**AUGUST 11, 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, August 11, 2015.

**1.** Roll call showed:

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

Absent - None

Also present were - Donald B. Cooper, City Manager
Noel Pfeffer, City Attorney
Chevelle D. Nubin, City Clerk

## 2. PLEDGE OF ALLEGIANCE TO THE FLAG.

## 3. APPROVAL OF MINUTES:

Ms. Jarjura moved to approve the Minutes of the Regular Meeting of February 3, 2015, 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. Downtown Development Authority (DDA) 2015-2016 Goals

Marjorie Ferrer, Executive Director of the Downtown Development Authority (DDA) gave a brief presentation regarding the DDA's 2015-2016 Goals.

**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.**

At this point, the City Manager introduced Gwendolyn Spencer, Information and Technology Officer.

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

None.

**5.B.** **From the Public.**

**5.B.1.** **Price Patton, 1020 Tamarind Road, Delray Beach, FL 33483,** stated he and his wife own a home at 73 Palm Square which they are renovating and trying to keep in style of the historic neighborhood.

Secondly, Mr. Patton stated the City has insisted and have agreed to build sidewalks on two sides of the lot at the corner of 1st and Palm Square. He requested that **Item 7.C., Acceptance of a Sidewalk Easement Deed for 73 Palm Square** be moved to the Regular Agenda as **Item 8.A.A.** for discussion. Mr. Patton stated building a sidewalk in the middle of a historic district should be deferred until a Comprehensive Pedestrian and Vehicle Plan can be developed as like the plan that is going forward in the Del-Ida Historic Neighborhood. He stated the remainder of Palm Square there is no sidewalks; they are occupied by historic houses with tiny yards that are used for parking. Mr. Patton stated the home is on the south end of Palm Square and he does not see any chances of the sidewalk being completed on either side to Atlantic Avenue. He stated Atlantic Crossings has promised traffic calming measures in the historic district although they have not been defined. Mr. Patton urged the Commission to defer building a sidewalk until a comprehensive plan can be developed, allow them to have a CO when their house is done, and let the lawsuit settle with Atlantic Crossing so that the City can develop a cohesive plan for the entire district not just one corner.

**5.B.2.** **Bob Ganger, 1443 North Ocean Boulevard, Delray Beach, FL 33483 (speaking as the past President of the Delray Beach Historical Society),** stated last week he received a telephone call from the Executive Director of the Historical Society concerning an unsigned letter dated July 31, 2015 that the Commission received from someone in the city announcing that a $50,000 application for a benevolent contribution request was essentially turned down and an amount of $10,000 would be recommended to the City Commission at the August 18, 2015 budget meeting. Mr. Ganger stated as the organization tries to budget for the upcoming year is to hire an archivist, but they cannot hire an archivist if they do not have the money. Mr. Ganger stated the archivist they would like hire has other options. Mr. Ganger stated in 2007 he was the President of the Delray Beach Historical Society and he gave a brief history of the move of the Hunt House from Federal Highway to Swinton Avenue and restore it and build an archival facility that is hurricane proof. He stated that was done through a tri-party matching grant agreement with the County that involved his signature, Mayor Ellis, and City Manager David Harden that pledged that they would operate the facility for as long as conceivable and that the facility would be used as an educational process to teach the history of this city. Mr. Ganger stated the City raised $200,000, the County raised $200,000, and the Delray Beach Historical Society raised $200,000 through the Board and its members.

**5.B.3. Mary Saele, 3977 Satin Leaf Court, Delray Beach, FL 33445 (Sabal Lakes),** appreciates that the Police Department has decided *not* to route traffic through the Sabal Lakes development endangering its own residents and children who walk to school. However, Ms. Saele stated the Sabal Lakes residents' want to make sure that routing which could be up to 5,000 cars a week through Sabal Lakes never happens because it is a dangerous situation. She stated if the thirty (30) day test period does not work out, there needs to be an alternate solution and a long-term solution. She stated the Sabal Lakes community would like to be part of a permanent solution that will hopefully be low-cost and efficient. Ms. Saele stated about 75-100 people showed up to the meeting at Banyan Creek Elementary and the next day Sabal Lakes residents formed a committee of approximately ten (10) people.

**5.B.4. David Smith, 1350 Laurelwood Lane, Delray Beach, FL 33445 (Sabal Lakes),** stated the residents do not want the routing through their neighborhood to ever be considered again and that the public, residents of Sabal Lakes, the City of Delray Beach, and the Palm Beach County School Board must work together to treat the underlying cause of this issue versus short-term efforts to relieve the symptoms. Mr. Smith stated the underlying cause is the fact that there is an infrastructure that has not grown with the size of the school, the programs, and the traffic requirements because the people who are driving to the school now is not the same population that the school was started with. He encouraged everyone to arrive at solutions to the real problem and not the symptoms.

**5.B.5. William Sowd, Palm Beach County Substance Awareness Coalition,** stated new county and municipal ordinances went into effect that require all vendors of alcohol to display a visible sign which includes the punishment for underage drinking under age 21; the sign includes the legal age and the number to call if anyone sees anyone selling and buying for underage people. Mr. Sowd stated he would like to endorse having this sign be put up in liquor stores.

**5.B.6. Jackie Jones, 402 West Atlantic Avenue, Delray Beach, FL 33483,** stated there is a Palm Beach County ordinance that is supposed to be voted on to enforce liquor stores to display signs about underage drinking and the penalty and the sign is provided by the Palm Beach County Substance Awareness Coalition. Ms. Jones invited everyone to the unity gathering which is a moment for the churches to come together in unity in Delray for fellowship, a pot-luck, and a remembrance for the shooting in South Carolina.

The City Attorney stated he is aware of this ordinance and is working on it. Also, subject to City Commission approval, the City Attorney stated he expects to present the final draft of this ordinance to the Commission in September.

**5.B.7. Hannah George Connell, third generation property owner in downtown Delray Beach/born and raised on S.E. 4th Avenue, 1 S.E. 4th Avenue, Delray Beach, FL 33444,** stated she is a "F.O.O.L." a Friend Of the Old Library site because she has heard the many stories from previous generations of piano lessons, table tennis and community dances that have taken place at what is sometimes known as the old library site.

**5.B.8.** **Ron Nobili, 159 Marine Way, Slip #15, Delray Beach, FL 33483 (member of the discriminated class of residents living within the Marina Historic District),** stated he feels that Ordinance No. 05-15 is flawed and read a brief statement into the record.

**5.B.9.** **Peter Humanik, 704 N.E. 5th Street, Delray Beach, FL 33483,** thanked Mayor Glickstein for his continued vigilance on fiscal matters and thanked Vice Mayor Petrolia for leading the effort of the two (2) months of credit/refund with respect to the water bills. In addition, he thanked Mayor Glickstein for rejecting the 18-person party Pedi-cycle. Mr. Humanik stated we need to be more pedestrian friendly; however, he feels the term is inconsistent with Atlantic Avenue as it is growing. He stated if the City is planning to put bike racks and bus shelters on Atlantic Avenue to rethink this because he feels that Atlantic Avenue is for pedestrians. Mr. Humanik stated historic preservation should be expanded for certain properties to include the actual site.

## 6. AGENDA APPROVAL.

The City Manager requested that **Item 7.F.,** **Approve Waiver of Café Permit Fees** be rescheduled to a meeting in September.

Mr. Katz requested that **Item 7.C.,** **Acceptance of a Sidewalk Easement Deed for 73 Palm Square** 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.** **SIDEWALK EASEMENT DEED AGREEMENT/THE FRAN BUILDING/321 EAST ATLANTIC AVENUE:** Motion to approve a sidewalk easement deed agreement for the property located at 321 East Atlantic Avenue known as The Fran Building.

**7.B.** **RIGHT OF WAY DEED ACCEPTANCE FOR N.E. 8TH AVENUE:** Motion to approve a right-of-way deed for the dedication of 25 feet of right-of-way associated with the property located at N.E. 8th Avenue.

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

**7.D.** **CONTRACT CLOSEOUT (CHANGE ORDER NO. 2/FINAL) JW CHEATHAM, LLC/STREET RESURFACING CONSTRUCTION PROJECT:** Motion to Approve Contract Closeout (Change Order No. 2/Final) in the amount of

$22,399.20 decrease and final payment in the amount of $17,632.81 to JW Cheatham, LLC. for completion of the Street Resurfacing/Reconstruction Project (Bid No. 2014-32). This is in compliance with the Code of Ordinances, Chapter 36, Section 36.06(A)(2), "Change Orders; Within the Scope of Work".

**7.E. AGREEMENT/UNITED STATES DEPARTMENT OF JUSTICE, DRUG ENFORCEMENT ADMINISTRATION (DEA)/ILLEGAL NARCOTICS AND DANGEROUS DRUGS:** Motion to Approve and accept a State and Local Task Force Agreement between the City and the United States Department of Justice, Drug Enforcement Administration (DEA), to reimburse the Delray Beach Police Department for overtime up to $17,548.00 subject to availability of funds, to disrupt the illicit drug trafficking in illegal narcotics and dangerous drugs.

**7.F. APPROVE WAIVER OF CAFÉ PERMIT FEES:** Motion to Approve waiving café permit fees for nine businesses at $154.00 per permit for a total amount of $1,386.00 for FY 2016 as authorized per LDR Section 2.4.7(B), "Special Power to the City Commission".

**7.G. PROCLAMATIONS:**

**1.** None

**7.H. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:** Motion to accept the actions and decisions made by the Land Development Boards for the period June 29, 2015 through July 24, 2015.

**7.I. AWARD OF BIDS AND CONTRACTS:**

**1.** None.

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

At this point, Mr. Krejcarek announced that he will be resigning from the City of Delray Beach effective January 4, 2016 to take a position in California.

The City Commission expressed their gratitude for Mr. Krejcarek's professionalism and wished him the best.

**8. REGULAR AGENDA:**

**8.A.A. ACCEPTANCE OF A SIDEWALK EASEMENT DEED FOR 73 PALM SQUARE:** Motion to approve a 1.5' sidewalk easement deed for the property located at 73 Palm Square.

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

Vice Mayor Petrolia moved to approve to accept the sidewalk easement deed for 73 Palm Square, seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes. Said motion passed with a 5 to 0 vote.

**8.A. CONDITIONAL USE REQUEST/PROVIDENCE LIVING ON ATLANTIC/ASSISTED LIVING AND MEMORY CARE FACILITY:** Consider a conditional use request to allow an assisted living and memory care facility known as Providence Living on Atlantic. **(*Quasi-Judicial Hearing)***

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

Chevelle Nubin, City Clerk, swore in those individuals who wished to give testimony on this item.

Mayor Glickstein asked the Commission to disclose their ex parte communications. Deputy Vice Mayor Jacquet stated he had no ex parte communications. Mr. Katz stated he had no ex parte communications. Ms. Jarjura stated she received an email on the City server. Mayor Glickstein stated he received an email and it is on the City server. Vice Mayor Petrolia stated she received an email as well. Mr. Katz stated he had no ex parte communications to disclose.

Mark McDonnell, Assistant Planning and Zoning Director, entered the Planning and Zoning Department project file #2015-109 USE-CCA into the record.

**Jeffrey Lynne, Attorney with Weiner, Lynne & Thompson, P.A., 10 S.E. 1st Avenue, Delray Beach, FL 33444 (representing Providence One),** stated the presentation will be given by Michelle Pierce with Providence One.

**Michelle Pierce, Principal/Partner at Providence One Partners,** gave a few comments regarding the project.

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

**Eugene F. Soyka, 14845 Whatley Road, Delray Beach, FL 33445,** stated the rear of his property abuts the perimeter of the subject property being discussed. Mr. Soyka stated every time there is a storm the power goes out and he suggested that the utilities be put underground in the easement. He urged the City to do something about the wall, the powerlines, and the trees (limbs growing over into the residential properties).

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

There was no cross-examination.

The following individuals gave brief rebuttals:

Mr. McDonnell gave a brief rebuttal and stated staff will do a thorough analysis as they get into the site plan review and the City Code requires undergrounding of all utilities.

Mr. Lynne stated the wall is coming down and they are installing a fence and will do what the City Code requires.

Brief discussion between Vice Mayor Petrolia and Ms. Pierce regarding the wall and the trees ensued.

Mr. Katz commended the developer for this project.

Ms. Jarjura commented about the parking reduction. Ms. Pierce stated this will increase the green space and the landscaped area. Ms. Jarjura inquired about the percentage of the site is green space landscaping open area. Ms. Pierce stated the percentage of green space is 34%.

Mr. Jacquet commented about the pictures that show very light parking and inquired as to what time of day and what day of the week those pictures were taken. Ms. Pierce stated they were all taken between the hours of 12:00-2:00 p.m. on July 20, 2016.

Mayor Glickstein stated when he served on the Planning and Zoning Board two iterations for a previous development came through that was substantially larger than this project. Mr. McDonnell stated he does not recall the number of units; however, there was a concern with the area residents along Whatley Road due to the massing and height of the building. Mr. McDonnell stated this project is substantially reduced from those two prior approvals. Mayor Glickstein stated he concurs with Vice Mayor Petrolia's comments regarding the trees which are problematic. Mayor Glickstein stated with regard to the wall coming down he noted that is in the record for purposes of the SPRAB review.

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

**9.A. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FIVE YEAR CONSOLIDATED PLAN FISCAL YEARS (FY) 2015-2019 AND ANNUAL ACTION PLAN FY 2015-2016**: Motion to Approve the Five Year Consolidated Plan FY 2015-2019 and Annual Action Plan FY 2015-2016 required by the United States Housing & Urban Development Agency (HUD) for utilization of federal grant funds.

Vice Mayor Petrolia stepped away from the dais.

Ferline Mesidort, Neighborhood Services Administrator, presented this item to the Commission.

Deputy Vice Mayor Jacquet moved to approve and execute the Community Development Block Grant (CDBG) Five-Year Consolidated Plan FY 2015-2019 and Annual Action Plan FY 2015-2016, seconded by Mr. Katz. Upon roll call the Commission voted as follows: Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes. Said motion passed with a 4 to 0 vote.

At this point, Vice Mayor Petrolia returned to the dais.

**8.B. REQUEST FOR SIDEWALK RELIEF IN THE FORM OF IN-LIEU FEE/1031 WHITE DRIVE:** Consider a request for sidewalk relief in the form of in-lieu payment for the proposed residence located at 1031 White Drive to allow construction of a 75.6 feet sidewalk. ***(Quasi-Judicial Hearing)***

Mayor Glickstein asked the Commission to disclose their ex parte communications. Ms. Jarjura stated she had no ex parte communications. Mayor Glickstein stated he had no ex parte communications. Mr. Katz stated he met with a resident about sidewalk deferrals in general but not for this particular project. Deputy Vice Mayor Jacquet stated he had no ex parte communications to disclose.

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

The applicant was not present.

Mayor Glickstein asked why this is on the Regular Agenda versus the Consent Agenda.

It was the consensus of the City Commission that they do not want to see these items on the Regular Agenda with the policy the City has in place.

Vice Mayor Petrolia read a brief statement into the record regarding an email she received from the City Attorney. Vice Mayor Petrolia suggested that the Commission accept this particular situation as a deferral or a waiver and return all the previously collected in-lieu fees immediately.

Mr. Katz gave a few brief comments.

Brief discussion by the Commission followed.

Ms. Jarjura moved to approve a deferral, 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.

Deputy Vice Mayor Jacquet stepped away from the dais.

**8.C.** **RESOLUTION NO. 43-15:** Motion to approve Resolution No. 43-15 authorizing staff to initiate the negotiation process for an Interlocal Service Boundary Agreement between the City of Delray Beach and Palm Beach County pursuant to Chapter 171, Part II, Florida Statutes.

The caption of Resolution No. 43-15 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AUTHORIZING THE CITY OF DELRAY BEACH TO INITIATE THE NEGOTIATION PROCESS FOR AN INTERLOCAL SERVICE BOUNDARY AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND PALM BEACH COUNTY, PURSUANT TO CHAPTER 171, PART II, FLORIDA STATUTES; PROVIDING THAT THIS RESOLUTION SHALL ACT AS THE REQUIRED INITIATING RESOLUTION UNDER SECTION 171.203, FLORIDA STATUTES; AND PROVIDING FOR AN EFFECTIVE DATE.

(The official copy of Resolution No. 43-15 is on file in the City Clerk's office.)

Tim Stillings, Director of Planning and Zoning, presented this item to the Commission and stated staff recommends approval.

Vice Mayor Petrolia moved to approve Resolution No. 43-15, seconded by Mr. Katz. Upon roll call the Commission voted as follows: Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Mr. Katz – Yes. Said motion passed with a 4 to 0 vote.

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

**8.D.** **RESOLUTION NO. 44-15 – BEST INTEREST RESOLUTION/HOUSING REHABILITATION PROJECTS:** Motion to Approve Resolution No. 44-15, for Housing Rehabilitation Construction at 217 S.W. 4$^{th}$ Avenue and 548 Davis Road utilizing Community Development Block Grant and Residential Construction Mitigation Program for the Community Improvement Department from

Built Solid Construction, LLC., declaring by a four-fifths affirmative vote that the City's Sealed Competitive Method is not in the Best Interest of the City. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.03(B), "Multiple Acquisitions from Vendor Exceeding Twenty-Five Thousand Dollars ($25,000.00) in Any Fiscal Year" and Section 36.02(C)(11), "Best Interest Acquisitions".

The caption of Resolution No. 44-15 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, FOR HOUSING REHABILITATION CONSTRUCTION AT 217 SW 4th AVENUE AND 548 DAVIS ROAD UTILIZING COMMUNITY DEVELOPMENT BLOCK GRANT AND RESIDENTIAL CONSTRUCTION MITIGATION PROGRAM FUNDING FOR THE COMMUNITY IMPROVEMENT DEPARTMENT FROM BUILT SOLID CONSTRUCTION, LLC. DECLARING BY A FOUR-FIFTHS AFFIRMATIVE VOTE THAT THE CITY'S SEALED COMPETITIVE METHOD IS NOT IN THE BEST INTEREST OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE.

(The official copy of Resolution No. 44-15 is on file in the City Clerk's office.)

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

Mr. Katz moved to approve Resolution No. 44-15, seconded by Vice Mayor Petrolia. Upon roll call the Commission voted as follows: Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes; Deputy Vice Mayor Jacquet – Yes. Said motion passed with a 5 to 0 vote.

At this point, Mr. Katz stepped away from the dais.

**8.E. BID AWARD, BID NO. 2015-57/DANA SAFETY SUPPLY, INC./HANDGUNS:** Motion to award Bid No. 2015-57 to Dana Safety Supply, Inc. in the amount of $60,680.00 for the purchase of 185 Smith & Wesson 9MM handguns; and Motion to Approve the trade-in of 168 Glock handguns for a trade-in value of $54,768.00 for a net purchase price of $5,912.00. This recommendation is compliance with the Code of Ordinances, Chapter 36, Section 36.08(A), "Trade-in".

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

Deputy Vice Mayor Jacquet inquired about the Smith & Wesson 9MM handguns. Mr. Vath stated these are brand new and the ones the City is trading are the

City's used ones.

Vice Mayor Petrolia inquired why the City is getting so much for used guns.

The City Manager stated guns hold their value.

Vice Mayor Petrolia moved to approve Bid No. 2015-57 to Dana Safety Supply, Inc. for the purchase of 185 Smith & Wesson 9MM handguns for $60,680.00 and the trade-in of 168 Glock handguns for $54,768.00 for a net purchase price of $5,912.00, seconded by Deputy Vice Mayor Jacquet. Upon roll call the Commission voted as follows: Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes. Said motion passed with a 4 to 0 vote.

At this point, Mr. Katz returned to the dais.

**8.F. RESOLUTION NO. 38-15 – BEST INTEREST RESOLUTION/SOUTHERN COMPUTER WAREHOUSE/RANGER X TABLETS:** Motion to Approve Resolution No. 38-15, approving the acquisition of twenty (20) Ranger X Tablets and accessories from Southern Computer Warehouse in the amount of $39,297.20, for the Fire Department; declaring by a four-fifths affirmative vote that the City's Sealed Competitive Method is not in the Best Interest of the City. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(C)(11), "Best Interest Acquisitions". Funding is available from 001-2315-526-64.90 (General Fund: Fire Operations/Public Safety/Machinery/Equipment/Other Equipment).

The caption of Resolution No. 38-15 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING THE ACQUISITION OF TWENTY RANGER X LTE TABLETS AND ACCESSORIES FROM SOUTHERN COMPUTER WAREHOUSE FOR THE FIRE DEPARTMENT, DECLARING BY A FOUR-FIFTHS AFFIRMATIVE VOTE THAT THE CITY'S SEALED COMPETITIVE METHOD IS NOT IN THE BEST INTEREST OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE.

(The official copy of Resolution No. 38-15 is on file in the City Clerk's office.)

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

Vice Mayor Petrolia moved to approve Resolution No. 38-15, 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; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes. Said motion passed with a 5 to 0 vote.

**8.G. AMENDMENT NO. 1 TO TRIPARTY INTERLOCAL AGREEMENT REGARDING THE OLD LIBRARY SITE AND CHAMBER OF COMMERCE RELOCATION:** Motion to approve Amendment No. 1 to the Triparty Interlocal Agreement between the City, the Community Redevelopment Agency (CRA) and the Greater Delray Beach Chamber of Commerce relative to the Old Library Site and Chamber of Commerce relocation.

The City Attorney gave a brief explanation of the agreements underlying the prior transactions.

The City Manager stated he does not anticipate the funds in this fiscal year; however, having the funds in-hand will enhance the City's financial situation.

Brief discussion by the Commission ensued.

Deputy Vice Mayor Jacquet stated he saw this as an opportunity to have more revenue; however, he did not see it as a necessity.

The City Manager stated this money was anticipated to be spent; however, the City is almost at the end of the fiscal year at the situation is different. The City Manager stated he cannot nor does he want to rely on an uncertain revenue stream for fiscal year 2016.

Jack Warner, Chief Financial Officer, stated it would be beneficial for the City to get the money.

Brief discussion between the City Commission and Mr. Warner followed.

Brief discussion by the City Commission, the City Manager, and Mr. Costello followed.

Mayor Glickstein commented about the history of this and stated this was not just giving the CRA authority to sell, but this was part of a swap where the City was given the new library property.

Mr. Katz moved to ***deny*** **Item 8.G.,** seconded by Vice Mayor Petrolia. Upon roll call the Commission voted as follows: Mr. Katz – Yes; Ms. Jarjura – No; Mayor Glickstein – No; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – No. Said motion to ***deny*** passed with a 3 to 2 vote, Mr. Katz and Vice Mayor Petrolia dissenting.

Ms. Jarjura moved to ***approve*** **Item 8.G.,** seconded by Deputy Vice Mayor Jacquet. Upon roll call the Commission voted as follows: Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – No; Deputy Vice Mayor Jacquet – Yes;

Mr. Katz – No. Said motion to approve passed with a 3 to 2 vote, Vice Mayor Petrolia and Mr. Katz dissenting.

**<u>8.H. NOMINATIONS FOR APPOINTMENT TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE:</u>** Nominations for appointment of three (3) regular members to serve on the Affordable Housing Advisory Committee to serve two-year terms ending July 31, 2017. Based on the rotation system, the nominations for appointment will be made by Deputy Vice Mayor Jacquet (Seat #2), Commissioner Katz (Seat #3) and Commissioner Jarjura (Seat #4).

At this point, the City Manager stated the City Clerk has requested that this item be removed because the caption needs clarification.

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

**<u>8.I. NOMINATIONS FOR APPOINTMENT TO THE PARKING MANAGEMENT ADVISORY BOARD:</u>** Nominations for appointment of two (2) regular members to serve on the Parking Management Advisory Board to serve two (2) year terms ending July 31, 2017. Based on the rotation system, the nominations for appointment will be made by Vice Mayor Petrolia (Seat #1) and Deputy Vice Mayor Jacquet (Seat #2).

Vice Mayor Petrolia moved to nominate Kevin Warner to the Parking Management Advisory Board to serve a two (2) year term ending July 31, 2017, seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes. Said motion passed with a 5 to 0 vote.

Deputy Vice Mayor Jacquet moved to nominate Annie Roof to the Parking Management Advisory Board to serve a two (2) year term ending July 31, 2017, 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.

**<u>8.J. NOMINATIONS FOR APPOINTMENT TO THE BOARD OF ADJUSTMENT</u>:** Nominations for appointment of two (2) regular members and one (1) alternate member to serve on the Board of Adjustment to serve two (2) year terms ending August 31, 2017. Based on the rotation system, the nominations for appointment will be made by Commissioner Jarjura (Seat #4), Mayor Glickstein (Seat #5) and Vice Mayor Petrolia (Seat #1).

Brief discussion between the City Commission and the City Clerk followed. Ms. Jarjura suggested that if we are lacking professional applicants for these boards, that staff send out communications in order to seek out applicants with those professional requirements. Ms. Jarjura stated that going forward if there are any boards that are missing certain professional requirements, and before it comes before it comes before the City Commission, that staff start seek applicants that match the professional background.

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

Mayor Glickstein moved to nominate Kat Kadian-Baumeyer to the Board of Adjustment as a regular member to serve a two (2) year term ending August 31, 2017, 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.

Vice Mayor Petrolia moved to nominate Melvin Pollack to the Board of Adjustment as an alternate member to serve a two (2) year term ending August 31, 2017, seconded by Deputy Vice Mayor Jacquet. 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. NOMINATION FOR APPOINTMENT TO THE GREEN IMPLEMENTATION ADVANCEMENT BOARD:** Nomination for appointment of one (1) alternate member to serve on the Green Implementation Advancement Board for an unexpired term ending July 31, 2015. Based on the rotation system, the nomination for appointment will be made by Commissioner Jarjura (Seat #4).

Ms. Jarjura moved to nominate Katherine Lembovski (incumbent) to the Green Implementation Advancement Board as an alternate member to serve a two (2) year term ending July 31, 2015, seconded by Vice Mayor Petrolia. Upon roll call the Commission voted as follows: Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Mr. Katz – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes. Said motion passed with a 5 to 0 vote.

## 10. FIRST READINGS:

A. None

## 11. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS.

## 11.A. City Manager

## 11.A.1. Downtown Development Authority (DDA) Survey Results

The City Manager stated he has provided the Commission the results of the property owners' survey.

**11.A.2. Outstanding Issues**

Secondly, the City Manager stated he has indicated outstanding issues that have been completed or progress that has been made. The City Manager stated staff has issued a contract on the exotic removal of the beach and he believes the transition of SWS and Mr. Coleman's staff has done an outstanding job.

The City Manager stated staff has begun implementing some of the items in the Parking Plan Element.

The City Manager stated he hired Tennille Decoste as the new Human Resources Director and the City is planning on having a Traffic Engineer on board and are commencing the hiring process for that position.

The City Manager stated today the City received the Lake Ida transfer of monies and the City will be closing on that.

**11.A.3. Interim Report-Conflict of Interest Investigation**

The City Manager stated over 23 employees was interviewed on this issue and there will be some additional employees. He stated in this particular report it addresses issues (not located in the Environmental Services Department) where the original complaint occurred. The City Manager stated what has been found is there was a systemic not following the requirements and a level of not understanding. As a result three (3) department heads have received a one day suspension and the other employees who were in violation of the Statutes, the Code of Ethics, or the City's ordinance received a written warning with the understanding that this was not something that was done on a malicious basis, but it was a past practice that had developed that should not have. The City Manager stated he does not know what the State Attorney is going to do and where they are going to pursue it. The City Manager stated he needs to complete the issues as it applies to the administrative procedures. He stated some employees feel this is not fair and will avail themselves through the grievance process. The City Manager stated staff is trying to address this on a system wide basis in every department to make sure that employees understand there are certain requirements that have to be met.

**11.B. City Attorney**

The City Attorney stated there have been a series of bargaining sessions with the firefighters (I.A.F.F.) and there has not been meaningful progress. The City Attorney stated there is another bargaining session set for the end of this month/beginning of September. The City Attorney suggested that the City Commission have a brief Executive Session (approximately 30 minutes) regarding the labor negotiations to reiterate what the City's position was, what the counter firefighters' has been, and what direction the City Commission might wish to provide. The City Commission discussed possibly having this meeting on Thursday, September 3, 2015 prior to the regular meeting.

**11.C. City Commission**

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

Deputy Vice Mayor Jacquet stated he had an opportunity to visit the Sister City of Aquin and met with Mayor Alindor Vilner and they recently had a turnover where one of the other Mayors resigned to run for Deputy which is the legislative branch in the country and they just swore in two new Mayoral members; the board consists of three Mayoral members. Mr. Jacquet stated Mayor Alindor Vilner is the longest serving and this past Sunday they had elections for their legislature and there will be an election in October for their Mayors and City Officials. In addition, Deputy Vice Mayor Jacquet stated he also got to see some judicial members (i.e. judges and business owners in town), and had conversations with people who do art near the beach. Deputy Vice Mayor Jacquet stated his parents are still in Haiti and Mayor Alindor Vilner is sending pictures and information on their students, arts programs, and the beach that he would love to share with our City once it arrives.

Secondly, Deputy Vice Mayor Jacquet stated he attended a back-to-school event which originally started in the Haitian-American community by Madame Gary and Albert Jerome in 2012 on Toussaint L'Ouverture Way. Deputy Vice Mayor Jacquet stated every year it is better and bigger. He stated this year the event was held at Merritt Park. Deputy Vice Mayor Jacquet suggested that the Commission brainstorm in how they can brand this section of town and protect the cultural richness.

**11.C.2. Vice Mayor Petrolia**

Vice Mayor Petrolia stated apparently the City is not renewing lobbyist contracts and as a result they are lobbying the Commission. Vice Mayor Petrolia stated she now understands the importance of lobbyists and suggested to open this up for discussion because what we are potentially missing is significant. Vice Mayor Petrolia stated the legislative session starts earlier so something has to be done now that the City will lose this coming year's lobbying potential.

Secondly, Vice Mayor Petrolia stated at the last meeting Commissioner Jarjura commented about the workforce housing funds and made a recommendation for someone to work with the City to install some language and what we could be doing with those funds as workforce housing funds are given to the City because they are not actually building them. Vice Mayor Petrolia stated it was something that the entire Commission agreed with and it was a late night decision and the next morning she was second guessing her decision. Vice Mayor Petrolia inquired about what the Commission is allowed to do or what the rules are when it comes to creating an Ad Hoc Committee. Vice Mayor Petrolia stated this is going to be a committee or a board that is going to come to the Commission and make recommendations with respect to policy. Vice Mayor

Petrolia asked the City Attorney to provide an answer to the following question: "Please provide the section of the City's Code that allows for a Commission to appoint a single person head of a committee and their ability to personally select their own committee for the purposes of making recommendations or suggestions making public policy." Vice Mayor Petrolia expressed concern because now what has been established is a committee of one person leading it selecting their own committee of members to determine for recommendations of public policy.

Commissioner Jarjura stated during City Commission comments Mayor Glickstein brought up creating a working group task force and recommended former Mayor Jeff Perlman to lead. Commissioner Jarjura stated the City Commission comments are usually late at night and this is when the Commission brings up issues that they wish to discuss. She stated she is not sure why the distinction or the difference between Mayor Glickstein bringing up the Congress Avenue Task Force with former Mayor Perlman heading it up. Commissioner Jarjura stated she had spoken to the City Manager during one of their meetings and they discussed not just the funding but a lot of the workforce issue questions that had come up. She stated there are sections of the City's Code where sometimes it is referred to as "affordable housing" and other places where it is referred to "workforce housing" and the City Manager stated that we have a lot of those types of issues and we do not have the capacity with staff at a staffing level to address all of them. For example, he is having Jim Chard look at tree certification and he has been working on the Community Gardens ordinance at City staff level for over a year. Commissioner Jarjura stated she explained that she did state a working group because they would not be reporting to the City Commission but the working group would be reporting to the City Manager. The City Manager will take those recommendations and vet it through staff and the City Attorney's office and then the Planning Director will make recommendations to the City Commission on what to amend in the Code and then the City Commission would vote on it. For clarification, Commission Jarjura stated this is not a board reporting to the City Commission but it is a working group reporting to the City Manager.

Vice Mayor Petrolia stated if the Commission is going to be making that recommendation she feels they should allow for themselves some time to think about it and have a question and answer time period versus just having to make that decision that night. She stated the Commission is going down a path that she is not so sure she feels comfortable with without having legal advising the Commission that this is fine and that the Commission can do this at any time.

Mayor Glickstein stated this actually started prior to the Congress Avenue issue with Human Powered Delray (HPD) and he recommended that they stay away from this City Commission and as much as possible and if they can grow their board without any medaling at this level then that is great. Mayor Glickstein stated what happen in a lot of these things is they either succeeds tremendously or they wither because you have the difference between the workhorses and the show horses. For clarification, Mayor Glickstein stated he was not asking for approval of the Commission; he had asked former Mayor Jeff Perlman who had a lot of experience with this particular issue to go out there and get something going. Mayor Glickstein encouraged the Commission that if they recognize some discrepancy and if there is somebody that can lend their expertise to that voluntarily, he feels this is okay. However, Mayor Glickstein stated he does not feel a consensus of the City Commission is necessary.

Deputy Vice Mayor Jacquet stated Human Powered Delray (HPD) is organic and they started within themselves and they showed up at every meeting where the Commission had an issue that could potentially affect what their cause is and they spoke in favor or against; and, they advocated. Deputy Vice Mayor Jacquet stated is this appropriate whereas they are bringing back former elected officials solely for a particular purpose that they choose, or is this individual already working on the issue and then a Commissioner asks them to take the lead. In the future, Deputy Vice Mayor Jacquet stated if in the future a board is reporting to the Commission directly or indirectly, he believes some of the things that have been done in the past may be cautionary. He stated when the Commission has a particular individual they feel is competent enough and skilled enough to take the lead, but we also have other people suggested that each Commissioner can suggest 2 or 3 individuals and select the person that is most ready to lead that organization.

Mayor Glickstein stated he would encourage any Commissioner that has particular expertise on something that the Commission cannot address, to leverage the resources they have. Mayor Glickstein stated the criteria for the right person is somebody who can work well with others and they will attract other people that also want to work and are interested. He stated it does nobody on the dais any good to appoint somebody for any other reason than they feel they are going to do a great job. Mayor Glickstein stated he does not feel the Commission should interject their own subjective opinions to somebody else's interest knowledge.

**<u>11.C.3.</u>** **<u>Commissioner Jarjura</u>**

Commissioner Jarjura commended and thanked the Police force on the National Night Out on August 4th and it was a phenomenal turnout. She stated the kids really enjoyed the event and noted the back-to-school gear was great.

**<u>11.C.4.</u>** **<u>Commissioner Katz</u>**

Commissioner Katz thanked Chief Goldman, the Police staff, Jennifer Costello, and the City Manager's staff that worked so well together to put on this event. Commissioner Katz stated his children thoroughly enjoyed the event and it was a great night.

Secondly, Commissioner Katz stated the Commission was elected to do what they can in the best interest of the citizens and taxpayers of the city. Commissioner Katz stated he met with a citizen who felt that the Commission did not do that and he waited for an answer from the City Attorney based on questions that Mayor Glickstein brought forward. Commissioner Katz stated the City Attorney had the opportunity when he returned to address it correctly and inform the Commission that they were misadvised.

Commissioner Katz stated he does not have confidence in the City Attorney after this issue.

Commissioner Jarjura stated if Commissioner Katz wanted to bring a motion to terminate the City Attorney then that should have been an item on the Agenda so that the entire City Commission is properly prepared to make their position. She stated this should not have been brought up during a sidewalk in-lieu waiver deferral item.

Commissioner Katz stated the sidewalk in-lieu waiver deferral item was not done correctly and it is now on the Agenda again. Commissioner Katz requested that an item to terminate the City Attorney be placed on the next Agenda.

**11.C.5. Mayor Glickstein**

Mayor Glickstein stated the Swinton Community Garden across from Old School Square looks awful and asked that staff look into this.

Secondly, with respect to Vice Mayor Petrolia's comments regarding the lobbyist, Mayor Glickstein stated that is something appropriate to discuss the City got out of that because the lobbyist were not doing anything. Therefore, Mayor Glickstein stated the City hired a Federal and State lobbyist for a very specific scope of work. The City Manager stated he would issue an RFP for general lobbyist service with a broad description so that the City can use them for special bills or items of general interest. Also, the City Manager stated the City needs to make sure that they have a relationship with the leadership of the legislature (State lobbyist). It was the consensus of the Commission to consider a State Lobbying general purposes RFP (Request for Proposal). The Commission briefly discussed the time issue. The City Manager stated he will direct the Purchasing staff to draft an RFP and the Commission as a board can make comments on it.

Mayor Glickstein congratulated Michael Coleman and staff for the SWS transition. Mayor Glickstein stated he received two emails with complaint and neither had to do with service; it was related to a couple association billing questions which were handled very quickly.

Mayor Glickstein commented about the AGAR refund ($1.6 million) that went back to 15,000 residents.

Mayor Glickstein commented that the City Manager filled the IT, HR, and Traffic Engineer position. The City Manager stated the interview process start at the end of the month for an Assistant City Manager and that person will hopefully be on board by September.

Mayor Glickstein stated the Commission is receiving numerous complaints about the Building Department but he understands that staff is inundated with work. Mayor Glickstein stated many cities have a Resident Inspector Program which takes a lot of pressure off the building departments because they are third party inspectors. He stated this may be a Segway into a more profitable expedited permitting system.

Mayor Glickstein congratulated Ocean Rescue Division Chief Phil Wotten and Lifeguard Bryce Clough first place winners in the USLA Lifeguard Association rowing series.

Mayor Glickstein stated he asked staff for a critical path milestone on finishing Federal Highway and most of the paving will be done by the end of September. Mayor Glickstein stated he gets inundated with questions about when the Federal Highway project is going to be complete and requested that the PIO issue a press release (as simplistic as possible) about what is going to be paved when.

Mayor Glickstein stated there is a need for a traffic signal at Swinton Avenue and 1st. The City Manager stated staff issued a purchase order for a temporary signal today.

Mayor Glickstein stated Commissioner Katz's comments were a personal attack on the City Attorney and he emphasized that is not the way the City Commission conducts business from the dais. Mayor Glickstein stated he has no problem at all with a Commissioner questioning whether something was done right. Mayor Glickstein stated the Commission clearly knows this was a mistake and there were assumptions made and those assumptions were wrong. However, Mayor Glickstein stated while Commissioner Katz can give his opinion, he does feel that a Commissioner should ambush City staff in the manner that he did. Mayor Glickstein stated it is decorum, respect, and a certain way things are done. Mayor Glickstein stated the Commission had a review two months ago and he does not support bringing back as an Agenda item to terminate the City Attorney.

Brief discussion by the Commission ensued. The majority of the Commission decided to *not* support bringing back an Agenda item to terminate the City Attorney.

There being no further business, Mayor Glickstein declared the meeting adjourned at 10:45 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 August 11, 2015, which Minutes were formally approved and adopted by the City Commission on ________________________.

__________________________________________

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.