

OCTOBER 20, 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., on Tuesday, October 20, 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. The Pledge of Allegiance to the flag of the United States of America was given.

3. **APPROVAL OF MINUTES:**

Mr. Katz moved to approve the Minutes of June 9, 2015 City Commission Workshop Meeting, June 16, 2015 City Commission Special Meeting, August 26, 2015 City Commission Special Meeting, September 21, 2015 City Commission Special Meeting and October 6, 2015 City Commission Special Meeting and October 6, 2015 City Commission Special Meeting, seconded by Vice Mayor Petrolia. Upon roll call the Commission voted as follows: Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes. Said motion passed with a 5 to 0 vote.

4. **PRESENTATIONS:**

4.1. **Palm Beach Metropolitan Planning Organization - Complete Streets**

Valerie Neilson, Palm Beach County Metropolitan Planning Organization, presented this item to the Commission.

Brief discussion by Commissioner Katz and Mayor Glickstein followed.

4.2. Recognizing and Commending Joe Gillie

Mayor Glickstein read and presented a proclamation hereby proclaiming Joe Gillie for his long time service and exemplary dedication to the City of Delray Beach.

Bill Branning, Chairman of the Board of Director for Old School Square Board of Directors, gave a few comments and thanked Mr. Joe Gillie for his dedicated service to Old School Square.

Joe Gillie, Director of Old School Square, came forward and gave a few brief comments.

At this point, the Commission moved to **Comments and Inquiries on Agenda and Non-Agenda Items from the City Manager and the Public Immediately Following Presentations.**

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

In response to a prior public comment at the October 6, 2015 meeting concerning the broken street light at Atlantic and US-1, the City Manager stated the light will be repaired.

Secondly, the City Manager stated regard to a prior comment expressed by Dr. Victor Kirson about Public Safety personnel, the City Manager stated there are presently 14 vacancies within the Police Department; 12 of those are full-time positions; 2 are part-time (this includes civilian and uniformed officers); there is 153 uniformed police officers authorized in fiscal 2015-2016; 3 positions will be vacant as of October 1st; there are 15 vacancies within the Police Department.

5.B. From the Public.

5.B.1. Margie Walden, 6103 Caladium Road, Delray Beach, FL 33484 (speaking on behalf of the Palm Beach County Sports Commission), announced that the NAIA men's Soccer National Championships have decided to renew another two (2) years in Delray. Ms. Walden stated this is the first time that the NAIA has granted four (4) years to a city; they usually do just two (2) years for 14 and 15 year olds and now we have 16 and 17 year olds. She stated last year the NAIA registered 1,655 room nights for an economic impact of \$1.1 million and they expect the same next year and going forward they expect even more.

George Linley, Palm Beach County Sports Commission, stated he appreciates the partnership with the City of Delray Beach.

Jane Blalock, 27-time LPGA (Ladies Professional Golf Association) Tour Tournament Champion, stated the LPGA Championship will be here on November 6-7, 2015 and the three charities involved are: (1) Bethesda Hospital, (2) the Delray Achievement Centers, and (3) Dan Marino's Autism Group. She stated Walgreens is

selling tickets for \$10.00 and the money will go to the charities and the event will be at the Seagate.

Mayor Glickstein suggested that either Ms. Blalock or Ms. Walden get with Suzanne Davis, Parks and Recreation Director in terms of how the City can help promote this event.

5.B.2. Bradley Harper, 2004 Embassy Drive, West Palm Beach, FL, stated he is running for County Court Judge a seat that is being vacated by retiring Judge Barry Coleman. Mr. Harper stated he is a sixth generation native of this community. He stated he has been practicing here his entire legal career and he is a trial lawyer and has mitigated on behalf of both defendants and plaintiffs; and he has gained a lot of experience the municipality attorneys allowing him to serve them at cities across Palm Beach County. Mr. Harper explained the two (2) ways to become a Judge in Florida and stated in this community there has not been an African-American Judge elected or appointed to the Circuit Court Bench in over two decades.

5.B.3. Eric Wagner, 159 Marine Way, Delray Beach, FL, stated he rents a boat in the Marina District and the parking was changed recently to better utilize the space. However, Mr. Wagner stated he does not own a vehicle but rents since he is only here approximately four (4) weeks a month. He urged the City to change this parking program so that he can still get a parking pass as well as for his guests.

5.B.4. Timothy Boydkins, briefly spoke about the towing contract and feels the citizens voted for the Commission to protect its citizens in the best interest of the community. He urged the Commission to evaluate the towing contract very closely before they make their decision and ask them to be a little more lenient toward the tow companies so that they can pass the savings on down to the citizens. Mr. Boydkins stated if the City is going to hire a tow company that they make sure that they advertise where the car is going to be sold and urged the City to pass some of the savings to the people who are towing the cars for.

5.B.5. Jonah Fischer, 14815 Whatley Road, Delray Beach, FL 33445, student at St. Vincent's and President of Teen CIA of the Palm Beach County Awareness Coalition, urged the Commission to support Ordinance No. 26-15.

5.B.6. Ron Nobili, 159 Marine Way, Slip #15, Delray Beach, FL 33483 (member of the discriminated class of residents living within the Marina Historic District impacted by Ordinance No. 05-15), read a brief statement into the record regarding Ordinance No. 05-15.

5.B.7. Ron Gilinsky, 140 South Federal Highway, Delray Beach, FL 33483, announced that November 12, 2015 is Delray Reads Day at 7:30 a.m. at the Delray Beach Center for the Arts in the gym and extended an invitation for everyone to attend. Mr. Gilinsky stated there will be a continental breakfast with a guest speaker Dr. Kevin Ross speaking from Lynn University.

5.B.8. **Drew Zuccala, Zuccala Wrecker Service,** briefly spoke about the RFP for towing services. Mr. Zuccala urged the Commission to table this and go back and review the numbers.

5.B.9. **Andy Katz, 220 Ocean Boulevard, Delray Beach, FL 33483,** commented about the concept of “bumpability” in public and to achieve this positive form of “bumpability”.

5.B.10. **Aaron Cocuzzo, Priority Tow, 214 S.E. 7th Avenue, Boynton Beach, FL,** commented about the RFP for the towing bid contract and stated Priority Tow came in second but he would like to know how the Selection Committee came up with their numbers.

5.B.11. **Neil Schiller, 625 North Flagler Drive, West Palm Beach, FL 33401 (represents Westway Towing),** commented about the towing RFP and stated the Palm Beach County rates are mandated by the RFP and gives the City the benefit of Palm Beach County to enforce the towing laws. Mr. Schiller stated the Notices Disposal of Vehicles Left Unclaimed are done according to Florida Law and towing companies from across the State have to meet State standards in order to dispose of unclaimed property. He stated there was objective criteria in the RFP and urged the Commission to follow staff’s recommendation and award the contract to the two (2) proposed bidders (Beck’s Towing & Recovery, Inc. and Westway Towing, Inc.).

5.B.12. **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),** briefly spoke about diplomacy and civility.

5.B.13. **Frances Bourque, 3780 South Lake Drive, Boynton Beach, FL 33436,** read a brief statement into the record regarding Old School Square; 25 years ago a Master Plan was developed to help tailor this park and fit the many needs of the community. Ms. Bourque stated in the beginning of the third phase they built a pavilion and invited the public to play outdoors in this pavilion space. She stated the foot traffic of half a million people a year has taken a toll on the park and commented about the design phase of the Old School Square Park.

5.B.14. **Herman Stevens, 75 S.W. 5th Avenue, Delray Beach, FL 33444,** spoke about an incident where Police Officer Grubb and Police Officer Kelly stopped his client because he had an ornamental frame around his license tag and the officers alleged they could not read his license tag.

6. **AGENDA APPROVAL.**

The City Manager requested that **Item 7.D., Purchase Award/Don Reid Ford/One New Car** and **Item 8.A.3., Prior Approval of FY 2016 Spending Greater Than \$25,000.00/Multiple Vendors** be removed.

Ms. Jarjura requested that **Item 10.A., Ordinance No. 26-15 (First Reading)** be moved to the front of the Agenda after the Consent Agenda.

Mr. Katz 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. ANNUAL PROJECT HOLIDAY/YOU ARE NOT ALONE SUPPORT: Motion to approve a request for city support and assistance for the 10th Annual Project Holiday sponsored by the You Are Not Alone Organization, which provides packages to armed services personnel.

7.B. HOLD HARMLESS AGREEMENT FOR AWNING ENCROACHMENTS INTO WORTHING PARK Motion to approve a Hold Harmless Agreement to allow the encroachments into Worthing Park located at 32 S.E. 2nd Avenue.

7.C. CHANGE ORDER NO. 2/CJ CONTRACTING, LLC/HOUSING REHABILITATION AT 417 S.W. 15TH TERRACE: Motion to approve Change Order No. 2 in the amount of \$2,900.00 to CJ Contracting, LLC and \$664.20 to Hulett Environmental Services to facilitate and complete rehabilitation activities to bring the home to minimum standards. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.06(A)(1), “Change Orders”. Funding is available from 118-1935-554-62.12 (Neighborhood Services Fund: Neighborhood Stabilization Program).

7.D. THIS ITEM HAS BEEN REMOVED FROM THE AGENDA.

7.E. PARKING MANAGEMENT ADVISORY BOARD RATIFICATIONS: Motion to approve and ratify the appointed members of the Parking Management Advisory Board for two (2) year terms ending July 31, 2017.

7.F. KIDS AND COPS COMMITTEE RATIFICATIONS: Motion to approve and ratify the appointed members of the Kids and Cops Committee for two (2) year terms ending November 30, 2017.

7.G. AGREEMENT WITH THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS REGARDING RESPONSIBILITIES AND EXPENSES FOR REFERENDUM TO BE HELD IN CONJUNCTION WITH MARCH 2016 PRESIDENTIAL PREFERENCE PRIMARY ELECTION: Motion to Approve an agreement with the Palm Beach County Supervisor of Elections for Vote Processing Equipment Use and Election Services for election services provided from January 1, 2016 to December 31, 2016. The City anticipates utilizing the services of the Supervisor of Elections to hold a referendum in conjunction with the Presidential

Preference Primary election to be held on March 15, 2016 seeking approval of the repeal of Chapter 25784.

7.H. PROCLAMATIONS:

- 1.** None

7.I. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS: Motion to accept the actions and decisions made by the Land Development Boards for the period September 21, 2015 through October 2, 2015.

7.J. AWARD OF BIDS AND CONTRACTS:

- 1.** None

Mr. Katz moved to approve the Consent Agenda as amended, 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.

At this point, the time being 7:06 p.m., Mayor Glickstein left the meeting.

10. FIRST READINGS:

10.A. ORDINANCE NO. 26-15 (FIRST READING): Motion to approve Ordinance No. 26-15, amending Chapter 113, “Alcoholic Beverages”, of the Code of Ordinances of the City of Delray Beach, Florida, by adding Section 113.16, “Posting Of Underage Drinking Signs”, establishing regulations regarding the posting of Underage Drinking Signs. If passed, a public hearing will be held on November 3, 2015.

The caption of Ordinance No. 26-15 is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 113, “ALCOHOLIC BEVERAGES”, OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, BY ADDING SECTION 113.16, “POSTING OF UNDERAGE DRINKING SIGNS”, ESTABLISHING REGULATIONS REGARDING THE POSTING OF UNDERAGE DRINKING SIGNS; PROVIDING A GENERAL REPEALER CLAUSE, A SAVING CLAUSE, AND AN EFFECTIVE DATE.

(The official copy of Ordinance No. 26-15 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.

Chief Goldman presented this item to the Commission.

Ms. Jarjura thanked the students who all spoke at the last meeting and stayed and waited until the end and she apologized that the Commission was not able to get to this item. She thanked the students for attending the meeting again this evening.

Deputy Vice Mayor Jacquet thanked the President of Toussaint L'Ouverture High School, Ms. Jackie Jones, and Dr. Ridley for their efforts on this ordinance.

Mr. Katz and Vice Mayor Petrolia echoed comments expressed by Commissioner Jarjura and Deputy Vice Mayor Jacquet.

Ms. Jarjura moved to approve Ordinance No. 26-15 on FIRST Reading, seconded by Deputy Vice Mayor Jacquet. 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, the time being 7:10 p.m., the Commission moved to the duly advertised Public Hearings portion of the Agenda.

9. PUBLIC HEARINGS:

9.A. ORDINANCE NO. 25-15 (FIRST READING/FIRST PUBLIC HEARING): Motion to approve Ordinance No. 25-15, adopting Comprehensive Plan Amendment 2015-WSP1, to provide for a 10-Year Water Supply Facilities Work Plan, pursuant to the provisions of the “Community Planning Act”, Florida Statutes Section 163.3184. Once the Ordinance and associated documents are approved at first reading, they must be sent to the State for review. Following this 30 day review period, it will be brought back to the Commission for second reading and adoption.

The caption of Ordinance No. 25-15 is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA ADOPTING COMPREHENSIVE PLAN AMENDMENT 2015-WSP1, TO PROVIDE FOR A 10-YEAR WATER SUPPLY FACILITIES WORK PLAN, PURSUANT TO THE PROVISIONS OF THE “COMMUNITY PLANNING ACT”, FLORIDA STATUTES SECTION 163.3184; ALL AS MORE PARTICULARLY DESCRIBED IN EXHIBIT “A” ENTITLED COMPREHENSIVE PLAN AMENDMENT 2015-WSP1

AND INCORPORATED HEREIN BY REFERENCE;
PROVIDING A GENERAL REPEALER CLAUSE, A
SAVING CLAUSE, AND AN EFFECTIVE DATE.

(The official copy of Ordinance No. 25-15 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.

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

At this point, Representatives from Kimley-Horn gave a few brief comments on the work plan.

Vice Mayor Petrolia declared the public hearing open. There being no one else from the public who wished to address the Commission regarding Ordinance No. 25-15, the public hearing was closed.

Mr. Katz moved to approve Ordinance No. 25-15 on FIRST Reading/First Public Hearing, seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes; Vice Mayor Petrolia – Yes. Said motion passed with a 4 to 0 vote.

9.B. ORDINANCE NO. 27-15 (SECOND READING/SECOND PUBLIC HEARING): Motion to approve Ordinance No. 27-15, amending the Land Development Regulations (LDR) of the City of Delray Beach; amending Article 4.4.13(B)(6), "Old School Square Historic Arts District (OSSHAD) Zoning With CBD Overlay"; amending Section 4.4.13(B), Figure 4.4.13-5, "Central Core & Beach Sub-Districts Regulating Plan"; amending Section 4.4.13(B), Figure 4.4.13-6, "West Atlantic Neighborhood Sub-District Regulating Plan"; amending Section 4.4.13(C), Table 4.4.13(A), "Allowable Uses In The CBD Sub-Districts"; 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".

The caption of Ordinance No. 27-15 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"; AMENDING SECTION 4.4.13(B), FIGURE 4.4.13-5, "CENTRAL CORE & BEACH SUBDISTRICTS REGULATING PLAN"; AMENDING SECTION 4.4.13(B), FIGURE 4.4.13-6, "WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT REGULATING PLAN"; AMENDING SECTION 4.4.13(C), TABLE 4.4.13(A), "ALLOWABLE USES IN THE CBD SUB-DISTRICTS"; 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"; PROVIDING A SAVING CLAUSE, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE.

(The official copy of Ordinance No. 27-15 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.

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

Vice Mayor Petrolia declared the public hearing open. There being no one from the public who wished to address the Commission regarding Ordinance No. 27-15.

Mr. Katz moved to adopt Ordinance No. 27-15, seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Mr. Katz – Yes; Ms. Jarjura – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes. Said motion passed with a 4 to

0 vote.

9.C. ORDINANCE NO. 21-15 (SECOND 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.

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. 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.

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

Vice Mayor Petrolia declared the public hearing open. There being no one from the public who wished to address the Commission regarding Ordinance No. 21-15, the public hearing was closed.

Prior to the vote, Vice Mayor Petrolia suggested considering looking at this from the perspective of putting an increase in seawall height and her other suggestion was the low ground building as a potential way to secure our future from the rising tides.

Ms. Jarjura moved to adopt Ordinance No. 21-15 on Second Reading/Second Public Hearing, seconded by Mr. Katz. Upon roll call the Commission voted as follows: Ms. Jarjura – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes. Said motion passed with a 4 to 0 vote.

9.D. RESOLUTION NO. 60-15 – NEIGHBORHOOD STABILIZATION PROGRAM (NSP)/PROPERTY TRANSFER/ 417 S.W. 15TH TERRACE: Motion to approve Resolution No. 60-15 authorizing the transfer of NSP property located at 417 SW 15th Terrace, Delray Beach, 33444 to Delray Housing Group Inc. for the benefit and rental of unit to household at or below 50% AMI.

The caption of Resolution No. 60-15 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AUTHORIZING THE CITY TO TRANSFER REAL PROPERTY IN PALM BEACH COUNTY, FLORIDA, AS DESCRIBED HEREIN, HEREBY INCORPORATING AND ACCEPTING THE CONTRACT STATING THE TERMS AND CONDITIONS FOR THE SALE AND PURCHASE BETWEEN THE BUYER AND THE CITY OF DELRAY BEACH, FLORIDA.

(The official copy of Resolution No. 60-15 is on file in the City Clerk's office.)

Michael Coleman, Director of Community Improvement, presented this item to the Commission.

Vice Mayor Petrolia declared the public hearing open. There being no one from the public who wished to address the Commission regarding Resolution No. 60-15, the public hearing was closed.

Deputy Vice Mayor Jacquet moved to approve Resolution No. 60-15, seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes. Said motion passed with a 4 to 0 vote.

8. REGULAR AGENDA:

8.A. ROUTINE BUSINESS: (All Items Under this Subsection to be approved by one Motion. Any Item Under Routine Business May Be Moved by Commission for Separate Consideration):

1. BID AWARD/CDW GOVERNMENT, LLC/ARBITRATOR CAMERAS: Motion to approve award of Bid No. 2015-69 for Ten Arbitrator Cameras to the lowest responsive bidder, CDW Government LLC., in the amount of \$59,266.60. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(A)(1), "Competitive Bids". Funding is available from 001-2115-521-64.90 (General Fund: Operations Bureau/Other Machinery/Equipment).

2. PRIOR APPROVAL OF 2016 SPENDING GREATER THAN \$25,000.00/MULTIPLE VENDORS/ OPERATING LEASES:

Motion to approve multiple acquisitions from Ricoh USA, Inc. in an amount not to exceed \$100,000.00 and Konica Minolta Business Solutions in an amount not to exceed \$50,000.00 for FY 2016 for operating lease payments and copies. This recommendation is in compliance with the Code of Ordinances, Section 36.03(B), "Multiple Acquisitions from Vendor Exceeding \$25,000.00 in Any Fiscal Year." Funding is available from various sources.

3. THIS ITEM HAS BEEN REMOVED FROM THE AGENDA.

4. PRIOR APPROVAL OF FY 2016 SPENDING GREATER THAN \$25,000.00/MULTIPLE VENDORS/TIRES:

Motion to approve utilization of Florida Sheriff's Association Contract #15/17-07-0220 for purchases of tires from Tiresoles of Broward in an amount not to exceed \$60,000.00, Martino Tire in amount not to exceed \$30,000.00, and Action Gator Tire in an amount not to exceed \$40,000.00 in FY 2016. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.03(B), "Multiple Acquisitions from Vendor Exceeding \$25,000.00 in any Fiscal Year".

5. AMENDMENT NO. 3/R.J. BEHAR AND COMPANY, INC./FEDERAL HIGHWAY BEAUTIFICATION PROJECT:

Motion to approve Amendment No. 3 to the Agreement with R.J. Behar & Company, Inc. in the amount \$72,644.00 for Construction Engineering and Inspection Services (CEI) for the Federal Highway Beautification Project No. 2009-009. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.06(2), "Change Orders; Within the Scope of Work". Funding is available from 334-3162-541-68.52 (General Construction Fund: Streets, Alleys, and Sidewalks/Transportation/Federal Highway Beautification Project).

6. BID AWARD/INSTITUFORM TECHNOLOGIES, LLC./IRIS DRIVE DRAINAGE REPAIRS:

Motion to approve a bid award (Bid No. 2015-64) to the *lowest responsive bidder*, Institutform Technologies, LLC. in an amount not to exceed \$136,256.00. This recommendation is in compliance with the Code of Ordinances, Section 36.02(A)(1), "Sealed Competitive Method". Funding is available from 448-5461-538-63.90 (Stormwater Utility Fund: Capital/Other Improvements).

7. CONTRACT RENEWAL/ELEV8 SPORTS INSTITUTE, INC./SPORTS FIELDS MAINTENANCE:

Motion to approve

a one (1) year renewal of a bid award (Bid No. 2014-45) to Elev8 Sports Institute, Inc. for Landscape Maintenance at Seacrest Soccer Complex and Hilltopper Stadium in an amount not to exceed \$75,840.00. Funding is available from 001-4131-572-34.90 (General Fund: Parks and Recreation/Other Contractual Services).

Mr. Katz moved to approve **Item 8.A.1.-8.A.7. (Item 8.A.3. removed)**, seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes; Vice Mayor Petrolia – Yes. Said motion passed with a 4 to 0 vote.

8.B. CONTRACT AWARD/BECK'S TOWING & RECOVERY, INC AND WESTWAY TOWING INC./VEHICLE TOWING AND STORAGE: Motion to approve award of RFP No. 2015-61 for vehicle towing and storage to Beck's Towing & Recovery, Inc. and Westway Towing, Inc. for a four (4) year contract with one (1) additional two (2) year renewal option. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(A)(2), "Requests for Proposals". Funding is available from various sources.

Ms. Jarjura moved to approve to award to the top three (3) vendors based upon the Selection Committee's ranking, seconded by Mr. Katz. Upon roll call the Commission voted as follows: Mr. Katz – Yes; Ms. Jarjura – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes. Said motion passed with a 4 to 0 vote.

At this point, Deputy Vice Mayor Jacquet stepped away from the dais.

8.C. PRIOR APPROVAL OF FY 2016 SPENDING GREATER THAN \$25,000.00 SOLE SOURCE/FLORIDA BULLET, INC: Motion to approve Florida Bullet as a sole source vendor and approve a purchase award to Florida Bullet, Inc., in an amount not to exceed \$65,000.00 for acquisitions of ammunition with Florida Bullet, Inc. for the Police Department. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.03(B), "Multiple Acquisitions from Vendor Exceeding Twenty-Five Thousand Dollars (\$25,000.00) in Any Fiscal Year". Funding is available from 001-2111-521-52.20 (General Fund: Police/Public Safety/Operating Supplies/General Operating Supplies).

Holly Vath, Chief Purchasing Officer, presented this item to the Commission and stated staff recommends approval.

Mr. Katz moved to approve Florida Bullet as a sole source vendor and approve a purchase award to Florida Bullet, Inc. for the Police Department in the amount of \$65,000 for acquisitions of ammunition with Florida Bullet, seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Ms. Jarjura – Yes; Vice Mayor Petrolia – Yes; Mr. Katz – Yes. Said motion passed with a 3 to 0 vote.

8.D. PRIOR APPROVAL OF FY 2016 SPENDING GREATER THAN \$25,000.00/ZOLL MEDICAL CORPORATION/MEDICAL EQUIPMENT:

Motion to approve Zoll Medical Corporation as a sole source vendor for parts and maintenance of AutoPluse Resuscitation Systems and Zoll defibrillators and approve prior spending in the amount of \$35,000.00 for fiscal year 2016. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(C)(6)(a), "Sole Source," and Section 36.03(B), "Multiple Acquisitions from Vendor Exceeding \$25,000.00 in Any Fiscal Year". Funding is available from various sources.

Holly Vath, Chief Purchasing Officer, presented this item to the Commission and stated staff recommends approval.

Mr. Katz moved to approve Zoll Medical Corporation as a sole source vendor for parts and maintenance of AutoPluse Resuscitation Systems and Zoll defibrillators and approve prior spending in the amount of \$35,000 for fiscal year 2016, seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Vice Mayor Petrolia – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes. Said motion passed with a 3 to 0 vote.

8.E. PRIOR APPROVAL OF FY 2016 SPENDING GREATER THAN \$25,000.00/ RECHTIEN INTERNATIONAL TRUCKS, LLC.:

Motion to approve Rechten International Trucks, LLC. as a sole source vendor for the purchase of parts and repairs for Fire Rescue vehicles in an amount not to exceed \$60,000.00 for multiple acquisitions in FY 2016. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(C)(6)(a), "Sole Source" and Section 36.03(B), "Multiple Acquisitions from Vendor Exceeding \$25,000.00 in Any Fiscal Year". Funding is available from 501-3311-591-52.50 (Garage Fund: Operating Supplies/External Supplies) and 501-3311-591-52.52 (Garage Fund: Operating Supplies/City Garage/Outside Service).

Holly Vath, Chief Purchasing Officer, presented this item to the Commission and stated staff recommends approval.

Mr. Katz moved to approve Rechten International Trucks, LLC., as a sole source vendor for the purchase of parts and repairs for Fire Rescue vehicles in an amount not to exceed \$60,000 for multiple acquisitions in fiscal year 2016, seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Mr. Katz – Yes; Ms. Jarjura – Yes; Vice Mayor Petrolia – Yes. Said motion passed with a 3 to 0 vote.

8.F. PRIOR APPROVAL OF FY 2016 SPENDING GREATER THAN \$25,000.00/ TEN-8 FIRE EQUIPMENT:

Motion to approve Ten-8 Fire Equipment as a Sole Source vendor for the purchase of Pierce Fire Truck repair parts and service in an amount not to exceed \$65,000.00 for multiple acquisitions in FY 2016. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(C)(6)(a), "Sole Source", and Section 36.03(B), "Multiple Acquisitions from Vendor Exceeding \$25,000.00 in Any Fiscal Year". Funding is available from 501-331-591-52.50 (Garage Fund: Operating Supplies/ External Supplies) and 501-3311-591-

52.52 (Garage Fund: Operating Supplies/ City Garage/Outside Service).

Holly Vath, Chief Purchasing Officer, presented this item to the Commission and stated staff recommends approval.

Mr. Katz moved to approve Ten-8 Fire Equipment as a sole source vendor for the purchase of Pierce Fire Truck repair parts and service in an amount not to exceed \$65,000 for multiple acquisitions in fiscal year 2016, seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Ms. Jarjura – Yes; Vice Mayor Petrolia – Yes; Mr. Katz – Yes. Said motion passed with a 3 to 0 vote.

At this point, Deputy Vice Mayor Jacquet returned to the dais.

8.G. ABANDONMENT OF CERTAIN EASEMENTS AND DEDICATION OF REPLACEMENT EASEMENTS/DEPOT SQUARE PLAT:

Consideration of replacement easements within the Depot Square Plat, located north of West Atlantic Avenue between CSX Railroad and I-95:

- 1. SIGNAGE AND LANDSCAPE EASEMENT AGREEMENT:** Motion to approve a Signage and Landscape Easement Agreement to allow the installation and maintenance of an entry sign and related landscaping, lighting and irrigation improvements proposed in the City easement along Depot Road and Lake Ida Road.
- 2. LANDSCAPE MAINTENANCE AGREEMENT FOR RIGHT-OF-WAY:** Motion to approve a Landscape Maintenance Agreement to allow landscaping in the right-of-Way of Depot Avenue and N.W. 2nd Street.
- 3. RESOLUTION NO. 68-15/EASEMENT ABANDONMENTS AND AGREEMENT TO REPLAT:** Motion to approve Resolution No. 68-15 vacating and abandoning the General Utility Easement dedicated by the Historic Depot Square Subdivision Plat; and Second Motion to Approve abandoning the single purpose water, sewer, and lift station easement deeds; and Third Motion to Approve the Agreement to Replat to defer the developer's obligation to replat the property that includes the water, sewer, lift station, drainage and general utility easements and related dedications.

Mark McDonnell, Assistant Director of Planning and Zoning, presented this item to the Commission and stated staff recommends approval of all three items.

Ms. Jarjura moved to approve **Item 8.G. (Items #1-#3)**, seconded by Mr. Katz. Upon roll call the Commission voted as follows: Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes. Said motion passed with a 4 to 0 vote.

8.H. SECOND AMENDMENT TO ROADWAY IMPROVEMENT AGREEMENT/DEPOT INDUSTRIAL CENTER, LLC./LAKE IDA ROAD:

Motion to approve the Second Amendment to the Roadway Improvement Agreement and associated documents between the City and Depot Industrial Center, LLC.

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

Vice Mayor Petrolia made a reference to a lengthy hearing the Commission had about the adjacent owner and his warehouse complex. Vice Mayor Petrolia stated she would like to ensure that this is not infringing in any way. The City Attorney stated that land owner filed a lawsuit against the City of Delray Beach approximately one month ago as a result of that hearing; however, what the Commission is doing tonight, does not negatively affect him. The City Attorney explained what the Commission is doing tonight is implementing what the *Commission* agreed to on the site plan.

Mr. Katz moved to approve Second Amendment to the Roadway Improvement Agreement and associated documents between the City and Depot Industrial Center, LLC., seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes; Vice Mayor Petrolia – No. Said motion passed with a 3 to 1 vote, Vice Mayor Petrolia dissenting.

8.I. RESOLUTION NO. 67-15 – BEST INTEREST/ GAMETIME C/O DOMINICA RECREATION PRODUCTS, INC./PLAYGROUND EQUIPMENT

AT VETERANS PARK: Motion to approve Resolution No. 67-15, authorizing the purchase of specific playground equipment from Gametime c/o Dominica Recreation Products, Inc. for Veterans Park; declaring by a four-fifths affirmative vote that the City's Sealed Competitive Method or Written Quotations Procurement Method for the purchase is not in the Best Interest of the City.

Suzanne Davis, Director of Parks and Recreation, presented this item to the Commission.

Brief discussion by the Commission followed.

Deputy Vice Mayor Jacquet moved to approve Resolution No. 67-15 /Best Interest Resolution and purchase specific playground equipment in the amount of \$92,192.84 to Gametime/Dominica Recreation Products, Inc. for installation at Veteran's Park, seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Mr. Katz – Yes; Ms. Jarjura – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes. Said motion passed with a 4 to 0 vote.

8.J. NOMINATION FOR APPOINTMENT TO THE DELRAY BEACH HOUSING AUTHORITY:

Nomination for appointment of one (1) regular member to serve on the Delray Beach Housing Authority for a four year term ending October 27, 2019. Based on the rotation system, the nomination for appointment will be made

by Commissioner Jarjura (Seat #4).

Ms. Jarjura moved to nominate Jesse Saginor as regular member to serve on the Delray Beach Housing Authority for a four (4) year term ending October 27, 2019, seconded by Deputy Vice Mayor Jacquet. Upon roll call the Commission voted as follows: Ms. Jarjura – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes. Mr. Katz – Yes. Said motion passed with a 4 to 0 vote.

8.K. NOMINATION FOR APPOINTMENT TO THE EDUCATION BOARD: Nomination for appointment of one (1) regular member to serve an unexpired term ending July 31, 2016 on the Education Board. Based on the rotation system, the nomination for appointment will be made by Commissioner Katz (Seat #3).

Deputy Vice Mayor Jacquet commented about the attendance records for the Education Board and asked the City Clerk to report back to the City Commission if there are any concerns with absences.

Mr. Katz moved to nominate Jervonte Edmonds as a regular member to the Education Board to serve an unexpired term ending July 31, 2016, 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.

8.L. NOMINATIONS FOR APPOINTMENT TO THE CIVIL SERVICE BOARD: Nominations for appointment for one (1) regular member to serve on the Civil Service Board for a two (2) year term ending April 1, 2017 and for one (1) alternate member to serve an unexpired term ending July 1, 2016. Based on the rotation system, the nominations for appointment will be made by Commissioner Jarjura (Seat #4) and Mayor Glickstein (Seat #5).

Mayor Glickstein's appointment has been deferred to the next regular meeting of November 3, 2015.

Ms. Jarjura moved to nominate Yvonne Walker as a regular member to the Civil Service Board to serve a two (2) year term ending July 1, 2016, seconded by Deputy Vice Mayor Jacquet. Upon roll call the Commission voted as follows: Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes; Vice Mayor Petrolia – Yes. Said motion passed with a 4 to 0 vote.

11. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS.

11.A. City Manager

A. City Manager

1. Request for Waiver of Business Tax for FY 2016 by Bunnies Unlimited D/B/A Sequin Delray Beach

The City Manager expressed concern over the request for waiver of a business tax license and the amount is \$172.61. The City Manager stated subsequent to this request being made to him, he was advised by the DDA that there may be similar requests when there is construction or as a result of the US-1 construction. He stated it is fairly common that people will have business interruption as a result of construction; this particular one and Big Al's are somewhat unique that on both the northwest corner and southwest corner, there is a confluence of utilities and as a result of the US-1 construction there was a lot of disruption. However, the City Manager stated Big Al's is a Café License permit where he lost the opportunity to use the sidewalk where this is a simple business license.

Commissioner Jarjura stated the reason she supported Big Al's because it was an outdoor dining permit that he had paid for and was not able to utilize; with respect to the case with Sequin Delray Beach this business was affected the construction for quite some time. Commissioner Jarjura stated when looking at restaurants that applied for a special permit to utilize their outdoor space and were unable to use it, then that is distinguishable from a retail business. Commissioner Jarjura stated she is sympathetic to the impacts that it had on the businesses that are aligning Federal Highway, she does not feel that they could go down that route especially with all of the construction going on downtown not with just this project and that they will continue to have with the CRA infrastructure improvements.

Deputy Vice Mayor Jacquet stated he had concerns about Big Al's request. Deputy Vice Mayor Jacquet stated he did not have a problem with allowing that request from Big Al's; however, with this request he feels there is a possibility of a negative precedent being set where businesses may feel if business is not going well, then we should not be paying our business license. Deputy Vice Mayor Jacquet stated he does not want to start that precedent waiving someone's business license fee just because the city is doing construction and he does not support the request.

Commissioner Katz stated he concurs with his two colleagues and although everyone was affected by the construction but he feels everyone is going to benefit from the long-term benefits. He does not want to set a precedent.

11.B. **City Attorney**

The City Attorney requested a shade meeting potentially for November 3, 2015 regarding Atlantic Crossing at 5:00 p.m.

11.C. **City Commission**

11.C.1. **Deputy Vice Mayor Jacquet**

None.

11.C.2. Commissioner Jarjura

Commissioner Jarjura stated he will not be here on November 3, 2015.

11.C.3. Commissioner Katz

Commissioner Katz stated the Chamber of Commerce hosted their Government Affairs meeting at the Police training facility and the Police and Fire-Rescue Department was there. Commissioner Katz stated the City does not have a training facility for our firefighters and that is part of the City's Capital Improvement Plan. He stated the Fire-Rescue Department will have their own facility when the new fire station gets built. Commissioner Katz stated it gave them an opportunity to showcase themselves and for the public to see the training that they do.

11.C.4. Vice Mayor Petrolia

Vice Mayor Petrolia stated the Rising Tides Compact will be held in the Keys and she feels it is important that Delray Beach has representation.

Secondly, Vice Mayor Petrolia stated Joe Gillie is a great man and he will be missed. Vice Mayor Petrolia stated with respect to City center and the Old School Square grounds, she inquired why this is going forward. Vice Mayor Petrolia stated this week she has been receiving numerous calls on both sides; those that are supporting it (those that are affiliated with the CRA or the Old School Square Board) and those that are very concerned about it (mainly the outspoken residents that are concerned where the money is being spent). Vice Mayor Petrolia stated she feels the Commission needs to make it clear about where they stand on this issue and suggested that this be discussed at the Goal Setting meeting because it is going to require this Commission to lead it in order for the people to get behind it.

Mr. Katz concurred with comments expressed by Vice Mayor Petrolia and stated he would like to see for a small discussion at the Goal Setting. Mr. Katz stated the grass was just replaced before summer and there has been plenty of rain and when looking at the grass during the day it looks like it is half dead and the City has not even had the first Green Market. He stated there is an irrigation/drainage problem and the City needs to find out what is the fundamental problem with that field because that is major attraction and why is the grass dying only after a few months (i.e. is not being drained, was it not planted correctly, and is there any recourse). The City Manager stated staff will look into this.

Brief discussion by the Commission followed with respect to the grass being ripped out at least once a year. Deputy Vice Mayor Jacquet also suggested that there be discussing regarding the bathroom area as well. He stated the City made it abundantly clear that it was not a priority of the Commission, and that the CRA and the people who support this are moving forward regardless of how the Commission feels or what the Commission wants. Deputy Vice Mayor Jacquet stated he agrees that Old

School Square is the center of town, but he would like to know why it is urgent to spend that much money there right now. After brief discussion, Vice Mayor Petrolia suggested that the City Commission place this on a Goal Setting Agenda.

There being no further business, Mayor Glickstein declared the meeting adjourned at 9:20 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 October 20, 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.