

SEPTEMBER 15, 2015

A Regular Meeting of the City Commission of the City of Delray Beach, Florida, was called to order by Mayor Cary Glickstein in the Commission Chambers at City Hall at 6:00 p.m., Tuesday, September 15, 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.1. Spotlight on Education - National Campaign for Grade-Level Reading Pace Setter Award

Janet Meeks, Education Coordinator for the City of Delray Beach, presented this item to the Commission.

Ron Fairchild, National Campaign for Grade-Level Reading, came forward and gave a few brief comments regarding the Grade-Level Reading Pace Setter Award.

Laura Simon, Executive Director of the Downtown Development Authority (DDA), stated on behalf of the DDA, Delray Beach Magazine and 18 restaurants, she presented a check in the amount of \$1,085.00 for the campaign for grade-level reading to the City of Delray Beach.

Mayor Glickstein thanked and acknowledged Ms. Meeks for all her efforts.

Ms. Meeks announced that a couple of weeks ago they launched the Mayor's Task Force on Family Engagement with approximately 55 people in attendance. Ms. Meeks stated the next meeting will be on September 28th at Plumosa School of the Arts and Delray Reads Day is on November 12th.

At this point, Mayor Glickstein acknowledged the Education Board.

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

None.

5.B. From the Public.

5.B.1. Dr. Victor Kirson, D.D.S., 2050 Alta Meadows Lane #2110, Delray Beach, FL 33444 (President of the Board of Directors of Tierra Verde at Delray Beach and Member of the Alliance), the CRA feels it is going to develop the Old School Square project. He stated the Commission spoke about it last week and he heard comments in favor of the residents and then the Commission voted against the residents (as like the iPic project). Dr. Kirson stated there a poll of 5,000 people and he feels that nobody wants that project.

5.B.2. Gary L. Fishman, 3504 Diane Drive, Boynton Beach, FL 33435 (Lake View Haven), stated he is neighborhood President representing thousands of citizens who are highly concerned about the continued threat of the City's nature area (almost 5 acres) to their community. Mr. Fishman stated the uncontrolled wildlife (i.e. alligators, rabid raccoons, possums, poisonous snakes and iguanas) and expressed concern that this is dangerous. He asked if the City has immediate plans to clean up the area and how will the City maintain the area with no land access. Mr. Fishman stated each year \$18,000 of taxpayer dollars will be lost plus with the cleaning up of in improvements that could of and would of taken place that are not now, the taxes collected could have been in the hundreds of thousands every year. Mr. Fishman requested that the Commission address his neighborhoods concerns publicly and in writing to him very soon.

5.B.3. Billy Himmelrich, 1015-01 Atlantic Avenue, Delray Beach, FL 33483 (owner of the Old School Square Bakery as well as the property that house Tramonti, Cabana El Rey, Sloans, the gym and the Stockbroker), urged the Commission to approve daytime valet parking for Tramonti restaurant. Mr. Himmelrich stated this is excess parking which is not attached to any particular tenant; this is parking that he ended up with for future development as a result of a taking or eminent domain settlement. Therefore, Mr. Himmelrich stated the request is for daytime valet parking so that they can provide parking for their tenants and he will be paying for this parking.

5.B.4. Margo Vinik, 824 Lago Road #2, Delray Beach, FL 33445, stated the Federal Reserve Bank recently announced it's moved from New York City, New York to the City of Chicago, Illinois for the purpose of removing itself from the path of eminent natural disaster. In her opinion, Ms. Vinik stated that the symbolism depicted in the City logo as seen on City utility vehicles, trash receptacles, and the murals on the east of I-95

(south side of Atlantic Avenue), seems to depict the same eminent natural disaster. She urged the Commission to do whatever is possible and in their power to save humanity.

5.B.5. Ron Gilinsky, 1405 S. Federal Highway #140, Delray Beach, FL 33483, stated he came before the Commission approximately six (6) months ago in reference to signage to be put up on Atlantic Avenue from the Fire-Rescue Department to Dunkin Donuts directing traffic north on 1st Avenue down to 1st Street and eliminate the bottleneck on Atlantic Avenue. Mr. Gilinsky expressed concern that this situation will get much worse once season begins. He stated several years ago commercial vehicles were banned from Atlantic Avenue after 11:00 a.m. in the morning; however, this is still going on which is still part of the problem with traffic.

Secondly, Mr. Gilinsky stated the main thoroughfares in Delray need to be re-lined.

5.B.6. Ron Nobili, 159 Marine Way, Slip #15, Delray Beach, FL 33483 (member of the discriminated class of Delray residents living within the Marina Historic District impacted by Ordinance No. 05-15), stated slip occupiers were enhanced by Ordinance No. 05-15 conveying to slip lessees more than one (1) parking space within the Marina Historic District. Mr. Nobili stated Ordinance No. 05-15 is flawed and slip occupiers were limited to one (1) parking space within the Marina Historic District; and, he noted slip occupiers were afforded assigned spaces and others were not. Mr. Nobili read a brief statement into the record and gave an example of a situation that happened over Labor Day weekend.

5.B.7. Pauline Moody, 609 S.W. 8th Avenue, Delray Beach, FL 33444, commented about Spotlight on Education and emphasized that everyone's conduct must display appropriate behavior for children.

Secondly, Ms. Moody expressed concern over the traffic on Atlantic Avenue and stated the two parking garages are being underutilized. She stated that valet parking permits should not be granted unless the garages are utilized first.

5.B.8. Carol Anderson, 1441 East Bexley Park Drive, Delray Beach, FL 33445 Outreach Director of S.A.F.E. (Safety as Floridians Expect), stated sidewalks should be among the highest priorities in the City's Capital Improvement Plan (CIP). For example, Ms. Anderson stated there are some spaces where the sidewalks are not connecting children to their schools. Secondly, Ms. Anderson streets on the barrier island outside of Atlantic Avenue and A-1-A which are also deplorably lacking in sidewalks; she stated these streets are unsafe for the people who live and work there, they are an eyesore. Ms. Anderson stated this makes a very bad first impression and is dangerous for people. She urged the City Commission to allocate the funds so that these sidewalks can be built this year.

5.B.9. Gary Eliopoulos, 205 George Bush Boulevard, Delray Beach, FL 33483, encouraged the Commission to work with staff and look into the new recent policy of taking public right-of-ways on every project. Mr. Eliopoulos stated this is affecting all the setbacks and in particular the streetscape in historic districts. He stated a system needs to be put into place and suggested that there be a task force before this becomes a standard.

5.B.10. Patrick Halliday, 704 N.E. 5th Street, Delray Beach, FL 33483 (Vice Chairman for Human Powered Delray (HPD)), stated HPD in cooperation with the Florida Department of Transportation (FDOT) will be holding their “Safe Streets Program” on Thursday, September 24, 2014 at the Community Center at 6:00 p.m. and it is a public announcement to the community and all the major leaders, business owners, as well as people from churches, schools, and hospitals to attend one of four free workshops being held in October/November. Mr. Halliday stated the workshops will be one hour long and are designed to teach residents rules of the road and educate them on things they would not necessarily have had to do to get a driver’s license in the state. Mr. Halliday encouraged everyone to attend because HPD feels this is a timely meeting to help stop some of the problems with pedestrian accidents in Delray Beach and the stopping of the sidewalk deferrals.

5.B.11. Alan Schlossberg, 200 MacFarlane Drive, Delray Beach, FL 33483, requested that the Commission currently hold off on recommending any monies for maintenance or repairs concerning the Florida East Coast (FEC) Railroad crossings until there is a thorough review of the 100 year old right-of-way contract because some of the northern communities are finding numerous discrepancies within that contract. He stated FEC owns the tracks and they should be any necessary improvements.

5.B.12. Peter Humanik, 704 N.E. 5th Street, Delray Beach, FL 33483, thanked the City Manager for the update on the bus shelter and the bicycle rack (not being funded by the City) that is going at Atlantic Avenue and 2nd.

Secondly, Mr. Humanik stated the CRA does an excellent job but their mission is to develop; he suggested keeping the same people but changing their mission to “maintain and improve the infrastructure within their district.” Mr. Humanik suggested that anything that comes from the CRA to the City should be reviewed, analyzed, and commented upon for the Commission by the City Manager. In addition, Mr. Humanik suggested that the CRA be placed under the City Manager.

Lastly, Mr. Humanik stated the garage is one block away that sits empty during the day and he does not know of any other daytime valet on Atlantic Avenue. He feels this will set a precedent and will draw more traffic to this area.

6. AGENDA APPROVAL.

Vice Mayor Petrolia requested that **Item 7.B., Lease Renewal Pineapple Grove Professional Center/Employee Health and Wellness Center** be moved to the

Regular Agenda as **Item 8.A.A.** and **Item 7.H., Bid Award to Capital Carpet and Tile (#6 ONLY)** be moved to the Regular Agenda as **Item 8.B.B.**

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

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

7.A. **RESOLUTION NO. 55-15/HISTORIC AD VALOREM TAX EXEMPTION/ 1108 N. VISTA DEL MAR DRIVE:** Motion to Approve Resolution No. 55-15, granting an Ad Valorem Tax Exemption to John J. Grogan and Jenny Vogt, for the historic rehabilitation of the property located at 1108 N. Vista Del Mar Drive.

The caption of Resolution No. 55-15 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION TO JOHN J. GROGAN AND JENNY VOGT, FOR THE HISTORIC REHABILITATION OF THE PROPERTY LOCATED AT 1108 NORTH VISTA DEL MAR DRIVE, AS FURTHER DESCRIBED HEREIN; DETERMINING THAT THE COMPLETED IMPROVEMENTS ARE CONSISTENT WITH LAND DEVELOPMENT REGULATION (LDR) SECTION 4.5.1(J), TAX EXEMPTION FOR HISTORIC PROPERTIES; PROVIDING AN EFFECTIVE DATE.

(The official copy of Resolution No. 55-15 is on file in the City Clerk's office.)

7.B. **THIS ITEM HAS BEEN MOVED TO THE REGULAR AGENDA AS ITEM 8.A.A.**

7.C. **SPENDING LIMIT INCREASE/MULTIPLE VENDORS:** Motion to Approve multiple acquisitions with individual purchases under \$2,500.00 that will result in spending greater than \$25,000.00 in FY 2015 for the following vendors: Sun Sentinel in an amount not to exceed \$35,000.00 for legal advertising; Roger Dean Chevrolet in an amount not to exceed \$30,000 for automotive parts; Total Truck Parts for an amount not to exceed \$30,000 for automotive parts; and Alloy Welding & Fabrication for an amount not to exceed \$30,000 for street light repairs. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(C)(1), "Acquisitions of Two Thousand Five Hundred Dollars (\$2,500.00) or Less", 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 various sources.

7.D. APPROVE RETROACTIVE SPENDING FOR MULTIPLE VENDORS IN FY 2015:

Motion to approve retroactive multiple acquisitions with individual purchases under \$2,500 from multiple vendors in an amount not to exceed \$35,000.00 in FY 2015 for each of the following vendors: Interline Brands, Dade Paper and Staples for janitorial supplies; Delray Lincoln Mercury for automotive parts and W.W. Grainger for small tools and supplies. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(C)(1), "Acquisitions of Two Thousand Five Hundred Dollars (\$2,500.00) or Less", 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 various sources.

7.E. COOPERATIVE PURCHASE AGREEMENT FOR THE P25 RADIO SYSTEM:

Motion to approve authorization for Palm Beach County to negotiate an agreement with Motorola for the P25 radio system.

7.F. PROCLAMATIONS:

- 1.** None

7.G. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD

ACTIONS: Motion to accept the actions and decisions made by the Land Development Boards for the period August 17, 2015 through August 28, 2015.

7.H. AWARD OF BIDS AND CONTRACTS:

- 1.** Motion to Approve Renewal of a Bid Award (Bid No. 2014-33) for one year through October 31, 2016, to Howard Fertilizer & Chemical Company, John Deere Landscapes, Sunniland Corp., and Univar USA for the purchase of chemicals and fertilizers through the Co-Op annual contract, on an "as needed basis", in an amount not to exceed \$40,000.00 per vendor for FY 15/16. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.03(B), "Multiple Acquisitions from Vendor Exceeding Twenty Five Thousand (\$25,000.00) in any Fiscal Year". Funding is available from multiple accounts.
- 2.** Motion to Approve a Bid Award (Bid No. 2015-54) to Delray Auto Mall for short term vehicle leasing, in an amount not to exceed \$30,000.00 per fiscal year for a three year term with two additional one year renewal periods in accordance with the Code of Ordinances, Chapter 36, Section 36.02(A)(1), "Competitive Bids". Funding is available from 001-2115-521-44.40 (General Fund: Police/ Operations Bureau/Vehicle Rental/Lease).
- 3.** Motion to Approve a Bid Award (Bid No. 2015-45) to Al Packer, Inc. and Delray Motors, in an amount not to exceed \$40,000.00, for original equipment manufacturer parts and service for Ford parts. This recommendation is in compliance with the Code of

Ordinances, Chapter 36, Section 36.03(B), "Multiple Acquisitions from Vendor Exceeding Twenty Five Thousand (\$25,000.00) in any Fiscal Year". Funding is available from 501-3311-591-52.50 (Garage Fund: City Garage/Intragovernmental Service/Operating Supplies/ External Parts).

- 4.** Motion to Approve a Bid Award (Bid No. 2015-63) to Fast-Dry Courts in the amount of \$29,000.00 for Tennis Court Resurfacing. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(A)(1), "Competitive Bids". Funding is available from 001-4215-575-46.90 (General Fund: Tennis Operations/Tennis Centers/Other Repair and Maintenance).
- 5.** Motion to Approve a Bid Award (Bid No. 2015-53) to Johnson Davis, Inc. in the amount of \$33,300.00 for Duckbill Flex Valves with Mounting Plates. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(A)(1), "Competitive Bids". Funding is available from 448-5416-538-46.90 (Stormwater Utility Fund: Stormwater System Maintenance/Flood Control/Other Repair/Maintenance Cost).
- 6.** **THIS ITEM HAS BEEN MOVED TO THE REGULAR AGENDA AS ITEM 8.B.B.**

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

8. REGULAR AGENDA:

8.A.A. LEASE RENEWAL/PINEAPPLE GROVE PROFESSIONAL CENTER/EMPLOYEE HEALTH AND WELLNESS CENTER: Motion to approve a retroactive renewal of the Lease Agreement with Pineapple Grove Professional Center for the period March 1, 2015 through February 29, 2016, in the amount of \$50,537.88 for the Employee Health and Wellness Center.

Vice Mayor Petrolia stated \$50,537.88 would do a great renovation possibly of one of the buildings the City has and then the City would not have this ongoing cost on an annual basis.

Vice Mayor Petrolia moved to approve Item 7.B. (formerly Item 8.A.A.), seconded by Mr. Katz. Upon roll call the Commission voted as follows: Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes. Said motion passed with a 5 to 0 vote.

8.B.B. MOTION TO APPROVE A BID AWARD (BID NO. 2015-70) TO CAPITAL CARPET AND TILE IN THE AMOUNT OF \$43,501.30 FOR FLOORING FOR FIRE STATIONS NO. 1, NO. 2, NO. 3, NO. 4 AND NO. 5: This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(A)(1), "Competitive Bids". Funding is available from 001-2311-522-46.10 (General Fund: Fire Administration/Repair and Maintenance Service/Building Maintenance).

Holly Vath, Chief Purchasing Officer presented this item to the Commission.

Vice Mayor Petrolia expressed concern that the figure is very high and stated \$6.00 a square foot for vinyl is excessive. Vice Mayor Petrolia inquired as to why we would not go with something that would be much more durable than to go with something that is possibly less durable and just as expensive if not less expensive than tile.

Brief discussion between the Commission and Ms. Vath followed.

Chief Green gave a few brief comments.

Mayor Glickstein gave direction to staff to report back to the City Commission who developed the criteria and why.

Vice Mayor Petrolia moved to remove **Item 8.B.B. (formerly Item 7.H.6.)** to a later date, 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.

8.A. WAIVER TO REDUCE SETBACK REQUIREMENT FOR SAMAR MIXED-USE: Consider a request for a waiver to Land Development Regulations (LDR) 4.4.13(D)(2)(a)(2), "Dimensional Requirements for CBD Sub-Districts", to reduce the rear setback requirement from 10 feet to 5 feet for Samar Mixed-Use, located on the west side of S.E. 5th Avenue, between S.E. 2nd Street and S.E. 3rd Street. (*Quasi-Judicial Hearing*)

Mayor Glickstein read the City of Delray Beach Quasi-Judicial rules into the record for **Items 8.A., 8.B., and 8.C.**

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. Mr. Katz stated he had no ex parte communications to disclose. Ms. Jarjura stated she spoke to Jim Knight approximately one year ago (conceptually). Mayor Glickstein stated he had no ex parte communications to disclose. Vice Mayor Petrolia stated she had no ex parte communications to disclose. Deputy Vice Mayor Jacquet stated he had no ex parte communications to disclose.

Tim Stillings, Director of Planning and Zoning, entered the Planning and Zoning Department project file #2015-014-SPF into the record and presented this item to the Commission.

Paul Slattery, Slattery & Associates Architects, Boca Raton, speaking on behalf of the Applicant, gave a brief presentation regarding the project.

Mayor Glickstein asked if anyone from the public would like to give testimony on this item.

Jim Smith, 1225 South Ocean Boulevard, Delray Beach, FL 33483, read a brief statement into the record. Mr. Smith stated the Planning and Zoning staff recommends approval of this requested alley setback waiver and urged the City Commission to approve this request.

James Quillian, 925 S.E. 2nd Avenue, Delray Beach, FL 33483, supports this project and gave a few brief comments about the project.

Kevin Homer, lives two blocks West of the project, supports the project.

Jim Knight, 123 East Atlantic Avenue, Delray Beach, FL 33483, stated this project will create jobs for the community.

There being no one else from the public who wished to give testimony on this item, the public comment was closed.

There was no cross-examination or rebuttal.

Brief discussion by the Commission ensued.

At this point, Mr. Slattery gave brief comments regarding the grade level parking.

Deputy Vice Mayor Jacquet moved to ***table Item 8.A.,*** 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.

It was the consensus of the City Commission to have a more detailed presentation with respect to the length of the building and the specific impacts (i.e. lights, noise from the cars) along the length of that building to the single family neighborhood.

At this point, the time being 7:30 p.m., the Commission moved to the duly advertised Public Hearings portion of the Agenda.

9.

PUBLIC HEARINGS:

9.A. ORDINANCE NO. 18-15 (FIRST READING/FIRST PUBLIC HEARING):

Motion to Approve Ordinance No. 18-15, amending the Land Development Regulations of the City of Delray Beach; amending Article 4.4.13(B)(6), “Old School Square Historic Arts District (OSSHAD) Zoning With CBD Overlay”; Section 4.4.13(B), Figure 4.4.13-5, “Central Core & Beach Sub-Districts Regulating Plan”; Section 4.4.13(B), “West Atlantic Neighborhood Sub-District Regulating Plan”; amending Section 4.4.13(C), “Allowable Uses”; amending Section 4.4.13(D)(1)(A), “Building Height”; amending Section 4.4.13(E)(4), “Frontage Types”; amending Section 4.4.13(F), “Architectural Standards”; amending Section 4.4.13(G), “Civic Open Spaces”; amending Section 4.4.13(I)(2), “Minimum Number of Off-Street Spaces”; amending Section 4.4.13(K)(7), “Conditional Uses”; amending Section 4.4.24(B), “Principal Uses And Structures”; amending Section 4.4.24(C), “Accessory Uses and Structures Permitted”; amending Section 4.4.24(F), “Development Standards”; amending Section 4.5.1(E)(2), “Major And Minor Development”; amending Section 4.5.6(B), “Defined”; amending Section 4.7, “Findings”; amending Appendix A, “Definitions”. If passed, a second reading and second public hearing will be held on October 6, 2015.

The caption of Ordinance No. 18-15 is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH; AMENDING ARTICLE 4.4.13(B)(6) “OLD SCHOOL SQUARE HISTORIC ARTS DISTRICT (OSSHAD) ZONING WITH CBD OVERLAY”; SECTION 4.4.13(B) FIGURE 4.4.13-5 “CENTRAL CORE & BEACH SUB-DISTRICTS REGULATING PLAN”; SECTION 4.4.13(B) “WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT REGULATING PLAN”; AMENDING SECTION 4.4.13(C) “ALLOWABLE USES”; AMENDING SECTION 4.4.13(D)(1)(A) “BUILDING HEIGHT”; AMENDING SECTION 4.4.13(E)(4) “FRONTAGE TYPES”; AMENDING SECTION 4.4.13(F) “ARCHITECTURAL STANDARDS”; AMENDING SECTION 4.4.13(G) “CIVIC OPEN SPACES”; AMENDING SECTION 4.4.13(I)(2) “MINIMUM NUMBER OF OFF-STREET SPACES”; AMENDING SECTION 4.4.13(K)(7) “CONDITIONAL USES”; AMENDING SECTION 4.4.24(B) “PRINCIPAL USES AND STRUCTURES”; AMENDING SECTION 4.4.24(C) “ACCESSORY USES AND STRUCTURES PERMITTED”; AMENDING SECTION 4.4.24(F) “DEVELOPMENT STANDARDS”; AMENDING SECTION 4.5.1(E)(2) “MAJOR AND MINOR

DEVELOPMENT”; AMENDING SECTION 4.5.6(B) “DEFINED”; AMENDING SECTION 4.7 “FINDINGS”; AMENDING APPENDIX A “DEFINITIONS”; PROVIDING A SAVING CLAUSE, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE.

(The official copy of Ordinance No. 18-15 is on file in the City Clerk’s office.)

The City Attorney read the caption of the ordinance. A public hearing was held having been legally advertised in compliance with the laws of the State of Florida and the Charter of the City of Delray Beach, Florida.

Anthea Giannotes, Treasure Coast Regional Planning Council, presented this item to the Commission.

Mayor Glickstein declared the public hearing open.

Peter Humanik, 704 N.E. 5th Street, Delray Beach, FL 33483, suggested that the valet parking during the daytime be addressed.

Brief discussion by the Commission followed.

There being no one from the public who wished to address the Commission regarding Ordinance No. 18-15, the public hearing was closed.

It was the consensus of the City Commission to prohibit drive-thru’s in the Central Business District (CBD).

Vice Mayor Petrolia moved to approve Ordinance No. 18-15 with language to prohibit drive-thru’s in the Central Business District (CBD), 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.

9.B. RESOLUTION NO. 62-15 FINAL MILLAGE LEVY DDA: A resolution 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. 62-15 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, TO 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. 62-15 is on file in the City Clerk's office.)

A public hearing was held having been legally advertised in compliance with the laws of the State of Florida and the Charter of the City of Delray Beach, Florida.

The City Attorney read the caption of the resolution and stated that a tax of \$1.0000 per one thousand dollars (\$1,000.00) of assessed valuation is hereby levied on all taxable property within the Downtown Development Authority Taxing District of 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 purpose of financing the operation of the Downtown Development Authority Taxing District revenue derived from said tax for operating and maintenance expenses of the Downtown Development Authority Taxing District, and also in addition, all revenues derived by said Taxing District 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 Downtown Development Authority Taxing District of the City of Delray Beach is \$728,127,037. The operating millage rate of \$1.0000 per one thousand dollars (\$1,000.00) is more than the rolled-back rate of \$0.9008 per one thousand dollars (\$1,000.00) by 11.01%. That the above millage rate is adopted pursuant to Florida Statutes Section 200.065(2)(e)(2), and subject to adjustment in accordance with Section 200.065(5) of the Florida Statutes which provides that each affected taxing authority, other than municipalities, counties, school boards, and water management districts, 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 three percent (3%) with the taxable value shown on the assessment roll to be extended. The City Attorney stated public hearings were held on the budget on September 5, 2015 and September 15, 2015.

Mark Denkler, Chairman of the Downtown Development Authority (DDA), recommends approval of Resolution No. 62-15 for the 1.000 mill tax levy for fiscal year 2015/2016. Mr. Denkler stated Laura Simon was elected the Executive Director starting October 1st and she will replace Marjorie Ferrer.

Brief discussion by the Commission followed.

Ms. Jarjura moved to approve Resolution No. 62-15, 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.

9.C. **RESOLUTION NO. 61-15 FINAL MILLAGE LEVY:** A resolution 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. 61-15 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, TO LEVY A TAX ON ALL PROPERTIES WITHIN THE CITY OF DELRAY BEACH, FLORIDA, FOR MAINTENANCE AND OPERATION, AND TO 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. 61-15 is on file in the City Clerk's office.)

A public hearing was held having been legally advertised in compliance with the laws of the State of Florida and the Charter of the City of Delray Beach, Florida.

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 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 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 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 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. The City Attorney stated public hearings were held on the budget on September 3, 2015 and September 15, 2015.

The City Manager presented this item to the Commission.

Mayor Glickstein declared the public hearing open.

The following individuals spoke regarding the budget: Jim Smith, Yvonne Odom, Dr. Victor Kirson, and Peter Humanik.

Brief discussion by the Commission followed.

Vice Mayor Petrolia moved to adopt the final millage rate with a reduction of \$2 million, seconded by Mr. Katz. Upon roll call the Commission voted as follows: Ms. Jarjura – No; Mayor Glickstein – No; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – No; Mr. Katz – Yes. Said motion was **DENIED** with a 3 to 2 vote, Vice Mayor Petrolia and Mr. Katz dissenting.

Ms. Jarjura moved to **approve** the millage rate (7.3367; 7.0611 operating and 0.2756 debt) for fiscal year 2016, seconded by Deputy Vice Mayor Jacquet. Upon roll call the Commission voted as follows: Mayor Glickstein – Yes; Vice Mayor Petrolia – No; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – No; Ms. Jarjura – Yes. Said motion passed with a 3 to 2 vote, Vice Mayor Petrolia and Mr. Katz dissenting.

9.D. RESOLUTION NO. 63-15 BUDGET ADOPTION FOR FY 2016: A resolution 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. 63-15 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, MAKING 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. 63-15 is on file in the City Clerk's office.)

A public hearing was held having been legally advertised in compliance with the laws of the State of Florida and the Charter of the City of Delray Beach, Florida.

The City Manager gave a few brief comments regarding the budget.

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

Mayor Glickstein declared the public hearing open.

The following individuals spoke:

Susan Ruby, Dr. Victor Kirson, D.D.S. and Peter Humanik gave a few brief comments.

There being no one else from the public who wished to address the Commission, the public hearing was closed.

Brief discussion by the Commission ensued.

Ms. Jarjura moved to adopt the budget, seconded by Deputy Vice Mayor Jacquet. Upon roll call the Commission voted as follows: Vice Mayor Petrolia – No; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – No; Ms. Jarjura – Yes; Mayor Glickstein – Yes. Said motion passed with a 3 to 2 vote, Vice Mayor Petrolia and Mr. Katz dissenting.

9.D.1. APPROVAL OF FISCAL YEAR (FY) 2016-2020 CAPITAL IMPROVEMENT PLAN (CIP): Motion to approve the proposed FY 2016-2020 Capital Improvement Plan (CIP).

The City Manager briefly spoke about the CIP.

Isaac Kovner, City Engineer, presented this item to the Commission.

Randal Krejcarek, Director of Environmental Services, gave a few brief comments.

Brief discussion by the Commission ensued.

Mr. Katz moved to approve the Capital Improvement Plan (CIP), 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 – No. Said motion passed with a 4 to 1 vote, Vice Mayor Petrolia dissenting.

At this point, the time being 10:37 p.m., the Commission moved back to **Item 8.B.** of the Regular Agenda.

8.B. WAIVER FOR TEMPORARY IDENTIFICATION SIGNS ON CONSTRUCTION SITE FENCING: Consider a waiver request to Land Development Regulations (LDR) Section 4.6.7 (F)(3)(i), “Temporary Identification Signs”, for Seaside Builders at three locations, 344 North Ocean Boulevard, 150 Andrews Avenue and 110 MacFarlane Drive to exceed the maximum sign area of thirty two (32) square feet. (*Quasi-Judicial Hearing*)

The City Manager stated the applicant has requested that this item be removed from the Agenda and be brought back at a later date.

Ms. Jarjura moved to remove **Item 8.B.** from the Agenda, 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. WAIVER TO THE STACKING DISTANCE FOR SECURITY GATES/DELRAY BUICK GMC: Waiver to allow a 20 feet stacking distance for security gates, where a minimum 100 feet stacking distance is required, for Delray Buick GMC, located at 2400 South Federal Highway. (*Quasi-Judicial Hearing*)

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

Mark McDonnell, Assistant Director of Planning and Zoning, entered the Planning and Zoning Department project file #2015-162 SP1 into the record and presented this item to the Commission.

It was noted that the applicant had to leave the meeting.

Mayor Glickstein stated if anyone from the public would like to speak in favor or in opposition of the waiver, to come forward at this time. There being no one from the public who wished to give testimony on this item, the public comment was closed.

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).

Mr. Katz moved to approve the Board Order as presented (approving the waiver), 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.D. AMENDMENT NO. 1 TO THE PARKING LICENSE AGREEMENT/LSMS, INC. D/B/A TRAMONTI RESTAURANT: Motion to approve Amendment No. 1 to the Parking License Agreement with LSMS, Inc. D/B/A Tramonti Restaurant, to operate its valet queue during daytime hours.

The City Attorney stated if the Commission chooses to approve this item it should be approved with the following amendment so that it is clear. The anniversary date for the three percent (3%) adjustment shall be October 1st and the 3% adjustment shall commence effective October 1, 2015. The City Attorney stated staff has talked to the other party and they have concurred with that recommendation.

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

Mr. Himmelrich stated this is private parking spaces and they just want to operate it during the day.

Brief discussion by the Commission ensued.

No action was taken on this item.

Mr. Katz moved to extend the meeting past 11:00 p.m., seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – No; Deputy Vice Mayor Jacquet – No; Mr. Katz – Yes. Said motion passed with a 5 to 0 vote, Vice Mayor Petrolia and Deputy Vice Mayor Jacquet dissenting.

8.E. PURCHASE AWARD TO MULTIPLE VENDORS FOR NINE NEW VEHICLES: Motion to approve the purchase of seven vehicles from various vendors through Florida Sheriff's Contract No. 14-22-0904 and two vehicles from Garber Chevrolet through Florida State Contract No. 25100000-15-01 for a total amount of \$200,940.00. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(C)(7)(a), "Utilization of Other Governmental Entities' Contracts". Funding is available from 501-3312-591-64.20 (Garage Fund: Machinery/Equipment/Automotive).

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

Brief discussion followed regarding the lease vehicles versus the purchase vehicles.

Mr. Katz moved to approve the purchase award to multiple vendors for nine (9) new vehicles, 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.

At this point, Mayor Glickstein stepped away from the dais.

8.F. PURCHASE AWARD/OVIVO USA, LLC./VACUUM FILTER UNITS AT THE WATER TREATMENT PLANT: Motion to approve a purchase award to Ovivo USA, LLC. in the amount of \$43,350.00 for the repair and rebuild of Dewatering Vacuum Filter Units at the Water Treatment Plant. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(C)(6)(b), “City Standard”, and Section 36.02(C)(6)(a), “Sole Source”. Funding is available from 441-5122-536-46.90 (Water and Sewer Fund: Repair & Maintenance Service/Other Repair/Maintenance Cost).

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

Mr. Katz moved to approve the purchase award to Ovivo USA, LLC. in the amount of \$43,350.00, 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. Said motion passed with a 4 to 0 vote.

At this point, Mayor Glickstein returned to the dais.

8.G. RESOLUTION NO. 64-15/BEST INTEREST RESOLUTION – EAGLE METAL PRODUCTS: Motion to approve Resolution No. 64-15, authorizing acquisitions with Eagle Metal Products (Eagle Metal) in an not to exceed \$65,000.00 per year for the assembly, dis-assembly, and for providing maintenance to the City’s 100 feet Steel Christmas Tree for a two year period; 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”.

The caption of Resolution No. 64-15 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING ACQUISITIONS WITH EAGLE METAL PRODUCTS (EAGLE METAL) IN A NOT TO EXCEED AMOUNT OF \$65,000 PER/YEAR FOR THE ASSEMBLY, DIS-ASSEMBLY, AND FOR PROVIDING THE MAINTENANCE FOR THE CITY’S 100’ STEEL CHRISTMAS TREE; FOR A TWO YEAR PERIOD; 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. 64-15 is on file in the City Clerk's office.)

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

Mr. Katz moved to approve Resolution No. 64-15/Best Interest Resolution with Eagle Metal Products (Eagle Metal) for a two (2) year period not to exceed \$65,000.00 per year for the assembly, dis-assembly, and maintenance to the City's 100 foot steel Christmas Tree, seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes. Said motion passed with a 5 to 0 vote.

8.H. REIMBURSEMENT AGREEMENT/FLORIDA EAST COAST RAILWAY, LLC. (FEC)/ RAILROAD CROSSING RECONSTRUCTION: Motion to approve reimbursement to Florida East Coast Railway, LLC. (FEC), in an amount not to exceed \$60,000.00 for the reconstruction of the railroad crossing located at N.E. 14th Street. Funding is available from 334-3162-541-46.90 (General Construction Fund: Repair & Maintenance Services/Other Repair/Maintenance Costs).

Ms. Jarjura declared a conflict of interest and recused herself from the dais.

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

Brief discussion between Mr. Krejcarek and Vice Mayor Petrolia followed.

Mr. Katz moved to approve the reimbursement agreement to Florida East Coast Railway, LLC (FEC) in an amount not to exceed \$60,000.00, seconded by Vice Mayor Petrolia. Mr. Katz – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes. Said motion passed with a 4 to 0 vote.

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

8.I. BID AWARD/NATIONS ROOFING OF FLORIDA, LLC./POLICE DEPARTMENT'S GUN RANGE ROOF: Motion to approve a Bid Award (Bid No. 2015-49) to Nations Roofing of Florida, LLC., the *lowest responsive bidder*, in the amount of \$95,447.00 for the Police Department's Gun Range Flat Roof Replacement, Project No. 14-016. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(A)(1), "Sealed Competitive Method". Funding is available from 334-2111-521-63.90 (General Construction Fund: Capital Outlay/Other Improvements).

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

Brief discussion between staff and the Commission followed.

Mr. Katz moved to approve the Bid Award (Bid No. 2015-49) to Nations Roofing of Florida, LLC., the *lowest responsive bidder* in the amount of \$95,447.00 for the Delray Beach Police Department Gun Range Flat Roof Replacement, 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. MAINTENANCE AND SUPPORT AGREEMENT/MOTOROLA SOLUTIONS, INC./RADIO SYSTEM: Motion to affirm sole source provider determination of Motorola Solutions, Inc.; and Second Motion to Approve a one-year Motorola Maintenance and Support Agreement in the amount of \$116,847.72 for contract term October 1, 2015 through September 30, 2016. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(C)(6)(a), “Sole Source”. Funding is available from multiple accounts contingent upon FY 2015-2016 budget approval.

Holly Vath, Chief Purchasing Officer, presented this item to the Commission.

Mr. Katz moved to approve **Item 8.J.**, seconded by Vice Mayor Petrolia. Upon roll call the Commission voted as follows: Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes. Said motion passed with a 5 to 0 vote.

8.K. CONTRACT AWARD TO SPERRY VAN NESS – CORPORATE PROPERTY STRATEGIES, LLC./VALUATION CONSULTING PARTNERS, LLC. FOR PROPERTY VALUATION: Motion to approve a contract award (RFP 2015-50) to Sperry Van Ness – Corporate Property Strategies, LLC/Valuation Consulting Partners, LLC. in the amount of \$57,500.00 for property valuation services. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(A)(2), “Requests for Proposals”. Funding is available from 001-6111-519-99.03 (General Fund: Other Non-Operating/Manager’s Contingency).

Holly Vath, Chief Purchasing Officer, presented this item to the Commission.

Brief discussion between staff and the Commission ensued.

Mr. Katz moved to approve the contract award to Sperry Van Ness – Corporate Property Strategies, LLC./Valuation Consulting Partners, LLC. for property valuation, 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.L. BID AWARD/STAFFING CONNECTION D/B/A ACTION LABOR OF FLORIDA/SCHOOL CROSSING GUARDS: Motion to approve a Bid Award

(Bid No. 2015-60) to Staffing Connection d/b/a Action Labor of Florida, the *lowest responsive bidder*, for a three year term with two optional two-year renewal periods, in an amount not to exceed \$155,000.00 per fiscal year. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(A)(1), "Competitive Bids". Funding is available from 001-2115-521-34.90 (General Fund: Other Contractual Service).

Holly Vath, Chief Purchasing Officer, presented this item to the Commission.

The City Manager noted for the record that this is \$27,000.00 a year cheaper.

Deputy Vice Mayor Jacquet stated he understands this is cheaper; however, he expressed concern over the *quality* of crossing guards. He suggested that the City makes sure to continue to review the people we have to ensure that we rank at the top as far as quality crossing guards.

Vice Mayor Petrolia moved to approve Bid Award (Bid 2015-60) for School Crossing Guards to the lowest responsive bidder, Staff Connection d/b/a Action Labor of Florida for a three (3) year term with two (2) optional two (2) year renewal periods in an amount not to exceed \$155,000 per fiscal year, seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes. Said motion passed with a 5 to 0 vote.

8.M. RESOLUTION NO. 57-15/FLORIDA MUNICIPAL INSURANCE TRUST (FMIT)/RENEWAL OF INSURANCE POLICY: Motion to approve Resolution No. 57-15 authorizing the acquisition of Property, Excess Liability and Excess Workers' Compensation Insurance Coverage from the Florida Municipal Insurance Trust (FMIT) for FY 2016, in the amount of \$1,145,742.00, for the coverage period October 1, 2015 to September 30, 2016; 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". Funding is available from various sources.

The caption of Resolution No. 57-15 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING THE ACQUISITION OF PROPERTY, EXCESS LIABILITY AND EXCESS WORKERS' COMPENSATION INSURANCE COVERAGE FROM THE FLORIDA MUNICIPAL INSURANCE TRUST FOR FISCAL YEAR 2016 FOR THE RISK MANAGEMENT DIVISION, 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. 57-15 is on file in the City Clerk's office.)

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

Ms. Jarjura moved to approve Resolution No. 57-15 authorizing the acquisition of Property, Excess Liability and Workers' Compensation Insurance Coverage from the Florida Municipal Insurance Trust (FMIT) for fiscal year 2016, in the amount of \$1,145,742.00, for the coverage period October 1, 2015 to September 30, 2016, seconded by Mr. Katz. Upon roll call the Commission voted as follows: Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes. Said motion passed with a 5 to 0 vote.

8.N. RESOLUTION NO. 52-15: AMENDMENT OF THE MEMBER COMPOSITION ON THE PARKING MANAGEMENT ADVISORY BOARD:

Motion to approve an amendment to Resolution No. 88-97 which established the Parking Management Advisory Board, as subsequently amended by Resolutions No. 10-98, No. 33-98, No. 63-00, and No. 20-04 by amending Section 3, pertaining to "Membership Composition", to provide for the addition of one representative from the Green Implementation Advancement Board and to provide for the elimination of one citizen-at-large representative effective July 31, 2017.

The caption of Resolution No. 52-15 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING RESOLUTION NO. 88-97 WHICH ESTABLISHED THE PARKING MANAGEMENT ADVISORY BOARD, AS SUBSEQUENTLY AMENDED BY RESOLUTIONS 10-98, 33-98, 63-00, and 20-04 BY AMENDING SECTION 3 PERTAINING TO MEMBERSHIP COMPOSITION TO PROVIDE FOR THE ADDITION OF ONE REPRESENTATIVE FROM THE GREEN IMPLEMENTATION ADVANCEMENT BOARD; TO PROVIDE FOR THE ELIMINATION OF ONE CITIZEN-AT-LARGE REPRESENTATIVE EFFECTIVE JULY 31, 2017; PROVIDING AN EFFECTIVE DATE.

(The official copy of Resolution No. 52-15 is on file in the City Clerk's office.)

The City Attorney presented this item to the Commission and stated there was consensus of the Commission to add one (1) member of the Green Implementation Advancement Board to the Parking Management Advisory Board; initially that recommendation was to have that one (1) member instead of the two (2) citizen-at-large appointments; however, the two (2) citizen-at-large appointments were recently made, and rather than have someone not complete a newly appointed term, this resolution will add an additional member to this Parking Management Board from the Green Implementation Advisory Board and then when the two (2) At-Large seats expire in 2017, the Commission will only replace *one* (1) of them and then they will have the Green Implementation Advisory Board.

Mr. Katz moved to approve Resolution No. 52-15, 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.

8.O. **RESOLUTION NO. 65-15:** Motion to approve Resolution No. 65-15; urging the Palm Beach County Legislative Delegation to support a House Bill and a Senate Bill in efforts to repeal Chapter 25784, Laws of Florida, which created the civil service system for the City of Delray Beach.

The caption of Resolution No. 65-15 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, URGING THE PALM BEACH COUNTY LEGISLATIVE DELEGATION TO SUPPORT A HOUSE BILL AND A SENATE BILL IN EFFORTS TO REPEAL CHAPTER 25784, LAWS OF FLORIDA, WHICH CREATED THE CIVIL SERVICE SYSTEM FOR THE CITY OF DELRAY BEACH; PROVIDING AN EFFECTIVE DATE.

(The official copy of Resolution No. 65-15 is on file in the City Clerk's office.)

The City Attorney presented this item to the Commission and stated this is a resolution the repeal of a Special Act creating the Delray Beach Civil Service Code Special Act. The City Attorney stated in order to repeal the Special Act the City also has to have a referendum. The City Attorney stated with respect to the referendum there are three (3) potential dates the City could have that referendum occur: (1) Presidential Preference Primary on March 15, 2016, (2) General Election on November, (3) City Election March 2017. The City Attorney stated it would be fairly economical to put a referendum question on that ballot because there is \$400.00 set-up fee and the Supervisor of Elections would charge the City the actual cost for ballot preparation and whatever else is required.

Mr. Katz moved to approve Resolution No. 65-15, 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.

Mayor Glickstein stated the issue of whether or not the City uses an internal auditor would also have to be a referendum. Mayor Glickstein asked that this come back before the City Commission for discussion along with any other items that the City Manager believes would require a referendum.

8.P. NOMINATION FOR APPOINTMENT TO THE PLANNING AND ZONING BOARD (P&Z): Nomination for appointment of one (1) regular member to serve on the Planning and Zoning Board to serve a two-year term ending August 31, 2017. Based on the rotation system, the nomination for appointment will be made by Vice Mayor Petrolia (Seat #1).

Vice Mayor Petrolia moved to nominate Louis Smith as a regular member to the Planning and Zoning Board to serve a two (2) year term ending August 31, 2017, seconded by Mr. Katz. Upon roll call the Commission voted as follows: Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – No; Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – No. Said motion passed with a 3 to 2 vote, Deputy Vice Mayor Jacquet and Mayor Glickstein dissenting.

8.Q. NOMINATIONS FOR APPOINTMENT TO THE HISTORIC PRESERVATION BOARD (HPB): Nominations for appointment of two (2) 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) and Commissioner Katz (Seat #3).

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

Mr. Katz moved to nominate Kelly Barrette as a regular member to the Historic Preservation Board (HPB) to serve a two (2) year term ending August 31, 2017, seconded by Vice Mayor Petrolia. Upon roll call the Commission voted as follows: Mr. Katz – Yes; Ms. Jarjura – No; Mayor Glickstein – No; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – No. Said motion to nominate Kelly Barrette was ***DENIED*** with a 3 to 2 vote, Mr. Katz and Vice Mayor Petrolia dissenting.

Mr. Katz moved to nominate Andrea Sherman (incumbent) as a regular member to the Historic Preservation Board (HPB) to serve a two (2) year term ending August 31, 2017, 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.

10. FIRST READINGS:

10.A. ORDINANCE NO. 24-15 - FIVE YEAR CAPITAL IMPROVEMENT PLAN (FIRST READING): Motion to approve Ordinance No. 24-15, updating the Capital Improvement Plan Schedule in the Comprehensive Plan of the City Of Delray Beach for FY 2015-16 to FY 2019-20 in accordance with the requirements of Policy A-3.3 and A-3.4 of the Capital Improvement Element. If passed, a public hearing will be held on October 6, 2015.

The caption of Ordinance No. 24-15 is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, UPDATING THE CAPITAL IMPROVEMENT PLAN SCHEDULE IN THE COMPREHENSIVE PLAN OF THE CITY OF DELRAY BEACH FOR FY 2015-16 TO FY 2019-20 IN ACCORDANCE WITH THE REQUIREMENTS OF POLICY A-3.3 AND A-3.4 OF THE CAPITAL IMPROVEMENT ELEMENT; PROVIDING FOR SEVERABILITY; PROVIDING A GENERAL REPEALER CLAUSE, A SAVING CLAUSE, AN EFFECTIVE DATE.

(The official copy of Ordinance No. 24-15 is on file in the City Clerk's office.)

The City Attorney read the caption of the ordinance.

Mark Stivers, Principal Planner, presented this item to the Commission.

Mr. Katz moved to approve Ordinance No. 24-15 on FIRST Reading, 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.

10.B. ORDINANCE NO. 20-15 (FIRST READING): Motion to approve Ordinance No. 20-15, amending the Land Development Regulations (LDR) of the City of Delray Beach, by amending Section 2.4.3, "Submission Requirements", Subsection (K), "Fees", Paragraph (1), "Development Applications", to increase the Development Application Fees and providing for a Cost Recovery Provision and Fast-Track Review for certain applications, and Paragraph (3), "Permit Fees", Subsection (F), "Signs And Signing". If passed, a public hearing will be held on October 6, 2015.

The caption of Ordinance No. 20-15 is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH, BY AMENDING SECTION 2.4.3, "SUBMISSION REQUIREMENTS", SUBSECTION (K), "FEES", PARAGRAPH (1), "DEVELOPMENT APPLICATIONS" TO INCREASE THE DEVELOPMENT APPLICATION FEES AND PROVIDING FOR A COST RECOVERY PROVISION AND FAST-TRACK REVIEW FOR CERTAIN APPLICATIONS, AND PARAGRAPH (3), "PERMIT FEES", SUBSECTION (f), "SIGNS AND SIGNING"; PROVIDING A SAVING CLAUSE, A CONFLICT CLAUSE, AND AN EFFECTIVE DATE.

(The official copy of Ordinance No. 20-15 is on file in the City Clerk's office.)

The City Attorney read the caption of the ordinance.

Tim Stillings, Director of Planning and Zoning, presented this item to the Commission.

Ms. Jarjura moved to approve Ordinance No. 20-15 on FIRST Reading, 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.

10.C. **ORDINANCE NO. 21-15 (FIRST READING):** Motion to approve Ordinance No. 21-15, amending the Land Development Regulations (LDR) of the City of Delray Beach, by amending Section 6.1.3 "Sidewalks", Subsection 6.1.3(C) "Sidewalk Construction Requirements"; and amending Subsection 6.1.3(D) "Relief From Sidewalk Installation"; providing for the approval, calculation, accounting, and expenditure of In-Lieu Sidewalk Payments. If passed, a public hearing will be held on October 6, 2015.

The caption of Ordinance No. 21-15 is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, BY AMENDING SECTION 6.1.3 "SIDEWALKS", SUBSECTION 6.1.3(C) "SIDEWALK CONSTRUCTION REQUIREMENTS"; AND AMENDING SUBSECTION 6.1.3(D) "RELIEF FROM SIDEWALK INSTALLATION"

PROVIDING FOR THE APPROVAL, CALCULATION, ACCOUNTING, AND EXPENDITURE OF IN-LIEU SIDEWALK PAYMENTS; AND PROVIDING A SAVING CLAUSE, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE.

(The official copy of Ordinance No. 21-15 is on file in the City Clerk's office.)

The City Attorney read the caption of the ordinance.

Tim Stillings, Director of Planning and Zoning, presented this item to the Commission.

The City Manager made a few brief comments.

Mr. Katz moved to approve Ordinance No. 21-15 with changes 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. RFP 2015-76 State Lobbyist

Brief discussion by the Commission ensued.

At this point, the City Attorney suggested that the City Commission have a very brief Special Meeting of the City Commission on the same day as the Closed Attorney/Client Session for the purpose of ranking the State Legislative Lobbyist and then the Commission can advise the Lobbyist to make their presentation at the October 6th meeting and then award the RFP immediately after the presentation. The City Attorney stated this way everyone has time to review the RFP.

11.B. City Attorney

The City Attorney stated on Friday there will be discussion regarding the Collective Bargaining Agreements with the firefighters.

Secondly, the City Attorney stated last Friday the City received a letter from the developer; the City Attorney stated he spoke with Jamie Cole today and they both of them believe strongly that in light of the pending litigation, that there not be discussion on the dais with respect to that lawsuit. Therefore, the City Attorney stated he

is requesting a Closed Attorney/Client Session (Shade Meeting) so that the City Commission can discuss the next steps with respect to Atlantic Crossing. The City Attorney stated Mr. Cole is available the week of September 29th.

Lastly, the City Attorney stated he sent the City Commission a confidential memorandum with respect to Auburn Trace about terms of a potential resolution of that bankruptcy. After brief discussion, the consensus of the City Commission to hold a meeting on Monday, September 21, 2015 late in the day.

11.C. City Commission

11.C.1. Deputy Vice Mayor Jacquet

None.

11.C.2. Vice Mayor Petrolia

None.

11.C.3. Commissioner Katz

Commissioner Katz commented about the makeup of the Site Plan Review and Appearance Board (SPRAB) and stated there needs to be more diversity on the boards.

Secondly, Commissioner Katz commented about emails and stated if any Commissioner hits the *delete* key the email does not actually get deleted. Commissioner Katz stated the Commission has the right to not read it, the right to delete it, and the right to not reply if they are not happy with somebody. Commissioner Katz commented about social media and stated if the Commission does not agree with someone on social media that they can click *block* and never see anything that is said and never participate in anything; and, if someone forwards a Commissioner emails with their Facebook comments, those can also be deleted. Commissioner Katz stated people have freedom of speech (although they may have consequences) and those comments are allowed.

Secondly, Commissioner Katz stated he participated in the Halfway to the Delray Beach St. Patrick's Day Parade 5K/10K Run/walk event on Sunday.

11.C.3. Commissioner Jarjura

Commissioner Jarjura stated she, Commissioner Katz, and Mayor Glickstein attended the 9-11 Memorial at Atlantic High Community High School and it was great. She stated it was interesting to realize that some of those kids that are starting high school or who are in their Sophomore year were not even alive when 9-11 happened and it really is a moment in history for them rather than something that they had lived through or knew someone that lived through. Commissioner Jarjura thanked Atlantic

Community High School for inviting them and the Police and Fire for participating in the Memorial.

11.C.4. **Mayor Glickstein**

None.

There being no further business, Mayor Glickstein declared the meeting adjourned at 12:30 p.m.

City Clerk

ATTEST:

M A Y O R

The undersigned is the City Clerk of the City of Delray Beach, Florida, and the information provided herein is the Minutes of the Regular City Commission Meeting held on September 15, 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.