JUNE 2, 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, June 2, 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 the Regular Meeting of January 6, 2015, seconded by Vice Mayor Petrolia. Upon roll call the Commission voted as follows: 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. Said motion passed with a 5 to 0 vote.

4. PRESENTATIONS:

4.1. Lake Worth Drainage District 100th Anniversary – June 15, 2015

Mayor Glickstein read a proclamation hereby extending appreciation and special recognition to Lake Worth Drainage District on the occasion of its 100th Anniversary.

4.2. Delray Beach Community Redevelopment Agency 30th Anniversary – June 30, 2015

Mayor Glickstein read a proclamation hereby recognizing and proclaiming June 2015 as Delray Beach Community Redevelopment Agency 30th Anniversary Month in the City of Delray Beach. Jeff Costello, Executive Director of the Community Redevelopment Agency (CRA) came forward to accept the proclamation and gave a few brief comments.

4.3. Delray Beach Center for the Performing Arts Charrette Report

Chris Brown, RMA, speaking on behalf of the Delray Beach Center for the Arts and the Community Redevelopment Agency (CRA), stated their firm held two (2) public charrette sessions and he gave a brief overview of some of the comments expressed by citizens concerning the desire to redevelop the grounds around Old School Square.

Brief discussion by the City Commission ensued.

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.

With regard to issues concerning dogs on the beach expressed at the May 20, 2015 City Commission meeting, the City Manager stated that is under study at this point. The City Manager stated as he indicated in his memorandum to the Commission, until he has a recommendation or direction from the Commission to the contrary the City will be enforcing the ordinances as they apply. The City Manager stated staff will bring back to the Commission depending upon the results of the study.

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), stated he attended the CRA meeting where there was discussion about Old School Square. Dr. Kirson stated CRA Board Commissioner William Branning made a comment that the Old School Square Park was going to be a national/international tourist center. Dr. Kirson stated he would like to see some improvements done but he expressed concern that they want this to be a tourist center and the cost that it will involve.

5.B.2. Alice Finst, 707 Place Tavant, Delray Beach, FL 33445 (Chatelaine), thanked the City Commission for recognizing the Lake Worth Drainage District (L.W.D.D.) tonight and encouraged everyone to check the Lake Worth Drainage District (L.W.D.D.) website where they have a series of videos historically explaining their work over the last 100 years and it is connected to the history of the United States. Ms. Finst stated she feels that this is a must see for children and families because these videos explain where we were 100 years in this county or district and how where we got here today geographically because of the drainage districts. She feels if people watch the videos they will be really surprised and be more connected to the area.

<u>5.B.3.</u> **<u>Steve Blum, 115 Venetian Drive, Delray Beach, FL 33843 (Antilles Homeowner's Association),</u>** expressed concern over Item 7.B. on the Agenda and stated $30,200.00 calls for the architects to just synchronize all of the short, mid, and long-term recommendations of the six-year old Beach Master Plan into a conceptual Master Plan and providing cost estimates. Mr. Blum suggested to bring like minds to give Delray Beach examples of what other beaches have done worldwide and ideas how to make Delray Beach a world class beach. He stated a great percentage of Delray's population has left town and will not return for 6-8 months. Mr. Blum stated those tax paying individuals deserve to offer input before any plans move forward and he feels those taxpayers deserve fresh, new, and innovative ideas. In his opinion, Mr. Blum stated $30,200.00 for the services of this architectural firm is a waste of taxpayers' money and Suzanne Davis, Director of Parks and Recreation was not contacted on this and has not seen any updates whatsoever. Mr. Blum suggested that electronic devices be installed in the pavilion so that everyone can bring their laptop computers onto the pavilion and work there while looking over the beach.

<u>5.B.4.</u> **<u>Robert George</u>** gave a few brief comments and history of Item 8.I., Amendment to Triparty Agreement/Release of Right of Reverter Encumbering Real Property/Old Library Site and Chamber Relocation. Mr. George stated September 12, 2012 that Purchase and Sale Agreement was terminated and consequently with respect to the warranty deed there were subject to revisions one of which was the Purchase and Sale Agreement success otherwise if it was terminated Lots 14-18 had to revert back to the city. He stated that did not take place and at the November 20, 2012 City Commission meeting there was a new Triparty Interlocal Agreement issued in which the City agreed to release the CRA of the reverter clause and that agreement was not signed until March 8, 2013 and was recorded in July 2013. Mr. George asked if the agreement that was signed on March 8, 2013 was valid and legal why the City is being asked to reduplicate it again.

<u>5.B.5.</u> **<u>Kevin Warner, 248 Venetian Drive, Delray Beach, FL 33483,</u>** thanked the City Commission for formally moving the Parking Management Plan forward. Mr. Warner read into the record a quote from Mayor Glickstein from the May 12, 2015 City Commission Workshop meeting.

<u>5.B.6.</u> **<u>Ron Nobili, 159 Marine Way, Slip #15, Delray Beach, FL 33483 (member of the discriminated class of residents living within the Marina Historic District),</u>** read a brief statement into the record regarding the Marina and the on-street parking.

<u>5.B.7.</u> **<u>Pauline Moody, 609 S.W. 8th Avenue, Delray Beach, FL 33444,</u>** commended Mr. Pfeffer and Mr. Cooper for their work and noted their evaluations will be discussed tonight.

Secondly, Ms. Moody stated there are legal problems with IG Office, fraud, and the CRA thinks they are going to build on property that is City owned. Ms.

Moody stated she does not believe that big projects are going to change Delray and commented that employees are still quitting.

<u>5.B.8.</u> **<u>Ari Whiteman, 5091 Washington Road, Delray Beach, FL 33484,</u>** urged the City to prioritize its projects because there is a lot of maintenance to do in the city including all the buildings.

<u>5.B.9.</u> **<u>Daniel Rhodes, 323 N.E. 6th Avenue, Delray Beach, FL 33483 (Advocate for small businesses in the area),</u>** invited everyone to attend a "Meet and Greet" on Friday, June 12, 2015 from 7:30 a.m. to 9:00 a.m. at a new bakery located at 814 N.E. 6th Avenue.

Secondly, Mr. Rhodes stated a man by the name of Wayne "Doozie" Martin passed away two years ago and noted he was a very influential person at Atlantic High School. Mr. Rhodes stated he was a mentor to a lot of people and he passed away two (2) years ago. Mr. Rhodes urged the City to erect a memorial somewhere in the city (i.e. renaming the 505 Teen Center Basketball Court) because he was a very important part of Delray Beach. Mr. Rhodes stated he sent videos to the City Commission about Mr. Martin's life.

<u>5.B.10.</u> **<u>Jim Chard, Chairman of Human Powered Delray (HPD), 401 S.E. 4th Avenue, Delray Beach, FL 33483,</u>** commented about the Old School Square project and expressed concern over the process. Mr. Chard stated the standard process for something of this importance to a community such as ours is not a competition. Mr. Chard stated he does not know if this is the best plan, planner, or architect because there are no other alternatives and he would like to see a process that is much more open.

<u>5.B.11.</u> **<u>Bob Currie, Currie Sowards Aquila and 185 N.E. 4th Avenue, #101, Delray Beach, FL 33483,</u>** stated several years ago ninety (90) people attend two (2) charrettes and noted the Master Plan was a design by the community. Mr. Currie stated he volunteered his time to design the gazebos and the pavilions because he loves this town and the beach is such an important process. He suggested that fundamental things such as the need for new showers and getting the meters off the sidewalk so that pedestrians have a place to go. Mr. Currie stated the intent of the updated Master Plan to look at other alternatives around the world but one of the criteria by the community was that they do not want it too fancy. Mr. Currie stated one of the things that came up in the Charrette was people wanted to drive up Atlantic Avenue and look at the Atlantic Ocean. He stated one of the elements they will also be looking at is a creative way to close off A-1-A and Atlantic Avenue at night only during turtle season and open up again. Mr. Currie stated the Beach Property Owners' Association (BPOA) gave $60,000.00 toward the pavilion.

<u>5.B.12.</u> **<u>Hannah Connell, 1 S.E. 4th Avenue, Delray Beach, FL 33444,</u>** commented about Item 8.I., Amendment to Triparty Agreement/Release of Right of Reverter Encumbering Real Property/Old Library Site and Chamber Relocation the amendment to the Triparty Agreement of the Release of Right of Reverter on a public parking lot that was given publicly given to Delray Beach. Ms. Connell stated people are considering fancying up a beautiful space and that is exciting but meanwhile a public space that served this city very well for many years has been left boarded up for more than a decade and ignored. Ms. Connell stated the city has a chance to take back half of that space and decide what is the best use and what is the best thing for the city, taxpayers, and the people who that land was given to. Ms. Connell urged the Commission to reconsider re-conveying the old city lot of public property and public land that once housed the old city facilities of a Police Station, Fire Station, and community center.

5.B.13. **Peter Humanik, 704 N.E. 5th Street, Delray Beach, FL 33483,** commented about Item 8.F. and stated the City needs to spend money on the maintenance of what we already have not more new things have. Mr. Humanik stated that area is used for Green Markets, Festivals, and Friday night concerts. He stated this is an event venue and is the only one the City has for outdoors and he likes it but it just needs to be maintained.

Secondly, Mr. Humanik suggested that the City come up with a parking solution that accommodates all of Delray Beach citizens (i.e. tourists, residents who live here part of the year, and people who are spending money here). Mr. Humanik stated that the parking facilities that we have with the passes we have allow the people who live here to park there (i.e. reserve parking spaces).

Lastly, Mr. Humanik stated with respect to balkanizing the town by having special regulations for special areas, the meetings will only get longer and more divisive.

5.B.14. **Jeff Costello, Executive Director of the Community Redevelopment Agency (CRA), 20 North Swinton Avenue, Delray Beach, FL 33444,** stated for clarification the Old School Square Park is a City park and that the CRA assists the City with these projects with respect to the funding for the design and the construction. Mr. Costello stated there was a Phase II of the original park; the City was involved as well as the CRA and the acquisition of the property where the park is and the construction of the garage. Mr. Costello stated this is a community city project and the CRA is here to assist.

6. AGENDA APPROVAL.

The City Manager requested that **Item 8.F., Bid Award (Bid No. 2015-44) modified to only the Old School Square sod replacement.**

The City Attorney requested that **Item 8.I., Amendment to Tri-Party Agreement/Release of Right of Reverter Encumbering Real Property/Old Library Site and Chamber of Commerce Relocation** be removed.

Vice Mayor Petrolia requested that **Item 7.B., Service Authorization No. 12-07/Currie Sowards Aguila Architects for the Beach Area Master Plan**, be moved to the Regular Agenda as **Item 8.A.A.**

Ms. Jarjura moved to approve the Agenda as amended, 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.

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

7.A. **RATIFICATION OF SOUTH CENTRAL REGIONAL WASTEWATER TREATMENT AND DISPOSAL BOARD ACTIONS:** Motion to Approve and ratify the actions of the South Central Regional Wastewater Treatment and Disposal Board at their Quarterly Annual Meeting of April 16, 2015.

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

7.C. **RESOLUTION NO. 22-15/NUISANCE ABATEMENT ON FIFTEEN (15) PROPERTIES:** Motion to Approve Resolution No. 22-15 assessing cost for abatement action required to remove nuisances on fifteen (15) properties throughout the City of Delray Beach.

The caption of Resolution No. 22-15 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PURSUANT TO CHAPTER 100 OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, ASSESSING COSTS FOR ABATING NUISANCES UPON CERTAIN LAND(S) LOCATED WITHIN THE CITY OF DELRAY BEACH AND PROVIDING THAT A NOTICE OF LIEN SHALL ACCOMPANY THE NOTICE OF ASSESSMENT; SETTING OUT ACTUAL COSTS INCURRED BY THE CITY TO ACCOMPLISH SUCH ABATEMENT AND LEVYING THE COST OF SUCH ABATEMENT OF NUISANCES; PROVIDING FOR AN EFFECTIVE DATE AND FOR A DUE DATE AND INTEREST ON ASSESSMENTS; PROVIDING FOR THE RECORDING OF THIS RESOLUTION, AND DECLARING SAID LEVY TO BE A LIEN UPON THE SUBJECT PROPERTY FOR UNPAID ASSESSMENTS.

(The official copy of Resolution No. 22-15 is on file in the City Clerk's office.)

7.D. **PROCLAMATIONS:**

1. None

7.E. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS: Motion to Accept the actions and decisions made by the Land Development Boards for the period May 4, 2015 through May 15, 2015.

7.F. AWARD OF BIDS AND CONTRACTS:

1. Motion to Approve a purchase award from Don Reid Ford in the amount of $27,185 via a piggyback contract utilizing the Florida Sheriff's Association (FSA Contract #14-22-0904) for one (1) Ford Explorer to be used by the Fire Department. This is in compliance with the Code of Ordinances, Chapter 36, Section 36.02, (C)(7), "Utilization of Other Governmental Entities' Contracts". Funding is available from 501-3312-591.64-20 (Garage Fund: Machinery/Equipment/Automotive).

Vice Mayor Petrolia 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.

8. REGULAR AGENDA:

8.A.A. SERVICE AUTHORIZATION NO. 12-07/CURRIE SOWARDS AGUILA ARCHITECTS FOR THE BEACH AREA MASTER PLAN: Motion to Approve Service Authorization No. 12-07 with Currie Sowards Aguila Architects (RFQ No. 12-05) in the amount of $30,200.00 for professional architectural services relating to the Beach Area Master Plan project. This is compliance with the Code of Ordinances, Chapter 36, Section 36.02(C)(3), "Professional Services". Funding is available from 334-4151-572-31.90 (General Construction Fund: Parks & Recreation/Professional Services).

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

Vice Mayor Petrolia inquired as to why there are issues with the current pavilion. Mr. Krejcarek stated the goal of the pavilion was to make it look exactly like the old one which was painted white on the outside. Mr. Krejcarek stated know that it is special treated wood they will have do additional maintenance on areas because of what they did with the painting.

Mayor Glickstein commented about the wholesale discrepancies on the fasteners.

Vice Mayor Petrolia expressed concern over the City spending $30,000 ending up with the same specs and issues as well.

Mr. Krejcarek stated the $30,000 is *not* to do a design and specifications; the $30,000 is do a conceptual drawing (no specs just a rendering of what it is supposed to look like).

For clarification, Mayor Glickstein stated this is *not* a BPOA plan and asked what the City is getting for this. Mr. Krejcarek stated one of the first things is to conceptualize the project, and then you do your detailed design and specifications, then bid the project, then build the project. Mr. Krejcarek stated as soon as they get the conceptual drawings completed then they will do the detailed design which includes the specifications, and then bid the project. Mr. Krejcarek stated staff will bring the conceptual drawings back to Commission for direction and approval of them; staff will not move with detail design until they receive approval from the Commission on the concept. Mayor Glickstein stated once staff receives approval on this to ensure that information gets posted to the City's website long before it comes to the public meetings.

Ms. Jarjura stated the professionals that designed the pavilion should have known that by recreating that 1929 pavilion, you are not building a structure on the beach that is conducive to beach elements and it is going to have a significant amount of maintenance involved in it. The City Manager stated in the environment with those materials it will require annual maintenance. Ms. Jarjura stated she feels the Commission should have been advised that this pavilion does not work and inquired about the City doing an RFP for multiple firms respond.

Mr. Krejcarek stated the City does not bid professional services and explained that the firm that is the City is having done the conceptual drawings was a firm that was intimately involved with the book that came out of the Charrettes so they have the history with it. Mr. Krejcarek stated they have the history with it; typically when the City does a project like this they stay with the same firm because of the history that they have and it makes it easier for everyone as they move forward.

Mayor Glickstein inquired if the other pavilions are designed like this one.

Bob Currie, Architect with Currie, Sowards and Aguila, stated everything that was specified on that building was stainless steel or high grade galvanized. Mr. Currie stated there is nothing wrong with the structure; however, there are some aesthetic things where the paint is only on the outside. Mr. Currie stated it is going to take maintenance and it has to be cleaned, calked, and painted.

Vice Mayor Petrolia inquired about types of material that do not have this issue that are more durable. Mr. Currie stated they priced other materials and it is four times as expensive as wood.

Brief discussion by the Commission followed regarding the conditions of the pavilion.

Mr. Katz stated he feels we need to do a better job at checking out these vendors to make sure that the contractor is capable of completing the specs. Mr. Katz stated although he supports this, but that going forward the City do a little more due diligence in whomever the City chooses. Mr. Katz suggested that there is a handicapped walkway behind the pavilion and asked if it is part of the plan to keep the sand because the sand of the walkway because the sand covers the walkway and makes it difficult for the handicapped to get through.

Vice Mayor Petrolia moved to approve **Item 8.A.A. (formerly Item 7.B.)**, seconded by Mr. Katz. 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. FINAL SUBDIVISION PLAT AND WAIVER REQUEST/CHARLES PENMAN PATERSON PLAT LOCATED AT 504 N.W. 8TH AVENUE: Consider approval of a final subdivision plat for the property located at N.W. 8th Avenue; and consider a waiver request to reduce the lot frontage from the required 100 feet to the proposed 89.93 feet, and the lot width from the required 100 feet to the proposed 80 feet for the property located 504 N.W. 8th Avenue. ***(Quasi-Judicial Hearing)***

Mayor Glickstein read the City of Delray Beach Quasi-Judicial rules into the record for this item and **Item 8.A., 8.B., 8.C.,** or **8.D.**

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. Deputy Vice Mayor Jacquet stated he had no ex parte communications to disclose. Ms. Jarjura stated she has had multiple emails which are on the City server and she had two telephone conversations with Ms. Kathy Alderman. Vice Mayor Petrolia stated she had no conversations just emails which are on the City server. Mr. Katz stated he met with neighbors and received lots of emails. Mayor Glickstein stated he received emails which are on the City server.

Mark McDonnell, Assistant Director of Planning and Zoning, entered the Planning and Zoning Department project file #2014-192 into the record and presented this item to the Commission. Staff recommends approval of the waiver to the lot frontage and lot width, and approval of the final plat.

Cris Bennardo, 2920 N.W. 27th Avenue, Boca Raton, FL (Attorney speaking on behalf of the applicant), gave a brief presentation and explained that this lot is between Delray Lakes to the South and West and Lake Ida Shores to the East. Mr. Bernardo stated this lot as presented meets those requirements of those surrounding lots to the north (over 70% of those lots that are actually equivalent); this lot is a total of about 16,400 square feet of area.

Mayor Glickstein stated if anyone from the public would like to speak in favor or in opposition of this Item 8.A., to come forward at this time.

Jack London, Peter Rice, and Neal O’Donnell came forward and gave a few brief comments.

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

Mr. McDonnell and Mr. Bernardo had no cross-examination.

Mr. McDonnell gave a brief rebuttal and for the record stated there was a comment from Mr. London that the land was given to the citizens and that should never have happened; however, Mr. McDonnell stated that is the normal course when a right-of-way is abandoned; half of the right-of-way goes to one adjacent property owner and the other half goes to the other. Mr. McDonnell stated in this situation the property owner to the North did not want her half of the right-of-way and sold it to this applicant. Mr. McDonnell stated the resolution states that the City no longer had any use for that area and that is one of the findings they have to make to support abandoning the right-of-way. Secondly, Mr. McDonnell stated Mr. Rice mentioned that this is just for a profit and he does not believe this would be a reason to oppose someone’s application. Lastly, Mr. McDonnell stated because they looked at the other lots north of this and when staff looks at the waivers they look at the consistency and lot pattern in the area in order for staff to make a positive recommendation.

Mr. Bernardo gave a brief rebuttal and stated this is private property and the Patterson’s have paid taxes on this lot as a buildable lot and has been mowing the lot since 2005. Mr. Bernardo stated the green space was dealt with in 2006 and the City abandoned the land and Mr. Patterson is now confronted with the reality of dealing with this. Mr. Bernardo stated they are proposing the best use for that lot for both the community and Mr. Patterson.

Brief discussion by the Commission followed.

Mayor Glickstein stated before the motion is made for the Board Order, he would like it qualified that the City Attorney issue a letter to the County regarding the taxation of this lot that it does not comply with the zoning classification and is therefore unbuildable.

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 ***deny the final plat (Charles Penman Paterson Plat) and waiver***; and, direct the City Attorney to issue a letter to the County regarding the taxation of this lot that it does not comply with the zoning classification and is therefore unbuildable, 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 to ***deny the final plat and waiver*** passed with a 5 to 0 vote.

At this point, Mayor Glickstein stated there was nothing in the staff report that referred to the zoning classification in distinguishing it from the others; one of the criteria that the Commission is looking at in the waiver is compatibility; the staff report shows the depiction of the lot sizes, but it does not differentiate in narrative or otherwise the difference between the R-1-AAA zoning classification which is the most onerous classification we have in the city. Mayor Glickstein stated if this comes up again in the future it would be helpful for the Commission if staff could include this information in the staff reports.

8.B. FINAL SUBDIVISION PLAT AND WAIVER REQUEST/BIG SKINNY PLAT LOCATED AT 528 N.W. 1ST AVENUE: Consider approval of a final subdivision plat for the property located on the west side of N.W. 1st Avenue, south of N.W. 6th Street; and consider a waiver request to reduce the lot frontage from the required 75 feet to the proposed 50 feet, and the lot width from the required 75 feet to the proposed 50 feet and the lot area from the required 9,500 square feet to 9,115 square feet for the property located 528 N.W. 1ST Avenue. ***(Quasi-Judicial Hearing)***

Mayor Glickstein asked the Commission to disclose their ex parte communications. Deputy Vice Mayor Jacquet stated he had no ex parte communications to disclose. Ms. Jarjura stated she received emails which are on the City server. Vice Mayor Petrolia stated she received emails which are on the City server. Mayor Glickstein stated he received emails which are on the City server. Mr. Katz stated he received emails which are on the City server and he drove by it but there was nobody there.

Mark McDonnell, Assistant Director of Planning and Zoning, entered the Planning and Zoning Department project file #2015-144 into the record and gave a brief presentation. Mr. McDonnell stated staff recommends approval of the waivers and the final plat.

Mike Covelli, speaking on behalf of the Applicant, gave a brief presentation and stated this is a unique situation because they meet the minimum frontage requirement; however, because of the configuration of the lot, they do not have the ability to remedy it and meet the actual zoning requirements.

For the record and for clarification, Ms. Jarjura stated it is unique from the previous item in that there was an existing house on the lot and inquired if this was demolished prior to the opinions being provided by the City. Mr. McDonnell stated the current property owner purchased the property on April 29, 2014; the house was demolished on July 14, 2014, building permits were submitted in October 2014; the request for the determination to the Planning and Zoning Department was made in November 2014; an email dated November 14, 2014 stating that is was a lot of record; the City Attorney's office disagreed with the Planning and Zoning staff that it was *not* a lot of record due to the literal interpretation of what is required to be a lot of record. Ms. Jarjura clarified that was a practice, not a formalized rule and procedure in the Code.

Mayor Glickstein stated that if anyone from the public would like to speak in favor or in opposition of Item 8.B., to come forward at this time.

The following individuals from the public gave brief comments: Linda Oxford, Daniel Valdez, Charlotte Lees, Joanne Peart, and Sylvia Valdez.

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

Mr. Covelli and Mr. Dorling had no cross-examination.

Mr. Dorling had no rebuttal.

Brief discussion by the Commission followed.

Ms. Jarjura stated if the developer had built something that was more in conformance with the size of the lot, they would not be adversely affecting the neighborhood; however, they are proposing something much larger than the lot can support.

Vice Mayor Petrolia stated she is not going to support it because the Applicant was fully aware of the rules that the Commission would be adhering to on the dais.

Mr. Katz stated this would adversely affect the neighborhood and he will not support it.

Deputy Vice Mayor Jacquet stated the building on that lot is not going to be compatible with the lots next to it.

Mayor Glickstein stated he too will not support it because he feels the waiver issue has been abused in this city.

At this point, Mr. Covelli gave a brief rebuttal.

Brief discussion between the City Attorney and Commission followed.

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 ***deny the Final Subdivision Plat and Waiver Request for Big Skinny Plat***, 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 to ***deny the Final Subdivision Plat and Waiver Request for Big Skinny Plat*** passed with a 5 to 0 vote.

8.C. **<u>FINAL PLAT APPROVAL/CHEROKEE PLAT:</u>** Motion to Approve a final plat for a four (4) lot single family subdivision being platted as Cherokee Plat located on the southwest corner of Swinton Avenue and N.W. 8th Street. ***(Quasi-Judicial Hearing)***

Mayor Glickstein asked the Commission to disclose their ex parte communications. Vice Mayor Petrolia stated she received emails which are on the City's server. Ms. Jarjura stated she received emails which are on the City's server and had a telephone conversation with Ms. Kathy Alderman. Mr. Katz stated he received emails which are on the City's server. Deputy Vice Mayor Jacquet stated he had no ex parte communications to disclose. Mayor Glickstein stated he received emails which are on the City's server.

Mark McDonnell, Assistant Director of Planning and Zoning, entered the Planning and Zoning Department project file #2015-076 into the record and presented this item to the Commission. For the record, Mr. McDonnell stated Appendix "A" Standards for Plat Actions attached to the Planning and Zoning Board staff is stated "not applicable" for items "E" and "F" but it should read "meets intent of standard."

Mike Covelli, speaking on behalf of the Applicant, stated this plat has a permitted density of five (5) units to the acre and when they looked the surrounding lots and did an average of the frontages of those lots; however, they chose to do four (4) lots because it was more consistent with the lots within the neighborhood. Mr. Covelli stated by going from five (5) lots to four (4) lots they exceed all of the requirements, etc.

Mayor Glickstein asked if anyone from the public would like to speak in favor or in opposition of Item 8.C., to come forward at this time. There being no one from the public who wished to address the Commission, the public comment was closed.

There was no cross-examination or rebuttal.

Ms. Jarjura stated if the residents of Lake Ida and Swinton want to have a historic district or want to rezone all of the Lake Ida property to the R-1-AAA zoning district, then they need to get together have each of the property owners sign off on. She stated the City cannot impose other zoning districts on properties because half the neighborhood is R-1-AAA and the other half is R-1-AA. Ms. Jarjura stated she supports this because it conforms to the requirements of the City Code.

Mr. Katz stated he is reluctant but supports it only because of the law and concurs with Commissioner Jarjura's suggestion that the people in the community get together and potentially create a historic district and work with the City to make that happen.

Vice Mayor Petrolia stated she concurs with comments expressed by Commissioner Katz that she will support it because she has to support it and encouraged the neighbors who are trying to make a difference to band together and look at the entire neighborhood.

Deputy Vice Mayor Jacquet had no comments.

Mayor Glickstein briefly discussed the history of Lake Ida and stated the people in Lake Ida were not pleased with the incompatibility of the architectural style and that was the catalyst then. He stated if the neighborhood is desirable of something different perhaps this is the catalyst now to do something. Mayor Glickstein stated although there may be reluctant agreement with this, the City is governed by these land use laws and he supports it.

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).

Ms. Jarjura moved to approve Final Plat for Cherokee Plat, 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 5 to 0 vote.

8.D. RESOLUTION NO. 06-15/DEPOT SQUARE APARTMENTS: Motion to Adopt Resolution No. 06-15, vacating and abandoning a 30-foot wide public right-of-way known as N.W. 2nd Street located between Interstate-95 and the CSX Railroad associated with Depot Square Apartments. ***(Quasi-Judicial Hearing)***

The caption of Resolution No. 06-15 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, VACATING AND ABANDONING THE ROAD RIGHT-OF-WAY DEDICATED BY THE MODEL SUBDIVISION PLAT SECTION 18, TOWNSHIP 46 SOUTH, RANGE 43 EAST, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; AND PROVIDING AN EFFECTIVE DATE.

(The official copy of Resolution No. 06-15 is on file in the City Clerk's office.)

The City Attorney stated this is a Quasi-Judicial Hearing and there is a request for party status from Tom Mullen who represents John Quinn who is an adjacent property owner and they meet the requirements for party status.

Ms. Jarjura moved to approve to grant the party status request, 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.

Mayor Glickstein asked the Commission to disclose their ex parte communications. Ms. Jarjura stated she has had conversations and meetings with Mr. Mullen and his client, and has also had conversations and meetings with Bonnie Miskel, Scott Backman who are representatives for the property owner. Vice Mayor Petrolia stated she has had conversations with Bonnie Miskel and Mr. Mullen. Deputy Vice Mayor Jacquet stated he received a telephone call from former elected official Tom Carney about this issue. Mr. Katz stated he met with Mr. Mullen, Bonnie Miskel, the applicant as well as the appellant. Mayor Glickstein stated he has nothing recent other than emails.

Mark McDonnell, Assistant Director of Planning and Zoning, entered the Planning and Zoning Department project file #2015-006 into the record.

For the record, Mr. McDonnell noted that staff received a letter yesterday from Mr. Mullen dated June 1st and received a letter dated May 29th from Mr. John Gwynn, Depot Warehouse, LLC., and today staff received an email from Mr. Mullen with respect to a tenant who is employed at the depot warehouse.

Mr. McDonnell gave a brief presentation to the Commission and there are conditions listed in the staff report and those conditions have been addressed and are deemed satisfied by the City's Engineering Department; they have indicated that all the easements that they need have been provided and staff received approval by the Fire Marshal. At its meeting of April 20, 2015, the Planning and Zoning Board recommend approval and staff recommends approval.

Scott Backman, Attorney representing the Applicant, gave a brief presentation and stated they are requesting to abandon a ten foot (10') strip; there was an overlap; however, it was an error. Mr. Backman stated they are giving back exactly what they are requesting to abandon. Mr. Backman stated they have tried to accommodate the issues that have been raised by their neighbor with regard to their semi-tractor trailer truck access; all other access (including fire access) can be accommodated without any problem with the thirty feet that is going to exist as a result of this action.

Nathan Nason, Esq., Nason Yeager Gerson White & Lioce, P.A., Attorneys at Law, 7700 Congress Avenue, Suite #2201, Boca Raton, FL 33487, Attorney representing Depot Warehouse, LLC. And stated they object to the abandonment of this roadway. Mr. Nason stated it is inappropriate for them to utilize a proposed fix for the impacts of their development by seeking to utilize portions of their property in order to allow for permissible access to the back end of this development.

David Stewart, Engineer with Kimley-Horn (has practiced in Palm Beach County for 37 years), gave a brief explanation of the turning movements on and off the property under both existing conditions and the proposed site plan.

John Gwynn, Depot Warehouse, briefly discussed the proposed current site plan and stated he requested buffers for the property.

Mayor Glickstein stated if anyone from the public would like to speak in favor or in opposition of Item 8.D., to come forward at this time.

The following individuals from the public came forward to speak: Alberto (last name unknown) and Tom Head (Applicant). For the record, the Applicant stated the sketches that Mr. Mullen and and Mr. Gwynn provided to Kimley-Horn are not the latest iteration and displayed the *correct* sketches. Mr. Head stated the hammerhead was put in because the Fire Department required it.

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

The following individuals gave a brief cross-examination: Randal Krejcarek, Mark McDonnell and Scott Backman.

There was no cross-examination from the appellant.

City Staff gave the following rebuttal:

Mark McDonnell gave a brief rebuttal regarding the round-a-bout and shaving off a piece of the landscape buffer along the row of parking immediately west upwards of the Depot Warehouse. For the record, Mr. McDonnell stated with respect to the access easement was not identified nor was any shaving off of an existing landscape island and these would require a site plan modification.

Scott Backman gave a brief rebuttal.

Nathan Nason, Esq., requested Mr. Stewart (Engineer for the appellant) come forward and briefly addressed the parking issues that were raised.

After brief discussion, the City Attorney stated in order to resolve this problem three (3) actions have to occur: (1) Abandon the ten foot (10') strip on the Northern half, (2) the City has to do a corrective Quit-Claim Deed and is categorized it as a scrivener's error is because the City is conforming the legal to the way the plat physically is drawn at this time (shifting the road ten feet south so that it aligns with the way it is currently built and the way it is shown on the plat) and (3) a Special Warranty Deed to replace the ten foot on the top with ten feet on the bottom.

Brief discussion between Mayor Glickstein and Mr. Mark Smiley (Civil Engineer for the Applicant) followed with respect to the hammerhead and the right-of-way.

Mayor Glickstein asked Mr. Stewart (Kimley-Horn) to confirm that the hammerhead section to the left is in fact *not* encroaching on any parking area. Mr. Stewart stated there are parking spaces there that are utilized on a daily basis and may not be fully striped; there is additional asphalt which is shown as a cross-hatched area north of the access easement and that area is utilized on a daily basis by the users of the site. Mayor Glickstein stated if the fire truck needs to back out will it create a major hardship of that property. Mr. Stewart stated it is not a major hardship on the property; it occupies space.

Brief discussion by the Commission, Mr. John Gwynn and Mr. Stewart followed.

Mayor Glickstein stated he does not like the idea of a solution impacting an adjacent property and the uncertainty that may create.

Mike Avirom, Avirom & Associates, Inc., 50 S.W. 2nd Avenue, Boca Raton FL 33432 (Surveyor for 34 years), stated this is about fixing a surveying error. Mr. Avirom stated the 1981 plat is ten feet south of where it should be and his survey is based upon I-95 and it depicts 2nd Street in accord with I-95 and the deed into the City from FDOT. Mr. Avirom stated when the deed came from the City to his client there was an error made and the surveyor at that time started at a whole new point of beginning and re-work this legal description and he made a ten (10') foot error; he did not use a deed of record but used some other legal description.

Brief discussion between the Commission and Mr. Avirom followed.

Ms. Jarjura moved to approve Resolution No. 06-15 to abandon the road right-of-way incorporating all the conditions placed by the Planning and Zoning Board, seconded by Mr. Katz. Upon roll call the Commission voted as follows: Mayor Glickstein – Yes; Vice Mayor Petrolia – No; Deputy Vice Mayor Jacquet – No; Mr. Katz – Yes; Ms. Jarjura – Yes. Said motion to approve passed with a 3 to 2 vote, Vice Mayor Petrolia and Deputy Vice Mayor Jacquet dissenting.

8.E. **RESOLUTION NO. 08-15/HISTORIC INDUSTRIAL CENTER**: Motion to Adopt Resolution No. 08-15 authorizing a Corrective Quit Claim deed in connection with the prior exchange of property at Historic Depot Square; and a Motion to Accept a Special Warranty Deed from Depot Industrial Center, LLC for the dedication of roadway located at Depot Road and N.W. 2nd Street.

The caption of Resolution No. 08-15 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, CORRECTING A SCRIVENER'S SURVEYING ERROR CONTAINED IN THE LEGAL DESCRIPTION ATTACHED TO RESOLUTION NO. 30-11 ADOPTED BY THE CITY ON AUGUST 2, 2011 RELATING TO AN AGREEMENT FOR THE EXCHANGE OF REAL PROPERTY AND ABANDONMENT OF RIGHT-OF-WAY IN CONNECTION WITH THE PLAT OF HISTORIC DEPOT SQUARE; AUTHORIZING A CONVEYANCE, BY CORRECTIVE QUIT CLAIM DEED, TO DEPOT INDUSTRIAL CENTER, LLC. WITH THE CORRECTED LEGAL DESCRIPTION; AND

PROVIDING AN EFFECTIVE DATE.

(The official copy of Resolution No. 08-15 is on file in the City Clerk's office.)

The City Attorney stated this is the companion item to the previous item and it has three elements; it is a resolution to correct a Quit Claim Deed and a Special Warranty Deed that completes the relocation of the thirty foot (30') parcel.

Ms. Jarjura moved to approve Resolution No. 08-15, seconded by Mr. Katz. Upon roll call the Commission voted as follows: Vice Mayor Petrolia – No; Deputy Vice Mayor Jacquet – No; Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes. Said motion passed with a 3 to 2 vote, Vice Mayor Petrolia and Deputy Vice Mayor Jacquet dissenting.

8.F. BID AWARD (BID NO. 2015-44) AND ADVANCED APPROVAL OF FISCAL YEAR 2015 SPENDING GREATER THAN $25,000.00/ODUM'S SOD, INC: Motion to Approve a bid award (Bid No. 2015-44) to Odum's Sod, Inc. for Celebration Sod at Old School Square; and Motion to Approve annual spending to Odum's Sod, Inc. in an amount not to exceed $65,000.00. Funding is available from various accounts. 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", and Section 36.02(C), "Direct Acquisitions Method".

The City Manager presented this item to the Commission.

Vice Mayor Petrolia inquired about the $65,000.00 the City spends on sod per year. The City Manager noted that is what is anticipated; there was a technical issue with this recommendation and he reduced it to that one item only and staff will bring the rest of it back for the golf course at a later date.

Mr. Katz expressed concern if the City is using the right type of sod and he suggested that going forward the City figure out a way where the City is not replacing the sod at Old School Square so often. In his opinion, Mr. Katz stated the reason the sod is in its current condition is a combination of the events that are being held there (i.e. equipment used by these events) and potentially not using the correct sod.

Vice Mayor Petrolia concurs with comments expressed by Commissioner Katz that the equipment required to be placed on the grass from events held at Old School Square are contributing to poor condition of the sod.

Mr. Katz moved to approve the bid award 2015-44 to Odom's Sod, Inc. for Celebration Bermuda Sod for Old School Square in the amount of plus/minus 20,000 square feet both purchase price and installation in an amount of $14,200.00, seconded by Vice Mayor Petrolia. Upon roll call the Commission voted as follows: 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.G. CONTRACT AWARD/AQUIFER MAINTENANCE & PERFORMANCE SYSTEMS, INC.: Motion to Approve a contract award to Aquifer Maintenance & Performance Systems via Martin County Contract No. RFB2012-2540, in an amount not to exceed $120,260.00 for the Production Well Rehabilitation Project (Project No. 2015-019). This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(C)(7), "Utilization of Other Governmental Entities' Contracts". Funding is available from 442-5178-536-68.14 (Water and Sewer Renewal and Replacement Fund: Renewal and Replacement Project/Other Improvements/Production Well Rehabilitation).

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

Mr. Katz moved to approve an award to Aquifer Maintenance & Performance Systems, Inc. utilizing an active contract with Martin County, Florida (#RFB2012-2540), for performing rehabilitation services on raw water wells, at a cost not to exceed $120,260.00, 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.H. CHANGE ORDER NO. 5/SEALAND CONTRACTORS CORPORATION FOR FEDERAL HIGHWAY BEAUTIFICATION: Motion to Approve Change Order No. 5 with Sealand Contractors Corporation in the amount of $19,607.96 for additional scope for the repair of pipe and roadway due to depressions, landscaping and trench drain revisions, addition of tree stand pipes with grate, and overrun of the pipe culvert contract line item, substitution of tree pit system and a fifteen (15) day extension of time; to be paid out of the contract's Undefined General Allowance; for the Federal Highway Beautification Project (Project No. 2009-009).

Mr. Krejcarek, Director of Environmental Services, presented this item to the Commission and staff anticipates two (2) more change orders with this contract.

Ms. Jarjura inquired if staff expects those change orders to add significant more time to the project. Mr. Krejcarek stated the close-out will not add a significant amount of additional time; however, he will find out about the signalization. Mr. Krejcarek stated that staff is hopeful that the one-way pair back will be converted back to two-way around July/August.

Vice Mayor Petrolia moved to approve Change Order No. 5 to Sealand Contractors Corp. in the net total amount of $19,607.96 for additional scope for the repair of pipe and roadway due to depressions, landscaping and trench drain revisions, addition of tree stand pipes with grate, and overrun of the pipe culvert contract line item, substitution of tree pit system and a fifteen (15) day extension of time; to be paid out of the contract's Undefined General Allowance; for the Federal Highway Beautification

Project, 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.I. THIS ITEM HAS BEEN REMOVED FROM THE AGENDA.

8.J. NOMINATION FOR APPOINTMENT TO THE DELRAY BEACH HOUSING AUTHORITY BOARD: Nomination for appointment of one (1) regular member to serve on the Delray Beach Housing Authority Board to serve an unexpired term ending July 14, 2016. Based on the rotation system, the nomination for appointment will be made by Commissioner Katz (Seat #3).

Mr. Katz moved to nominate Morris Weinman to the Delray Beach Housing Authority Board (DBHA) as a regular member to serve an unexpired term ending July 14, 2016, 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. CITY ATTORNEY PERFORMANCE EVALUATION

Brief discussion ensued regarding the City Attorney's evaluation.

At this point, Mr. Katz moved to continue meeting past 11:00 p.m., seconded by Vice Mayor Petrolia. 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 – Yes. Said motion passed with a 4 to 1 vote, Deputy Vice Mayor Jacquet dissenting.

At this point, Deputy Vice Mayor Jacquet left the meeting.

8.L. CITY MANAGER PERFORMANCE EVALUATION

At this point, brief discussion ensued regarding the City Manager's evaluation.

9. PUBLIC HEARINGS:

A. None

10. FIRST READINGS:

A. None

11. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS.

11.A. City Manager

None.

11.B. City Attorney

The City Attorney stated at the next regular meeting he will invite Mr. Furr to come in to provide a report to the City Commission with a strategy going forward regarding the Auburn Trace case.

Secondly, the City Attorney stated last Thursday staff had another negotiating meeting with the firefighters' and he believes there is general agreement on most of the employment terms. However, the City Attorney stated they submitted a pension proposal that is still very different from the city. The City Attorney stated to their credit, the have ordered an actuarial study which will be available in a couple of weeks and they believe that study will show it achieves a similar level of savings that the city expects. Furthermore, the City Attorney stated when staff receives that report staff will formulate a policy and shortly thereafter he may ask each Commissioner to discuss possible strategies going forward.

11.C. City Commission

11.C.1. Commissioner Katz

Commissioner Katz stated improvements need to be made with the towing RFP. The City Manager stated there are improvements that are going to be made.

Secondly, Commissioner Katz suggested that the Workshop meetings be the Commission working with staff with the input from the community and the stakeholders to come up with a decision and that it be similar to the board room. For example, the front row of seats in the Commission Chambers be reserved for staff and that they be required to be present for the entire Workshop meeting that way the Commission interacts with staff so that staff gets their feedback and the Commission gets their feedback and there is a very clear understanding of what staff needs to go back and do (i.e. policy changes, etc.). Mayor Glickstein stated Commissioner Katz stated this is a great point but he feels the problem is that public comment. Mayor Glickstein stated in the past public comment was not allowed at Workshop meetings and there is no legal requirement to do so. However, Mayor Glickstein stated there is a requirement to allow public comment at special meetings and regular meetings. Commissioner Katz stated if staff is made part of the discussion and to make them feel part of that decision, it will help them feel empowered when they go back to make the policy that they were part of that. In his opinion, Commissioner Katz stated a Workshop meeting should be the Commission collaborating a little bit more with them and suggested that they try this next week for the June 9, 2015 Workshop meeting.

11.C.2. Commissioner Jarjura

None.

11.C.3. Vice Mayor Petrolia

None.

11.C.4. Mayor Glickstein

Mayor Glickstein commended Deputy Vice Mayor Jacquet on his commencement speech at the Daughter of Zion Graduation. Mayor Glickstein stated he attended numerous graduations and it was the one that really spoke to not only the graduates but their parents and was a heartfelt commencement address.

Secondly, Mayor Glickstein commended the CRA Board for pressing the issue of the Arts District acquisition.

Mayor Glickstein commented about an email about a resolution that other cities have passed about the Civil Rights ordinance and stated he asked the City Attorney to place this on an Agenda for Commission consideration.

With respect to the Federal Highway Beautification Project, Mayor Glickstein stated the sabal palms were found to be in compliance with specifications and good quality. Mayor Glickstein stated that may be true; however, he there is a straight tree and a crooked tree looks dumb. For example, Mayor Glickstein stated the benches looking at a wall meet the specifications too and that is not what he wants to see. Mayor Glickstein stated he expressed a specific problem that he believes that most reasonable people could see (i.e. straight tree, crooked tree). Mayor Glickstein suggested that there should either be two crooked trees or two straight trees. Mayor Glickstein stated he not only asked about whether or not the landscaping is in compliance at Delray Place but he also asked about the retaining wall and stated it looks cheap to have pressure treated dowse under the structural improvements that they made. The City Manager stated staff does not have a final report yet.

Mayor Glickstein asked what the City Manager meant with respect to the facility study coming in high. The City Manager stated the facilities study came in at three quarters of a million dollars and they included all properties but the City really just needs an evaluation of the buildings. The City Manager stated staff knows where the properties are from the property list and staff is reconfiguring that pursuant to the Purchasing regulations to put that out and get a new proposal that is more realistic of what we need. Mayor Glickstein asked if staff is also addressing disposition of assets too. The City Manager stated staff is addressing disposition of assets as well.

With respect to the towing RFP, Mayor Glickstein stated he is hearing the same things that everyone heard with the Waste Management where there was a bias towards the existing vendor. Mayor Glickstein stated the object is to cast as wide a net as possible. Vice Mayor Petrolia stated the issue that has followed this that is just as important in the entire process is the Selection Committee. Mayor Glickstein stated he does not want to see any of the staff bias that the City had before.

Mayor Glickstein stated the Commission received a memorandum from Michael Coleman that there are still five (5) restaurants that are still not in compliance. The City Manager stated staff will follow the ordinance and these restaurants are being cited.

Mayor Glickstein stated he will not be here for the June 9th Workshop meeting and with respect to the special events he encouraged the City Commission to talk to residents, business owners, and to the people out west who are seeing these things from a different perspective. Mayor Glickstein stated the merits of which events the City has or does not have as long as the conversation is intellectually honest it will help the City get there. In other words, Mayor Glickstein stated there is nothing wrong for a City agency to say they need this event because the revenue is the lifeblood of our agency or that they cannot survive without this. However, Mayor Glickstein stated he does not want to hear an agency say they need to hold a special event because it is supporting local business when it is not. Mayor Glickstein stated the businesses he spoke to on Atlantic Avenue on economically neutral meaning that whatever they are gaining they are losing; however, many businesses are saying that at this point it is economically negative. Mayor Glickstein stated everyone has talked about looking for unique opportunities that do not tax our city resources and that do not put businesses out of business temporarily. He stated he does not want to discourage those people with respect to wellness issues and athletic events. The City Manager stated this is intended for the high impact to the intermediate type events; the low impact events or events that are contained in a particular location would not apply. At this point, Commissioner Jarjura stated the Commission is just asking to have some order and regulation and look at who the user is and look at what the impacts are (i.e. is it a resident geared event or is it for local businesses). She stated there may be an area of the city that needs events and feels there is a lot of misinformation out there of what the City is trying to do and accomplish.

Lastly, Mayor Glickstein stated in reviewing the Comprehensive Plan it is strangely silent regarding wellness in general for the city and that is something that should be looked at. Furthermore, Mayor Glickstein stated education is lacking in the Comprehensive Plan and it should be an objective in the Comprehensive Plan that our students are at grade level reading. Mayor Glickstein stated the Comprehensive Plan needs to be re-evaluated so that from a policy objective that is always part of the conversation.

There being no further business, Mayor Glickstein declared the meeting adjourned at 12:02 a.m.

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City Clerk

ATTEST:

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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 June 2, 2015, which Minutes were formally approved and adopted by the City Commission on _________________________.

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City Clerk

<u>NOTE TO READER:</u>

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.