

MAY 20, 2015

A Regular Meeting of the City Commission of the City of Delray Beach, Florida, was called to order by Mayor Cary Glickstein in the Commission Chambers at City Hall at 6:00 p.m., Wednesday, May 20, 2015.

1. Roll call showed:

2.

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

Absent - Commissioner Katz

Also present were - Donald B. Cooper, City Manager
Noel Pfeffer, City Attorney
Kimberly Wynn, Acting City Clerk

2. **INVOCATION** – None.

3. The Pledge of Allegiance to the flag of the United States of America was given.

4. **APPROVAL OF MINUTES:**

Ms. Jarjura moved to approve the Minutes of the April 3, 2014 City Commission Special Meeting, October 21, 2014 City Commission Special Meeting, November 18, 2014 City Commission Regular Meeting, and May 12, 2015 City Commission Workshop Meeting, seconded by Vice Mayor Petrolia. Upon roll call the Commission voted as follows: Deputy Vice Mayor Jacquet – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes. Said motion passed with a 4 to 0 vote.

5. **PRESENTATIONS:**

5.A. **Spotlight on Education – Pine Grove Elementary**

Joe Peccia, Principal, gave a brief Powerpoint presentation and highlighted Pine Grove Elementary School's accomplishments and stated the school was 4 points from an "F" school and it is now 16 points from an "A".

On behalf of the City Commission, Mayor Glickstein thanked Mr. Peccia for all his hard work.

Deputy Vice Mayor Jacquet stated he is excited to see that this is the second year in a row that the students get the opportunity to go to Washington, D.C. and he is impressed with the way that Mr. Peccia has embraced the community and the parents. Deputy Vice Mayor Jacquet stated he is very proud of Mr. Peccia for being a great leader.

5.B. Gift Presentation from Sister Cities

David Schmidt, Sister Cities President, gave a brief presentation and stated last October he had the opportunity to represent the City at Miyazu's Anniversary Celebration and the Mayor there announced that he was going to present a copy of a very famous painting in Japan to each of their three sister cities. Mr. Schmidt presented a reproduction of this famous painting to the City Commission. In addition, Mr. Schmidt stated Sister Cities is hosting a young artist contest exhibit and the two local winners are from Unity School. Mr. Schmidt stated Sister Cities is also hosting last year's international winners for art, poetry, and essay contests which will be on display in the lobby until the end of June. Mr. Schmidt also presented a plaque to the City Commission which can be mounted by the painting as well as a book.

5.C. Design Guidelines Update – Anthea Gianniotis, Treasure Coast Regional Planning Council

Anthea Gianniotis, Treasure Coast Regional Planning Council, gave a brief update on the Central Business District (CBD) Design Guidelines.

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.**

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

The City Manager made a brief statement regarding his memorandum to the City Commission concerning the alleged Purchasing violations that the City believes they have uncovered in the criminal investigation that is ongoing. The City Manager assured the City Commission and the public that this is a matter of utmost seriousness and reflects the failure of management from the City Manager's office down to the line level and reflects a culture that is unacceptable and will be changed regardless of where it goes. The City Manager stated there are multiple investigations underway both at the administrative level and at the OIG's level Commission on Ethics, and the State Attorney's office and those investigations will be followed to wherever they lead. As a result of that, the City Manager stated the City intends to change the culture of the organization, ensure that there is the appropriate training and understanding from all levels from the City Manager's office down to the lowest employee, and to institute and implement Best Management Practices not only in Purchasing but across the board. The City Manager stated he feels the City is going to run into other issues similar to this in various business processes and how the City has done business on a variety of issues and

he finds it is one of the most disheartening things that he has personally had to deal with in his career. The City Manager stated the City will follow this to the ultimate end and it will be changed.

In response to previous comments from the May 5, 2015 City Commission meeting with respect to beach pavilion, the City Manager stated it appears the materials that were used to fasten the beach pavilion to its foundation and other areas were not of marine grade and may not have been up to par. The City Manager stated City staff is working with the City Attorney to see if the City has recourse against the contractor. The City Manager stated he went to inspect it and in some areas there are marine grade material and some parts they do not. He stated they have placed that on an annual maintenance program and are in the process of correcting those problems and will correct them on an annual basis as part of a high maintenance environment that the beach represents.

In response to the improvements that were made on US-1, the City Manager stated the improvements do not meet in many of the areas the five foot (5') clear space. For example, the City Manager stated where the Royal Palms are placed it is between 4½ feet and 4¾ feet from the back of the tree to the edge of the building. Based upon personal inspection, the City Manager stated there are numerous intersections that are like an obstacle course because it appears that the designers of the project took the existing facilities, used FDOT standards which are from the front of the curb and measured everything and simply put them in place. The City Manager stated some of these can be corrected easily and some will take time over the years to correct. The City Manager stated he believes it is important to complete the project and go into corrective mode after that based upon the City's financial ability and the difficulty of correcting the issue. The City Manager stated some of this involves utility movement.

Vice Mayor Petrolia asked if there are any more plantings that are in the process of going in that could be changed right now. The City Manager stated almost all of them are done and it would require further delays of the project and further change orders. Given the inconvenience associated with the project, the City Manager stated he would not recommend that at this point in time.

Commissioner Jarjura stated since they project is in process it seems to be a waste to do it improperly rather than correct the problem now; however, the City Manager has indicated that funding would be impacted. The City Manager stated the City is in the final stages of the project 75-80% complete; there is rationalization that the material that is being laid around the plantings you can walk over it and therefore you can indicated that there is the five foot (5') clear space or close to it. However, the City Manager stated it is between 4½ and 4¾ inch; Commissioner Jarjura stated there are some areas where it is 2½ feet.

With respect to the City Manager's comments, Vice Mayor Petrolia asked if these multiple investigations going on are regarding one issue or is it regarding

multiple issues. In response, the City Manager stated it is multiple employees or multiple instances of the same issue.

Mayor Glickstein stated he would like to put on notice the designer because regardless of who prepared it in particular if it was FDOT consultants who is a sister agency to a Federal Agency and to the extent that they are designing something or approving something that does not meet ADA requirements is close to gross negligence. Mayor Glickstein asked why City staff was not involved in that design in particular the Planning Department which is tasked with reviewing development projects for that type of compliance and were they at all consulted on any section of this roadway. Mayor Glickstein stated that the City Manager knew that coming into this position and the reason he was being interviewed was because the three (3) predecessors before him neither understood the gravity of the problem nor did they understand the sense of urgency to correct it and the City Commission made this very clear to the City Manager upon his hiring. Mayor Glickstein stated he appreciates the depth of the investigation, he presumes it will be a while before the State Attorney and the other investigating agencies reach their conclusion. Mayor Glickstein stated criminality is *not* the standard by which the City should be determining whether somebody is an employee of this city. The City Manager stated he fully agrees with Mayor Glickstein and staff is moving rapidly now. Mayor Glickstein stated the Commission was informed on a few different occasions that the procurement issues were handled none of which have proven to be accurate and the Commission is looking for *results* at this point; with regard to the structural changes, people need to see action.

6.B. From the Public.

6.B.1. Ed McCall, 950 S.W. 17th Avenue, Delray Beach, FL 33444, urged the City Commission to vote “no” on Item 8.G. which is for a sidewalk project on S.W. 17th Avenue. Mr. McCall stated this is a very active industrial zone with marble vendors, semi-trucks, automobile repair shops, body shops, metal recycling business, constant trucks, heavy equipment, etc. Mr. McCall stated he was told the sidewalks are being installed there is because kids from tri-rail walk to Village Academy on S.W. 14th Avenue and he feels installing sidewalks on this street is not going to protect anybody and noted S.W. 14th Avenue has a sidewalk from the school to S.W. 10th Street. He stated this is a waste of taxpayers’ money and inquired why the City promoting pedestrian traffic to a heavily used industrial zone. He stated S.W. 10th Street is in dire need of sidewalks. Mr. McCall urged the City to direct the CRA to reallocate this money elsewhere in the city and he entered photos of properties on S.W. 10th Street and North side of S.W. 17th Avenue.

6.B.2. Bob Ganger, Florida Coalition, stated he has confidence in the Commission to get through the issues the City is currently facing.

Secondly, Mr. Ganger commented about the Atlantic Crossing project and Item 9.O. Mr. Ganger stated if the design coming forward is satisfactory and meets the criteria of being better than the original Atlantic Court concept or better than the site plan

that was approved, the City would want a very skilled attorney (Mr. Steve Rubin) to review the settlement agreement and the developer agreement assuming there is one. He suggested that the Commission contact the attorney who actually wrote the last development agreement and engage him in a briefing. Mr. Ganger stated if there is a settlement it has to be between the City and the developer but the City would not have a settlement if it had not been for the public. Mr. Ganger stated many residents spent \$30,000 of their own money for a traffic study, etc. to get to where they are today.

6.B.3. Ed McDonald, 314 East Mallory Circle, Delray Beach, FL 33483, stated he feels this is being rushed tonight when Commissioner Katz is not present because he was the one that proposed that the City look retain special outside counsel. Therefore, Mr. McDonald requested that the Commission delay the decision until Commissioner Katz is present.

Secondly, Mr. McDonald stated yesterday he was taking a walk and passed by a bumper sticker which said "We the People" and under it said "Defend Liberty". Mr. McDonald stated at the City Commission meeting of May 5, 2015, the City Attorney recommended that all invocations will be eliminated from future City Commission meetings. Mr. McDonald stated it removes the opportunity for the public to hear the invocation of a blessing by some person from the clergy asking God's blessing on what is taking place right now; secondly, Mr. McDonald is stated he can pray but he would like to hear what is said. Mr. McDonald stated he feels this country is losing liberties right before our eyes and he does not understand why we have to do this. Mr. McDonald recommends that the Commission put this proposal on the Agenda for discussion and list this issue on the Agenda for subsequent public vote by all Commissioners. He stated "All future Commission meetings will continue to permit invocations and follow a rotation system overseen by the Mayor whereby a different member of the clergy is permitted to issue an invocation once in any calendar year. There shall be no repetition among this group of clergy; only one person in any calendar year."

6.B.4. Gary Brandenburg, 11891 U.S. Highway 1, Delray Beach, FL 33408 (represents Lakmichand Kalra), commented about the Lake Ida property that the City is acquiring from Palm Beach County and proposed that Mr. Kalra would pay Palm Beach County \$250,000.00 for the property, obtain the property, and then give the City a bicycle easement through that property as well as the adjoining 23 acre property, and give the City of Delray \$250,000.00 to utilize for bike trail improvements along that property.

6.B.5. Marjorie Ferrer, Downton Development Authority (DDA) 85 S.E. 4th Avenue Suite #108, Delray Beach, FL 33483, distributed a "Who Can You Call" brochure and the DDA's Annual Report.

6.B.6. Tony Chapital, 110 S.W. 1st Avenue, Delray Beach, FL 33444, read the following mission statement into the record "To encourage all dog owners to know, abide, and pass on the laws/requirements and overall proper responsible adequate to enjoy and prolong our already dog-friendly community. Mr. Chapital stated he watched

4 hrs. and 44 minutes of the City's Goal Setting for 2015 the other day. For the last thirty (30) years, he stated some dog owners have been accessing the North end of the beach with their dogs and noted some of these people have health issues.

Secondly, Mr. Chapital stated he watched the beautiful ceremony for the two fallen Police Officers. He stated this made him think of the City's Police force having to write a ticket and be forceful to some of the sweet people that are dealing with their minor health issues that they may or may not want to share. Mr. Chapital stated he is certain that the City has better things to do with its time and budget and is open for discussion. He urged the Commission to allow the responsible dog owners group access to that North section of the beach.

6.B.7. Arie Whiteman, 5091 Washington Road, Delray Beach, FL 33484, stated this City Commission hired Mr. Cooper as the City Manager which means they have the confidence in him to run this city. Mr. Whiteman urged the Commission to let Mr. Cooper do his job versus trying to micro-manage him.

Secondly, Mr. Whiteman stated that the Commission commented about the Federal Highway project and that it is the developer's fault and the architects fault and feels there are other people that should have caught this as well.

6.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 at the last Commission meeting discrimination was highlighted and noted that Easter Sunday the adult children of his significant other nor his uncle and uncle's wife were able to conveniently visit them because his significant other was utilizing his one and only guest pass. Mr. Nobili stated an identical illustration manifested itself on Mother's Day exhibiting twenty-two (22) vacant on-street parking spaces at 8:30 a.m., twenty (20) at 1:45 p.m., and seventeen (17) at 8:30 p.m. In his opinion, Mr. Nobili stated further highlighting the inequity of Ordinance No. 05-15, recently he had a friend stay with him for a week and his significant other could not visit him because his visitor was utilizing his one and only obtainable guest pass. He stated recently he had a computer specialist assist him and his significant other had to leave and noted if he required the services of a medical professional/physical therapist, then his significant other would have to leave. Mr. Nobili stated there were on average twenty (20) vacant on-street parking spaces on Marine Way each day his vehicle was incapacitated and each of the former situations illustrated married couples (some who do not live in Delray Beach) with two permitted vehicles and a guest pass do not suffer such diminished quality of life as they are able to utilize up to three (3) on-street parking spaces.

6.B.9. Pauline Moody, 609 S.W. 8th Avenue, Delray Beach, FL 33444, entered a new Field Report from the Delray Beach Police Department and a lease from the Caring Kitchen. Ms. Moody commented about alleged situations of ethical violations.

6.B.10. Cindi Freeburn, 371 East Mallory Circle, Delray Beach, FL 33483, urged the Commission to defer the discussion and decision on special counsel for Atlantic Crossing to review the possible settlement. Ms. Freeburn stated Commissioner Katz requested that and everyone knew since the meeting was moved from its regularly scheduled night, for good reason, that he would be present tonight. Therefore, Ms. Freeburn feels Commissioner Katz should have the opportunity to weigh in on that. Ms. Freeburn stated there is a public perception problem with this project and it is important that everything going forward with the project is “squeaky clean.”

Ms. Jarjura moved to approve to continue public comment until the Commission gets through public comment and the Agenda before moving to public hearings, seconded by Vice Mayor Petrolia. Upon roll call the Commission moved to approve as follows: Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes. Said motion passed with a 4 to 0 vote.

6.B.11. Bob Brewer, 3822 South Lancewood Place, Delray Beach, FL 33445 (a member of Friends of Delray Dog Beach), stated they would like to make a small section of the public beach dog friendly. Mr. Brewer stated for the last fifteen (15) years he and many other dog owners have taken their dogs to the beach and occasionally it has been enforced as “No Dogs Allowed”. He stated he had extensive discussions with Suzanne Davis, Director of Delray Beach Parks and Recreation and with the Executive Director of Friends of Jupiter Beach getting their input on the issues and as a group have been studying what has worked in surrounding municipalities. Mr. Brewer stated Friends of Delray Dog Beach currently has over 300 members with a petition circulating with over 1,800 signatures. He stated monthly their volunteers would do a major cleanup of the dog area and the Friends of Delray Dog Beach would sell advertising on the dog supplies to help defray the cost that the City is currently occurring. Mr. Brewer stated they would purchase an annual permit and there would be an additional fee for non-residents; only dogs current on their tags would be allowed to be permitted and would increase the registration of the dogs (250 dogs @ \$25.00 each 50 non-residential dogs @ \$75 = \$10,000 income for the City; 40 dogs per day 1½ hrs. average visit would increase parking meter revenue by \$32,850.00 a year). Mr. Brewer stated many of them have breakfast downtown after being on the beach bringing in additional revenue. He urged the City to work with them to help find a solution.

6.B.12. Dr. Victor Kirson, D.D.S., 2050 Alta Meadows Lane #2110, Delray Beach, FL 33444 (President of the Board of Directors of Tierra Verde at Delray Beach and Member of the Alliance), commented about the Planning and Zoning Board for postponing the iPic movie theatre again. Dr. Kirson stated he lives at S.W. 10th Street and Linton Boulevard and it used to take him 4 or 5 minutes to get to Federal Highway and Linton Boulevard, but now it takes him 12-15 minutes. He commented about the numerous new places to eat on Linton Boulevard and feels this is progress.

7. AGENDA APPROVAL.

The City Manager requested that **Item 9.L., Resolution No. 30-15 – Mid Year Budget Amendment** be removed.

Vice Mayor Petrolia requested that **Item 8.G., Bid Award/Complete Property Services of South Florida /Landscape Maintenance Bid No. 2015-40** be moved to the Regular Agenda as **Item 9.B.B.**

Deputy Vice Mayor Jacquet requested that **Item 8.I.1., Proclamation – Omega Psi Phi Lambda Alpha Alpha Chapter – 35 years of service** be moved to the Regular Agenda as **Item 9.A.A.**

Vice Mayor Petrolia moved to approve the 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. Said motion passed with a 4 to 0 vote.

8. CONSENT AGENDA: City Manager Recommends Approval.

8.A. FINAL SUBDIVISION PLAT/BORDERLINE/2200 LAKE DRIVE: Motion to Approve a final boundary plat for a two lot single-family subdivision platted as Borderline located at the northwest corner of N.W. 22 Street and Lake Drive.

8.B. ACCEPTANCE OF WATER EASEMENT DEED/CLEMENT COTE AND NANCY TESSIER/LATITUDE DELRAY LOT 6: Motion to Accept a Water Easement Deed with Clement Cote and Nancy Tessier at Latitude Delray, Lot 6, Building No. 2 located at 222 S. Latitude Circle.

8.C. ACCEPTANCE OF WATER EASEMENT DEED/LATITUDE OASIS, LLC/LATITUDE DELRAY LOT 22: Motion to Accept a Water Easement Deed with Latitude Oasis, LLC at Latitude Delray, Lot 22, Building No. 4 located at 227 N. Latitude Circle.

8.D. ACCEPTANCE OF WATER EASEMENT DEED/LATITUDE OASIS, LLC/LATITUDE DELRAY LOT 7: Motion to Accept a Water Easement Deed with Latitude Oasis, LLC at Latitude Delray, Lot 7, Building No. 3 located at 228 S. Latitude Circle.

8.E. ACCEPTANCE OF WATER EASEMENT DEED/GARRETT AND NANCY SCHULTZ/LATITUDE DELRAY LOT 23: Motion to Accept a Water Easement Deed with Latitude Oasis, LLC at Latitude Delray, Lot 23, Building No. 5 located at 221 N. Latitude Circle.

8.F. AMENDMENT NO. 1 TO SERVICE AUTHORIZATION 12-03.1/WANTMAN GROUP, INC./FORCE MAIN 58A REPLACEMENT PROJECT: Motion to Approve Service Authorization No. 12-03.1 (Amendment No. 1)

with Wantman Group, Inc. in the amount of \$27,492.56 for professional engineering services (RFQ 2012-06) related to the replacement of force mains at Systems 58A and 87 (Project No. 2014-039); providing design, a lift station electrical control panel and construction administration services during project construction. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.06(A)(1), "Beyond the Scope of Work". Funding is available from 442-5178-536.63-88 (Water and Sewer Renewal and Replacement Fund: Improvements Other/Force Main Replacement).

8.G. THIS ITEM HAS BEEN MOVED TO THE REGULAR AGENDA AS ITEM 9.B.B.

8.H. HOLD HARMLESS AGREEMENT/DELRAY PRESERVE/FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) RIGHT-OF-WAY: Motion to Approve a Hold Harmless Agreement with Delray Preserve for work in the Florida Department of Transportation (FDOT) Right-of-Way.

8.I. PROCLAMATIONS:

- 1. THIS ITEM HAS BEEN MOVED TO THE REGULAR AGENDA AS ITEM 9.A.A.**
- 2.** Clean Air Challenge Month – May 2015

8.J. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS: No appealable reports for the period of April 27, 2015 through May 1, 2015.

8.K. AWARD OF BIDS AND CONTRACTS:

- 1. NONE**

Vice Mayor Petrolia moved to approve the Consent Agenda as amended, seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Ms. Jarjura – Yes. Said motion passed with a 4 to 0 vote.

9.A.A. Proclamation - Omega Psi Phi Lambda Alpha Alpha Chapter – 35 Years of Service

Mayor Glickstein read a proclamation into the record recognizing and commending **Lambda Alpha Alpha Chapter of Omega Psi Phi** for thirty-five (35) years of service and encouraged all of our residents to join in this recognition and congratulate the members of the **Lambda Alpha Alpha Chapter of Omega Psi Phi Fraternity, Inc.** for their support to youth and the community. The members of the **Lambda Alpha Alpha Chapter of Omega Psi Phi Fraternity, Inc.** came forward to accept the proclamation.

At this point, the time being 7:00 p.m., the Commission moved to the duly advertised Public Hearings portion of the Agenda.

10. PUBLIC HEARINGS:

10.A. RESOLUTION NO. 27-15: CONTRACT FOR SALE AND PURCHASE OF THE PROPERTY LOCATED AT 510 S.W.14TH AVENUE:

Motion to Approve Resolution No. 27-15 authorizing the sale of the Neighborhood Stabilization Program property located at 510 S.W. 14th Avenue to Patricia Green for the purchase price of \$115,000.00, or appraised value and provide subsidy up to \$25,000.00 secured by promissory note and second mortgage.

The caption of Resolution No. 27-15 is as follows:

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

(The official copy of Resolution No. 27-15 is on file in the City Clerk's office.)

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

Mayor Glickstein declared the public hearing open. There being no one from the public who wished to address the Commission regarding Resolution No. 27-15, the public hearing was closed.

Deputy Vice Mayor Jacquet moved to approve Resolution No. 27-15, seconded by Ms. Jarjura. Upon roll call the Commission 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.

10.B. ORDINANCE NO. 07-15 (SECOND READING): Motion to Approve Ordinance No. 07-15, an amendment to Chapter 51, "Garbage and Trash", of the Code of Ordinances Section 51.70, "Regular Charges Levied", to provide for new Residential Collection Service Rates for the remaining Fiscal Year 2015.

The caption of Ordinance No. 07-15 is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 51, "GARBAGE AND TRASH", OF THE CODE OF ORDINANCES OF THE CITY OF

DELRAY BEACH, BY AMENDING SECTION 51.70, "REGULAR CHARGES LEVIED", TO PROVIDE FOR NEW RESIDENTIAL COLLECTION SERVICE RATES FOR THE REMAINING FY 2015; PROVIDING A GENERAL REPEALER CLAUSE, A SAVING CLAUSE, AND AN EFFECTIVE DATE.

(The official copy of Ordinance No. 07-15 is on file in the City Clerk's office.)

The City Attorney read the caption of the ordinance.

Jack Warner, Chief Financial Officer (CFO), presented this item to the Commission and urged the Commission to approve this ordinance so that it can go into effect June 1, 2015.

Mayor Glickstein declared the public hearing open. There being no one else from the public who wished to address the Commission regarding Ordinance 07-15, the public hearing was closed.

Vice Mayor Petrolia moved to adopt Ordinance No. 07-15 on Second and FINAL Reading, seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Deputy Vice Mayor Jacquet – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes. Said motion passed with a 4 to 0 vote.

At this point, Mayor Glickstein thanked Vice Mayor Petrolia for her work on this and he appreciates the tenacity. In addition, Mayor Glickstein thanked Mr. Warner for his work on this as well.

10.C. ORDINANCE NO. 09-15 (SECOND READING): Motion to Approve Ordinance No. 09-15, an amendment to Land Development Regulations Section 4.6.9, "Off-Street Parking Regulations", Subsection 4.6.9 (E), "Locations of Parking Spaces", Paragraph 3, "In Lieu Fee", to create two new areas.

The caption of Ordinance No. 09-15 is as follows:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING SECTION 4.6.9, "OFF-STREET PARKING REGULATIONS", SUBSECTION 4.6.9 (E), "LOCATIONS OF PARKING SPACES", PARAGRAPH 3 "IN LIEU FEE" TO CREATE TWO NEW AREAS; PROVIDING A SAVING CLAUSE, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE.

(The official copy of Ordinance No. 09-15 is on file in the City Clerk's office.)

The City Attorney read the caption of the ordinance.

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

Mayor Glickstein declared the public hearing open. There being no one from the public who wished to address the Commission regarding Ordinance No. 09-15, the public hearing was closed.

Vice Mayor Petrolia expressed concern that by creating these incentives it could possibly be creating more problems and that the city may be under valuing what the cost of a space. She is concerned how this will affect the future.

Mayor Glickstein stated the incentives for West Atlantic Avenue and Osceola Park need to remain in place; however, he does not feel the need for incentives in Pineapple Grove relative to parking.

The City Manager stated this ordinance is a corrective ordinance based upon previous direction of the City Commission (Ordinance No. 09-15 corrects Ordinance No. 03-15 which inadvertently repealed this) and staff can look into whether these rates need to be adjusted.

Mayor Glickstein suggested that staff can bring something back regarding why the City is reducing the in-lieu cost in an area that is parking constrained now for Pineapple Grove.

Deputy Vice Mayor Jacquet asked if incentives are needed in the bottom piece of Old School Square Historic Arts District (OSSHAD) along South Swinton on the first block. Deputy Vice Mayor Jacquet stated he concurs with Mayor Glickstein that incentives for both Osceola Park and West Atlantic Avenue is appropriate.

Ms. Jarjura stated she too concurs that Pineapple Grove does not need as much incentive.

Vice Mayor Petrolia moved to adopt Ordinance No. 09-15 on Second and FINAL Reading, 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. Said motion passed with a 4 to 0 vote.

9. REGULAR AGENDA:

9.B.B. SERVICE AUTHORIZATION NO. 12-06/CALVIN GIORDANO AND ASSOCIATES INC./COMMUNITY REDEVELOPMENT AGENCY (CRA) SIDEWALKS FISCAL YEAR (FY) 2015: Motion to Approve Service Authorization No. 12-06 to Calvin, Giordano and Associates, Inc. in the amount of \$19,830.24 for

professional design services related to the CRA Sidewalks FY15, Project No. 2015-002. Funding is available from account 334-3162-541-63.11 (General Construction Fund: Public Works/Improvements Other Than Buildings/Bike Paths/Sidewalks).

The City Manager stated he has looked at this with Randal Krejcarek on two (2) occasions and he indicated that the 17th Street issue can be dropped; however, that the 4th Street improvement is a necessary improvement.

Vice Mayor Petrolia stated the priority is to get sidewalks in this area first, and then address S.W. 17th Avenue. Vice Mayor Petrolia commented about the photos of S.W. 10th Street and stated a walkway is needed because you can see the foot traffic path.

Mayor Glickstein commented about the gap in front of the church where there is no sidewalk.

Deputy Vice Mayor Jacquet stated he too encouraged staff to make it a first priority to put a sidewalk in this area of town.

Ms. Jarjura stated she believes that the Commission has made the direction that if it is adjacent to a school or a park that people use that they would like to see the sidewalks there first because it is a safety issue because children are walking in the street. Ms. Jarjura stated she is not sure how staff makes the determination of what gets priority on that list.

The City Manager stated staff will bring back the issue of S.W. 10th Street back to the City Commission at a later date.

Vice Mayor Petrolia moved to *amend* the amount of Service Authorization No. 12-06 accordingly, seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Ms. Jarjura – Yes. Said motion passed with a 4 to 0 vote.

9.A. SIDEWALK IN-LIEU FEE/962 BOLENDER DRIVE: Consider a request from the property owner of 962 Bolender Drive to pay a fee in-lieu of sidewalk installation. (*Quasi-Judicial Hearing*)

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

Kimberly Wynn, Acting City Clerk, swore in those individuals who wished to give testimony on this item and all subsequent Quasi-Judicial items.

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

Victor Majtenyi, Deputy Director of Public Utilities, entered the project file into the record and presented this item to the Commission.

Andre Colombo, Builder, stated they would rather not put the sidewalk in as there are no sidewalks in that part of Tropic Isle.

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

There was no cross-examination or rebuttal.

Ms. Jarjura complimented staff for getting this done in such a timely manner (the application was applied for on April 10, 2015, the Development Services Management Group (DSMG) approved it on April 16, 2015, and it is now on the City Commission agenda within a month's time period).

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 a sidewalk in-lieu payment in the amount of \$4,200.00 for relief of sidewalk installation by the owner of 962 Bolender Drive, seconded by Vice Mayor Petrolia. 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.

9.B. SIDEWALK IN-LIEU FEE/3021 JASMINE COURT: Consider a request from the property owner of 3021 Jasmine Court to pay a fee in-lieu of sidewalk installation. (*Quasi-Judicial Hearing*)

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

Victor Majtenyi, Deputy Director of Public Utilities, entered the project file into the record and presented this item to the Commission.

The applicant was not present.

There was no cross-examination or rebuttal.

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

Ms. Jarjura asked if the money from the in-lieu fees is going into the General Fund. The City Attorney stated this is not General Fund money; it is in a segregated sub account just for this purpose.

The City Manager stated this money is set in separate trust account.

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).

Prior to the vote, Deputy Vice Mayor Jacquet asked when the City decides it is time or that there is a need for a continuous sidewalk down a particular street. Mr. Majtenyi stated the need may not actually be there.

Vice Mayor Petrolia moved to approve the Board Order approving a sidewalk in-lieu payment of in the amount of \$3,800.00 and relief of sidewalk installation by owner of 3021 Jasmine Ct., seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Deputy Vice Mayor Jacquet – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes. Said motion passed with a 4 to 0 vote.

9.C. FINAL SUBDIVISION PLAT/CANNERY ROW: Motion to approve a final boundary plat for Cannery Row Replat of Lots 11 through 13, located on the west side of Pineapple Grove Way, between N.E. 3rd Street and N.E. 4th Street.

Mayor Glickstein declared a conflict of interest and recused himself from the dais for reasons previously disclosed, and passed the gavel to Vice Mayor Petrolia.

For the record, the City Attorney stated normally this item would have appeared on the Consent Agenda; there is no issue that would have caused this to be placed on the Regular Agenda. However, the City Attorney stated by placing this on the Regular Agenda it enables the Mayor who otherwise had a conflict, to then vote affirmatively with respect to the Consent Agenda.

Mark McDonnell, Assistant Director of Planning and Zoning, presented the Commission with this item.

Ms. Jarjura moved to approve the final boundary plat for Cannery Row Replat of Lots 11 through 13, by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in Section 2.4.5(K), Section 3.2.3., and Section 3.1.1 of the Land Development Regulations, seconded by Deputy Vice Mayor Jacquet. Upon roll call the Commission voted as follows: Ms. Jarjura – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes. Said motion passed with a 3 to 0 vote.

At this point, Mayor Glickstein returned to the dais.

9.D. AMENDMENT NO. 2/R.J. BEHAR AND COMPANY, INC./ FEDERAL HIGHWAY BEAUTIFICATION PROJECT NO. 2009-009: Motion to Approve Amendment No. 2 to the agreement with R.J. Behar & Company, Inc. in the amount of \$151,358.00 for Construction Engineering and Inspection Services (CEI) for

the Federal Highway Beautification Project No. 2009-009. Funding is available from 334-3162-541.68-52 (General Construction Fund: Public Works/Road and Street Facilities/Other Improvements/Federal Highway Beautification).

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

Ms. Jarjura commented about the scope of services and asked how plans could be designed inconsistent with ADA compliance. The City Manager stated this contractor is to ensure that the construction phase of the project is done according to the design plans and confirmed that staff is anticipating that this will cover the City through the end of this project for Construction Engineering and Inspection Services (CEI).

Vice Mayor Petrolia moved to approve Amendment #2 in the amount \$151,358.00 to the Agreement with R.J. Behar & Company, Inc. for Construction Engineering and Inspection Services (CEI) for the Federal Highway Beautification Project #2009-009, 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. Said motion passed with a 4 to 0 vote.

9.E. RESOLUTION NO. 32-15/ BEST INTEREST RESOLUTION - ELECTRIC MOTOR OF PALM BEACH: Motion to Approve Resolution 32-15 approving FY 2015 acquisitions for repairs, rehabilitation, and parts related to submersible pumps for raw water wells from Electric Motors of Palm Beach not to exceed \$50,000.00; declaring by a four-fifths affirmative vote that the City's "Sealed Competitive Method", or "Written Quotations Procurement Method" for the purchase is not in the Best Interest of the City. Funding is available from 441-5144-536-46.20 (Water and Sewer Fund: Lift station Maintenance/Repair and Maintenance Service/Equipment Maintenance). 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)(11), "Best Interest Acquisitions".

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

Vice Mayor Petrolia moved to approve Resolution No. 32-15, seconded by Ms. Jarjura. Upon roll call the Commission voted as follows: Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes; Deputy Vice Mayor Jacquet – Yes; Ms. Jarjura – Yes. Said motion passed with a 4 to 0 vote.

9.F. INTERLOCAL AGREEMENT AND AMENDMENT NO. 1 TO MICROENTERPRISE LOAN PROGRAM COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)/COMMUNITY REDEVELOPMENT AGENCY(CRA)/ PROGRAM GUIDELINES: Motion to Approve an Interlocal Agreement with the Community Redevelopment Agency nunc pro tunc October 1, 2014 until September 30,

2015 and Amendment No. 1 of the MicroEnterprise Loan Program guidelines for the MicroEnterprise Loan Program.

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

Brief discussion between staff and the Commission followed.

Brief discussion followed by Ms. Joan Goodrich and Ms. Lia Gaines.

Ms. Jarjura stated she understands that this is retroactive approval and that it is now May and this was supposed to be approved October 1st; however, she feels it should be presented to the Commission as an Agreement and then an Amendment to the agreement not as one document.

For clarification, Mayor Glickstein stated there is no point of reference because normally you would have the original agreement and all the parts to that original agreement and a subsequent amendment with all the parts to that amendment. Mayor Glickstein stated what is before the City Commission is one document that is merging parts of what was already approved to an amendment. Mayor Glickstein stated the CRA attorney should have bifurcated this so that someone picking up this would be able to see the sequence of events which is not clear by the way the document is drafted now.

The Commission gave direction to the City Attorney to work this out with the CRA attorney.

Prior to the vote, Deputy Vice Mayor Jacquet stated when the Commission first approved there were discussions that since this is a pilot program the City wanted to make sure that it is working. Ms. Mesidort stated

Ms. Jarjura moved to approve the Interlocal Agreement with the Community Redevelopment Agency (CRA) and the City of Delray Beach subject to the approval of the City Attorney based on a review and the appropriate revisions to reflect the guidelines being incorporated into the Agreement properly; and, to approve Amendment No. 1, seconded by Vice Mayor Petrolia. 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.

9.G. BID AWARD/COMPLETE PROPERTY SERVICES OF SOUTH FLORIDA/LANDSCAPE MAINTENANCE BID NO. 2015-40: Motion to Approve a bid award to Complete Property Services of South Florida, the *third lowest bidder*, in the amount of \$14,330.00 for a one-year term, with two additional one-year renewal options, to provide landscape maintenance in the Atlantic Avenue Greenway Plan, Vacant Lots. Funding is available from 119-4144-572-46.40 (Beautification Trust Fund: Parks and Recreation/Beautification Maintenance). This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(A)(1), “Competitive Bids”.

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

Ms. Jarjura moved to approve the award bid to Bid No. 2015-40 landscape maintenance contract for the Atlantic Avenue Greenway Plan, Vacant Lots to Complete Property Services of South Florida (*third lowest bidder*) for a one (1) year term with two (2) additional one (1) year renewal periods and that the annual spending to Complete Property Services of South Florida not to exceed \$44,500 in accordance with Code Section 36.03(B), seconded by Vice Mayor Petrolia. Upon roll call the Commission voted as follows: Deputy Vice Mayor Jacquet – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes. Said motion passed with a 4 to 0 vote.

9.H. PURCHASE AWARD/MANSFIELD OIL COMPANY: Motion to Approve utilization of Mansfield Oil Company via Florida State Contract No. 405-000-01-1, for the purchase of fuel in an amount not to exceed \$1,500,000.00 per year. Funding is available from 501-3311-591-52-51 (Garage Fund: Operating Supplies/City Garage (CG) Inventory-Fuel). This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(C)(7)(a), “Utilization of Other Governmental Entities’ Contracts”.

Victor Majtenyi presented this item to the Commission.

Prior to the vote, Deputy Vice Mayor Jacquet asked if staff is considering any alternatives to cut down on fuel expenses and help save the environment at the same time. Mr. Majtenyi stated the City’s Sustainability Officer is looking into the following alternatives: golf carts, electric vehicles, charging stations.

Ms. Jarjura stated when looking at adding new Code Enforcement Officers or if the City converts to a parking paid-for system that the City employees rather than getting a vehicle would get electric cars. She stated if the City is going to mandate it to businesses and residents this would be a way the City could lead by example.

The City Manager stated the City will look at alternate fuel type or alternate power type vehicles based upon the cost efficiency associated with them and the environmental impacts.

Ms. Jarjura moved to approve utilization of Mansfield Oil Company in addition to McMillian for the purchase of fuel up to the cumulative amount of \$1.5 million for fiscal year 2014/2015, 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. Said motion passed with a 4 to 0 vote.

At this point, Deputy Vice Mayor Jacquet left the dais and the Commission moved to **Item 9.J.**

9.J. AGREEMENT FOR USE OF ROBERT P. MILLER PARK/SOUTH FLORIDA COLLEGIATE BASEBALL LEAGUE INC.: Motion to Approve an Agreement for use of Robert P. Miller Park with the South Florida Collegiate Baseball League, a 501c(3) not-for-profit organization, in the amount of \$1.00 per year, for a one-year (1) term from June 1, 2015 through May 31, 2016; with the option to extend for one (1) consecutive one (1) year period; and delegating authority to the City Manager to issue such consent for extension.

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

Brief discussion followed between Mayor Glickstein and a representative from the South Florida Collegiate Baseball League.

Vice Mayor Petrolia moved to approve an Agreement for the use of Robert P. Miller Park with the South Florida Collegiate Baseball League for a one-year (1) term from June 1, 2015 through May 31, 2016; with the option to extend for one (1) consecutive one (1) year period, 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. Said motion passed with a 4 to 0 vote.

9.I. RESOLUTION NO. 31-15/BEST INTEREST RESOLUTION – ELEV8 SPORTS INSTITUTE INC./FIELD MAINTENANCE OF POMPEY PARK: Motion to Approve Resolution No. 31-15 approving the renewal of Contract #2013-16 with Elev8 Sports Institute Inc. for Pompey Park Baseball Field Maintenance; declaring by a four-fifths affirmative vote that the City’s “Sealed Competitive Method”, or “Written Quotations Procurement Method” for the purchase is not in the Best Interest of the City. Funding is available from 001-4131-572-34.90 (General Fund: Parks and Recreation/Parks Maintenance/Other Contractual Service). This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(C)(11), “Best Interest Acquisitions”.

The caption of Resolution No. 31-15 is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING THE RENEWAL OF CONTRACT #2013-16 WITH ELEV8 SPORTS INSTITUTE INC. FOR POMPEY PARK BASEBALL FIELD MAINTENANCE; DECLARING BY A FOUR-FIFTHS AFFIRMATIVE VOTE THAT THE CITY’S SEALED COMPETITIVE METHOD OR WRITTEN QUOTATIONS PROCUREMENT METHOD FOR THE PURCHASE IS NOT IN THE BEST INTEREST OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE.

(The official copy of Resolution No. 31-15 is on file in the City Clerk's office.)

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

Ms. Jarjura moved to approve Resolution 31-15 for ELEV8 to maintain Pompey Park Baseball Field Maintenance through January 31, 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; Ms. Jarjura – Yes. Said motion passed with a 4 to 0 vote.

9.K. RETROACTIVE AGREEMENT RENEWAL WITH XEROX GOVERNMENT SYSTEMS, LLC/FIREHOUSE SOFTWARE: Motion to Approve a retroactive six-month renewal from April 1, 2015 through September 30, 2015, of the support service agreement with Xerox Government Services, Inc. for Firehouse Software in the amount of \$14,522.50. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(C)(6)(a), "*Sole Source*". Funding is available from 001-2315-526-46.90 (General Fund: Fire Operations/Ambulance & Rescue Services/Other Repair/Maintenance Costs).

Danielle Connor, Fire Chief, presented this item to the Commission.

Vice Mayor Petrolia moved to approve the Delray Beach Fire-Rescue Department's request to renew its support service agreement with Firehouse Software for the period of 4/1/2015 through 9/31/2015 (6 Months) at a cost of \$14,522.50, 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.

9.L. THIS ITEM HAS BEEN REMOVED FROM THE AGENDA.

9.M. BID AWARD/ GRANICUS, INC. FOR VIDEO/AUDIO STREAMING: Motion to Approve a Bid Award (RFP 2015-27) for video/audio streaming, paperless agenda and civic engagement software to Granicus, Inc., *the second lowest bidder*, for a one year agreement with an option to renew for two (2) additional one-year periods in the amount of \$42,640.00 for the year and \$33,840.00 for the renewal periods. This recommendation is in compliance with the Code of Ordinances, Chapter 36, Section 36.02(A)(2), "Requests for Proposals".

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

Charles Furment, Technical Multimedia Specialist/IT Department, came forward and gave a few brief comments.

Brief discussion between Holly Vath, Commissioner Jarjura and Mayor Glickstein followed.

Ms. Jarjura moved to approve an award for video/audio streaming, paperless agenda and civic engagement software to Granicus, Inc. for a one year agreement with an option to renew for two additional one year periods in the amount of \$42,640 for the first year and \$33,840 for the renewal periods, seconded by Vice Mayor Petrolia. Upon roll call the Commission voted as follows: Deputy Vice Mayor Jacquet – Yes; Ms. Jarjura – Yes; Mayor Glickstein – Yes; Vice Mayor Petrolia – Yes. Said motion passed with a 4 to 0 vote.

9.N. 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).

Mayor Glickstein stated due to Commissioner Katz's absence and given that this meeting was postponed, that he would have two (2) meetings to make his selection.

Mayor Glickstein moved to approve to defer this item to the next regular meeting of June 2, 2015 giving Commissioner Katz his first opportunity for a nomination, 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. Said motion passed with a 4 to 0 vote.

9.O. RETENTION OF SPECIAL COUNSEL FOR ATLANTIC CROSSING PROJECT: Motion to approve the City Attorney's recommendation to retain Ms. Debbie Orshefsky as special counsel in connection with the proposed Atlantic Crossing project.

The City Attorney briefly discussed of what happened since last Tuesday through tonight. The City Attorney stated this was a non-agenda item that occurred during a Workshop, he understand the consensus to say that this City Commission was looking for a pre-eminent land use lawyer, large project experience, drafting expertise with development agreements; not a government attorney that's duplicative of the City Attorney's office and that there was an urgency of time in completing this task. The City Attorney stated during the next few days he received additional feedback from Commission; some Commissioners wanted confirmation that there would be a list; some Commissioners wanted to know that there would be some direction with City Attorney preference, and some Commissioners directed him to add a specific firm. The City Attorney stated Debbie Orshefsky had a conflict and dropped out on Monday.

Brief discussion by the Commission followed.

Mayor Glickstein moved to approve to retain Steve Rubin (Real Estate Lawyer) as Special Counsel to work collaboratively with the City Attorney on the Developer Agreement for the Atlantic Crossing project; and, if there is some other type

of document that is memorializing what they are trying to affect here, then Mr. Rubin can be used for that as well, 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. Said motion passed with a 4 to vote.

11. **FIRST READINGS:**

A. **NONE**

12. **COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS.**

12.A. **City Manager**

1. County Deed Transferring Lake Ida Property

The City Manager stated he has a meeting this Friday with County staff to try to finalize this item and if the deed is acceptable with the City Commission then he will proceed.

The City Attorney stated this is not the first deed sent from the County; the first deed he found far too restrictive so he sent a redline markup to the County and the County incorporated many of his changes but not all of his changes. The City Attorney stated the County agreed to was he expanded the City's potential uses of the property to include Passive Park, accessory structures, the temporary docking, and the pedestrian pathways. The City Attorney asked the County to remove the automatic reverter and instead put in a writ of reverter so it provides some opportunity for discussion rather than to have the trigger as an operation of law but they rejected that comment.

Commissioner Jarjura commented about Mr. Bradenburg's comments to allow the City to have an easement while his client develops his high-end lakefront residential home for the offer of \$250,000.00. Commissioner Jarjura stated she does not support that and the City Commission has already expressed they do not support developing that property. The City Attorney stated before the City closes on the property to get a survey, title policy, and do some basic due diligence before taking title. Deputy Vice Mayor Jacquet stated one of things he spoke about to the gentleman who approached him about this particular transfer of property was the use of it in the future and Deputy Vice Mayor Jacquet stated he supports the County's rejection of the reverter clause because he would not want discussions and if the City decides to develop it the County should take it back. Deputy Vice Mayor Jacquet stated the only reason he has supported this is because this is to be preserved to be natural.

12.B. **City Attorney**

The City Attorney stated he informed Mr. Warner that the City expects to close next week with Iberiabank and he has a draft closing statement.

12.C. City Commission

12.C.1. Commissioner Jarjura

Commissioner Jarjura stated part of Delray Beach's character is the eclectic architecture and designs. In addition to preserve mass and scale in the city, Commissioner Jarjura suggested that we also preserve incentives to property owners to preserve the architectural design. Commissioner Jarjura stated Caffé Martier and the fresh produce block, they improved the aesthetics but kept the character and she feels it is important for the city to encourage that so that we do not lose the architectural features of these buildings both at a commercial standpoint and residential standpoint.

Commissioner Jarjura suggested that staff look into amending the Code to have administrative approval and review for when property owners are looking at preserving the original building's design and basic façade changes that do not change material and keep with the architecture integrity. She asked for the consensus of the Commission for expedited permitting through administrative review or incentives. The City Manager stated this will be one of the first things that will be assigned to the new Planning and Zoning Director. Commissioner Jarjura encouraged staff to reach out to the property owner or the developer of that in looking at keeping the 710 house and moving it to the front and doing the new construction behind it so that the front of Swinton stays the same. Commissioner Jarjura stated she is happy to meet with him and asked staff to set this up.

Commissioner Jarjura stated in many cities staff sits in the Commission Chambers and some of the issues that this Commission often has is that the message is not trickling down to who needs to know about it. For example, Commissioner Jarjura stated the sidewalk issue that was discussed earlier today; she noted that the Commission has stated multiple times that they want to prioritize certain streets and areas of the city where there are safety concerns with children, parks, and schools. Commissioner Jarjura suggested that if the Department Heads were all present in the Commission Chambers at the Commission meetings then it would maybe produce better results.

Commissioner Jarjura stated if there is a vote taken or a consensus taken she requests (even if the Commission is divided) that staff, the City Manager, and the City Attorney follow the direction of the majority or the consensus of the City Commission.

Deputy Vice Mayor Jacquet stated individual direction is different from Commission direction. Deputy Vice Mayor Jacquet if states he wants to see something but if he does not look over to ask for consensus, then he feels it is the City Manager's job or City Attorney's job to make sure that they get consensus before moving forward with it.

Also, Commissioner Jarjura asked her colleagues that once the Commission votes on something or give direction, that they respect one another's decision even if it is different from what the majority has decided on that the Commission not revisit issues but that they can move on to the next order of business.

Mayor Glickstein stated at the end of the Workshop meeting the City Manager stated to him that he was not sure what was decided but feels it is the City Manager's responsibility and the City Attorney's responsibility that if there is something that is not clear that they ask the Commission for the clarity.

12.C.2. Vice Mayor Petrolia

Vice Mayor Petrolia stated she had a conversation with Mr. Pfeffer earlier today about making sure that each Commission member has the same information when they are making decisions in the Commission Chambers.

Secondly, with respect to the systems and procedures the City has in place, Vice Mayor Petrolia stated she believes that the City does have the systems in place but she believes it is the procedures and more of a procedural problem that the City is having.

Lastly, Vice Mayor Petrolia stated she has received several telephone calls from the Marina Historic District asking whether live-aboards are permitted at the marina. Vice Mayor Petrolia commented that the price that they are getting is not a normal live-aboard rate but is just a dockage fee and asked that the City Manager look into whether the City's Code states that live-aboards are prohibited. The City Manager stated he will research this matter.

12.C.3. Deputy Vice Mayor Jacquet

Deputy Vice Mayor Jacquet stated with the numerous construction projects going on in particular where the SOFA project is located he stated there is a problem with the visibility. He stated there are cars parked all over those streets and residents cannot see when pulling out of the side streets. Deputy Vice Mayor Jacquet stated you have pull out to the middle of the road just to be able to see oncoming traffic and suggested that a Police Officer start issuing tickets to those parked cars or that the City have discussion with the developers to make sure they have a place to park. Deputy Vice Mayor Jacquet stated something needs to be done because it is affecting the quality of life in that neighborhood.

Mayor Glickstein stated the developer is bringing the fence out on a 45 degree angle; they are not following the City's requirements of a clear angle. He stated if they did this then it would push the parking back in each direction. The City Manager stated the City has to maintain the sidelines on the corners just for public safety factors because that is a requirement.

Deputy Vice Mayor Jacquet stated he had the opportunity to attend Atlantic High School's Graduation and it was awesome.

Deputy Vice Mayor Jacquet stated he had the opportunity to attend Career Day at Orchard View Elementary School and it was phenomenal. In addition, he stated he attended Career Day today at Village Academy which was also phenomenal. Deputy Vice Mayor Jacquet stated tomorrow he will be attending Daughter of Zion School for their graduation.

12.C.4. Mayor Glickstein

Mayor Glickstein stated with respect to the City Manager's memo regarding the solar belly's (solar powered trash compactor) and if possible the City would like to purchase a minimum of twenty-five (25) cans. The City Manager stated at this point in time there is still some internal debate regarding those.

Secondly, Mayor Glickstein requested that when staff comes forward that they introduce themselves and state their position/title.

With respect to the trees on US-1 in the actual medians, Mayor Glickstein stated he would like the City Horticulturist to look at the quality control issue in particular some of the sabal palms there is a very curved tree right next to a straight tree and it looks sloppy. Mayor Glickstein stated there are places where they have purposely curved the tree away from overhead lines and those are staked accordingly. However, he stated there is a haphazard way that they have planted some of these sabal palms. In addition, Mayor Glickstein requested that the City Horticulturist look at the specification on southbound Federal Highway towards Publix further south where they have planted a variety of palms where there is only six (6) inches or a foot of clear trunk. Mayor Glickstein stated he would like a thorough analysis completed to ensure that the City is getting the quality that the Commission specified, etc.

Lastly, Mayor Glickstein stated with respect to Delray Place on Federal Highway and Linton Boulevard, aesthetically there is a retaining wall at the corner and they spent a lot of money on the detailing on the actual architecture but in front that is a very cheap pressure treated dowse that they have driven into the ground to retain the earth in front of the actual structural feature. He expressed concern about whether or not it is going to be covered by landscaping. However, Mayor Glickstein stated he would like staff to look into this as to whether or not that should have been something architectural or if someone just decided that this is an easy way to finish this corner off because in his opinion it does not look attractive now. Mayor Glickstein stated also related to the property there is a lot of landscaping material in that corner that appears to be jumbled together. He stated when this project was approved there was a lot of concern about the parking and with the number of restaurants that are being introduced to this, he would like staff to stay on top of this before the season starts because the developer was required to report back to the City Commission about the uses. Mayor Glickstein stated when they were representing the project they were representing that

many of those outparcels would be non-restaurant (i.e. retail) and he requested an update. The Commission agreed that there was a condition of approval and a look back to determine whether or not there was enough space at a certain point.

There being no further business, Mayor Glickstein declared the meeting adjourned at 9:25 p.m.

Acting 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 May 20, 2015, which Minutes were formally approved and adopted by the City Commission on _____.

Acting City Clerk

NOTE TO READER:

If the Minutes you have received are not completed as indicated above, this means they are not the official Minutes of the City Commission. They will become the official Minutes only after review and approval which may involve some amendments, additions or deletions as set forth above.