

City of Delray Beach

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Minutes - Draft

Tuesday, April 5, 2016

6:00 PM

Regular Meeting Starts at 6:00 P.M.

Delray Beach City Hall

City Commission

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

1. ROLL CALL

A Regular Meeting of the City Commission of the City of Delray Beach, Florida, was called to order by Mayor Cary Glickstein in the Commission Chambers at City Hall at 5:00 p.m., on Tuesday, April 5, 2016.

Roll call showed:

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

Absent - None

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

2. PLEDGE OF ALLEGIANCE TO THE FLAG**3. APPROVAL OF MINUTES:**

None

4. PRESENTATIONS:**4.A.** [16-344](#)**4.B.** [16-274](#)

PRESENTATION OF EMPLOYEE OF THE MONTH FEBRUARY 2016 -
KAREN SCHELL

Ms. Tennille DeCoste introduced the Employee of The Month award for Karen Schell and Mr. Jack Warner provided brief comments regarding Ms. Schell's background and the reason for the award.

The City Commission gave brief comments.

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

Mr. Cooper gave brief comments regarding the Marina.

Public:

1. James Quillien spoke regarding the Osceola Park Revitalization plan.
 2. Sharon Bodwin spoke regarding her bulk trash being missed and not picked up. She also asked who picks up syringes and commented regarding equipment being used for repairs.
 3. Jason ? spoke regarding the marina rates and thanked the City Commission. He provided a handout to the City Commission.
 4. Carolyn Simmons thanked the City Commission for the change in the marina rates.
 5. Darlene Staten (sp) stated she lives near a corner store and spoke regarding loud and excessive noise coming from the LaFrance Apartment complex. She stated there is drug use and sales taking place in the alley.
- Commissioner Petrolia stated she believes the Delray Beach Housing Authority may be the contact for the property.
- Vice Mayor Jacquet asked that the City Manager provide an update regarding this at the next meeting.
6. Brian Rosen spoke as President of the Arts Garage to provide an update to the City Commission.
 7. Karen Granger stated Delray Affair is this weekend and commented regarding street closings, booths and events. She also commented about loitering.
 8. Bob Schnier spoke regarding the Arts Garage and expressed thanks to Alyona Ushe for her service with the organization.
- Mayor Glickstein provided comments.
9. Alan Schlossberg stated there will be a rally regarding All Aboard Florida on April 9, 2016 in Stuart, Florida.
 10. Michael Owen spoke regarding the Eastcoast Greenway Project and the plan for the greenway.
 11. Dr. Edward Cooperman (sp?) spoke regarding a traffic study from Congress Avenue to Federal Highway. He stated the Fire Department has been temporarily housed at this location.

6. AGENDA APPROVAL

Mr. Cooper stated staff requested to move Item 8.E.1. prior to Item 8.A.

The City Attorney had no requested agenda changes.

Commissioner Petrolia asked that Item 7.N.C. of the Appealables report be moved to the Regular Agenda as Item 8.B.B. and stated there may be someone in the audience regarding the Ride of Silence proclamation.

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

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

7. CONSENT AGENDA: City Manager Recommends Approval

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

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

- 7.A. [16-232](#) ACCEPTANCE OF A RIGHT-OF-WAY DEED FOR 102 NE 1st Ave.
- 7.B. [16-305](#) ACCEPTANCE OF A 2 FOOT RIGHT-OF-WAY DEDICATION FOR S.W. 2ND TERRACE
- 7.C. [16-013](#) ACCEPTANCE OF A SIDEWALK EASEMENT DEED AND A RIGHT OF WAY DEED FOR AN ALLEY DEDICATION LOCATED AT 227 N.W. 1ST AVENUE
- 7.D. [16-269](#) ACCEPT A LANDSCAPE MAINTENANCE AGREEMENT AND HOLD HARMLESS AGREEMENT FOR PLANTINGS PROPOSED IN THE STATE RIGHT-OF-WAY OF NORTH FEDERAL HIGHWAY ASSOCIATED WITH DELRAY PRESERVE, LOCATED ON THE EAST SIDE OF NORTH FEDERAL HIGHWAY, SOUTH OF GULFSTREAM BOULEVARD
- 7.E. [16-280](#) SERVICE AUTHORIZATION NO. 2/CB&I ENVIRONMENTAL & INFRASTRUCTURE, INC. FOR THE CITY'S BEACH MANAGEMENT PROGRAM (PROJECT NO.12-070)
- 7.F. [16-298](#) SERVICE AUTHORIZATION NO. 12-21 TO MATHEWS CONSULTING, INC. IN THE AMOUNT OF \$5,380 FOR PROFESSIONAL SERVICES TO ASSIST IN PREPARING THE FY2017 GRANT APPLICATION FOR ALTERNATIVE WATER SUPPLY FUNDING FROM THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT TO EXPAND THE CITY'S

RECLAIMED WATER SYSTEM

- 7.G. [16-300](#) RATIFICATION OF CHANGE ORDER NO. 1 TO OVIVO USA, LLC. IN THE AMOUNT OF \$41,000 FOR ADDITIONAL WORK IN THE REPAIR OF THE EASTERN VACUUM FILTER UNIT AT THE WATER TREATMENT PLANT, AUTHORIZED BY THE CITY MANAGER AS A CHANGE ORDER DEFINED BY CITY CODE SECTION 36.06(A) (2).
- 7.H. [16-301](#) PURCHASE AWARD TO SUNSHINE GOLF CAR FOR ONE STAR-EV ELECTRIC GOLF CAR
- 7.I. [16-309](#) LICENSE AGREEMENT EXTENSION - DELRAY STUDENTS FIRST
- 7.J. [16-321](#) SECOND AMENDMENT TO THE INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY FOR FIBER TRANSPORTATION
- 7.K. [16-295](#) CONTRACT CLOSEOUT (CHANGE ORDER NO. 1/FINAL) WITH AKA SERVICES, INC. FOR THE TROPIC PALMS WATER MAIN REPLACEMENT PROJECT.
- 7.L. [16-296](#) PURCHASE FROM MUNICIPAL EQUIPMENT COMPANY, LLC FOR 15 SETS OF FIRE BUNKER GEAR

7.M. PROCLAMATIONS:

- 7.M.1. [16-311](#)
- 7.M.2. [16-303](#)
- 7.M.3. [16-313](#)
- 7.M.4. [16-326](#)
- 7.N. [16-324](#)

REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS FOR ITEMS FEBRUARY 22, 2016 THROUGH MARCH 18, 2016

A motion was made by Vice-Mayor Petrolia, seconded by Commissioner Jarjura, that the remaining report on appealable items be approved. The motion carried by the following vote:

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

7.O. AWARD OF BIDS AND CONTRACTS:

- 7.O.1. [16-285](#) BID AWARD TO WEST CONSTRUCTION, INC. FOR MERRITT PARK

IMPROVEMENTS (PROJECT NO. 14-052)

- 7.O.2. [16-272](#) BID AWARD NO. Q2016-1129L TO SHENANDOAH GENERAL CONSTRUCTION COMPANY FOR THE STORMWATER LINING LOCATED AT 945 ALLAMANDA DRIVE
- 7.O.3. [16-297](#) BID AWARD TO LOW BIDDER, STO LANDSCAPE SERVICES, INC. FOR BALLFIELD MAINTENANCE AT POMPEY PARK - AWARD BID #2016-071
- 7.O.4. [16-312](#) BID AWARD TO AIR-REF CO., INC. FOR THE REPLACEMENT OF ONE CITY HALL AIR CONDITIONING UNIT (2016-074L)

8. REGULAR AGENDA:

- 8.A. [16-333](#) APPLICANT APPEAL OF THE SITE PLAN REVIEW AND APPEARANCE BOARD (SPRAB) DENIAL OF THE CLASS II SITE PLAN MODIFICATION FOR A ONE-LANE SURFACE DRIVE THAT CONNECTS N.E. 6TH AVENUE AND N.E. 7TH AVENUE ASSOCIATED WITH THE ATLANTIC CROSSING PROJECT (QUASI-JUDICIAL HEARING)

Mayor Glickstein read the City of Delray Beach Quasi-Judicial rules into the record for this item and all subsequent Quasi-Judicial items.

The City Clerk swore in those individuals who wished to give testimony on this item and subsequent items.

Mayor Glickstein asked the City Commission to disclose their ex-parte communications:

Commissioner Katz stated he spoke to developers, attorneys, Benita Goldstein, Joy Howell, Greenman-Pedersen, Inc. (GPI) and numerous citizens.

Deputy Vice Mayor Jarjura stated she received emails on the city server and stated she spoke with Arlen Dominick, Bruce Liener, Tim Stillings and GPI

Commissioner Petrolia stated she spoke to GPI (Traffic Engineers), Bruce Liener, Macmanus, Alan Zeller, Joy Howell and everything else is on the server.

Vice Mayor Jacquet stated anything he received is on the city server.

Mayor Glickstein stated he met with former commissioners and mayors Bob Costin, David Randolph, David Schmidt, Jeff Perlman, Andy Katz,

Lula Butler, Jocelyn Patrick, MacNamus, representatives from GPI, representatives from Simmons and White, City Staff, Bruce Leiner, Rita Reiner, Arlen Dominick and Joy Howell. He stated he received emails on the city server.

City Attorney Noel Pfeffer stated this is a continuation from the March 1, 2016 meeting and the party status that was granted at that meeting still stands.

Mr. Pfeffer provided instruction to the City Commission regarding this appeal.

Mr. Tim Stillings entered the project file into the record and presented this item.

Bryan Seymour (sp), on behalf of the applicant, entered resumes for Mike Covelli and the Traffic Engineer Adam Kerr. He also entered a transcript regarding Atlantic Crossing from the July 7, 2015 meeting minutes into the record and referenced conditions. He spoke regarding the project.

Mike Covelli spoke regarding the Site Plan.

Michelle Ameil, appellant, on behalf of Harbour House Condominium, provided photos to the City Commission and spoke regarding the project and stated they are concerned about safety and ingress/egress. She discussed their suggestions.

Bruce Leiner, appellant, Harbour House Condominium, spoke regarding the project and provided a handout to the City Commission.

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

Public Comments:

Nancy MacManus entered plans and a letter into record from Sandy Zeller and read a statement into record.

Charles Dortch stated he is the Vice President of the Marina Historic District and stated this has been long and spoke regarding the project. He stated the Marina Historic District is a nationally registered district.

Robert Ganger, Florida Coalition, spoke regarding the appeal and stated he thinks incredible progress has been made and referenced the SPRAB meeting. He stated the City Commission should ask questions.

Jeff Dash spoke regarding the project and stated they would like to see the project approved.

Arlen Dominick spoke regarding the project, roadways and setbacks. He asked that the City Commission consider what is good for the residents, developers and the city.

Jill Schifferley (sp) spoke regarding the project and referenced the road closure.

Rita Vana (sp) thanked the Commission for all that they do and stated she would like to share her concerns and would like them to be part of the record.

Alan Schlossberg spoke regarding the project and referenced the original contract and Atlantic Court (2 way road).

Ronald Ferguson commented regarding the project and referenced previous approval.

Joy Howell stated she is concerned about setting a precedent and commented regarding the project and stated there are a lot of comprehensive concerns regarding this.

Susan Smith stated she is glad to see that people are moving forward with this project and stated traffic calming is needed in her neighborhood due to people speeding.

Peter Humanik commented regarding the project, the road and traffic. He also referenced NE 7th being blocked.

Benita Goldstein read a statement into record regarding development and this project.

Cindi Freeburn commented regarding this project and referenced the City Commission meeting of January 2014. She stated she is concerned with a flawed process and commented regarding the two way road.

Victor Kirson spoke regarding the project and discussed SPRAB's approval.

Kelly Barrette read Rita Vana's remaining questions.

Mitzi Kaitz spoke regarding the project, parking and driveway and asked

questions.

Marcia Shek (sp) spoke regarding the approved plan and egress way. She urged the City Commission to look deeper into this project.

There being no one else from the public who wished to speak on this item, the public comment was closed. Mayor Glickstein thanked everyone for the courteous way they expressed themselves tonight.

City Attorney Pfeffer explained the process for cross examination.

City Staff had no cross examination.

The Applicant had no cross examination.

The Appellants, Ms. Ameil and Mr. Leiner had no cross examination.

City Staff had no rebuttal.

The Applicant provided points of clarification, stated the engineering plans are part of the record and discussed conditions.

Appellants: Ms. Ameil had no rebuttal. Mr. Leiner stated people are looking for clarity and discussed the road.

Mayor Glickstein stated traffic consultants are here if there are questions.

Commissioner Petrolia asked about the land and the recorded plat (Tract D) and asked what will the land be under the driveway and who will own it.

Mr. Pfeffer spoke regarding the conditions and the site plan amendment.

Mr. Seymour referenced the settlement agreement.

Commissioner Petrolia stated she has questions regarding the five conditions and the one added by Mr. Seymour (applicant). She stated the conditions are great if they are followed and stated there is nothing in the conditions that states what happens if these conditions are violated.

Mr. Seymour stated the city's code addressed what happens.

Mayor Glickstein stated the valet queue is germane to this.

Commissioner Petrolia stated it is important to understand what the City Commission is doing and it is extremely difficult to make a decision

tonight.

Vice Mayor Jacquet stated he has a similar view of what the City Commission has gone through regarding this project but a different view regarding the outcome. He spoke regarding the closing of 7th. He stated it is time to move forward regarding this issue. He discussed the road and signal.

Commissioner Katz showed a video clip of a past City Commission Meeting (2/17/2009: Agenda Item, Original abandonment of the alleyway) and discussed the road. He spoke regarding the traffic engineer and referenced the transcript.

Mr. Seymour referenced pages 18 and 19 of the transcript he provided to the City Commission.

Discussion ensued regarding the site plan and the road.

Commissioner Katz asked if semi trucks and the city's largest fire truck will be able to get through this road. Mr. Seymour and Mike Covelli responded yes to Commissioner Katz's question. Commissioner Katz asked Ms. Danielle Joyce from GPI, who was on the conference call with them, if she would park her car in the garage. She stated she would hope that there would be sufficient pumps installed. Commissioner Katz asked Ms. Joyce did she take delivery vehicles into consideration. Mike Wachowsky (sp) responded to the question and stated that was not addressed specifically.

Commissioner Katz stated he is very concerned that the words "easement in perpetuity" is not a condition of approval. He stated it is hard for him to move forward at this point. He stated he thinks there is a way and suggested looking out of the box. Commissioner Katz stated he has a lot of concerns and feels the city would be setting a precedent in approving this. He stated no one has been able to show him any record in Planning and Zoning of an abandonment hearing regarding the road. He stated he does not think it went through the right steps.

Commissioner Jarjura stated she wanted to clarify some facts for the record. She asked the two persons from GPI to state their experience for the record and asked them questions regarding their scope. Commissioner Jarjura stated there are currently seventy-eight (78) conditions for the project. She stated she will support the site plan modification and asked that her colleagues look at the applicable LDRs and the evidence that is before them.

Commissioner Petrolia stated alot has happened and read a statement

into the record.

Deputy Vice Mayor Jarjura spoke regarding the laws.

Commissioner Katz asked about clarification of the dates regarding plat and site plan approval. He spoke regarding the traffic engineers and stated he still feels that all options were not reviewed. He asked about voting and whether or not the City Commission will see another site plan.

Mr. Pfeffer stated the City Commission will see a settlement agreement clarifying the site plan.

Vice Mayor Jacquet stated the law is clear and reiterated what the City Commission is here for tonight. He commented regarding the traffic engineers and stated he feels that their reports should at least be considered. He asked that the City Commission move forward.

Mayor Glickstein commented on Deputy Vice Mayor Jarjura's comments. He stated he has reviewed the traffic reports and asked the traffic engineers about the turning radius when coming out of the garage. Mayor Glickstein asked City Attorney Pfeffer for clarification regarding performance standards in Land Development Regulations (LDR) Section 3.2.3.

The City Attorney provided direction regarding the basis for the City Commission's conclusion.

Mayor Glickstein read remarks into the record regarding the project. He stated he will vote to not support the site plan.

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

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

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

8.B. [16-260](#)

REQUEST FOR A WAIVER OF LDR SECTION 4.6.7(E)(7) TO ALLOW TWO FLAT WALL SIGNS NOT FACING A DEDICATED STREET FRONTAGE FOR A BURGER KING RESTAURANT LOCATED AT 1820 SOUTH FEDERAL HIGHWAY (QUASI-JUDICIAL HEARING)

10:39 pm:

Mark McDonnell presented this item discussing the signage.

Greg Kelly, on behalf of the applicant, discussed the proposed signage and the reason for the request.

Vice Mayor Jacquet asked if all of the outside work was completed.

Commissioner Petrolia asked about the sign and why is it much higher.

There was no public comment, cross examination or rebuttal from staff or the applicant.

The City Attorney went through the board order with the City Commission.

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

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

8.C. [16-331](#)

APPOINTMENT OF ASSISTANT CITY ATTORNEY/POLICE LEGAL ADVISOR

City Attorney Pfeffer presented this item.

Mayor Glickstein stated Ms. Warren had a very impressive resume and is well suited for the position.

Vice Mayor Jacquet stated he is looking for to working with her.

Deputy Vice Mayor Jarjura stated she spoke to Ms. Warren's colleagues at the State Attorney's Office and they had impressive comments to say about her and her resume was impressive.

Commissioner Katz stated he concurs with his colleagues.

Ms. Lowanda Warren was present and gave comments.

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

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

8.D. [16-336](#)

FIRST AMENDMENT TO LEASE AGREEMENT BETWEEN CITY OF DELRAY BEACH FLORIDA AND CREATIVE CITY COLLABORATIVE OF DELRAY BEACH, INC. FOR OLD SCHOOL SQUARE PARKING

GARAGE PROPERTY

The City Attorney presented this item.

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

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

8.E. [16-343](#)

All remaining Routine Business Items were approved.

A motion was made by Deputy Vice Mayor Jacquet, seconded by Vice-Mayor Petrolia, that the remaining Routine Business items be approved. The motion carried by the following vote:

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

8.E.1. [16-335](#)

APPROVAL OF FISCAL YEAR 2016 SPENDING GREATER THAN \$25,000 WITH GREENMAN-PEDERSON, INC. OF TAMPA FOR TRAFFIC ENGINEERING SERVICES RELATED TO ATLANTIC CROSSING

Mr. Stillings presented this item.

Mr. Cooper stated this is in accordance with the City's Code of Ordinances, Chapter 36, Section 36.03(B).

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

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

8.E.2. [16-320](#)

CONTRACT AWARD TO MAXIS360 FOR A VOICE OVER INTERNET PROTOCOL (VoIP) TELEPHONE SYSTEM (RFP 2016-049)

This item was approved.

8.E.3. [16-004](#)

SERVICE AUTHORIZATION NO. 12-20 TO MATHEWS CONSULTING, INC. FOR PROFESSIONAL SERVICES IN DESIGN OF THE NEXT PHASE OF THE RECLAIMED WATER SYSTEM EXPANSION, AREA 12C (PROJECT NO. 2016-073)

This item was approved.

8.E.4. [16-243](#)

SERVICE AUTHORIZATION NO. 12-10 WITH WANTMAN GROUP, INC. FOR THE N.E. 2ND AVENUE/SEACREST BEAUTIFICATION PROJECT PHASE II

This item was approved.

- 8.E.5.** [16-276](#) BID AWARD TO DP Development of the Treasure Coast, LLC for Block 32 Alley IMPROVEMENTS (BID No. 2016-054)

This item was approved.

- 8.E.6.** [16-278](#) AWARD BID TO FOSTER MARINE CONTRACTORS, INC. FOR THE SW 10TH/9TH AVENUE IMPROVEMENTS AND SW 2ND TERRACE IMPROVEMENTS PROJECT

This item was approved.

- 8.E.7.** [16-306](#) BID AWARD TO FOSTER MARINE CONTRACTORS, INC. FOR THE INSTALLATION OF SIDEWALKS ON SE 4TH STREET PROJECT (BID NO. 2016-059C)

This item was approved.

- 8.E.8.** [16-286](#) CONTRACT AWARD TO AQUIFER MAINTENANCE & PERFORMANCE SYSTEMS, INC. TO REPLACE FLOW METERS FOR ALL CITY RAW WATER WELLS

This item was approved.

- 8.E.9.** [16-294](#) RETROACTIVE APPROVAL OF THE AGREEMENT FOR USE OF TENNIS CENTER AND STADIUM FOR FILM PRODUCTION BY SUPERPRIME

This item was approved.

- 8.E.10** [16-299](#) RATIFICATION OF EMERGENCY ACTION PURSUANT TO CITY CODE SECTION 36.02 (C) (5) TO AWARD THE REPAIR OF THE SANITARY SEWER MAIN ON SE 5TH AVENUE AT SE 5TH STREET IN THE AMOUNT OF \$320,487 TO FOSTER MARINE CONTRACTORS, INC., AUTHORIZED BY THE CITY MANAGER AS AN EMERGENCY ACQUISITION PURSUANT TO CITY CODE SECTION 36.01(B)

This item was approved.

- 8.E.11** [16-302](#) PRIOR APPROVAL OF FISCAL YEAR 2016 SPENDING GREATER THAN \$25,000 WITH PIPELINE PLUMBING SERVICES OF BROWARD

This item was approved.

- 8.E.12** [16-304](#) CONTRACT CLOSEOUT (CHANGE ORDER NO. 7/FINAL) WITH SEALAND CONTRACTORS CORPORATION FOR THE FEDERAL HIGHWAY BEAUTIFICATION PROJECT (PROJECT NO. 2009-009)

This item was approved.

8.E.13 [16-308](#) CONTRACT AWARD TO STROBES-R-US TO PROVIDE AND INSTALL EMERGENCY LIGHTS AND EQUIPMENT

This item was approved.

8.E.14 [16-337](#) PROPOSED OFFER OF SETTLEMENT IN THE CLAIM OF CHRISTOPHER SPOCK V. CITY OF DELRAY BEACH

This item was approved.

8.E.15 [16-284](#) PROPOSED OFFER OF SETTLEMENT IN THE CASE OF LESLIE & JOEL FENIGSTEIN V. CITY OF DELRAY BEACH

This item was approved.

9. PUBLIC HEARINGS:

9.A. [16-339](#) DEVELOPER'S AGREEMENT FOR UPTOWN ATLANTIC (FIRST PUBLIC HEARING)

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

Public Comments:

John Flynn and Dewayne Randolph representing Equity Enterprises, Inc. stated they are in agreement with the developer's agreement as stated by the City Attorney.

Chuck Ridley spoke regarding the project and thanked the City Commission for their support. He stated the Community stands in agreement with the developer.

Mr. Blanc stated he supports this project.

Ms. Jocelyn Patrick stated she concurs with comments as made by Mr. Ridley and is happy with everything the developer has done and asked for the City Commission's support.

Ms. Cindi Freeburn spoke regarding development and stated there are developers who work in good faith and more of that is needed in the city. She asked the City Commission to support this project.

Deputy Vice Mayor Jarjura stated the Community Benefits Agreement (CBA) agreement protects the community and she will be supporting this tonight.

Commissioner Katz commented regarding the developer working with the community. He also commended staff for their work on the agreement and

making it work. He stated he supports this going forward.

Vice Mayor Jacquet thanked the City Attorney, staff and everyone who worked on this agreement. He stated this is where the city was trying to get to and now everyone is on the same page. He stated this will be great because the community is involved. He commended Mr. Flynn for taking the time to work with the community.

Commissioner Petrolia stated she is in agreement with her colleagues and stated this will make a difference.

Mayor Glickstein stated he concurs what his colleagues have said.

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

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

10. FIRST READINGS:

10.A. None

11. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

Mr. Cooper gave comments about engaging a recruitment firm regarding the City Attorney position.

Commissioner Petrolia stated maybe the City Commission would like to bring in a firm on a temporary basis.

Discussion ensued regarding an outside law firm.

B. City Attorney

Mr. Pfeffer commented regarding his resignation and the resignations of Michael Dutko and Stephanie Spritz. He stated he will begin to recruit and interview for the Assistant City Attorney position.

Note

Commissioner Jarjura thanked Mr. Pfeffer for coming to the city and how he has stabilized things in the city and his service for the past two years.

Commissioner Petrolia commented regarding Attorney Dutko and stated she hopes Mr. Pfeffer is happy where he is going.

Commissioner Katz thanked Attorney Pfeffer for his service and thanked him for his professionalism. He stated he is sad to see Attorney Dutko leave. He stated he wishes him well. Commissioner Katz stated he would like to address the salary for the position and you cannot obtain good talent unless you pay well. He stated not just for the City Attorney position but for other positions as well.

Commissioner Katz stated he does not know if he would want to go to an outside attorney firm but would like to see the costs from other municipalities who utilize outside firms. He also referenced utilizing Mr. Cole's firm on a temporary basis during recruitment for the City Attorney position.

Mayor Glickstein stated he is not interested in utilizing an outside firm and asked the City Commission to authorize the City Manager to pursue a recruitment firm.

Discussion ensued regarding the City Attorney position. It was consensus of the City Commission to raise the salary regarding the City Attorney position.

C. City Commission

Commissioner Petrolia spoke regarding the trash situation. She stated the signs have not been changed on the trucks from Southern Waste Systems (SWS) to Waste Management and they are not picking up the trash. It was the consensus of the City Commission for this situation to be addressed. The City Commission stated there needs to be some communication regarding this.

Vice Mayor Jacquet asked about Davis Road regarding the Atlantic Community High School.

Commissioner Katz commented regarding the Item appealed tonight (Item 7.N.C.).

Mr. Stillings stated Code Enforcement is aware of this situation and is handling this regarding fines for not having permits, etc.

Commissioner Katz thanked Mr. Stillings and his staff for all of their hard

work.

Mayor Glickstein commented regarding Vice Mayor Jacquet running for office and asked the City Attorney to explain the process.

There being no further business, Mayor Glickstein de-clared the meeting adjourned at 11:35 p.m.