

City of Delray Beach

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Minutes - Draft

Tuesday, November 17, 2015

6:00 PM

Delray Beach City Hall

City Commission

Mayor Cary Glickstein
Vice-Mayor Shelly Petrolia
Deputy Vice Mayor Al Jacquet
Commissioner Jordana Jarjura
Commissioner Mitchell Katz

1. ROLL CALL

Present: 5 - Mayor Cary Glickstein, Vice-Mayor Shelly Petrolia, Deputy Vice Mayor Al Jacquet, Commissioner Jordana Jarjura, and Commissioner Mitchell Katz

Also Present: Donald B. Cooper, City Manager, Noel Pfeffer, City Attorney, and Chevelle D. Nubin, City Clerk.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was stated.

There was a Moment of Silence for Paris, France.

3. APPROVAL OF MINUTES:

A motion was made by Vice-Mayor Petrolia, seconded by Commissioner Katz, that the minutes be approved. The motion carried by the following vote:

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

3.A. [15-275](#) MOTION TO APPROVE MINUTES

4. PRESENTATIONS:

4.A. [15-184](#) SPOTLIGHT ON EDUCATION - CARVER MIDDLE SCHOOL

Ms. Kiwana Prophete, Principal of Carver Middle School, spoke regarding a partnership with Atlantic Community High School (ACHS) and conducted a PowerPoint presentation on the science project collaboration regarding sugar and its affects on the body. She discussed the Leonard Miller award she was nominated and is one of the finalists for and stated the discipline rates at Carver Middle School have dropped by 70%.

4.B. [15-163](#) RESOLUTION NO. 70-15 RECOGNIZING AND COMMENDING REGGIE DOBARD, SR. FOR 50 YEARS OF SERVICE

4.C. [15-272](#) WEST ATLANTIC REDEVELOPMENT COALITION (WARC) PRESENTATION - UPDATE ON COMMUNITY BENEFITS AGREEMENT (CBA)

Mr. Charles Ridley, West Atlantic Redevelopment Coalition (WARC) Vice Chair, presented this item and conducted a PowerPoint presentation. He discussed the West Atlantic Community Benefits Agreement (CBA). He referenced the Community Redevelopment Agency's (CRA) RFP and highlighted the community services aspect, workforce housing, small

business initiatives and discussed the bottom line and next steps.

Mayor Glickstein clarified that the CBA was the first in the state and feels it is a great template to improve upon. He asked if there is some non-performance.

Commissioner Jarjura asked if an annual report has been provided.

Mr. Ridley stated the report will be provided and stated they meet monthly.

Commissioner Jarjura spoke regarding the developer and asked about performance. She discussed the requirements and intent of the CBA. She stated she is hearing the developers are not complying per the agreement.

Mayor Glickstein stated he would like to receive a report and asked if they would send it to the City Manager, City Attorney and the City Commission.

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

Mr. Cooper responded to the previous comments made by Mr. Knight, Ms. Finst, Mr. Hutchinson and Mr. Grau at the last meeting. He stated the Community Land Trust is being examined by staff and tree trimming issues are being addressed.

Public Comment:

1. Alice Finst spoke regarding the Beach Area Master Plan item and mentioned a bench she paid for years ago on the beach and stated it was there for a specific reason.

2. Sven Mavtnor (sp) spoke regarding the surf festival held last weekend. He thanked all of the city staff involved and Mayor Glickstein. He stated through small donations they received over \$6,000 to be utilized to assist with getting persons down to the beach. Mayor Glickstein gave comments.

3. Choli Aronson, on behalf of Currie Sowards Aguila Architects, read a letter into record from Equity's President regarding the Community Benefits Agreement.

4. Kenneth Gray spoke regarding speed bumps on SW 9th Street. He stated there is speeding on that street and spoke regarding SW 4th and SW 10th Avenues: persons maneuver from these streets to come through the neighborhood. He asked the City Commission to help before any casualties happen.

Mayor Glickstein asked if there is a sense of what the community wants.

Deputy Vice Mayor Jacquet asked if children walk the street to school and commented about the parking also on that street. He asked that staff look into this.

Commissioner Katz referenced the speed bumps that the County put in on the opposite side of Barwick Road and stated staff may want to look into these.

5. Edward Mar spoke regarding SW 9th Street and stated there is problem with off road vehicles racing down the street and stated he has made calls to the Police Department about the speed. He referenced that the police officers ride down the street with tinted windows and he does not know who they are. He stated he feels the Police Department is doing a good job.

6. James Quillian spoke regarding the property 836 Avenue and stated he feels the city sometimes considers only a handful of things. He stated more should be put into the decision. He spoke regarding the medical use facilities in Osceola Park. Mr. Quillian stated the city needs to consider all of the facts than just those presented. He asked Commission to reconsider the staff recommendation or table the item until all the facts are gathered.

7. Marc Julien spoke regarding Item 8.E. and asked that it be postponed.

8. Lisa Quillian spoke regarding agenda Item 7.I. and provided a handout of the Osceola Park community.

9. Ken Parker spoke regarding the beach master plan Item 8.C. and asked that it be looked at from the standpoint of the disabled. He mentioned sand chairs and mats as well as the handicapped spaces on Atlantic Avenue and asked the city to look into modified parking spaces. He mentioned handicap parking placards.

10. Ron Nobili read a statement into record regarding parking in the Marina Historic District.

11. Sylvia Valdez, property owner next door to the property owned by Marc Julien homes, referenced the Magistrate's report (Item 8.E.). She urged Commission to not go back on their previous vote.

12. Peter Humanik spoke regarding the Fire Rescue issue at the last meeting.

13. Alan Zeller, President of the Marina Historic District, stated they

survived the high tide and discussed the parking permit program and stated it is working very successfully in the marina historic district.

6. AGENDA APPROVAL

Commissioner Katz stated he would like to pull Item 7.I.4. This Item became Item 8.A.A.

Commissioner Jarjura requested that Item 8.B.3. and Item 8.B.9 be moved. Item 8.B.3. became Item 8.B.B.

The City Manager recommended that Item 8.B.9. be heard in conjunction with Item 8.C.

Item 7.A. became Item 8.C.C.

A motion was made by Commissioner Jarjura, seconded by Vice-Mayor Petrolia, that the Agenda be approved as amended. The motion carried by the following vote:

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

7. CONSENT AGENDA: City Manager Recommends Approval

A motion was made by Commissioner Jarjura, seconded by Vice-Mayor Petrolia, that the Consent Agenda be approved as amended. The motion carried by the following vote:

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

7.A. [15-159](#)

ACCEPT TWO (2) FEET ALLEY RIGHT-OF-WAY DEED FOR THE METROPOLITAN OFF-SITE PARKING LOT

Vice Mayor Petrolia asked about an update regarding the trees on that property.

Mr. Tim Stillings, Planning and Zoning Director, stated some of the trees are being saved but he will have to check into this and bring it back to Commission.

Commissioner Jarjura mentioned tree relocation and tree preservation.

Mr. Cooper, City Manager, stated the city has received a very extensive memo from Mr. Jim Chard that staff is reviewing and this will be brought to the City Commission at a later date. Mr. Cooper commended Mr. Chard for his work.

Mayor Glickstein asked why Ordinance No. 22-15 was pulled. Mr. Stillings

stated staff needed more time to make changes to the Ordinance.

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

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

- 7.B.** [15-155](#) CONTRACT CLOSEOUT/ CHANGE ORDER NO. 1 FINAL/ADVANCED ROOFING, INC./ POMPEY PARK REROOF PROJECT

This Request was approved.

- 7.C.** [15-189](#) Request From Caffé Luna Rosa To Amend Section 6 Of Its Parking License Agreement Extended Stay Fee

This Request was approved.

- 7.D.** [15-268](#) REQUEST FOR SUBORDINATION OF THIRD MORTGAGE FOR 1023 MANGO DRIVE

This Request was approved.

- 7.E.** [15-182](#) MEMORANDUM OF UNDERSTANDING BETWEEN THE DELRAY BEACH POLICE DEPARTMENT AND THE UNITED STATES SECRET SERVICE:

This Request was approved.

- 7.F.** [15-241](#) REQUEST TO SUBMIT 2016 EMS GRANT APPLICATION THROUGH PALM BEACH COUNTY FOR FIRE-RESCUE

This Request was approved.

- 7.G.** [15-279](#) RESOLUTION NO. 74-15

This Resolution was approved.

7.H. PROCLAMATIONS:

- 7.H.1. [15-265](#) CHILDHOOD CANCER AWARENESS WEEK - NOVEMBER 23-29, 2015

This Proclamation was approved.

- 7.I. [15-232](#) REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS FOR THE PERIOD OCTOBER 19, 2015 THROUGH OCTOBER 30, 2015

City Commission discussion ensued regarding the appealables.

A motion was made by Commissioner Katz, seconded by Commissioner Jarjura, that Item 7.I.4. be appealed to the next meeting. The motion carried by the following vote:

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

7.J. AWARD OF BIDS AND CONTRACTS:

- 7.J.1. [15-195](#) BID AWARD: PRINTING SERVICES/BROWN BROTHERS CONSULTING INC.

This Purchasing Item was approved.

- 7.J.2. [15-196](#) AWARD/AUTO BODY REPAIR/MULTIPLE VENDORS

This Purchasing Item was approved.

8. REGULAR AGENDA:

- 8.A. [15-158](#) TEMPORARY USE PERMIT AND WAIVER REQUEST FOR A STORAGE CONTAINER (*QUASI-JUDICIAL HEARING*)

Mayor Glickstein read the City of Delray Beach Quasi-Judicial rules into the record for this item.

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

Mayor Glickstein asked the Commission Members to disclose their ex parte communications. All members of the Commission stated they had no

ex parte communications to disclose. However, Commissioner Katz stated he drove by the site.

Tim Stillings, Planning and Zoning Director, entered project file #2015-262-WAI-CCA into the record and presented this item.

The applicant spoke regarding the trailer that is being requested in the back and stated he has been working with the Planning and Zoning Department and requested to get a temporary trailer until January.

Mayor Glickstein asked if anyone from the public would like to speak in favor or in opposition of Item 8.A. to come forward at this time.

Public Comment:

1. Christina Morrison stated this is for planned commercial and does not set the right tone for retail development. She spoke regarding the vacancies on the corners. She asked the City Commission to deny this.

There being no one else from the public who wished to address the Commission regarding Item 8.A., the public comment was closed.

There was no cross-examination or rebuttal from City Staff or the applicant.

Commissioner Katz asked about the trailer and stated the trailer has been there for three years.

The applicant provided background information regarding his initial permit request.

Vice Mayor Petrolia asked the applicant if he is requesting this trailer temporarily just through the holidays.

The applicant stated only one trailer is his.

Commissioner Jarjura stated she will not be supporting this and reiterated that the trailer has been there for three years.

Deputy Vice Mayor Jacquet asked how will the city make sure this is cleared by January 31, 2016 and asked Mr. Coleman how will this be handled by code.

Mr. Michael Coleman, Community Improvement Director, stated the city will have to levy fines.

Deputy Vice Mayor Jacquet discussed his concerns.

Vice Mayor Petrolia asked if the fire truck can now get around the property and stated she is hesitant in supporting this. However, she is willing to support it until January 31, 2016.

Mayor Glickstein stated he will support this as long as the fines are accruing now and it is gone by February 1, 2016

The City Attorney reviewed the board order with the City Commission.

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

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

No: 1 - Commissioner Jarjura

8.B. [15-271](#)

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)

A motion was made by Commissioner Jarjura, seconded by Vice-Mayor Petrolia, that all items under Routine Business be approved; with the exception of Item 8.B.9 which is being heard in conjunction with Item 8.C. The motion carried by the following vote:

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

8.B.1. [15-120](#)

SERVICE AUTHORIZATION NO. 12-11 WITH WANTMAN GROUP, INC. FOR THE NW/SW NEIGHBORHOOD ALLEYS

This Request was approved.

8.B.2. [15-125](#)

SERVICE AUTHORIZATION NO. 12-17 WITH MATHEWS CONSULTING, INC.; DELRAY SHORES WATER MAIN PHASE 3

This Request was approved.

8.B.3. [15-130](#)

SERVICE AUTHORIZATION NO. 12-01 TO WALTERS ZACKRIA ASSOCIATES, PLLC. FOR PROFESSIONAL ARCHITECTURAL SERVICES IN UPDATING THE PARKS AND RECREATION MASTER PLAN

Randal Krejcarek, Environmental Services Director, presented this item and stated the beach is not a part of this service authorization. It is being handled separately from the Master Plan Update.

Commissioner Jarjura stated she wanted to make sure that this is just phase one and commented regarding a standard plan. She also discussed park acquisition development.

This Request was approved.

8.B.4. [15-143](#)

APPROVAL OF THIRD AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE CRA TO PROVIDE FUNDING FOR THE IRRIGATION AND MAINTENANCE OF LANDSCAPING ASSOCIATED WITH CERTAIN STREETSCAPE BEAUTIFICATION PROJECTS

This Request was approved.

8.B.5. [15-187](#)

RESOLUTION NO. 72-15 LOCAL AGENCY PROGRAM (LAP) SUPPLEMENTAL AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR THE FEDERAL HIGHWAY BEAUTIFICATION PROJECT

This Resolution was approved.

8.B.6. [15-138](#)

INTERLOCAL AGREEMENT/BIOLOGY PROCESSING LABORATORY/ CITY OF BOCA RATON/ CITY OF BOYNTON BEACH AND CITY OF DELRAY BEACH

This Contract was approved.

8.B.7. [15-135](#)

Contract Renewal/Bid Award/Air Conditioning Service/Atlantic Refrigeration

Recommend Action:

This Purchasing Item was approved.

8.B.8. [15-139](#)

RENEWAL/COOPERATIVE BID/ QUICKLIME/LHOIST NORTH AMERICA

This Purchasing Item was approved.

8.B.9. [15-194](#)

BID AWARD NO. 2016-007 TO ARZ BUILDERS, INC. FOR NORTH AND SOUTH OCEAN BOULEVARD GAZEBO RENOVATIONS

A motion was made by Commissioner Katz, seconded by Commissioner Jarjura, that all of the bids be rejected. The motion carried by the following vote:

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

8.B.10. [15-197](#)

PROPOSAL FOR SETTLEMENT: ROSA GIESMAN AND MICHAEL GIESMAN V. CITY OF DELRAY BEACH

This Request was approved.

8.B.11. [15-266](#)

OFFER OF SETTLEMENT IN PETER NELSON v. CITY OF DELRAY BEACH

This Contract was approved.

8.C. [15-225](#)

ACCEPTANCE OF THE CONCEPTUAL DESIGN FOR THE BEACH MASTER PLAN IMPROVEMENTS

Item 8.B.9 is being heard in conjunction with this item.

Mr. Cooper provided his preliminary comments. He discussed design build and possibly going to standard design and the bid. He stated a more prudent course of action is to withdraw the design build bid.

Mayor Glickstein provided clarification.

Mr. Bob Currie, Currie Sowards Aguila Architects, introduced this item and introduced Rebecca from his office who reviewed slides for Commission. She referenced a linear park and site plans.

Mr. Bob Currie referenced the site plans and stated there are total numbers for each one of the plans and discussed the budget and contingency. He stated it involves 75,000 square feet of brick pavers, sandblasting of a 9 foot concrete walkway, new showers and a new drainage system. The concrete wall will remain but it will be fixed. The sprinkler system will be redone. Mr. Currie discussed the benches and small tides.

Rebecca mentioned points where people will be able to meet with one another and interact (meeting points and wayfinder moments).

Commissioner Jarjura stated she has a lot of comments and will follow up with an email tomorrow. She mentioned the character of the beach and stated it is more of a natural environment beach. She referenced projects on Federal Highway. She stated we are too small of a city to have so many inconsistencies and discussed what she would like to see and obstructions. Commissioner Jarjura mentioned a consolidated signage plan and building colors.

Commissioner Katz stated he agrees with Commissioner Jarjura's point about the natural look of the beach and stated he disagrees about the streamlining. He stated everything does not have to all look the same. He mentioned different neighborhoods and projects. He stated there has to be recycling and enough garbage cans. He discussed the signage for the north and south ends of the beach. Commissioner Katz stated he does not want the approvals of the project being held up over those signs. He stated overall this is a long time coming and he appreciates all of the work that has been done. He asked about the plans being placed in the library for the public to view.

Vice Mayor Petrolia stated this is a really big change and referenced the natural look of the beach. She spoke regarding the trees and seagrasses being a natural protection and would like to see as much of the natural element retained. She stated there is a large loss of green space on the south end and she is concerned about all of the shade trees towards the north end and asked how many will come down.

Mr. Currie stated there are no trees coming down.

Vice Mayor Petrolia stated she does not like the signs and feels it will look cluttered. She stated she likes the curbing and benches. She does not like the bike features. She stated she supports regular bike racks and bike sharing. She commented regarding Mrs. Finst's comments. She stated the city needs to move forward with the right plan and commented regarding the fencing. Vice Mayor Petrolia reiterated that this is a bit too modern for a beach that wants to embrace the natural look of the beach.

Deputy Vice Mayor Jacquet stated Rebecca did a great job presenting and thanked Scott Porten for reaching out to him. He stated this is beautiful and he enjoyed the plan for the people interaction spots. He asked about discussions pertaining to a winding sidewalks.

Rebecca stated the sidewalk will be redone and does wind.

Deputy Vice Mayor Jacquet discussed the sale of benches and stated it could get tacky. He mentioned safe crosswalks and what is being done to facilitate pedestrian crossing. He referenced bike sharing and stated that would be great. He commented regarding signs and stated the city has to find a balance with signs. He stated something different can be done for the picket fence and commented about the shade trees.

Commissioner Katz spoke regarding the plaques and asked if the Beach Property Owners Association (BPOA) has thought about a brick program to sell bricks which could potentially raise monies toward the project.

Deputy Vice Mayor Jacquet stated comments were made about the city being in the beginning stages and making sure the public knows what is going on. He stated maybe the Public Art Advisory Board can participate in this process and the new project.

Mayor Glickstein stated this project has been incubating for years. He stated the public input is good. However, this is a sidewalk project and stated it needs to move forward. He stated with the plans as presented everything would look contrived but mentioned the sidewalks and stated they are great. Mayor Glickstein stated he supports moving the plaques to a different area in a classy manner. He discussed the different types of benches and plaques. He stated it should be done in a more tasteful and uniform way. He referenced the shower walls and asked if there is any thought to having a mounting bench versus the wall. He feels barriers have been created. Mayor Glickstein also referenced drainage regarding the collection of water. He stated it is an artificial barrier that gets into the contrived look. He spoke about the dune being exposed and asked if something natural can be done. He referenced demarcation in maintenance in terms of the fence.

Commissioner Jarjura referenced some of the costs of the project and mentioned the snow fence. She spoke about the landscaping and foliage and stated it does not look like the natural environment.

Vice Mayor Petrolia referenced the renovation of the bathroom.

Commissioner Katz mentioned the Gateway Feature and stated the stainless steel polls were replicas of the old snow fence. He stated he likes the fence.

Deputy Vice Mayor Jacquet stated this is a beautiful project.

Mr. Bob Currie stated what Commission expressed is what they have heard and stated they tried to incorporate as much as they could even from public input. He discussed the fence and stated they tried to come up with something to demarcate the natural environment and the park. He discussed other drawings and concrete that needs to be replaced. He discussed the meters and stated the signs can be removed. He reiterated that every tree will be saved and trees will be added on the north end past the benches. He stated in the south end people want to see the ocean.

Discussion continued between the City Commission and Mr. Currie.

Deputy Vice Jacquet asked Mr. Scott Porten what was the community feedback he received.

Mr. Porten stated they had numerous charettes and they thought this is what the plan captured. He referenced the walls and showers and stated they are only three feet tall. He stated the walls behind the meters are existing walls. Mr. Porten stated they are trying to keep the project within the three million dollar budget for the project.

Commissioner Jarjura reiterated the purpose of tonight's meeting as far as the Commission providing feedback regarding the concept.

Mayor Glickstein stated it is the embellishments that they want to get right. He asked if this will come back to the Commission before the RFP.

Mr. Cooper stated all of the Commission comments will be taken into consideration.

Clarification was provided regarding what Commission would like to see.

Rob Baron, a coastal dune contractor who planted everything on the east of the fence over the past thirty years and is in the process of developing a dune management plan, spoke regarding the project and discussed the recommendations he is working on and commented regarding the sand fence.

The City Manager stated he wanted to get what elements the Commission wanted in the concept. He asked if the city goes forward with the gazebos.

Randal Krejcarek spoke regarding the gazebos.

The Commission stated it should all be done at once.

Commissioner Jarjura asked about the parking meters and stated all of the elements need to move together.

8.D. [15-267](#)

RATIFICATION OF COLLECTIVE BARGAINING AGREEMENT;
PROFESSIONAL FIRE FIGHTERS/PARAMEDICS OF PALM
BEACH COUNTY, LOCAL 2928, INTERNATIONAL ASSOCIATION OF
FIRE FIGHTERS (IAFF), INC.

Ms. Tennille DeCoste, Human Resources Director, presented this item and discussed how the members voted. She discussed the target pay date which will occur December 4, 2015 or before Christmas. She also highlighted other aspects of the agreement. She asked the City Commission to approve this item.

Commissioner Katz thanked Ms. DeCoste for all she has done in a short amount of time.

Commissioner Jarjura thanked staff and the fire union for getting this completed. She discussed what had previously occurred regarding compression and staff morale. She also mentioned pension reform. She stated she appreciates the city manager, city attorney and finance director involvement in this issue. Commissioner Jarjura stated she is happy we are moving forward.

Vice Mayor Petrolia asked about the vote and asked where were the eighteen (18) votes that said no.

Chuck Lupo, Local Firefighters, stated some of the seasoned veterans are somewhat disheartened about where things are going. He thanked the city attorney, city manager and Ms. DeCoste.

Vice Mayor Petrolia spoke of retention and pension issues. She stated she is concerned about the top heaviness overall and about whether there will be issues with attracting and retaining persons.

Mr. Lupo spoke regarding retention and benefits. He stated Chief Danielle Connor was outstanding through this process as well.

Vice Mayor Jacquet thanked staff for their hard work on this.

Mayor Glickstein stated he really appreciates our city attorney and outside counsel's work on this process and thanked Ms. DeCoste and staff. He stated we always seems so late to the process and stated that it shows how poorly we have done in the past with this. Mayor Glickstein thanked Commissioner Katz on this as well regarding the agreement. He thanked staff for thinking outside of the box.

The City Attorney stated he is working on the agreement regarding 185

with the Police Benevolent Association.

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

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

8.E. [15-269](#)

CONSIDERATION OF FINAL SPECIAL MAGISTRATE REPORT IN MJH BC, LLC V. CITY OF DELRAY BEACH, IN RE. 528 N.W. 1ST AVENUE

Mr. Pfeffer, City Attorney, discussed the requests received for the deferral of this item. He reiterated the applicant and the applicant's requested a deferral. The City Attorney stated this is not quasi-judicial or a public hearing.

Commissioner Katz stated he put alot of preparation into this and is ready to move forward on this.

Commissioner Jarjura stated she has a concern about the residents who would have come tonight however did not because the item was requested to be deferred.

Deputy Vice Mayor Jacquet stated he concurs with Commissioner Jarjura regarding the item.

Vice Mayor Petrolia stated she is ready to go forward.

Mr. Tim Stillings presented this item and conducted a PowerPoint presentation.

Commissioner Jarjura stated she met with Mr. Stillings earlier today but did not bring up the square footage at that time. She inquired about the minimum square footage i.e. the 1,500 square feet. She asked regarding an alternative what would the Commission have to approve in terms of square footage.

Commissioner Katz stated he met with Mr. Stillings earlier and went out to visit the site. He spoke regarding the setback from the lot and referenced a lot of record. He stated Commission has to look at that minimum. He stated he is open to accepting this with modifications; just to scale it back a little more. He asked the City Attorney what was shown to the Special Magistrate.

The City Attorney reiterated what the special magistrate stated and what the Commission's options were. He reiterated this is a non binding procedure and the City Commission can operate within the framework of the special magistrate report.

Mr. Stillings stated Mr. Weiner stated his client would be willing to operate within the one story.

Vice Mayor Petrolia discussed the property, square footage and the house. She stated at this stage this is a non-buildable lot. She stated she would like to see something less obtrusive and bringing it in and down would be acceptable.

Deputy Vice Mayor Jacquet asked what is the minimum square footage for the area. He commented regarding the lot size and building structure. He referenced the special magistrate report. He stated out of the five options he feels Mr. Stillings pointed out the best two options (Alternative B and Alternative C). He mentioned modifications.

Commissioner Jarjura stated it was established by this Commission that this lot does not meet the criteria for being a buildable lot. It does not meet the minimum requirements. She stated she would like to encourage 1,500 to 2,000 square feet and discussed other elements that could be viewed as respectful of the neighbors.

Commissioner Katz stated he wants to go with the absolute minimum that can be built with square footage and garage.

Mayor Glickstein stated he will support going with the minimum.

Vice Mayor Petrolia stated the City Commission should let the developer design his home however he wants within the 1,500 square feet.

Commissioner Jarjura stated she is fine with the 1,500 square feet but the City Commission should not dictate whether the garage is attached or detached.

Mayor Glickstein stated it could be 1,500 square feet with no detached garage as an alternate option.

A motion was made by Commissioner Katz, seconded by Vice-Mayor Petrolia, that an alternate option of code minimum for a house, no detached garage be approved. The motion carried by the following vote:

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

8.F. [15-277](#) RESOLUTION NO. 75-15 - EXTENDING AN INVITATION TO PESARO, ITALY TO BECOME A SISTER CITY

Commissioner Jarjura stated she would like an update regarding a sister city in Haiti.

Mr. David Schmidt presented this item and stated Pesaro, Italy approached them in regards to being a Sister City.

He provided an update on a sister city in Haiti. He spoke regarding Aquin and stated they received a presentation last month at their Sister Cities meeting. He referenced a trip that some members will attend and the members will visit Boynton Beach's sister city while on the trip.

Commissioner Jacquet stated he will attend the trip in February. He thanked Mr. Schmidt for his work on this regarding the procedures and what has been done.

A motion was made by Commissioner Jarjura, seconded by Vice-Mayor Petrolia, Resolution No. 75-15 be approved. The motion carried by the following vote:

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

9. PUBLIC HEARINGS:

9.A. [15-260](#) ORDINANCE NO. 22-15 (SECOND READING): **(STAFF HAS REQUESTED THAT THIS ITEM BE MOVED TO THE DECEMBER 8, 2015 REGULAR MEETING)**

9.B. [15-261](#) ORDINANCE NO. 29-15 (SECOND READING)

The City Attorney read the caption of the ordinance. A public hearing was held having been legally advertised in compliance with the laws of the State of Florida and the Charter of the City of Delray Beach, Florida.

Mr. Pfeffer presented this item.

Mayor Glickstein declared the public hearing open.

There being no one from the public who wished to address the Commission regarding Ordinance No. 29-15, the public hearing was closed.

Deputy Vice Mayor Jacquet asked how will this be monitored and is there any double dipping.

Mr. Pfeffer discussed compliance with this ordinance.

A motion was made by Vice-Mayor Petrolia, seconded by Commissioner Jarjura, that Ordinance No. 29-15 be approved on second and final reading. The motion carried by the following vote:

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

9.C. [15-262](#)

ORDINANCE NO. 30-15 (SECOND READING)

The City Attorney read the caption of the ordinance. A public hearing was held having been legally advertised in compliance with the laws of the State of Florida and the Charter of the City of Delray Beach, Florida.

Mr. Pfeffer stated it is the identical form of ordinance but it is for employees in the general employee units.

Mayor Glickstein declared the public hearing open.

There being no one from the public who wished to address the Commission regarding Ordinance No. 30-15, the public hearing was closed.

A motion was made by Deputy Vice Mayor Jacquet, seconded by Vice-Mayor Petrolia, that Ordinance No. 30-15 be approved on second and final reading. The motion carried by the following vote:

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

9.D. [15-263](#)

ORDINANCE NO. 31-15 (SECOND READING)

The City Attorney read the caption of the ordinance. A public hearing was held having been legally advertised in compliance with the laws of the State of Florida and the Charter of the City of Delray Beach, Florida.

Mr. Pfeffer presented this item.

Mayor Glickstein declared the public hearing open.

Public Comment:

1. Christina Morrison spoke regarding the ordinance and asked that if the City Commission were to hire an auditor that the auditor report directly to the City Commission and provide their reports to the City Commission.

There being no one else from the public who wished to address the

Commission regarding Ordinance No. 31-15, the public hearing was closed.

Commissioner Jarjura asked for clarification regarding the Internal Auditor position.

The City Attorney stated that the Internal Auditor will report to the City Commission.

A motion was made by Vice-Mayor Petrolia, seconded by Commissioner Jarjura, that Ordinance No. 31-15 be approved as amended on second and final reading. The motion carried by the following vote:

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

9.E. [15-264](#)

ORDINANCE NO. 32-15 (SECOND READING)

The City Attorney read the caption of the ordinance. A public hearing was held having been legally advertised in compliance with the laws of the State of Florida and the Charter of the City of Delray Beach, Florida.

Mr. Pfeffer presented this item and stated he will give a presentation on this ordinance on December 8, 2015 in Belle Glade, Florida.

Mayor Glickstein declared the public hearing open. There being no one from the public who wished to address the Commission regarding Ordinance No. 32-15, the public hearing was closed.

Commissioner Jarjura inquired at to what steps the city is taking in terms of educating the voters and explaining what this ordinance entails prior to the referendum.

The City Manager stated a fact sheet will be prepared and the speakers bureau will be utilized as well. He also stated a short summary will be provided to the Legislature and the Governor's office.

Mr. Jacquet spoke regarding the referendum questions and suggested that the white paper should contain the pros and the cons.

A motion was made by Commissioner Katz, seconded by Commissioner Jarjura, that Ordinance No. 32-15 be approved on second and final reading. The motion carried by the following vote:

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

10. FIRST READINGS:**10.A. [15-148](#)**

ORDINANCE NO. 33-15: POLICE ADVISORY BOARDS (FIRST READING)

The City Attorney read the caption of this ordinance.

Police Chief Jeffrey Goldman presented this item highlighting the changes of the ordinance.

Commissioner Jarjura stated this is what the City Commission expressed.

A motion was made by Vice-Mayor Petrolia, seconded by Commissioner Jarjura, that Ordinance No. 33-15 be approved on first reading. The motion carried by the following vote:

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

11. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:**A. City Manager**

The City Manager stated he has selected John Morgan as the new Environmental Services Director and that completes the filling of all senior management positions at this point in time and the staff is still working on filling the secondary positions. He also read information regarding the designation of brownfield areas into the record and stated this is required by Florida Statutes. He stated the public hearings will occur on December 1, 2015 and December 8, 2015.

11.A.1 [15-276](#)

NEXT STEPS FOR THE FIRE DEPARTMENT

Mr. Cooper stated he provided the next steps for the Fire Rescue Department to the City Commission.

11.A.2 [15-286](#)

RESPONSES TO THE PUBLIC TO BE HEARD NOVEMBER 17, 2015

B. City Attorney

City Attorney discussed the Auburn Trace Bankruptcy and referenced previous shade meetings. He provided an update to Commission regarding the property.

Commissioner Jarjura commented on recouping all of the city's costs. She

gave kudos to the Mayor and stated this is huge for the city. She stated he and Mr. Furr earned their pay on this.

Mayor Glickstein commented regarding this type of process and stated the city is probably ahead of where we would have been and congratulated Mr. Pfeffer and Mr. Furr for leading the city through this. He also congratulated the City Commission and stated this is a great result. He referenced the personal attacks that came during this process and stated he appreciates that everyone kept their cool and focused on the target.

Vice Mayor Petrolia discussed grant money and stated everyone did a good job.

Commissioner Katz stated he met with the City Attorney earlier. He commended the Mayor for his work on this. He thanked Mr. Pfeffer and the Mayor.

C. City Commission

Commissioner Katz invited the public to his upcoming meet and greet that will be held on Saturday, November 21, 2015, at the Delray Beach Golf Club. He spoke regarding the puppy mill ordinance and stated he has spoken to the City Attorney regarding this. He referenced the Deerfield Beach Ordinance. There was consensus for the City Attorney to obtain Deerfield Beach's ordinance. Lastly, Commissioner Katz commented regarding Atlantic Community High School's football game against Boca Raton.

Commissioner Jarjura asked for an update regarding the workforce housing task force and asked for a task force on the restoration of historic structures. She asked that sites be identified where there can be non-motorized equipment rentals. She asked that the city issue an RFP and identify sites and work out logistics for it. Commissioner Jarjura referenced the new construction on NW 6th and stated it looks like there are significant drainage issues. She mentioned billboards and stated they are nonconforming. She referenced the statutes regarding this and discussed the benefit to the city to enter into these agreements. She commented that there are permit fees that can be negotiated and stated this is another way to get revenue. She asked that staff to look into this. Commissioner Jarjura congratulated staff for Delray Reads and for their hard work on the Veterans' Day parade. She also thanked the City Attorney's office for finding an opportunity for speaker from Delray Reads to work here at the city (speaker who is a junior).

Vice Mayor Petrolia concurred with what was said regarding Delray Reads.

Deputy Vice Mayor Jacquet stated he concurs with bike sharing and the task forces. He stated he has reservations regarding non-motorized equipment rentals. He also spoke regarding body cameras. He stated police officers need the best and most up to date equipment and feels the city's police officers need the best protection. He stated by getting body cameras the city is protecting its officers. He asked for consensus to explore obtaining body cameras. Deputy Vice Mayor Jacquet stated this weekend he is having a turkey give-a-way simultaneously at Catherine Strong and Pompey Park on November 22, 2015 at 1:00 pm. He thanked the Police and Parks and Recreation Departments. He stated they will also give turkeys away on Monday, November 23, 2015, at the Teen Center.

Mayor Glickstein thanked staff for the work on the Veterans' Day parade and commented regarding the city attorney's microphone.

There was consensus from the Commission regarding the body cameras and the Commission concurred with Commissioner Jarjura on her requests/suggestions except non motorized equipment rentals.

Mayor Glickstein mentioned public safety and fire. He stated there is a problem regarding unfilled positions in Ocean Rescue. He discussed keeping guards on the beach longer. He mentioned fire rescue personnel who are EMT trained and could work on a part-time basis. The City Manager stated staff will work on this.

Commissioner Katz reiterated that he concurs with Commissioner Jarjura on everything except for the non motorized equipment rentals. He commented regarding Stephanie Immelman having information for bike sharing program. Commissioner Jarjura stated there should be an RFP.

Commissioner Katz stated he agrees with body cameras for the police officers.

Mayor Glickstein wished everyone a Happy Thanksgiving.

Mayor Glickstein adjourned the meeting at 10:56 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 Regular City Commission Meeting held on November 17, 2015, which Minutes were formally approved and adopted by the City Commission on _____.

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.