

City of Delray Beach

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Minutes - Draft

Tuesday, October 4, 2016

6:00 PM

Regular Meeting at 6:00 PM

Delray Beach City Hall

City Commission

1. ROLL CALL

Rollcall

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

2. PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Glickstein gave comments regarding the hurricane's affect on Haiti and the hurricane watch. He read a statement into record.

He also read a statement into record regarding the city's grade level reading program and school attendance; he stated the city has submitted a Letter of Intent for the All America City Award for 2017.

Mayor Glickstein thanked all of our jewish community members for the new year.

3. PRESENTATIONS:

3.A. PRESENTING GOLDA WASIMIN, UTILITIES CUSTOMER SERVICE, WITH EMPLOYEE OF THE MONTH FOR AUGUST 2016.

Body: **Recommended Action:**

Recommendation: Recognizing Golda Wasimin as Employee of the Month for August 2016.

Sponsors: Human Resources Department

Attachments: [August 2016 Nomination Form](#)

Tennille Decoste, Human Resources Director, introduced this item and Jameel Stewart provided background regarding the nomination of Golda Wasimin for Employee of the Month.

3.B. PRESENTATION BY SYLVIA MOFFETT, WEST PALM BEACH COMMISSIONER, DISTRICT 1

Body: **Recommended Action:**

Recommendation: Sylvia Moffett, West Palm Beach Commissioner, District 1 will make a presentation.

West Palm Beach Commissioner Sylvia Moffett, District 1 spoke to the City Commission regarding reentry: "Ban the Box". She conducted a PowerPoint presentation regarding "Ban the Box".

Commissioner Petrolia asked questions.

Vice Mayor Jacquet gave comments and thanked Commissioner Moffet.

Mayor Glickstein asked Mr. Cooper to bring something back to the City Commission.

Deputy Vice Mayor Jarjura discussed that Broward County has recently did a study regarding this.

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

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

The City Manager stated he had none.

4.B. B. From the Public

1. Victor Kirson discussed the Seat #2 appointment.

2. Steve Blum spoke regarding the comprehensive plan kickoff meeting held on last Thursday.

5. AGENDA APPROVAL

Mr. Cooper requested that Items 7.E. and 8.A. be removed from the agenda. He also asked that the Proclamations and Resolutions be added to the agenda.

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

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

6. CONSENT AGENDA: City Manager Recommends Approval

Mayor Glickstein read the Firefighter Appreciation Month proclamation into record.

Mr. Cooper read the proclamations and captions of Resolutions A-I into the record.

Interim City Attorney Janice Rustin stated the City Commission has to adopt the resolutions by vote.

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

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

6. CONSENT AGENDA: City Manager Recommends Approval

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

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

6.A.

6.B.

ROOF TOWER LICENSE AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND TROPIC HARBOR ASSOCIATION, INC. FOR CITY INSTALLATION OF ANTENNA EQUIPMENT ON ASSOCIATION PROPERTY

Body: **Recommended Action:**

Recommendation: Motion to Approve a Roof Tower License Agreement between the City of Delray Beach and Tropic Harbor Association, Inc. to allow the installation of an Advanced Water Metering Infrastructure antenna equipment onto association property.

Attachments: [Roof Tower License Agreement](#)

6.C.

REQUEST FOR SUBORDINATION OF SECOND MORTGAGE FOR 243 S.W. 4TH AVENUE

Body: **Recommended Action:**

Recommendation: Motion to Approve a request for the City to subordinate its second mortgage position in the amount of \$10,908.10 for the property located at 243 S.W. 4th Avenue.

Sponsors: Community Improvement

Attachments: [Subordination Agreement - Thomas](#)

6.D.

HOUSING REHABILITATION GRANT AWARD TO LEONARD GRAHAM, INC. FOR 323 S.W. 10TH STREET IN THE AMOUNT OF \$46,954.90.

Body: **Recommended Action:**

Recommendation: Motion to Approve a housing rehabilitation grant(s) in the amount of \$46,954.90 to Leonard Graham, Inc. funded under the Community Development Block Grant (CDBG) program for property located at 323 S.W. 10th Street (Odom), Delray Beach, FL.

Motion to Approve request to waive the \$37,000.00 maximum grant award established for housing rehabilitation projects under the Neighborhood Services Division Policies and Procedures.

Motion to Approve this acquisition which 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: [BID 2016-115](#)
[Bid Tabulation Sheet](#)
[Bid Information Sheet](#)
[323 SW 10th Street Contract Revised](#)
[Lien Agreement- Odom \(CDBG\)](#)
[Memorandum of Understanding](#)
[Notice to Proceed](#)

6.E. HOUSING REHABILITATION GRANT AWARD TO CJ CONTRACTING, LLC. FOR 710 S.W. 6TH AVENUE IN THE AMOUNT OF \$34,826.60

Body: **Recommended Action:**

Recommendation: Motion to Approve a housing rehabilitation grant(s) in the amount of \$34,826.60 to CJ Contracting, LLC., funded under the State Housing Initiatives Partnership (SHIP) Program for property located at 710 S.W. 6th Avenue (Bowleg), Delray Beach, FL.

Motion to Approve this acquisition which complies 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: [Bid 2016-119](#)
[Bid Information Sheet](#)
[710 SW 6th Avenue Contract Revised](#)
[Lien Agreement](#)
[Memorandum of Understanding](#)
[Notice to Proceed](#)

6.F. HOUSING REHABILITATION GRANT AWARD TO CJ CONTRACTING, LLC. FOR 506 JAEGER DRIVE IN THE AMOUNT OF \$34,249.10

Body: **Recommended Action:**

Recommendation: Motion to Approve a housing rehabilitation grant in the amount of \$34,249.10 to CJ Contracting, LLC., funded under the State Housing Initiatives Partnership (SHIP) Program for property located at 506 Jaeger Drive, Delray Beach, FL.

Sponsors: Community Improvement

Attachments: [Bid 2016-114 Basilio](#)
[2016-114 Bid Tabulation Sheet](#)
[Bid Information Sheet](#)
[506 Jaeger Drive Contract Revised](#)
[SHIP Lien Agreement](#)
[Memorandum of Understanding](#)
[Notice to Proceed](#)

6.G. HOUSING REHABILITATION GRANT AWARD TO LEONARD GRAHAM, INC. FOR 667 BLUE JAY ROAD IN THE AMOUNT OF \$41,066.26.

Body: Recommended Action:

Recommendation: Motion to Approve a housing rehabilitation grant(s) in the amount of \$41,066.26 to Leonard Graham, Inc., funded under the State Housing Initiatives Partnership (SHIP) Program for property located at 667 Blue Jay Road (Benoit), Delray Beach, FL.

Motion to Approve request to waive the \$37,000 maximum grant award established for housing rehabilitation projects under the Neighborhood Services Division Policies and Procedures.

Motion to Approve this acquisition which is in compliance with the City 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: [BID 2016-116](#)
[2016-116 Bid Tabulation Sheet](#)
[Bid Information Sheet](#)
[Contract -667 Blue Jay Rd - Revised](#)
[SHIP Lien Agreement](#)
[Memorandum of Understanding](#)
[Notice to Proceed](#)

6.H. HOUSING REHABILITATION GRANT AWARD TO LEONARD GRAHAM, INC. FOR 234 N.W. 6TH AVENUE IN THE AMOUNT OF \$34,896.34

Body: Recommended Action:

Recommendation: Motion to Approve a housing rehabilitation grant(s) in the amount of \$34,896.34 to Leonard Graham, Inc., funded under the Community Development Block Grant (CDBG) Program for property located at 234 N.W. 6th Avenue(Brooks), Delray Beach, FL.

Motion to Approve this acquisition which complies 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: [BID 2016-120 Brooks](#)
[2016-120 Tabulation Sheet](#)
[Bid Information Sheet](#)
[234 NW 6th Avenue Contract Revised](#)
[Lien Agreement \(CDBG\)](#)
[Memorandum of Understanding](#)
[Notice to Proceed](#)

6.I. CHANGE ORDER TO FLORIDA BULLET, INC.

Body: **Recommended Action:**

Recommendation: Motion to Approve a change order in the amount of \$180.00 for purchase of training ammunition.

Sponsors: Police Department

Attachments: [Est 1471 from Florida Bullet Inc](#)
[Florida Bullet Sole Source Letter 11-11-15](#)

6.J. MEMORANDUM OF AGREEMENT-FLORIDA BUREAU OF FEDERAL PROPERTY ASSISTANCE AND STATE PLAN OF OPERATIONS

Body: **Recommended Action:**

Recommendation: Motion to Approve the Memorandum of Agreement for the Florida Bureau of Federal Property Assistance and the State Plan of Operations for excess Department of Defense properties.

Attachments: [Memorandum of Agreement Between the Florida Bureau of Federal Property Assistance and the Delray Beach Police Department 2YTC89](#)
[State Plan of Operations Between the State of Florida and the Delray Beach Police Department 2YTC89](#)

6.K. APPROVAL OF MAINTENANCE AND SUPPORT AGREEMENT WITH MOTOROLA SOLUTIONS, INC. FOR THE RADIO SYSTEM

Body: **Recommended Action:**

Recommendation: Motion to approve a one-year Motorola Maintenance and Support Agreement with Motorola Solutions, Inc., the sole source provider, for the current Motorola subscriber radios and consoles in the amount of \$47,855.01.

Sponsors: Police Department

Attachments: [Motorola Delray Beach contract](#)
[Sole Source Letter 9-16-2016](#)

6.L. RATIFICATION OF APPOINTMENTS TO THE PARKING MANAGEMENT ADVISORY BOARD

Body: **Recommended Action:**

Recommendation: Recommend City Commission approves and ratifies the appointed members to the Parking Management Advisory Board for two (2) year terms ending July 31, 2018.

Sponsors: City Clerk Department

6.M. APPROVAL OF THE FIFTH AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND SUNGARD PUBLIC SECTOR, LLC

Body: **Recommended Action:**

Recommendation: Motion to Approve the fifth amendment to the agreement between the City of Delray Beach and Sungard Public Sector, LLC

Sponsors: IT Department

Attachments: [Sungard Maintenance Agreement](#)
[Executed Sungard License and Services Agreement](#)
[Sungard Amendment 5 FINAL](#)

6.N. PROCLAMATIONS:

6.N.1.

Attachments: [FIRE_FIGHTER_APPRECIATION_MONTH_2016](#)

6.O. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS AUGUST 22, 2016 THROUGH SEPTEMBER 9, 2016

Body: **Recommended Action:**

Recommendation: Motion to Receive and File this report.

Sponsors: Planning and Zoning Board

Attachments: [Location Map](#)
[Lady Katie](#)
[Walmart Liquor Box](#)
[Five-55 Building](#)

6.P. AWARD OF BIDS AND CONTRACTS:

6.P.1. None

7. REGULAR AGENDA:

- 7.A.** WAIVER REQUEST FROM LDR section 4.6.9(D)(3)(c), Stacking Distance for FIVE-55 DELRAY, LOCATED AT 555 SE 9TH STREET (QUASI-JUDICIAL hearing)

Body: Recommended Action:

Recommendation: Motion to Approve the waiver to LDR Section 4.6.9(D)(3)(c), which requires a minimum stacking distance of 20', whereas a stacking distance of 10'-4" and 10'-5" are provided, based upon positive findings with LDR Section 2.4.7(B)(5).

Attachments: [555 SE 9th Street SPRAB Report 082416](#)
[Waiver Request - Five-55 Delray](#)
[Board Order 100416](#)

Mayor Glickstein read the Quasi Judicial rules into the record.

City Clerk Nubin swore in individuals who wished to speak on this item and Items 7.B. and 7.C.

Mayor Glickstein asked the City Commission to disclose any exparte communications. No City Commissioners members had any exparte communications to disclose.

Tim Stillings, Planning, Zoning and Building Director, presented this item.

Roger Cope, applicant, stated they agree with staff's recommendations and presented a video to the City Commission regarding this project.

There were no public comments.

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

The City Commission provided comments regarding the 3D animation of the project.

Ms. Rustin reviewed the board order with the City Commission.

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

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

**7.B. SILVERBALL MUSEUM CONDITIONAL USE REQUEST FOR A
COMMERCIAL RECREATION FACILITY (QUASI-JUDICIAL HEARING)**

Body: Recommended Action:

Recommendation: Motion to Approve the Conditional Use request for *Silverball Museum*, based upon positive findings with respect to Chapter 3 (Performance Standards) and Section 2.4.5(E)(5) of the Land Development Regulations, and the policies of the Comprehensive Plan, subject to the following conditions:

1. The applicant shall enter into an in lieu parking agreement, as approved by the City Commission, requiring the payment of twelve (12) in lieu parking spaces at a cost of \$10,140 per space totaling \$121,680. The payment terms shall be provided in the in lieu parking agreement.
2. Prior to 30 days following approval of the conditional use and/or prior to the first event, the applicant shall submit a parking plan to be approved by the Planning, Zoning and Building Department Director for special events or private parties with more than 100 attendees held on either a Friday or Saturday after 4:00 pm. The parking plan must provide how parking will be handled during these events. The approved plan must be followed for each event.
3. The pinball machines and other arcade games currently located within the premises will not be permitted to be moved or relocated from the area identified on the floor plans prepared by Rick Brautigan last revision date June 7, 2016 except for maintenance, repair, replacement, and deletion of a machine or rearranging the mix or location of the arcade games/machines within the premises.
4. The facility shall not be used for any other use(s) except for those approved by this conditional use application, unless first obtaining the required approval of the City. Any modification to the use, other than a less intense use as determined by City Staff, shall result in an amendment to the Conditional Use application and a requirement for City Commission approval.
5. Occupant load calculations must be shown on drawings.

Attachments: [Planning & Zoning Board Staff Report](#)
[Silverball Location Map](#)
[Silverball - Floor Plan 1ST FLOOR](#)
[Silverball - Floor Plan 2ND FLOOR](#)
[Board Order](#)

The City Commission disclosed exparte communications. Commissioner

Katz stated he had spoken to the applicant, Fran Marincola, Bruce Gimmy, received emails on the city server and has a membership to the museum. Deputy Vice Mayor Jarjura stated she spoke with the applicant, Fran Marincola, Bruce Gimmy, Kevin Warner and received emails on the city server. Commissioner Petrolia stated she received emails on the city server and spoke with the applicant and the applicant's attorney. Mayor Glickstein stated he received emails on the city server and Vice Mayor Jacquet stated he had no exparte communications.

Alan Ciklin, representing the applicant, spoke regarding the project. He stated Bradley Miller who is the planner for the project was not able to be present tonight.

There was no public comment.

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

The City Commission provided brief comments and asked questions regarding the project.

Mayor Glickstein asked for public comment on Item 7. C. There was no public comment on Item 7.C.

Mr. Stillings spoke regarding the costs of the space.

Ms. Rustin reviewed the board orders for both the Conditional Use and In-Lieu Parking requests for the Silverball Museum.

A motion was made by Petrolia, seconded by Katz, that this Request be approved. The motion carried by the following vote:

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

7.C.

SILVERBALL MUSEUM IN LIEU PARKING FEE REQUEST (QUASI-JUDICIAL HEARING)

Body: Recommended Action:

Recommendation: Motion to Approve the parking in-lieu fee request in the amount of \$121,680 for 12 parking spaces subject to the condition that the In-Lieu of Parking Fee Agreement be recorded and the first installment paid at the time that the recorded agreement is received by the applicant since there will be no further building permit issuance and that the subsequent two 25% payments are paid on or before the City Commission approval anniversary dates of October 4, 2017 and October 4, 2018, 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 Section 4.6.9(E) of the Land Development Regulations for the Silverball Museum located at 19 N.E. 3rd Avenue.

Sponsors: Planning & Zoning Department

Attachments: [Tri-Party Agreement For In Lieu of Parking Fees](#)
[Draft PMAB Minutes 07262016](#)
[Silverball Location Map](#)
[Board Order](#)

A motion was made by Petrolia, seconded by Katz, that this Request be approved. The motion carried by the following vote:

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

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

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

- 7.D.** RATIFY AND APPROVE AN EMERGENCY PURCHASE, APPROVAL
7.D.1. OF ASSIGNMENT AND ASSUMPTION AGREEMENT AND APPROVAL
OF AN INCREASE IN SPEND WITH AIRGAS USA LLC FOR GASES

Body: **Recommended Action:**

Recommendation: Motion to Ratify and Approve an emergency purchase with Airgas USA, LLC. approve an Assignment and Assumption Agreement from Airgas Carbonic, Inc. to Airgas USA, LLC. and approve a spending increase with Airgas USA, LLC. in the amount of \$137,500.00 for FY 2017.

Sponsors: Purchasing Department and Environmental Services Department

[Bid Award Posting Form #2014-22](#)

Attachments: [Airgas Carbonics Agreement \(Executed\)](#)
[Assignment and Assumption Agreement Airgas](#)
[Assumption Notice, March 15 2016](#)
[Acquisition Approval Airgas](#)

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

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

- 7.D.2.** AWARD OF AN AGREEMENT TO ZABATT ENGINE SERVICES, INC. D/
B/A ZABATT POWER SYSTEMS, INC. FOR REPLACEMENT OF
EMERGENCY GENERATOR FOR FIRE RESCUE STATION NO. 5

Body: **Recommended Action:**

Recommendation: Motion to Award an agreement to Zabatt Engine Services, Inc. d/b/a Zabatt Power Systems, Inc. in an amount not-to-exceed \$120,000.00 for the
_____ replacement of emergency generator for Fire Rescue Station No. 5

Sponsors: Purchasing Department

Attachments: [2016-133 Agreement \(R1\)](#)
[Exhibit B - Plans Full Set \(r2\)](#)
[Updated Zabatt Bid - ITBC No. 2016-133](#)
[2016-133 Tabulation Sheet](#)
[2016-133 Agenda Backup](#)

7.E.

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

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

2016 CIVIL SERVICE EMPLOYEE SALARY SURVEY
RECOMMENDATION

Attachments: [Commission Item - Civil Service Salary Survey](#)

Body: **Recommended Action:**

Recommendation: Motion to Approve the implementation of the pay study results of the City's civil service employees' pay plan that was conducted by Evergreen Solutions, Inc.

7.F.

This item was removed from the agenda.

PRESENTATION REGARDING HOLIDAY PLANS/EVENTS FOR THE
CITY OF DELRAY BEACH

Body: **Recommended Action:**

Recommendation: Stephanie Immelman, Executive Director, Delray Beach Marketing Cooperative, will provide an update to the City Commission regarding the upcoming holiday plans.

Sponsors: City Manager Department

Attachments: [DBMC 2016-City Presentation-Holidays for 10042016 Regular City Commission Meeting](#)

Stephanie Immelman presented this item providing key dates for the holidays. She thanked the city for the staff who is working on the tree build. She discussed the New Year's Eve proposal.

Mayor Glickstein clarified what is being asked of the City Commission.

Discussion ensued regarding staffing, the events and budget for the events.

Commissioner Katz stated these items should have been presented prior to now.

Vice Mayor Jacquet commented about Mr. Cooper's memo regarding the contingency fund and referenced prior budget discussions.

Mayor Glickstein suggested to the City Manager a mid year adjustment creating a line item for this.

Discussion continued regarding events.

There was a motion to approve \$35,000 for First Night.

A motion was made by Katz, seconded by Petrolia, that this Request be approved. The motion carried by the following vote:

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

No: 1 - Jarjura

7.G. BEST INTEREST RESOLUTION NO. 47-16 AND WAIVER OF THE CITY CODE OF ORDINANCES, CHAPTER 36, SECTION 36.02(C)(7) FOR THE REPAIR/REPLACEMENT OF THE ROOFS AT CITY HALL AND THE COMMUNITY CENTER

Body: **Recommended Action:**

Recommendation: Motion to Approve Best Interest Resolution No. 47-16 and waiver of the

City Code of Ordinances, Chapter 36, Section 36.02(C)(7) to provide an expeditious "turn key" cost effective service delivery method for the repair/replacement of the roofs at City Hall and the Community Center by allowing the use of the U.S. Communities Governmental Purchasing Alliance Cooperative Contract between Garland/DBS Inc. and Cobb County, Marietta, Georgia (Contract Number 14-5903) for roofing supplies and services, waterproofing and related products and services, and declaring by a four-fifths affirmative vote that use of the sealed competitive method or written quotations method by any governmental entity with the State of Florida or the United States Government for the purchase is not in the best interest of the City.

Sponsors: Environmental Services Department

Attachments: [Resolution No. 47-16](#)

[Master Intergovernmental Cooperative Purchasing Agreement](#)

[Master Agreement Garland](#)

[Contract Amendments Garland](#)

[ITB Garland](#)

[Attachment B Pricing Garland](#)

[Addendum 1 Garland](#)

[Addendum 2 Garland](#)

[Roofing Postings Garland](#)

John Morgan, Environmental Services Director, presented this item.

Commissioner Petrolia asked how does the city know that they are getting the best price.

Theresa Webb, Purchasing Director, spoke regarding U.S. Communities and solicitations.

Mr. Cooper provided comments regarding the roofs and the chillers at city hall.

Ms. Jarjura asked about the utilization of local contractors.

Mr. Jacquet spoke regarding Best Interest.

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

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

7.H.

BEST INTEREST RESOLUTION NO. 51-16 AND WAIVER OF THE CITY CODE OF ORDINANCES, CHAPTER 36, SECTION 36.02(C)(7) FOR REPLACEMENT OF THE HVAC SYSTEM AT CITY HALL

Body: Recommended Action:

Recommendation: Motion to Approve Best Interest Resolution No. 51-16 and waiver of the City Code of Ordinances, Chapter 36, Section 36.02(C)(7) to provide an expeditious "turn key" cost effective service delivery method for the replacement of the HVAC System at City Hall in a total not-to-exceed amount of \$500,000 by allowing the use of the U.S. Communities Governmental Purchasing Alliance cooperative contract between Trane U.S. Inc. and Hartford County Public Schools, Hunt Valley, Maryland (Contract Number 15-JP-023), and declaring by a four-fifths affirmative vote that use of the sealed competitive method or written quotations method by any governmental entity with the State of Florida or the United States government for the purchase is not in the best interest of the City.

Sponsors: Environmental Services Department

Attachments: [Resolution No. 51-16](#)
[Master Intergovernmental Cooperative Purchasing Agreement](#)
[Master Contract](#)
[ITB Trane](#)
[Trane Posting](#)
[Addendum 1](#)
[Addendum 2](#)
[Addendum 3](#)

Mr. Morgan presented this item.

Commissioner Petrolia asked about the roof and the HVAC system.

Discussion ensued regarding redesign of the roof.

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

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

**7.I. LEASE WITH CREATIVE CITY COLLABORATIVE OF DELRAY BEACH
FOR THE ARTS GARAGE**

Body: Recommended Action:

Recommendation: Motion to Approve execution of a five year lease with Creative City Collaborative (CCC) of Delray Beach for the Arts Garage consistent with the Use of Premises and Reporting terms to be determined by the Commission.

Sponsors: City Attorney Department

Attachments: [Delray Arts Lease](#)

Mr. Cooper presented this item.

Discussion ensued regarding the use of the space and it being a cultural hub.

Ms. Rustin stated they have been working very closely with the Arts Garage and eventually reached an impasse regarding uses.

Brian Rosen, Arts Garage, stated their focus is remaining an arts cultural hub, discussed uses and the board.

Further discussion ensued regarding the uses, the business plan and diversity on the board and programming to include the entire city.

The City Commission did not vote on this item due to it needing to be

publicly advertised.

7.J. NOMINATION FOR APPOINTMENT TO THE SITE PLAN REVIEW AND APPEARANCE BOARD

Body: Recommended Action:

Recommendation: Recommend nomination for appointment for one (1) regular member to serve on the Site Plan Review and Appearance Board for a two (2) year term ending August 31, 2018.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)

[Site Plan Review and Appearance Board Member List](#)

[Site Plan Review and Appearance Board Attendance List](#)

Deputy Vice Mayor Jarjura appointed Frederick Hoff; approved, 5-0.

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

7.K. RECOMMENDATION FOR APPOINTMENT TO THE DELRAY BEACH HOUSING AUTHORITY BOARD

Body: Recommended Action:

Recommendation: Recommend nomination for appointment for one (1) regular member to serve on the Delray Beach Housing Authority Board for an unexpired term ending July 14, 2017.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)

[Delray Beach Housing Authority Board Member List](#)

[Delray Beach Housing Authority.3](#)

Commissioner Petrolia appointed Gregory Wickelman; approved, 5-0.

7.L. NOMINATIONS FOR APPOINTMENT TO THE BOARD OF TRUSTEES FOR THE POLICE OFFICERS' RETIREMENT SYSTEM

Body: Recommended Action:

Recommendation: Recommend nominations for appointment for two (2) regular members to serve on the Board of Trustees for the Police Officers' Retirement System for a four (4) year term.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)

Commissioner Petrolia appointed Raymond Jones; approved, 5-0
Deputy Vice Mayor Jacquet deferred his appointment.

7.M. NOMINATIONS FOR APPOINTMENT TO THE BOARD OF TRUSTEES FOR THE FIREFIGHTERS' RETIREMENT SYSTEM

Body: Recommended Action:

Recommendation: Recommend nominations for appointment for two (2) regular members to serve on the Board of Trustees for the Firefighters' Retirement System for a four (4) year term.

Sponsors: City Clerk Department

Attachments: [Exhibit A](#)

Commissioner Petrolia nominated Don Uderitz; approved 5-0.
Deputy Vice Mayor Jacquet nominated Thomas Glanfield; approved 5-0.

8. PUBLIC HEARINGS:

8.A. ORDINANCE NO. 17-16 AMENDING THE CITY'S POLICE AND FIREFIGHTERS RETIREMENT PENSION SYSTEM (SECOND READING)

Body: Recommended Action:

Recommendation: Motion to Approve Ordinance No. 17-16 amending the City's Police and Firefighters Retirement Pension System.

Sponsors: Finance Department

Attachments: [Ordinance No. 17-16](#)

Ms. Rustin read the caption of the ordinance.

James Linn, Lewis, Longman and Walker, the city's pension attorney, stated he received a phone call that the city's ordinance is in compliance with state statute. He spoke briefly regarding dates.

Ms. Rustin stated the new version of the ordinance will be put into the record.

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

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

No: 1 - Petrolia

9. FIRST READINGS:

9.A. ORDINANCE NO. 29-16, TO INDIVIDUALLY DESIGNATE "THE CLINT MOORE HOUSE" AT 1420 NORTH SWINTON AVENUE ON THE LOCAL REGISTER OF HISTORIC PLACES (FIRST READING)

Body: Recommended Action:

Recommendation: Motion to Approve Ordinance No. 29-16 on First Reading for the Individual Designation of The Clint Moore House on the Local Register of Historic Places.

Sponsors: Planning & Zoning Department

Attachments: [Ordinance No. 29-16](#)
[HPB Staff Report 080316](#)
[1420 N Swinton Avenue Designation Report](#)

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager Mr. Cooper gave brief comments regarding the policy on contingency.

10.A.1 **Attachments:** [09272016 - Policy for Use of City Manager's Contingency](#)

B. City Attorney Ms. Rustin had no comments.

C. City Commission

Commissioner Katz stated he has received calls regarding price gouging and asked if the city can put something out regarding this. He stated he hopes everyone is safe and stated he has full confidence in staff who is working diligently.

Deputy Vice Mayor Jarjura thanked Steve Hynes, Emergency Management Director, for keeping the City Commission informed. She asked that staff document everything that they are doing. She thanked the city staff for the comprehensive plan kickoff meeting and provided comments.

Commissioner Petrolia stated she attended the Legislative Days of the local 211 and stated it is a great organization. She urged everyone to be safe.

Vice Mayor Jacquet stated he contacted the Mayor of Aquin, Haiti and has not heard back from him but heard from others and stated the southern part of Haiti was hit very hard by the storm. Our sister city as well as Boynton's sister city were hit. He discussed the radio stations and stated the information from the city regarding the storm is getting out. He stated he has been proud to serve the City of Delray Beach as a Commissioner. He requested the office space vacated by Senator

Maria Sachs for his office space having won the election as Representative. He stated this issue is coming before the City Commission.

Mayor Glickstein stated he received an email regarding the Board of Adjustment. He asked that this item be placed on the October 18, 2016 agenda and also an item regarding Ms. Rustin's evaluation and salary to be placed on October 18, 2016. Mayor Glickstein gave a comment regarding Old School Square.

Vice Mayor Jacquet spoke regarding the Interim City Attorney salary.