

City of Delray Beach

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Minutes - Draft

Tuesday, February 2, 2016

6:00 PM

Delray Beach City Hall

City Commission

1. ROLL CALL

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., on Tuesday, February 2, 2016.

Roll call showed:

Present:

Vice-Mayor Shelly Petrolia
Commissioner Mitchell Katz
Commissioner Jordana Jarjura
Mayor Cary Glickstein

Absent:

Deputy Vice Mayor Jacquet

Also Present: Donald B. Cooper, City Manager, Noel Pfeffer, City Attorney,
and Chevelle D. Nubin, City Clerk.

2. PLEDGE OF ALLEGIANCE TO THE FLAG**3. APPROVAL OF MINUTES:****4. PRESENTATIONS:****4.A [16-126](#) RESOLUTION NO. 07-16 TOBY RUBIN 30 YEARS OF SERVICE**

Mayor Glickstein read Mr. Rubin's resolution into the record and presented the resolution to him. Chief Goldman gave comments regarding Mr. Rubin.

Mr. Rubin gave brief comments.

A motion was made by Commissioner Katz, seconded by Vice-Mayor Petrolia, that this Resolution be adopted. The motion carried by the following vote:

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

Absent: 1 - Deputy Vice Mayor Jacquet

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

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

Mr. Donald B. Cooper, City Manager, commented regarding the broken light pole issue.

5.B From The Public

Public Comments:

1. Cindi Freeburn spoke regarding Ordinance No. 3-16.
2. Carolyn Simmons spoke regarding the raising of the Marina rates.
3. Richard Simmons spoke regarding the Marina rates.
4. Pauline Moody stated she would like to have the garbage picked up and spoke regarding the Garlic Fest, special events, roads and bus routes.
5. Sharon L'Herrou thanked the City Commission for the proclamation and gave comments regarding 2-1-1 Awareness Week.
6. Karen Granger, Delray Beach Chamber of Commerce Executive Director, spoke regarding their 90th year in Delray Beach and provided statistics and highlights regarding the Delray Beach Chamber of Commerce. She thanked Mayor Glickstein and Commissioner Katz for participating in the Dunk Tank and discussed the amount raised from the Dunk Tank which goes to back to Delray Beach for education programs. Ms. Granger also thanked Vice Mayor Petrolia for attending the "Brain Matters" event regarding Alzheimer's.
7. Jim Chard spoke regarding the Institute for Regional Conservation (IRC) that is now on Linton Boulevard.
8. James Quillien spoke regarding improving alleyways and features in the neighborhoods. He provided a picture to the City Commission.
9. Ken Ropp spoke regarding the same alleyway as the previous speaker.
10. Ari Whiteman stated last week he attended the Community Redevelopment Agency (CRA) meeting and spoke regarding the Arts Garage agreement.
11. Kurt Grimmsgard spoke regarding the Marina rates.
12. Tom Geimrich spoke regarding the Marina rate increase and asked the City Commission to reconsider the rate increase.

13. Siegfried Horn spoke regarding the Marina rate increase and stated he is there on a seasonal basis. He inquired about the adjustment of rates.

14. Don Henderson read a statement into the record regarding the Marina rates.

15. Randolph Dallai spoke regarding the Marina rates and stated the rates are suddenly very high.

16. Michael Moscovitz, representing Ashbrite, spoke regarding Item 8.A.4. and stated they support the City Manager's recommendation and is present for questions.

17. Ray ? spoke regarding the Marina rates and the thirty day notice.

18. Victor Kirson spoke regarding the Highland Beach contract and stated he cannot find the figures in the agenda backup. He also commented regarding the Marina rates.

6. AGENDA APPROVAL

No staff requested agenda changes.

A motion was made by Vice-Mayor Petrolia, seconded by Commissioner Katz, that the Agenda be approved as amended. The motion carried by the following vote:

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

Absent: 1 - Deputy Vice Mayor Jacquet

7. CONSENT AGENDA: City Manager Recommends Approval

A motion was made by Commissioner Katz, seconded by Vice-Mayor Petrolia, that the Consent Agenda be approved. The motion carried by the following vote:

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

Absent: 1 - Deputy Vice Mayor Jacquet

7.A. [16-117](#) CONTRACT CLOSEOUT (CHANGE ORDER NO. 1/FINAL) WITH MBR CONSTRUCTION, INC. FOR THE FIRE RESCUE HEADQUARTERS PLAZA

This Change Order was approved.

7.B [16-123](#) ACCEPTANCE OF A RIGHT-OF-WAY DEED FOR 615 ENFIELD ROAD

This Request was approved.

- 7.C [16-083](#) LANDSCAPE MAINTENANCE AGREEMENT FOR THE METROPOLITAN.

This Request was approved.

- 7.D [16-037](#) SERVICE AUTHORIZATION NO. 12-12 WITH WANTMAN GROUP, INC. FOR THE VETERANS PARK, MARINE WAY, AND THE CITY MARINA SEAWALL, BULKHEAD AND PUBLIC DOCK STRUCTURAL INVESTIGATION AND ANALYSIS.

This Request was approved.

PROCLAMATIONS:

- 7.E [16-150](#) PROCLAMATION FOR 211 AWARENESS WEEK FEBRUARY 11 - 17, 2016

- 7.F [16-134](#) REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS

7.G AWARD OF BIDS AND CONTRACTS:

- 7.G.1 None

8. REGULAR AGENDA:

- 8.A.1 [15-145](#) INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE COMMUNITY REDEVELOPMENT AGENCY FOR FUNDING CONSTRUCTION AND PROFESSIONAL SERVICES FOR CAPITAL PROJECTS - FY 2015-2016

This Request was approved.

- 8.A.2 [15-345](#) FIRST AMENDMENT TO THE THE INTERLOCAL AGREEMENT WITH THE COMMUNITY REDEVELOPMENT AGENCY (CRA) FOR FUNDING CONSTRUCTION AND PROFESSIONAL SERVICES FOR FY 2014-2015

This Request was approved.

- 8.A.3 [16-014](#) LEASE AWARD TO CLUB CAR FOR USED GOLF CARTS

This Request was approved.

- 8.A.4 [16-155](#) FIRST AMENDMENT DEBRIS REMOVAL CONTRACT PROJECT #2012-078 (ASHBRITT CONTRACT) (REVISED COVER MEMO 1/29/2016).

This Request was approved.

- 8.A.5 [16-132](#) SERVICE AUTHORIZATION NO. 12-19 WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR THE DESIGN OF SIDEWALK IMPROVEMENTS WITHIN THE COMMUNITY REDEVELOPMENT AREA BOUNDARIES

This Request was approved.

- 8.A.6 [16-031](#) APPROVE SERVICE AUTHORIZATION NO. 12-08 WITH CALVIN GIORDANO AND ASSOCIATES, INC. OSCEOLA NEIGHBORHOOD IMPROVEMENTS FY2015 - 2016

This Request was approved.

- 8.A.7 [16-148](#) BID AWARD FOR IT EQUIPMENT TO MULTIPLE VENDORS (BID 2016-050)

This Item was approved.

- 8.A.8 [16-137](#) BID AWARD NO. 2016-032 TO SHENANDOAH GENERAL CONSTRUCTION COMPANY FOR THE CLEANING OF LAKE WORTH DRAINAGE DISTRICT CULVERT L-33 LOCATED AT ATLANTIC HIGH SCHOOL

This Item was approved.

- 8.A.9 [16-089](#) RENEWAL OF CONTINUING CONTRACTS FOR ARCHITECTURAL SERVICES WITH MULTIPLE VENDORS FOR DESIGN SERVICES FOR PROJECTS INCLUDED IN THE APPROVED FIVE YEAR CAPITAL IMPROVEMENTS PLAN

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

Vice Mayor Petrolia spoke regarding the costs and stated they did not receive a list of fees.

A motion was made by Vice-Mayor Petrolia, seconded by Commissioner Jarjura, that this Item be approved. The motion carried by the following vote:

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

Absent: 1 - Deputy Vice Mayor Jacquet

8.A.10 [16-093](#)

SERVICE AUTHORIZATION NO. 12-03.2 WITH CALVIN, GIORDANO AND ASSOCIATES, INC. FOR ADDITIONAL SERVICES RELATED TO THE NE 3RD STREET STREETSCAPE PROJECT. (PROJECT NO. 11-024)

Vice Mayor Petrolia discussed her reasons for pulling this item to the Regular Agenda.

Jeff Costello, CRA Executive Director, discussed the streetscape improvements.

Vice Mayor Petrolia asked about the design.

Commissioner Jarjura asked about the costs.

Mayor Glickstein stated he is not supportive of improvements to Artists Alley in that they benefit a private developer.

Discussion ensued regarding taxpayer money being utilized for private property.

This item was approved with the exception of streetscaping adjacent to Artist Alley.

A motion was made by Vice-Mayor Petrolia, seconded by Commissioner Jarjura, to approve Service Authorization No. 12-03.2 with Calvin, Giordano and Associates, Inc. in the amount not to exceed \$25,421.03 for additional professional design services related to the NE 3rd Street Streetscape Project (Project No. 11-024); with the exception of the streetscaping adjacent to artists alley. The motion carried by the following vote:

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

Absent: 1 - Deputy Vice Mayor Jacquet

8.A.11 [16-070](#)

STREET LIGHTING AGREEMENT WITH FLORIDA POWER AND LIGHT (FPL) FOR THE NE 3RD STREET STREETSCAPE PROJECT

Commissioner Katz asked why certain items need to be moved.

Mr. Jeff Costello discussed the fixtures and stated this completes the Pineapple Neighborhood Plan.

A motion was made by Vice-Mayor Petrolia, seconded by Commissioner Jarjura, that this Request be approved. The motion carried by the following vote:

Yes: 3 - Mayor Glickstein, Vice-Mayor Petrolia, and Commissioner Jarjura

No: 1 - Commissioner Katz

Absent: 1 - Deputy Vice Mayor Jacquet

8.B [16-118](#) INTERLOCAL AGREEMENT WITH THE TOWN OF HIGHLAND BEACH

Fire Rescue Chief Danielle Connor presented this item. She stated Highland Beach has already agreed to the agreement.

Mr. Noel Pfeffer, City Attorney, spoke regarding indemnification and how the agreements are typically handled.

Mr. Jack Warner, Chief Financial Officer, spoke regarding the current agreement that is in place and stated he did not like the agreement. He stated the proposed agreement fixes the money issues and referenced the rates.

Commissioner Jarjura spoke regarding the agreement and referenced the equipment. She stated there are a few areas of the contract where she had concerns on whether the city is recouping its costs. She gave recommendations for recouping the city's costs.

Vice Mayor Petrolia stated she cannot support this agreement and provided reasons. She discussed the administrative costs. She commented regarding the term of the agreement being ten (10) years. She stated the city needs to have an "out" clause and an administrative fee of twenty five percent (25%).

Commissioner Katz referenced level of service changes and asked if this has been configured in the proposed contract. He stated there is a bill in the legislature right now that will affect municipalities in the future regarding fire fighters obtaining cancer. He asked how this will affect the city.

City Manager Cooper spoke regarding full cost methodology.

Discussion ensued regarding administrative costs and overhead.

Commissioner Katz stated he cannot support the contract without some sort of cost premium.

Mayor Glickstein inquired as to why the contract is for a ten (10) year term.

Chief Connor stated the term length was tied to the lease.

Mayor Glickstein stated the city should have the right to assign the contract. He referenced pension costs and asked if there is a way the city would be

able to recapture pension costs.

Discussion continued regarding actuaries and unfunded liabilities.

Mayor Glickstein stated he would like to see more clear crisp language in a broad sense regarding "clawback" which includes recapturing of pension costs in terms of unfunded liabilities.

Discussion ensued regarding whether or not the city benefits from the agreement.

The City Attorney discussed what he listed as a result of City Commission comments regarding this item.

A motion was made by Vice-Mayor Petrolia, seconded by Commissioner Jarjura, that this Request be approved as stated by the City Attorney. The motion carried by the following vote:

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

Absent: 1 - Deputy Vice Mayor Jacquet

8.C [16-153](#) PURCHASE AWARD TO TEN-8 FIRE EQUIPMENT INC. FOR ONE (1) 75 FOOT FIRE LADDER TRUCK FOR FIRE STATION #6

A motion was made by Commissioner Katz, seconded by Vice-Mayor Petrolia, that this Item be deferred. The motion carried by the following vote:

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

Absent: 1 - Deputy Vice Mayor Jacquet

8.D [16-152](#) PURCHASE AWARD TO HALL-MARK FIRE APPARATUS FOR A RESCUE TRANSPORT VEHICLE FOR FIRE STATION #6

A motion was made by Commissioner Katz, seconded by Vice-Mayor Petrolia, that this Item be deferred. The motion carried by the following vote:

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

Absent: 1 - Deputy Vice Mayor Jacquet

8.E [16-122](#) BID AWARD TO FOSTER MARINE CONTRACTORS, INC. FOR THE NE 2ND AVENUE / SEACREST BOULEVARD BEAUTIFICATION PROJECT

Mr. John Morgan presented this item.

Vice Mayor Petrolia discussed the bid process.

Commissioner Katz concurred with comments expressed by Vice Mayor Petrolia.

Mr. Cooper discussed FDOT requirements.

A motion was made by Commissioner Katz, seconded by Commissioner Jarjura, that this Item be approved. The motion carried by the following vote:

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

Absent: 1 - Deputy Vice Mayor Jacquet

8.F [16-092](#)

RESOLUTION NO. 04-16 AUTHORIZING THE LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR THE NE 2ND AVENUE / SEACREST BOULEVARD BEAUTIFICATION PROJECT

Mr. Morgan presented this item.

A motion was made by Commissioner Jarjura, seconded by Vice-Mayor Petrolia, that this Resolution be approved. The motion carried by the following vote:

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

Absent: 1 - Deputy Vice Mayor Jacquet

9. PUBLIC HEARINGS:

9.A None

10. FIRST READINGS:

10.A [16-094](#)

ORDINANCE NO. 03-16, REZONING FROM AC (AUTOMOTIVE COMMERCIAL) TO GC (GENERAL COMMERCIAL) FOR THE PROPERTY LOCATED AT 2455 OLD DIXIE HIGHWAY (FIRST READING)

The City Attorney read the caption of the ordinance.

Mr. Mark McDonnell presented this item and stated staff recommends approval.

Commissioner Jarjura stated she is in support of the rezoning and expressed her initial concerns. She discussed when Exhilaride was first looking for a location and the zoning district they were placed in and asked that staff look at this for future industry.

Commissioner Katz stated he is in support and does not feel a condition should be placed on the owner. He asked that the city look at this for businesses.

Vice Mayor Petrolia stated she is in agreement with her colleagues regarding this ordinance. She stated staff should be looking at this regarding businesses.

A motion was made by Commissioner Katz, seconded by Vice-Mayor Petrolia, that this Ordinance be approved. The motion carried by the following vote:

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

Absent: 1 - Deputy Vice Mayor Jacquet

10.B [16-124](#) ORDINANCE NO. 07-16 RESTRICTING THE RETAIL SALES OF CATS AND DOGS (SECOND READING)

10.C [16-125](#) ORDINANCE NO. 06-16 AMENDING THE CITY'S POLICE AND FIREFIGHTERS RETIREMENT SYSTEM PENSION (FIRST READING)

The City Attorney read the caption of the ordinance and presented this item.

A motion was made by Commissioner Katz, seconded by Vice-Mayor Petrolia, that this Ordinance be approved. The motion carried by the following vote:

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

Absent: 1 - Deputy Vice Mayor Jacquet

11. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

None.

B. City Attorney

He will prepare a memo to board and staff regarding sunshine law. He stated the quasi judicial rules are cumbersome and can be streamlined. He stated he will also address how elected officials do disclosures.

Mr. Pfeffer provided an update regarding the closing of Auburn Trace.

C. City Commission

Commissioner Katz commented regarding the Arts Garage and what he stated to Mr. Cooper. He conveyed what his thoughts were for clarification. He spoke regarding a letter from a person who is interested in purchasing city property and stated the parcel is near him. He stated the person has not heard back from the City Manager. He asked what needs to be done to

start the process.

Discussion ensued regarding an offer that has been made.

Commissioner Katz stated this should be a priority. He asked about a shade meeting for Atlantic Crossing. The City Attorney asked for a shade meeting and stated it will be scheduled within the next couple of weeks.

Commissioner Katz discussed Commission direction regarding outside counsel regarding the Tennis Center.

Commissioner Jarjura spoke regarding code and electric fencing.

Vice Mayor Petrolia discussed what just occurred at the meeting and stated that any Commissioner should be able to speak without feeling attacked. Vice Mayor Petrolia stated regarding the ZIKA mosquito born epidemic that is out now; she feels the city can do something about it. She stated she knows it is not here right now but that it is spreading and she stated she feels there are some simple things we can do as a city such as asking people to empty standing water from around their homes. Vice Mayor Petrolia suggested that maybe the city can see if there are boy scout troops to go throughout neighborhoods to do this; it would be a great project just to be preventive and she also suggested a pamphlet to hand out i.e. standing water. She spoke regarding the Fire Rescue Headquarters Plaza and stated it is a great space. Vice Mayor Petrolia commented about a pledge that was made to For Knowledge and Power and stated that the pledge should be kept. She stated she wants to make sure that this will move forward.

Vice Mayor Petrolia discussed vehicles that are parked on Dixie Highway and asked that Code Enforcement check on this and referenced City Lofts and the display cases and stated this was not the original purpose of the display cases. She stated she received two copies of public records requests regarding parking tickets and suggested a way to change the dynamic and stated that the person could be charged fifty dollars. She thanked the City Attorney for the Auburn Trace update. She concurred with Mr. Katz that they are getting information from the outside. Vice Mayor Petrolia commented regarding railroad tracks and marina rates. She suggested ways for the monies to be used from the rates.

Commissioner Katz commented regarding the thirty day notice for the rates.

Vice Mayor Petrolia asked if the city is still accumulating the interest.

Commissioner Katz discussed the direction regarding utilizing outside counsel again for the tennis contract.

Mayor Glickstein stated the City is recognized as a Healthy Weight Community Champion by the Surgeon General. He stated attended the Lakeview HOA meeting with Isaac Kovner. He stated there were comments made regarding drainage issues asked that someone follow up with them. He referenced the sustainability officer position. He stated this is the Commission's policy decision.

Vice Mayor Petrolia discussed flooding in Lake Ida. She stated there was no standing water.

Mayor Glickstein asked about the notice regarding the marina rates. Assistant City Manager David Scott spoke regarding the thirty day notice. The City Manager stated a ninety day notice should be sufficient. He commented regarding lease expiration.

It was consensus of the Commission that the notice is ninety days minimum or when the lease expires.

Commissioner Jarjura spoke regarding Ellie's Diner and asked the City Manager to discussed this. The City Manager referenced code issues and stated they will be dealt with administratively.

Mayor Glickstein adjourned the meeting at 9:33 p.m.