

City of Delray Beach

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Minutes - Draft

Tuesday, December 8, 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**3. APPROVAL OF MINUTES:**

None

4. PRESENTATIONS:**A. [15-288](#) SPOTLIGHT ON EDUCATION - VILLAGE ACADEMY**

Principal Latoya Dixon conducted a presentation regarding Village Academy and discussed the upcoming implementations. She highlighted components for a plan to move Village Academy students forward; and discussed the needs and priorities for Village Academy. She stated there is some work being done regarding rebranding. Ms. Dixon stated she appreciates all of the support that comes from the community.

B. [15-334](#) RESOLUTION NO. 70-15 RECOGNIZING AND COMMENDING REGGIE DOBARD, SR. FOR 50 YEARS OF SERVICE

Mayor Glickstein read the resolution into the record and presented the resolution to Mr. Reggie Dobard who is a 50 year employee of the City of Delray Beach.

Ms. Suzanne Fisher thanked Mr. Dobard for all of his years of service and gave commendations. His son thanked him for being a great father and thanked everyone who took time out of their schedule to come tonight and stated it is an honor to hear the great comments regarding his father, Mr. Dobard.

The City Commission gave comments regarding Mr. Dobard.

It was the consensus of the City Commission for staff to move forward with the naming of the Pompey Park Basketball Gym after Mr. Reggie Dobard, Sr.

A motion was made by Deputy Vice Mayor Jacquet, seconded by Vice-Mayor Petrolia, that Resolution No. 70-15 be adopted. The motion carried by the

following vote:

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

C. [15-340](#) **COMPREHENSIVE PLAN UPDATE**

Mr. Tim Stillings provided a comprehensive plan update via PowerPoint. He highlighted what the plan is, why it is needed, what is in the plan and what has changed since the last update.

Commissioner Jarjura commented regarding the 18 month process i.e. tree preservation code changes, bicycle pedestrian master plan, prohibited uses in the Central Business District (CBD) and the community gardens. She stated these things should be out ahead of the 18 month process.

Mayor Glickstein stated the objectives should be 18 months. He stated regarding public schools the language should change to public education and should be number one on the city's plan.

Deputy Vice Mayor Jacquet stated the wording regarding public schools should be changed.

Mayor Glickstein also referenced conservation and stated alot of work has been done in the city and the plan needs to be a framework for solutions and decisions.

Commissioner Jarjura spoke about the process changes to the Land Development Regulations (LDR) and stated this was committed to being done in six (6) months.

Mayor Glickstein informed Mr. Stillings that if he needs help he should communicate that to the City Manager and to the City Commission.

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

Mayor Glickstein introduced Francesca, Project Manager, from Pesaro, Italy who highlighted what will be done via the Sister Cities partnership with Pesaro.

Mr. Cooper responded to previous comments from the last meeting regarding the dog beach and sober homes; he provided an update on what will be done regarding both issues.

Public Comments:

1. Steve Blum stated iPic will have a monster impact on the downtown and stated he attended a "secret" meeting last Saturday that had no recording devices. He provided the City Commission with some of the things discussed at the meeting. He spoke regarding a vetted process.

2. Pauline Moody stated she has a problem with the comprehensive plan that was presented. She stated the plan should reflect the here and now and referenced the Land Development Regulations (LDR) and stated things will change in ten (10) years.

3. Ari Whiteman stated he had the pleasure and opportunity to attend the workshop held earlier and commended the Mayor and Vice Mayor regarding their comments about inclusion.

4. Stephanie Siebel, Achievement Centers, stated they have an agreement on the agenda tonight and thanked the city for the partnership.

6. AGENDA APPROVAL

Mr. Cooper requested that Item 7.B, Employee Parking Pilot Program, be pulled from the agenda and noted that the referenced amount in Item 7.D., Grant Award/FDOT/Agressive Driving Program, should read \$22,000.

There were no City Commission changes to the agenda.

A motion was made by Commissioner Katz, seconded by Deputy Vice Mayor Jacquet, 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 Vice-Mayor Petrolia, seconded by Commissioner Katz, 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

- A.** [15-310](#) CONTRACT CLOSEOUT (CHANGE ORDER NO. 1/FINAL) WITH AKA SERVICES, INC. FOR THE DELRAY Shores WATER MAIN PHASE 2 PROJECT #14-030.

This Contract was approved.

- B.** [15-294](#) EMPLOYEE PARKING PILOT PROGRAM

This Request was withdrawn.

- C. [15-280](#) LANDSCAPE MAINTENANCE AGREEMENT FOR 101 S.E. 7TH AVENUE

This Request was approved.

- D. [15-293](#) GRANT AWARD/FDOT/AGGRESSIVE DRIVING PROGRAM

This Request was approved.

- E. [15-183](#) REVOCABLE LICENSE AGREEMENT BETWEEN PALM BEACH COUNTY, COMMUNITY SERVICES AND COMMUNITY ACTION PROGRAM FOR THE CITY'S NEIGHBORHOOD RESOURCE CENTER

This Request was approved.

- F. [15-149](#) APPROVAL OF RESOLUTION 71-15 ENDORSING THE APPLICATION FOR THE DESIGNATION OF THE EAST COAST GREENWAY TRAIL

This Resolution was approved.

- G. [15-341](#) VOTE PROCESSING EQUIPMENT USE AND ELECTIONS SERVICES AGREEMENT

This Resolution was approved.

- H. [15-342](#) RESOLUTION NO. 74-15

This Resolution was approved.

I. PROCLAMATIONS:

- I.1. [15-305](#) HEALTHY WEIGHT FLORIDA CAMPAIGN

This Proclamation was approved.

- I.2. [15-346](#) CALLING FOR THE SPECIAL (REFERENDUM) ELECTION ON MARCH

15, 2016

This Proclamation was approved.

- I.3. [15-302](#) Designation of April 29, 2016 as "Arbor Day".

This Proclamation was approved.

- J. [15-329](#)

REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD
ACTIONS FOR THE PERIOD NOVEMBER 9, 2015 THROUGH
NOVEMBER 20, 2015

This Request was approved.

K. AWARD OF BIDS AND CONTRACTS:

None

8. REGULAR AGENDA:

- A. [15-338](#) 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 Vice-Mayor Petrolia, seconded by Commissioner Jarjura, that the Routine Business Items 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

- A.1. [15-133](#) BID AWARD TO CDW GOVERNMENT, LLC FOR SIXTEEN (16) TOUGHBOOK COMPUTERS (BID AWARD 2015-83)

This Purchasing Item was approved.

- A.2. [15-295](#) APPROVAL AND EXECUTION OF A PARTNERSHIP AGREEMENT BETWEEN THE CITY OF DELRAY BEACH, THE SCHOOL DISTRICT OF PALM BEACH COUNTY AND THE COMMUNITY CHILD CARE CENTER OF DELRAY BEACH, INC., D/B/A ACHIEVEMENT CENTERS FOR CHILDREN AND FAMILIES FOR FUNDING AND OPERATION OF PROGRAMS AT PINE GROVE ELEMENTARY SCHOOL AND VILLAGE ACADEMY

This Request was approved.

- A.3. [15-281](#) BID AWARD TO SEACOAST EMBROIDERY, INC., FOR POLICE

DEPARTMENT UNIFORMS (2016-020)

This Bid Award was approved.

B. [15-333](#)

RATIFICATION OF COLLECTIVE BARGAINING AGREEMENT SERVICE EMPLOYEES INTERNATIONAL UNION, FLORIDA PUBLIC SERVICES UNION, CTW, CLC. (SEIU)

Ms. Tennille DeCoste, Human Resources Director, presented this item and provided the highlights of the agreement.

Commissioner Jarjura asked about compression issues and about the increases and any loss of money.

Ms. DeCoste provided an explanation.

Commissioner Jarjura asked that an email be sent to the City Commission regarding what percentage of an increase everyone will receive and when the last increase was given to SEIU.

Vice Mayor Petrolia inquired about positions and when the City Commission received the agreement.

Commissioner Jarjura asked if Commission has to ratify the agreement right now.

Deputy Vice Mayor Jacquet asked if the SEIU had voted on the agreement.

Mr. Chuck Ridley spoke regarding the agreement and the work environment. He stated he attributes the fact that this is not a hostile work environment to the Human Resources and Parks and Recreation Departments communicating with the employees.

Vice Mayor Jacquet commended Ms. DeCoste, Mr. Cooper and staff who worked on this. He stated we have the right people in the right place.

Commissioner Katz asked if education had been included in the agreement.

A motion was made by Vice-Mayor Petrolia, seconded by Commissioner Katz, that this agreement 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

C. [15-323](#)

RESOLUTION NO. 80-15 - BEST INTEREST/AMERISTAR PARKING SOLUTIONS, LLC.

Mr. John Morgan, Environmental Services Director, presented this item and stated staff missed the mark regarding the renewal of the agreement

which expired in October 2015. He stated Ameristar has continued to provide the service even without a contract in place and stated this will be another one (1) year contract.

Mr. Cooper stated staff is pursuing a comprehensive parking management program which is why the agreement will only be for one (1) year and that plan will be disseminated to the City Commission.

Vice Mayor Petrolia asked if the city has continued to pay them since the contract has expired.

Mr. Cooper reiterated that Ameristar continued to provide the service in good faith.

Mayor Glickstein stated that the right people should be found to perform the job.

Mr. Cooper announced that Ms. Vath has tendered her resignation and he will appoint someone in the interim for the purchasing function.

A motion was made by Commissioner Jarjura, seconded by Vice-Mayor Petrolia, that Resolution No. 80-15 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

D. [15-328](#)

**RESOLUTION NO. 81-15 - PUBLIC UTILITY EASEMENT
ABANDONMENT - 1118 WATERWAY LANE**

Mayor Glickstein recused himself due to a conflict of interest, left the dais and handed the gavel to Vice Mayor Petrolia.

Mr. Mark McDonnell, Assistant Planning and Zoning Director, entered project file #2015-257 into the record and presented this item.

Commissioner Jarjura asked about the length of the easement.

A motion was made by Commissioner Katz, seconded by Commissioner Jarjura, that Resolution No. 81-15 be approved. The motion carried by the following vote:

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

Recused: 1 - Mayor Glickstein

E. [15-318](#)

**APPROVE STATEMENT OF WORK FOR THE P25 RADIO SYSTEM
WITH PALM BEACH COUNTY**

Mayor Glickstein returned to the dais for this item.

Ms. Holly Vath, Chief Purchasing Officer, presented this item. Ms. Vath stated staff recommends approval of the Statement of Work.

A motion was made by Commissioner Katz, seconded by Vice-Mayor Petrolia, that the Statement of Work 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

F. [15-335](#) REQUEST FOR ASSIGNMENT/SOUTHERN WASTE SYSTEMS, LLC TO WASTE MANAGEMENT, INC.

City Manager Mr. Donald B. Cooper stated staff received a written request for assignment and presented this item.

He referenced his discussion with Mr. Tony Badala of Southern Waste Systems, LLC. regarding certain additional incentives.

Commissioner Jarjura asked about the solar compactors.

Mr. Cooper stated all of the existing terms and conditions of the contract will be met.

Mr. John Castegrande spoke regarding the contract. He stated he can answer any questions the City Commission would like and stated they are attempting to close this deal by the end of the month. He stated the trucks and drivers will remain the same. In addition, Mr. Castegrande reiterated that there will be no changing of the routes and everything will remain the same per the contract.

Commissioner Katz commented regarding the contract and spoke about the transparency of the process in obtaining the best rate. He stated he is glad to have Waste Management back.

Commissioner Jarjura stated she would like to have a response regarding the request from the City Manager.

Discussed ensued regarding the CPI and the compactors.

Mr. Castegrande stated they will give the compactors to the city for free and discussed the Sunday pickup.

Vice Mayor Petrolia stated she has been concerned about the merging of Southern Waste Systems (SWS) and Waste Management. She stated she

is thrilled with the fact that SWS came in, did a transition and it was an amazing job; and thanked SWS.

Commissioner Jarjura thanked SWS as well.

Deputy Vice Mayor Jacquet stated one of the things he really liked was SWS's community involvement. He referenced the SWS interaction with schools. He asked if there is some backup regarding SWS's work with Toussaint L'Ouverture and Pine Grove Elementary Schools.

Mr. Castegrande spoke regarding amending that exhibit (page 13).

Mayor Glickstein asked if there are any outstanding claims.

Mr. Noel Pfeffer stated he has no knowledge of claims and stated per this assignment Waste Management will be responsible.

Motion to approve the request for assignment and authorize the City Manager and City Attorney to negotiate a letter agreement for no cost for the compactors, an addition to Exhibit 13 of an additional high school and \$400.00 for pickups on Sundays.

Commissioner Jacquet had questions.

A motion was made by Vice-Mayor Petrolia, seconded by Commissioner Katz, that the Request for Assignment be approved and authorize the City Manager and City Attorney to negotiate a letter agreement for no cost for the compactors, an addition to Exhibit 13 of an additional high school and \$400.00 for pickups on Sundays. The motion carried by the following vote:

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

**G. [15-331](#) RESOLUTION NO. 79-15 - COMMUNITY REDEVELOPMENT AGENCY
LINE OF CREDIT**

City Manager Cooper presented this item.

Mr. Pfeffer spoke regarding corrections that will be made to the resolution.

A motion was made by Commissioner Katz, seconded by Vice-Mayor Petrolia, that Resolution No. 79-15 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

**H. [15-273](#) NOMINATIONS FOR APPOINTMENT TO THE CODE ENFORCEMENT
BOARD**

Mayor Glickstein nominated Sam Spear as a regular member and this was approved, 5-0. Commissioner Katz nominated LeAnne DeRigne as an

alternate member and this was approved 5-0. All other appointments were deferred.

9. PUBLIC HEARINGS:

A. [15-306](#) APPROVAL OF FY14-15 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER)

Ms. Janet Meeks, Assistant Community Improvement Director, presented this item and stated this is a requirement to utilize the federal grant funds. She highlighted some of the department's accomplishments over the past year.

Mayor Glickstein declared the public hearing open. There being no one from the public who wished to address the Commission regarding the CAPER, the public hearing was closed.

A motion was made by Commissioner Katz, seconded by Vice-Mayor Petrolia, that the CAPER 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

B. [15-330](#) ORDINANCE NO. 28-15 (SECOND READING)

Mr. Noel Pfeffer, 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. Tim Stillings entered file #2016-005 into the record and introduced Ms. Annthea Giannotes-Little, Treasure Coast Regional Planning Council, who presented the changes that have been made to the ordinance since the last meeting and first reading.

Mayor Glickstein declared the public hearing open. There being no one from the public who wished to address the Commission regarding Ordinance No. 28-15, the public hearing was closed.

Commissioner Jarjura commented regarding staff providing information to the advisory boards. Mr. Stillings stated there will be an intensive training with staff, the Historic Preservation Board (HPB) and the Site Plan Review and Appearance Board (SPRAB). Commissioner Jarjura asked if the board members will be provided with a packet for reference.

Mayor Glickstein asked that staff provide clear recommendations in the staff reports.

A motion was made by Commissioner Jarjura, seconded by Commissioner Katz, that Ordinance No. 28-15 be adopted 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

C. [15-326](#)

ORDINANCE NO. 22-15 (SECOND READING): AMENDMENTS TO LAND DEVELOPMENT REGULATIONS (LDR), SECTION 4.6.19 TO PROMOTE TREE PRESERVATION AND PROTECTION.

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. Stillings stated this ordinance was approved as a first reading by the City Commission on November 3, 2015 and discussed the changes that have been made to the ordinance based on the discussion from the last meeting.

Vice Mayor Petrolia stated she is pleased that staff has raised the fees regarding caliphers.

Mayor Glickstein declared the public hearing open. There being no one from the public who wished to address the Commission regarding Ordinance No. 22-15, the public hearing was closed.

Commissioner Jarjura asked about the fees regarding caliphers and clarified that it will be presented to the Commission in June 2016.

A motion was made by Commissioner Katz, seconded by Commissioner Jarjura, that Ordinance No. 22-15 be adopted 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

D. [15-332](#)

RESOLUTION NO. 78-15 (SECOND PUBLIC HEARING)

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.

Mayor Glickstein declared the public hearing open. There being no one from the public who wished to address the Commission regarding Resolution No. 78-15, the public hearing was closed.

Mr. Stillings highlighted a correction regarding the number of acres.

A motion was made by Commissioner Katz, seconded by Vice-Mayor Petrolia, that Resolution No. 78-15 be adopted. 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:

11. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

Mr. Cooper stated an appeal will come before Commission at the January 5, 2016 Meeting regarding the towing contract.

B. City Attorney

Mr. Pfeffer stated that he made a presentation to the Palm Beach County League of Cities today regarding the City's local bill.

Commissioner Jarjura asked if the voters will be educated regarding the Charter amendments.

The City Attorney stated he will work with the City Manager to prepare the informational material.

Discussion continued regarding the voters being educated on what both charter amendments are and what they mean.

C. City Commission

Commissioner Katz congratulated and commended T.J. Jackson on being named Coach of the Year and informed the Commission that the Atlantic Community High School Eagles Football Team was selected as Team of the Year. He stated it was a really nice event.

He asked Commissioner Jarjura for clarification regarding the historic preservation task force that she wants established. Commissioner Jarjura provided a response. The City Manager stated the task force will sunset in six months.

Commissioner Katz commented about the meeting that Mr. Blum referenced that was held on Saturday. He stated it was a public meeting that was advertised and that he spoke to the Downtown Development Authority (DDA) Chair who organized the meeting. Commissioner Katz stated he is concerned that the media was not allowed in the meeting.

Discussion ensued about whether this was a public meeting.

He commented regarding the CRA selling property and the owner stating that he would bring his headquarters to Delray Beach.

He wished everyone a Happy, Healthy Holiday and New Year.

Commissioner Jacquet spoke about the body cameras for the Police Department. He asked for a report regarding the cameras and stated he would like for the Commission to have that discussion as soon as possible. He congratulated ACHS on being chosen as team of the year and stated the top two teams in Palm Beach County are in Delray Beach. He congratulated Coach TJ Jackson.

He stated he had a conversation with Mr. Lee Cohen regarding a sister classroom between Delray Beach Schools.

Mr. Katz suggested bringing this idea to the Education Board and stated Happy Holidays to staff and fellow commissioners and thanked the City Commission for working together and stated he is honored to be sitting up there.

Commissioner Jarjura asked when the task force will make a presentation to Commission. Mr. Cooper stated the presentation will be made in January.

Commissioner Jarjura reiterated comments made regarding American Heritage and ACHS and wished everyone Happy Holidays.

Mayor Glickstein asked that proclamations be done honoring both schools.

Mr. Jacquet spoke regarding assistance of the families at Pine Grove Elementary.

Vice Mayor Petrolia wished everyone Happy Holidays and Happy Hannukah. She stated she will provide a report to Commission regarding her Climate Change Conference that she attended.

She spoke about parking downtown during the construction phase of the iPic and other points that were disturbing to her regarding the property.

Mayor Glickstein spoke regarding the approval of the iPic and the configuration. Mayor Glickstein wished staff a very Happy Holiday and stated the city has been in transition but stated the city is rounding second base. He stated he appreciates the patience. He stated the staff's work and effort is appreciated. Mayor Glickstien stated he sees alot of progress among his Commission colleagues and congratulated them.

He wished the public Healthy, Happy Holidays and 2016.

The meeting was adjourned at 8:20 p.m. by Mayor Cary Glickstein.

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 Tuesday, December 8, 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 amendments, additions or deletions to the Minutes as set forth above.