

City of Delray Beach

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www.mydelraybeach.com



Minutes - Final

Tuesday, December 10, 2019

4:00 PM

Regular Meeting at 4:00 PM

Delray Beach City Hall

City Commission

Mayor Shelly Petrolia

Vice Mayor Shirley Ervin Johnson

Deputy Vice Mayor Bill Bathurst

Commissioner Adam Frankel

Commissioner Ryan Boylston

1. ROLL CALL

Mayor Petrolia called the regular meeting to order at 4:00 p.m.
The roll call was taken by the City Clerk.

The following were in attendance:

Present: 5 - Mayor Shelly Petrolia, Vice-Mayor Shirley Ervin Johnson, Commissioner Adam Frankel, Deputy Vice Mayor William Bathurst, and Commissioner Ryan Boylston

Others present were:

Neal de Jesus, Interim City Manager
Lynn Gelin, City Attorney
Katerri Johnson, City Clerk

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

A motion was made by Commissioner Frankel, seconded by Commissioner Boylston, that the agenda be approved. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Vice-Mayor Ervin Johnson, Commissioner Frankel, Deputy Vice Mayor Bathurst, and Commissioner Boylston

4. PRESENTATIONS:

4.A. [19-1132](#) PRESENTING MIGUEL CATALASAN, SENIOR SOFTWARE ENGINEER, WITH EMPLOYEE OF THE MONTH FOR DECEMBER 2019.

Body: **Recommended Action:**

Recommendation: Motion to present Miguel Catalasan, Senior Software Engineer, with Employee of the Month for December 2019.

Attachments: [Agenda Cover Report](#)
[Miguel Catalasan Employee of the Month](#)

Duane D' Andre, Human Resource Director, on behalf of the City Commission, presented Miguel Catalasan, Senior Software Engineer with a plaque and certificate for a personal day off for Employee of the month for December 2019.

Jessica Cusson, Information Technology Director, gave a brief speech about Miguel and stated that he is a great asset to the Information Technology Department.

Miguel said that he was honored to be recognized and thanked the entire IT team for their assistance as well.

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

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

None.

B. From the Public

Deborah Perry Lynott, 1020 Miramar Drive, Delray Beach, expressed concern about the construction at 100 Gleason and the proposed construction under review by the City at Gleason and Causarina by the same architect. Both the property's attorneys and architect are asking for appurtenances to increase the height of the structure. Ms. Lynott is asking the Commission to look into this matter and determine if what is being proposed complies with the City's regulations. Mayor Petrolia stated this matter would be looked into.

Pauline Moody, address unverifiable, thanked Interim City Manager de Jesus for clarifying her concern about the Green Market incident. Ms. Moody also stated that Mr. Miguel Catalasan's recognition was well deserved.

Carol Anderson, 4812 W. Bexley Park Drive, Delray Beach, expressed concern about the setbacks in the Central Business District. Ms. Anderson complemented the West Atlantic Plan and stated that she is happy about the Pierre Delray 1 Plan.

Tyler Knight, 813 Delmar Way, Delray Beach, expressed concern about the vote to reduce the Floor Area Ratio, (FAR) in reference to parking garages. He asked the Commission take a look at it so they are aware of what is being proposed.

Donna Quinlan, confidential address, retired City employee, asked the Mayor and Commissioners to instruct Interim City Manager Mr. de Jesus and the City Attorney to authorize her pay for the sick and accrual money that she is owed per the City's policy.

With no others present, Mayor Petrolia closed the public comments.

6. CONSENT AGENDA: City Manager Recommends Approval

A motion was made by Commissioner Frankel, seconded by Commissioner Boylston, that the agenda be approved. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Vice-Mayor Ervin Johnson, Commissioner Frankel, Deputy Vice Mayor Bathurst, and Commissioner Boylston

6.A. [19-1165](#) CITY COMMISSION MEETING MINUTES

Body: **Recommended Action:**

Recommendation: Motion to approve meeting minutes as listed below.

September 17, 2019 Final Budget Hearing/Regular Meeting Minutes

Attachments: [Agenda Cover Report](#)

[September 17, 2019 Final Budget Hearing Regular Meeting Minutes_DRAFT](#)

Approved.

6.B. [19-1102](#) APPROVE UTILIZING SOURCEWELL EZIQC CONTRACT NO. FL-SEA-GC02-041019-SCD WITH SHIFF CONSTRUCTION AND DEVELOPMENT, INC. FOR RENOVATIONS TO THE PARKS AND RECREATION MAINTENANCE FACILITY, BUILDING E, AT THE SWINTON OPERATIONS COMPLEX IN AN AMOUNT NOT-TO-EXCEED \$249,808.60 IN COMPLIANCE WITH RESOLUTION 124-19 ADOPTED BY COMMISSION ON AUGUST 20, 2019.

Body: **Recommended Action:**

Recommendation: Motion to approve expenditure in an amount not to exceed \$249,808.60 in compliance with Resolution No. 124-19 adopted by the City of Delray Beach (City) City Commission on August 20, 2019 to utilize Sourcewell (formerly known as National Joint Powers Alliance) eziQC Contract No. FL-SEA-GC02-041019-SCD with Shiff Construction and Development, Inc. for required renovations to the Parks and Recreation Maintenance Facility, Building E, located at the Swinton Operations Complex.

Attachments: [Agenda Cover Report](#)

[Res No. 124-19 executed](#)

[Sourcewell Award - Shiff](#)

[Sourcewell JOC Solicitation](#)

[Delray Beach Parks and Rec HVAC Replacement Revised Proposal](#)

[Delray Beach Parks and Rec Interior Remodel Revised Proposal](#)

[Delray Beach Parks and Rec Re Roof Proposal](#)

[Gordian eziQC Overview](#)

[Gordian JOC FAQs](#)

Approved.

6.C. [19-1150](#) ITEMS (A - L) - ACCEPTANCE OF A RIGHT OF WAY EASEMENT AND PERPETUAL SIDEWALK EASEMENT DEDICATIONS FOR MULTIPLE PROPERTIES

Body: **Recommended Action:**

Recommendation: **RIGHT OF WAY DEDICATION(S)**

Item A

(A) Motion to approve and accept a 5' Right of Way dedication by the owner(s) of 1102 Coconut Row to the City of Delray Beach.

PERPETUAL SIDEWALK EASEMENT(S)

Item B

(B) Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 1127 Miami Blvd. to the City of Delray Beach.

Item C

(C) Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 215 SE 5th St. to the City of Delray Beach.

Item D

(D) Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 238 SE 1st Ave. to the City of Delray Beach.

Item E

(E) Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 127 NW 9th Ave. to the City of Delray Beach.

Item F

(F) Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 270 NE 16th St. to the City of Delray Beach.

Item G

(G) Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 1621 N. Swinton Ave. to the City of Delray Beach.

Item H

(H) Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 634 SW 7th Ave. to the City of Delray

Beach.

Item I

- (I) Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 830 N. Lake Ave. to the City of Delray Beach.

Item J

- (J) Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 402 NW 17th St. to the City of Delray Beach.

Item K

- (K) Motion to approve and accept dedication of a 5' of sidewalk easement by the owner(s) of 749 S. Lake Ave.

Item L

- (L) Motion to approve and accept dedication of a 5' of sidewalk easement by the owner(s) of 309 SW 5th Ave.

Attachments: [Agenda Cover Report](#)
[Simple Legal Review Approval- PSE Agreements](#)
[Item \(A\) Exhibit A - 1102 Coconut Row](#)
[Item \(A\) ROW Deed - 1102 Coconut Row](#)
[Item \(B\) Exhibit A Sketch](#)
[Item \(B\) PSE Agreement - 1127 Miami Blvd.](#)
[Item \(C\) Exhibit A Sketch - 215 SE 5th St.](#)
[Item \(C\) PSE Agreement - 215 SE 5th St.](#)
[Item \(D\) Exhibit A Sketch - 238 SE 1st Ave.](#)
[Item \(D\) PSE Agreement - 238 SE 1st Ave.](#)
[Item \(E\) Exhibit A Sketch - 127 NW 9th Ave.](#)
[Item \(E\) -PSE Agreement - 127 NW 9th Ave.](#)
[Item \(F\) Exhibit A Sketch - 270 NE 16th St.](#)
[Item \(F\) PSE Agreement - 270 NE 16th St.](#)
[Item \(G\) Exhibit A Sketch - 1621 N. Swinton Ave.](#)
[Item \(G\) PSE Agreement - 1621 N. Swinton Ave.](#)
[Item \(H\) Exhibit A Sketch - 634 SW 7th Ave.](#)
[Item \(H\) PSE Agreement - 634 SW 7th Ave.](#)
[Item \(I\) Exhibit A Sketch-N. Lake Ave.](#)
[Item \(I\) PSE Agreement - 830 N. Lake Ave.](#)
[Item \(J\) Exhibit A Sketch 402 NW 17th St.](#)
[Item \(J\) PSE Agreement - 402 NW 17th St.](#)
[Item \(K\) Exhibit A - S. Lake Ave.](#)
[Item \(K\) PSE Agreement - 749 S. Lake Ave.](#)
[Item \(L\) Exhibit A Sketch - 309 SW 5th Ave.](#)
[Item \(L\) PSE Agreement - 309 SW 5th Ave.](#)

Approved.

6.D. PROCLAMATIONS:

6.D.1. None.

6.E. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:

6.E.1. [19-1154](#) REPORT OF APPEALABLE LAND USE ITEMS FROM NOVEMBER 18, 2019, THROUGH NOVEMBER 29, 2019.

Body: **Recommended Action:**

Recommendation: By motion, receive and file this report.

Attachments: [Agenda Cover Report](#)
[Appealable Report and Supporting Documents Similarity of Use \(Scooter Scales\) R](#)

Approved.

6.F. AWARD OF BIDS AND CONTRACTS:

- 6.F.1. [19-1149](#) RESOLUTION NO. 206-19 TO APPROVE AN AGREEMENT WITH BENNETT FIRE PRODUCTS COMPANY, INC. FOR FIRE EQUIPMENT PARTS AND SUPPLIES; UTILIZING LAKE COUNTY SOLICITATION 17-0606B - \$25,000

Body: **Recommended Action:**

Recommendation: Motion to Approve Resolution No. 206-19 to approve an Agreement based upon Contract No. 17-0606B between Lake County and Bennett Fire Company Inc., for fire equipment parts, supplies, and services and authorize the City Manager to approve renewal options, in the amounts below, contingent upon renewal by Lake County.

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist form v. 6 - Fire Equipment](#)
[Lake County Contract 17-0606B Bennett Fire](#)
[17-0606B Bennett Fire Products](#)
[Vendor Executed Agreement](#)
[Resolution Fire \(KWB\)2](#)

Approved.

- 6.F.2. [19-1167](#) APPROVAL OF RESOLUTION NO. 209-19 AND APPROVAL OF AN AGREEMENT WITH CARUS LLC F/K/A CARUS CORPORATION FOR POLY PHOSPHATE SUPPLY AND DELIVERY - \$450,000

Body: **Recommended Action:**

Recommendation: Motion to approve Resolution No. 209-19, and approval of an agreement with Carus LLC f/k/a Carus Corporation for \$450,000, and authorize the City Manager to approve renewal options, in the amounts listed below, contingent upon appropriation of funds.

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist- Carus](#)
[Resolution 209-19 \(KWB\)](#)
[ITB 2019-047 Poly Phosphate Supply and Delivery](#)
[Bid Tabulation](#)
[Carus Agreement](#)

Approved.

- 6.F.3. [19-1166](#) APPROVAL OF RESOLUTION NO. 210-19 TO AWARD AN AGREEMENT WITH HINTERLAND GROUP, INC. FOR LIFT STATION AND MANHOLE REHABILITATION SERVICES UTILIZING INDIAN RIVER COUNTY SOLICITATION NO. 2019047 - \$2,100,000

Body: Recommended Action:

Recommendation: Motion to approve Resolution No. 210-19 to award an agreement with Hinterland for lift station and manhole rehabilitation utilizing Indian River County solicitation No. 2019047, in the amount of \$1,260,000, and authorize the City Manager to approve renewal options, in the amounts listed below, contingent upon appropriation of funds.

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist- Hinterland Lift Station](#)
[Hinterland MSA for lift station rehab](#)
[Resolution 210-19](#)
[2019047 Annual Lift Station Rehabilitation](#)

Approved.

7. REGULAR AGENDA:

- 7.A. [19-1128](#) RESOLUTION NO. 203-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE GRANTING OF A WAIVER REQUEST TO LDR SECTION 4.4.13 (E)(4) (e)1., a., TABLE 4.4.13 (I) "DIMENSIONAL REQUIREMENTS FOR STOREFRONTS", A, WHICH SETS FORTH A MINIMUM 10' SETBACK REQUIREMENT FOR STOREFRONTS IN THE CENTRAL BUSINESS DISTRICT, WHEREAS A 7'-10" FRONT SETBACK IS BEING PROPOSED FOR THE PIERRE DELRAY I BUILDING LOCATED AT 302 E. ATLANTIC AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI-JUDICIAL HEARING).

Body: Recommended Action:

Recommendation: Review and consider Resolution No. 203-19.

Attachments: [Agenda Cover Report](#)
[Pierre Delray I \(Waiver\) - Location Map](#)
[Pierre Delray I \(Waiver\) - Resolution 203-19](#)
[Pierre Delray I \(Waiver\) - Applicant Request Letter](#)
[Pierre Delray I \(Waiver\) - Waiver Request and Justification](#)
[Pierre Delray I \(Waiver\) - Site Exhibit](#)
[Pierre Delray 1 \(Waiver\) - Architectural \(Reference Only\)](#)
[Pierre Delray I \(Waiver\) - CLIII Civil Plans \(Reference Only\)](#)
[Pierre Delray I \(Waiver\) - Staff Report \(Reference Only\)](#)

Mayor Petrolia read the City of Delray Beach Quasi-Judicial rules into the record. The City Clerk swore in those individuals who wished to give testimonies on items 7.A - 7.B.

Mayor Petrolia asked the Commission to disclose any ex-parte communications with the applicant.

Commissioner Frankel stated that he had an ex-parte conversation in the hallway with Ms. Miskel. Commissioner Boylston stated that he had a voice mail message from Ms. Miskel but had not returned her call prior to the Commission meeting.

Anthea Gianniotis, Development Services Director, entered File No. 2019-256 into the record and stated that the applicant, Bonnie Miskel was present, who gave an overview of the project.

Mayor Petrolia asked that anyone from the public who would like to address the City Commission to come forward.

Public Comment:

None.

There being no one from the public who wished to address the City Commission, Mayor Petrolia closed the public comments.

There were no cross examinations or rebuttals.

Mayor Petrolia stated that she was concerned about not meeting the minimum setbacks.

Commissioner Frankel expressed his gratitude to Ms. Gianniotis for her excellent work on the reports and stated that he would be supporting the waiver request.

Vice Mayor Johnson stated that she was happy that a dangerous crossing was going to be eliminated and that she would be in favor of the waiver request.

Deputy Vice Mayor Bathurst expressed concerns that he thought the area was too bright and also commented that the arcades should be eliminated.

Commissioner Boylston stated that he agreed with Staff and would be in

favor of granting the waiver request.

A motion was made by Commissioner Boylston, seconded by Vice-Mayor Ervin Johnson, that Resolution No. 203-19 be approved. The motion carried by the following vote:

Yes: 4 - Vice-Mayor Ervin Johnson, Commissioner Frankel, Deputy Vice Mayor Bathurst, and Commissioner Boylston

No: 1 - Mayor Petrolia

7.B. [19-1161](#)

RESOLUTION NO. 213-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO LAND DEVELOPMENT REGULATIONS SECTION 4.4.13(D)(2)(A), WHICH SETS FORTH A MINIMUM 10' SETBACK FOR BUILDING FRONTS AND REARS, TO ALLOW FOR THE FRONT SETBACK OF PHG DELRAY LOCATED AT 200 NE 5TH AVENUE TO ENCROACH 9' ALONG NE 2ND STREET, 8'-2.5" ALONG NE 5TH AVENUE, AND 9.51' ALONG THE WEST SIDE OF THE PROPERTY, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI-JUDICIAL HEARING).

Body: Recommended Action:

Recommendation: Review and consider Resolution No. 213-19.

Attachments: [Agenda Cover Report](#)
[Res. No. 213-19 PHG Delray Waiver](#)
[PHG Delray Waiver Request](#)
[PHG Delray Waiver Construction explanation.pdf](#)
[PHG Delray Waiver Staff Report](#)
[PHG Delray Waiver Site Plan](#)
[PHG Delray Arch Set.pdf](#)
[PHG Delray ENG-SET](#)

Mayor Petrolia asked the Commission to disclose any ex parte conversations with the applicant. Commissioner Frankel stated that he had spoken to Ms. Miskel for about 7 seconds outside. There were no other ex-parte communications to report.

Anthea Gianniotis read file 2019-233 into the record and stated that the applicant was present. Ms. Miskel gave a presentation on the waiver that is being requested.

Commissioner Boylston commented that since this is the second time such a waiver was being requested that perhaps the City's LDR's should be looked at.

Vice Mayor Johnson stated that as long as neighborhoods wouldn't be affected by this waiver request, she would be in favor of granting the request.

Deputy Vice Mayor Bathurst expressed concern about the road closures this project may impose. Tom Walsh, (applicant) and President of JGW Construction, Ft Lauderdale, stated that the road closures would be minimal.

Mayor Petrolia asked that if anyone from the public would like to address the City Commission on this matter to come forward.

Public Comment:

None.

A motion was made by Commissioner Boylston, seconded by Deputy Vice Mayor Bathurst, that Resolution No. 213-19 be approved. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Vice-Mayor Ervin Johnson, Commissioner Frankel, Deputy Vice Mayor Bathurst, and Commissioner Boylston

7.C. [19-1153](#) DISCUSSION OF THE WEST ATLANTIC REDEVELOPMENT PLAN UPDATE

Body: Recommended Action:

Recommendation: Discuss and provide direction.

Attachments: [Agenda Cover Report](#)
[West Atlantic Redevelopment Plan Update101419 SM2.pdf](#)

Anthea Gianniotis, Development Services Director, provided the Commissioners a handout on the dais with an update to the West Atlantic Redevelopment Plan.

Commissioner Boylston stated that he hopes the new plan will finally get adopted.

Deputy Vice Mayor Bathurst said that he would be in favor of adopting the plan.

Commissioner Frankel stated that he did not receive a copy of the document since he was traveling. He asked Ms. Gianniotis if a political organization was referenced in the plan.

A discussion ensued, and there was a consensus that the Commissioners

would provide Ms. Gianniotis their thoughts/concerns on the West Atlantic Redevelopment Plan, and have further discussion about it at the next month's Community Redevelopment Association (CRA) meeting.

7.D. [19-1158](#) RATIFICATION AND NOMINATIONS OF APPOINTMENT TO THE KIDS AND COPS COMMITTEE

Body: Recommended Action:

Recommendation: 1). Recommend City Commission to nominate two (2) At-Large Representatives to the Kids and Cops Committee for an expired term ending July 31, 2021.

2). Approve and ratify the appointed members to the Kids and Cops Committee for an expired term ending November 30, 2021.

Attachments: [Agenda Cover Report](#)
[12022019 Exhibit A](#)
[Kids and Cops Attendance](#)

- [#1](#)
- [#2](#)
- [#3](#)
- [#4](#)
- [#5](#)
- [#6](#)
- [#7](#)
- [#8](#)

Katerri Johnson, City Clerk, informed the Commission that after Mayor Petrolia and Commissioner Frankel's nomination, the Commission could ratify the three names that are on the Committee already.

Mayor Petrolia nominated Ms. Cory Cassidy. It was seconded by Commissioner Frankel. A roll call vote was taken, and all were in favor of approving Ms. Cory Cassidy to the Kids and Cops Committee. The motion carried 5-0.

Commissioner Frankel nominated Mr. Pierre Brutus. It was seconded by Commissioner Boylston. A roll call was taken, and all were in favor of approving Mr. Pierre Brutus to the Kids and Cops Committee. The motion carried 5-0.

A motion was made by Commissioner Frankel, seconded by Deputy Vice Mayor Bathurst, that ratification of appointments to the Kids and Cops Committee be approved. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Vice-Mayor Ervin Johnson, Commissioner Frankel, Deputy Vice Mayor Bathurst, and Commissioner Boylston

7.E. [19-1147](#) MOTION TO APPROVE CHOICE OF DELRAY CONNECT VEHICLE STYLE TO BE PURCHASED WITH FUNDING FROM A PALM BEACH TRANSPORTATION PLANNING AGENCY (TPA) GRANT AWARD.

Body: **Recommended Action:**

Recommendation: Motion to approve the choice of a vehicle to be utilized by the Delray Connect fixed route transportation services operated by the Delray Beach Community Redevelopment Agency (CRA) to be purchased with funding from a Palm Beach Transportation Planning Agency (TPA) grant award.

Attachments: [Agenda Cover Report](#)
[2015 - Trolleys](#)
[Vehicle PurchaseTimeline 2019-11-22](#)
[Pictures Starcraft and Transit](#)

A motion was made by Commissioner Frankel, seconded by Commissioner Boylston, that Item 7.E. be approved. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Vice-Mayor Ervin Johnson, Commissioner Frankel, Deputy Vice Mayor Bathurst, and Commissioner Boylston

7.F. [19-1175](#) DISCUSSION OF THE NE 3RD STREET / NE 3RD AVENUE STREETScape PROJECT

Body: **Recommended Action:**

Recommendation: Discuss and provide direction.

Attachments: [Agenda Cover Report](#)
[325 Lofts](#)
[2019-11-15 Cost Estimate \(NE 3rd Ave. NE 3rd St\) \(1\)](#)
[PMP NE 3rd St](#)
[Scope of Work for Project Mgt Services NE 3rd Ave_CDM Smith](#)

Missie Barletto, Assistant Director of Public Works, presented the NE 3rd Street/NE 3rd Avenue Streetscape Project to the Commission. She stated that the CRA approved a grant for this project at a meeting earlier today.

Interim City Manager de Jesus stated the City does not have the funding for this project so it is recommended that the CRA fund this project, especially considering it was originally budgeted by the CRA in a past budget year. The cost is approximately \$650,000.

A discussion ensued with the Mayor and Commissioners regarding this project and the budgeting process.

7.G. [19-1155](#) LEASE RENEWAL PINEAPPLE GROVE PROFESSIONAL CENTER FOR THE EMPLOYEE HEALTH AND WELLNESS CENTER

Body: **Recommended Action:**

Recommendation: Motion to Approve the lease renewal for the Pineapple Grove Center for the Employee Health and Wellness Center.

Attachments: [Agenda Cover Report](#)
[Lease Renewal Memo](#)
[2015-16 Pineapple Grove Professional Center Lease - final executed \(002\)](#)
[Pineapple Grove Holdings - Amendment No 1 to lease agreement](#)
[City Attorney Office - Legal Review Checklist](#)
[Amemdment No. 2 to the Lease Agreement Between the City of Delray BEach and Pineapple Grove Professional Center Lease](#)

Mayor Petrolia stated that items 7.G. and 7.H. are tied together.

Interim City Manager de Jesus clarified that both items 7.G. and 7.H. are related to the Employee Health Center, but are not tied together. He stated that the lease renewal isn't due until March 2020, and that city staff is looking into the CRA buildings that are being renovated for future use.

Interim City Manager de Jesus stated that the City's recommendation for the new Employee Health Center would be on the first floor of the NW 5th Building. He also recommended that the City renew the current lease to provide time to negotiate with the CRA in terms of being their new tenant once their building is built.

Mayor Petrolia commented that the current location of the Employee Health Center could use some renovating and that the City should be using one of its own buildings.

Commissioner Boylston suggested the Commission consider the Wellness Center as part of the new City Center down the road, as well as the SW 5th Building, which is being built. Vice Mayor Johnson commented that this discussion should have taken place in 2017.

Commissioner Frankel made a motion to renew the current lease at the Employee Health Center. Mayor Petrolia stated that the Commission hold off on this for now.

The lease renewal for the Pineapple Grove Professional Center was tabled.

7.H. [19-1156](#) REQUEST FOR ADDITIONAL STAFFING EMPLOYEE HEALTH AND

WELLNESS CENTER

Body: Recommended Action:

Recommendation: Motion to Approve additional staffing for the Employee Health and Wellness Center.

Attachments: [Agenda Cover Report](#)
[Request for Additional Staffing memo](#)
[12-18-2012 City of Delray Beach FULLY EXECUTED](#)
[04 23 2013 City of Delray Beach AMD 1 FULLY EXECUTED](#)
[Concentra Amendment No 2 Signed](#)
[City Attorney Office - Legal Review Checklist](#)
[City of DelRay \(AMD\) Additional Staffing](#)

Duane D' Andre, Human Resource Director, gave a presentation on the staffing needs at the Employee Health and Wellness Center.

A discussion ensued with the Mayor and Mr. D' Andre concerning the staffing of the Employee Health Center.

Commissioner Frankel stated that the Employee Health Center is cost saving and would be in favor of additional staffing.

Vice Mayor Deputy stated that she has not used the Employee Health Center but would be in favor of anything that would help the City employees and Commissioners who use it.

Commissioner Boylston commented that the Employee Health Center helps get employees back to work and that he would be in favor of additional staffing.

Mayor Petrolia thanked Dr.Gunta, Medical Director of the Employee Health Center for all that she does.

Dr. Gunta thanked the Commissioners and invited everyone to come see the Center.

A motion was made by Commissioner Boylston, seconded by Deputy Vice Mayor Bathurst, that this Request be approved. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Vice-Mayor Ervin Johnson, Commissioner Frankel, Deputy Vice Mayor Bathurst, and Commissioner Boylston

7.I. DISCUSSION OF GREEN IMPLEMENTATION ADVISORY BOARD RECOMMENDATIONS

Molly Daly, Office of Sustainability, gave a presentation on the recommendation from the GIAB for a Green Building ordinance.

Vice Mayor Johnson stated that she is disappointed that the topic of Green and Lead buildings is just now being discussed.

Commissioner Boylston commented that the City should be a leader in this matter.

Deputy Vice Mayor Bathurst recommended that the City look at other programs out there that might be better.

Commissioner Frankel stated that there have been some incentives to builders.

Vice Mayor Johnson suggested that there be a Sustainability fee for builders.

City Attorney Gelin stated that she will prepare a document to come back in January to require Lead Certification on new buildings in an ordinance.

Mayor Petrolia gave an update that Interim City Manager de Jesus as well as incoming City Manager Mr. Gretsas met with the American Flood Coalition.

Vice Mayor Johnson and Mayor Petrolia thanked the Green Implementation Board for their hard work.

7.J. [19-1208](#) SETTLEMENT IN THE CASE OF DELRAY BEACH V. MATCH POINT, INC.

Body: **Recommended Action:**

Recommendation: Motion to approve settlement in the case of Delray Beach v. Match Point, Inc. for the reasons discussed in the confidential memorandum previously distributed to the City Commission.

Attachments: [Agenda Cover Report](#)

City Attorney Gelin stated that she provided a confidential memorandum on the dais prior to the meeting detailing the settlement with Match Point, Inc. She also stated that if the settlement didn't pass, it would be unnecessary to vote on items 7.K.- 7.L.

Commissioner Frankel thanked Attorney Gelin and her team for their work,

as well as Commissioner Boylston and Deputy Vice Mayor Bathurst.

Commissioner Frankel thanked the Baron Family for all their hard work that they did to promote the City of Delray Beach Tennis Tournament and felt they should not have been ridiculed.

Commissioner Boylston stated that he was pleased with the outcome of the lawsuit, however he would not have started the lawsuit.

Deputy Vice Mayor Bathurst also thanked the Baron Family and stated that he wasn't in favor of the lawsuit either and was happy to move forward.

Vice Mayor Johnson stated that she is happy to see the lawsuit over.

Mayor Petrolia expressed concern that the Tennis Tournament is very costly to the taxpayers of the City and that she would not be in favor of the settlement with Match Point, Inc.

A motion was made by Commissioner Frankel, seconded by Commissioner Boylston, that the settlement for Delray Beach v. Match Point, Inc. be approved. The motion carried by the following vote:

Yes: 4 - Vice-Mayor Ervin Johnson, Commissioner Frankel, Deputy Vice Mayor Bathurst, and Commissioner Boylston

No: 1 - Mayor Petrolia

- 7.K.** [19-1209](#) APPROVAL OF RESOLUTION 215-19 OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING AMENDMENT NO. 6 TO THE AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND MATCH POINT, INC.

Body: Recommended Action:

Recommendation: Motion to Approve Resolution 215-19 approving Amendment No. 6 to the Agreement between the City of Delray Beach and Match Point, Inc., finding that approval of said Amendment is in the best interests of the City and that waiver of competitive requirements is appropriate.

Attachments: [Agenda Cover Report](#)
[Match Point Agreement Amend No 6](#)
[Res 215-19 Amendment No 6 to MP Agreement](#)

A motion was made by Commissioner Boylston, seconded by Commissioner Frankel, that Resolution No. 215-19 be approved. The motion carried by the following vote:

Yes: 4 - Vice-Mayor Ervin Johnson, Commissioner Frankel, Deputy Vice Mayor Bathurst, and Commissioner Boylston

No: 1 - Mayor Petrolia

- 7.L. [19-1211](#) APPROVAL OF RESOLUTION 216-19 OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING AMENDMENT NO. 4 TO THE AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND PLAYERS INTERNATIONAL MANAGEMENT, INC.

Body: Recommended Action:

Recommendation: Motion to Approve Resolution 216-19 approving Amendment No. 4 to the Agreement between the City of Delray Beach and Players International Management, Inc., finding that approval of said Amendment is in the best interests of the City and that waiver of competitive requirements is appropriate.

Attachments: [Agenda Cover Report](#)
[Amendment 4 to the PIM agreement](#)
[Res 216-19 Amendment No 4 to PIM Agreement](#)

A motion was made by Commissioner Boylston, seconded by Commissioner Frankel, that Resolution No. 216-19 be approved. The motion carried by the following vote:

Yes: 4 - Vice-Mayor Ervin Johnson, Commissioner Frankel, Deputy Vice Mayor Bathurst, and Commissioner Boylston

No: 1 - Mayor Petrolia

8. PUBLIC HEARINGS:

- 8.A. [19-1139](#) APPROVAL OF FY18-19 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT(CAPER)

Body: Recommended Action:

Recommendation: Motion to approve the 2018-2019 Consolidated Annual Performance and Evaluation Report required by the United States Housing and Urban Development (HUD) for utilization of federal grant funds.

Attachments: [Agenda Cover Report](#)
[CAPER FINAL 121019](#)
[IDIS Generated Reports](#)

Ferline Mesidort, Neighborhood Services Administrator, gave a presentation on the FY18-19 Consolidated Annual Performance Evaluation Report.

Mayor Petrolia stated if anyone from the public would like to address the Commission to come forward.

Public Comment:

None.

A motion was made by Commissioner Boylston, seconded by Vice-Mayor Ervin Johnson, that the FY18-19 Consolidated Annual Performance Evaluation Report be approved. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Vice-Mayor Ervin Johnson, Commissioner Frankel, Deputy Vice Mayor Bathurst, and Commissioner Boylston

9. FIRST READINGS:

9.A. None.

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:**A. City Manager****Interim City Manager de Jesus made the following comments:**

- Thanked everyone for the opportunity to serve in the role of Interim City Manager.
- The City is full of great employees.
- Acknowledged City Attorney Gelin, Internal Auditor, Julia Davidyan, Suzanne Fisher, Chief Tommy and the City Commission for their support.
- Excited to have Mr. Gretsas as the new City Manager.

B. City Attorney**City Attorney Gelin made the following comments:**

- Wished everyone Happy Holiday.

C. City Commission**Commissioner Frankel made the following comments:**

- Looking forward to Mr. Gretsas coming as the new City Manager.

Deputy Vice Mayor Bathurst made the following comments:

- Thanked Interim City Manager de Jesus for his leadership.

Commissioner Boylston made the following comments:

- Thanked Interim City Manager de Jesus for leading our City and stated that he had always thought of him as the City Manager rather than the Interim City Manager.

Vice Mayor Johnson made the following comments:

- Hoping for the best in 2020.
- Noticed that a tree was being cut down in front of City Hall. Mr. de Jesus stated it was struck by lightning.
- Inquired about the status of the Fire House RFP
- Thanked Ms. Donna Quinlan for her 38 years of service and stated that she would grant her request for her pay if she could.
- Wished everyone a Happy Holiday and stated that she will be on the ballot for the March 17th election.

Mayor Petrolia made the following comments:

- Request that the City create an ordinance to require the use of doggie waste bags and enforce that everyone uses them.
- Thanked Vice Mayor Johnson for stepping for her absence at the last meeting.
- Had the pleasure of working with Mr. de Jesus twice and commented on his growth in taking on the leadership of the City. He never hesitated to confront the issues and appreciated everything he has done to fill the seat of City Manager.
- Wished everyone a Happy New Year.

There being no further business to discuss, Mayor Petrolia adjourned the meeting at 6:24 p.m.



City Clerk

ATTEST:



MAYOR

The undersigned is the City Clerk of the City of Delray Beach, Florida, and the information provided herein is the Minutes of the December 10, 2019 Regular City Commission Meeting held on December 10, 2019, which Minutes were formally approved and adopted by the City Commission on March 3, 2020.



City Clerk

NOTE TO READER:

If the Minutes you have received are not completed as indicated above, this means they are not the official Minutes of the City Commission. They will become the official Minutes only after review and approval which may involve some amendments, additions or deletions as set forth above.