

City of Delray Beach

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Minutes - Final

Tuesday, February 16, 2016

6:00 PM

Delray Beach City Hall

City Commission

1. ROLL CALL

A Regular Meeting of the City Commission of the City of Delray Beach, Florida, was called to order by Mayor Cary Glickstein in the Commission Chambers at City Hall at 6:00 p.m. on Tuesday, February 16, 2016.

Roll call showed:

Present -

Vice-Mayor Shelly Petrolia
Deputy Vice-Mayor Alson Jacquet
Commissioner Mitch Katz
Commissioner Jordana Jarjura
Mayor Cary Glickstein

Absent -

None

Also Present: Donald B. Cooper, City Manager, Noel Pfeffer, City Attorney, and Chevelle D. Nubin, City Clerk.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. APPROVAL OF MINUTES:

approved

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

3.A. [16-222](#) APPROVAL OF MINUTES

Sponsors: City Clerk Department

Attachments: [December 1, 2015 Regular Meeting Minutes](#)
[December 8, 2015 Workshop Meeting Minutes](#)
[January 19, 2016 Regular Meeting Minutes](#)
[February 9, 2016 Special Meeting Minutes](#)
[February 9, 2016 Workshop Meeting Minutes](#)

4. PRESENTATIONS:

4.A. [16-140](#) DELRAY STUDENTS FIRST - MARK SAUER

Sponsors: Community Improvement

Mr. Mark Sauer presented this item and provided pertinent information regarding Delray Students First (DSF). He stated the program will be taken

to Atlantic Community High School (ACHS). Faith P. (sp) spoke regarding the program as well. She stated the city has provided a portable to them and reiterated the program's purpose.

4.B. [16-218](#)

Sponsors: City Clerk Department

Mayor Glickstein read the Special Recognition awards into the record. Jamael Stewart spoke on Coach T.J. Jackson's behalf. He stated the focus was on the "wholistic" student and the student academics. He provided team statistics and highlighted the students who were present.

4.C. [16-212](#)

HONORING AMERICAN HERITAGE AS ONE OF THE TOP FOOTBALL TEAMS IN PALM BEACH COUNTY

Sponsors: City Manager Department

Attachments: [American Heritage Roster](#)

Mayor Glickstein read the Special Recognition awards into the record. Coach Keith Hindsley, American Heritage, provided comments regarding the American Heritage Football program. He discussed their focus on increasing the team's grade point average (GPA). He thanked the City Commission for the awards.

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

Mr. Cooper spoke regarding alleyway construction. He stated he provided background information to the City Commission.

Public Comment:

1. Pauline Moody spoke regarding the tennis tournament.

At this point, Coach T.J. Jackson gave comments and thanked the city, the teachers and administration of Atlantic High Community School for their support. He stated the students did a wonderful job.

2. Kenneth Gray spoke regarding speeding on his street and discussed having preventive measures placed on the street. He stated he never heard back from the city. Mr. Gray asked for a three way stop sign and speed bumps on SW 9th street and SW 2nd street.

Mayor Glickstein and Deputy Vice Mayor Jacquet provided comments regarding Mr. Gray's request.

3. Eric Fisher spoke regarding his blindness, education and the Arts Garage. He stated he needs the Arts Garage in his life.
4. Alice Finst referenced her past comments about the Lake Worth Drainage District (LWDD) L-3 Canal and asked what the city is doing to have Boca residents pay their share of these taxes and spoke regarding city landmarks and the appearance of downtown.
5. Edward Mars spoke regarding speeding on his street and stated Deputy Vice Mayor Jacquet came to his home and spoke with him. He commented regarding four wheelers and asked what can be done regarding the speeding.
6. Chuck Halberg spoke regarding the Arts Garage and stated he made a very large investment into the Arts Garage and commented about the lease.
7. Denise Fox (sp) read a letter into the record about the Arts Garage.
8. Kelly Barrette read a statement into the record regarding the Arts Garage.
9. Debra Schwartz stated she volunteers at the Arts Garage and referenced the shows that they bring in. She stated this is needed in Delray and the city needs to offer cutting edge performances. Ms. Schwartz read Eric Fisher's poem into record.
10. Ronnie ? stated she serves on the Board of Directors at the Arts Garage and discussed the organization's growth. She stated the board recognizes the tasks before them and they are committed to completing the tasks.
11. Peter Armor (sp) stated he is the President of the Arts Garage Guild and asked the City Commission to support their lease.
12. Barbara Mamos (sp) stated she visits the Arts Garage and she supports the businesses in the community. She asked the City Commission to support the Arts Garage.
13. Dick ? spoke regarding the Arts Garage and stated he is a musician who serves on the board and highlighted the performances at the Arts Garage.
14. Todd Wilson stated he loves Delray and is a big fan of the arts. He commented regarding the Arts Garage and the Artists Alley. He stated

these are really important in Delray. He urged the City Commission to work this out with the Arts Garage.

15. ? asked the City Commission to support the Arts Garage.

16. Keith Garson, Producing Director of Theatre at the Arts Garage, read a statement into record and commented on the demographics, attendance of visitors and financial growth of the Arts Garage.

17. Dr. ? provided background information and stated she is a musician and pianist who thrives on music. She referenced comments made by Coach T.J. Jackson regarding a wholistic approach. She stated the Arts Garage is very affordable and is a revenue generator.

18. Anthony Francis Gutaya (sp) stated he teaches improvisational theatre to adults at the Arts Garage. He stated he was able to make his class affordable for everyone at the Arts Garage.

19. Charles Carlino stated he has lived here for twelve (12) years and spoke regarding the Arts Garage.

20. Gail Lee McDermott read a statement into record and thanked the City Commission for their decision on January 5, 2016. She asked the City Commission to consider an amendment to the Land Development Regulations (LDR).

21. Drew Tucker stated he is very involved in Delray and worked at the Arts Garage for four (4) years. He commented regarding monies the city has put into the arts and suggested what needs to be worked on regarding inclusion and diversity.

22. Daniel Schwartz, Director of Finance and Administration at the Arts Garage, stated change and growing an organization takes time and the Arts Garage needs that time to put the organization on the path it wants to be on.

23. ? representative of D.A.N.G.. She stated they are artists from all walks of life and the Arts Garage gave them an opportunity to showcase their work.

24. Brian Rosen stated he is on the Board of the Arts Garage and provided comments regarding same.

Mayor Glickstein asked about the diversity of the board.

25. Jeff Blum stated he drove two hours to get here tonight and wanted to pledge his support to the Arts Garage.

26. Alyona Ushe stated she wished to express her gratitude to the city for the support over the years. She recognized persons in the audience who drove here in support of the Arts Garage.

27. Alan Schlossberg stated Alyona Ushe has done a fantastic job and provided history regarding the Arts Garage. He asked the City Commission to support the Arts Garage.

28. Bob Schmier stated he is on the Board of the Arts Garage and thanked the city for their support and help. He discussed their fundraising efforts, commented regarding support they receive from volunteers and stated they need to do more.

29. ? (International Musician) spoke regarding the Arts Garage. He stated all over the world people know about the Arts Garage. He asked the City Commission to keep the Arts Garage.

30. Dylan Henderson spoke regarding the Marina rates and thanked the City Commission for the ninety day notice. He commented regarding other marinas and fair market value.

Mayor Glickstein asked what marinas was he referencing.

Commissioner Katz spoke regarding monies in the budget to improve the marina.

31. Nicole Escalare (sp) stated the Milagro Center is looking to expand their program and stated they are interested in collaborating with the Arts Garage or Old School Square to lease space.

32. ? stated she used to write in the Monday and Thursday paper for Delray Beach and spoke regarding the Arts Garage. She commented regarding Alyona Ushe's management. She stated Delray Beach needs to continue to nurture the growth of the Arts Garage.

33. Bette Forman spoke regarding the Arts Garage and asked the City Commission to not take the Arts Garage away.

34. Kevin Warner thanked the City Commission regarding Auburn Trace. He also spoke regarding the Arts Garage and the contract the city has with the Arts Garage.

35. Victor Kirson stated the city had a chance to save \$6.5 million dollars on next year's budget. He commented regarding the Tennis Center contract.

36. Alan Albert spoke regarding the Arts Garage and stated he helps out there occasionally. He stated Alyona has been amazing and said the people and the music are wonderful.

37. Matt Grace (sp) commented regarding the Arts Garage and stated this is needed. He stated the current space is not an ideal place and commented regarding the volunteers and finances.

6. AGENDA APPROVAL

There were no staff requested agenda changes.

Commissioner Katz asked to move Item 11.A.2 to the front of the agenda. It was the consensus of the City Commission to move it to after the public hearings.

Mayor Glickstein asked to move consent agenda item 7.C to become Item 8.A.A.

approved as amended

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

7. CONSENT AGENDA: City Manager Recommends Approval

approved as amended

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

- 7.A.** [16-173](#) COMMISSION RATIFICATION OF CHANGE ORDER NO.1 TO AN AGREEMENT WITH JOHNSON DAVIS INC. TO INSTALL A DUCKBILL FLEX VALVE ON THE LEWIS COVE ROAD STORMWATER OUTFALL (BID NO. 2015-53)

Sponsors: Environmental Services Department

Attachments: [Johnson-Davis, Inc. Change Order No. 1](#)
[Johnson-Davis Proposal](#)

approved

- 7.B.** [16-174](#) CONTRACT CLOSEOUT (CHANGE ORDER NO. 1/FINAL) WITH DP DEVELOPMENT OF THE TREASURE COAST, LLC. FOR THE OSCEOLA ALLEYS PHASE II, PINEAPPLE GROVE DRAINAGE & LIME LANE

IMPROVEMENTS (PROJECT NO. 13-015)

Sponsors: Environmental Services Department

Attachments: [Change Order No. 1 Final DP Development Osceola Alleys PH2](#)
[Location Map](#)

approved

- 7.C. [16-135](#) SERVICE AUTHORIZATION NO. 12-13 WITH THE WANTMAN GROUP, INC. IN THE AMOUNT NOT TO EXCEED \$39,906 FOR DESIGN SERVICES REGARDING THE REPAIR/REPLACEMENT OF THE FAILING SEAWALL ADJACENT TO THE ISLAND DRIVE BRIDGE

Sponsors: Environmental Services Department

Attachments: [Wantman Group Service Authorization 12-13](#)
[Location Map](#)

From 11.A.2 at 9:43 pm.

Mayor Glickstein asked about the seawall.

John Morgan presented this item and stated it is a city owned seawall and a city tree is causing the damage.

approved

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

Absent: 1 - Commissioner Katz

- 7.D. [15-339](#) LANDSCAPE MAINTENANCE AGREEMENT FOR 920 SEASAGE DRIVE

Sponsors: Planning & Zoning Department

Attachments: [Landscape plan](#)
[Location Map](#)
[PAPA for 920 Seasage](#)
[Waiver approval for 920 Seasage](#)
[Address Change for 920](#)
[920 Sesage Drive LMA](#)

approved

- 7.E. [15-364](#) LANDSCAPE MAINTENANCE AGREEMENT FOR 916 SEASAGE DRIVE

Sponsors: Planning & Zoning Department

Attachments: [Landscape Plan](#)
[Location Map](#)
[PAPA for 920 Seasage](#)
[Waiver approval for 920 Seasage](#)
[Address Change for 920](#)
[916 Seasage Drive LMA \(2\)](#)
approved

7.F. [16-130](#) LANDSCAPE MAINTENANCE AGREEMENT FOR 82 NW 5th AVENUE

Recommended Action:

Sponsors: Planning & Zoning Department

Attachments: [82 NW 5th Ave Landscape Maintenance Agreement](#)
[82 NW 5th Landscape Plan](#)
[Location Map](#)
[PAPA 82 NW 5th Ave](#)
[Resolution from the Delray Beach Housing Authority](#)
approved

7.G. PROCLAMATIONS:

7.G.1. None

7.H. [16-176](#) REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS FOR JANUARY 19, 2016 THROUGH JANUARY 29, 2016

Sponsors: Planning and Zoning Board

Attachments: [Location Map](#)
[Martini Property - Board Action Summary Report](#)
[Martini Property Reconsideration SPRAB Staff Report](#)
[Martini Property -Class V December 16th SPRAB Report](#)
[Fourth and Fifth Delray \(IPIC\) - Board Action Summary Report.doc](#)
[Fourth and Fifth Delray \(IPIC\) Reconsideration SPRAB Staff Report](#)
[Fourth and Fifth Delray December 16th SPRAB Report](#)
[Wood and Fire Restaurant- Board Action Summary Report](#)
[Wood and Fire - SPRAB Staff Report](#)
[Atlantic Crossing Class II - Board Action Summary Report](#)
[Atlantic Crossing Assessment Final 1-22-16 \(2\).pdf](#)
[Atlantic Crossing Class II SPRAB Staff Report](#)
[Atlantic Crossing Site Class II Site Plans 12-21-15](#)
[Atlantic Crossing Photometric Plan 12-21-15](#)
[Atlantic Crossing Landscape Plan 12-21-15](#)
[Atlantic Crossing Approved Plan Site Plan Set](#)

approved

7.I. AWARD OF BIDS AND CONTRACTS:

7.I.1. [16-143](#) BID AWARD TO GLOBAL GREEN REJUVENATION, LLC D/B/A AIR REVIVE FOR AIR CONDITIONING SERVICE, REPAIRS, AND PREVENTATIVE MAINTENANCE (BID 2016-045)

Sponsors: Purchasing Department

Attachments: [2016-045 AirRevive Bid Submittal](#)
[2016-045 Purchasing Checklist](#)
[2016-045 Recommendation](#)
[2016-045 Tab Sheet](#)
[2016-045 Agreement Vendor Executed](#)

approved

7.I.2. [16-084](#) PURCHASE AWARD TO STINGRAY CHEVROLET FOR ONE(1) 2016 CHEVROLET TAHOE POLICE UTILITY VEHICLE

Sponsors: Purchasing Department

Attachments: [Stingray Chevrolet-Tahoe PPV Quote 20151208 12-16-15](#)
[Stingray Letter 12-16-15](#)
[15-23-0904 Bid Award Document](#)
[Purchasing Checklist](#)

approved

7.I.3. [16-087](#) PURCHASE AWARD TO STROBES-R-US FOR LIGHT BARS AND EQUIPMENT FOR ONE POLICE VEHICLE

Sponsors: Purchasing Department

Attachments: [Strobe-R-U's K9 Quote dated 12-15-15](#)

[BSO Contract Award 13104030](#)

[BSO Contract 13104030 Renewal](#)

[BSO Bid](#)

[Purchasing Checklist](#)

approved

7.I.4. [16-161](#) PURCHASE AWARD TO WESCO TURF, INC. FOR TWO (2) TORO GREEN MASTER MOWER #3150-Q

Sponsors: Purchasing Department

Attachments: [Mower Quote](#)

[Contract Agreement with Wesco Turf, Inc.](#)

[Purchasing Checklist Toro Greens Mowers](#)

approved

8. REGULAR AGENDA:

8.A. [16-204](#) APPEAL OF SPRAB APPROVAL OF A CLASS V SITE PLAN EXTENSION REQUEST FOR DOWNTOWN DELRAY MEDICAL CENTER LOCATED AT 530 SE 6TH AVENUE (QUASI-JUDICIAL HEARING)

Sponsors: Planning and Zoning Board

Attachments: [Downtown Delray Medical Centre-Staff Report](#)

["EXHIBIT A "- Original SPRAB Conditions of Approval](#)

[Excerpt Minutes - December 9, 2015 SPRAB Meeting](#)

[Site Aerials](#)

[Downtown Delray Plans](#)

[Downtown Delray Medical Center Zoning Map](#)

[Downtown Delray Medical Center FLUM Map](#)

[Letter From Applicant](#)

[City Commission Board Order](#)

City Clerk swore in individuals who wished to speak on this item.

Mayor asked everyone to disclose their ex parte communications: Mayor Glickstein, Deputy Vice Mayor Jacquet and Commissioner Katz had no ex parte communications to disclose. Commissioner Jarjura stated she had

an email from Richard Jones on the city server. Vice Mayor Petrolia stated she spoke with some of the residents around Osceola Park.

Tim Stillings, Planning and Zoning Director, entered project file 2014-001-SPF-SPR-CL5 into the record and presented this item. He stated staff recommends approval.

Richard Jones, Architect, spoke on behalf of the applicant, and conducted a Power Point presentation.

Public:

1. James Quillien spoke and stated they met with the architect and they like what they saw and stated the city needs that type of development.
2. Kevin Homer stated he supports this project.

There was no cross examination or rebuttal.

Commissioner Jarjura stated alot has changed since 2013 and state it is more commissurate with the investment that was made and stated she likes the changes that have been made.

Vice Mayor Petrolia stated she is curious with how the city will go forward with this.

Mr. Jones provided an explanation.

Mr. Stillings commented regarding the permitted uses.

Deputy Vice Mayor Jacquet asked when the expiration date was.

The City Attorney went through the board order.

approved

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

8.B. [16-157](#) SOUTH HUB INTERLOCAL AGREEMENT

Attachments: [South Hub Interlocal Agreement](#)

Tommie Mitchell presented this item and provided the reason for this agreement.

Deputy Vice Mayor Jacquet mentioned the penny tax and the county

looking for a facility in the south part of the County.
adopted

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

8.C. [16-149](#) INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND PALM BEACH COUNTY FOR THE HOMELESS RESOURCE CENTER

Attachments: [SKM_284e16012114520](#)

Police Chief Jeffrey Goldman presented this item.
approved

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

8.D. [16-156](#) RETROACTIVE FY 2016 CITY-CRA INTERLOCAL AGREEMENT FOR ECONOMIC DEVELOPMENT

Sponsors: Economic Development Department

Attachments: [ILA_City_FY15-16 Economic Development_Final](#)

Joan Goodrich, Economic Development Director, presented this item and highlighted the agreement.

Commissioner Katz stated he definitely supports this position and Ms. Goodrich is doing a great job.

Ms. Goodrich provided an overview of what has been accomplished last year.

Commissioner Katz asked that the City Commission be made aware of what the economic development team is accomplishing.

adopted

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

8.E. [16-221](#)

Items 8E1-8E4 were all approved.

Item 8.E.5. was pulled for discussion.
approved as amended

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

8.E.1. [16-160](#) RATIFICATION OF EMERGENCY ACTION CITY CODE SECTION 36.02

(C) (5) FOR THE MARINE WAY WATER MAIN REPLACEMENT IN THE AMOUNT OF \$98,634.00 TO AKA SERVICES, INC., AUTHORIZED BY THE CITY MANAGER AS AN EMERGENCY ACQUISITION AS DEFINED BY CITY CODE SECTION 36.01(B).

Attachments: [Project Location Map, Marine Way](#)
[138274-455-DSGP Canal Street WM](#)
[City Manager Emergency Acquisition Approval](#)
[Email Dated January 12, to ACM](#)
[COVERSHEET](#)
[MARINE WAY WATER MAIN-24X36](#)
[MARINE WAY WATER MAIN-pg2 DETAILSHT](#)
[MARINE WAY WATER MAIN-pg3 DETAILSHT](#)

approved

- 8.E.2. [16-120](#) FY15-16 CDBG SUB-RECIPIENT FUNDING AGREEMENT/ achievement centers for children and families (ACCF)

Sponsors: Community Improvement

Attachments: [ACCF 2015-2016 Executed Agreement](#)

approved

- 8.E.3. [16-162](#) PROPOSAL FOR SETTLEMENT IN THE CASE OF ROSA GIESMAN V. CITY OF DELRAY BEACH

Sponsors: Police Department

approved

- 8.E.4 [16-175](#) FIRST AMENDMENTS TO THE COLLECTIVE BARGAINING AGREEMENTS BETWEEN THE CITY OF DELRAY BEACH, FLORIDA AND THE PALM BEACH COUNTY POLICE BENEVOLENT ASSOCIATION FOR POLICE OFFICERS AND SERGEANTS AND POLICE LIEUTENANTS

Sponsors: City Attorney Department

Attachments: [First Amendment to the Collective Bargaining Agreement Between the City of Delray Beach and the Palm Beach County Police Benevolent Association Inc. for Police Officers and Sergeants](#)
[First Amendment to the Collective Bargaining Agreement Between the City of Delray Beach and the Palm Beach County Police Benevolent Association Inc. for Police Lieutenants](#)

approved

8.E.5. [16-104](#) NOTICE OF INTENT TO ESTABLISH A QUIET ZONE THROUGH THE CITY OF DELRAY BEACH

Sponsors: Planning & Zoning Department

Attachments: [NOI 1.13.16 Draft](#)
[06.19.15 Reimbursement Agreement \(Phase 1 Design\) - Executed](#)
[Intersection Spread Sheet](#)
[Crossing Pictures ALL](#)
[Delray QZ Spec Sheets](#)
[SSM CODES](#)
[Res 28-15](#)
[Res 04-14](#)
[Res 13-14](#)
[080714 SETTING THE RECORD STRAIGHT](#)

Commissioner Jarjura recused herself due to a conflict and left the dais.

Commissioner Katz asked that the city be transparent in explaining this to the public.

Discussion continued between Commission members.

Kim Delaney, Regional Planning Council, provided an overview regarding this item.

Vice Mayor Petrolia asked who is paying for this.

Ms. Delaney provided an explanation.
approved

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

Recused: 1 - Commissioner Jarjura

8.F. [16-190](#) APPROVAL FOR FY 2016 SPENDING LIMITS GREATER THAN \$25,000 FOR SPECIAL COUNSEL

Sponsors: City Attorney Department and Inglesse

Mr. Noel Pfeffer presented this item and stated the City Attorney's office has approximately 30-40 active litigation cases. He stated he wants to set a budget not to exceed \$150,000.00 and mentioned Tennis Center Litigation.

He discussed Allen Norton Blue. He provided an update regarding a former case and stated the litigation team on this case has been replaced.

approved

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

8.G. [16-145](#) NOMINATION FOR APPOINTMENT TO THE EDUCATION BOARD

Sponsors: City Clerk Department

Attachments: [Education Board Member List](#)
 [Education Board Attendance List](#)

Commissioner Katz nominated the student member.

approved

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

8.H. [16-146](#) NOMINATIONS FOR APPOINTMENT TO THE POLICE ADVISORY BOARD

Sponsors: City Clerk Department

Attachments: [Police Advisory Board Exhibit A](#)
 [Police Advisory Board Member List](#)
 [Police Advisory Board Attendance List](#)

Vice Mayor Petrolia nominated Peter Scalfani.

Deputy Vice Mayor Jacquet nominated Steven Mack.

The City Commission approved both nominations with a 5-0 vote.

approved

9. PUBLIC HEARINGS:

9.A. [16-196](#) ORDINANCE NO. 03-16, REZONING FROM AC (AUTOMOTIVE COMMERCIAL) TO GC (GENERAL COMMERCIAL) FOR THE PROPERTY LOCATED AT 2455 OLD DIXIE HIGHWAY (QUASI-JUDICIAL HEARING) (SECOND READING)

Sponsors: Planning & Zoning Department

Attachments: [Ordinance No. 03-16](#)
 [Delray Beach P&Z Staff Report 12-21-15 Meeting](#)
 [Delray Beach Boxing Streetscape Photos](#)
 [Letter regarding Non-Conformity](#)

City Attorney Noel Pfeffer read the caption of the ordinance.

Tim Stillings presented this item and stated staff recommends approval.

The applicant was present but no comment.

Public Comment:

Chuck Halberg asked would the applicant be grandfathered in.

There was no cross examination or rebuttal.

Commissioner Katz asked about the letter.

Deputy Vice Mayor Jacquet asked about the period of 180 days.

Vice Mayor Petrolia asked about the letter and the applicant moving forward.

adopted

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

9.B. [16-197](#) ORDINANCE NO. 06-16 AMENDING THE CITY'S POLICE AND FIREFIGHTERS RETIREMENT SYSTEM PENSION (SECOND READING)

Sponsors: City Attorney Department

Attachments: [Ordinance No. 06-16](#)
[IRS Letter Ruling](#)
[Actuarial No Impact Statement](#)

The City Attorney read the caption of the Ordinance and presented this item.

adopted

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

10. FIRST READINGS:

10.A. [16-194](#) ORDINANCE NO. 08-16 AMENDING CHAPTER 95 OF THE CITY'S CODE OF ORDINANCES FOR THE DIRECTOR OF EMERGENCY MANAGEMENT (SECOND READING)

Sponsors: Human Resources Department

Attachments: [Ordinance No. 08-16](#)
[Director of EOC Job Description](#)

City Attorney Pfeffer read the caption of the ordinance.

Commissioner Petrolia stated she does not know what this really is and asked for an explanation.

Mr. Cooper presented this item
approved

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

11. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

11.A. City Manager

11.A.1. [16-220](#)

Sponsors: City Clerk Department and Wright

Attachments: [02082016- Memo- Report of Backup Fire Utilitization by the Town of Highla...](#)

Mr. Cooper stated they will go back and ask the first questions. This item will be brought forth on March 1, 2016.

11.A.2. [16-219](#)

Sponsors: City Clerk Department

Attachments: [02112016- Memo- Arts Garage- Commission](#)

Mr. Cooper provided his report.

Vice Mayor Petrolia read a statement into record. She stated the City Commission should support the Arts Garage going forward and suggested the lease be changed from ten years to five years and made other suggestions as well.

Commissioner Katz disclosed that his wife is a volunteer of the Arts Garage Guild. He discussed history regarding the Arts Garage and programming. He stated the Arts Garage has served thousands of children and discussed collaboration between the Milagro Center and the Arts Garage. He also referenced diversity on boards. He stated he supports a lease and stated the space should stay a city asset. He referenced sub leasing.

Commissioner Jarjura thanked everyone for coming out tonight. She stated the number of emails received is a testament to the Arts Garage programming and growth over the years. She discussed the history of the Arts Garage and the city's support of arts. She highlighted fiscal

responsibility. She read a portion of the Coletta Report and provided further comments. Commissioner Jarjura provided suggested requirements for entering into a new five year lease.

Deputy Vice Mayor Jacquet spoke regarding the current lease with the Arts Garage. He referenced diversity on the board and programming reflecting the community. He provided suggestions regarding a partnership and the lease. He stated he would like to see an "out" clause, commented regarding rent and programming that attracts others. He stated he will support an extension of no more than 5 years.

Mayor Glickstein stated it was interesting to see the outpouring of emails. He referenced the current contract and stated the property is very valuable. He stated it is unfortunate how the city got here and stated the city wants public gathering spaces. Mayor Glickstein stated his support was for the ideal and commented regarding a branding opportunity and stated what has been disappointing over the last two years is that there has been a lack of communication in terms of the staff at the Arts Garage and referenced the Coletta Report. He stated the Creative City Collaborative was never intended to be the board of the Arts Garage and stated it was to be a clearinghouse. He stated he feels there is no collaboration. He discussed the audit and stated he will only support a lease if there are structural business changes and a timetable of when the material weaknesses will be corrected, etc. He stated he will not support a ten year term only up to five years.

Deputy Vice Mayor Jacquet spoke regarding the city helping the Arts Garage on the accounting side.

Commissioner Jarjura asked the City Manager or the City Attorney to discuss the bond counsel letter.

Mr. Cooper briefly commented.

Commissioner Jarjura asked about the bond and how it will be used. She reiterated supporting a lease inclusive of the suggestions made by the City Commission.

Discussion continued amongst the City Commission regarding the Arts Garage.

There was consensus to have no more than a 5 year lease, diversity of board and programming, changes in management, out clause, quarterly report, no subletting, have audit corrected. The City Attorney reiterated the Commission suggestions.

Commissioner Katz asked when the current lease expires. The City Attorney stated the lease expires March 15, 2016. The City Attorney will bring forth a lease extension.

Bob Schmier stated the board has enough direction to get started and stated there is a board meeting tomorrow. He asked for the minutes or summary notes and if this could be brought forth to a workshop.

Commissioner Jarjura stated she needs a better understanding regarding Pompano Beach i.e. is this to Delray Beach's benefit.

Chuck Halberg referenced the Swinton Line and programming. Drew Tucker reiterated his public comment.

11.B. City Attorney

Mr. Pfeffer provided Commission an update regarding Auburn Trace.

Vice Mayor Petrolia asked about the pre petition attorney's fees and referenced the estoppel letter.

Commissioner Jarjura asked if Iberia Bank has to provide documentation of their attorney's fees.

Vice Mayor Petrolia asked about the late fee and commented regarding the interest rates. She stated the correspondence they received later in the day was interesting.

Deputy Vice Mayor Jacquet asked about the UDAG loan. He asked about the authorized uses of that money. Mr. Pfeffer stated that will be a policy decision to be made by the City Commission.

11.C. City Commission

Deputy Vice Mayor Jacquet stated 100% of the UDAG money should be used for affordable housing. He stated the city really needs this.

Vice Mayor Petrolia stated she agrees with Deputy Vice Mayor Jacquet's comments.

Commissioner Jarjura stated she agrees that the money should be used for affordable housing purposes. She stated \$1 million dollars should be utilized for affordable housing purposes as well i.e. historic train depot site.

Vice Mayor Petrolia asked for an accounting of the monies.

Commissioner Katz stated it should be used for workforce housing as well. He stated there is very little middle class housing in the city.

Vice Mayor Petrolia stated Art in the Alley was really a great evening.

Commissioner Jarjura stated she met with Mr. Coleman today regarding workforce housing and stated she wants to make sure that the city is staying on top of those properties that are not complying.

Commissioner Katz stated the next coffee with Commissioner Katz is Monday, February 22, 2016. He mentioned the Monday training. He mentioned Art in the Alley and stated it was a great event. He challenged Deputy Vice Mayor Jacquet to get the artists in touch with Haitian artists to participate in the event and paint some murals.

Mayor Glickstein spoke regarding the Department State letter that OSS has been nominated for a local historic site.

Mayor Glickstein adjourned the meeting at 10:42 p.m.