

City of Delray Beach

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www.mydelraybeach.com



Minutes - Draft

Tuesday, June 21, 2016

6:00 PM

Regular Meeting at 6:00 PM

Delray Beach City Hall

City Commission

1. ROLL CALL**2. PLEDGE OF ALLEGIANCE TO THE FLAG****3. PRESENTATIONS:****4. COMMENTS AND INQUIRIES ON AGENDA AND NON-AGENDA ITEMS FROM THE PUBLIC- IMMEDIATELY FOLLOWING PRESENTATIONS:**

City Manager Cooper spoke regarding US 1 and stated the item will be workshopped.

Public Comments:

Steve Blum spoke regarding the beach pavilion.

Vic Kirson spoke regarding the City Commission and commended Deputy Vice Mayor Jarjura.

Pauline Moody congratulated Mr. Pfeffer and stated she does not want to see him go. She also commented regarding legal issue and the beach pavilion.

Yvonne Chapell (sp) and Retha Prescott (sp), ACHS Eaglettes, both spoke regarding the Garlic Fest.

Anthony Zunker, Troop 301, spoke regarding the Garlic Fest.

Robert Dodd, KOP Network spoke regarding the Garlic Fest.

Virginia Snyder spoke regarding the Garlic Fest and stated she is very concerned with the Police Department.

Nicholas Loss (sp), ACHS Marching Band, spoke regarding the Garlic Fest.

Lorie Hansen, ACHS Band Boosters President, spoke regarding the Garlic Fest.

Ron Gilinsky spoke regarding the Garlic Fest.

Aaron Murray (sp) spoke regarding special events and the Garlic Fest.

Bill Smith spoke regarding the Garlic Fest and the Police Explorers program.

Nicholine Joseph (sp), ACHS Eaglette, spoke regarding the Garlic Fest.

Rob Steele, President and CEO of Old School Square (OSS), spoke regarding the Special Events Technical Advisory Committee (SETAC) process. He read a statement into record.

Norma Justin (sp) spoke regarding the Garlic Fest.

Chuck Ridley spoke regarding two meetings he has attended over the last month and persons who met with the Village Elders to share their concerns regarding the Garlic Fest. He also spoke regarding the Team Delray meeting.

Bruce Gimmy spoke regarding the Garlic Fest.

Don Johnston spoke regarding the Garlic Fest.

Sue Tauriello spoke regarding the Garlic Fest.

Bruce Feingold (sp) spoke regarding the Garlic Fest.

Malik Grimley (sp) spoke the Garlic Fest.

Ann Joseph, ACHS Eaglette, spoke regarding the Garlic Fest.

Alice Finst spoke regarding the Amateur Radio proclamation and CERT.

Terra Spero spoke regarding the Garlic Fest.

5. AGENDA APPROVAL

Mr. Cooper stated that Item 7.G., Appointment of an Interim City Attorney is sponsored by the City Manager and stated that Item 8.A., Ordinance No.

15-16 (Public Hearing) is requested to be pulled by the applicant.
approved as amended

Yes: 4 - Petrolia, Vice-Mayor Jacquet, Jarjura, and Katz

Absent: 1 - Mayor Glickstein

6. CONSENT AGENDA: City Manager Recommends Approval

approved

Yes: 4 - Petrolia, Vice-Mayor Jacquet, Jarjura, and Katz

Absent: 1 - Mayor Glickstein

6.A. [16-627](#) APPROVAL OF MINUTES

Recommendation: Motion to Approve various sets of minutes as listed below:

February 9, 2016 Special Meeting
February 9, 2016 Workshop Meeting
May 10, 2016 Workshop Meeting
May 31, 2016 Special Meeting
June 10, 2016 Special Meeting
June 14, 2016 Special Meeting

Attachments: [February 9, 2016 Special Meeting Minutes](#)
[February 9, 2016 Workshop Meeting Minutes](#)
[May 10, 2016 Workshop Meeting Minutes](#)
[May 31, 2016 Special Workshop Meeting Minutes](#)
[June 10, 2016 Special Meeting Minutes](#)
[June 14, 2016 Special Meeting Minutes](#)

adopted as amended

6.B. [16-476](#) AWARD TO CALVIN GIORDANO & ASSOCIATES, INC. IN A NOT-TO-EXCEED AMOUNT OF \$75,000 AND THE MELLGREN PLANNING GROUP IN A NOT-TO-EXCEED AMOUNT OF \$75,000 FOR GENERAL PLANNING SERVICES

Recommendation: Motion to award RFP 2016-067 to Calvin Giordano & Associates, Inc., and to The Mellgren Planning Group for general planning services for the Planning, Zoning and Building Department

Sponsors: Purchasing Department

Attachments: [Purchasing Checklist RFQ 2016-067](#)
[RFQ 2016-067 Tab](#)
[RFQ 2016-067 Ranking and Sign-In Sheet](#)

6.C. [16-522](#) HOUSING REHABILITATION GRANT AWARD FOR 19 N.W. 11th AVENUE IN THE AMOUNT OF \$59,346.26

Recommendation: Motion to approve a housing rehabilitation grant in the amount of \$ 59,346.26 to CJ Contracting, LLC and a motion to waive the \$37,000 maximum grant award established for housing rehabilitation projects under the Neighborhood Services Divisions approved Policies and Procedures, funded under the Community Development Block Grant (CDBG) Program for the property located at 19 N.W. 11th Avenue, Delray Beach, FL.

Sponsors: Community Improvement

Attachments: [Packet for Bid 2016-072](#)
[Bid Information](#)
[Contract -Haynes Jr. Eddie](#)
[Lien Agreement \(CDBG\)](#)
[Memorandum of Understanding - Haynes Jr. Eddie](#)
[Notice to Proceed- Haynes Jr. Eddie](#)

6.D. [16-549](#) SERVICE AUTHORIZATION NO. 12-08 WITH DAVID MILLER & ASSOCIATES, PA. FOR DESIGN AND GENERAL CONSTRUCTION ADMINISTRATION RELATED TO THE FIRE STATION NO.2 EMERGENCY GENERATOR PROJECT

Recommendation: Motion to approve Service Authorization No. 12-08 with David Miller & Associates in the amount not to exceed \$15,250 for professional engineering services and construction administration support services for the Fire Station No. 2 Emergency Generator Upgrade Project; Project No.16-011.

Sponsors: Environmental Services Department

Attachments: [David Miller S.A. No. 12-08](#)
[Fire Station No. 2 Location Map](#)

6.E. [16-550](#) PRIOR APPROVAL OF FISCAL YEAR 2016 SPENDING GREATER THAN \$25,000 WITH SHENANDOAH GENERAL CONSTRUCTION, CO.

Recommendation: Motion to approve an increase in spending limit with Shenandoah General Construction, Co., in a total not-to-exceed amount of \$150,000.00 for fiscal year 2016.

Sponsors: Purchasing Department

Attachments: [Purchasing Checklist](#)
[Proposal - Sea Sage CIPP Lining](#)

6.F. [16-552](#) WORKFORCE HOUSING COVENANT FOR THE METROPOLITAN AT DELRAY, LLC.

Recommendation: Motion to Approve the Workforce Housing Covenant between the City of Delray Beach and The Metropolitan at Delray, LLC., and the Delray Beach Community Land Trust (DBCLT) pursuant to the requirements under Section 4.7 of the Land Development Regulations, Section 4.4.13(l)(1), "Central Business District - Commercial Core".

Sponsors: Community Improvement

Attachments: [The Metropolitan Signed Covenant](#)

6.G. [16-562](#) APPROVE A CHANGE ORDER TO EMERGENCY VEHICLES, INC. IN THE AMOUNT OF \$2,285

Recommendation: Motion to Approve a change order in the amount of \$2,285 for the purpose of additional accessories for the Police Mobile Command Unit.

Sponsors: Purchasing Department

Attachments: [Delray Beach Addendum 1](#)

6.H. [16-566](#) APPROVE THE MAYOR'S EXECUTION OF THE GRANT ACKNOWLEDGMENT FORM AND SUBMITTAL OF A GRANT APPLICATION FOR ALTERNATIVE WATER SUPPLY FUNDING FROM THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT FOR FY 2017 TO SUPPORT THE EXPANSION OF THE CITY'S RECLAIMED WATER SYSTEM.

Recommendation: Motion to approve a grant application and the Mayor's execution of the required Acknowledgement form for Alternative Water Supply funding from the South Florida Water Management District, for FY 2017 to support the expansion of the City's reclaimed water system.

Sponsors: Environmental Services Department

Attachments: [Alternative Water Supply Grant Application A.pdf](#)
[Districts receipt of Grant Application 20160519_1053.pdf](#)
[SFWMD Grant Appl Acknowledgement Form for Mayor](#)
[Acknowledgement by City Manager](#)
[Grant Administration Policy BF-24](#)

6.I. [16-567](#) GRANT APPLICATION/EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)

Recommendation: Motion to approve application for the 2016 Edward Byrne Memorial Justice Assistance Grant in the amount of \$35,468.00

Sponsors: Police Department

Attachments: [Project Abstract](#)
[Program Narrative](#)
[Budget Detail Worksheet and Budget Narrative](#)
[Review Narrative](#)
[Applicant Disclosure](#)

6.J. [16-569](#) FISCAL YEAR 2016 SPENDING LIMIT INCREASE WITH INTERLINE BRANDS INC., DBA SUPPLYWORKS IN AN AMOUNT OF \$25,000

Recommendation: Motion to approve a \$25,000 spending limit increase for Fiscal Year 2016 with Interline Brands Inc., DBA Supplyworks for purchases of janitorial supplies.

Sponsors: Purchasing Department

Attachments: [2016-014 Notice of Award](#)
[2016-014 Award Tab Sheet](#)

6.K. [16-570](#) CONTRACT WITH MUNICIPAL CODE CORPORATION FOR THE PRINTING AND MAILING OF UTILITY BILLS UTILIZING THE CITY OF SARASOTA CONTRACT

Recommendation: Motion to approve a contract with Municipal Code Corporation utilizing the City of Sarasota Contract No. 12-02 LKD in a not-to-exceed amount of \$140,000.

Attachments: [Municode Letter of intent to allow piggybacking of contract - Best Price Letter](#)
[City of Sarasota RFP and Contract](#)

6.L. [16-572](#) FY 2014 DOMESTIC PREPAREDNESS GRANT (FEDERAL GRANT # EMW-2014-SS-00097-S01)

Recommendation: Motion to accept grant funding from the FY 2014 State Homeland Security Grant Program for the amount of \$14,840.00 from the state homeland security grant program for the fire-rescue department.

Sponsors: Fire Rescue Department

Attachments: [FY14 Agreement Delray Beach](#)

6.M. [16-574](#) FY 2015 DOMESTIC PREPAREDNESS GRANT (FEDERAL GRANT #EMW-2015-SS-00083-S01)

Recommendation: Motion to Accept grant funding from the FY 2015 State Homeland Security Grant Program for the amount of \$41,866.00 from the State Homeland Security Grant Program for the Fire-Rescue Department.

Sponsors: Fire Rescue Department

Attachments: [2015 FDEM SubGrant Agreement-Delray Bch FR](#)
[2015 FDEM Award Letter Delray Bch FR](#)

- 6.N.** [16-576](#) HOUSING REHABILITATION GRANT AWARD FOR 1621 N.E. 3rd AVENUE IN THE AMOUNT OF \$29,670.70 TO COSUGAS, LLC.

Recommendation: Motion to approve the award of housing rehabilitation grant for 1621 N.E. 3rd Avenue in the amount of \$ 29,670.70 to Cosugas, LLC .

Sponsors: Community Improvement

Attachments: [Packet for Bid 2016-099](#)
[Bid Information Sheet](#)
[Contract - Jean-Philippe](#)
[Lien Agreement](#)
[Memorandum of Understanding](#)
[Notice to Proceed](#)

- 6.O.** [16-590](#) HOUSING REHABILITATION GRANT AWARD TO CJ CONTRACTING, LLC IN THE AMOUNT OF \$26,300.60

Recommendation: Motion to approve the award of a Housing Rehabilitation grant to CJ Contracting LLC for housing rehabilitation services at 18 Swinton Gardens in the amount of \$26,300.60.

Sponsors: Community Improvement

Attachments: [Packet for Bid 2016-084](#)
[Bid Information Sheet](#)
[Contract - Thaddies](#)
[SHIP Lien Agreement](#)
[Memorandum of Understanding](#)
[Notice to Proceed](#)

- 6.P.** [16-577](#) APPROVAL OF PURCHASES FROM FEDERAL EASTERN INTERNATIONAL, INC UTILIZING THE STATE OF FLORIDA CONTRACT

Recommendation: Motion to approve purchases from Federal Eastern International, Inc. for fiscal year 2016 in an amount not-to-exceed \$45,000 utilizing the State of Florida Contract No. 680-850-11-1

Sponsors: Purchasing Department and Webb

Attachments: [680-850-11 Contract](#)
[State Contract - Suppliers](#)
[Best Price DB](#)
[Contractors - Point Blank Enterprises, Inc \(1\)](#)

6.Q. PROCLAMATIONS:**6.Q.1. [16-603](#) AMATEUR RADIO WEEK**

Sponsors: City Clerk Department

Attachments: [AMATEUR RADIO WEEK](#)

REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**6.R. [16-589](#) REPORT OF APPEALABLE LAND USE ITEMS MAY 23, 2016 THROUGH MAY 27, 2016.****Recommendation:**

By motion, receive and file this report.

Sponsors: Planning and Zoning Board

Attachments: [6-21-16 City Document Map](#)

[630 George Bush Blvd](#)

[Linton Square](#)

[Marketplace of Delray](#)

[Delray Place](#)

[Our Boat House III](#)

6.S. AWARD OF BIDS AND CONTRACTS:**7. REGULAR AGENDA:****7.A. [16-554](#) CONDITIONAL USE REQUEST TO ALLOW THE ESTABLISHMENT OF A VETERINARY CLINIC FOR OCEANSIDE VETERINARY CLINIC, 836 SE 5TH AVENUE (QUASI-JUDICIAL HEARING)**

Recommendation: Approve the Conditional Use request to allow a veterinary clinic pursuant to LDR Section 4.4.9(D)(14), for Oceanside Veterinary Clinic by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in Section 2.4.5(E)(5), and Chapter 3 of the Land Development Regulations with the following conditions:

1. That the applicant submit an application for Class I site plan modification which provides:
 - i. An additional roll-out cart to ensure that overflow of trash will not

occur.

- ii. Security cameras installed at the entrance and at the parking lot.
- iii. Hedge screening near the roll-out carts continues along the north side of the refuse/ storage area and a portion of the hedge screening the refuse area is cut back to allow the roll-out carts access to the curb.
- iv. A note be placed on the site plan stating that the hedge located along the west property line shall be maintained at a minimum height of 4 ½ feet.

Sponsors: Planning and Zoning Board

Attachments: [Oceanside Veterinary Clinic - Commission Report.doc](#)

[Board Order](#)

[Planning and Zoning Board Staff Report](#)

[DRAFT Planning and Zoning Board Minutes - May 16 2016](#)

Vice Mayor Jacquet read the Quasi Judicial Rules into the record. The City Clerk swore in those persons who wished to speak on this item.

Vice Mayor Jacquet asked the City Commission to disclose any ex-parte communications. All Commission Members stated they received emails on the city server.

Mark McDonnell, Assistant Planning, Zoning and Building Director, entered project file 2016-138-USE-CCA into the record and presented this item.

Dr. Benjamin J. Carter, Dr. Tanis Whyte and the owner were present (applicant) spoke regarding the project.

John Mendoza stated he owns the property and a home in Osceola and stated he feels the doctors will be an excellent addition to the community.

Public Comments: There were no public comments.

There was no cross examination or rebuttal.

Commissioner Katz stated this is a needed use in the downtown area.

Deputy Vice Mayor Jarjura commented regarding impacts and parking space. She stated she is in support of this project.

Commissioner Petrolia stated she is in support of this project.

Mr. Pfeffer reviewed the board order with the City Commission.

Commissioner Katz moved to approve the conditional use request to allow the establishment of a veterinary clinic for Oceanside Veterinary Clinic, seconded by Commissioner Petrolia. Upon roll call the Commission voted as follows: Commissioner Petrolia - Yes; Vice Mayor Jacquet - Yes; Commissioner Katz - Yes; Deputy Vice Mayor Jarjura - Yes. Said motion passed with a 4 to 0 vote.

approved

Yes: 4 - Petrolia, Vice-Mayor Jacquet, Jarjura, and Katz

Absent: 1 - Mayor Glickstein

7.B. [16-418](#)

Sponsors: City Clerk Department

A motion was made by Katz, seconded by Petrolia, that this item be approved. The motion carried by the following vote:

approved

Yes: 4 - Petrolia, Vice-Mayor Jacquet, Jarjura, and Katz

Absent: 1 - Mayor Glickstein

7.B.1. [16-560](#) PURCHASE AWARD TO CROSS MATCH TECHNOLOGIES INC.

Recommendation: Motion to award a purchase in the total amount of \$22,639.99 with Cross Match Technologies

Sponsors: Police Department

Attachments: [Interface Quote](#)
[Statement of Work](#)
[Delray Beach PD SOW Tier 1 OSSI Sungard](#)

7.B.2. [16-599](#) AWARD OF A PURCHASE FOR DATA STORAGE UNITS AND SUPPORT MAINTENANCE TO KATEK SOLUTIONS

Recommendation: Motion to Award a purchase order to Katek Solutions for data storage units and one year of support maintenance in the amount of \$32,679.46

Sponsors: Purchasing Department

Attachments: [Tab Sheet](#)
[2016-113L Solicitation Due Diligence](#)

7.B.3. [16-600](#) CONTRACT WITH PNC BANK FOR BANKING SERVICES UTILIZING A SOUTH BROWARD HOSPITAL DISTRICT CONTRACT IN A

NOT-TO-EXCEED AMOUNT OF \$130,000.

Recommendation: Motion to approve an Agreement with PNC Bank for comprehensive banking services using the South Broward Hospital District contract.

Sponsors: Purchasing Department

Attachments: [12-05-12_minutes](#)
[Attachment C References](#)
[Attachment D Memorial Healthcare Word Proposal](#)
[Business Associate Agreement PNC SBHD 03292013](#)
[City of Delray Beach-PNC Letter 4.6.16](#)
[Copy of Attachment A SBHD Banking Services Questionnaire Final](#)
[Copy of Attachment B SBHD Banking Services RFP Pricing Workbook Final](#)
[Copy of Attachment B Supplement PNC Proforma 100% Imaged Lockbox Recommendation.xls](#)
[Copy of Exhibit III Sample PNC Implementation Timeline](#)
[Executed by PNC MHS and MHN Comp Agreement and 16 TC Agmts03292013](#)
[Exhibit I Certificate of Secretary of State](#)
[Exhibit I PNC Tax ID W-9](#)
[Exhibit II PNC Bank Contact](#)
[Exhibit III Sample PNC Healthcare Advantage Playbook Table of Contents](#)
[Exhibit IV PNC-Business-Resiliency-Plan-Client-Document-ver-2012.1](#)
[Exhibit V Penn Medicine Prognosis_FINAL_949167_01](#)
[Exhibit VI PNCAdvGovernmentMM](#)
[Florida Statutes on Public Entity Crimes](#)
[PNC Treasury Contract - Finance Committee and Board Minutes documenting selection 2012](#)
[RFP Final Banking Services](#)

7.C. [16-602](#) APPEAL/SETAC DECISION 2017 GARLIC FEST CITY OF DELRAY

Sponsors: City Clerk Department

Attachments: [2017 GF Appeal to City Manager](#)
[2017 GF NOTES AND CHANGES](#)
[06102016 - Appeal SETAC Decision 2017 Delray Beach Garlic Fest](#)

Mr. Cooper presented this item and discussed the reason for his denial.

Ms. Nancy Stewart presented her appeal item and asked the City Commission to issue an approval based on certain conditions.

Commissioner Petrolia stated she appreciates festivals and attends many

of them. She provided an overview of when the Mayor discussed the issue of special events in 2013 as well as additional comments. She stated she will support the staff recommendation which is the City Commission's direction.

Vice Mayor Jacquet asked who are the members of SETAC. Mr. Cooper discussed the members.

Deputy Vice Mayor Jarjura asked if the rules are specific to zoning. She asked if staff has reviewed this.

Mr. Cooper and Francine Ramaglia responded.

Deputy Vice Mayor Jarjura asked Ms. Ramaglia to discuss the timeline for this. She asked when the City Commission made the decision that this would be effective October 1, 2016. Deputy Vice Mayor Jarjura provided comments regarding events, public safety, resources and the policy. She stated she would be amendable to a one time waiver for this event only for this year if this is amendable to the City Commission.

Commissioner Katz asked Ms. Stewart to speak to the difference between Delray Beach Arts, Inc. and FMG, Inc. Ms. Stewart provided clarification. Commissioner Katz asked why the event was not held in January and provided further comments. He stated there has to be balance and compromise. Commissioner Katz stated there are some proactive things that could be done and stated that he is open to a compromise for this year for this event and other events. He referenced a map of property on Congress Avenue.

Vice Mayor Jacquet referenced the compromise made by Deputy Vice Mayor Jarjura and Commissioner Katz. He provided further comments regarding the funding that is provided to ACHS and the Boy Scouts and events in general and the impact on neighborhoods.

Deputy Vice Mayor Jarjura further reiterated a compromise and asked that Ms. Stewart commits to not asking for a waiver in February 2018.

Further discussion ensued with several motions.

The item was deferred to July 5, 2016.

- 7.D. [16-588](#) FIRST AMENDMENT TO THE THE INTERLOCAL AGREEMENT WITH THE CITY AND THE COMMUNITY REDEVELOPMENT AGENCY (CRA) FOR FUNDING CONSTRUCTION AND PROFESSIONAL SERVICES FOR FY 2015-2016

Recommendation: Motion to approve the First Amendment to the Interlocal Agreement (ILA) between the City and the Community Redevelopment Agency (CRA) for funding of construction and professional services to revise the funding amounts for projects approved in the CRA's final FY 2015-2016 Budget Amendment.

Sponsors: Environmental Services Department

Attachments: [1st Amendment to the Interlocal Agreement with the CRA for Professional Services FY 15/16](#)

Mr. Majtenyi presented this item.

A motion was made by Katz, seconded by Petrolia, that this Contract be approved. The motion carried by the following vote:

approved

Yes: 4 - Petrolia, Vice-Mayor Jacquet, Jarjura, and Katz

Absent: 1 - Mayor Glickstein

- 7.E. [16-608](#) FIFTH AMENDMENT TO LEASE AGREEMENT BETWEEN CITY OF DELRAY BEACH FLORIDA AND OLD SCHOOL SQUARE, INC. FOR OLD SCHOOL SQUARE CAMPUS

Recommendation: Motion to Approve Fifth Amendment to Lease Agreement Between City of Delray Beach, Florida and Old School Square, Inc. ("OSS") for Old School Square Property

Sponsors: City Manager Department

Attachments: [Proposed Amendment No 5 to OSS Lease Agreement Management Agreement - Amendment 4](#)
[Management Agreement - Amendment 3](#)
[Management Agreement - Amendment 2](#)
[Management Agreement Original - 1990](#)
[Management Agreement - Amendment 1](#)
[Lease Agreement - Original](#)
[Lease Agreement - Amendments 1 - 4](#)

Mr. Pfeffer stated this is a housekeeping amendment and presented this item.

Brief discussion ensued.

A motion was made by Petrolia, seconded by Jarjura, that this Contract be approved. The motion carried by the following vote:
approved

Yes: 4 - Petrolia, Vice-Mayor Jacquet, Jarjura, and Katz

Absent: 1 - Mayor Glickstein

7.F. [16-498](#) PURCHASE AWARD TO MACMILLAN OIL COMPANY, LLC FOR BULK FUEL, GASOLINE, AND DIESEL FUEL

Recommendation: Motion to approve a one year purchase award to MacMillan Oil Company, LLC, in an amount not to exceed \$1,500,000 for bulk gasoline and diesel fuel utilizing Florida State Contract #405-000-10-1.

Sponsors: Purchasing Department

Attachments: [Purchasing Checklist](#)
[Best Price Letter](#)
[State Fuel Contract-Vendor Markup Sheets](#)

Ms. Theresa Webb presented this item.

A motion was made by Petrolia, seconded by Jarjura, that this Purchasing be approved. The motion carried by the following vote:

approved

Yes: 4 - Petrolia, Vice-Mayor Jacquet, Jarjura, and Katz

Absent: 1 - Mayor Glickstein

7.G. [16-601](#) APPOINTMENT OF AN INTERIM CITY ATTORNEY

Recommendation: Appoint an Interim City Attorney upon the resignation of Mr. Noel Pfeffer.

Sponsors: City Clerk Department

Attachments: [Section 4.07, 4.08 and 4.09 re Legal Counsel](#)

Mr. Cooper presented this item and referenced the Charter Sections provided to the City Commission. He asked the City Commission to appoint Ms. Rustin to a date certain.

Deputy Vice Mayor Jarjura asked when the City Commission will have the proposal from Mr. Pfeffer's firm. Mr. Cooper stated the City Commission will have the information by July 3, 2016.

Mr. Cooper asked that Ms. Rustin be appointed through the month of July.

Further discussion ensued regarding the appointment.

Deferred to July 5, 2016.

A motion was made by Jarjura, seconded by Petrolia, that this Agreement be approved. The motion carried by the following vote:
approved

Yes: 4 - Petrolia, Vice-Mayor Jacquet, Jarjura, and Katz

Absent: 1 - Mayor Glickstein

7.H. [16-537](#) NOMINATION FOR APPOINTMENT TO THE DOWNTOWN DEVELOPMENT AUTHORITY BOARD.

Recommendation: Recommend nomination for appointment for one (1) regular member to serve on the Downtown Development Authority Board for three (3) year terms ending July 1, 2019.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)
[Downtown Development Authority Board Members List](#)
[Downtown Development Authority Board Attendance List](#)
[Downtown Development Authority \(D.D.A.\) Boundary Map](#)

Deputy Vice Mayor Jarjura deferred her appointment to July 5, 2016.

7.I. [16-555](#) RECOMMENDATION FOR APPOINTMENT TO THE DELRAY BEACH HOUSING AUTHORITY BOARD

Recommendation: Recommendation for appointment for one (1) regular member to serve on the Delray Beach Housing Authority Board for a four (4) year term ending July 14, 2020.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)
[Delray Beach Housing Authority Board Member List](#)
[Delray Beach Housing Authority Attendance List](#)

Mayor Glickstein was not present so this item was deferred to July 5, 2016.

7.J. [16-556](#) NOMINATION FOR APPOINTMENT TO THE CODE ENFORCEMENT BOARD

Recommendation: Recommend nomination for appointment for one (1) regular member to serve on the Code Enforcement Board for an unexpired term ending January 14, 2018.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)
[Code Enforcement Board Member List](#)
[Code Enforcement](#)

Commissioner Petrolia nominated Suzanne Donahue.

A motion was made by Petrolia, seconded by Jarjura, that this nomination be approved. The motion carried by the following vote:
approved

Yes: 4 - Petrolia, Vice-Mayor Jacquet, Jarjura, and Katz

Absent: 1 - Mayor Glickstein

8. PUBLIC HEARINGS:

8.A. [16-485](#) ORDINANCE NO. 15-16: AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES BY AMENDING SECTION 4.3.3, SPECIAL REQUIREMENTS FOR SPECIFIC USES, SUBSECTION (A), SELF-SERVICE STORAGE FACILITIES, TO REVISE THE ASSOCIATED SPECIAL REQUIREMENTS; AMEND SECTION 4.4.26 LIGHT INDUSTRIAL (LI) DISTRICT, SUBSECTION (B), PRINCIPAL USES AND STRUCTURES PERMITTED, TO LIST SELF-SERVICE STORAGE FACILITIES AS A PERMITTED USE; AND SUBSECTION (D), CONDITIONAL USES AND STRUCTURES ALLOWED, TO REMOVE SELF-SERVICE STORAGE FACILITIES AS A CONDITIONAL USE. (SECOND READING)

Recommendation: Approve Ordinance No. 15-16 on Second Reading for the amendments to Land Development Regulation Sections 4.3.3(A), Self-Service Storage Facilities, and 4.4.26, Light Industrial District.

Sponsors: Planning & Zoning Department

Attachments: [Ordinance No. 15-16](#)
[Planning & Zoning Staff Report - LI Self-Service Storage Facilities](#)
[LI District w/Adjacent Zoning, Acres, Existing SSSF](#)
[Ordinance No. 15-16 \(Original\)](#)

Postponed to a date certain of July 5, 2016.

- 8.B.** [16-484](#) ORDINANCE 14-16, AMENDING SECTION 4.4.29 "MIXED RESIDENTIAL, OFFICE AND COMMERCIAL (MROC) DISTRICT" TO AMEND THE PURPOSE TO EMPHASIZE TRANSIT-ORIENTED DEVELOPMENT PATTERNS; TO REMOVE THE REQUIREMENT FOR A MASTER DEVELOPMENT PLAN FOR PARCELS UNDER THREE ACRES; TO REDUCE THE LANDSCAPE BUFFER REQUIREMENT FOR CERTAIN PROPERTIES; TO REDUCE THE FRONT SETBACKS FROM CONGRESS AVENUE; TO INCREASE THE REAR SETBACK REQUIREMENTS FOR PROPERTIES ADJACENT TO THE CSX RAILWAY; TO INCLUDE SELF-SERVICE STORAGE FACILITIES AS A PERMITTED USE WITH SPECIFIC FLOOR AREA RATIO, BUILDING HEIGHT, FLOOR HEIGHT, SETBACK AND OTHER DESIGN REQUIREMENTS; TO INITIATE A BONUS PROGRAM FOR SELF SERVICE STORAGE FACILITIES TO ALLOW THESE FACILITIES MORE SQUARE FOOTAGE IN EXCHANGE FOR THE PROVISION OF CERTAIN COMMUNITY BENEFITS; DELETING OUTDATED LANGUAGE, CORRECTING REFERENCES AND MAKING OTHER TECHNICAL CHANGES. (SECOND HEARING)

Recommendation: Motion to Approve Ordinance No. 14-16 on Second Reading for the amendment to Land Development Regulation Section 4.4.29, Mixed Residential, Office and Commercial (MROC) District, as presented.

Sponsors: Planning & Zoning Department

Attachments: [Ordinance 14-16 MROC Self Service Storage Facilities](#)
[Planning and Zoning Staff Report](#)
[Congress Avenue Map MROC](#)

The City Attorney read the caption of this ordinance.

Mr. McDonnell entered project file 2016-115-LDR-CCA into the record and presented this item.

Bonnie Miskel on behalf of the applicant (Kaufman & Lynne), stated they are present for questions.

Public Comment: There were no public comments on this item.

Commissioner Katz asked the applicant to discuss what they spoke about

on the record.

Mr. Kaufman confirmed that he currently has a contract on this property.

Commissioner Petrolia stated the city is going about this in a way that is uncomfortable for her.

Vice Mayor Jacquet stated he supported this on first reading and supports this on second reading.

A motion was made by Katz, seconded by Jarjura, that this Ordinance be adopted. The motion carried by the following vote:
adopted

Yes: 3 - Vice-Mayor Jacquet, Jarjura, and Katz

No: 1 - Petrolia

Absent: 1 - Mayor Glickstein

8.C. [16-527](#) ORDINANCE NO. 16-16: BUSINESS TAX RECEIPTS (SECOND READING).

Recommendation: Motion to Approve on second reading Ordinance No. 16-16 amending Section 110.15, "Local Business Tax Schedule" of the Code of Ordinances to add new business classifications and to provide for 5% increase in the local business tax schedule.

Sponsors: Community Improvement

Attachments: [Ordinance 16-16 Business Tax Schedule Increase revJR](#)
[Business Tax Receipt Survey 2016](#)

The City Attorney read the caption for this item.

Public Comment: There was no public comment on this item.

A motion was made by Petrolia, seconded by Katz, that this Ordinance be adopted. The motion carried by the following vote:
adopted

Yes: 3 - Petrolia, Jarjura, and Katz

No: 1 - Vice-Mayor Jacquet

Absent: 1 - Mayor Glickstein

9. FIRST READINGS:

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

The City Manager and City Attorney provided comments.

Commissioner Katz discussed a local business inventing plastic rings versus the metal which is better for the fish. He also commented regarding the special meeting held on June 14, 2016 and when the process initially began regarding appointment of a city attorney.

Deputy Vice Mayor Jarjura commented on the process for the hiring of a city attorney. She stated she appreciates the hard work that staff has done regarding special events and the process. She stated she appreciates the information that Ms. Ramaglia provided to her. She asked that staff continues to work on this.

Mr. Cooper provided further clarification.

Commissioner Petrolia stated the city needs to look at the low impact events. She commented regarding the policy and stated she realizes how difficult this has been for staff and the City Commission. She questioned the 2-2 vote and why that did not fail and stated she will speak with the city attorney at a later time. She referenced the figures for outside counsel and stated that the figures they received from staff were budgeted figures. Commissioner Petrolia commented regarding the special meeting on June 14, 2016 and read a statement into record.

Vice Mayor Jacquet stated he supported the search for an individual attorney and still supports that search. He stated he appreciates any efforts that were made to provide information to the City Commission. He commented regarding running the City Commission meeting tonight and that his goal was to run an efficient, effective meeting. He stated he stands by his comments regarding it not feeling good looking at the students in the audience. He commended staff for their work regarding special events. He stated Rainberry Woods does not have any street lights and asked the City Manager to bring information back regarding this issue.

Commissioner Petrolia asked if this community has a guard gate and Commissioner Katz stated it is a high crime area.

10.A. City Manager

10.B. City Attorney

10.C. City Commission