

# **City of Delray Beach**

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## **Minutes - Final**

**Tuesday, July 5, 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 Tuesday, July 5, 2016.

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

Absent:  
None

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

## 2. PLEDGE OF ALLEGIANCE TO THE FLAG

## 3. PRESENTATIONS:

### 3.A. PUBLIC ART ADVISORY BOARD ANNUAL PRESENTATION TO COMMISSION

**Body:** **Recommended Action:**

**Recommendation:** Motion to approve Public Art Advisory Board pending projects and 2016-2017 Work Plan.

**Sponsors:** Parks & Recreation Department

**Attachments:** [PAAB Presentation](#)

Ms. Fisher introduced this item and members of the board provided an update to the City Commission regarding accomplishments to date and upcoming projects.

Deputy Vice Mayor Jarjura, Mayor Glickstein and Commissioner Katz provided comments.

### 3.B. PRESENTING VERNA HARRIS, RECREATION SUPERVISOR I & DARCY TYSON CODE ENFORCEMENT OFFICER WITH EMPLOYEE

## OF THE MONTH FOR MAY 2016

**Body:** **Recommended Action:**

**Recommendation:** Motion to approve Verna Harris & Darcy Tyson for employee of the month for May 2016

**Sponsors:** Human Resources Department

**Attachments:** [Verna & Darcy Employee of the Month May 2016](#)

Ms. Tennille DeCoste, Human Resources Director, provided background information and presented both employees with "eight hours off" certificates as well as plaques from the city.

**3.C. PARKS AND RECREATION PRESENTATION**

**Attachments:** [parks and rec month](#)

Mayor Glickstein read both the Parks and Recreation Month and Delray American Little League proclamations. Ms. Yvonne Odom gave comments. Ms. Suzanne Fisher stated they are nominating Eddie and Yvonne Odom as Delray Beach's Superheroes, which is the national theme for Parks and Recreation Month. Mayor Glickstein and Vice Mayor Jacquet provided comments.

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

Mr. Cooper provided responses to public comments from the June 21, 2016 City Commission Meeting.

**Public Comments:**

1. Ms. Pauline Moody congratulated Verna Harris, spoke regarding garbage cans and trash and the upcoming election.
2. Ms. Nancy Stewart spoke regarding the 2017 Garlic Fest and stated she is withdrawing her application for the event.
3. Mr. John Franczak, Ms. Stewart's husband, read a letter on behalf of Mike and Regina Schneiderman (sp) regarding events/festivals.
4. Mr. Jim Smith, on behalf of S.A.F.E., thanked the Beach Property Owners Association (BPOA), City Manager and staff regarding the beachfront. He read a statement into record.
5. Ms. Carolyn Patton spoke regarding the redesign of the beach.

6. Ms. Linda Oxford spoke regarding meters being taken out and asked the City Commission to not take out all of the landscaping regarding the beach.

7. Ms. Alice Finst spoke regarding the city's radio station, 1620 AM.

8. Ms. Carol Anderson spoke regarding items on the Consent Agenda.

9. Mr. Mike Mazor (sp) spoke regarding the Garlic Fest and comments toward the children.

10. Ms. Laura Simon spoke regarding special events.

11. Mr. John Griffin (sp) complimented the Delray Beach Police Department on their response times and how they handle situations. He also complimented the City Commission regarding keeping the beach safe and clean. He stated his concern is chewing gum that is on the sidewalks along Atlantic Avenue and some side streets.

12. Mr. Eric Camacho read a statement into the record regarding City Commission meetings.

13. Mr. Peter Humanik stated the City Manager and City Commission is doing a great job and referenced City Commission voting. He also spoke regarding events, bicycles, the beach and parking.

14. Mr. Ernie DiBlassi spoke regarding special events.

Mr. Neal DeJesus, Fire Chief, spoke about a new program that the city is launching regarding not leaving children in the car.

It was consensus of the City Commission to continue with public comments and agenda approval prior to public hearings.

15. Mr. Steve Blum spoke regarding the state of the beach pavilion and stated within a day the beach pavilion flooring and seats were taken care of and the pavilion was painted.

16. Mr. Victor Kirson spoke regarding the beach item on the agenda.

## **5. AGENDA APPROVAL**

Mr. Cooper and Ms. Rustin stated staff had no requested agenda changes.

Commissioner Petrolia requested that Item 6.M. be moved to the Regular Agenda.

Mayor Glickstein stated Item 6.M. will become Item 7.A.A.

Deputy Vice Mayor Jarjura asked that Items 10.A.1. and 10.A.2. be moved to first on the Regular Agenda. Both items became 7.B.B. and 7.C.C. respectively.

The item regarding the Garlic Fest was removed due to the applicant withdrawing her application.

Commissioner Katz made a motion to approve the agenda as amended; seconded by Deputy Vice Mayor Jarjura. Upon roll call the Commission voted as follows: Vice Mayor Jacquet - Yes; and Deputy Vice Mayor Jarjura- Yes; Commissioner Katz - Yes; Mayor Glickstein - Yes; Commissioner Petrolia - Yes . Said motion passed 5-0.

**This was approved as amended.**

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

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

## **6. CONSENT AGENDA: City Manager Recommends Approval**

Deputy Vice Mayor made a motion to approve the consent agenda as amended; seconded by Commissioner Petrolia. Upon roll call the Commission voted as follows: Vice Mayor Jacquet - Yes; and Deputy Vice Mayor Jarjura - Yes; Mayor Glickstein - Yes; Commissioner Petrolia - Yes; Commissioner Katz - Yes. Said motion passed 5-0.

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

**Yes:** 5 - Mayor Glickstein, Petrolia, Vice-Mayor Jacquet, Jarjura, and Katz

**Yes:** 5 - Mayor Glickstein, Petrolia, Vice-Mayor Jacquet, Jarjura, and Katz

### **6.A.**

**SAMAR MIXED-USE DEVELOPMENT HOLD HARMLESS AGREEMENT FOR WORK PERFORMED WITHIN THE STATE RIGHT-OF-WAY**

**Body: Recommended Action:**

**Recommendation:** Motion to consider acceptance of a Hold Harmless Agreement for work in Florida Department Of Transportation's (FDOT) right-of-way.

**Sponsors:** Environmental Services Department

**Attachments:** [Hold Harmless Agreement - Samar Mixed Use](#)  
[Location Map](#)  
[FDOT Permit Application](#)

**6.B. APPROVAL OF SPENDING INCREASE WITH OFFICE DEPOT INC.****Body: Recommended Action:**

**Recommendation:** Motion to approve a spending increase with Office Depot Inc. in a not-to-exceed amount of \$25,000.

**Attachments:** [November 3, 2015 Agenda](#)

**6.C. TERMINATION OF THE CONTRACT FOR AIR CONDITIONING SERVICE, REPAIR AND PREVENTATIVE MAINTENANCE WITH GLOBAL GREEN REJUVENATION, LLC dba AIR REVIVE****Body: Recommended Action:**

**Recommendation:** Motion to terminate the contract with Global Green Rejuvenation, LLC dba Air Revive effective on July 6, 2016.

**Sponsors:** Purchasing Department

**Attachments:** [Notice of Termination](#)  
[2016-045 Agreement-Fully Executed](#)

**6.D. RESOLUTION NO. 27-16, APPROVING A SPECIAL CATEGORY GRANT APPLICATION TO THE FLORIDA DIVISION OF HISTORICAL RESOURCES FOR THE REHABILITATION OF THE SEABOARD AIR LINES RAILROAD STATION AT 80 DEPOT AVENUE****Body: Recommended Action:**

**Recommendation:** Motion to Approve Resolution No. 27-16 in support of submitting a Special Grant Application to the Florida Division of Historical Resources for the rehabilitation of the Seaboard Air Lines Railroad Station at 80 Depot Avenue.

**Sponsors:** Planning & Zoning Department

**Attachments:** [Photographs-80 Depot Avenue](#)  
[Resolution No. 27-16](#)

**6.E. RIGHT-OF-WAY DEED FOR FLOSSY BUILDING****Body: Recommended Action:**

**Recommendation:** Motion to accept the right-of-way deed agreement for the Flossy Building.

**Sponsors:** Planning & Zoning Department

**Attachments:** [Flossy Building R-O-W Deed](#)  
[Flossy Building - Staff Report from March 9, 2016](#)  
[Flossy Building Consent Form](#)

**6.F. AGREEMENT FOR PAAB CREATIVE ARTIST IN RESIDENCEY PROJECT TO AGATA REN AND MARK FULLER**

**Body:** **Recommended Action:**

- Recommendation:**
1. Motion to approve artist services agreement to Agata Ren for the Public Art Advisory Board Creative ART Delray Beach Artist in Residency Project.
  2. Motion to approve artist services agreement to Mark Fuller for the Public Art Advisory Board Creative ART Delray Beach Artist in Residency Project.

**Sponsors:** Parks & Recreation Department

**Attachments:** [Signed Artist Agreement 2016 Agata Ren](#)  
[Signed Artist Agreement 2016 Mark Fuller](#)

**6.G.** FIRST AMENDMENT TO SERVICE AUTHORIZATION NO. 12-19 WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR DESIGN SERVICES FOR SIDEWALK IMPROVEMENTS WITHIN THE CRA BOUNDARIES (PROJECT NO. 16-002).

**Body:** **Background:**

The purpose of this project is to provide sidewalks which meet the City's established level of service for areas with high pedestrian traffic within the CRA boundaries. The City's level of service for sidewalks within the CRA is to improve walkability and provide safe pedestrian travel by installing sidewalks: (1) on both sides of the street; (2) near schools and churches; and (3) near public parks. This service authorization includes engineering design, permitting, surveying, and bidding services for construction of the 5' wide concrete sidewalks with associated swales.

During the design of this project it was discovered that publicly owned right-of-way was not available to place sidewalks on a segment of NW 7th Avenue between NW 3rd Street and NW 2nd Street as included in the project concept. The proposed service authorization will authorize the design of sidewalks to be located on the west side of NW 8th Avenue from Atlantic Avenue to NW 2nd Street (approximately 1,200 feet) to replace the NW 7th Avenue segment.

The City utilized engineering consultants that were retained via RFQ #2012-06 (City Project #12-057). Kimley-Horn and Associate's annual contract is valid through January 2017. The recommendation for award is in compliance with Code of Ordinances, Section 36.02(C) (3), Methods of Acquisition, "*Direct Acquisition of Method, Professional Services*".

Negotiations regarding the number of hours relating to the amended scope of service were finalized in a Sunshine Meeting on June 15, 2016.

**Legal Review:**

Approved as to form and legal sufficiency.

**Finance Department Review:**

Finance recommends approval.

**Funding Source:**

Funding in the amount not to exceed \$6,326.36 is available from Account #334-3162-541-63.11 (General Construction Fund/Improvements Other the Buildings/Bikepath/Sidewalk) Funding is provided by the Community Redevelopment Agency through the Interlocal Agreement for 2015 - 2016.

**Recommendation:** Motion to approve the First Amendment to Service Authorization No. 12-19 to Kimley-Horn and Associates, Inc. in the amount not to exceed \$6,326.36 for professional design services for sidewalk improvements within the Community Redevelopment Agency (CRA) associated with Project No. 16-002/CRA Sidewalks FY 2016.

**Sponsors:** Environmental Services Department

**Attachments:** [Amendment No. 1 to S.A.12-19](#)  
[Location Map](#)

**6.H.** SERVICE AUTHORIZATION NO. 12-15 WITH WANTMAN GROUP, INC. FOR THE DESIGN AND CONSTRUCTION ADMINISTRATION FOR THE VETERAN'S PARK SEAWALL AND PUBLIC DOCK IMPROVEMENTS.

**Body:** **Recommended Action:**

**Recommendation:** Motion to approve Service Authorization No. 12-15 with Wantman Group, Inc. in the amount not to exceed \$57,565.34 for the professional engineering and construction administration services related to the structural repairs for Veteran's Park seawall and replacement of the public docks along the Intracoastal Waterway (Project No. 16-096).

**Sponsors:** Environmental Services Department

**Attachments:** [Wantman Group Inc., Service Authorization #12-15 .pdf](#)  
[Veterans Park Location Map](#)

**6.I.** CONTRACT AWARD TO STROBES-R-US TO PROVIDE AND INSTALL EMERGENCY LIGHTS AND EQUIPMENT

**Body:** **Recommended Action:**

**Recommendation:** Motion to approve an award to Strobes-R-Us, utilizing Broward County Sheriff's Office Contract # 13104030, for multiple purchases and installations of emergency lights and equipment, for an amount not to exceed \$180,000

**Sponsors:** Purchasing Department



**Attachments:** [BSO Contract 13104030 Renewal](#)  
[BSO Contract Award 13104030](#)  
[Best Price Statement](#)  
[BSO Bid](#)  
[Strobes D-Bureau Quote 10952 4-15-16](#)  
[Strobes Utility Interceptor Quote 10937 4-12-16](#)  
[Strobes-R-Us Quote 11219 FD Tahoe 6-16-16](#)

- 6.J.** PRIOR APPROVAL OF FISCAL YEAR 2016 SPENDING GREATER THAN \$25,000 WITH SUNSTATE METER & SUPPLY, INC.

**Body:** **Recommended Action:**

**Recommendation:** Motion to approve multiple acquisitions of water meters and required fittings from Sunstate Meter & Supply, Inc. in a total not-to-exceed amount of \$50,000 for Fiscal Year 2016.

**Sponsors:** Purchasing Department

- 6.K.** PURCHASE AWARD TO DUVAL FORD, LLC, FOR THE PURCHASE OF FOUR NEW POLICE PATROL VEHICLES

**Body:** **Recommended Action:**

**Recommendation:** Motion to Approve an award to Duval Ford, LLC, for the purchase of four police patrol vehicles for a total of \$131,872.00, utilizing Florida Sheriff's Association Contract #15-23-0904

**Sponsors:** Purchasing Department

**Attachments:** [Utility Interceptor Quote-Duval 4-12-16](#)  
[Duval Ford Letter 3-31-16](#)  
[15-23-0904 Bid Award Document](#)

- 6.L.** REQUEST FOR SUBORDINATION OF SECOND MORTGAGE FOR 2115 SW 13TH STREET

**Body:** **Recommended Action:**

**Recommendation:** Motion to Approve a request for the City to subordinate its second mortgage position in the amount of \$8,344.95 for the property located at 2115 SW 13th Street.

**Sponsors:** Community Improvement

**Attachments:** [Subordination Agreement](#)

- 6.M.** LICENSE AGREEMENT WITH PALM BEACH COUNTY FOR THE USE OF THE SOUTH COUNTY COURTHOUSE PARKING GARAGE FOR A DOWNTOWN BUSINESS EMPLOYEE PARKING PROGRAM

**Body:** **Recommended Action:**

**Recommendation:** Motion to approve a License Agreement with Palm Beach County for use of the South County Courthouse Garage for a Downtown Business Employee Parking Program.

**Sponsors:** Environmental Services Department

**Attachments:** [Delray Beach Employee Parking Program License for South County Garage 20160622](#)  
[DDA Parking Recommendation Letter 4.2016](#)  
[Downtown Employee Parking Program PPT.pptx](#)

Commissioner Petrolia asked questions regarding this item.

Mr. John Morgan presented this item.

Commissioner Katz gave comments.

Commissioner Petrolia made a motion to approve; seconded by Commissioner Katz. Upon roll call the Commission voted as follows: Commissioner Katz - Yes; Vice Mayor Jacquet - Yes; and Deputy Vice Mayor Jarjura - Yes; Mayor Glickstein - Yes; Commissioner Petrolia - Yes. Said motion passed 5-0

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

**Yes:** 5 - Mayor Glickstein, Petrolia, Vice-Mayor Jacquet, Jarjura, and Katz

**6.N.** AMENDMENT NO. 4 TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE SCHOOL BOARD OF PALM BEACH COUNTY

**Body:** **Recommended Action:**

**Recommendation:** Motion to Approve Amendment No. 4 to the interlocal Agreement between the City of Delray Beach and the School Board of Palm Beach County to share student information as part of the Campaign for Grade Level Reading initiative

**Sponsors:** Community Improvement

**Attachments:** [Amendment No 4 to Interlocal w School Board re Data Sharing](#)

**6.O.** PROPOSED OFFER OF SETTLEMENT IN THE CASE OF TIMOTHY BELANGER V. CITY OF DELRAY BEACH

**Body:** **Recommended Action:**

**Recommendation:** Motion to deny of the settlement offer for the reasons discussed in the confidential memorandum previously distributed to the City Commission.

**Sponsors:** City Attorney Department and Inglese

**6.P.**

PREPETITION BANKRUPTCY LEGAL FEES INCURRED BY IBERIA BANK

**Body:** **Recommended Action:**

**Recommendation:** Motion to approve the settlement offer for the reasons discussed in the confidential memorandum previously distributed to the City Commission.

**Sponsors:** City Attorney Department

**6.Q. PROCLAMATIONS:****6.Q.1.**

RECOGNITION OF DELRAY AMERICAN LITTLE LEAGUE FOR 45 YEARS OF CONTINUOUS EXCELLENCE IN ATHLETIC SERVICE TO THE YOUTH OF DELRAY BEACH

**Body:** **Recommended Action:**

**Recommendation:** Motion to recognize the Delray Beach American Little League for forty-five (45) years of continuous supreme excellence in athletic service to the youth of Delray Beach.

**Sponsors:** Parks & Recreation Department

**Attachments:** [Proclamation](#)

**6.Q.2.**

Proclamation RECOGNIZING July 14, 2016 as Summer Learning Day!

**Sponsors:** Community Improvement

**Attachments:** [Proclamation - Summer Learning Day 2016 CC070516](#)

**REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:****6.R.**

REPORT OF APPEALABLE LAND USE ITEMS MAY 30, 2016 THROUGH JUNE 17, 2016

**Body:** **Recommended Action:**

**Recommendation:** By motion, receive and file this report.

**Sponsors:** Planning and Zoning Board

**Attachments:** [Location Map](#)  
[106 SE 7th Avenue Appealable](#)  
[Seagate Towers Appealable Report](#)  
[Weekes and Callaway Appealables Report](#)  
[405 North Appealables Report](#)

## **6.S. AWARD OF BIDS AND CONTRACTS:**

## **7. REGULAR AGENDA:**

### **7.A.                   CONDITIONAL USE EXTENSION TO PERMIT OUTDOOR DINING AT NIGHT AT 27-43 SOUTH SWINTON AVENUE, SWINTON SOCIAL, LOCATED WITHIN THE OLD SCHOOL SQUARE HISTORIC DISTRICT. (QUASI-JUDICIAL HEARING)**

**Body:** **Recommended Action:**

**Recommendation:** Move a recommendation of approval for the request of a Conditional Use associated with outdoor dining at night for **Swinton Social** located at **27 - 43 South Swinton Avenue, Old School Square Historic District**, and finding that the request, and approval meets criteria set forth in Section 2.4.4(F)(1) & (3) of the Land Development Regulations to be valid an additional 18 months until January 15, 2018, subject to the following conditions:

1. That the Outdoor Dining seating not be expanded in quantity or floor area from what is indicated on the submitted plan;
2. That a Sidewalk Café permit be obtained which indicates no more than the 12 seating areas and 42 seats as indicated on the submitted plans;
3. That the Valet Parking Agreement be accepted by the City Commission prior to issuance of a Building Permit;
4. That a Parking Management Plan be submitted which indicates all travel routes for the valet services to and from the subject location; and,
5. That all outside seating areas subject to this approval shall have hours of operation not exceeding 12am, Sunday through Thursday, and 2am, Friday and Saturday.

**Sponsors:** Planning & Zoning Department

**Attachments:** [Swinton Social Extension Request Letter](#)  
[Swinton Social Conditional Use Plan](#)  
[Swinton Social Planning & Zoning Board Report 012312](#)  
[Board Order](#)

Mayor Glickstein read the quasi judicial rules into the record and the City Clerk swore in individuals who wished to speak on Items 7.A.,7.B. and 7.C.

The City Commission had no ex parte communications to disclose.

Mr. Stillings entered the file into the record and presented this item. He provided additional handouts to the City Commission.

The applicant spoke regarding the project and an issue with unity of title.

There were no members of the public who wished to speak on this item.

There was no cross-examination or rebuttal.

Mayor Glickstein asked why staff recommended eighteen months versus twenty-four months.

Ms. Amy Alvarez spoke regarding the project and timelines.

Discussion ensued regarding the project and unity of title.

Ms. Rustin reviewed board order with the City Commission.

Commissioner Jarjura 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 - No; Vice Mayor Jacquet - Yes; and Deputy Vice Mayor Jarjura - Yes. Said motion passed 4-1 (Commissioner Katz dissenting).

**A motion was made by Jarjura, seconded by Petrolia, that this Request be adopted. The motion carried by the following vote:**

**Yes:** 4 - Mayor Glickstein, Petrolia, Vice-Mayor Jacquet, and Jarjura

**No:** 1 - Katz

**7.B.**

REQUEST FOR A WAIVER OF LDR SECTION 4.6.7(E)(7) TO ALLOW TWO FLAT WALL SIGNS (NORTH AND SOUTH ELEVATIONS) NOT FACING A DEDICATED STREET FRONTAGE FOR DELRAY BEACH BOXING LOCATED AT 2455 OLD DIXIE HIGHWAY. (*QUASI-JUDICIAL HEARING*)

**Body:** The City Commission action is consideration of a waiver request to LDR Section 4.6.7(E)(7) to allow two flat wall signs that do not face a dedicated street frontage (north and south elevations) located at 2455 Old Dixie Highway, where only one sign per business is permitted facing a dedicated street frontage.

**Recommended Action:**

**Recommendation:** Motion to approve the waiver request to LDR Section 4.6.7(E)(7) to allow two flat wall signs that do not face a dedicated street frontage located at 2455 Old Dixie Highway, with the condition the north elevation signage will not be installed until the new use has been approved for a Class III.

**Sponsors:** Planning & Zoning Department

**Attachments:** [Delray Boxing](#)  
[Delray Beach Boxing Justification](#)  
[Delray Beach Boxing Location Map](#)  
[Delray Beach Boxing Board Order](#)  
[Delray Beach Boxing sign elevations](#)  
[06-08-16 SPRAB Minutes - Draft](#)

Mr. Stillings presented this item.

The City Commission had no ex parte communications to disclose.

Peter Carney, on behalf of the applicant, stated he is ok with the staff report.

There were no persons from the public who wished to speak on this item.

Mr. Stillings stated staff's recommendation. The applicant is agreeable to the condition.

There was no cross examination or rebuttal.

Ms. Rustin reviewed the board order with the City Commission.

Vice Mayor Jacquet made a motion to approve with conditions; seconded by Commissioner Petrolia. Upon roll call the Commission voted as follows: Vice Mayor Jacquet - Yes; and Deputy Vice Mayor Jarjura - Yes; Mayor Glickstein - Yes; Commissioner Petrolia - Yes; Commissioner Katz - Yes; . Said motion passed 5-0.

**A motion was made by Vice-Mayor Jacquet, seconded by Petrolia, that this Request be approved with conditions. The motion carried by the following vote:**

**Yes:** 5 - Mayor Glickstein, Petrolia, Vice-Mayor Jacquet, Jarjura, and Katz

**7.C.**

APPLICANT APPEAL OF THE JUNE 8, 2016 SITE PLAN REVIEW  
APPEARANCE BOARD'S (SPRAB) DENIAL OF 405 NORTH  
(QUASI-JUDICIAL HEARING)

**Body:** **Recommended Action:**

**Recommendation:** Motion to Approve the appeal and reverse the original Site Plan Review and Appearance Board (SPRAB) denial of the Class V Site Plan, Landscape Plan, Terminal Landscape Island Waiver and Perimeter Landscape Island Buffer Waiver as presented with the staff recommended conditions made on June 8, 2016 for the 405 North development proposal.

**Sponsors:** Planning & Zoning Department

**Attachments:** [Stephen Albanese Appeal Letter](#)  
[405 North - SPRAB Report from June 8, 2016](#)  
[Draft SPRAB Minutes from June 8, 2016](#)  
[Board Order](#)

Mr. Stillings presented this item.

The City Commission had no ex parte communications to disclose.

Stephen Albanese, Applicant, presented this item and provided handouts to the City Commission.

Dan discussed the terminal island buffers.

There were no persons who wish to speak on this item.

There was no cross examination or rebuttal.

Mr. Jim Chard, a member of SPRAB, explained what happened at the SPRAB meeting.

Discussion ensued regarding the project and buffers.

Ms. Rustin reviewed the board order with the City Commission.

It was the consensus of the Commission to continue this appeal to the July 12, 2016 City Commission meeting.

**7.D.**

**Sponsors:** City Clerk Department

A motion was made by Commissioner Katz, seconded by Commissioner Petrolia. The motion carried by the following vote:

**A motion was made that this Presentation be adopted. The motion carried by the following vote:**

**Yes:** 4 - Mayor Glickstein, Petrolia, Jarjura, and Katz

**Absent:** 1 - Vice-Mayor Jacquet

**7.D.1.** AWARD OF AN AGREEMENT TO TYLER TECHNOLOGIES FOR THE ENTERPRISE RESOURCE PLANNING SOLUTION IN A NOT-TO-EXCEED AMOUNT OF \$2,600,000

**Body:** **Recommended Action:**

**Recommendation:** Motion to award an Agreement to Tyler Technologies in an amount not to exceed amount of \$2,600,000 for an Enterprise Resource Planning Solution.

**Sponsors:** Purchasing Department

**Attachments:** [Executive Summary of Negotiations](#)  
[Full Contract Package - 06.24.2016 Signed](#)

**7.D.2.** AWARD TO CALVIN GIORDANO & ASSOCIATES, INC. FOR COMPREHENSIVE PLAN CONSULTANT IN A NOT-TO-EXCEED AMOUNT OF \$250,000.

**Body:** **Recommended Action:**

**Recommendation:** Motion to Award an agreement with Calvin Giordano & Associates, Inc. for professional planning services for the Comprehensive Plan update in an amount not to exceed \$250,000.

**Sponsors:** Planning & Zoning Department

**Attachments:** [Delray Contact Scope Comparison](#)  
[Delray CGA Scope Final](#)  
[Calvin Giordano Comprehensive Plan Contract](#)

**7.E.** INTER-LOCAL AGREEMENT BETWEEN THE TOWN OF HIGHLAND BEACH AND THE CITY OF DELRAY BEACH FOR FIRE AND EMERGENCY MEDICAL SERVICES.

**Body:** **Recommended Action:**

**Recommendation:** Motion to Approve the inter-local agreement with the Town of Highland Beach and the City of Delray for Fire Suppression and Emergency Medical Services

**Sponsors:** City Manager Department

**Attachments:** [Highland Beach Agreement](#)

Mr. Cooper presented this item.

Vice Mayor Jacquet left the dais.

Chief DeJesus stated he spoke with the Town Manager who stated that the Town of Highland Beach has approved this agreement pending the City



Commission's approval tonight. Chief DeJesus discussed the agreement and recommended that the City Commission approve this agreement.

Mr. Jeff Snyder stated he provided the City Commission with a spreadsheet today regarding costs and discussed the costs.

Mr. Cooper, City Manager, spoke regarding costs i.e. apparatus and pension costs.

Commissioner Katz asked about the cost recovery.

Mayor Glickstein commented regarding an estimation or a true up of costs.

Deputy Vice Mayor Jarjura spoke regarding this being a mutually beneficial agreement.

Commissioner Katz thanked Chief de Jesus for answering his questions earlier and asked the City Attorney if the city is comfortable with the final version of the agreement.

Commissioner Petrolia questioned the costs on the worksheet provided to the City Commission.

Discussion ensued regarding contract language.

Mayor Glickstein spoke regarding the negotiation process.

A motion was made by Deputy Vice Mayor Jarjura, seconded by Commissioner Katz, that this Agreement be approved. The motion carried the following vote:

**A motion was made by Jarjura, seconded by Katz, that this Request be approved. The motion carried by the following vote:**

**Yes:** 3 - Mayor Glickstein, Jarjura, and Katz

**No:** 1 - Petrolia

**Absent:** 1 - Vice-Mayor Jacquet

## 7.F.

### PRESENTATION OF THE ARCHITECTURAL DESIGN FOR BEACH AREA MASTER PLAN

**Body: Recommended Action:**

**Recommendation:** Motion to approve the design for the Beach Area Master Plan, as presented or with modifications as directed by the City Commission, providing authorization to the consultant to proceed with preparing final design documents and required permit applications.

**Sponsors:** Environmental Services Department

**Attachments:** [Beach Master Plan Conceptual Plan Presentation](#)

John Morgan introduced this item.

John Suiter, representing EDSA, was present for questions and comments.

The City Commission provided comments regarding the plan.

There was consensus of the City Commission for Option B and that the City Commission does not want the project phased. They prefer a complete project.

The City Manager spoke regarding the delegation of authority; and asked that the City Commission's motion include that.

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

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

**Yes:** 4 - Mayor Glickstein, Petrolia, Jarjura, and Katz

**Absent:** 1 - Vice-Mayor Jacquet

**7.G. RENEWAL OF AGREEMENT WITH UNIQUE TRANSPORTATION FOR PROVISION OF SERVICE OPERATIONS FOR THE DOWNTOWN ROUNDABOUT FREE TROLLEY.**

**Body:** **Recommended Action:**

**Recommendation:** Motion to ratify the February 8, 2016 action of City Staff and to approve the renewal of a one-year agreement with Unique Transportation for the provision of trolley service operations in an amount not to exceed \$400,000.

**Sponsors:** Environmental Services Department

**Attachments:** [Unique Transportation, Agreement 2013Jun11](#)  
[Unique Transportation, Amendment No. 1 to Agreement](#)  
[2013-22 Executed Renewal Letter](#)  
[1st Amendment ILA City Funding of Trolley Service 2-16-16 fullyexe](#)

Mr. John Morgan presented this item.

Commissioner Petrolia asked that the city review this agreement further prior to next year.

Discussion ensued regarding a multimodal hub; a full mobility plan.

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

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

**Yes:** 4 - Mayor Glickstein, Petrolia, Jarjura, and Katz

**Absent:** 1 - Vice-Mayor Jacquet

**7.H. 2017 GARLIC FESTIVAL/APPEAL VOTE**

**Body: Recommended Action:**

**Recommendation:** Motion to Approve or Deny the waiver request regarding the 2017 Garlic Festival.

**Sponsors:** City Clerk Department

**7.I. INTERIM CITY ATTORNEY LEGAL SERVICES FROM CONRAD & SCHERER LLP**

**Body: Recommended Action:**

**Recommendation:** Motion to accept or deny proposal for City Attorney Legal Services from Conrad & Scherer, LLP 633 S. Federal Highway, Ft. Lauderdale, Fl.

**Sponsors:** City Manager Department

**Attachments:** [Legal Services Agreement](#)

Mr. Cooper presented this item.

Ms. Rustin spoke regarding the projects that the City Attorney's office is currently working on. Mr. Cooper spoke regarding the need for an experienced City Attorney and deadlines for outstanding issues.

Discussion ensued regarding Deputy Vice Mayor Jarjura's involvement with Conrad & Scherer LLP in response to a document presented into record by Commissioner Katz.

The City Commission discussed the use of outside counsel and the length of time counsel would be needed.

Mayor Glickstein asked that Ms. Rustin look for other alternatives regarding attorneys; for the next City Commission Meeting.

Commissioner Katz made a motion that this item be deferred to the next meeting. It was seconded by Commissioner Petrolia. The motion carried by the following vote:

**Yes:** Commissioner Petrolia, Vice Mayor Jacquet, Commissioner Katz, Mayor Glickstein

**Recused:** Deputy Vice Mayor Jarjura

**7.J. NOMINATIONS FOR APPOINTMENT TO THE PARKING MANAGEMENT ADVISORY BOARD**

**Body: Recommended Action:**

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

**Sponsors:** City Clerk Department

**Attachments:** [Parking Management Advisory Board Member List](#)  
[Parking Management Advisory Board Attendance List](#)

Commissioner Katz appointed Bruce Gimmy. It was seconded by Commissioner Petrolia. The motion carried the following vote:

**Yes:** 4 - Mayor Glickstein, Commissioner Petrolia, Commissioner Katz, Deputy Vice Mayor Jarjura

Deputy Vice Mayor Jarjura nominated Fran Marincola. It was seconded by Commissioner Petrolia. The motion carried the following vote:

**Yes:** Commissioner Petrolia, Commissioner Katz, Deputy Vice Mayor Jarjura, Mayor Glickstein

**7.K. NOMINATIONS FOR APPOINTMENT TO THE GREEN IMPLEMENTATION ADVANCEMENT BOARD**

**Body: Recommended Action:**

**Recommendation:** Recommend nominations for appointment for three (3) regular members to serve on the Green Implementation Advancement Board for two (2) year terms ending July 31, 2018.

**Sponsors:** City Clerk Department

**Attachments:** [Exhibit A](#)

[Green Implementation Advancement Board Member List](#)

[Green Implementation Advancement Board Attendance List](#)

Mayor Glickstein nominated Bruce Bastian. It was seconded by Commissioner Petrolia. The motion carried the following vote:

**Yes:** 4 - Commissioner Katz, Deputy Vice Mayor Jarjura, Mayor Glickstein, Commissioner Petrolia

Commissioner Petrolia nominated Robert Long. It was seconded by Deputy Vice Mayor Jarjura. The motion carried the following vote:

**Yes:** 4 - Commissioner Katz, Deputy Vice Mayor Jarjura, Mayor Glickstein, Commissioner Petrolia

**7.L. NOMINATION FOR APPOINTMENT TO THE DOWNTOWN DEVELOPMENT AUTHORITY BOARD.**

**Body:** **Recommended Action:**

**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 nominated Peter Arts. It was seconded by Commissioner Petrolia. The motion carried the following vote:

**Yes:** 4 - Deputy Vice Mayor Jarjura, Mayor Glickstein, Commissioner Petrolia, Commissioner Katz

**7.M. RECOMMENDATION FOR APPOINTMENT TO THE DELRAY BEACH HOUSING AUTHORITY BOARD**

**Body:** **Recommended Action:**

**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 nominated Morris Weinman. It was seconded by Deputy Vice Mayor Jarjura. The motion carried the following vote:

**Yes:** 4 - Mayor Glickstein, Commissioner Petrolia, Commissioner Katz, Deputy Vice Mayor Jarjura

## 8. PUBLIC HEARINGS:

**8.A.** 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)

**Body:** **Recommended Action:**

**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 \(Original\)](#)

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

Mr. Tim Stillings presented this item.

Mr. Bradley Miller presented on behalf of the applicant.

There were no public comments.

Mayor Glickstein asked if this is a code anomaly or were there reasons to create this regarding self storage.

Mr. Stillings discussed self storage facilities and the parking.

Discussion continued regarding the warehouse and self storage parking.

Commissioner Petrolia commented regarding self storage and stated the Commission is not really being given an opportunity to understand this.

Commissioner Katz stated he has concerns about changing the district so drastically.

Mayor Glickstein asked the applicant why is this being done as opposed to some other permitted use.

Commissioner Katz stated he will not be supporting this at this time.

Commissioner Petrolia stated she will not support this at this time and stated she would like to see what is going on in this area.

Deputy Vice Mayor Jarjura discussed light industrial and impacts.

It was consensus of the City Commission to postpone this item to August 16, 2016.

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

**Yes:** 5 - Mayor Glickstein, Petrolia, Vice-Mayor Jacquet, Jarjura, and Katz

## **9. FIRST READINGS:**

## **10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:**

Rainberry Woods moved to next meeting.

### **10.A. City Manager**

#### **10.A.1. CITY MANAGER'S REPORT**

**Body: Recommended Action:**

**Recommendation:**

1. RFP For City Attorney Services
2. Street Lights in Rain Berry Woods

**Sponsors:** City Manager Department

**Attachments:** [06272016 - City Manager's Report \(3\)](#)

Mr. Cooper presented the item regarding the RFP for City Attorney services and asked for the City Commission to provide detailed input for what the RFP should look like.

Deputy Vice Mayor Jarjura spoke regarding the RFP. She recommended September 9, 2016 as the due date and commented where she would like to see this advertised. She asked the City Manager to review the list of where Ms. Narloch had advertised for the position and use that list. She discussed the experience requirement.

The City Commission provided consensus regarding certain items for the RFP.

Mr. Cooper stated this RFP will be provided separately from the agenda packet due to the deadline.

#### **10.B. City Attorney**

#### **10.C. City Commission**

Jarjura-Replacement for Seat #2  
Special Events policy

Katz-thanked the DBMC and city staff regarding July 4th event and stated it was flawless.

Stated the City Commission needs closure regarding special events. Stated the city could do a better job of providing information to the public and using social media proactively.

Petrolia-spoke regarding social media and stated last week's situation was unfortunate. Spoke regarding special events.

Mayor Glickstein commended the OSS staff and their team regarding the season opening guide.

Ask where we are with reconstituting the Police and Fire Board; stated he received an application.

Commended staff for a great job on the management letter

Letter from Senator Elizabeth Warren to the U.S. Government

Accountability Office (GAO) regarding sober homes

Special events-spoke regarding the appeal and asked how the city will



treat Old School Square

Discussion ensued regarding special events and Commission stated this has not been effectively communicated to the public.



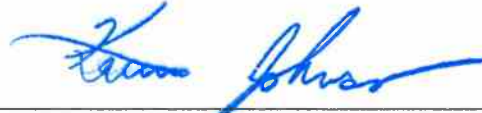
City Clerk

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 Regular Meeting of the City Commission held on May 5, 2021, which Minutes were formally approved and adopted by the City Commission on May 5, 2021.



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.