

# City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

Phone: (561) 243-7000 - Fax: (561) 243-3774

[www.mydelraybeach.com](http://www.mydelraybeach.com)



## Minutes - Draft

Tuesday, January 5, 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, January 5, 2016.

Roll call showed:

Present:

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

Absent:

None

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:

**A motion was made by Vice-Mayor Petrolia, seconded by Commissioner Katz, that the minutes 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

### 3.A. [16-067](#) APPROVAL OF MINUTES

## 4. PRESENTATIONS:

### 4.A. [16-072](#) LEGISLATIVE UPDATE - SENATOR JEFF CLEMONS

Senator Clemons introduced himself and spoke regarding his district and committees that he serves on. He stated he is the Senate sponsor of sober home legislation. He referenced other bills that he has sponsored. Senator Clemons discussed two projects that he will look out for regarding Delray

Beach and provided his contact information. He stated it will be an interesting legislative session and they are starting early. Senator Clemons stated the focus will be the budget completed on time.

Deputy Vice Mayor Jacquet commented regarding Palm Beach County Day and asked that Senator Clemons let the Commission know when the date is. Senator Clemons stated it is next week.

Mayor Glickstein thanked Senator Clemons for coming and stated he appreciates his efforts.

**4.B.** [16-038](#)

Mr. Jack Warner, Chief Financial Officer, conducted this presentation and stated this is the City Commission's opportunity to frame the budget and provide direction to staff on how to put the budget together for the year. He discussed the FY 2017 Budget Assumptions-Revenue, Operating Expense and Capital.

Vice Mayor Petrolia spoke regarding the millage and stated the city does not know the forecast of what the city will receive. She spoke about a two percent (2%) increase in expenses across the board for the departments. Vice Mayor Petrolia also commented regarding seawalls and surface parking.

Commissioner Jarjura stated the City Commission needs to give direction regarding the millage and stated the maintenance costs are going up every year. She stated the City Commission should take a vote and tell staff what the City Commission's priorities are. Commissioner Jarjura commented regarding surplus properties.

Commissioner Katz asked about non profit funding and commented regarding the library. He stated he is okay with funding non profits as long as it is done for the right reason.

Mr. Warner provided clarification regarding the non profit funding.

Commissioner Katz spoke regarding the millage and stated the departments need to see exactly where they are spending. He stated goals need to be set for each department to review their budgets.

Deputy Vice Mayor Jacquet commented regarding every department reviewing their budgets so that the City Commission can then set the goals.

Mr. Warner discussed the budget submissions from departments and the process for the review of budgets.

Deputy Vice Mayor Jacquet asked about the one tenth mil and asked for an explanation of how staff came to this conclusion.

Mr. Warner stated staff is trying to get to a sustainable operating plan for the city.

Commissioner Katz asked if staff has done an analysis regarding charging for parking on Thursday nights as the city does on Friday and Saturday nights.

Vice Mayor Petrolia stated she agrees with staff suggestions for parking if the residents are provided the opportunity to park for free. She spoke regarding the reduction of millage and one tenth of a mil as suggested by staff.

Discussion ensued regarding millage and revenues.

Commissioner Jarjura asked about the General Fund and how much the city receives from ad valorem taxes. She also asked about the cost of public safety. She stated not everyone understands the numbers in the budget.

Mr. Donald B. Cooper, City Manager, spoke and stated staff will be coming back to the City Commission in the next six to eight months regarding the budget. He stated this is a follow up to the October 2015 Goal Setting Session.

Mayor Glickstein stated the goal has always been and is a sustainable financial plan. He commented regarding the goal of a tenth of a mil. He commented regarding maintenance and capital improvements; and the reduction of costs and what is needed in various departments. He stated he appreciates the work that has been done. He stated the process is still not perfect and the City Commission is still receiving information to late. He stated he is comfortable with what staff has presented tonight. Mayor Glickstein commented regarding the Community Redevelopment Agency (CRA). He stated he would like to see meaningful reductions without sacrificing levels of service.

Mr. Jeff Snyder, Assistant Chief Financial Officer, discussed the budget calendar and stated they plan to have the proposed budget to the City Commission earlier and stated they are looking to have a workshop on July 12, 2016.

Commissioner Jarjura asked about the status of OpenGov. Mr. Snyder

stated the goal is to have it ready by February 2016.

Discussion regarding the millage and goals continued between the City Commission and staff.

The direction of the City Commission was to obtain the maximum amount of services for the lowest cost possible.

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

Mr. Cooper had no responses to previous comments.

Public Comments:

1. Margie Walden read a statement into record regarding Matchpoint and the Tennis Center.

2. Jervonte Edmonds spoke about a program he has created regarding suits for seniors in high school and gave an overview of the program.

The City Commission expressed support of the program and gave comments.

3. Yvonne Odom spoke regarding youth in Delray Beach and stated she is here regarding investing in Parks and Recreation as well as the Police and Fire-Rescue Departments. She stated Delray Beach is the talk and envy of the country because of how Delray handles its youth. She asked Commission to support the public schools, recreation and investing in the youth.

4. Steven Cashen (sp) spoke regarding the parking situation and provided suggestions regarding parking and generating cashflow.

5. Victor Kirson spoke regarding the Tennis Tournament and the corresponding contract.

6. Reverend Prince Arafat spoke regarding a program he has initiated regarding previous felons working for the city. He stated they are redirecting their path. He commented about a previous reentry program and thanked the city and Mr. Coleman. He urged the Commission to come out and see what is being done with the men and women.

7. Jarred Moscovitz spoke regarding disaster debris management and discussed their contract with the city and stated it had an extension built into it and stated they repeatedly reached out to the city for two months without any response from the city. He provided the City Commission with

an overview of a meeting that finally occurred. He asked the Commission to discuss this at a future meeting.

**6. AGENDA APPROVAL**

There were no staff requested agenda changes.

Mayor Glickstein noted that Items 7.C. and 8.C.14. are to be pulled.

Commissioner Jarjura asked to pull Item 7.J.C to become Item 8.A.A.

Later, Vice Mayor Petrolia stated she would like to pull Items 8.C.12, 8.C.13 and 8.C.15.

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

**Yes:** 4 - Mayor Glickstein, Vice-Mayor Petrolia, Deputy Vice Mayor Jacquet, and Commissioner Jarjura

**Absent:** 1 - Commissioner Katz

**7. CONSENT AGENDA: City Manager Recommends Approval**

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

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

**7.A. [16-009](#) FINAL PLAT FOR BOND PLAT**

**This Request was approved.**

**7.B. [16-028](#) ACCEPTANCE OF WATER EASEMENT DEED FOR THE PROPERTY LOCATED AT 526 NORTH OCEAN BOULEVARD**

**This Request was approved.**

**7.C. [16-013](#) ACCEPTANCE OF A SIDEWALK EASEMENT DEED AND A RIGHT OF WAY DEED FOR AN ALLEY DEDICATION LOCATED AT 227 N.W. 1ST AVENUE**

**This Request was approved.**

7.D. [16-012](#) ACCEPTANCE OF A RIGHT OF WAY DEED FOR 101 S.E. 7TH AVENUE

This Request was approved.

7.E. [16-021](#) ACCEPTANCE OF A HOLD HARMLESS AGREEMENT FOR 717 S. OCEAN BLVD.

This Request was approved.

7.F. [16-010](#) ACCEPTANCE OF A HOLD HARMLESS AGREEMENT FOR 526 N. OCEAN BLVD.

This Request was approved.

7.G. [16-033](#) RATIFICATION OF CHANGE ORDER 1 AUTHORIZED BY THE CITY MANAGER FOR THE PRODUCTION WELL REHABILITATION PROJECT (PROJECT NO. 2015-019).

This Ratification was approved.

7.H. [16-066](#) RESOLUTION 05-16 SUPPORTING SENATE BILL 904 SPONSORED BY FLORIDA STATE SENATOR MARIA SACHS FOR DISTRICT 34 THAT AMENDS CHAPTER 335, SECTION 65, FLORIDA STATUTES TO REQUIRE INSTALLATION OF SOLAR-POWERED, IN-ROAD LIGHTS IN CERTAIN BICYCLE WAYS

This Resolution was adopted.

**7.I. PROCLAMATIONS:**

7.I.1. [16-076](#)

Mayor Glickstein read the proclamation into the record.

7.J. [16-063](#) REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:

This became Item 8.A.A.

Commissioner Jarjura stated she pulled Item C of the appealables report.

Mr. Cooper spoke regarding this item and stated they requested an extension and the question before Commission is to approve SPRAB's decision or to pull it off.

Commissioner Jarjura stated she would like to see the staff report and full backup. She asked if Commission supports pulling Item C.

It was the consensus of the Commission to appeal this.

**A motion was made by Commissioner Jarjura, seconded by Vice-Mayor Petrolia, to Appeal Item 7.J. C.. The motion carried by the following vote:**

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

## **7.K. AWARD OF BIDS AND CONTRACTS:**

**7.K.1. [16-020](#)** BID AWARD TO MULTIPLE VENDORS FOR TEMPORARY STAFFING SERVICES (BID NO. 2016-025)

This Item was approved.

## **8. REGULAR AGENDA:**

**8.A. [16-026](#)** APPEAL OF SPRAB APPROVAL OF A CHANGE OF USE FROM PROFESSIONAL OFFICE TO MEDICAL OFFICE AT 830-836 SE 5TH AVENUE FOR SOBER LIVING OUTPATIENT.

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 Items 8.A. and 8.B.

Mayor Glickstein asked the Commission to disclose their ex parte communications. Commissioner Katz stated he has received emails, had meetings and a site visit, Commissioner Jarjura stated she has emails on the server and had a site visit. Vice Mayor Petrolia, Deputy Vice Mayor Jacquet and Mayor Glickstein all stated they received emails on the city server.

Mr. Stillings entered project file #2015-242-SPM-SPR-CL3 into the record and presented this item. He stated staff recommends approval subject to the six conditions listed in the staff report.

Mayor Glickstein stated the applicant has requested a twenty minute presentation time and a five minute cross examination/rebuttal time.

The City Attorney suggested that the City Commission allow this time as



requested.

It was the consensus of the Commission to allow the twenty minute presentation time and to keep the cross examination and rebuttal time at two minutes each.

Mr. Michael Weiner, Applicant Attorney, provided handouts to the City Commission and spoke regarding the application, the Land Development Regulations and Florida State Statutes. He also commented regarding requirements that have been met.

Mayor Glickstein stated the applicant also requested that the cross examination not go through the chair and that he conduct his own cross examination.

It was the consensus of the Commission to allow the cross examination as the applicant requested.

Mayor Glickstein stated if anyone from the public would like to speak in favor or in opposition of this Item, to come forward at this time.

Public Comment:

1. James Quillien spoke regarding the project and parking. He provided pictures to the City Commission. He stated has not been contacted by Mr. Weiner or the applicant regarding the project.

2. Gail Lee McDermott spoke regarding the project and read a statement into record.

3. Suzanne Spencer, President of the Delray Beach Drug Task Force, spoke regarding the project.

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

Mr. Stillings had no cross examination.

Mr. Weiner conducted cross examination.

Mr. Stillings had no rebuttal.

Mr. Weiner provided a rebuttal.

Vice Mayor Petrolia stated it was a very thorough presentation.

Commissioner Jarjura commented regarding the photos and asked for clarification that they are in fact photos of the property. She thanked Mr. Weiner for the presentation.

Commissioner Katz thanked Mr. Weiner for the presentation.

Deputy Vice Mayor Jacquet commented and stated he is ready to move forward.

Mayor Glickstein thanked Mr. Weiner for the presentation and stated he is ready to move forward.

Mr. Pfeffer went through the board order with the City Commission.

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

- Yes:** 4 - Mayor Glickstein, Vice-Mayor Petrolia, Commissioner Jarjura, and Commissioner Katz
- No:** 1 - Deputy Vice Mayor Jacquet

**8.B.**     [16-082](#)

APPEAL OF PROTEST COMMITTEE DECISION/ RFP NO. 2015-61

Mr. Pfeffer discussed the memo previously provided by the City Manager and provided background information.

Ms. Lisa Colon-Heron, Smith Currie Attorney representing Blake's Towing, provided handouts (a numbers sheet and a city email) to the City Commission and presented this item. Ms. Colnon asked that the RFP process be started over.

Mr. David Scott, Assistant City Manager, presented this item as the Chair of the Protest Committee. Mr. Scott provided an overview of the protests that were heard by the Committee.

Ms. Colnon gave rebuttal.

Vice Mayor Petrolia stated this bothered her when the city was doing this and asked the City Attorney if the city is legally required to follow the percentage spelled out in the RFP.

Mr. Pfeffer spoke regarding weighted criteria and ranking.

Vice Mayor Petrolia asked what was done with Waste Management and spoke regarding the number of tows and the ranking.

Mr. Cooper spoke regarding the rate that the city will receive.

Vice Mayor Petrolia commented regarding inspections.

Deputy Vice Mayor Jacquet asked about the number of tows used and the condition of facilities. He asked if the inspections were required prior to the ranking.

Mr. Scott stated the inspections were required prior to the award.

Deputy Vice Mayor Jacquet commented about the rankings.

Mr. Scott provided responses.

Deputy Vice Mayor Jacquet commented regarding the City Commission's rankings of the companies and the appeal.

Vice Mayor Petrolia commented regarding the numbers and the information.

Ms. Vath spoke regarding the numbers provided by the Police Department.

Discussion ensued regarding the number of tows.

Mayor Glickstein asked if there was an advantage to the current vendor regarding the numbers.

Mr. Scott spoke regarding the Protest Committee perspective.

Mayor Glickstein asked how the selection committee compared the proposers.

Commissioner Katz asked about the RFP and the option. He stated this made it impossible to compare. He stated he feels this is flawed.

Mr. Pfeffer commented regarding the RFP and the estimate.

Discussion ensued regarding this item.

Mr. Pfeffer provided the City Commission with direction regarding the appeal.

Commissioner Jarjura spoke regarding the RFP and the process.

Commissioner Katz asked about the option that was added later as an addendum and asked who requested this.

The City Commission continued to discuss this appeal.

**A motion was made by Deputy Vice Mayor Jacquet, seconded by Vice-Mayor Petrolia, that the Appeal be denied. The motion failed by the following vote:**

**Yes:** 2 - Deputy Vice Mayor Jacquet, and Commissioner Jarjura

**No:** 3 - Mayor Glickstein, Vice-Mayor Petrolia, and Commissioner Katz

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

**Yes:** 3 - Mayor Glickstein, Vice-Mayor Petrolia, and Commissioner Katz

**No:** 2 - Deputy Vice Mayor Jacquet, and Commissioner Jarjura

**A motion was made by Vice-Mayor Petrolia, seconded by Commissioner Katz, to continue with the three vendors currently in place and to prepare a new, clear and concise RFP as soon as possible. The motion carried by the following vote:**

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

**8.C.** [16-077](#)

**A motion was made by Commissioner Katz, seconded by Vice-Mayor Petrolia, that the Items under Routine Business be approved. The motion carried by the following vote:**

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

**8.C.1.** [15-246](#)

BID AWARD TO MULTIPLE VENDORS FOR JANITORIAL SUPPLIES (BID 2016-014)

**This Item was approved.**

**8.C.2** [16-019](#)

BID AWARD TO MAN-CON INC. FOR LAKE IDA DRAINAGE IMPROVEMENTS (BID 2016-002)

**This Item was approved.**

**8.C.3.** [16-017](#)

BID AWARD FOR CHEVROLET PARTS TO MULTIPLE VENDORS (BID 2016-036)

**This Item was approved.**

**8.C.4.** [15-282](#)

BID AWARD FOR FERTILIZER AND CHEMICALS TO MULTIPLE VENDORS (BID 2016-018)

**This Item was approved.**

**8.C.5.** [16-016](#)

BID AWARD FOR UNIFORM AND FLAT SUPPLIES RENTAL SERVICES

TO UNIFIRST CORP. (BID 2016-028)

This Item was approved.

- 8.C.6. [16-059](#) BID AWARD TO GORACK LLC FOR DATA CENTER COLOCATION (BID 2016-038)

This Item was approved.

- 8.C.7. [16-054](#) BID AWARD TO ALTRA MEDICAL CORP. FOR NINETY (90) PHILIPS FRx AUTOMATED EXTERNAL DEFIBRILLATORS AND ACCESSORIES (BID 2016-037)

This Item was approved.

- 8.C.8. [16-018](#) BID AWARD FOR UTILITY PARTS TO MULTIPLE VENDORS (BID 2016-021)

This Item was approved.

- 8.C.9. [16-022](#) PURCHASE AWARD TO ALAN JAY FLEET SALES FOR ONE (1) FORD F550 TRUCK WITH A ALTEC AERIAL BUCKET FOR CLEAN AND SAFE

This Item was approved.

- 8.C.10. [15-244](#) PURCHASE AWARD TO ALAN JAY FLEET SALES FOR ONE (1) FORD F550 TRUCK WITH A DIAMOND BACK REFUSE BODY FOR PARK MAINTENANCE

This Item was approved.

- 8.C.11. [16-032](#) PURCHASE AWARD TO AQUIFER MAINTENANCE & PERFORMANCE SYSTEMS, INC FOR WELL REHABILITATION SERVICES

This Item was approved.

- 8.C.12. [16-025](#) PURCHASE AWARD TO TEN-8 FIRE EQUIPMENT INC. FOR ONE(1) VELOCITY PUMPER FIRE TRUCK

This became Item 8.B.B.

Ms. Holly Vath, Chief Purchasing Officer, presented this item.

Vice Mayor Petrolia commented regarding the background information of the lifespan of these vehicles. She also spoke about the financing or leasing of these types of vehicles.

Ms. Vath stated it is a financing mechanism i.e. lease purchase.

Fire Rescue Chief Danielle Connor spoke regarding the vehicles and

discussed the NPA standards and guidelines regarding apparatus and provided information regarding the number of calls the Fire Rescue department receives and stated the trucks are on the road more.

Vice Mayor Petrolia asked how often the trucks are out and why are we not utilizing a less expensive vehicle in certain instances to follow certain vehicles.

Discussion ensued regarding this topic.

Mr. Cooper stated that staff will try to get under the pricing guidelines for Highland Beach as well.

Mayor Glickstein stated he has had many conversations regarding this and stated there has been a cost benefit analysis to justify the cost and asked if this is how the city got to where it is at this time. He stated the issue before Commission tonight is the purchase of the vehicles. He commented regarding personnel.

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

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

**8.C.13. [16-007](#)** PURCHASE AWARD TO TEN-8 FIRE EQUIPMENT INC. FOR ONE(1) 75 FOOT FIRE LADDER TRUCK

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

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

**8.C.14. [16-015](#)** AMENDMENT TO SHI FOR MICROSOFT OFFICE 365 LICENSES

**This Item was approved.**

**8.C.15. [15-311](#)** PURCHASE AWARD TO HALL-MARK FIRE APPARATUS FOR A RESCUE TRANSPORT VEHICLE

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

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

**8.C.16. [16-042](#)** RENEWAL OF CONTINUING CONTRACTS FOR ENGINEERING SERVICES WITH MULTIPLE VENDORS

**This Item was approved.**

**8.D. [16-039](#)** RESOLUTION NO. 03-16 - BEST INTEREST/NORITSU AMERICA

## CORPORATION

Ms. Vath presented this item.

**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:** 5 - Mayor Glickstein, Vice-Mayor Petrolia, Deputy Vice Mayor Jacquet, Commissioner Jarjura, and Commissioner Katz

**8.E.** [16-046](#)

APPROVAL OF TERMINATION OF LAND USE RESTRICTION AGREEMENT AND AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO EXECUTE, AS APPROPRIATE, SATISFACTIONS OF MORTGAGES, AND OTHER REQUIRED CITY DOCUMENTS IN CONNECTION WITH THE SALE OF AUBURN TRACE APARTMENTS

Mr. Pfeffer presented this item.

Discussion ensued regarding this item.

**A motion was made by Commissioner Katz, seconded by Vice-Mayor Petrolia, that a Notice Of Termination of the June 29, 1989 Land Use Restriction Agreement for the Auburn Trace Apartments and to authorize the City Manager to execute Satisfactions of Mortgages and to authorize the City Attorney and City Manager to execute closing documents in connection with the sale of the Auburn Trace Apartments, be approved. The motion carried by the following vote:**

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

**8.F.** [16-065](#)

DISCUSSION: LEGAL STATUS OF AGREEMENT BETWEEN THE CITY AND MATCH POINT, INC., GRANTING MATCH POINT, INC. A LICENSE FOR PROFESSIONAL TENNIS TOURNAMENT EVENTS AT THE CITY'S TENNIS CENTER

Mr. Pfeffer presented this item and stated he will come back to the City Commission with this before taking any action.

Commissioner Jarjura stated her issue is the length and amount of this contract and that the Tennis Center be used to its best and highest potential. She asked if this falls under the procurement process and if the city can look at working together with the current party to the contract to discuss the vision for utilization.

Commissioner Katz referenced Jamie Cole's letter and stated he did not know the letter had been requested. He stated the biggest issue is payment.

Vice Mayor Petrolia discussed options referenced in the letter.

Mr. Pfeffer stated this should not be the final conversation regarding this issue. He stated he, Mr. Cole and Mr. Cooper should have a meeting and he will report back to the City Commission regarding the meeting.

Discussion continued regarding this item.

**A motion was made by Commissioner Jarjura, seconded by Vice-Mayor Petrolia, to authorize the engagement of special counsel and as appropriate to file declaratory relief in connection with this agreement and to begin discussions. The motion carried by the following vote:**

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

**8.G.** [16-071](#)

Mr. Cooper presented this item.

Vice Mayor Petrolia discussed the health of the building and the acquisition. She also asked about the costs.

Mr. Cooper stated he is asking for authorization to start the process regarding the properties. He referenced the public hearings and the contract.

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

**Yes:** 4 - Mayor Glickstein, Deputy Vice Mayor Jacquet, Commissioner Jarjura, and Commissioner Katz

**No:** 1 - Vice-Mayor Petrolia

**8.H.** [16-047](#)

**NOMINATIONS FOR APPOINTMENT TO THE CODE ENFORCEMENT BOARD**

Vice Mayor Petrolia nominated Pearl Markfield Elrod as a Regular Member; the nomination was approved, 5-0.

Deputy Vice Mayor Jacquet nominated Kevin Homer as a Regular Member; the nomination was approved, 5-0.

Commissioner Jarjura nominated Jason Dollard as an Alternate Member; the nomination was approved, 5-0.

**9. PUBLIC HEARINGS:**

**9.A.** [16-044](#)

**RESOLUTION NO. 01-16: APPROVAL OF THE CONTRACT FOR THE SALE AND PURCHASE OF A PORTION OF "BLOCK 13" LOCATED IN**



THE 600 BLOCK OF WEST ATLANTIC AVENUE TO THE DELRAY  
BEACH COMMUNITY REDEVELOPMENT AGENCY (PUBLIC HEARING)

Mr. Noel Pfeffer, City Attorney, presented this item.

Commissioner Jarjura asked that staff not deliver the deed until the City Commission approves the development agreement.

Vice Mayor Petrolia asked why was this not done prior to this point.

Mr. Pfeffer spoke regarding the quiet title action.

**A motion was made by Commissioner Katz, seconded by Commissioner Jarjura, that this Resolution be adopted; and the deed not be delivered until the City Commission approves the development agreement. The motion carried by the following vote:**

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

**9.B.** [16-027](#)

RESOLUTION NO. 02-16 BUDGET AMENDMENT FOR FY 2015/2016  
(PUBLIC HEARING)

Mr. Jeff Snyder, Assistant Chief Financial Officer, presented this item.

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

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

**9.C.** [16-024](#)

ORDINANCE NO. 25-15 (SECOND READING)

Mr. Pfeffer read the caption of this ordinance.

Mr. Tim Stillings, Planning and Zoning Director, presented this item.

**A motion was made by Commissioner Jarjura, seconded by Vice-Mayor Petrolia, that this Ordinance 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

**10. FIRST READINGS:**

**10.A.** [16-023](#)

ORDINANCE NO. 01-16 - 102 SW 12TH AVENUE, LOCAL REGISTER  
OF HISTORIC PLACES DESIGNATION

Mr. Stillings presented this item.

Deputy Vice Mayor Jacquet asked why is the city including the empty lots as part of the designation and who initiated it and do they understand what the process will be at this point.

Ms. Joyce Moore, discussed their request and stated they wanted their property designated. She discussed what their plans are for their property.

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

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

**10.B.** [16-040](#)

ORDINANCE NO. 04-16: CONSIDERATION TO APPROVE AMENDING TITLE XI, "BUSINESS REGULATIONS" OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, BY CREATING CHAPTER 120, "OPERATION AND SALE OF FOOD FROM MOBILE FOOD TRUCKS (FIRST READING)

**Recommended Action:**

Ms. Janet Meeks, Assistant Community Improvement Director, presented this ordinance.

Commissioner Jarjura asked about the section regarding canteen trucks. She referenced page 5 of the ordinance. She asked if it will say "Class II Canteen Trucks".

Mayor Glickstein asked that the canteen trucks not be allowed to use their horns in a residential section.

Ms. Meeks stated that under this ordinance ice cream and vegetable trucks are prohibited. The City Commission stated to allow the ice cream trucks.

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

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

**10.C.** [16-049](#)

ORDINANCE NO. 05-16 CONSIDERATION TO APPROVE AMENDING SECTION 37.45(Q), "SUPPLEMENTAL CODE ENFORCEMENT PROCEDURES", OF THE CODE OF ORDINANCES, TO INCLUDE ASSOCIATED CIVIL PENALTIES FOR VIOLATIONS OF ORDINANCE 04-16, WHICH IF APPROVED, WILL ALLOW THE OPERATION AND SALE OF FOOD FROM A MOBILE FOOD TRUCK (FIRST READING)

**Recommended Action:**

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

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

**11. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:****A. City Manager**

Mr. Cooper spoke regarding the public comment about the debris management contract.

**B. City Attorney**

The City Attorney had no comments.

**C. City Commission**

Commissioner Jarjura stated she spoke with Steve Hynes and David Scott earlier. She asked what happens if a disaster occurs.

Discussion ensued regarding best interest for the Debris Management Contract. It was consensus of Commission to pursue the best interest option.

Commissioner Jarjura discussed the beach master plan and referenced Spanish River Beach as a natural beach. She asked that staff look at that beach. She referenced the RFP regarding the meters, smart parking technology and management of the garages. She stated she does not know if this would be too exhaustive.

Discussion continued regarding the RFP.

Commissioner Katz referenced a community meeting with Mr. Costello and having Mr. Rob Steele facilitate it.

Deputy Vice Mayor Jacquet wished everyone a Happy New Year.

Vice Mayor Petrolia stated she received some not so great feedback regarding first night and not closing Atlantic Avenue and some safety issues. She stated the city is finding themselves in a situation again where the city is needing more help from the outside legally than the city should. She stated this is an opportunity to find out what is being spent and wished everyone a Happy New Year.

Mayor Glickstein asked the City Attorney and the Planning and Zoning Director to look at the rise of rentals/transient housing element and mentioned the Organizational Meeting date and suggested that it be moved due to that being the week of spring break. He asked that staff check for conflicts and bring that back to Commission. He also mentioned the proposed Tennis Center letter from Leviathan and stated until we figure out what is happening with Matchpoint to hold off on this.

Commissioner Jarjura asked for a status update regarding the Arts Garage.

Mayor Glickstein wished everyone Happy New Year.

Mayor Glickstein adjourned the meeting at 12:13 a.m.

**Prior to the end of City Commission Comments, A motion was made by Commissioner Katz, seconded by Commissioner Jarjura, that the meeting be extended past midnight. The motion carried by the following vote:**

**Yes:** 3 - Mayor Glickstein, Commissioner Jarjura, and Commissioner Katz

**No:** 2 - Vice-Mayor Petrolia, and Deputy Vice Mayor Jacquet