

# **City of Delray Beach**

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## **Minutes - Draft**

**Tuesday, March 15, 2016**

**6:00 PM**

**Delray Beach City Hall**

**City Commission**

## 1. ROLL CALL

(Deputy Vice Mayor Jacquet arrived at 7:27 p.m.)

## 2. PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Glickstein recognized and commended Staff and the Event Planners for all of their hard work at the St. Patrick's Day event. He thanked the residents' that came out to honor the veterans.

## 3. APPROVAL OF MINUTES:

### 3.A. [16-291](#) APPROVAL OF MINUTES

**Recommendation:** Motion to Approve various sets of City Commission Meeting minutes as listed below:

March 31, 2015 Regular Meeting Minutes  
April 6, 2015 Regular Meeting Minutes

**Attachments:** [March 31, 2015 Meeting Minutes](#)  
[03-31-15 Board Order Item 9.B.](#)  
[03-31-15 Board Order Item 9.C.](#)  
[Jarjura Conflict of Interest Form 033115 CC Meeting](#)  
[April 6, 2015 Meeting Minutes](#)  
[Glickstein Conflict of Interest Form 040615 CC Meeting](#)

**approved**

**Present:** 2 - Mayor Cary Glickstein, and Vice-Mayor Shelly Petrolia

## 4. PRESENTATIONS:

Ms. Tennille Decoste, Director of Human Resources, and Mr. Jeffrey Goldman, Chief of Police, presented this item. Ms. Decoste gave a brief overview of the Employee of the Month Program. She advised that Mr. Clancy would receive a day off as an award. Chief Goldman thanked the Human Resources Department for bringing back the Employee Recognition program and offered comments on Mr. Clancy.

### 4.A. [16-254](#) PRESENTING TODD CLANCY, POLICE OFFICER, WITH EMPLOYEE OF THE MONTH FOR JANUARY 2016.

**Recommendation:** Motion to approve Todd Clancy as Employee of the Month for January 2016.

**Sponsors:** Human Resources Department

Attachments: [January 2016 Employee of the Month](#)

**4.B. [16-244](#) SPOTLIGHT ON EDUCATION**

Sponsors: Community Improvement

Mr. Morgan Russell, founder of Dare 2 Be Great Foundation, discussed his organization. He talked about children that faced challenging situations. He read a pledge he did six years earlier called "Dare to be Great", and introduced Michael Coleman, Community Improvement Director. Mr. Coleman provided some facts about the organization. He discussed the achievements of the students and the vision of the program.

Mayor Glickstein asked about the endowment of the program and what are the resources committed to the program.

Mr. Morgan explained it's all about the kids. Initially he had funded the program solely, but now the program is qualified to receive funding because of its success.

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

**5.A. City Manager's response to prior public comments and inquiries.**

Mr. Cooper provided an update on the meter rates. He advised there were three (3) vacancies and that three more were anticipated. Additional comments would be provided later in the meeting. He responded to Mr. Harden's comments regarding the Highland Beach contract. Mr. Cooper also provided an update regarding Mr. Fred Goldstein and the towing RFP pursuant to Commission direction

Mr. Jim Smith discussed the rumors that were on social media to meant to discredit the City Commission the City and the Internal Auditor. He talked about accountability and the job that Management was doing. He discussed the achievements of the City Commission and suggested a State of the Union or Town Hall Meeting.

Ms. Carolyn Simmons talked about an incident that occurred on March 4, 2016 at Slip 6. She talked about the rate increase and declined maintenance of the Delray Marina over the past two years and showed an article to the Commission.

Ms. Pauline Moody talked about the Police Department being called to remove her from the lobby chairs in City Hall. She entered an email "City Procedures" into records.

Mr. Mark Dankler read the mission of the Downtown Development Authority (DDA). She discussed the change in leadership and talked about the strengthened partnership of the businesses that were upcoming. He discussed why retail and tourism is down overall. Deputy Vice Mayor Jarjura asked about popup art and encouraged preservation of the Downtown Delray Authority (DDA). Commissioner Petrolia asked if tourism was down across the board.

Mr. Erik Platera spoke about Delray North to Delray Plaza South and the traffic problem that exist near Dunkin Donuts. He talked about the traffic study and read a statement into record. He discussed the 2015 study that was submitted.

Mr. John Fisher thanked the Mayor for his support of the St Patrick's Festival. He discussed the representation that was present from France, Belgium and the four friends from WWII. He commended the staff from the police department and gave a overview of the history of the event. (Mayor Glickstein discussed the "no alcohol" pressure" that happened three years earlier). Ms. Jarjura discussed the rows and rows of veterans and the turnaround time with cleanup.

Ms. discussed the Tropic Isle encroachment issue. She discussed some of the highlights of the traffic study and school bus stops.

Mr. Don Henderson provided a handout to the Commission. He discussed an incident where his car was almost hit by an SUV at the Delray Marina.

Mr. Brian Fisher discussed the previous minutes from the traffic study for Tropic Isle. She asked that this not be permitted to happen on Spanish Trail.

Mr. Callahan who lived in Tropic Isles, discussed the proposed traffic patterns.

Mr. Stillings was asked to explain when Tropic Isle would be on the agenda. He advised that the earliest would be the second meeting in April (more likely May) because it had to be advertised as a Public Hearing before Site Plan Review Appearance Board. Then the item would come before the City Commission as an Appealable item in June. Based on the decision made by the City Commission, this could go to the Supreme Court.

Ms. Bonnie Miskel requested that her items regarding iPic be postponed to the next Regular Meeting because Deputy Vice Mayor Jacquet and the Applicant were both not present. (Items 8.A., 8.B., and 8.C.)

## 6. AGENDA APPROVAL

Staff requested that Item 7.B., Resolution No. 08-16; City of Delray Beach Sidewalk Policy, be REMOVED from the agenda. Item 7.J., Service Authorization No. 12-14 with Wantman Group, Inc. to Design and Obtain a Permit for the Installation of an Americans with Disability Act (ADA) Compliant Beach Access Walkway Located East of the Atlantic Avenue Pavilion, was moved to the Regular Agenda as Item 8.A.A.  
**approved as amended**

**Present:** 2 - Mayor Cary Glickstein, and Vice-Mayor Shelly Petrolia

## 7. CONSENT AGENDA: City Manager Recommends Approval

**Present:** 2 - Mayor Cary Glickstein, and Vice-Mayor Shelly Petrolia

### 7.A [16-205](#) ACCEPTANCE OF A RIGHT-OF-WAY DEED FOR 421 SW 5TH AVENUE

**Recommendation:** Motion to approve and accept 15' of Right of Way dedication at 421 SW 5th Avenue.

**Sponsors:** Environmental Services Department

**Attachments:** [421 SW 5th Avenue Deed](#)  
[Map Location](#)  
[PAPA](#)  
[Sun Biz Page Habitat for Humanity](#)

### 7.B [16-229](#) CITY OF DELRAY BEACH SIDEWALK POLICY

**Recommendation:** Motion to Approve Resolution No. 08-16 establishing the Delray Beach Sidewalk Policy.

**Sponsors:** Planning & Zoning Department

**Attachments:** [Resolution 08-16 Sidewalk Policy CAO FINAL](#)  
[Sidewalk Policy - FINAL](#)

### 7.C [16-231](#) INTERLOCAL AGREEMENT BETWEEN CITY OF DELRAY BEACH AND SOLID WASTE AUTHORITY OF PALM BEACH COUNTY (SWA) FOR BLIGHTED AND DISTRESSED PROPERTY CLEAN-UP AND BEAUTIFICATION GRANT

**Recommendation:** Motion to Approve acceptance of an Interlocal Agreement between the City of Delray Beach and Solid Waste Authority of Palm Beach County (SWA) in the amount of \$63,200 for assistance in the cleanup and beautification of distressed, blighted or otherwise impacted public properties within incorporated areas of Delray Beach.

**Sponsors:** Community Improvement

**Attachments:** [SWA Blighted & Distressed Properties Grant Agreement](#)

**7.D**     [16-209](#)     PURCHASE AWARD FLORIDA BULLET, INC.

**Recommendation:** Motion to approve ammunition purchase from Florida Bullet Inc. in the amount of \$56,728.10 as a Sole Source and SPEER ammunition as the City Standard in compliance with Code of Ordinances, Chapter 36, Sections 36.02 (C) 6 (a), "Sole Source" and 36.02 (C) 6 (b), "City Standard".

**Sponsors:** Purchasing Department

**Attachments:** [Agenda Memo 10-20-2015 RCM](#)  
[Est 1471 from Florida Bullet Inc. 6524](#)  
[Florida Bullet Sole Source Letter 11-11-15](#)  
[Purchasing Checklist Florida Bullet Inc.](#)

**7.E**     [16-167](#)     PURCHASE OF SIX (6) LUCAS CHEST COMPRESSION SYSTEMS

**Recommendation:** Motion to approve the Fire-Rescue purchase of a total of six (6) LUCAS™ Chest Compression Systems as a City Standard, two (2) through a reimbursable 2016 EMS Grant through Palm Beach County, four (4) from budgeted funds and to trade in six (6) of our current Zoll AutoPulse devices for an amount not to exceed \$89,291.83.

**Sponsors:** Fire Rescue Department

**Attachments:** [Sole Source](#)  
[Interlocal Agreement Palm Beach County and Delray Beach](#)  
[Lucas 2 Chest Compression System](#)  
[Delray Beach FR - 2LUCAS V2](#)  
[Delray Beach FR - 4LUCAS V2](#)

**7.F**     [16-213](#)     BID AWARD TO MULLINGS ENGINEERING SERVICES, INC. FOR SOD MATERIALS (BID 2016-53)

**Sponsors:** Purchasing Department

**Attachments:** [2016-053 Tab Sheet](#)  
[Odoms' Submittal](#)  
[Tabulation Packet for 2016-053](#)  
[Purchasing Checklist 2016-053](#)

**7.G**     [16-247](#)     HOUSING REHABILITATION GRANT AWARD FOR 562 NW 48TH AVENUE (QUOTE 2016-435)

**Recommendation:** Motion to approve acquisitions of services in the amount of \$15,191.60 from Leonard Graham Inc., to allow "multiple acquisitions from vendors

exceeding \$25,000 in any fiscal year; and further find that the acquisitions are in compliance with the Code of Ordinances Chapter 36, Section 36.03(B) Multiple Acquisitions From Vendor Exceeding Twenty-Five Thousand Dollars (\$25,000.00) in Any Fiscal Year.

**Sponsors:** Community Improvement

**Attachments:** [Packet for Bid Q2016-435](#)  
[Mondesir Information Sheet](#)  
[Contract - Mondesir](#)  
[Lien Agreement-RCMP Mondesir](#)  
[Memorandum of Understanding -Mondesir](#)  
[Notice to Proceed- Mondesir](#)

**7.H**      [16-239](#)      HOUSING REHABILITATION GRANT AWARD FOR 601 HERON DRIVE (QUOTE 2016-437) AND 548 DAVIS ROAD (QUOTE 2016-434)

**Recommendation:** Motion to approve acquisitions of services in the amount of \$36,954.30 from Cordoba Construction Co. for work to be conducted at 601 Heron Drive and 548 Davis Road. The acquisition of service is in compliance with the Code of Ordinances, Chapter 36, Section 36.03(B), "Multiple Acquisitions From Vendor Exceeding Twenty-Five Thousand Dollars (\$25,000.00) in Any Fiscal Year".

**Sponsors:** Community Improvement

**Attachments:** [Q2016-437 Kishony](#)  
[Kishony Information Sheet](#)  
[Contract - Kishony](#)  
[Lien Agreement-\(RCMP\)](#)  
[Memorandum of Understanding](#)  
[Notice to Proceed](#)  
[Q2016-434 Raphael](#)  
[Raphael Information Sheet](#)  
[Contract - Raphael](#)  
[Lien Agreement-\(SHIP\)](#)  
[Memorandum of Understanding](#)  
[Notice to Proceed](#)

**7.I**      [16-250](#)      HOUSING REHABILITATION GRANT AWARD FOR 202 SE 4TH AVENUE (QUOTE 2016-438)

**Recommendation:** Motion to approve acquisitions of services in the amount of \$15,641.01 from Grelite Corp. for work being conducted at 202 SE 4th Avenue. This acquisition is in compliance with the Code of Ordinances Chapter 36, Section 36.03(B) Multiple Acquisitions From Vendor Exceeding

Twenty-Five Thousand Dollars (\$25,000.00) in Any Fiscal Year.

**Sponsors:** Community Improvement

**Attachments:** [Packet for Bid Q2016-438](#)  
[Hernandez Information Sheet](#)  
[Contract - Hernandez](#)  
[Lien Agreement-RCMP Hernandez](#)  
[Memorandum of Understanding -Hernandez](#)  
[Notice to Proceed- Hernandez](#)

- 7.J     [16-249](#)     SERVICE AUTHORIZATION NO. 12-14 WITH WANTMAN GROUP, INC. TO DESIGN AND OBTAIN A PERMIT FOR THE INSTALLATION OF AN AMERICANS WITH DISABILITY ACT (ADA) COMPLIANT BEACH ACCESS WALKWAY LOCATED EAST OF THE ATLANTIC AVENUE PAVILION

**Recommendation:** Motion to approve Service Authorization No. 12-14 with Wantman Group, Inc. in the amount not to exceed \$11,929 for the professional engineering services related to the design and permitting for the installation of an Americans with Disability Act (ADA) compliant beach access walkway located to the east of the Atlantic Avenue Pavilion (Project No. 16-075).

**Sponsors:** Environmental Services Department

**Attachments:** [Service Authorization No. 12-14](#)  
[Location Map](#)

Vice Mayor Petrolia stated that she wanted to point out to her colleagues the surveying costs are more than the actual apparatus. Mr. John Morgan, Director of Environmental Services, advised that cost included the permitting requirements.  
**approved**

**Present:** 2 - Mayor Cary Glickstein, and Vice-Mayor Shelly Petrolia

- 7.K     [16-257](#)     APPROVAL OF PAYMENT FOR P25 IMPLEMENTATION PHASE CONSULTANT

**Recommendation:** Motion to approve payment to the Palm Beach County for 110% of the implementation phase consultant services cost related to P25 project in the amount of \$59,389.00.

**Attachments:** [14212 - P25 Migration Project - Delray Beach Implementation Proposal-20151218 \(Corrected\)](#)  
[County Email Memo Style](#)  
[Interlocal Agreement](#)

## PROCLAMATIONS:



- 7.L.1 [16-248](#) PROCLAMATION FOR FLORIDA BICYCLE MONTH MARCH 2016
- Recommendation:** Motion to approve the proclamation of March 2016 as Florida Bicycle Month.
- Attachments:** [Bicycle Month 2016 Proclamation](#)

- 7.L.2 [16-279](#) PROCLAMATION FOR DELRAY DENTAL DAY MARCH 19, 2016
- Sponsors:** City Clerk Department
- Attachments:** [Proclamation Delray Dental Day 2016](#)

## REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:

- [16-242](#) REPORT OF APPEALABLE LAND USE ITEMS FEBRUARY 8, 2016 THROUGH FEBRUARY 19, 2016
- Recommendation:** By motion, receive and file this report.
- Sponsors:** Planning and Zoning Board
- Attachments:** [Location Map.pdf](#)  
[Bedner's Farm Market City Commission Memo.pdf](#)  
[640 EastAtlanticAve City Commission Memo.pdf](#)  
[Bahia Delray Class IV City Commission Memo.pdf](#)

## 7.N AWARD OF BIDS AND CONTRACTS:

- 7.N.1 None.

## 8. REGULAR AGENDA:

- 8.A [16-262](#) CONSIDERATION OF THREE WAIVER REQUESTS TO LDR SECTION 4.4.13(F)(7)(A), WHICH REQUIRES MINIMUM REAR SETBACK OF 10 FEET FOR ALL FLOORS WHERE 0.69 FEET IS PROPOSED ON THE FIRST FLOOR AND 1.19 FEET IS PROVIDED ON THE UPPER FLOORS; LDR SECTION 4.4.13(F)(4)(C)(1)&(2), WHICH REQUIRES A BUILDING FRONTAGE FOR THE LOWER AND UPPER LEVELS, RESPECTIVELY, ALONG THE EAST/WEST ALLEY; AND, LDR SECTION 4.6.18(B)(14)(IV)(2), WHICH REQUIRES A MINIMUM TRANSPARENCY OR GLASS SURFACE AREA OF 75% WHERE 10% IS PROPOSED FOR FOURTH & FIFTH DELRAY (IPIC), LOCATED SOUTH OF EAST ATLANTIC AVENUE, BETWEEN S.E. 4TH AVENUE AND S.E. 5TH AVENUE. (QUASI-JUDICIAL HEARING)
- Recommendation:** a. Move approval of a waiver to LDR Section 4.4.13(F)(7)(a), which requires minimum rear setback of 10 feet for all floors where 0.69

feet is proposed on the first floor and 1.19 feet is provided on the upper floors, based on positive findings with LDR Section 2.4.7(B)(5).

- b. Move approval of a waiver to LDR Section 4.4.13(F)(4)(c)(1)&(2), which requires a specific building frontages for the lower and upper levels, respectively, along the east/west alley, based on positive finding with LDR Section 2.4.7(B)(5).
- c. Move approval of a waiver to LDR Section 4.6.18(B)(14)(iv)(2), which requires a minimum transparency or glass surface area of 75% where 10% is proposed, based on positive findings with LDR Section 2.4.7(B)(5)

**Sponsors:** Planning and Zoning Board

**Attachments:** [4th and 5th Delray Location Map.pdf](#)  
[4th and 5th Delray Aerial Photo.pdf](#)  
[01.06.16 Site Plan - 4th and 5th Delray.pdf](#)  
[05 4th&5th Delray-SPRAB Resubml-Architectural Plans 01-06-16 A1.3.pdf](#)  
[05 4th&5th Delray-SPRAB Resubml-Architectural Plans 01-06-16 A3.1.pdf](#)  
[CBD Design Guidelines Compliance.pdf](#)  
[4th and 5th Delray 12.16.15 SPRAB Staff Report \(associated with waivers\).pdf](#)  
[4thand 5th Delray Dec 16, 2015 SPRAB Minutes](#)  
[SPRAB Reconsideration Staff Report - 1.20.16 \(associated with waivers\).pdf](#)  
[01-20-16 SPRAB Minutes - Draft, Pending Board Approval.docx](#)  
[Fourth and Fifth Delray \(Ipic\) - Board Order Final](#)

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

Acting City Clerk Kimberly Wynn swore in those individuals who wished to give testimony on this item.

Mr. Pfeffer discussed the request for party status by Mr. Robert George. He advised the Commission that they would have to vote to allow the party status prior to the item being heard.

Mrs. Jarjura made a motion to approve party status; seconded by Vice Mayor Petrolia. Upon roll call the Commission voted as follow: Vice Mayor Petrolia - Yes; Mr. Jacquet - Yes; Mr. Katz; Mrs. Jarjura - Yes; Mayor Glickstein - Yes. Said motion passed 5-0.

Mayor Glickstein and the Commissioners disclosed their ex-parte communications.

Mr. Tim Stillings, Planning and Zoning Director entered into record Project No. 2014-144 (Site Plan and Landscape Maintenance Agreement) for the Plat Project No. 2014-145. Mr. Stillings gave an overview of the Fourth and Fifth Delray (IPic) project. He discussed the waivers and the conditional uses for the project. He went on to discuss the plat.

Mayor Glickstein asked about a reverter if the projected could not get financed, not permitted or not able to go forward on the alley.

Mr. Stillings advised what options were available, but stated no reverter in the plat.

Commission discussion ensued about contingent approval.

Mayor Glickstein called for the applicant.

Ms. Bonnie Miskal presented on behalf of the applicant; she discussed her PowerPoint presentation. Mr. Oscar Cortez, said that they had spoken with several contractors and were assured that the renderings could be done. Ms. Miskal discussed the Landscape Maintenance Plan and Plat also.

At this time Mayor Glickstein opened the meeting to the public.

Mrs. Karen Grainger, Delray Beach Chamber of Commerce, reiterated the Chamber of Commerce support of the project. She talked about an improved job market for the community. She discussed the family friendly environment.

Mrs. Rita (SP?) is supportive of the project. She stated it would be great to have something different for Delray Beach.

Mrs. Kelly Barrette discussed the congestive traffic plan and numerous conditions to approve the plan. She talked about the revised LDRs.

Mr. Michael Caruso talked about the changes in Delray Beach and his support of the project.

Mrs. Cyndi Freeburn discussed the impact that IPIC would have on parking.

Dr. Victor Kirson questioned if this fit in the "Village by the Sea" project. He offered suggestions to support the project.

Mrs. Valerie (sp?) commented on the accessibility of traffic and parking and her support of the project.

Mr. Connor Lynch expressed his support of project. He discussed the positive business impact.

Mr. Ari Whiteman stated that iPic was a marketing tool.

There being no further comments from the public, Mayor Glickstein closed this session.

Mayor Glickstein asked if there was any cross-examination or rebuttal.

The Mayor and Commissioners asked questions of staff and the applicant and discussion ensued.

Ms. Bonnie advised that the alley on 4th was addressed as well as the seats; she submitted the changes the completed changes into record.

Commissioner Jarjura asked about the intent of the rear setback and waiver.

Mr. Stillings discussed the waivers.

Commissioner Jarjura disclosed that the applicant donated heavily to her campaign.

Jacquet stated that he supported the waivers. He also stated that he was late because he he had participated in "Super Tuesday".

Mayor Glickstein discussed the architecture not fitting the style of Delray, the location of the project and the traffic study. He favored a stronger police presence downtown. It would be the City's responsibility to use the parking. Discussed the request for a continuance. Loss of spaces during construction. A condition was added that additional parking spaces would be added. Public access in the front to the terrace. Discussed the location of the bus shelter, Mayor Glick asked staff to work with the County .

Restrictive covenant is required by the CM for access to the roof. Valet Parking Garage Agreement within 6 months is a requirement.

Bonnie Miskel advised had to adapt the elevator had to adapt the elevator and lose seats. No commerce no rental or leasing.

Bonnie Miskel advised that the parking would be maintained by the applicant. It would be between the City and Ipic.

Bonnie Miskel advised there is a commitment of 20,000 square feet with

an additional 15,000 square feet.

Vice Mayor Petrolia asked Mr. Stillings about the orientation of the building. Mr. Stillings advised that there are three (3 ) frontages to the building.

Commissioner Katz stated that he support the project, but the applicant was asked to deflate the project -- very little was done.

Ms. Bonne Miskel advised that the alley was addressed, the seats She submitted the changes that were done into record.

Commissioner Jarjura asked about the intent of the rear setback and waiver.

Mr. Stillings discussed the waivers.

Commissioner Jarjura asked about the intent of the transparency. Mr. Stillings advised of the intent of the transparency. Support the three waivers. The applicant and applicant's apponent donated heavily to Jarjura campaign (she disclosed)

Ms. Carol Perez, discussed about the landscaping and how the palm would work.

Mr. Pfeffer read the board order into record for Commission vote.

**approved**

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

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

**No:** 2 - Vice-Mayor Petrolia, and Katz

**No:** 2 - Vice-Mayor Petrolia, and Katz

**8.B**      [16-265](#)

FINAL PLAT APPROVAL FOR FOURTH & FIFTH DELRAY (IPIC), LOCATED SOUTH OF EAST ATLANTIC AVENUE, BETWEEN S.E. 4TH AVENUE AND S.E. 5TH AVENUE (QUASI-JUDICIAL HEARING)

**Recommendation:** Move approval of the Final Plat for **Fourth and Fifth Delray (Ipic) Replat**, by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in Section 2.4.5(J) (Major Subdivisions), Section 3.2.3 (Standards for Site Plan and/or Plat Actions) and Section 3.1.1 (Required Findings for Land Use and Land Development Applications) of the Land Development Regulations.

**Attachments:** [4th and 5th Delray Final Plat Staff Report - 2.22.16](#)

[4th and 5th Delray Location Map](#)

[4th and 5th Delray Aerial Photo](#)

[4th and 5th Delray Plat](#)

[P&Z Board Minutes 2.22.16 - 4th and 5th Delray](#)

[Fourth and Fifth Delray Plat Board Order 031516](#)

Mr. Pfeffer read the Board Order for the Final Plat into the record:

Is the project's proposed location consistent with the Future Land Use Map (Approved, 5-0)

Are the concurrency requirements met with respect to water, sewer, drainage, streets and traffic, parks, open space, solid waste, and schools (Approved 5-0)

Will the granting of the conditional use be consistent with and further the goals and policies of the Comprehensive Plan (Approved, 4-1; Vice Mayor Petrolia dissenting)

Is the Final Plat consistent with the findings associated with the preliminary plat attached as Exhibit "A"; (Approved, 4-1; Vice Mayor Petrolia dissenting).

**approved**

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

**No:** 2 - Vice-Mayor Petrolia, and Katz

**8.C** [16-255](#)

ACCEPTANCE OF THE LANDSCAPE MAINTENANCE AGREEMENT TO ALLOW LANDSCAPING IN THE SE 4TH AVENUE RIGHT-OF-WAY FOR FOURTH & FIFTH DELRAY (IPIC), LOCATED SOUTH OF EAST ATLANTIC AVENUE, BETWEEN S.E. 4TH AVENUE AND S.E. 5TH AVENUE

**Recommendation:** Motion to Accept the Landscape Maintenance Agreement to allow landscaping in the SE 4th Avenue Right-of-Way.

**Sponsors:** Planning and Zoning Board

**Attachments:** [iPic Landscape Maintenance Agreement](#)

[Fourth and Fifth Delray Location Map](#)

[Fourth and Fifth Delray Aerial Location Map](#)

[01.06.16 Site Plan - 4th and 5th Delray](#)

approved

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

**No:** 1 - Vice-Mayor Petrolia

**8.D**     [16-288](#)     AMENDMENT NO. 1 TO INTERLOCAL SERVICE AGREEMENT  
BETWEEN THE CITY OF DELRAY BEACH AND THE TOWN OF  
HIGHLAND BEACH

**Recommendation:** Motion to Approve Amendment No. 1 to Interlocal Service Agreement between the City of Delray Beach and the Town of Highland Beach ("Agreement"), extending the deadline for the Town of Highland Beach to notify of its desire to exercise its contractual option to renew the Agreement.

**Attachments:**   [Amendment No. 1 to Interlocal Agreement.docx](#)

Mr. Pfeffer presented this item. He stated that the Town of Highland Beach requires an 18-month notice prior to the end of the term.

approved

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

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

**8.E**     [16-234](#)     AWARD OF CONTRACT TO MANCON, INC. IN THE AMOUNT OF  
\$2,694,841.80 AS THE LOWEST BIDDER FOR THE RECLAIMED  
WATER SYSTEM EXPANSION PROJECT - AREA 12B (BID NO.  
2016-001)

**Recommendation:** Motion to Approve an award of contract in the amount of \$2,694,841.80 to Mancon, Inc. as the lowest bidder for the Reclaim Water System Expansion Project - Area 12B Project (Project No. 2012-009).

**Attachments:**   [BIDTAB.pdf](#)  
[Bid Recommendation Letter 20160124.pdf](#)

Mr. Cooper presented this item. Vice Mayor Petrolia commented about the lobbying money that could potentially come back to the City for reclaimed water through grants. (Deputy Vice Mayor Jacquet left the dais).

approved

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

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

**Absent:** 1 - Jacquet

**Absent:** 1 - Jacquet

**8.F.**     [16-293](#)     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):  
approved as amended

**8.F.1**     [16-210](#)

SERVICE AUTHORIZATION NO. 12-20 WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR THE DESIGN OF WATER MAIN UPGRADES FOR: (1) NW 1ST AVENUE AND NW 2ND AVENUE; (2) NW 17TH STREET; (3) PROSPECT STREET; AND (4) SW 11TH AVENUE

**Recommendation:** Motion to approve Service Authorization No. 12-20 to Kimley-Horn and Associates, Inc. in the amount not to exceed \$130,990.68 for professional design services for water main upgrades on: (1) NW 1st Avenue and NW 2nd Avenue; (2) NW 17th Street; (3) Prospect Street; and (4) SW 11th Avenue.

**Sponsors:** Environmental Services Department

**Attachments:** [Service Authorization 12-20](#)  
[NW 1ST AVE NW 2ND AVE LOCATION MAP](#)  
[NW 17TH STREET LOCATION MAP](#)  
[PROSPECT STREET LOCATION MAP](#)  
[SW 11TH AVE LOCATION MAP](#)

Pulled for additional questions asked Mr. Morgan why are we placing the Mast arm here

**8.F.2**     [16-223](#)

APPROVAL OF FISCAL YEARS 2016 AND 2017 SPENDING GREATER THAN \$25,000 WITH CANON SOLUTIONS AMERICA INC FOR REPLACEMENT, MAINTENANCE, AND REPAIRS OF MULTIFUNCTION DEVICES

**Recommendation:** Motion to approve multiple payments to Canon Solutions America, Inc. for replacement, maintenance, and repairs of multifunction devices in an amount not to exceed \$90,000.00 per fiscal year and to approve Canon multifunction devices as the City Standard.

**Sponsors:** Purchasing Department

**Attachments:** [ListOfCopiers](#)  
[ExpiringCopiers](#)  
[State Contract](#)  
[Bid 2016-026](#)  
[Canon Best Price Statement](#)  
[CITY OF DELRAY - PRESENTATION - COMPLETE - 2.3.16](#)

**8.F.3**     [16-165](#)

RESOLUTION NO. 10-16 AUTHORIZING THE INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY FOR A MAST ARM SIGNAL AT SWINTON AVENUE AND S.E. 1ST STREET

**Recommendation:** Motion to Approve Resolution No. 10-16 authorizing an Interlocal



Agreement with Palm Beach County for the construction of a Mast Arm Signal at Swinton Avenue and S.E. 1st Street. This agreement is for reimbursement of a mast arm signal in an amount not to exceed \$275,000. (Project No. 13-022)

**Attachments:** [Resolution No. 10-16](#)  
[Interlocal Agreement with Palm Beach County](#)  
[Interlocal Agreement with the CRA 2015 - 2016](#)  
[Location Map](#)

Vice Mayor Petrolia asked Mr. John Morgan, Director of Environmental Services, why the mast arm signal would be placed at Swinton Avenue and S.W. 1st Avenue. Isaac Kovner, City Engineer, discussed why there was a need to have a mast traffic signal at this intersection.  
**approved**

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

**No:** 1 - Vice-Mayor Petrolia

## 9. PUBLIC HEARINGS:

**9.A**     [16-102](#)     ORDINANCE NO. 02-16, A PRIVATELY-INITIATED TEXT AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS SECTION 4.4.24(C), TO ADD SINGLE-LEVEL MECHANICAL PARKING LIFTS AS AN ACCESSORY USE IN THE OLD SCHOOL SQUARE HISTORIC ARTS DISTRICT (OSSHAD). (SECOND READING/ SECOND PUBLIC HEARING)

**Recommendation:** Motion to Adopt Ordinance No. 02-16 on a final public hearing, the amendment to LDR Section 4.4.24(C), to permit single-level mechanical parking lifts as an accessory use in the OSSHAD zoning district, by adopting the findings of fact and law contained in the staff report, and finding that the text amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M).

**Sponsors:** Planning & Zoning Department

**Attachments:** [Ordinance No. 2-16](#)  
[Planning & Zoning Board Staff Report 122115](#)  
[Mechanical Parking Lifts LDR Sections](#)

Mr. Pfeffer, the City Attorney, read the caption of Ordinance No. 02-16 into record. The official copy of Ordinance No. 02-16 is on file in the City Clerk Department.

Mr. Tim Stillings, Director of Planning and Zoning, entered Project File 2015-249 into the record and gave a presentation on the mechanical

parking lifts as an accessory use in the Old School Square Historic Arts District (OSSHAD). This was a privately initiated text amendment to the Land Development Regulations.

Mayor Glickstein extended an invitation to the Applicant to make a presentation. At this point the Applicant stated that he was available for questions.

**failed no action taken**

**Yes:** 2 - Mayor Glickstein, and Jarjura

**Yes:** 2 - Mayor Glickstein, and Jarjura

**No:** 2 - Vice-Mayor Petrolia, and Katz

**No:** 2 - Vice-Mayor Petrolia, and Katz

**Absent:** 1 - Jacquet

**Absent:** 1 - Jacquet

**9.B**     [16-124](#)     ORDINANCE NO. 07-16 RESTRICTING THE RETAIL SALES OF CATS AND DOGS (SECOND READING)

**Recommendation:** Motion to Adopt Ordinance No. 07-16, prohibiting the retail sale of cats and dogs in the City with the exception of sales or transfers by animal shelters, animal rescue organizations, including shelters and rescue organizations that operate out of, or in connection with, pet stores.

**Sponsors:** City Attorney Department

**Attachments:**   [Ordinance No 07-16](#)  
                          [Delray Beach Pet Sales Ordinance Letter Jan 2016](#)  
                          [Delray Beach Letter](#)

Mr. Pfeffer read the caption for Ordinance No. 07-16 into the record and the original will be on file in the City Clerk's office. He provided an overview of the ordinance as it pertained to the restricted retail sale of cats and dogs.

At this point Mayor Glickstein asked if anyone wanted to speak from the public:

Mr. Don Anthony, Communications Director with the Animal Rights Association based in Fort Lauderdale, supported the ban on commercial bred cats and dogs. He advised that typically commercial bred cats and dogs had little exercise and were genetically diseased.

Ms. Mindy Farber spoke about the ugly litigation over the past three years and how 117 jurisdictions had passed the sale ban.

Mr. Michalel Avalar stated that he supported the ban on the sale of retail cats and dogs. He did not believe this ordinance would be directed towards retail shops.

Ms. Cyndi Freeburn discussed consumer fraud and the ban of retail sale of dogs and cats. She discussed the documentation that she found that showed there were ramifications on a local and federal level.

Ms. Cindy Burns stated that she supported passing a ban of retail sale of dogs and cats.

Ms. Trish Conroy discussed her support of the ban on retail cats and dogs and the emotional toll.

Several members from Waggs to Riches gave PowerPoint presentations. They talked about their support of Ordinance No. 07-16. They discussed several cases where animals were abused, not fed properly and kept in terrible living conditions.

(Deputy Vice Mayor Jacquet arrived at 7:27 p.m.)

**approved**

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

## **10. FIRST READINGS:**

10.A None.

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

### **A. City Manager**

City Manager gave his comments on the Marina vacancy rates.

[16-290](#)

CITY MANAGER'S COMMENTS - MARINA VACANCY RATES

**Sponsors:** City Clerk Department

**Attachments:** [02042016- Memo- Marina Vacancy Rates- Commission](#)

[16-292](#)

CITY MANAGER'S COMMENTS/SALES TAX DISTRIBUTION

**Sponsors:** City Clerk Department

**Attachments:** [Sales Tax Distribution Email City Manager Comments](#)

**B. City Attorney**

Per Statute, Mr. Pfeffer announced an Executive Session March 29th at 5 PM, prior to the Organizational Meeting.

Mr. Pfeffer talked about standards for the non profit agency agreements.

**C. City Commission**

Commissioner Katz discussed his meeting with Tropic Isles Association. He advised that a final Certificate of Occupancy was not issued for the plaza. Commissioner Katz discussed signage options that could be used at the intersection next to Dunkin Donuts. Mr. Cooper advised that he would have staff look at the intersection. Commissioner Katz discussed the new Director of Palm Tran they provided direction to staff. He gave recognition to the organizers of the St. Patrick's Day Parade.

Commissioner Jarjura requested a proclamation for a future meeting.

Vice Mayor Petrolia discussed the grant from Item 7.C. Mr. Cooper stated that he had a meeting with the Community Redevelopment Agency. She commented on the St. Patrick's Day parade. Vice Mayor Petrolia discussed Ms. Pauline Moody being a volunteer for Senator Sach's office.

Mayor Glickstein discussed All Aboard. He talked about the enforcement of the Food Truck policy and lastly the pension plan. He was advised there was no impediment to do this Ordinance.

***There being no further business, Mayor Glickstein adjourned the meeting at 10:45 P.M.***