

City of Delray Beach

*100 NW 1st Avenue - Delray Beach, Florida 33444
Phone: (561) 243-7000 - Fax: (561) 243-3774
www.mydelraybeach.com*



Minutes - Final

Thursday, September 8, 2016

6:00 PM

Regular Meeting at 6:00 PM

Delray Beach City Hall

City Commission

1. ROLL CALL

The 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. on Thursday, September 8, 2016.

Roll call showed
Commissioner Shelly Petrolia
Vice Mayor Alson Jacquet
Commissioner Mitchell Katz
Mayor Cary D. Glickstein

Absent:
Deputy Vice Mayor Jordana Jarjura

Also present were:
Donald Cooper, City Manager
Janice Rustin, Interim City Attorney
Chevelle D. City Clerk

2. PLEDGE OF ALLEGIANCE TO THE FLAG**3. PRESENTATIONS:**

- 3.A.** [16-714](#) RECOGNITION OF KYSHAWN BYRD AND COREY VARIANCE OF THE THE DELRAY BEACH BLAZING ELITE TRACK STARS FOR THEIR PARTICIPATION IN THE AAU JUNIOR OLYMPIC GAMES IN HOUSTON, TX

Recommendation: Recognition of Kyshawn Byrd and Corey Variance for their outstanding performance and representing the City of Delray Beach at the 2016 AAU Junior Olympics in Houston, Texas.

Sponsors: Parks & Recreation Department

Ms. Suzanne Fisher presented this item.

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

- 4.A. City Manager's response to prior public comments and inquiries
- 4.B. From the Public

Mr. Cooper reported on trash cans in response to Ms. Moody's comments at the last City Commission Meeting.

From the Public:

1. Mr. Steve Blum spoke regarding racial tension in the country and the filling of a City Commission seat and if the public understands what the term "At Large" means. He asked the City Commission to inform persons who apply that they represent the whole community.

2. Ms. Jocelyn Patrick spoke in support of equipment for the Fire Rescue Department.

3. Mr. Ron Gilinsky spoke regarding the Fire Rescue Department and stated more equipment and staffing is needed.

4. Mr. Victor Kirson stated new equipment is needed for the Fire Rescue Department.

5. Ms. Laura Simon thanked the City Commission and spoke regarding the drug kratom. She also thanked the Police Department for all of their help and support.

6. Mr. Eric Camacho spoke regarding special events.

7. Mr. Rod Feiner (sp?) spoke regarding the award of the wrecker and towing contract.

There being no further requests, Mayor Glickstein closed public comments.

5. AGENDA APPROVAL

Mr. Cooper stated for Item 8.F. the private party is requesting this item be moved to September 20, 2016.

Commissioner Petrolia requested that Items 6.H., Award of a Purchase Order to Willo Products Company, Inc. for Upgrade of Maximum Security Doors and 6.I., Award of a Purchase Order to Floor Systems of South Florida Inc. for the Purchase and Installation of Two Fire Station Bay Doors at Station 115, be moved to the Regular Agenda. The items became 7.A.A. and 7.B.B., respectively. In addition, Commissioner Katz requested that Items 6.K., Resolution No. 42-16 Adopting the Special Events Policy and Special Events Guide Book and 6.L., Resolution No. 43-16 Adopting the Special Events Policy, be moved to the Regular Agenda, the items became 7.C.C. and 7.D.D., respectively.

Commissioner Petrolia made a motion to approve the Agenda as amended; seconded by Commissioner Katz. Upon roll call the Commission voted as follows: Vice Mayor Jacquet - Yes; Commissioner

Katz - Yes; Mayor Glickstein - Yes; Commissioner Petrolia - Yes. Said motion passed 4-0.
approved as amended

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

Absent: 1 - Jarjura

6. CONSENT AGENDA: City Manager Recommends Approval

Commissioner Katz moved to approve the Consent Agenda as amended, seconded by Commissioner Petrolia. Upon roll call the Commission voted as follows: Commissioner Katz - Yes; Mayor Glickstein - Yes; Commissioner Petrolia - Yes and Vice Mayor Jacquet - Yes. Said motion passed 4-0.

approved as amended

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

Absent: 1 - Jarjura

6.A. [16-873](#) APPROVAL OF MINUTES

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

February 4, 2015 Special Meeting
February 10, 2015 Workshop Meeting
November 3, 2015 Special Meeting
April 5, 2016 Regular Meeting

Attachments: [02-04-15 Special Meeting Minutes](#)
[02-10-15 Workshop Meeting Minutes](#)
[11-03-15 Special Meeting Minutes](#)
[04-05-16 Regular Meeting Minutes](#)

6.B. [16-850](#) CONSIDER ACCEPTANCE OF A LANDSCAPE MAINTENANCE FOR THE SAMAR MIXED-USE (AKA ALOFT HOTEL) DEVELOPMENT.

Recommendation: Motion to Accept the Landscape Maintenance Agreement for the Samar Mixed-Use (aka Aloft Hotel) development.

Sponsors: Planning & Zoning Department

Attachments: [Consent Agenda Landscape Maintenance Agreement](#)
[Landscape Maintenance Agreement](#)
[SAMAR Mixed Use - Class V Site Plan SPRAB Staff Report](#)

6.C. [16-828](#) ACCEPTANCE OF AN EASEMENT AGREEMENT LOCATED AT 326 E. ATLANTIC AVENUE WHICH BEGINS ON THE NW CORNER OF LOT 3

AND EXTENDS 43.74' TO THE EAST AND ENCOMPASSES 115 SQUARE FEET IN THE PEDESTRIAN CLEAR ZONE.

Recommendation: Motion to Approve the Easement Agreement located at 326 E. Atlantic Avenue which begins on the N.W. corner of Lot 3 and extends 43.74' to the east and encompasses 115 square feet in the pedestrian clear zone.

Sponsors: Planning & Zoning Department

Attachments: [Easement Agreement for Capital One](#)
[Survey 326 E. Atlantic Avenue](#)

- 6.D.** [16-774](#) SERVICE AUTHORIZATION NO. 12-16 WITH WANTMAN GROUP, INC. FOR THE DESIGN AND CONSTRUCTION ADMINISTRATION FOR THE CITY MARINA SEAWALL AND DOCK IMPROVEMENTS

Recommendation: Motion to Approve Service Authorization No. 12-16 with Wantman Group, Inc. in a not-to-exceed amount of \$96,764.32 for the City Marina seawall and docks improvements along the Intracoastal Waterway (Project No. 16-098).

Sponsors: Environmental Services Department

Attachments: [Service Authorization 12-16 with Location Map](#)

- 6.E.** [16-787](#) APPROVAL OF SERVICE AUTHORIZATION NO. 16-01 TO CALVIN, GIORDANO & ASSOCIATES, INC., IN THE AMOUNT NOT TO EXCEED \$25,000 FOR CAD/GIS TECHNICIAN SERVICES.

Recommendation: Motion to Approve Service Authorization No. 16-01, with Calvin, Giordano & Associates, Inc., for an amount not to exceed \$25,000 for CAD/GIS technician staffing services.

Sponsors: Environmental Services Department

Attachments: [Service Authorization No. 16-01](#)
[Calvin Giordano and Associates, Inc.](#)

- 6.F.** [16-788](#) APPROVAL OF SERVICE AUTHORIZATION NO. 16-02 TO CALVIN, GIORDANO & ASSOCIATES, INC., IN THE AMOUNT NOT TO EXCEED \$50,000 FOR ENGINEERING REVIEW SERVICES RELATED TO SITE PLAN PERMITTING.

Recommendation: Motion to Approve Service Authorization No. 16-02, with Calvin, Giordano & Associates, Inc., for an amount not to exceed \$50,000 for engineering review services related to site plan permitting.

Sponsors: Environmental Services Department

Attachments: [Service Authorization No. 16-02](#)
[Calvin Giordano and Associates, Inc.](#)

- 6.G.** [16-837](#) PURCHASE AWARD TO MUSCO SPORTS LIGHTING, LLC. FOR CONTROL LINK SYSTEMS AT VARIOUS CITY PARKS
- Recommendation:** Motion to Award a purchase order to Musco Sports Lighting, LLC, utilizing Clay County Contract RFP No. 13-14-8, in an amount not to exceed \$40,000.00 for control link systems at various City Parks.
- Sponsors:** Purchasing Department
- Attachments:** [Clay County Approval Minutes](#)
[Clay County Bid](#)
[Proposals & Best Price Statement](#)
-
- 6.J.** [16-820](#) AWARD OF A PURCHASE ORDER TO MUNICIPAL EQUIPMENT COMPANY LLC. FOR THE PURCHASE OF EIGHT (8) THERMAL IMAGING CAMERAS
- Recommendation:** Motion to Award a purchase order to Municipal Equipment Company, LLC. for the purchase of eight (8) Thermal Imaging Cameras for a not-to-exceed amount of \$60,000.00.
- Sponsors:** Purchasing Department
- Attachments:** [12-0806M](#)
[TICS Quote](#)
[Best Price Letter](#)
-
- 6.M.** [16-869](#) RESOLUTION NO 29-16 NUSIANCE ABATEMENT OF FIVE (5) PROPERTIES THROUGHOUT THE CITY
- Recommendation:** Motion to Adopt Resolution No. 29-16 assessing costs for abatement action required to remove nuisances on five (5) properties throughout the City.
- Sponsors:** City Clerk Department
- Attachments:** [Resolution No. 29-16](#)
[Exhibit A](#)
-
- 6.N.** PROCLAMATIONS
-
- 6.N.1** None
-
- 6.O.** [16-861](#) REPORT OF APPEALABLE LAND USE ITEMS AUGUST 1, 2016 THROUGH AUGUST 19, 2016
- Recommendation:** Motion to receive and file this report.
- Sponsors:** Planning and Zoning Board

Attachments: [Location Map](#)
[415 N. Swinton Avenue](#)
[219 SE 7th Avenue](#)
[Caspian/Uptown Delray](#)
[SE 2nd Ave Parking Lot](#)
[Forever 21](#)
[215 NE 5th Avenue](#)
[Adam's and Khalil's Residence](#)
[Delray Beach Radiation Therapy Center](#)
[Congress Warehouse](#)
[4591 & 4561 West Atlantic Avenue](#)

6.P. AWARD OF BIDS AND CONTRACTS

6.P.1. None

7. REGULAR AGENDA:

7.A.A. [16-838](#) AWARD OF A PURCHASE ORDER TO WILLO PRODUCTS COMPANY, INC. FOR UPGRADE OF MAXIMUM SECURITY DOORS

Recommendation: Motion to Award a purchase order to Willo Products Company, Inc. for upgrade of maximum security doors in a total amount not to exceed \$44,000.00.

Sponsors: Purchasing Department

Attachments: [WILLO PRODUCTS COMPANY, INC.](#)
[2016-131 ITB Document \(R1\)](#)
[2016-131 Exhibit A](#)

Vice Mayor Jacquet left the dais. Commissioner Petrolia asked about maintenance and costs.

Chief Goldman and Mr. Cooper spoke regarding maintenance.

Commissioner Petrolia made a motion to approve; seconded by Commissioner Katz. Upon roll call the Commission voted as follows: Mayor Glickstein - Yes; Commissioner Petrolia - Yes; Commissioner Katz - Yes. Said motion passed 3-0.
approved

Yes: 3 - Mayor Glickstein, Petrolia, and Katz

Absent: 2 - Vice-Mayor Jacquet, and Jarjura

7.B.B. [16-795](#) AWARD OF A PURCHASE ORDER TO DOOR SYSTEMS OF SOUTH FLORIDA INC. FOR THE PURCHASE AND INSTALLATION OF TWO FIRE STATION BAY DOORS AT STATION 112 AND SIX FIRE STATION BAY DOORS AT STATION 115

Sponsors: Purchasing Department

Attachments: [Memorandum Cone of Silence](#)

[2016-135 ITB \(Final\)](#)

[Addendum 1](#)

[Door Systems of South Florida](#)

Commissioner Petrolia made a motion to approve; seconded by Commissioner Katz. Upon roll call the Commission voted as follows: Mayor Glickstein - Yes; Commissioner Petrolia - Yes; Commissioner Katz - Yes. Said motion passed 3-0.
approved

Yes: 3 - Mayor Glickstein, Petrolia, and Katz

Absent: 2 - Vice-Mayor Jacquet, and Jarjura

7.C.C. [16-889](#) RESOLUTION NO. 42-16 ADOPTING THE SPECIAL EVENTS POLICY AND SPECIAL EVENTS GUIDEBOOK

Recommendation: Motion to Approve Resolution No. 42-16 adopting the Special Events Policy and the Special Events Guidebook.

Sponsors: City Attorney Department

Attachments: [Resolution 42-16 Special Event Policy and guidebook adoption](#)

[Exhibit A Special Events Policy](#)

[Exhibit B Special Event Guidebook](#)

Vice Mayor Jacquet returned to the dais. Commissioner Katz thanked the stakeholders and staff for all of the hard work put into the policy, but stated he cannot support it at this point.

Commissioner Petrolia made a motion to approve; seconded by Commissioner Katz. Upon roll call the Commission voted as follows: Vice Mayor Jacquet - Yes; Commissioner Katz - No; Mayor Glickstein - Yes; Commissioner Petrolia - Yes; . Said motion passed 3-1 (Commissioner Katz dissenting).

approved

Yes: 3 - Mayor Glickstein, Petrolia, and Vice-Mayor Jacquet

No: 1 - Katz

Absent: 1 - Jarjura

7.D.D. [16-890](#) RESOLUTION NO. 43-16 ADOPTING THE SPECIAL EVENTS FEE SCHEDULE

Recommendation: Motion to approve Resolution No. 43-16 adopting the Special Events Fee Schedule.

Sponsors: City Attorney Department

Attachments: [Resolution No. 43-16 Final and Exhibits](#)

Commissioner Katz made a motion to approve; seconded by Commissioner Petrolia. Upon roll call the Commission voted as follows: Commissioner Katz - No; Mayor Glickstein - Yes; Commissioner Petrolia - Yes; Vice Mayor Jacquet - Yes. Said motion passed 3-1 (Commissioner Katz dissenting).
approved

Yes: 3 - Mayor Glickstein, Petrolia, and Vice-Mayor Jacquet

No: 1 - Katz

Absent: 1 - Jarjura

7.A. [16-860](#) CONSIDERATION OF A WAIVER REQUEST FOR DELRAY BEACH RADIATION THERAPY FROM LDR SECTION 4.6.9(D)(4)(B) REQUIRING WHEEL STOPS OR CURBING FOR PARKING SPACES (QUASI-JUDICIAL HEARING).

Recommendation: Motion to Approve the waiver to LDR Section 4.6.9(D)(4)(b), which requires wheel stops or curbing for parking spaces based on positive findings with LDR Section 2.4.7(B)(5).

Attachments: [Class IV SPRAB Staff Report](#)
[DMC Waiver Letter](#)
[Board Order](#)

Mayor Glickstein read the City of Delray Beach Quasi-Judicial rules into the record for Item 7.A.

Ms. Chevelle D. Nubin, City Clerk, swore in those individuals who wished to give testimony on this item. Mayor Glickstein asked the Commission to disclose their ex parte communications. None of the City Commission members had any ex-parte communications to disclose.

Mayor Glickstein asked if anyone from the public would like to give testimony on this item. There being no one who wished to speak on this item, public comments was closed.

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

Commissioner Katz spoke regarding this request and stated trauma sometimes tax our police department services.

Ms. Janice Rustin read the board order into record.

Commissioner Petrolia made a motion to approve; seconded by Commissioner Katz. Upon roll call the Commission voted as follows: Mayor Glickstein - Yes; Commissioner Petrolia - Yes; Commissioner Katz - Yes; Vice Mayor Jacquet - Yes. Said motion passed 4-0.
approved

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

Absent: 1 - Jarjura

7.B. [16-905](#) ROUTINE BUSINESS: (All Items Under this Subsection to be Approved by one Motion. Any Item Under Routine Business May Be Moved by Commission for Separate Consideration):

Commissioner Petrolia spoke about equipment for the Fire Department, Highland Beach's contract and the roof for Old School Square.

Mr. Cooper stated the equipment for Fire Rescue is in line with the level of service.

Commissioner Katz made a motion to approve; seconded by Commissioner Petrolia. Upon roll call the Commission voted as follows: Commissioner Petrolia - Yes; Commissioner Katz - Yes; Mayor Glickstein - Yes; Said motion passed 3-0.
approved

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

Absent: 1 - Jarjura

7.B.1. [16-819](#) AWARD OF A PURCHASE ORDER TO TEN-8 FIRE EQUIPMENT, INC. FOR THE PURCHASE OF SIX (6) SETS OF TNT EXTRICATION EQUIPMENT.

Recommendation: Motion to Award a purchase order to Ten-8 Fire Equipment, Inc. for the purchase of six (6) sets of TNT Extrication Equipment for a not-to-exceed amount of \$105,000.00.

Sponsors: Purchasing Department

Attachments: [Lake County - Ten8](#)
[Lake County 2016 Extension Letter](#)
[RE Best Price Certification Statement](#)
[TNT Quote](#)

7.B.2. [16-822](#) PURCHASE AWARD TO MUSCO SPORTS LIGHTING, LLC. FOR REPLACEMENT OF HILLTOPPER STADIUM LIGHTS

Recommendation: Motion to Approve Purchase of a replacement lighting system for Hilltopper Stadium to Musco Sports Lighting, LLC in the amount of \$159,250.00 using Clay County Board of County Commissioners Contract RFP No.13/14-8.

Sponsors: Parks & Recreation Department

Attachments: [Musco letter certifying lowest price](#)
[Musco quote for Hilltopper replacement](#)
[Clay County FL RFP for Various Equipment and Amentieis for Parks and Playgrounds](#)
[Clay County RFP Award Document](#)
[Clay County approval minutes](#)
[Musco - Clay County submission](#)
[2014 Hilltopper Light Level Readings](#)

7.B.3. [16-880](#) AWARD OF AN AGREEMENT WITH ANDERSON & CARR, INC. FOR COMMERCIAL REAL ESTATE BROKER

Recommendation: Motion to Award an agreement with Anderson & Carr, Inc. for commercial real estate broker services in an amount not-to- exceed of \$100,000.

Sponsors: Purchasing Department

Attachments: [Agreement](#)
[RFP 2016-109 Tabulation](#)
[2016-109 Purchasing Checklist](#)

7.B.4. [16-847](#) RENEWAL OF CONTRACT WITH SOUTHEASTERN PUMP CORPORATION FOR THE PURCHASE OF SUBMERSIBLE WASTEWATER PUMPS FOR AN ADDITIONAL TWO YEAR TERM IN A NOT-TO-EXCEED AMOUNT OF \$170,000

Recommendation: Motion to Approve a contract renewal with Southeastern Pump Corporation, for the purchase of submersible wastewater pumps for an additional two year term in the amount of \$170,000.00.

Sponsors: Purchasing Department

Attachments: [Renewal Letter \(Delray #2014-37\)](#)
[Southeastern Pumps EXECUTED contract 20140925 20160925](#)

- 7.B.5. [16-865](#)** SECOND AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY FOR FUNDING CONSTRUCTION / PROFESSIONAL SERVICES FOR CAPITAL PROJECTS - FY 2015-2016.

Recommendation: Motion to Approve the Second Amendment to the Interlocal Agreement (ILA) between the City and the Community Redevelopment Agency (CRA) to provide for changes in the amount of funding for the Old School Square Building Maintenance project listed in Exhibit 'A' to the Original Agreement.

Sponsors: Environmental Services Department

Attachments: [Interlocal Agreement With CRA Funding Construction Services](#)
[1st Amendment ILA FY 15-16 Construction/Professional Services](#)
[2nd Amendment ILA FY 15-16 Construction/Profess](#)

- 7.B.6. [16-883](#)** APPROVAL OF THE SECOND AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF DELRAY BEACH, FLORIDA AND THE CREATIVE CITY COLLABORATIVE OF DELRAY BEACH, INC.

Recommendation: Motion to Approve the Second Amendment to the Lease Agreement between the City of Delray Beach and the Creative City Collaborative of Delray Beach, Inc.

Attachments: [Arts Garage - Second Lease Amendment FINAL](#)

- 7.C. [16-857](#)** APPROVAL OF RANKING AND AUTHORIZATION TO ENTER INTO NEGOTIATIONS FOR MANAGEMENT SERVICES FOR THE DELRAY BEACH TENNIS CENTER AND DELRAY SWIM & TENNIS CLUB

Recommendation: Motion to Approve ranking of responses for Management Services for Delray Beach Tennis Center and Delray Swim & Tennis Club and authorize staff to enter into negotiations for a contract.

Sponsors: Purchasing Department

Attachments: [2016-086-2 Committee Eval Scoring Form](#)

Ms. Theresa Webb, Chief Purchasing Officer, presented this item and stated that Purchasing recommended approval.

Commissioner Petrolia asked why did the city only receive one proposal. She asked why do we not do something different regarding the bid process.

Ms. Webb offered an explanation. Ms. Fisher stated this is a two year agreement and a management agreement. She also discussed programming.

Commissioner Katz stated he concurred with comments made by Commissioner Petrolia and suggested the city find out why others did not participate. He stated he spoke with ESD regarding the use of the same firms. He stated purchasing needed to do more to reach out for bids.

Mr. Cooper stated the city would have to do more outreach.

Mayor Glickstein made comments regarding the use of the same firms. He stated it is the departments that needed to reach out to others bidders.

Commissioner Katz made a motion to approve; seconded by Commissioner Petrolia. Upon roll call the Commission voted as follows: Commissioner Jacquet - Yes; Commissioner Katz - Yes; Mayor Glickstein - Yes; Commissioner Petrolia - Yes. Said motion passed 4-0.

approved

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

Absent: 1 - Jarjura

7.D. [16-790](#) AWARD OF A PURCHASE ORDER TO HALL-MARK FIRE APPARATUS, LLC FOR TWO (2) HORTON RESCUE TRANSPORT VEHICLES

Recommendation: Motion to Approve Horton emergency vehicles as a City Standard and award a purchase order to Hall-Mark Fire Apparatus, LLC for two Horton Rescue Transport Vehicles in a not-to exceed amount of \$694,664.00.

Sponsors: Purchasing Department

Attachments: [Delray Beach Horton Pricing two units 7-18-16](#)
 [City Standard Memo - Rescue Vehicle](#)

Fire Rescue Chief, Neal De Jesus, spoke regarding the vehicles and their use.

Mayor Glickstein spoke regarding the antiquated equipment that the city currently has and the trucks that have been in service.

Commissioner Petrolia commented regarding the use of the ladder trucks.

Discussion continued regarding staffing of the trucks and fire suppression capabilities.

Vice Mayor Jacquet made a motion to approve; seconded by Commissioner Petrolia. Upon roll call the Commission voted as follows: Vice Mayor Jacquet - Yes; Commissioner Katz - Yes; Mayor Glickstein - Yes; Commissioner Petrolia - Yes. Said motion passed 4-0.

approved

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

Absent: 1 - Jarjura

- 7.E.** [16-789](#) PURCHASE AWARD TO TEN-8 FIRE EQUIPMENT, INC. FOR THE PURCHASE OF TWO (2) PIERCE VELOCITY PUMPER TRUCKS AND ONE (1) PIERCE VELOCITY 75' HEAVY ALUMINUM LADDER TRUCK (HAL).

Recommendation: Motion to Approve an award to Ten-8 Fire Equipment, Inc. for the purchase of two (2) Pierce Velocity Pumper Trucks in an amount of \$1,505,000.00 each and one (1) Pierce Velocity 75' Heavy Aluminum Ladder Truck (HAL) in an amount of \$1,049,000.00.

Sponsors: Purchasing Department

Attachments: [Delray Beach TWO Pierce Pumpers Pricing](#)
 [Delray Pierce 75' Aerial Pricing](#)
 [City Standard Memo - Fire Apparatus](#)

Ms. Theresa Webb introduced the item and Mr. Neal De Jesus, Fire Chief, spoke regarding the pumper and ladder trucks.

Commissioner Petrolia asked if leasing the trucks is the best way to go. Chief DeJesus offered an explanation.

Commissioner Katz asked if there is a mileage limitation in the lease.

Vice Mayor Jacquet stated this is a part of making sure the city has the best equipment and the best staff on the job. He asked what is done with our old fire trucks and asked if the City Commission would consider donating our old fire trucks to a sister city.

It was the consensus of the City Commission to explore this option. Mr. Cooper explained the disposition process regarding surplus property.

Vice Mayor Jacquet made a motion to approve; seconded by Commissioner Petrolia. Upon roll call the Commission voted as follows: Mayor Glickstein - Yes; Commissioner Petrolia - Yes; Commissioner Katz - Yes. Vice Mayor Glickstein. Said motion passed 4-0.

approved

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

Absent: 1 - Jarjura

7.F. [16-864](#) EMPLOYEE HEALTH BENEFIT PREMIUM COSTS EFFECTIVE
OCTOBER 1, 2016

Recommendation: Motion to Award Agreements for employee benefits and approve the premium costs effective October 1, 2016.

Sponsors: Purchasing Department

Attachments: [Medical Plan Premium Savings](#)

[080916 - Delray Beach - Executive Summary 2016-2017 Premium
Comparison](#)

[081016 - Delray Beach - Executive Summary 2016-2017 Dental
Vision](#)

[081016 - Delray Evaluation - Medical Benefits Only](#)

Ms. Theresa Webb introduced this item.

Ms. Tennille Decoste discussed the changes and benefits and the return on investment. She highlighted the cost savings to the employees and the city. She stated this would be a three year agreement and the savings are per year.

Commissioner Petrolia made a motion to approve; seconded by Commissioner Katz. Upon roll call the Commission voted as follows: Commissioner Petrolia - Yes; Vice Mayor - Yes; Commissioner Katz - Yes; Mayor Glickstein - Yes. Said motion passed 4-0.

approved

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

Absent: 1 - Jarjura

7.G. [16-866](#) NOMINATIONS FOR APPOINTMENT TO THE BOARD OF
ADJUSTMENT

Recommendation: Recommend nominations for appointment for three (3) regular members and two (2) alternate members to serve on the Board of Adjustment for two (2) year terms ending August 31, 2018. However, only two (2) appointments will be made because there are only two (2) applicants at this time.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)

[Board of Adjustment Board Member List](#)

[Board of Adjustment Attendance Member List](#)

Vice Mayor Jacquet nominated Mr. Dudley Veillard seconded by Commissioner Petrolia. Upon roll call the Commission voted as follows: Mayor Glickstein - Yes; Commissioner Petrolia - Yes; Commissioner Katz - Yes; Vice Mayor Jacquet- Yes. Said motion passed 4-0.
approved

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

Absent: 1 - Jarjura

7.H. [16-867](#) NOMINATIONS FOR APPOINTMENT TO THE CIVIL SERVICE BOARD

Recommendation: Recommend nominations for appointment for two (2) regular members and one (1) alternate member to serve on the Civil Service Board for two (2) year terms ending July 1, 2018. However, only two (2) appointments will be made because there are only two (2) applicants at this time.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)

[Civil Service Board Member List](#)

[Civil Service Attendance Member List](#)

Commissioner Katz appointed Brenda Cullen; seconded by Commissioner Katz. Upon roll call the Commission voted as follows: Commissioner Petrolia - Yes; Commissioner Katz - Yes.; Mayor Glickstein - Yes; Vice Mayor Jacquet- Yes. Said motion passed 4-0.

Deputy Vice Mayor Jarjura's nomination for appointment was deferred to the September 20, 2016 Regular Meeting.

Mayor Glickstein appointed Mindy Farber; seconded by Vice Mayor Jacquet. Upon roll call the Commission voted as follows: Commissioner Katz - Yes.; Mayor Glickstein - Yes; Vice Mayor Jacquet- Yes; Commissioner Petrolia - Yes. Said motion passed 4-0.
approved

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

Absent: 1 - Jarjura

7.I. [16-719](#) NOMINATIONS FOR APPOINTMENT TO THE EDUCATION BOARD

Recommendation: Recommend nominations for appointment for two (2) regular members to serve on the Education Board for two (2) year terms ending July 31, 2018.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)

[Education Board Member List](#)

[Education Board Attendance List](#)

Commissioner Petrolia nominated Catherine Reynolds seconded by Commissioner Katz. Upon roll call the Commission voted as follows: Commissioner Katz - Yes; Vice Mayor Jacquet; Mayor Glickstein - Yes; Commissioner Petrolia - Yes. Said motion passed 4-0.

Commissioner Katz nominated Allison Castellano seconded by Commissioner Petrolia. Upon roll call the Commission voted as follows: Vice Mayor Jacquet; Mayor Glickstein - Yes; Commissioner Petrolia - Yes; Commissioner Katz - Yes. Said motion passed 4-0.
approved

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

Absent: 1 - Jarjura

7.J. [16-875](#) NOMINATIONS FOR APPOINTMENT TO THE HISTORIC PRESERVATION BOARD

Recommendation: Recommend nominations for appointment for four (4) regular members to serve on the Historic Preservation Board for two (2) year terms ending August 31, 2018.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)

[Historic Preservation Board Member List](#)

[Historic Preservation Board Attendance List](#)

Mayor Glickstein nominated John Miller seconded by Commissioner Katz. Upon roll call the Commission voted as follows: Commissioner Petrolia- Yes; Vice Mayor Jacquet; Commissioner Katz- Yes; Mayor Glickstein - Yes. Said motion passed 4-0.

Vice Mayor Jacquet nominated John Klein seconded by Commissioner Petrolia. Upon roll call the Commission voted as follows: Vice Mayor Jacquet; Commissioner Katz- Yes; Mayor Glickstein - Yes; Commissioner Petrolia- Yes. Said motion passed 4-0.

approved

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

Absent: 1 - Jarjura

7.K. [16-876](#) NOMINATIONS FOR APPOINTMENT TO THE PLANNING AND ZONING

BOARD

Recommendation: Recommend nominations for appointment for four (4) regular members to serve on the Planning and Zoning Board for two (2) year terms ending August 31, 2018.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)
[Planning and Zoning Board Member List](#)
[Planning and Zoning Board Attendance List](#)

Commissioner Katz requested to defer his appointment to the September 20, 2017 Regular Meeting. Deputy Vice Mayor Jarjura's appointment was deferred to September 20, 2017.

Mayor Glickstein nominated Joseph Pike seconded by Commissioner Petrolia. Upon roll call the Commission voted as follows: Commissioner Katz- Yes; Mayor Glickstein - Yes; Commissioner Petrolia- Yes; Vice Mayor Jacquet. Said motion passed 4-0.
approved

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

Absent: 1 - Jarjura

7.L. [16-874](#) NOMINATION FOR APPOINTMENT TO THE PUBLIC ART ADVISORY BOARD

Recommendation: Recommend nomination for appointment for one (1) regular member to serve on the Public Art Advisory Board for a two (2) year term ending July 31, 2018.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)
[Public Art Advisory Board Member List](#)
[Public Art Advisory Board Attendance List](#)

7.M. [16-877](#) NOMINATIONS FOR APPOINTMENT TO THE SITE PLAN REVIEW AND APPEARANCE BOARD

Recommendation: Recommend nominations for appointment for five (5) regular members to serve on the Site Plan Review and Appearance Board for two (2) year terms ending August 31, 2018.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)
[Site Plan Review and Appearance Board Member List](#)
[Site Plan Review and Appearance Board Attendance List](#)

8. PUBLIC HEARINGS:**8.A. [16-826](#) RESOLUTION NO 35-16 TENTATIVE MILLAGE LEVY**

Recommendation: Motion to Approve Resolution No. 35-16 Tentative Millage Levy for FY 2017.

Attachments: [Res 35-16 Tentative Millage Levy FY 2017](#)

From Item 8.F.

Mr. Jack Warner, Chief Financial Officer, introduced this item and Jeff Snyder, Assistant Chief Financial Officer, stated he is present for questions.

There was no public comment.

Commissioner Petrolia stated she feels the city can do much better in trying to bring the millage rate down for the taxpayers in the town.

Commissioner Katz stated he is happier than he was last year but not quite as satisfied as he could be. He stated a lot of value has been added to the taxpayers but stated the numbers do not seem to add up in the budget. He stated the numbers in the budget for Highland Beach does not match what the city has given to them. He stated there is not a lot of justification in the budget from the departments. Commissioner Katz stated that no department indicated one thing that can be eliminated from the budget. He stated there has not been a reserve analysis completed.

Mr. Cooper discussed the reserves and the reduction of programs and therefore, a reduction in expenses.

Vice Mayor Jacquet spoke regarding budget and reserves. He stated certain things like roof repairs should be budgeted.

Mayor Glickstein stated a CEO is responsible for assuring to a board that the budget is the best that can be done.

Mr. Cooper stated that he believes the city has provided a budget that is based on the City Commission's direction.

Mayor Glickstein stated the city is not competitive regarding wages. He also commented regarding reserves.

Commissioner Katz asked if pay is budgeted for this year.

Mr. Cooper stated he will bring this issue forward in October regarding

wage compression issues and salaries.

Mayor Glickstein spoke regarding competitiveness and merit based analysis.

Commissioner Katz spoke regarding elimination of things from the budget and supporting the ideas that are brought forth from the departments. He asked that staff figure out ways to incentivize employees for coming up with new ideas.

Discussion ensued regarding the budget.

Vice Mayor Jacquet made a motion to approve; seconded by Commissioner Katz. Upon roll call the Commission voted as follows: Commissioner Petrolia - Yes; Commissioner Katz - Yes; Mayor Glickstein - Yes. Said motion passed 4-0.
approved

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

No: 1 - Petrolia

Absent: 1 - Jarjura

8.B. [16-827](#) RESOLUTION NO 36-16 TENTATIVE MILLAGE LEVY/DDA

Recommendation: Motion to Approve Resolution No. 36-16 Tentative DDA Millage Rate for FY 2017.

Attachments: [Res 36-16 Tentative Tax Levy DDA FY 2017](#)
 [DDA 2016-17 Budget](#)
 [Delray Beach DDA FY16-17 Millage Approval Memo 9.8.16 CC Mtg](#)
 [2016 - 2017 Marketing Downtown Initiative Approved August 2016](#)
 [2016-17 Placemaking Approved Initiative as of Aug. 2016docx](#)
 [2016-2017 Economic Develop Initiative Approved Aug 2016](#)

Mr. Ryan Boylston, Board Chair, spoke regarding the Downtown Development Authority (DDA). Laura Simon, Executive Director, conducted a PowerPoint presentation providing an overview of the DDA function and the millage rate.

Public Comment:

1. Ms. Jocelyn Patrick spoke regarding the lights on West Atlantic Avenue and thanked the DDA for their support of the S.E.T. and branding. She asked the City Commission to support the DDA millage rate.

There being no further requests, Mayor Glickstein closed public comments.

Commissioner Petrolia asked questions regarding the DDA budget.

Commissioner Katz commended Ms. Simon for the great job regarding the lights along west Atlantic Avenue. Mr. Boylston spoke regarding the lights.

Commissioner Katz suggested bringing back Jazz on the Avenue and utilizing local artists.

Mayor Glickstein thanked Ms. Simon and Mr. Boylston for their time and commented on the shift from where the DDA was one year ago. He commended the DDA board and stated he would like other groups in the city to look at what the DDA board is doing.

Commissioner Katz made a motion to approve; seconded by Commissioner Petrolia. Upon roll call the Commission voted as follows: Commissioner Petrolia - Yes; Commissioner Katz - Yes; Vice Mayor Jacquet - Yes; Mayor Glickstein - Yes. Said motion passed 4-0.
approved

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

Absent: 1 - Jarjura

8.C. [16-835](#) RESOLUTION NO 37-16 TENTATIVE BUDGET ADOPTION FOR FY 2017

Recommendation: Motion to Approve Resolution No. 37-16 Tentative Budget Adoption for FY 2017.

Attachments: [Resolution No. 37-16](#)

Interim City Attorney Rustin read the caption.

Mr. Snyder stated staff believes this is a fair and well thought out budget.

Mayor Glickstein asked Mr. Snyder to explain what some of the process improvements look like.

Mr. Snyder discussed the ERP, monitoring of budgets, efficiencies in how the city processes and moves forward. He discussed the return on investment.

Mayor Glickstein asked if staff has seen in any Florida local government if they have been significantly able to reduce their millage rate in a fiscal year.

Commissioner Petrolia commented regarding the city finding a way to survive on less.

Mr. Cooper informed the City Commission that their comments have been taken into consideration and staff is working toward that.

Discussion continued regarding the budget.

First Motion to approve failed with a 2-2 vote. Commissioner Katz and Commissioner Petrolia voted no and Mayor Glickstein and Vice Mayor Jacquet voted yes.

Second motion to approve to move the item forward to have a full complement of the City Commission: Mayor Glickstein voted yes, Commissioner Petrolia vote no, Vice Mayor Jacquet voted yes and Commissioner Katz voted yes.
approved

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

No: 1 - Petrolia

Absent: 1 - Jarjura

8.D. [16-859](#) ORDINANCE NO. 17-16 AMENDING THE CITY'S POLICE AND FIREFIGHTERS RETIREMENT PENSION SYSTEM (SECOND READING)

Recommendation: Motion to Approve Ordinance No. 17-16 amending the City's Police and Firefighters Retirement Pension System.

Attachments: [Second reading Delray Beach Police Fire Pension Ordinance 8.19.16 3-2 \(00700515xBA9D6\)](#)

Interim City Attorney Janice Rustin read the caption of the ordinance.

Mr. Jack Warner presented this item. He provided an overview of the August 17, 2016 Police and Firefighters Board of Trustees meeting. He stated there is an upcoming meeting on September 14, 2016. Mr. Warner stated the appointments to the boards will be brought forth to the City Commission on September 20, 2016. He stated staff is still waiting to hear from the Division of Retirement.

Ms. Bonnie Jensen, current attorney working with the Pension Board, asked that the City Commission defer making a decision until the city has heard back from the state.

Mr. Jim Linn spoke regarding the ordinance and stated there is no reason for the City Commission to defer their decision tonight.

Commissioner Katz stated the city has worked really hard to develop this ordinance. He stated this was a great compromise regarding the "2-2-1".

He stated he is not comfortable moving forward with this ordinance at this time.

Further discussion ensued regarding the ordinance.

First Motion to defer; no action 2-2 vote. Mayor Glickstein and Vice Mayor Jacquet voted no and Commissioners Petrolia and Katz voted yes.

Motion to postpone until September 20, 2016.
continued

Yes: 3 - Mayor Glickstein, Petrolia, and Katz

No: 1 - Vice-Mayor Jacquet

Absent: 1 - Jarjura

- 8.E.** [16-878](#) ORDINANCE NO. 27-16: IMPOSING A TEMPORARY MORATORIUM ON THE OPERATION OF MEDICAL MARIJUANA TREATMENT CENTERS AND DISPENSING ORGANIZATIONS WITHIN THE CITY FOR A PERIOD OF ONE (1) YEAR (SECOND READING/SECOND PUBLIC HEARING)

Recommendation: Motion to Approve on second reading Ordinance No. 27-16: Imposing a temporary moratorium on the operation of Medical Marijuana Treatment Centers and Dispensing Organizations within the City of Delray Beach for a period of one year.

Sponsors: Planning & Zoning Department

Attachments: [Ordinance No. 27-16 Medical Marijuana Moratorium](#)
[HB 307-1313 2016 Amending 381.986, FS](#)
[Statutes & Constitution View Statutes Online Sunshine](#)
[Compassionate Dispensing Org Map](#)

Ms. Rustin read the caption of the ordinance.

There was no public comment.
approved

Yes: 3 - Mayor Glickstein, Petrolia, and Katz

No: 1 - Vice-Mayor Jacquet

Absent: 1 - Jarjura

- 8.F.** [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 \(Original\)](#)

This was moved up to Item 8.A. on the agenda. The City Manager read the caption of the ordinance. There was no public comment.

This item was postponed to a date certain of September 20, 2016.
continued

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

Absent: 1 - Jarjura

8.G. [16-879](#) ORDINANCE NO. 25-16: SANITATION RATES FOR FY2017 (SECOND READING)

Recommendation: Motion to Approve an amendment to the City Code of Ordinances, Chapter 51, "GARBAGE AND TRASH", Section 51.70, "REGULAR CHARGES LEVIED", to provide for new residential and commercial collection service rates for fiscal year 2017.

Sponsors: Finance Department

Attachments: [Ordinance No. 25-16](#)
[Ordinance No. 25-16 with Strikethrough](#)
[Waste Management Rate Agreement Letter FY2017](#)
[Assignment of Exclusive Franchise Agreement](#)

Ms. Rustin read the caption of the ordinance.

Mr. Snyder presented this item.

Commissioner Katz made a motion to approve; seconded by Commissioner Petrolia. Upon roll call the Commission voted as follows:
Commissioner Katz - Yes; Mayor Glickstein - Yes; Commissioner Petrolia -

Yes. Said motion passed 4-0.
approved

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

Absent: 1 - Jarjura

9. FIRST READINGS:

9.A. [16-891](#) ORDINANCE NO. 28-16 AMENDING SECTION 101.32 AND SECTION 99.05 OF THE CITY'S CODE OF ORDINANCES

Recommendation: Motion to Approve Ordinance No. 28-16 amending Sections 101.32 and 99.05 of the City's Code of Ordinances.

Sponsors: City Attorney Department

Attachments: [Ordinance No. 28-16 Special Events Code of Ordinance revisions](#)
[FINAL](#)

Ms. Rustin, Interim City Attorney, read the caption of the ordinance.

Mr. Cooper stated this is a modification of the definitions and allows for the implementation of the policies and rules.
approved on first reading

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

Absent: 1 - Jarjura

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

10.A.1. [16-902](#) CITY MANAGER'S REPORT

Sponsors: City Manager Department

Attachments: [City Manager's Report - 09082016 Commission Meeting](#)
[Execution of Contract for Repairs to Old School Square \(OSS\)](#)
[Buildings](#)
[Lobbyist Request \(Community Improvement\)](#)

Mr. Cooper stated staff needs direction regarding the legislative items.

Mr. Katz stated the city is doing a major renovation of Pompey Park.

Mr. Cooper stated he is obligated to provide a report to the City Commission regarding Old School Square.

10.B. City Attorney

Ms. Rustin asked to hire outside counsel for unique Land Use Items.

She also called for a shade meeting for Atlantic Crossing for September 20, 2016.

10.C. City Commission

Vice Mayor Jacquet thanked the city for its participation in the election and stated he is proud to serve Delray.

He asked to use the space vacated by Senator Maria Sachs. He mentioned Southwest Terrace having no lights.

Commissioner Petrolia congratulated the winners of the election and stated she hopes everyone enjoyed their Labor Day. She stated she had a great meeting with Chief DeJesus.

She also discussed the city marina and the cost. She commented regarding narcan and asked that the city find a way to supplement the cost for this.

Mr. Cooper stated another way to assist would be to lien properties where overdoses occur.

Discussion ensued regarding early voting.

Mayor Glickstein congratulated Vice Mayor Jacquet, Mack Bernard, Jeff Clemons and Bobby Powell.

Mayor Glickstein stated he would like to recognize the current and former advisory board members at a luncheon.

Commissioner Petrolia spoke regarding video streaming and the microphones.

Ms. Spencer commented regarding Granicus.

Commissioner Katz thanked the Mayor for his quote last week. He congratulated Vice Mayor Jacquet, Mack Bernard, Jeff Clemons and Bobby Powell.

Mayor Glickstein discussed the meeting this week with representatives from All Aboard Florida. Mr. Cooper stated this will be placed on a workshop in January.

He commented regarding the ZIKA virus.

Mayor Glickstein CRA held workshops on their plans for the NW/SW alleys and he complimented the CRA.

Mayor Glickstein asked the City Manager to codify a process regarding the City Commission receiving an email or a phone call from a citizen. He asked who will be the point of contact or person of responsibility. He asked if the City Attorney is requesting a modification to the development orders (legislative appropriations).

Mayor Glickstein stated there should be a program for compensation for employees for their making a suggestion to the city manager or if something is not a best practice. He commented on the report from Steve Hynes.

There being no further business, Mayor Glickstein adjourned the meeting at 10:40 p.m.



City Clerk

ATTEST:



MAYOR

The undersigned is the City Clerk of the City of Delray Beach, Florida, and the information provided herein is the Minutes of the September 8, 2016 Meeting of the City Commission held on September 8, 2016, which Minutes were formally approved and adopted by the City Commission on April 18, 2017.



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.