

# **City of Delray Beach**

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## **Minutes - Draft**

**Tuesday, December 13, 2016**

**6:00 PM**

**Regular Meeting at 6:00 PM**

**Delray Beach City Hall**

**City Commission**

## 1. ROLL CALL

The Regular Meeting of the City Commission of the City of Delray Beach, Florida was called to order by Mayor Cary Glickstein in the Commission Chambers at City Hall at 6:00 p.m. on Tuesday, December 13, 2016.

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

Absent:  
None

Also present were:  
Donald Cooper, City Manager  
R. Max Lohman, City Attorney  
Chevelle D. Nubin, City Clerk

## 2. PLEDGE OF ALLEGIANCE TO THE FLAG

## 3. PRESENTATIONS:

### 3.A. [16-1161](#) PRESENTING JASMIN ALLEN, SENIOR PLANNER, WITH EMPLOYEE OF THE MONTH FOR NOVEMBER 2016

**Recommendation:** Present Jasmin Allen, Senior Planner, with Employee of the Month for November 2016.

**Sponsors:** Human Resources Department

**Attachments:** [Jasmin Allen Nomination Form](#)

Tennille Decoste, Human Resources Director, introduced this item. Tim Stillings, Director of Planning, Zoning and Building Department, discussed Jasmin Allen as an employee. Ms. Allen received a day off and a plaque from the city. Mayor Glickstein gave comments regarding Ms. Allen.

Ms. Decoste introduced this item and gave comments regarding Delores Rangel. Ms. Rangel received a day off and a plaque from the city. Commissioner Petrolia gave comments regarding Ms. Rangel. Vice Mayor Jarjura and Deputy Vice Mayor Katz gave comments regarding Ms. Rangel also. Mayor Glickstein gave comments as well.

### 3.B. [16-1160](#) PRESENTING DELORES RANGEL, EXECUTIVE SECRETARY TO THE CITY COMMISSION, WITH EMPLOYEE OF THE MONTH FOR DECEMBER 2016

**Recommendation:** Present Delores Rangel, Executive Secretary, with Employee of the Month for December 2016.

**Sponsors:** Human Resources Department

**Attachments:** [Delores Rangel Nomination Form](#)

**3.C.     [16-1144](#)     SPOTLIGHT ON EDUCATION - VILLAGE ACADEMY**

**Sponsors:** Community Improvement

Principal Latoya Dixon of Village Academy spoke regarding the school's AVID program. She also provided highlights regarding the school. She thanked the city of Delray Beach for supporting Village Academy. Ms. Dixon asked the AVID students who were present to introduced themselves.

Mayor Glickstein asked Ms. Dixon to explain what the AVID program is. He thanked Ms. Dixon for the work that is being done at Village Academy and stated the school is unique to Delray Beach and the state of Florida.

**3.D.     [16-1172](#)     BARWICK PARK - WORKOUT AND FITNESS PROJECT**

**Recommendation:** Barwick Workout Park Presentation presented by Talia Vessal and Christelle Singh

**Sponsors:** Parks & Recreation Department

**Attachments:** [City Commision PP](#)

Ms. Suzanne Fisher, introduced this item and stated two students, seniors in the IB program at Atlantic Community High School, have met with Parks and Recreation Department staff and developed a presentation regarding a Barwick Park Outdoor Gym. The students conducted the presentation regarding the park discussing a 3D rendering, costs, phases and benefits.

The City Commission gave comments.

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

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

4.B. From the Public

Jim Smith read a statement into record regarding the pension board.

Fran Marincola discussed 2-2 and having five people on the dais.

Pauline Moody discussed the agenda.

Nancy MacManus discussed receiving a recorded phone call from Citizens for Delray and gave further comments.

Yvonne Odom read a statement into record.

Anthony McCray stated he has concerns about the open commission seat.

Ernestine Holliday stated the City Commission will consider naming a person to the seat that was previously filled by Al Jacquet.

Greta Britt spoke regarding the process for how the Commission came to their decision regarding the seat.

Angeleta Gray asked the City Commission to consider the appointment of Mrs. Odom to the Commission and gave further comments.

Students and Tera Ocampo Principal of Atlantic Community High School thanked the City Commission for their support and provided each with a photo. The principal also thanked the entire coaching staff and recognized the teacher of the two IB students who conducted the presentation earlier in the meeting. Mayor Glickstein gave comments.

Kevin Ballard spoke on behalf of Mrs. Odom.

Norm Price spoke regarding Mrs. Odom.

Emanuel Jackson Dupree, Jr. spoke regarding Mrs. Odom and gave further comments.

Diane Allerdyce spoke regarding Toussaint L'Ouverture High School for Arts and Social Justice.

Students from Toussaint L'Ouverture High School spoke regarding the school.

Kevin Warner spoke regarding Mrs. Odom, thanked the Commission for the parking items they passed at the last meeting and spoke regarding the trimming of seagrapes.

Winston Hill spoke regarding the open seat on the City Commission and representation. He gave comments regarding Mrs. Odom.

Irwin ? spoke regarding the students he works with at Toussaint L'Ouverture High School.

Ryan Boylston spoke regarding negativity in the community and asked the city commission to open up the issue regarding the seat again.

Ron Gilinsky spoke regarding tree trimming and Mrs. Odom taking the city commission seat.

? spoke regarding Toussaint L'Ouverture High School and asked the city commission to do something about the school.

Arie Whiteman asked the City Commission to ponder Delray Beach.

Mark ? spoke regarding tree trimming and dunes.

Bob Victorin, Beach Property Owners Association (BPOA), spoke regarding Item 6.J. on the agenda and read a statement into record.

Andy Katz spoke regarding Item 6.J. and dunes. He reviewed photos with the City Commission.

Peter Humanik spoke regarding the composition of city boards. He stated people on the boards should be residents of the city of Delray Beach.

Prince Arafat spoke regarding Mrs. Odom. and asked the city commission to fill the seat.

Reggie Cox stated democracy starts in the neighborhood and discussed the open city commission seat.

Christina Morrison stated she is one of the persons who applied for the seat and was rejected. She asked what good will it do for the city for that seat to be vacant. She asked the city commission to put this item on the next agenda.

Mayor Glickstein gave comments.

## **5. AGENDA APPROVAL**

Mr. Cooper asked that Item 6.B. and 7.C.2 be removed from the agenda and asked that Item 6.J. be moved to the Regular Agenda as Item 7.B.B.

Mr. Lohman asked that Item 7.F. be removed from the agenda.

Vice Mayor Jarjura asked that the City Commission Comments be moved up on the agenda.

**approved as amended**

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

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

The City Attorney spoke regarding the City Charter.

The City Commission gave comments regarding the open seat and further discussion ensued.

**approved as amended**

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

- 6.A.**     [16-1060](#)     APPROVE RIGHT-OF-WAY DEED DEDICATION FOR THE EAST 5 FEET OF LOTS 28 AND 29, BLOCK 8 FROM ST. PAUL MISSIONARY BAPTIST CHURCH OF DELRAY BEACH, INC. TO THE CITY OF DELRAY BEACH

**Recommendation:** Motion to Approve the right-of-way deed dedication for the east 5 feet of Lots 28 and 29, Block 8 from St. Paul Missionary Baptist Church of Delray Beach, Inc. to the City of Delray Beach (City).

**Sponsors:** Environmental Services Department

**Attachments:** [Right of Way Deed for St. Paul Missionary Baptist 46 SW 10th Avenue](#)  
[Location Map](#)

- 6.B.**     [16-1081](#)     APPROVAL TO EXECUTE A GRANT AGREEMENT WITH THE COUNCIL FOR EDUCATION CHANGE BENEFITING CARVER MIDDLE SCHOOL

**Recommendation:** Motion to Approve the Mayor's execution of a new grant agreement between the City of Delray Beach and the Council for Educational Change for the Partnership to Advance School Success (PASS) Agreement, and acknowledge the matching grant dollars will need to be encumbered in FY 2018 as outlined in the agreement.

**Sponsors:** Community Improvement

**Attachments:** [PASS Grant Agreement](#)  
[PASS Grant Application](#)

- 6.C.**     [16-1139](#)     FIRST AMENDMENT TO THE FY 2016 CITY-CRA INTERLOCAL FUNDING AGREEMENT FOR ECONOMIC DEVELOPMENT

**Recommendation:** Motion to Approve and execute the First Amendment to the City-CRA Interlocal Funding Agreement for Economic Development.

**Sponsors:** Economic Development Department

**Attachments:** [First Amendment Funding Agreement City Economic Development FY 16-17](#)  
[ILA City Economic Development Positions](#)

- 6.D.**     [16-1141](#)     EXTENSION OF THE AGREEMENTS WITH BAXTER & WOODMAN, INC., CALVIN GIORDANO AND ASSOCIATES INC., KIMLEY-HORN & ASSOCIATES INC., AND WANTMAN GROUP FOR ENGINEERING SERVICES

**Recommendation:** Motion to Approve an extension of the Agreements with Calvin Giordano & Associates; Kimley-Horn & Associates; Baxter & Woodman, Inc., formerly known as Mathews Consulting, Inc.; and Wantman Group for engineering services through June 30, 2017.

**Sponsors:** Purchasing Department

**Attachments:** [Calvin, Giordano and Associates, Inc. Amdmnt 3](#)  
[Kimley-Horn and Associates, Inc Amdmnt 3](#)  
[Mathews Consulting, Inc. Amdmnt 3](#)  
[Wantman Group Amdmnt 3](#)  
[Engineering Services RFQ Bid](#)  
[Letter - Extension request, Calvin, Giordano and Associates, Associates Inc. 11-22-16-2016-11-22](#)  
[Letter - Extension request Kimely-Horn Associates Inc. 11-22-16-2016-11-22](#)  
[Letter - Extension request, Mathews Consulting, Inc.](#)  
[Letter - Extension request, Wantman Group](#)  
[Assignment and Assumption Agreement - Mathews Consulting Inc. with Baxter & Woodman](#)

- 6.E.**     [16-1142](#)     CERTIFICATION OF THE FINAL PLAT FOR THREE HUNDRED ONE PLAT

**Recommendation:** Move to Approve the certification of the final plat for Three Hundred One Plat, 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 the criteria set forth in Land Development Regulations Section 2.4.5(J)(Major Subdivisions), Section 3.2.3 (Standards for Plat Actions) and Section 3.1.1 (Required Findings).

**Sponsors:** Planning & Zoning Department

**Attachments:** [Three Hundred One - SPRAB Report](#)  
[Three Hundred One Plat - PZB Report](#)  
[301 Signed Consent Agenda Form](#)  
[Three Hundred One Plat Sheet 1](#)  
[THree Hundred One Plat Sheet 2](#)  
[Three Hundred One -Survey](#)

- 6.F.**     [16-1159](#)     APPROVAL OF A FINAL SUBDIVISION PLAT FOR 215 MACFARLANE PLAT LOCATED ON THE EAST SIDE OF MACFARLANE DRIVE, 100 FEET SOUTH OF INGRAHAM AVENUE (215 MACFARLANE DRIVE)

**Recommendation:** Motion to Approve the final plat for 215 MacFarlane Plat, by adopting the findings of fact and law contained in the staff report and finding that the request and approval thereof is consistent with the criteria set forth in Section 2.4.5(K)(Minor Subdivisions) of the Land Development Regulations.

**Sponsors:** Planning and Zoning Board

**Attachments:**   [Location Map](#)  
                         [215 MacFarlane Plat & Engineering Plans](#)  
                         [SPRAB Staff Report](#)  
                         [Minutes of the SPRAB Meeting of 09-14-16](#)  
                         [Applicant Consent Agenda Acknowledgement](#)

- 6.G.**     [16-1149](#)     APPROVE CONSENT TO THE ASSIGNMENT AND ASSUMPTION AGREEMENT BETWEEN BROOKSTONE DELRAY ASSOCIATES, LLC AND WALLACE FORD, LLC FOR THE BROWNFIELD SITE REHABILITATION AGREEMENT

**Recommendation:** Motion to Authorize the Mayor to sign the consent to the assignment and assumption agreement between Brookstone Delray Associates, LLC, and Wallace Ford, LLC, for the Brownfield Site Rehabilitation Agreement for the site located at 1475 SW 4th Avenue, Delray Beach, Florida, 33444.

**Sponsors:** Planning & Zoning Department

**Attachments:**   [Brookstone Associates Delray BF501502000 Cover Letter](#)  
                         [BSRA Assignment and Assumption Agreement \(Brookstone Delray Associates\) \(00017541xC4D3E\)](#)

- 6.H.**     [16-1193](#)     PROPOSED FINANCING OF RADIATION THERAPY CENTER PROECT

**Recommendation:** Motion to Authorize proposed financing of Radiation Therapy Center Project from Public Finance Authority (PFA).

**Attachments:**   [PFA-Delray Center Local Approval Letter](#)

- 6.I.**     [16-1171](#)     PROPOSED OFFER OF SETTLEMENT IN THE CASE OF TIMOTHY BELANGER V. CITY OF DELRAY BEACH

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

**Sponsors:** City Attorney Department

- 6.J.**     [16-1190](#)     AGREEMENT FOR TREE-TRIMMING AND PRUNING SERVICES WITH ZIMMERMAN TREE SERVICES UTILIZING THE TOWN OF PALM



## BEACH CONTRACT

**Recommendation:** Motion to Approve an Agreement with Zimmerman Tree Services for Tree Trimming and Pruning Services using a Town of Palm Beach contract in a not-to-exceed amount of \$75,000.

**Sponsors:** Environmental Services Department

**Attachments:** [Bid No. 2015-08 - Tree Trimming and Pruning Services - Final](#)  
[Bid No. 2015-08 - Tree Trimming and Pruning Services - Add No. 1 with Attach](#)  
[Bid No. 2015-08 - Tree Trimming and Pruning Services - Tabulation](#)  
[Resolution 42-2016 - Tree Trim & Pruning](#)  
[Zimmerman Best Price Letter](#)  
[Field Permit Number 8034074-PB](#)  
[Field Permit Number 8034075-PB](#)  
[Field Permit Number 8034076-PB](#)  
[Field Permit Number 8034077-PB](#)  
[Field Permit Number 8034078-PB](#)  
[Field Permit Number 8034079-PB](#)

John Morgan presented this item and stated it is for tree trimming services citywide. He stated permits were provided as attachments.

Vice Mayor Jarjura commented regarding emails that have been received regarding monies spent. She referenced an article and stated she is relying on the experts and staff and noted their years of experience.

Deputy Vice Mayor Katz asked Mr. Morgan to explain the compromise previously discussed.

Further discussion ensued.  
**approved as amended**

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

**6.K.**     [16-1167](#)     RATIFICATION OF APPOINTMENT TO THE PARKING MANAGEMENT ADVISORY BOARD

**Recommendation:** It is recommend that the City Commission approves and ratifies the appointed member to the Parking Management Advisory Board for a two (2) year term ending July 31, 2018.

**Sponsors:** City Clerk Department

**6.L.**     [16-1191](#)     AGREEMENT FOR VOTE PROCESSING EQUIPMENT USE AND ELECTION SERVICES WITH THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS FOR CONDUCTING MUNICIPAL ELECTIONS

**Recommendation:** Motion to Approve the Agreement for Vote Processing Equipment Use and Election Services with the Palm Beach County Supervisor of Elections for conducting municipal elections.

**Sponsors:** City Clerk Department

**Attachments:** [SOE Agreement](#)  
[Municipal Election Costs 2017 Exhibit A & B](#)

## **6.M. PROCLAMATIONS:**

6.M.1. None

**6.N.**     [16-1151](#)     REPORT OF APPEALABLE LAND USE ITEMS NOVEMBER 7, 2016  
THROUGH NOVEMBER 23, 2016

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

**Sponsors:** Planning and Zoning Board

**Attachments:** [Location Map](#)  
[400 E. Atlantic Avenue Appeable](#)  
[Bolufe](#)  
[Park Tavern](#)  
[Cut 432](#)  
[232 SE 7th Avenue Appealable Report](#)

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

6.O.1. None

## **7. REGULAR AGENDA:**

**7.A.**     [16-1146](#)     CONSIDERATION OF A WAIVER REQUEST FROM LDR SECTION  
4.6.9(D)(3)(c)(2), "STACKING DISTANCE", FOR THE DRUG ABUSE  
FOUNDATION, LOCATED AT 400 S. SWINTON AVENUE.  
(QUASI-JUDICIAL HEARING)

**Recommendation:** Motion to approve the waiver to LDR Section 4.6.9(D)(3)(c)(2), which requires a minimum of 100' of clear stacking distance for security gates, whereas a stacking distance of 10'-6" is provided, based upon positive findings with LDR Section 2.4.7(B)(5) with the following condition:  
-that the proposed rolling gate shall remain open during business hours.

**Sponsors:** Planning & Zoning Department

**Attachments:** [Site Plan](#)  
[Survey](#)  
[Waiver Justification](#)  
[Board Order](#)

Mayor Glickstein read the quasi judicial rules into the record and the City Clerk swore in the individuals who wished to speak on this item.

Mayor Glickstein asked the members of the City Commission to disclose any ex parte communications. Each member of the City Commission stated they had no exparte communications.

Tim Stillings presented this item.

Ian Gomez, Architect, representatives of the Drug Abuse Foundation, spoke regarding the item.

There was no cross examination or rebuttal from the staff or the applicant.

Vice Mayor Jarjura discussed when it would be open and closed during the day regarding the stacking.

The City Attorney stated that condition of approval can be added to the board order and reviewed the board order with the Commission.  
**approved**

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

**7.B.**     [16-1169](#)     CONSIDERATION OF TWO WAIVERS FOR (1) LOT SIZE AND (2) LOT FRONTAGE AND WIDTH FOR 1150 LOWRY STREET ASSOCIATED WITH THE "ALL WIDDOWS PLAT" (QUASI-JUDICIAL HEARING)

**Recommendation:** Motion to Approve the waiver to LDR Sections 4.3.1(D) and 4.3.4(K) which requires a minimum lot width and lot frontage of 60 feet for RM-zoned properties, whereas a lot width and lot frontage of 55 feet is proposed along Lowry Street for Lot 1 of All Widdows Plat, based positive findings with respect to LDR Section 2.4.7(B)(5)(LDR Required Findings).

Motion to Approve the waiver to LDR Sections 4.3.1(D) and 4.3.4(K) which requires a minimum lot size of 8,000 square feet for RM-zoned properties, whereas a lot size of 6,572 square feet is proposed for Lot 1 of All Widdows Plat, based positive findings with respect to LDR Section 2.4.7(B)(5)(LDR Required Findings).

**Sponsors:** Planning & Zoning Department

**Attachments:** [Waiver Request for Lot Width](#)  
[Waiver Request for Lot Size](#)  
[Updated Survey for All Widdows](#)  
[Proposed Plat for All Widdows](#)  
[1150 Lowry Street - Original Plat](#)  
[Board Order for Lot Width](#)  
[Board Order for Lot Size](#)

Tim Stillings presented this item.

Tom Stanley, Attorney for the Applicant, stated they support staff's recommendations and he is present for any questions.

No one from the public wished to speak on this item.

There was no cross examination or rebuttal from staff or the applicant.

Vice Mayor Jarjura discussed a previous item that was not approved.

The City Attorney reviewed a board order with the City Commission.  
**approved**

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

- 7.C.**     [16-1192](#)     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)
- Items C.1., C.4. and C.5. were approved.  
**approved as amended**

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

- 7.C.1.**     [16-1003](#)     AWARD OF AN AGREEMENT TO M & M ASPHALT MAINTENANCE, INC., D/B/A ALL COUNTY PAVING FOR ROADWAY RESTORATION SERVICES RELATED TO WATER AND SEWER UTILITY MAINTENANCE ACTIVITIES

**Recommendation:** Motion to Award an Agreement to M&M Asphalt Paving, Inc. d/b/a All County Paving utilizing the City of Sunrise, Florida Contract C15-33-05-MS for roadway restoration services with an annual not-to-exceed amount of \$125,000.

**Sponsors:** Environmental Services Department

**Attachments:** [All County Paving Contract for Road Restoration Services with the City of Sunrise](#)  
[All County Paving Lowest Pricing Letter](#)  
[Asphalt Maintenance Agreement with All County Paving](#)

**7.C.2. [16-1111](#)** AWARD OF AN AGREEMENT TO GARLAND/DBS, INC. IN THE AMOUNT OF \$1,199,920 FOR THE REPAIRS OF THE ROOFS AND EXTERIOR WALLS AT CITY HALL AND THE COMMUNITY CENTER BUILDINGS

**Recommendation:** Motion to Award an Agreement to Garland/DBS, Inc. for the replacement of the roofs at City Hall and the Community Center utilizing the U.S. Communities Governmental Purchasing Alliance Cooperative Contract Number 14-5903 for a guaranteed maximum not-to exceed price of \$1,199,920 (Project No. 16-097).

**Sponsors:** Environmental Services Department

**Attachments:** [Garland City Hall and Community Center Full Bid Package](#)  
[Garland City Hall and Community Center Bid Summary](#)  
[Garland Guaranteed Maximum Price Letter](#)  
[Master Intergovernmental Cooperative](#)  
[Master Agreement Garland](#)  
[Contract Amendments Garland](#)  
[ITB Garland](#)  
[Addendum 1 Garland](#)  
[Addendum 2 Garland](#)  
[Roofing Postings Garland](#)  
[Attachment B Garland](#)  
[US Communities Agreement Garland \(r1\)](#)

Removed from the agenda.

**7.C.3. [16-1112](#)** BID AWARD TO DP DEVELOPMENT OF THE TREASURE COAST, LLC. FOR STREET RESURFACING (PROJECT NO. 2015-079)

**Recommendation:** Motion to Award the bid and enter into a contract with DP Development of The Treasure Coast, LLC. in the amount of \$210,000.00 for street resurfacing (Project No. 2015-079).

**Sponsors:** Environmental Services Department

**Attachments:** [Tabulation of Quantities Project 2015-79](#)  
[Location Map](#)

Mr. Morgan presented this item.

Commissioner Petrolia asked various questions regarding the list of roads

to be resurfaced.  
approved

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

- 7.C.4.** [16-1113](#) AWARD OF AN AGREEMENT TO TRANE U.S. INC., FOR THE REPLACEMENT OF THE HVAC SYSTEM AT CITY HALL IN A NOT TO EXCEED AMOUNT OF \$484,000.

**Recommendation:** Motion to Approve the award of an Agreement to Trane, U.S., Inc. for the replacement of the HVAC System at City Hall utilizing the U.S. Communities Governmental Purchasing Alliance Cooperative Contract 15-JLP-023 (Project No. 16-097) in a not-to-exceed amount of \$484,000.

**Sponsors:** Environmental Services Department

**Attachments:** [Trane City Hall Proposal](#)  
[Master Intergovernmental Cooperative Trane](#)  
[Master Agreement Trane](#)  
[ITB Trane](#)  
[Trane Posting](#)  
[Addendum 1 Trane](#)  
[Addendum 2 Trane](#)  
[Addendum 3 Trane](#)  
[Trane Agreement Gov Contract](#)

- 7.C.5.** [16-1145](#) PURCHASE AWARD TO FLORIDA BULLET, INC., FOR LAW ENFORCEMENT AMMUNITION

**Recommendation:** Motion to Approve a purchase award to Florida Bullet, Inc., in a not-to-exceed amount of \$100,000 for FY2017 for law enforcement SPEER ammunition and approval of SPEER ammunition as a City Standard.

**Sponsors:** Purchasing Department

**Attachments:** [Florida Bullet Inc. 2508 Bid Quote](#)  
[Florida Bullet-Authorized Distributor](#)

- 7.D.** [16-1143](#) CERTIFICATION OF THE FINAL PLAT FOR ALL WIDDOWS PLAT

**Recommendation:** Motion to Approve the certification of the final plat for All Widdows Plat, 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 Land Development Regulations Section 2.4.5(J) (Major Subdivisions), Section 3.2.3 (Standards for Plat Actions) and Section 3.1.1 (Required Findings).

**Sponsors:** Planning & Zoning Department

**Attachments:** [Widdows Plat - Updated Survey](#)  
[Widdows Plat - Proposal](#)  
[1150 Lowry Street - Original Plat](#)

**approved**

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

**7.E. [16-1106](#) APPOINTMENT OF INTERIM CITY MANAGER**

**Recommendation:** Recommendations regarding the appointment of an Interim City Manager

**Attachments:** [Delray Beach Charter Article IV Section 4.02](#)  
[Interim City Manager Candidate List](#)  
[Recommendations Acting City Manager](#)  
[Additional Email from Colin Baenziger](#)

Commissioner Petrolia stated she feels uncomfortable moving forward with an actual appointment of an interim city manager tonight. She stated she did not get to go through the information due to receiving it on Friday.

Commissioner Katz asked if the City Commission is open to a department head serving in this capacity since this is a temporary position.

Further discussion ensued regarding the interim city manager position and advertising for the permanent position now.

Mr. Baenziger spoke regarding the advertisement and Fire Rescue Chief Neal DeJesus.

Motion to appoint Fire Rescue Chief Neal DeJesus as Interim City Manager at 5:01 p.m. on December 30, 2016 subject to the condition that he finds an Assistant Fire Rescue Chief who will serve as Interim Fire Rescue Chief and the negotiation of an agreement also with a 10% increase in pay. This motion was approved 4-0.  
**approved with conditions**

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

**7.F. [16-1188](#) A REQUEST FROM THE APPLICANT, JOHN FLYNN OF EQUITY DELRAY, LLC FOR AN EXTENSION OF THE TERMINATION DATE WITHIN THE DEVELOPMENT AGREEMENT FOR UPTOWN DELRAY**

**Recommendation:** Motion to Consider a request from Equity Delray, LLC to extend the termination date under Section 7 of the Development Agreement with the City for the project known as Uptown Delray.

**Sponsors:** City Manager Department

**Attachments:** [Extension Request](#)  
[Development Agreement Uptown Atlantic](#)

Removed from the agenda.

## 8. PUBLIC HEARINGS:

**8.A. [16-1129](#)** APPROVAL OF FY15-16 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER)

**Recommendation:** Motion to Approve the 2015-2016 Consolidated Annual Performance and Evaluation Report (CAPER) required by the United States Housing and Urban Development (HUD) for utilization of federal grant funds.

**Sponsors:** Community Improvement

**Attachments:** [CAPER Draft](#)  
[CAPER Ad 2015-2016 Neighborhood Services](#)  
[CDBG Target Area Census Tract Map](#)  
[PR 03 - CDBG CDBG-R Activity Summary Report 111416](#)  
[PR 23 - CDBG Summary of Accomplishments 2015 111416](#)  
[PR 26 - CDBG Financial Summary Report 111416](#)  
[PR 83 SECTION 1 - CDBG CDBG-R Performance Measures Report](#)  
[PR 83 SECTION 2 - CDBG CDBG-R Performance Measures Report](#)  
[PR 83 SECTION 3 - CDBG CDBG-R Performance Measures Report](#)  
[PR 84 - CDBG Strategy Area CDFI and Local Target Area Report](#)  
[Sec 3 Summary Report FY 15-16 CDBG](#)

Michael Coleman, Community Improvement Director, presented this item.

There was no one from the public who wished to speak.  
**approved**

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

**8.B. [16-1181](#)** LEASE AGREEMENT WITH OLD SCHOOL SQUARE CENTER FOR THE ARTS, INC.

**Recommendation:** Motion to Approve execution of a ten-year lease with Old School Square Center for the Arts, Inc., for the use of Old School Square and the surrounding area.

**Attachments:** [City of Delray OSS.Lease 12-1 - Final](#)

Max Lohman, City Attorney, presented this item.

The attorneys for Old School Square spoke regarding the agreement.

Christina Morrison asked the City Commission to approve the lease.



Vice Mayor Jarjura thanked Old School Square, staff and the City Attorney for working to get the agreement approved.

Commissioner Petrolia stated she is fine with this agreement moving forward.

Deputy Vice Mayor Katz asked about vehicles and whether that would be allowed on the property and gave further comments.

Mayor Glickstein gave comments.

**approved**

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

## **9. FIRST READINGS:**

- 9.A.**     [16-1153](#)     ORDINANCE NO. 36-16: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, BY AMENDING; ARTICLE 4.4, "BASE ZONING DISTRICT", SECTION 4.4.9 "GENERAL COMMERCIAL (GC) DISTRICT", SECTION 4.4.11 "NEIGHBORHOOD COMMERCIAL (NC) DISTRICT", SECTION 4.4.12 "PLANNED COMMERCIAL (PC) DISTRICT", SECTION 4.4.13 "CENTRAL BUSINESS DISTRICT (CBD)", SECTION 4.4.15 "PLANNED OFFICE CENTER (POC) DISTRICT", SECTION 4.4.16 "PROFESSIONAL AND OFFICE (POD) DISTRICT", SECTION 4.4.17 "RESIDENTIAL OFFICE (RO) DISTRICT", SECTION 4.4.18 "PLANNED COMMERCE CENTER (PCC) DISTRICT", SECTION 4.4.19 "MIXED INDUSTRIAL AND COMMERCIAL (MIC) DISTRICT", SECTION 4.4.26 "LIGHT INDUSTRIAL (LI) DISTRICT", AND SECTION 4.4.29 "MIXED RESIDENTIAL, OFFICE AND COMMERCIAL (MROC) DISTRICT" TO ALLOW NEV TRANSACTIONS LIMITED TO OFFICES ONLY WITH NO INVENTORY ON SITE FOR ANY PURPOSE; AMENDING SECTION 4.4.10 "AUTOMOTIVE COMMERCIAL (AC) DISTRICT" TO INCLUDE NEV WITH RECREATIONAL VEHICLES; AMENDING APPENDIX "A" "DEFINITIONS" TO DEFINE THE TERMS "NEIGHBORHOOD ELECTRIC VEHICLE (NEV)" AND "NEV TRANSACTIONS" MAKING OTHER TECHNICAL CHANGES; PROVIDING A SAVING CLAUSE, A GENERAL REPEALER CLAUSE, AND AN EFFECTIVE DATE. (FIRST READING)

**Recommendation:** Motion to Approve Ordinance No. 36-16 regarding the inclusion of Neighborhood Electric Vehicle (sales, lease or rental) offices in commercial zoning districts currently permitted offices.

**Sponsors:** Planning & Zoning Department

**Attachments:** [Ordinance No. 36-16](#)  
[Plan Zoning Board Staff Report November 21, 2016](#)

Mayor Glickstein read the caption of the ordinance.

Commissioner Petrolia declared a conflict of interest and left the dais.

Tim Stillings presented this item.

City Commission discussion ensued.  
**approved on first reading**

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

**Recused:** 1 - Petrolia

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

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

Mr. Cooper discussed the request received from S.D. Spady Montessori Elementary School regarding funding for the trip to Carnegie Hall in New York.

Consensus of the City Commission to approve the request.

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

Mr. Lohman wished everyone happy holidays.

#### **10.A.1. [16-1199](#) CITY MANAGER'S REPORT (ADDENDUM)**

**Sponsors:** City Manager Department

**Attachments:** [12122016 - S.D. Spady Elementary School Funding Request](#)  
[Follow-up for a Group of Students to Sing at Carnegie Hall](#)

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

Vice Mayor Jarjura commented and thanked everyone regarding the parade this weekend. She commented regarding the press conference that was held by Dave Aronberg with Congresswoman Lois Frankel and referenced the grand jury report. She also thanked Mr. Cooper and his family for his service and stated it has been a pleasure to get to know him on a personal and professional level.

Deputy Vice Mayor Katz thanked Mr. Cooper for his service to this town and stated he always handled himself in an extremely professional manner. He also acknowledged the Boynton Beach Officer who passed

away and stated Alan Thicke passed away today. He thanked staff for the Holiday Parade this weekend and acknowledged Banyan Creek. He wished everyone a happy holidays and mentioned the Menorah Lighting that will be held on Christmas Eve. He stated he will be out the week of New Year's Eve.

Vice Mayor Jarjura stated she will miss the menorah lighting and wished Mayor Glickstein and Deputy Vice Mayor Katz Happy Hannukah.

Commissioner Petrolia stated there was a comment made that she thought was interesting regarding the beach and expressed her concerned with dunes and the boardwalk of the beach area. She stated the Holiday Parade was great and stated she had the best driver. She asked the City Commission to write a birthday card to a city resident that is turning 100, John Finnegren (sp). She discussed cat colonies and TNR (trap, neuter and release). Commissioner Petrolia stated she wishes Mr. Cooper and his wife only the best and she will pray for her health and stated she has appreciation for everything that he came in and did. She wished him a very happy holidays.

Mayor Glickstein reiterated appreciation to the staff for the work on the Holiday Parade. he referenced the upcoming birthdays for John Finnegren and General Ely. He stated there was a request for the city to look at pedicabs. It was the consensus of the City Commission to take a look at this. He also spoke regarding the emails received about the bike lane color.

Mr. Morgan spoke regarding some of the emails and comments received about the bike lane color.

Mayor Glickstein referenced an email sent by Jeff Costello regarding a core committee with seventeen members with kickoff to start in two days. They are requesting that a City Commissioner serve on the committee. Vice Mayor Jarjura volunteered to serve on the committee with the Commission's consensus. He thanked the City Manager for his work at the city and gave corresponding comments. He stated he wishes Mr. Cooper and all of his family the best and a happy holidays. He wished everyone happy holidays.

There being no further business, Mayor Glickstein adjourned the meeting at 10:20 p.m.