

City of Delray Beach

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Minutes - Draft

Tuesday, December 1, 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. A 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., Tuesday, December 1, 2015.

Roll Call:

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

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. APPROVAL OF MINUTES:

None

4. PRESENTATIONS:

Mayor Glickstein stated there are no presentations scheduled for tonight. However, he introduced Allison Castellano, the new principal of Banyan Creek Elementary School, who gave brief comments regarding the school's goals.

None

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

City Manager Comments:

Ms. Francine Ramaglia, Assistant City Manager, responded to comments made at the previous meeting by Ms. Alice First regarding a bench purchased by her family and Mr. Kenneth Gray regarding speeding in his neighborhood.

Public Comments:

1. Bob Ganger spoke regarding an Atlantic Crossing traffic study. He stated the public supports the City Commission regarding this issue.

2. Harvey Starin provided and spoke about a proposal to the City Commission regarding dogs on the beach.

3. Jay Cerola thanked Commissioner Katz for the meet and greet west of I-95. He spoke about the sale of three large homes in his neighborhood and regarding sober homes.

4. Debera First spoke regarding the master plan and master beach plan

for Delray Beach being redone and asked the City Commission to create a small designated area to allow dogs on the beach.

5. Jinny Ritter spoke regarding dogs on the beach.

6. Happy Foster Kinnear spoke regarding the issue of unregulated and unchecked growth of sober homes in communities.

7. Gerry Lewandowski spoke regarding sober home proliferation in neighborhoods.

8. Chris ? (Santa) spoke on behalf of Lakeview and Sherwood communities regarding sober homes and read a statement into record.

9. Unknown Speaker thanked Commissioner Katz for hosting the meet and greet and spoke regarding sober homes in Lakeview.

10. Dan Terhune spoke on behalf of having a Delray dog beach.

11. Ron Nobili read a statement into record regarding Marina parking.

12. Ralph McGovney (sp) spoke regarding code enforcement in his neighborhood and sober homes.

13. Dean Hummel thanked Commissioner Katz for hosting the meet and greet. He read a statement into record regarding sober homes in Delray Beach and asked questions. He asked Commission to look at the city's rules and regulations to make sure the sober homes are being regulated properly.

14. Sandy Crechiolo thanked the City Commission for their time and attention and asked for a dog beach. She spoke regarding the proposition.

15. Alex Lewis spoke regarding the city having a dog beach and stated he supports the city having one.

16. Pauline Moody spoke regarding the agenda format and quasi-judicial hearings. She also spoke regarding sober homes and stated the whole city has sober homes. Ms. Moody stated she is against dog beaches.

17. Jennifer Belden read a statement into record about sober homes.

18. Victor Kirson spoke regarding sober homes and stated this has to be heard by the federal government. He stated there is not much that the city can do when there is a federal law that prohibits certain actions and

referenced the Americans with Disabilities Act.

Mayor Glickstein spoke regarding the dog beach proposal. He stated as far as sober homes the city has considered and fully vetted on every level to figure out a way through this. He stated the city has to work through the laws. Mayor Glickstein informed the public that Representative Lois Frankel will be here on February 16, 2016 to speak on the topic of sober home legislation to the Commission.

Mr. Noel Pfeffer, City Attorney, spoke regarding current case law and regulations with respect to sober homes. He stated the city is constantly monitoring the law on this issue. Further comments ensued regarding this topic.

6. AGENDA APPROVAL

Assistant City Ramaglia stated staff would like to remove Item 8.B.3. and bring it back as a public hearing in January.

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

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

Absent: 1 - Vice-Mayor Petrolia

7. CONSENT AGENDA: City Manager Recommends Approval

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

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

Absent: 1 - Vice-Mayor Petrolia

- 7.A.** [15-234](#) CONTRACT CLOSEOUT (CHANGE ORDER NO. 2/FINAL) WITH JOHNSON DAVIS, INC. DOVER FOR THE LOWSON CULVERT REPLACEMENT PROJECT #14-100

This item was approved.

- 7.B.** [15-251](#) SUB-GRANT AGREEMENT FROM THE FLORIDA DIVISION OF EMERGENCY MANAGEMENT (DEM) FOR THE RESIDENTIAL CONSTRUCTION MITIGATION PROGRAM (RCMP)

This Request was approved.

- 7.C.** [15-220](#) TRAFFIC ENFORCEMENT AGREEMENT BETWEEN THE DELRAY

BEACH POLICE DEPARTMENT AND SABAL LAKES PHASE ONE
HOMEOWNER'S ASSOCIATION

This Request was approved.

7.D. PROCLAMATIONS:

7.D.1. None

7.E. [15-314](#) REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS

7.F. AWARD OF BIDS AND CONTRACTS:

7.F.1. [15-249](#) AWARD OF CONTRACT TO EVERGREEN SOLUTIONS, LLC FOR THE
CIVIL SERVICE CLASSIFICATION AND COMPENSATION STUDY (RFP
NO. 2015-80)

This item was approved.

7.F.2 [15-247](#) BID AWARD TO ACCORDIS INTERNATIONAL CORPORATION FOR
HEWLETT-PACKARD COMPUTERS (BID NO. 2016-024)

This item was approved.

8. REGULAR AGENDA:

8.A. [15-287](#) UPTOWN ATLANTIC IN-LIEU PARKING FEE REQUEST
(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 to disclose their ex parte
communications. Commissioner Katz stated he met with the developer,
the architect, other citizens, a general contractor involved with the project
and city staff. Commissioner Jarjura stated she spoke to the developer and
the developer's representatives, the architect, members of WARC,
members of the community and she stated has emails on the city server.
Deputy Vice Mayor Jacquet stated he spoke to developers, the architect
and members of the West Atlantic Redevelopment Coalition (WARC) and
members of the community. Mayor Glickstein stated that he has no
additional ex parte communications since the last time the project came
before the City Commission.

Mr. Tim Stillings, Planning and Zoning Director, entered Project File

#2015-013-INL into the record and presented this item.

Choli Aronson, on behalf of the applicant, conducted a presentation regarding the project.

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

Public Comment:

1. Peter Perri spoke regarding the project and stated the Parking Management Advisory Board (PMAB) had this request to come before them regarding the in-lieu request. He stated this is very frustrating for them as an advisory board because the advice they give is often not taken. He stated this project is important for West Atlantic and urged the Commission to find a way to make it work.

2. Charles Bonfield spoke regarding traffic demand initiatives.

3. Victor Kirson spoke about the parking for this project and asked that the City Commission get this right.

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

There was no cross examination.

Mr. Stillings provided a clarification regarding parking spaces and stated it is 39 spaces versus 73 parking spaces.

Commissioner Jarjura spoke regarding the Community Benefits Agreement (CBA) for this project and asked if the developer would table this item and spoke regarding the private agreement between the community and the developer and Florida Statute 163.

Mr. Pfeffer spoke regarding a developer's agreement and stated this will provide an opportunity to memorialize what is in the CBA agreement.

Discussed ensued between staff and the City Commission.

The developer stated he will agree to table the item. Ms. Aronson stated that they appreciate the suggestion.

A motion was made by Commissioner Jarjura, seconded by Deputy Vice Mayor Jacquet, that this Request be tabled. The motion carried by the following vote:

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

Absent: 1 - Vice-Mayor Petrolia

- 8.B.** [15-322](#) 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 Katz, seconded by Commissioner Jarjura, that this Request be approved. The motion carried by the following vote:

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

Absent: 1 - Vice-Mayor Petrolia

- 8.B.1.** [15-245](#) BID AWARD TO HAWKINS INC., D/B/A THE DUMONT COMPANY FOR HYDROFLUOSILICIC ACID (BID NO. 2016-015)

This item was approved.

- 8.B.2.** [15-242](#) BID AWARD TO SEACOAST EMBROIDERY, INC., FOR FIRE DEPARTMENT UNIFORMS (2016-012)

This item was approved.

- 8.B.3.** [15-309](#) RESOLUTION NO. 73-15: BUDGET AMENDMENT

This Resolution was withdrawn and will be brought back as a public hearing.

- 8.B.4.** [15-292](#) RENEWAL AGREEMENT WITH CONCENTRA HEALTH SERVICES, INC. FOR THE WORKSITE HEALTHCARE

This item was approved.

- 8.B.5.** [15-313](#) PROPOSED OFFER OF SETTLEMENT IN THE CASE OF TIMOTHY BELANGER V. CITY OF DELRAY BEACH

This item was approved.

- 8.C.** [15-238](#) INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH
AND THE COMMUNITY
REDEVELOPMENT AGENCY FOR FUNDING CITY DEMOLITIONS OF
BLIGHTED AND UNSAFE
STRUCTURES

Mr. Michael Coleman, Director of Community Improvement, presented this item.

Commissioner Katz asked about a particular property and why has it taken so long to demolish that property.

Mr. Coleman stated CDBG monies cannot be used to demolish homes.

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

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

Absent: 1 - Vice-Mayor Petrolia

8.D. [15-299](#) RESOLUTION NO. 77-15: TRAFFIC IMPACT FEE

Mr. Pfeffer gave comments regarding this resolution.

Mr. Stillings provided the Palm Beach County Code regarding impact fees. He stated the city is in Impact Fee Zone 5. He provided information regarding revenue generation.

Mayor Glickstein stated this is a legislative priority of the Palm Beach County Metropolitan Planning Organization (MPO).

Commissioner Jarjura asked if the city has reached out to the neighboring cities to see if they have passed resolutions. She asked if the City Manager's office can contact the managers of the cities to find out.

Mayor Glickstein stated most of the eastern cities do not know that this is happening. He stated he would appreciate as much press as the city can put out regarding this.

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

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

Absent: 1 - Vice-Mayor Petrolia

9. PUBLIC HEARINGS:

9.A. [15-308](#) ORDINANCE NO. 33-15 (SECOND READING)

Mr. Noel Pfeffer, City Attorney, read the caption of the ordinance.

Police Chief Jeffrey Goldman was present for questions.

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

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

Absent: 1 - Vice-Mayor Petrolia

9.B. [15-300](#) RESOLUTION NO. 78-15 TO DESIGNATE 1475 SW 4TH AVENUE AS A BROWNFIELD AREA (FIRST PUBLIC HEARING)

Mr. Stillings presented this item and stated staff recommends approval of this request.

Deputy Vice Mayor Jacquet asked how far away is the Sterling Neighborhood regarding this and what is across the street.

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

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

Absent: 1 - Vice-Mayor Petrolia

10. FIRST READINGS:

10.A. [15-207](#) ORDINANCE NO. 28-15 (FIRST READING)

Deputy Vice Mayor Jacquet left the dais.

Mr. Pfeffer read the caption of this ordinance.

Mr. Stillings spoke regarding the Central Business District (CBD) guidelines. He discussed the boards where this was previously presented.

Anthea Gianniotis-Little, Treasure Coast Regional Planning Council, conducted a presentation regarding the ordinance. She provided the history and highlights regarding the CBD architectural design guidelines. Ms. Gianniotis-Little discussed the results of the quick poll that was used as part of the public process.

Commissioner Jarjura stated this is a very comprehensive document. She stated that there are a few items that she worries may be too specific. She referenced page 7 regarding styles.

Mayor Glickstein asked regarding the architectural styles if staff is referring to public projects or private projects.

Commissioner Jarjura mentioned a higher level of review with the City Commission regarding styles versus eclectic combinations being banned altogether.

Mr. Stillings provided language regarding mixing of styles for the same building.

Discussed ensued regarding Subsection C on page 7 of the ordinance.

Ms. Gianniotis-Little provided suggestions for options dealing with styles.

Commissioner Jarjura referenced page 11 regarding setback waivers and asked about ground floor requirements.

Ms. Gianniotis-Little spoke regarding secondary streets and setback waivers.

Commissioner Jarjura asked for clarification and about a clearly expressed base, middle and top. She stated her concerns regarding too much specificity. She asked if architects at the workshop felt this was too specific.

Ms. Gianniotis-Little discussed what some of the concerns were at the workshops.

Commissioner Jarjura asked if staff was comfortable with the level of review that staff will have to conduct.

Mr. Stillings replied that staff is comfortable with the level of review. He also referenced page 13 of the ordinance regarding space, proportion and design.

Ms. Gianniotis-Little discussed a map of projects in the city.

Mr. Stillings stated page 5 of the ordinance addresses the facade articulations.

Discussion between the City Commission and staff ensued regarding landscaping.

Mayor Glickstein spoke regarding facade articulation and stated good architects really do not need this type of regulation. He referenced certain projects that have been built.

Ms. Gianniotis-Little discussed what this ordinance addresses as far as description of styles.

Mayor Glickstein asked about a storefront on Atlantic Avenue and stated a lot of people have called to ask how did it get approved. He discussed the Site Plan Review and Appearance Board (SPRAB), urban planner and the regulations. He asked Mr. Stillings to note where there is a disconnect between the SPRAB and staff recommendation in the agenda packet. Mayor Glickstein stated he would like to see a variance report.

The City Commission requested the SPRAB minutes be included for items that come before the City Commission.

Mayor Glickstein stated there should be a combined effort between the City Attorney and the City Manager regarding having a pulse of what is desired by the Commission i.e. the City Commission being informed of certain approvals. He asked that this information be provided as a memo and referenced building lengths and asked about limitations for breaking up storefronts.

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

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

Absent: 2 - Vice-Mayor Petrolia, and Deputy Vice Mayor Jacquet

11. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

Assistant City Manager Ramaglia had no additional comments.

B. City Attorney

The City Attorney stated he is finalizing a memorandum with special counsel for Commission regarding the tennis center. He stated he is hoping to have the item for the City Commission at the January 5, 2016 meeting.

C. City Commission

Deputy Vice Mayor Jacquet had left the meeting.

Commissioner Katz spoke regarding the City Commission receiving a monthly budget statement.

Commissioner Jarjura asked when OpenGov will be available on the website. Ms. Spencer, Chief Innovation Technology Officer (CITO), stated it will be February 2016.

Mayor Glickstein asked that a date be decided upon for the City Commission to receive the budget reports. He asked for a better explanation regarding the budget amendment agenda item that was pulled.

Mr. Pfeffer discussed resolutions, public hearings and adopting budget amendments.

Commissioner Katz congratulated the ACHS Football Team and discussed possibly getting them a float in the holiday parade. He also spoke regarding the holiday season approaching and referenced Hanukah.

Commissioner Jarjura referenced a request from Osceola Park and stated she has also received other similar requests regarding speeding and traffic in residential neighborhoods.

Mayor Glickstein stated Deputy Vice Mayor Jacquet did a yeoman's job regarding the Thanksgiving Giveaway as well as Parks and Recreation and the Police Department. He stated that there are a lot of people in the community who are hurting and he also thanked the Straghn Family for what they did at Pompey Park on Thanksgiving Day. He stated now the food is delivered versus people having to come to Pompey Park to receive the food. He stated it was great community support. Mayor Glickstein stated now that Federal Highway is done he would like to know when the benches will be turned the right way. Mayor Glickstein also asked about the relocations of benches by Starbucks across the street to discourage loitering. In addition, Mayor Glickstein commented regarding the accounts receivable report that the City Commission received today. He stated he would like to see the outsourcing of collections sooner rather than later. He also spoke regarding meters and enforcement in terms of parking tickets. Mayor Glickstein asked when the Commission will see the RFP regarding collections.

Mayor Glickstein asked the remaining Commission members if there is consensus to place dogs on the beach as an agenda item. Commissioner Jarjura stated she supports having this as an agenda item and Commissioner Katz stated that he supports having this as an agenda item as well.

There being no further business, Mayor Glickstein adjourned the meeting at 9:21 p.m.