SEPTEMBER 3, 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 6:30 p.m., Thursday, September 3, 2015.

1. Roll call showed:

Present -	Vice Mayor Shelly Petrolia Deputy Vice Mayor Alson Jacquet Commissioner Mitch Katz Commissioner Jordana Jarjura Mayor Cary Glickstein
Absent -	None
Also present were -	Donald B. Cooper, City Manager Noel Pfeffer, City Attorney Chevelle D. Nubin, City Clerk

2. PLEDGE OF ALLEGIANCE TO THE FLAG.

3. APPROVAL OF MINUTES:

None.

4. PRESENTATIONS:

4.A. Spotlight on Education – Green Living Technologies International

This item has been removed at the request of the applicant.

At this point, the City Manager stated there is a City policy which will be discussed at the City Manager's Report that applies to non-profit funding. However, the City Manager stated for fiscal year 2016 staff has budgeted the exact same amount that has been budgeted for this fiscal year. At some point, the Commission will have to decide whether or not to fund equally those amounts pursuant to fiscal year 2015 and if they want to add any additional funds to that per some of the request. The City Manager stated there is no cut in funding in terms of the overall amount of funding that is available to the non-profits per the City Commission's history.

4.B. Delray Beach Center for the Arts

Joe Gillie, President/CEO of the Delray Beach Center for the Arts, gave a brief PowerPoint presentation regarding the strategic plan for the Delray Beach Center for the Arts.

At this point, Mr. Bill Branning, Chairman of the Board of Directors for the Delray Beach Center for the Arts, thanked Mr. Gillie for his contribution over the last 25 years. Mr. Branning introduced Rob Steele who came forward and gave a few brief comments.

Mayor Glickstein stated he applauds the Board of Directors for the way in which they have managed the succession planning and thanked Mr. Gillie for the very important role his has played in the cultural heartbeat of the community.

4.C. Delray Beach Public Library

Alan Kornblau, Director of the Delray Beach Library, gave a brief PowerPoint presentation regarding the Delray Beach Library.

Mayor Glickstein gave a few brief comments regarding a strategic plan for the Delray Beach Library.

4.D. Delray Beach Historical Society

Winnie Edwards, Executive Director of the Delray Beach Historical Society, gave a brief PowerPoint presentation regarding the sustainability for the Delray Beach Historical Society. Ms. Edwards requested that the Commission reinstate the benevolent grant non-profit request of $50,000.00 for fiscal year 2015/2016.

At this point, the time being 7:23 p.m., the Commission moved to the duly advertised Public Hearings portion of the Agenda.

9. PUBLIC HEARINGS:

9.A. RESOLUTION NO. 46-15 (TENTATIVE MILLAGE LEVY/DDA): A resolution tentatively levying a tax of one mill on all properties within the Downtown Development Authority Taxing District of the City of Delray Beach for FY 2016.

The caption of Resolution No. 46-15 is as follows:

> A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, TO TENTATIVELY LEVY A TAX ON ALL PROPERTIES WITHIN THE DOWNTOWN DEVELOPMENT AUTHORITY TAXING DISTRICT OF THE CITY OF DELRAY BEACH, FLORIDA, FOR MAINTENANCE AND OPERATION, AND TO APPROPRIATE SAID COLLECTIONS THEREUNDER.

(The official copy of Resolution No. 46-15 is on file in the City Clerk's office.)

Mark Denkler, Chairman of the Downtown Development Authority (DDA), presented this item to the Commission and requested that the Commission approve the 1.0000 mil tax base levy for fiscal year 2015/2016 year.

Brief discussion by the Commission ensued.

Mayor Glickstein declared the public hearing open. There being no one from the public who wished to address the Commission regarding Resolution No. 46-15, the public hearing was closed.

Mr. Katz moved to adopt Resolution No. 46-15, 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.

9.B. **RESOLUTION NO. 45-15 (TENTATIVE MILLAGE LEVY):** A resolution tentatively levying a tax on all properties within the City of Delray Beach for operation and maintenance and for payment of principal and interest on bonded indebtedness for FY 2016.

The caption of Resolution No. 45-15 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, TO TENTATIVELY LEVY A TAX ON ALL PROPERTIES WITHIN THE CITY OF DELRAY BEACH, FLORIDA, FOR MAINTENANCE AND OPERATION, AND TO TENTATIVELY LEVY A TAX FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON BONDED INDEBTEDNESS, AND TO ALLOCATE AND APPROPRIATE SAID COLLECTIONS THEREUNDER.

(The official copy of Resolution No. 45-15 is on file in the City Clerk's office.)

The City Attorney read the caption of the resolution and stated That a tax of $7.0611 per one thousand dollars ($1,000.00) of assessed valuation is hereby tentatively levied on all taxable property within the City of Delray Beach for the fiscal year commencing October 1, 2015, and ending September 30, 2016. There shall be and hereby is appropriated for the General Fund operations of the City revenue derived from said tax for operating and maintenance expenses of the General Fund, and also in addition, all revenues derived by said City during said fiscal year from all other sources other than the tax levy for current bond service and that part of collection of delinquent taxes levied for bond service. The assessed valuation on all taxable property for operating purposes within the City of Delray Beach is $7,980,785,319. The tentative operating millage rate of $7.0611 per one thousand dollars ($1,000.00) is greater than the rolled-back rate of $6.6408 per one thousand dollars ($1,000.00) by 6.33%. That the amount of money necessary to be raised for interest charges and bond redemption which constitutes a general obligation bonded indebtedness of the City of Delray Beach is $2,090,511. There is hereby appropriated for the payment thereof, all revenues derived from the tentative tax levy of $0.2756 per one thousand dollars ($1,000.00) of assessed valuation, which is hereby levied for that purpose for the fiscal year commencing October 1, 2015, and ending September 30, 2016, upon the taxable property of the City of Delray Beach, the assessed valuation being $7,983,883,436. That the above tentative millage rates are adopted subject to adjustment in accordance with Section 200.065(5) of the Florida Statutes which provides that a municipality may adjust its adopted millage rate if the taxable value within the jurisdiction of the taxing authority as certified pursuant to Section 200.065(1) is at variance by more than one percent (1%) with the taxable value shown on the assessment roll to be extended.

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

Brief discussion by the Commission followed regarding the budget.

Mayor Glickstein declared the public hearing open for **Items 9.A., 9.B., and 9.C.**

The following individuals from the public spoke:

Steve Blum, Dr. Victor Kirson, Susan Ruby, Bonnie (last name unknown), Darby O'Gill (a/k/a John Fisher), Check Ridley.

There being no one from the public who wished to addressed the Commission regarding Resolution No. 45-15, the public hearing was closed.

Deputy Vice Mayor Jacquet moved to adopt Resolution No. 45-15, seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes. Said motion passed with a 5 to 0 vote.

9.C. RESOLUTION NO. 47-15 (TENTATIVE BUDGET ADOPTION FOR FY 2016): A resolution tentatively making appropriations of sums of money for all necessary expenditures of the City of Delray Beach for the period October 1, 2015 through September 30, 2016.

The caption of Resolution No. 47-15 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, MAKING TENTATIVE APPROPRIATIONS OF SUMS OF MONEY FOR ALL NECESSARY EXPENDITURES OF THE CITY OF DELRAY BEACH FOR THE PERIOD FROM THE 1st DAY OF OCTOBER, 2015, TO THE 30th DAY OF SEPTEMBER, 2016; TO PRESCRIBE THE

TERMS, CONDITIONS AND PROVISIONS WITH RESPECT TO THE ITEMS OF APPROPRIATIONS AND THEIR PAYMENT; AND TO REPEAL ALL RESOLUTIONS WHOLLY IN CONFLICT WITH THIS RESOLUTION AND ALL RESOLUTIONS INCONSISTENT WITH THIS RESOLUTION TO THE EXTENT OF SUCH INCONSISTENCY.

(The official copy of Resolution No. 47-15 is on file in the City Clerk's office.)

Mayor Glickstein declared the public hearing open. There being no one from the public who wished to address the Commission regarding Resolution No. 47-15, the public hearing was closed.

Deputy Vice Mayor Jacquet moved to approve Resolution No. 47-15, 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.

At this point, the time being 10:01 p.m., the Commission moved to **Comments and Inquiries on Agenda and Non-Agenda Items from the City Manager and the Public Immediately Following Presentations.**

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

None.

6.B. From the Public.

6.B.1. Steve Blum, 115 Venetian Drive, Delray Beach, FL 33483, stated he had an advertising agency and there was always things called "prestige accounts" that did not pay for themselves but you were supposed to have them if you were a good advertising agency. Mr. Blum expressed concern when he sees one of Delray Beach's Policemen or Firemen to another municipality, if we are not making gobs of money on that deal why do we lift a finger to have them at all because there is enough to take of in Delray Beach.

6.B.2. Danika Sanborn, 142 South Ocean Boulevard, Delray Beach, FL 33483 (Sandoway House Nature Center), read a brief statement into the record about the Sandoway House Nature Center and why they are requesting extra funding this year. Ms. Sanborn explained that the reason the requested a grant of $57,000 in 2015 versus $21,200 received in the prior year is because they recognized Palm Beach County's need for more STEM Programs for students, they hired a full-time Director of Education who began in August. She states with this additional help Sandoway will be able to add on more school programs, public programs, and exhibits, to accommodate the increase demand from the public. Ms. Sanborn she is the only full-time person running a place that has 12,000 visitors a year and it has been very beneficial having another person there helping her.

Mr. Jacquet inquired about the $57,000. Ms. Sanborn stated this is a one-time request and that will give Sandoway to put strategic planning into place and they should be ready next year to take on that added cost.

Commissioner Jarjura asked why Ms. Sanborn did not put the strategic planning into place before hiring someone. Ms. Sanborn stated hiring this person and having him start to get all those contacts ready is what they were striving to do first. In addition, Ms. Sanborn stated he was available and is a great educator. Commissioner Jarjura asked if the City does not grant the one-time $57,000 how will Sandoway pay him. Ms. Sanborn stated they would have to look for other grant opportunities.

At this point, the time being 10:07 p.m., the Commission moved to the Regular Agenda.

6. AGENDA APPROVAL:

Mr. Katz moved to approve the Agenda, 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.

7. CONSENT AGENDA: City Manager Recommends Approval.

7.A. HOLD HARMLESS AGREEMENT/ROOF PAINTING BY HARTZELL, INC.: Motion to approve a Hold Harmless Agreement with Roof Painting by Hartzell, Inc. for access to 15 parking spaces located at Sandoway Park for use of a boom lift to complete a repainting project located at 120 South Ocean Boulevard.

7.B. SERVICE AUTHORIZATION NO. 12-07/ DAVID MILLER & ASSOCIATES, P.A./ FIRE STATION NO. 5 GENERATOR UPGRADE: Motion to approve Service Authorization No. 12-07 for David Miller & Associates, P.A. in an amount not to exceed $9,200.00 for professional engineering and design services related to the Fire Station No. 5 Generator Upgrade Project (Project No. 14-011). Funding is available from 334-2311-522-64.90 (General Construction Fund: Fire/Machinery/Equipment).

7.C. RESOLUTION NO. 54-15/FLORIDA HIGHWAY BEAUTIFICATION COUNCIL GRANT: Motion to approve Resolution No. 54-15 authorizing the City Manager to apply for a Florida Highway Beautification Council Grant and enter into all necessary agreements should the project be selected by the Florida Highway Beautification Council.

The caption of Resolution No. 54-15 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT A HIGHWAY BEAUTIFICATION GRANT, AND ENTER INTO A HIGHWAY BEAUTIFICATION COUNCIL GRANT, LANDSCAPE CONSTRUCTION, AND MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION.

(The official copy of Resolution No. 54-15 is on file in the City Clerk's office.)

<u>7.D. SERVICE AUTHORIZATION NO. 12-17/KIMLEY-HORN AND ASSOCIATES/WATER SUPPLY AND TREATMENT FEASIBILITY STUDY:</u> Motion to approve Service Authorization No. 12-17 (Project No. 2015-023) to Kimley-Horn and Associates, Inc. in the amount of $199,682.00 for professional services in performing a Water Supply and Treatment Feasibility Study of the City's treatment plant in anticipation for meeting future customer demands, and maintaining the operational reliability of the aging water treatment plant.

<u>7.E. CHANGE ORDER NO. 2 TO NEIGHBORHOOD STABILIZATION PROGRAM (NSP) GRANT AWARD/AMENDMENT NO. 1 TO PURCHASE AND SALE CONTRACT FOR 510 S.W. 14TH AVENUE:</u> Motion to approve Change Order No. 2 in the amount of $2,430.00 and approve spending that will exceed $25,000.00 in FY 2015 to CJ Contracting, LLC to facilitate housing rehabilitation work to the property located at 510 S.W. 14th Avenue to bring the home to minimum standards to obtain a mortgage loan on behalf of the buyer; and Second Motion to Approve Amendment No. 1 to extend the Purchase and Sale Contract for the buyer to October 31, 2015. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.06(A)(1), "Beyond Scope of Work", and Section 36.03(B), "Multiple Acquisitions from Vendor Exceeding Twenty-Five Thousand Dollars ($25,000.00) in Any Fiscal Year". Funding is available from 118-1935-554-62.12 (Neighborhood Services Fund: Housing/Urban Development/Acquisition Rehabilitation).

<u>7.F. WORKFORCE HOUSING COVENANT FOR DELRAY PRESERVE:</u> Motion to approve a Workforce Housing Covenant between the City and MCA Delray Preserve Owner, LLC. pursuant to LDR Section 4.7.4, "Density Bonus Program for the Southwest Neighborhood Overlay District, the Carver Estates Overlay District and the Infill Workforce Housing Area".

<u>7.G. PRIOR APPROVAL FOR SPENDING LIMIT INCREASE/COMMERCIAL ENERGY SPECIALISTS/PULSAR BRIQUETTES:</u> Motion to affirm Commercial Energy Specialists as a sole source vendor for Pulsar Briquettes; and Motion to approve spending in an amount of $35,000.00 for FY 2015 and $35,000.00 for FY 2016. This recommendation is in compliance with the Code of

Ordinances, Chapter 36, Section 36.02(C)(6)(a), “Sole Source”, and Section 36.03(B), “Multiple Acquisitions from Vendor Exceeding Twenty-Five Thousand ($25,000.00) in Any Fiscal Year”. Funding is available from 001-4135-572-52.21 (General Fund: Parks & Recreation/Operating Supplies/Chemicals).

<u>7.H.</u> **<u>INTERACTIVE VOICE RESPONSE SYSTEM (IVR) UPGRADE/ SELECTRON TECHNOLOGIES, INC:</u>** Motion to approve upgrade of Selectron, the interactive voice response system and web payments system used for utility billing and permitting, from Selectron Technologies, Inc., as “Sole Source” provider, in the amount of $23,000.00. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(C)(6)(a), “Sole Source and City Standard”, and Section 36.03(B), “Multiple Acquisitions from Vendor Exceeding Twenty-Five Thousand Dollars ($25,000.00) in Any Fiscal Year”. Funding is available from 334-6111-519-64.11 (General Construction Fund: General Government Service/Computer Equipment).

<u>7.I.</u> **<u>RESOLUTION NO. 51-15 – SERVICE OF PROCESS:</u>** Motion to approve Resolution No. 51-15, authorizing the City Manager, any Assistant City Manager, the City Attorney, or any Assistant City Attorney to accept service of process on behalf of the City of Delray Beach and any member of the City Commission who is sued in his or her official capacity.

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER, ANY ASSISTANT CITY MANAGER, THE CITY ATTORNEY, OR ANY ASSISTANT CITY ATTORNEY TO ACCEPT SERVICE OF PROCESS ON BEHALF OF THE CITY OF DELRAY BEACH, FLORIDA AND ANY MEMBER OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA WHO IS SUED IN HIS OR HER OFFICIAL CAPACITY EXCEPT AS PROVIDED HEREIN; PROVIDING A SAVING CLAUSE AND AN EFFECTIVE DATE.

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

<u>7.J.</u> **<u>OFFER OF SETTLEMENT/SORICE V. CITY OF DELRAY BEACH:</u>** Motion to approve an Offer of Settlement in the total amount of $35,000.00 in Sorice vs. City of Delray Beach.

<u>7.K.</u> **<u>OFFER OF SETTLEMENT/GRIFFIN VS. CITY OF DELRAY BEACH:</u>** Motion to approve an Offer of Settlement in the total amount of $20,000.00 in Griffin vs. City of Delray Beach.

7.L. PROCLAMATIONS:

1. Hunger Action Month – September 2015
2. Attendance Awareness Month – September 2015

7.M. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS: Motion to accept the actions and decisions made by the Land Development Boards for the period August 3, 2015 through August 14, 2015.

7.N. AWARD OF BIDS AND CONTRACTS:

1. Motion to approve a Bid Award to K2 Summit, LLC. (Bid No. 2015-48) in the amount of $41,870.00 for the Delray Beach Marina roof replacement (Project No. 15-012). This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(A)(1), "Sealed Competitive Method". Funding is available from 426-4311-575-62.10 (City Marina Fund: Culture Recreation/ Buildings).
2. Motion to approve a Bid Award to Municipal Emergency Services, Inc. (Bid No. 2015-66) in the amount of $38,625.00 for Scott Air-Pak Conversion Parts. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(A)(1), "Sealed Competitive Bids". Funding is available from 001-2315-526-64.90 (General Fund: Fire/Fire Operations/ Other Machinery and Equipment).

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

8. REGULAR AGENDA:

8.A. CONDITIONAL USE REQUEST/KENNEL FOR FIDO'S PLAY-N-STAY: Consider approval of a Conditional Use request for a kennel for Fido's Play-N-Stay, located at 1885 S.W. 4th Avenue within Delray Industrial Park, on the east side of S.W. 4th Avenue, south of Linton Boulevard. **(*Quasi-Judicial Hearing*)**

Mayor Glickstein read the City of Delray Beach Quasi-Judicial rules into the record for **Items 8.A.** and **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. Deputy Vice Mayor Jacquet stated he had no ex parte communications to disclose. Vice Mayor Petrolia stated she had no ex parte communications to disclose. Mr. Katz stated he had ten second conversation with Jeffrey Lynne today. Mayor Glickstein stated he had no ex parte communications to disclose. Ms. Jarjura stated she had no ex parte communications to disclose.

Mark McDonnell, Assistant Director of Planning and Zoning, entered the Planning and Zoning Department project file #2015-187USE into the record and presented this item to the Commission.

Michael Weiner, Attoney with Weiner, Lynne & Thompson, P.A., 10 S.E. 1st Avenue, Delray Beach, FL 33444, stated he is present for any questions the Commission may have.

Mayor Glickstein stated if anyone from the public would like to speak in favor or in opposition of the conditional use request, to come forward at this time. There being no one from the public who wished to address the Commission, the public comment was closed.

There was no cross-examination or rebuttal.

At this point, the owner came forward and stated the facility will be for dog daycare, boarding, and a dog fitness center.

The 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).

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

8.B. WAIVER TO THE MAXIMUM PERMITTED DEPTH OF A COVERED ENTRY PORCH FOR BEDNER'S FARM MARKET: Consider approval of Waiver to LDR Section 4.4.13(E)(4)(a) "Frontage Types; Porch", to allow the maximum depth permitted for porches to exceed the required 12 feet (16 feet 1 inch proposed) for Bedner's Farm Market, located at 381 N.E. 3rd Avenue. **(*Quasi-Judicial Hearing*)**

Mayor Glickstein asked the Commission to disclose their ex parte communications. Vice Mayor Petrolia stated she had no ex parte communications to disclose. Mayor Glickstein stated he had no ex parte communications to disclose. Ms. Jarjura stated she spoke with Mark Perry. Deputy Vice Mayor Jacquet stated he had no ex parte communications to disclose. Mr. Katz stated he had no ex parte communications to disclose.

Tim Stillings, Director of Planning and Zoning, entered the Planning and Zoning project file #2015-179 into the record and presented this item to the Commission. Staff recommends approval.

Brief discussion by the Commission followed.

There was no cross-examination or rebuttal.

The 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).

Ms. Jarjura moved to approve the waiver, 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.C. RESOLUTION NO. 48-15/BEST INTEREST RESOLUTION – CONSERV BUILDING SERVICES: Motion to Approve Resolution No. 48-15 to award the repair and replacement of the air conditioning equipment used in the chiller system located at City Hall to ConServ Building Services, in the amount of $31,550.00; declaring by a four-fifths affirmative vote that the repairs made by ConServ Building Services are in the Best Interest of the City. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.03(A), "Acquisitions of Twenty-Five Thousand Dollars ($25,000.00) or Greater", and Section 36.02(C)(11), "Best Interest Acquisitions". Funding is available from 001-3431-519-46.10 (General Fund: Public Work/Building Maintenance/General Government Service/Repair and Maintenance/Building Maintenance).

The caption of Resolution No. 48-15 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, DECLARING BY A FOUR-FIFTHS AFFIRMATIVE VOTE THAT THE REPAIRS MADE BY CONSERV BUILDING SERVICES ARE IN THE BEST INTEREST OF THE CITY.

(The official copy of Resolution No. 48-15 is on file in the City Clerk's office.)

Victor Majtenyi, Deputy Director of Public Utilities, presented this item to the Commission.

Mr. Katz moved to approve Resolution No. 48-15, 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, Ms. Jarjura stated although her firm does not represent Ed Morse Cadillac, they represent Morse Operations, Inc. Therefore, Ms. Jarjura declared a conflict of interest and recused herself from the dais.

8.D. RESOLUTION NO. 56-15/BEST INTEREST RESOLUTION – ED MORSE CADILLAC: Motion to Approve Resolution No. 56-15, authorizing acquisitions with Ed Morse Cadillac 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 Ed Morse Cadillac are in the Best Interest of the City. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.03(A), "Acquisitions of Twenty-Five Thousand ($25,000.00) or Greater", and Section 36.02(C)(11), "Best Interest Acquisitions". Funding is available from 501-3311-591-52.52 (Garage Fund: Operating Supplies/City Garage Outside Service).

The caption of Resolution No. 56-15 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING ACQUISITIONS WITH ED MORSE CADILLAC 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 ED MORSE CADILLAC ARE IN THE BEST INTEREST OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE.

(The official copy of Resolution No. 56-15 is on file in the City Clerk's office.)

Brief discussion by Vice Mayor Petrolia and Commissioner Katz followed.

Mr. Katz moved to approve Resolution No. 56-15, 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. Said motion passed with a 4 to 0 vote.

At this point, Ms. Jarjura returned to the dais.

8.E. RESOLUTION NO. 58-15/BEST INTEREST RESOLUTION – AL PACKER FORD: Motion to Approve Resolution No. 58-15, authorizing acquisitions with Al Packer Ford in an amount not to exceed $30,000.00 for FY 2015, which includes retroactive approval of $687.98, for OEM Ford repair parts for City vehicles, declaring by a four-fifths affirmative vote that the acquisitions from Al Packer Ford are in the Best Interest of the City. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.03(A), "Acquisitions of Twenty-Five Thousand

($25,000.00) or Greater”, and Section 36.02(C)(11), “Best Interest Acquisitions”. Funding is available from 501-3311-591-52.50 (Garage Fund: Operating Supplies/External Parts).

The caption of Resolution No. 58-15 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING ACQUISITIONS WITH AL PACKER FORD, NOT TO EXCEED $30,000 FOR FISCAL YEAR 2015 FOR OEM FORD REPAIR PARTS FOR CITY VEHICLES, DECLARING BY A FOUR-FIFTHS AFFIRMATIVE VOTE THAT THE ACQUISITIONS FROM AL PACKER FORD ARE IN THE BEST INTEREST OF THE CITY, UNTIL SUCH TIME THAT AN AWARD IS ISSUED BY THE PURCHASING DEPARTMENT FOR THE PURCHASE OF OEM PARTS RELATED REPAIRS TO CITY VEHICLES; AND PROVIDING AN EFFECTIVE DATE.

(The official copy of Resolution No. 58-15 is on file in the City Clerk’s office.)

Victor Majtenyi, Deputy Director of Public Utilities, presented this item to the Commission.

Vice Mayor Petrolia moved to approve Resolution no. 58-15, seconded by Mr. Katz. Upon roll call the Commission voted as follows: Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes. Said motion passed with a 5 to 0 vote.

8.F. RESOLUTION NO. 53-15/BEST INTEREST RESOLUTION – HOUSING REHABILITATION PROJECTS: Motion to Approve Resolution No. 53-15 for Housing Rehabilitation Construction at 429 S.W. 15th Avenue and 227 N. 14th Avenue from Cordoba Construction Co., utilizing Community Development Block Grant funding, 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)(11), “Best Interest Acquisitions”, and Section 36.03(B), “Multiple Acquisitions from Vendor Exceeding Twenty-Five Thousand ($25,000.00) in Any Fiscal Year”.

The caption of Resolution No. 53-15 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, FOR HOUSING REHABILITATION CONSTRUCTION AT 429 SW 15TH AVENUE AND 227 NW 14TH AVENUE UTILIZING COMMUNITY DEVELOPMENT BLOCK

GRANT FUNDING FOR THE COMMUNITY IMPROVEMENT DEPARTMENT FROM 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. 53-15 is on file in the City Clerk's office.)

Al Berg, Assistant Director of Community Improvement, presented this item to the Commission.

Brief discussion between the City Commission and the City Manager ensued.

Mr. Katz moved to approve Resolution No. 53-15, 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.

8.G. NOMINATIONS FOR APPOINTMENT TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE: Nominations for appointment of four (4) regular members to serve on the Affordable Housing Advisory Committee to serve two (2) year terms 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) and Mayor Glickstein (Seat #5).

Deputy Vice Mayor Jacquet moved to nominate Rosanna Tartaro (incumbent) to the Affordable Housing Committee 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 Regina Hands (incumbent) to the Affordable Housing Committee 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: 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.

Ms. Jarjura moved to nominate Michael Williams (incumbent) to the Affordable Housing Committee 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.

Mayor Glickstein moved to nominate Wanda Gadson (incumbent) to the Affordable Housing Committee 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.

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

Vice Mayor Petrolia stated she would like to defer her nomination to the next regular meeting of September 15, 2015.

Deputy Vice Mayor Jacquet moved to nominate William (Bill) Bathurst to the Historic Preservation Board (HPB) as a regular member to serve a two (2) year term ending August 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 stated he would like to defer his nomination to the next regular meeting of September 15, 2015.

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

Mayor Glickstein moved to nominate Jocelyn Patrick to the Planning and Zoning Board as a regular member to serve a two (2) year term ending August 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.

Vice Mayor Petrolia stated she would like to defer her nomination to the next regular meeting of September 15, 2015.

Deputy Vice Mayor Jacquet moved to nominate Robin Bird (incumbent) to the Planning and Zoning Board as a regular member to serve a two (2) year term ending, 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.

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

Ms. Jarjura moved to nominate Brett Porak to the Site Plan Review and Appearance Board as a regular member to serve a two (2) year term ending August 31, 2017, seconded by Deputy Vice Mayor Jacquet. Upon roll call the Commission voted as follows: Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes. Said motion passed with a 5 to 0 vote.

Mayor Glickstein moved to nominate Vlad Dumitrescu to the Site Plan Review and Appearance Board as a regular member to serve a two (2) year term ending August 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.

10. FIRST READINGS:

10.A. ORDINANCE NO. 19-15: SANITATION RATES FOR FY 2016: Amending Chapter 51, "Garbage and Trash", of the Code of Ordinances of the City of Delray Beach, by amending Section 51.70, "Regular Charges Levied", to provide for New Residential and Commercial Collection Service Rates for Fiscal Year 2016.

The caption of Ordinance No. 19-15 is as follows:

> AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 51, "GARBAGE AND TRASH", OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, BY AMENDING SECTION 51.70, "REGULAR CHARGES LEVIED", TO PROVIDE FOR NEW RESIDENTIAL AND COMMERCIAL COLLECTION SERVICE RATES FOR FISCAL YEAR 2016; PROVIDING A GENERAL REPEALER CLAUSE, A SAVING CLAUSE, AND AN EFFECTIVE DATE.

(The official copy of Ordinance No. 19-15 is on file in the City Clerk's office.)

The City Attorney read the caption of the ordinance.

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

Brief discussion by the City Commission followed regarding the rate increase. In addition, the City Commission requested that prior to second reading of this ordinance that the City Manager provide the Commission with a status update of all the names of all the schools the collection service company made commitments to.

Deputy Vice Mayor Jacquet moved to approve Ordinance No. 19-15 on FIRST Reading, seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes. Said motion passed with a 5 to 0 vote.

11. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS.

11.A. City Manager

. **A.** City Manager

1. Fiscal Year 2016 Non-Profit Funding Recommendations

The City Manager stated he is requesting some form of direction as it applies to the application General Administrative Policy 23 which is Non-Profit funding. He stated that presently the policy requires that 1% of the ad valorem or an amount of $517,127.00 is the maximum amount for non-profit funding and that policy has not been followed for at least ten (10) years. The City Manager stated the amount funding for non-profits in some case (the library amounts to approximately three-quarters (3/4) of their funding and if the City follows this policy he does not believe that the library would be able to survive. The City Manager stated that is one of the reasons why he kept the funding a present levels in examining that. The Commission agreed that this might be a more appropriate conversation for the Goal Setting. The City Manager stated they can postpone that discussion until that time; however, his original goal was to try to finalize his budgetary numbers and then they will have to take that the $1,950,000 and assign it to particular non-profits. The City Manager stated he has kept the amount the same with the assumption that the same people are going to get the same amounts of money but the Commission may choose to change that.

Commissioner Jarjura stated she would be comfortable giving direction on the budget for this year; however, she feels for the larger picture she feels they should hold off on that discussion. For this budget, Commissioner Jarjura stated it would be her preference to keep status quo except for the Delray Beach Historical Society to give them the $5,000 that they were relying on. Commissioner Jarjura stated going forward that the Commission makes a decision at the Goal Setting about how they should handle non-profits.

Commissioner Katz asked if the funding for the Delray Beach Public Library be separated out as not necessarily a non-profit but can that money be classified as a City service because if we did not have this non-profit we would have to have a library. Commissioner Jarjura stated when looking at what the library receives compared to all the other non-profits, it is about finding ways to leverage that asset more efficiently so that we together as partners are more sustainable for their operations budget. Commissioner Katz stated even if the City is not going to give funding to a non-profit, he feels that staff should notify people.

The City Manager suggested that the policy be changed to reflect the reality for some of these non-profits and reiterated that it has not been followed for at least a decade.

Mayor Glickstein stated Joan Goodrich, Economic Development Director and he met with the Delray Beach Library Board and he did not know what was going on there and they have no strategic plan. He stated the library has been this public/private partnership since they started out and the Commission specifically talked about challenging themselves not just because of the sustainability and as great a service as they are providing, the box is getting more expensive to maintain. Mayor Glickstein stated their way of delivering what libraries are doing is not the same anymore and they challenged the Board to step up and offered City assistance in the form of Task Force help. Mayor Glickstein stated there are people in the community that are willing to help.

11.B. City Attorney

None.

11.C. City Commission

11.C.1. Deputy Vice Mayor Jacquet

Deputy Vice Mayor Jacquet stated he had recently mentioned that there is a school in Delray that is thinking of taking a trip to the Sister Cities in Haiti Daughter of Zion. He stated he received an email from a citizen who forwarded him an email from the Sister Cities Committee and they were meeting today while the City Commission was having their meeting. Therefore, Deputy Vice Mayor Jacquet stated he was unable to attend but as he mentioned at the last meeting there are elections in October so there are a lot of changes going on there.

11.C.2. Vice Mayor Petrolia

None.

11.C.3. **Commissioner Jarjura**

Commissioner Jarjura asked if the RFP for lobbying services went out. The City Manager stated this will be coming back to the Commission next month. Commissioner Jarjura asked if staff is making of list of projects and it will probably be special bill type things mostly in the Parks and Recreation side.

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

Commissioner Katz stated when he was at the Florida League of Cities he went by the booth for the Sister Cities and they were very aware of the City's new Sister City relationship with Haiti.

Secondly, Commissioner Katz went by Captain Palmermo's retirement party. Commissioner Katz thanked the Police Officer's and stated the citizens support them.

Commissioner Katz stated he attended the Atlantic Community High School and the football team had a big win over Wellington. In addition, Commissioner Katz had the opportunity to meet the new Principal of Atlantic Community High School.

He stated Levy Accounting purchased property on south Linton Boulevard. Commissioner Katz stated Levy Accounting has a piece of land and next to it is the Enterprise Rent-a-Car and there is an old abandoned street in-between that now is mostly part of Enterprise. Commissioner Katz stated the land is full of beer cans and debris and at one time this was part of a roadway that went out to Federal Highway.; the western section of this parcel is occupied by Enterprise. Commissioner Katz stated either the City needs to clean it up or the City needs to figure out a way that the City can abandon the property to Levy Accounting and he will clean it up and maintain it. The City Manager stated staff will find out what the status of the land is.

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

Mayor Glickstein thanked staff for getting the light at Swinton Avenue and 1st and believes there are no longer one-ways in the downtown which is very helpful.

Secondly, Mayor Glickstein thanked Janet Meeks, numerous teachers, and staff for kicking off a new Task Force on education trying to get parents engaged in dialogue with different people on how we can improve our schools. Mayor Glickstein stated he appreciates Commissioner Katz being there. Also, Mayor Glickstein stated he met with the new Superintendent and discussed with him a few pressing things one being the Tri-Party Agreement that the City is working on for Orchard View, Village Academy, Pine Grove Elementary, and the Achievement Center so that we are not having to pay as much as the district was looking for these facilities. Mayor Glickstein thanked Stephanie for promoting our Grade Level Reading project. Mayor Glickstein stated he also discussed with the Superintendent a possible middle school of the arts at Carver, promoting the academies at Atlantic Community High School, and the attendance at Delray Beach schools. He stated our city has done a great job promoting trying to get more traction at a district level and by increasing that helps our city. Mayor Glickstein stated he believes the new superintendent is going to do a great job and was very impressed with him.

Mayor Glickstein stated it was brought to his attention by a former Police Officer who is retired that there is an issue with the City's ability to use a retired Police Officer and putting them back on General Employee's staff because of the two different pensions. He stated there are a lot of career officers that the City is losing that would be great people to re-deploy as city employees and John Palermo is one of those examples to run the Clean and Safe Program. Mayor Glickstein stated some officers have expressed willingness to come on to our staff in a different capacity. The City Attorney stated there is a 2011 IRS ruling for the City of Pembroke Pines put in jeopardy all municipal and government workers coming back after retirement and working for that employer again. The City Attorney stated the City needs to adopt a policy with respect to its workforce retiring and coming back to work.

Mayor Glickstein stated the Arts Garage has not raised any money and their contract closing date is in March. He stated he has asked the Chair of the CCC to keep him in the loop. Mayor Glickstein stated he would like the CCC to think of a proactive solution. Mayor Glickstein stated he asked the Chairman of the CCC and the Chair of Old School Square to get together and see if there is a way to merge the Arts Garage into Old School Square. He stated there are two competing operations that are in the performing arts that are right next door to each other and the Arts Garage is going to be unable to close on the facility. Mayor Glickstein stated he would to encourage the CCC to work with Old School Square and come back to the Commission and propose a solution that the Commission can support.

Commissioner Katz stated the CCC needs to figure out a way to make that work and he does not feel the current plan is sustainable unless they make some changes.

Lastly, Mayor Glickstein stated he appreciates the fact that the sinkhole has been fixed at Venetian Drive and Atlantic Avenue which he was getting a call every day about. However, Mayor Glickstein stated there is hole in part of the road which they fixed great; however, on the far south side there is a new hole right next to where they were working so they literally fixed three-quarters of a pothole and he asked that staff look into this matter.

There being no further business, Mayor Glickstein declared the meeting adjourned at 11:18 p.m.

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City Clerk

ATTEST:

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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 September 3, 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.