Staff Report Dated May 19, 2014](#)

[Memo from Suzane Fisher, Director of Parks and Recreation](#)

[Regular City Commission Meeting Minutes of July 1, 2014](#)

[Draft Planning and Zoning Board Minutes - May 19, 2014](#)

approved

Yes: 3 - Mayor Glickstein, Petrolia, and Jarjura

No: 2 - Vice-Mayor Jacquet, and Katz

7.C. [16-348](#) SALE OF (SURPLUS) MUNICIPAL PROPERTIES

Recommendation: Motion to authorize the sale of properties listed March 29, 2016 in the City Manager's memorandum pursuant to recommended procedure in accordance with Section 36.12 (A) of municipal code.

Sponsors: City Manager Department

Attachments: [03292016 - Memo - Sale of \(Surplus\) Municipal Properties](#)

Mr. Cooper presented this item he discussed the surplus and advised that this item would just test the market - it would come back.

Commisisoner Katz thanked everyone for the information. He discussed a vacant building that belonged to the City. He asked if Code Enforcement had gone out to the location to inspect - it was littered with code violations. Deputy Vice Mayor Jarjura talked about the adjacent property owners purchasing the properties.

Discussion ensued about this item.

approved

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

Absent: 1 - Vice-Mayor Jacquet

7.D. [16-350](#) PALM BEACH COUNTY ILA INFRASTRUCTURE SURTAX

Recommendation: Motion to Approve an Interlocal Agreement (ILA) with Palm Beach County regarding the Infrastructure Surtax.

Attachments: [Interlocal Agreement ONE CENT 10](#)
 [04052016 Email](#)
 [03292016 - Initial Memo and backup - Palm Beach County ILA](#)
 [Infrastructure Surtax](#)

Mr. Cooper introduced this item and gave a brief overview.

Commissioner Katz advised that he would like to have some assurance that the money would go towards the schools and the City.

Mayor Glickstein talked about the City's seat at the table. He stated that he would love to have someone at the Metropolitan Planning Organization (MPO) meetings to join him. Deputy Vice Mayor Jarjura volunteered to be an alternate.

Discussion ensued among the Commissioners.

approved

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

Absent: 1 - Vice-Mayor Jacquet

7.E. [16-412](#) APPROVAL OF SELECTION COMMITTEE RANKINGS FOR AN ENTERPRISE RESOURCE PLANNING SOLUTION (RFP 2016-069L)

Recommendation: Motion to Approve Selection Committee rankings of RFP No. 2016-069L and for staff to enter into negotiations for a contract which will be brought before the Commission for final approval.

Sponsors: Purchasing Department

Attachments: [2016-069L ERP Packet](#)
[2016-069L Addendum 1](#)
[Purchasing Checklist](#)
[Quintel](#)
[Tyler \(2\) - New World Response](#)
[New World Schedule of Pricing](#)
[Quintel Schedule of Pricing](#)
[Phase 3 Score Cards](#)
[2016-069L Corrected Phase 2 Score Cards](#)
[2016-069L Phase 2 Evaluations](#)
[Phase 3 Summary](#)

Ms Webb introduced this item. Also present was Ms. Gwendolyn Spencer who discussed the process used for the Request for Proposal (RFP). She talked about the process used to select the new IT system.

There was a brief discussion from the Commissioners.
approved

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

Absent: 1 - Vice-Mayor Jacquet

7.F. [16-382](#) CONTRACT AWARD TO TROXELL COMMUNICATIONS, INC. TO
UPGRADE THE TECHNOLOGY IN THE COMMISSION CHAMBERS
AND CONFERENCE ROOM

Recommendation: Motion to approve an award to Troxell Communications, Inc., utilizing Lee County School District Contract R127035JM, for technology upgrades in the Commission Chambers and Conference Room of City Hall, at a cost not to exceed \$58,895.00.

Sponsors: Purchasing Department

Attachments: [Chambers Update](#)
[Purchasing Checklist](#)
[Quote](#)
[Bid](#)
[Renewal](#)
[Tab Sheet](#)
[Best Price Statement](#)
[Bid Award](#)

Ms. Gwendolyn Spencer presented this item. The Mayor and Commissioners gave brief comments.
approved

Yes: 5 - Mayor Glickstein, Petrolia, Vice-Mayor Jacquet, Jarjura, and Katz

7.G. [16-380](#) NOMINATION FOR APPOINTMENT TO THE CODE ENFORCEMENT BOARD

Sponsors: City Clerk Department

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

Mayor Glickstein deferred this appointment to the May 3, 2016 Regular Meeting.

7.H. [16-332](#) AWARD BID (2016-004) TO WEST CONSTRUCTION, INC. FOR THE N.W. 12TH AVENUE IMPROVEMENTS PROJECT AND N.W. 2ND STREET (MLK DRIVE) PHASE II IMPROVEMENTS PROJECT

Recommendation: Motion to Award Bid No. 2016-004 to West Construction, Inc. in the amount of \$1,450,956.96 for the N.W. 12th Avenue Improvements Project (Project No. 10-041) and N.W. 2nd Street (MLK Drive) Phase II Improvements Project (Project No. 15-004).

Sponsors: Environmental Services Department

Attachments: [Bid Tabulation](#)
[MLK Location Map](#)
[N.W. 12th Avenue Location Map](#)

Mr. John Morgan, Director of Environmental Services presented this item.

The Commission gave comments on this item. Mayor Gickstein asked Mr. Pfeffer to send a letter to the Florida Department of Transportaion (FDOT) putting them on notice that their Contractors have left the City in a dangerous situation.

continued

7.I. [16-370](#) CONTRACT AWARD/TASER INTERNATIONAL INC./BODY-WORN CAMERAS & TASERS

Recommendation: Motion to Approve TASER, Axon Equipment and Evidence.com under Section 36.03(C)(6)(b) as a City Standard and to approve the first phase of the body camera program with the initial purchase of 20 body-worn cameras and Tasers in the amount of \$34,260 from Taser International, Inc. in accordance Section 36.02 (A)(6)(a), "Sole Source".

Sponsors: Purchasing Department

Attachments: [Purchasing Checklist TaserBody Camera](#)
[Delray Sole Source Letter](#)
[Delray Beach PD - OSP FY](#)
[Delray Beach MSPA \(Final\) 2016-04-08](#)

Chief Goldman introduced this item. He also introduced Mr. Andrew Mellen, a representative from Taser International and Gary Ferrarai were also present for questions and answers.

approved

Yes: 5 - Mayor Glickstein, Petrolia, Vice-Mayor Jacquet, Jarjura, and Katz

7.J. [16-417](#) ATLANTIC CROSSING PROJECT

Recommendation: WITH RESPECT TO THE ATLANTIC CROSSING PROJECT; MOTION TO EXERCISE THE CITY'S RECONVEYANCE RIGHTS PURSUANT TO THE "DECLARATION OF RESERVED RIGHTS AND AGREEMENT NOT TO ENCUMBER THE ABANDONED ALLEY", BY APPROVING THE EXECUTION OF THE "RELOCATED 7TH AVENUE EASEMENT TERMINATION CERTIFICATE" TERMINATING THE RELOCATED 7TH AVENUE EASEMENT, AND AUTHORIZING THE CITY MANAGER TO SEND THE REQUIRED NOTICE TO DEMAND THE RELEASE OF THE ALLEY DEED, AND MOTION TO AUTHORIZE THE FILING OF COUNTERCLAIMS FOR DECLARATORY RELIEF DECLARING THE CITY IS ENTITLED TO OWNERSHIP OF THE ALLEYS AND TO AUTHORIZE THE CITY ATTORNEY AND SPECIAL COUNSEL TO TAKE SUCH FURTHER ACTIONS AS MAY BE NECESSARY AND APPROPRIATE WITH RESPECT TO THESE ISSUES.

Sponsors: City Attorney Department

Attachments: [Demand Letter](#)
[Relocated 7th Avenue Easement Termination Certificate](#)
[Declaration of Reserved Rights and Agreement Not to Encumber the Abandoned Alley](#)

Mr. Pfeffer presented this item. There were brief comments from the Commissioners.

approved

Yes: 5 - Mayor Glickstein, Petrolia, Vice-Mayor Jacquet, Jarjura, and Katz

7.K. [16-403](#) UPTOWN ATLANTIC (GENERALLY LOCATED WITHIN THE 600, 700, 800 BLOCK OF WEST ATLANTIC AVENUE) IN LIEU PARKING FEE REQUEST AND AGREEMENT (QUASI-JUDICIAL HEARING)

Recommendation: Motion to Approve parking in-lieu fee request in the amount of \$87,400.00 for 19 parking spaces (including the 19-space credit for parallel spaces in

the public rights-of-way) subject to the condition that the In-Lieu of Parking Fee Agreement be recorded and the first installment paid prior to issuance of a building permit, 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 the criteria set forth in Section 4.6.9(E) of the Land Development Regulations for the property Uptown Atlantic located on the south side of West Atlantic Avenue, between S.W. 9th Avenue and S.W. 6th Avenue. (Quasi-Judicial Hearing)

Sponsors: Planning & Zoning Department

Attachments: [Location Map](#)

[Revised Uptown Atlantic Site Plan](#)

[Uptown Atlantic Director Memo - Revised Proposal - 38 Spaces](#)

[Tri-Party Agreement - In Lieu - 38 spaces](#)

[First Amendment to In Lieu Parking Agreement](#)

[City Commission Draft Minutes Nov 16 2015](#)

[Uptown Atlantic PMAB Staff Report 07.18.15](#)

[PMAB Minutes July 28 2015](#)

approved

- 7.L. [16-405](#) REQUEST FOR A WAIVER TO LDR SECTION 4.4.13(F)(4)(B)(2) TO ALLOW REDUCED SETBACKS FOR UPPER FLOORS ABOVE 37 FEET, AND A WAIVER TO LDR SECTION 4.4.13(F)(4)(C)(1) TO ALLOW SETBACKS GREATER THAN ALLOWED FOR LOWER LEVELS ALONG THE SIDE STREETS, FOR THE UPTOWN ATLANTIC MIXED USE DEVELOPMENT LOCATED ALONG THE SOUTH SIDE OF WEST ATLANTIC AVENUE, BETWEEN SW 6TH AND SW 9TH AVENUES. (QUASI-JUDICIAL HEARING)

Recommendation: Motion to approve the waiver requests to LDR Section 4.4.13(F)(4)(B)(2) to allow reduced setbacks for upper floors above 37 feet, and to LDR Section 4.4.13(F)(4)(C)(1) to allow setbacks greater than allowed for lower levels along the side streets for Uptown Atlantic. (Quasi-Judicial Hearing)

Sponsors: Planning & Zoning Department and McDonnell

Attachments: [Location Map](#)

[SPRAB Staff Report Dec 19 2015 - Uptown Atlantic](#)

[SPRAB Minutes - December 19, 2015](#)

[March 21, 2016 Uptown Atlantic](#)

[Uptown Atlantic Waiver City Commission Board Order](#)

The Board Order was read into record.

approved

- 7.M. [16-407](#) RESOLUTION NO. 14-16: ABANDONMENT OF TWO UNIMPROVED PUBLIC ALLEYS AND THE ASSOCIATED RIGHTS-OF-WAY ASSOCIATED WITH THE UPTOWN ATLANTIC MIXED-USE DEVELOPMENT

Recommendation: Motion to approve Resolution No. 14-16 to abandon two public alleys and associated rights-of-way.

Sponsors: Planning & Zoning Department

Attachments: [Location Map](#)
[Resolution No. 14-16](#)
[EXHIBIT "A" Alley Legal descriptions](#)
[Preliminary Plat for Alley Abandonment](#)
[Uptown Atlantic Planning & Zoning Board Staff Report](#)

adopted

Yes: 5 - Mayor Glickstein, Petrolia, Vice-Mayor Jacquet, Jarjura, and Katz

- 7.N. [16-384](#) WORKFORCE HOUSING COVENANT FOR UPTOWN ATLANTIC

Recommendation: Motion to Approve the Workforce Housing Covenant between the City of Delray Beach and Equity Delray LLC., pursuant to the requirements under Section 4.7 of the Land Development Regulations, Section 4.4.13(1)(1), "Central Business District - West Atlantic Neighborhood".

Sponsors: Community Improvement and Planning & Zoning Department

Attachments: [Workforce Housing Covenant](#)

approved

- 7.O. [16-355](#) RESOLUTION NO. 16-16 - REQUEST FOR ABANDONMENT OF FOUR PUBLIC UTILITY EASEMENTS AND ONE SEWER EASEMENT

Recommendation: Motion to approve Resolution No. 16-16 to abandon a five easements dedicated to the City via Easement Deeds recorded in Official Records Book 1162, Page 568; 1006/262; 1031/195; 23/72; and 8743/1125. of the Public Records of Palm Beach County, Florida, based upon findings that the abandonment requests and approval thereof are consistent with the Comprehensive Plan and meets criteria set forth in Section 2.4.6(N)(5), Abandonment of Public Easements, of the Land Development Regulations.

Sponsors: Planning & Zoning Department

Attachments: [Location Map - Uptown Atlantic](#)
[Resolution No. 16-16 Uptown Atlantic Easement Abandonment](#)
[Uptown Atlantic Easement Sketch and Legals Exhibit "B"](#)

adopted

7.P. [16-415](#) FINAL PLAT APPROVAL FOR UPTOWN ATLANTIC (QUASI-JUDICIAL HEARING)

Recommendation: Motion to approve the Final Plat for Uptown Atlantic 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. (Quasi-Judicial Hearing)

Sponsors: Planning & Zoning Department

Attachments: [Location map - Uptown Atlantic](#)
 [2016-1-25 Plat - Uptown Atlantic](#)
 [Uptown Atlantic Final Plat PZB Staff rpt 201603111421](#)
 [CIVIL 12-18-15 Uptown Atlantic](#)
 [Uptown Atlantic - Site Plan - 1-121108-SITE SHEETS COMPLETE](#)
 [Uptown Atlantic Plat Board Order](#)

The Board Order was read into record.

approved

8. PUBLIC HEARINGS:

8.A. [16-406](#) DEVELOPER'S AGREEMENT FOR UPTOWN ATLANTIC (SECOND PUBLIC HEARING)

Recommendation: Motion to approve Developer's Agreement for Uptown Atlantic.

Sponsors: City Attorney Department

Attachments: [Development Agreement - Equity Delray LLC](#)
 [CBA Compliance Support Letter](#)

The Mayor read the Quasi Judicial Hearing Rules into the record.

Mr. Pfeffer clarified the procedure for the agenda items that were quasi judicial listed under the Public Hearings.

Kimberly Wynn, Acting City Clerk, swore in those individuals who wished to give testimony on this item.

The Commissioners and Mayor Glickstein disclosed their ex parte communications.

Mr. Tim Stillings, Director of Planning, Zoning & Building, gave a presentation on Uptown Atlantic. He entered Project File No. 2015-012. Mr.

Stillings discussed each components of the project and introduced into the record, four agreements and two board orders. He discussed the Parking In-Lieu Request that was brought forward on December 9, 2015, and the Developer's agreement. In addition, Mr. Stillings discussed the parking requirements. He then discussed the setback waivers and the minimum frontage for the 700 and 800 block.

Mr. Stillings then discussed the alley abandonments and the easement abandonments. He also clarified the directions should be SW not NW. The Final Plat of the Uptown Atlantic was discussed.

Mr. Pfeffer discussed the Development Agreement which is a supplement to the other agreements on the agenda that were being considered. He discussed the conditions and requirements of the agreement for the Developer. He advised there are two required minor housekeeping changes to be made to the agreement.

At this time Mayor Glickstein asked the applicants to present.

The applicants Mr. John Flynn, Mr. Dwayne Randolph, Mr. Michael Listick, Ms. Choli Aronson and Mr. Bob Currie introduced themselves. They stated that they concurred with staff's presentation and would answer any questions from the City Commissioners or the public.

At this point Mayor Glickstein opened the meeting for public comments.

1. Mr. Jim Smith thanked the Commissioners for the expedited process of PEAK time travel for UPTOWN Atlantic and some of the other incentives offered.

2. Mr. Jim Chard spoke to the Commissioners regarding a resolution to use the alleyway as a bike and pedestrian use. Human Powered Delray (HPD) says the plan was approved by the City last year.

3. Mrs. Yvonne Odom spoke in support of the Uptown Atlantic project, other cities could benefit from a duplicated agreement (Community Benefits Agreement)

4. Mr. Peter Perry spoke his support of Uptown Atlantic.

5. Mr. Chuck Ridley spoke in support of the project. He stated it is an opportunity to build wealth and the neighborhood. The businesses have worked through this.

6. Ms. Jocelyn Patrick stated that she is in support of the project.

7. Ms. Stacy Wright stated that she is in support of the project and looked forward to it.

8. Mr. Alan Slossberg stated that Uptown Atlantic is finally happening and discussed the opportunity and the upward strive of the community.

Mayor Glickstein closed public comment

Rebuttal of the Plat was given by Ms. Choli Anderson for clarification. Mr. Stillings advised he had no rebuttal.

Deputy Vice Mayor Jarjura discussed the bike lane. Ms. Aronson advised that this was discussed with staff. She asked for an update on the closing with the Community Redevelopment Agency, if there was financing and would there be any changes. Mr. Listick advised there would be no modifications based on the agreement. She asked about some of the clauses of the contract. Discussion ensued regarding financing of the project with Mr. Listick. Jeffrey Costello, CRA Executive Director answered additional questions.

Discussion ensued regarding the material change to the sales contract Section 19.

Commissioner Petrolia asked if the alleyways are being divided. She also asked for clarification on the setback. Mr. Stillings and Ms. Anderson explained the setback. She asked about the Parking In Lieu and stated she is not happy about the in lieu because the city is repeating an issue. Mr. Stillings explained the CBD change.

Vice Mayor Jacquet discussed the parking in lieu issue. He supported the fact that the Developer went in the community and included them.

Commissioner Katz stated that he supported the project; with conditions.

Mayor Glickstein advised that others may benefit from the programs. Parking in Lieu is a big number but the city has to start somewhere. He is in support with Deputy Vice Mayor Jarjura's comments.

Deputy Vice Mayor Jarjura made a motion to approve subject to the following conditions:

1) Amendments articulated the City Attorney regarding Section 11 for the CBA date and the Purchase and Sale Agreement Amendments. Subject to no material changes to the Purchase and Sale Agreement related to Sections 16, 19 (1)(A) and 25. Seconded by Vice Mayor Jacquet.

approved with conditions

9. FIRST READINGS:

- 9.A. [16-342](#) ORDINANCE NO. 10-16; PRIVATELY INITIATED VOLUNTARY ANNEXATION, FUTURE LAND USE MAP (SMALL-SCALE) AMENDMENT FROM COUNTY MR-5 (MEDIUM DENSITY 5-UNITS PER ACRE) TO CITY LD (LOW DENSITY RESIDENTIAL 0-5 DU/AC) AND INITIAL CITY ZONING OF R-1-AAA (SINGLE FAMILY RESIDENTIAL) FOR 14461 BARWICK ROAD. (SECOND READING)

Recommendation: Motion to Approve Ordinance No. 10-16 on Second Reading, for the Annexation, Future Land Use Map Amendment (Small-Scale) from County MR-5 (Medium Density 5-units per acre) to City LD (Low Density Residential 0-5 du/ac) and initial City Zoning of R-1-AAA (Single Family Residential) for 14461 Barwick Road.

Sponsors: Planning and Zoning Board

Attachments: [Ordinance No. 10-16 - Annexation of 14461 Barwick Road](#)
[Planning and Zoning Board Staff Report of March 21, 2016](#)
[Planning and Zoning Board March 21, 2016 Minutes -14461 Barwick Road-Annexation-DRAFT](#)

Mr. Pfeffer read Ordinance No. 10-16 into the record. Mr. Tim Stillings gave a presentation on the proposed Ordinance.

approved on first reading

Present: 2 - Mayor Cary Glickstein, and Vice-Mayor Al Jacquet

10.A. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

Mr. Cooper discussed Block 87 and the possibility of this going out to bid for the Osceola Alley. He asked for direction if there would be any changes.

- 10.A.1. [16-432](#) SELECTION OF RECRUITMENT FIRM FOR CITY ATTORNEY - ADDENDUM

Sponsors: City Clerk Department

Attachments: [CM Acquisition Approval Request](#)

10.B. City Attorney

10.C. City Commission

Mr. Katz talked about the State Statute regarding the building of a pool at a

residential location.

The City Manager stated that building pools required a specialty contract and that the decision of the Building Official cannot be overturned.

Commissioner Katz advised that he would like to have a time when voters can go to the polls at 9:00 p.m.

Deputy Vice Mayor Jarjura spoke regarding the seawall.

Commissioner Petrolia discussed the trend of sustainability. She talked about "All Aboard Florida".

Mayor Glickstein commended the Downtown Development Authority (DDA) and CRA on their annual reports. He talked about the Delray Affair and some of the merchants were happy with the changes. He stated that on east Atlantic Avenue some of the new poles and yard arms were located at dangerous intersections. He asked if staff were looking at a fix. Mr. Morgan advised that the City is looking into this. He asked Mr. Pfeffer to send a letter to the Florida Department of Transportation (FDOT) to put them on notice that their Contractors had left. He discussed the item that was removed from the Review of Appealable Report. Mr. Pfeffer gave an update on the Costa Mesa settlement inquiry case to the Mayor and Commissioners.

There being no further business, Mayor Glickstein adjourned the meeting at 10:48 p.m.