

City of Delray Beach

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www.mydelraybeach.com



Minutes - Final

Tuesday, September 17, 2019

4:00 PM

Final Budget Hearing/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:

Mayor Shelly Petrolia
Commissioner Adam Frankel
Vice Mayor Shirley Ervin Johnson
Deputy Vice Mayor Bill Bathurst
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

Vice Mayor Johnson requested that item 7.B be removed from the agenda. Commissioner Frankel said that he would like to discuss several items about 7.B. Mayor Petrolia stated that 7.B. would stay on the agenda. Mayor Petrolia informed everyone that there was a newly added item (7.E) to the agenda, which concerns the City Manager's position.

Commissioner Boylston moved to approve the agenda. It was seconded by Commissioner Frankel. A roll call vote was taken, and all were in favor. The motion carried 5-0.

4. PRESENTATIONS:

- 4.A. [19-839](#) PRESENTING THERESA GARDNER-WILLIAMS, COMMUNITY IMPROVEMENT SPECIALIST, WITH EMPLOYEE OF THE MONTH FOR SEPTEMBER 2019.

Body: Recommended Action:

Recommendation: Motion to present Theresa Gardner-Williams, Community Improvement Specialist, with Employee of the Month for September 2019.

Attachments: [Agenda Cover Report](#)
[Gardner-Williams nomination form](#)

Duane D'Andrea, Human Resource Director, on behalf of the City Commission, presented Theresa Gardner-Williams with a plaque and certificate for a personal day off for Employee of the Month for September 2019.

Captain Weatherspoon, Acting Director of Community Improvement, gave a few brief comments about Theresa Gardner-Williams.

- 4.B. [19-854](#) PRESENTATION BY WANTMAN GROUP, INC. (WORK-IN-PROGRESS: Phase 1) FOR THE MARINE WAY SEAWALL AND DOCKS IMPROVEMENT PROJECT.

Body: Recommended Action:

Recommendation: Motion to approve the Work-in-Progress Presentation (Phase 1) and move forward with Phase 2 of the Marine Way Seawall and Docks Improvement Project which includes the following criteria: Engineering, Design, Permitting, and Bidding Assistance (under a separate agenda item).

Attachments: [Agenda Cover Report](#)

[RFQ 2017-021](#)

[SA WGI](#)

Missie Barletto, Assistant Public Works Director, gave an updated presentation about the restoration project for the Marine Way seawall and docks improvement project. She introduced the engineer consultant team from the Wantman Group, who was selected for this project.

Vice Mayor Johnson expressed concern about this project and how it would impact the residents who live there.

Deputy Vice Mayor Bathurst stated that he too had concerns and he felt that by removing the mangroves it would take away the look of South Florida. Mayor Petrolia stated she would like to see a round table discussion with the residents who live there and who will be affected by the change. City Attorney Gelin stated that the City's purpose is to fix a bad situation and allow the residents to rebuild their docks.

Commissioner Frankel made a motion to approve this project provided a round table discussion is done with the affected residents. It was seconded by Commissioner Boylston. A roll call vote was taken, the motion carried 4-1, with Vice Mayor Johnson dissenting.

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.

City Attorney Gelin stated that she had sent an email earlier to the Commission about Delray Beach South and that re-consideration for this is not appropriate at this meeting. She will bring this item to the next meeting for reconsideration or appeal.

B. From the Public

Jacquelyn Boding, 401 SE 4th Avenue, Delray Beach, said that she represents a local non-profit organization called "Wise Tribe." She wished to invite the Commissioners to their next book club which will be on October 7, 2019 and will feature the book "Collaborating with the Enemy."

Ashley Bakis, no address given, told the Commission that she was a Student Ambassador last year for Sister Cities of Delray Beach as well as a Girl Scout. She took part in an exchange student program where she traveled to Japan. Ashley wrote a book about the Japanese culture and offered to have it be displayed in City Hall to help educate people about the Japanese culture.

Alice Finst, 707 Place Tavant, Delray Beach, told the Commission that she is on the City's Emergency Response Team (CERT) and is concerned that the City does not have a radio antenna anymore not the Radio Station 1620 which allowed the residents to receive information in the event of an emergency. Mayor Petrolia requested that Interim City Manager de Jesus investigate this.

Pauline Moody, address unverifiable, spoke about the Marina Way project and gave her opinion about the flooding issue is due to the gutters not being cleaned out.

Mitzie Kates, 8th Avenue Palm Trail, Delray Beach, stated that she hopes that fixing up and rehabbing the Delray Beach Golf Club doesn't get removed from the budget. She also said that she is concerned with the gutters that Pauline Moody spoke about.

Sandy Goodman, address unverifiable, works for the Census Bureau and was there to speak about item 6.A. on the Consent Agenda. He is working to form a Complete Count Committee . Mayor Petrolia advised Mr. Goodman that this wasn't a question and answer session, rather comments from the Public.

Kelly Freeman, 917 Banyan Drive, Delray Beach, stated that she came to tonight's meeting as a resident of Tropic Isle and to express her disappointment in the Commission's decision to move forward with the project. She stated that she didn't think the residents were given a chance to voice their concerns about safety issues .

Eugenia Deponte, 24 Marine Way, Delray Beach, expressed her concern about the Marina Way Project. She feels that by taking away the

homeowners docks it will adversely affect the property value.

Adam Bankier, 54 Marine Way, Delray Beach, would like to see everyone come to a reasonable solution rather than using public funds to replace the docks.

Lak Lalra, 3842 S. Lake Drive, Delray Beach, gave a video presentation of the land around his home and the issues he has with it regarding the proposed annexation.

Gary L. Fishman, 3504 Diane Drive, Boynton Beach, stated that he came to this Commission Meeting for the five acres of land to the north of Lake Ida Drive which Mr. Lalra previously spoke about. The residents are opposed to the City of Delray Beach owning this land and annexing it not to have a park built there.

Roger Cope, 701 SE 1st Street, Delray Beach, wanted to thank Missie Barletto and the rest of the staff on the Marina Project for a job well done.

Gail Clark, 124 NE 7 Avenue, Delray Beach, read the definition of Eminent Domain and questioned if someone can have their property taken away from them and then be asked to buy it back again? Ms. Clark wanted to thank the Commission on trying to keep some sense of charm in that area.

Mike Hanuschak, 3120 Jasmine Drive, Delray Beach, said that he thinks the proposed deal for Tropic Isle/Delray Place NW Corner will only make things worse.

Christina Morrison, 2809 Florida Blvd, Delray Beach, shared with everyone that there will be a Career Fair at Greico Mazda taking place that week how it's a great mechanism to form a career in the the automotive industry if you do not want to go to college. Ms. Morrison also shared her concern on why the Commission would wave away their right to appeal Delray Place as well as reduce a parking regulation. She commented about how happy she is that the Mayor and Commissioners will be getting a raise.

Claudia Willis, 160 Marine Way, Delray Beach, said that she is happy about the sustainable wall that is going to be built in Tropic Isle.

Cathy Applegate, 939 Bolender Drive, Delray Beach, said that she is disappointed that there isn't an opportunity to reconsider listening to the residents and what they want the regarding Tropic Isle.

Commissioner Frankel addressed Ms. Applegate and stated that he has had num emails to her and other residents of Tropic Isle requesting better ideas and that no has come forth with any responses.

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

6. CONSENT AGENDA: City Manager Recommends Approval

Commissioner Boylston moved to approve the consent agenda. It was seconded by Commissioner Frankel. A roll call vote was taken, and all were in favor. The motion carried 5-0

Approved.

- 6.A. [19-865](#) RESOLUTION NO. 156-19: A RESOLUTION OF THE CITY OF DELRAY BEACH, FLORIDA, PLEDGING TO PARTNER WITH THE U.S. CENSUS BUREAU TO ENSURE THAT EVERY RESIDENT OF THE CITY OF DELRAY BEACH IS COUNTED AS PART OF THE 2020 CENSUS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Body: **Recommended Action:**

Recommendation: Motion to approve Resolution No. 156-19 for the City of Delray Beach pledging to partner with the U.S. Census Bureau to ensure every resident is counted as part of the 2020 Census.

Attachments: [Agenda Cover Report](#)
[Res 156-19 regarding 2020 Census \(KWB\)](#)
[Simple Legal Review Approval Census Resolution](#)

Approved.

- 6.B. [19-852](#) APPROVAL OF AMENDMENT NO. 1 WITH PREFERRED GOVERNMENTAL CLAIMS SOLUTIONS (PGCS) FOR PROPERTY AND CASUALTY THIRD PARTY ADMINISTRATION SERVICES FOR DELRAY BEACH - \$120,000.

Body: **Recommended Action:**

Recommendation: Motion to approve Amendment No. 1 with PGCS to extend Agreement under the same terms and conditions not to exceed \$120,000 and authorize the City Manager to approve renewal options, in the same amounts, contingent upon appropriation of funds.

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist form TPA PGCS](#)
[PGCS Amendment No. 1](#)
[PGCS Agreement](#)

Approved.

6.C. [19-863](#) FLORIDA MUNICIPAL INSURANCE TRUST (FMIT) FOR RENEWAL OF PROPERTY INSURANCE POLICY

Body: **Recommended Action:**

Recommendation: Staff is requesting approval for renewal of Property, Excess Liability and Excess Workers' Compensation Insurance from the Florida Municipal Trust Fund (FMIT) for \$1,256,865 for the coverage period 10/1/2019 through 9/30/2020.

Attachments: [Agenda Cover Report](#)
[Quote Comparison 10.1.19](#)
[Market Summary](#)
[Premium Summary Page](#)

Approved.

6.D. [19-837](#) APPROVAL OF AMENDMENT NO. 3 WITH GREEN TEAM PLUMBING, LLC D/B/A GREENTEAM SERVICE CORP FOR PLUMBING MAINTENANCE AND REPAIR SERVICES INCREASING THE NOT-TO-EXCEED AMOUNT FROM \$150,000 TO \$250,000.

Body: **Recommended Action:**

Recommendation: Motion to approve Amendment No. 3 with Green Team Plumbing increasing the not-to-exceed amount from \$150,000 to \$250,000 for plumbing maintenance and repair services, and authoring the City Manager to approve renewal options, in the amounts below, contingent upon appropriation of funds.

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist Green Team Plumbing Amendment No 3](#)
[Amendment No. 3](#)

Approved.

- 6.E. [19-864](#) AMENDMENT NO. 1 WITH WANTMAN GROUP, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR MARINE WAY SEAWALL AND DOCK

Body: Recommended Action:

Recommendation: Motion to Approve Amendment No. 1 to the Professional Services Agreement with Wantman Group, Inc. to implement Phases 2 and 3 of Marine Way Seawall and Docks Improvements (Project No. 17-021), the Design and Bidding Phases, in an amount not-to-exceed \$1,103,622.

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist Amendment #1 to RFQ 2017-030 Agreement with Wantman for Eng Services Amend 1 to Marine Way - Wantman Group 2017-030 Marine Way Phase 2 Proposal](#)

Approved.

- 6.F. [19-866](#) APPROVAL OF AMENDMENT NO. 1 WITH KONE, INC. FOR ELEVATOR MAINTENANCE AND REPAIR SERVICES - \$14,040

Body: Recommended Action:

Recommendation: Motion to approve Amendment No. 1 with Kone, Inc for elevator maintenance and repair services for an initial five-year term for a not-to-exceed total amount of \$14,040 utilizing the U.S. Communities Governmental Purchasing Alliance Cooperative Contract EV2516, and authorize the City Manager to approve renewal options, in the amounts below, contingent upon appropriation of funds.

Attachments: [Agenda Cover Report](#)

[n US Communities Contract](#)
[Kone Elevator Maintenance Agreement Quote](#)
[Kone Federspiel Garage Repair Quote](#)
[Legal Review Checklist Amendment No. 1 Kone Master Services Agreement CA REV 8.29.19](#)
[P2019-024 Amendment No. 1 CA REV 8.29.19](#)
[Kone & CDB Master Services Agreement.pdf](#)

Approved.

- 6.G. [19-869](#) THIRD AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY FOR FUNDING CONSTRUCTION/PROFESSIONAL SERVICES FOR FISCAL YEAR 2018/19

Body: Recommended Action:

Recommendation: Approve the Third Amendment to the Interlocal Agreement (ILA) between the City of Delray Beach (City) and the Delray Beach Community Redevelopment Agency (CRA) to fund Fiscal Year 2018-19 Capital Projects as described in Exhibit A of the attached agreement, subject to approval of the City and CRA budgets for Fiscal Year 2018/19. This amendment adjusts the ILA to remove projects that are being managed by CRA staff and to reflect actual funding requirements for projects that are moving forward under City management.

Attachments: [Agenda Cover Report](#)
[3rd Amend ILA Construction](#)
[Legal Review Checklist Amendment #3 to ILA with CRA for construction and professional services funding](#)

Approved.

- 6.H. [19-903](#) APPROVAL OF AMENDMENT NO. 1 WITH THOMPSON CONSULTING SERVICES, LLC FOR EMERGENCY DEBRIS REMOVAL MONITORING SERVICES

Body: Recommended Action:

Recommendation: Motion to approve Amendment No. 1 with Thompson Consulting Services, LLC to renew the Agreement under the same terms and conditions, and authorize the City Manager to approve renewal options, contingent upon appropriations of funds.

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist 2016-058 Emergency Debris Removal Services Thompson Consulting Services Amendmenr No. 1](#)

Approved.

- 6.I. [19-895](#) STATE PLAN OF OPERATIONS AGREEMENT BETWEEN THE STATE OF FLORIDA AND THE DELRAY BEACH POLICE DEPARTMENT, 2YTC89

Body: **Recommended Action:**

Recommendation: Motion to Approve the State Plan of Operations Agreement.

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist LW](#)
[NEW SPO 4-29-19 edited LW](#)

Approved.

- 6.J. [19-909](#) RESOLUTION NO. 170-19 - HURRICANE DORIAN

Body: **Recommended Action:**

Recommendation: Motion to approve Resolution 170-19.

Attachments: [Agenda Cover Report](#)
[Termination of Hurricane Dorian state of emergency](#)

Approved.

6.K. PROCLAMATIONS:

- 6.K.1. [19-896](#) DIAPER NEEDS AWARENESS WEEK PROCLAMATION

Body: **Recommended Action:**

Recommendation: Observance of Diaper Needs Awareness week from September 23, 2019 to September 29, 2019.

Attachments: [Agenda Cover Report](#)
[Diaper Need Awareness Week 2019](#)

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

- 6.L.1. [19-892](#) REPORT OF APPEALABLE LAND USE ITEMS FROM AUGUST 26, 2019, THROUGH AUGUST 30, 2019.

Body: Recommended Action:

Recommendation: By motion, receive and file this report.

Attachments: [Agenda Cover Report](#)

[Appealable Report Map 9.17.19](#)

[A - 17 Salina Avenue - Appealable Report](#)

[B - 110 E. Atlantic Avenue - Appealable Report](#)

[C - 793 Andrews Avenue - Appealable Report](#)

Approved.

6.M. AWARD OF BIDS AND CONTRACTS:

6.M.1. [19-690](#) APPROVAL OF RESOLUTION NO. 131-19 FOR VEHICLE PURCHASES FROM VARIOUS CAR DEALERSHIPS UTILIZING THE FLORIDA SHERIFF'S ASSOCIATION CONTRACT NOS. FSA18-VEL26.0 AND FSA18-VEH16.0 AND THE US COMMUNITIES CONTRACT NO. EV2024-02 - \$1,817,720

Body: Recommended Action:

Recommendation: Motion to approve Resolution No. 131-19 for vehicle purchases from Stingray Chevrolet, Duval Ford, Coggin Toyota, Coggin Ford, Deland Nissan, Alan Jay Chevrolet, Alan Jay Toyota, Palmetto Ford, Jeffrey Alan Club Car, Vermeer Southeast, Treasure Coast Kawasaki, and Kelly Tractor for the purchase of forty-nine (49) new vehicles in an amount not-to-exceed \$1,817,720 utilizing the Florida Sheriff's Association Contract Nos. FSA17-VEH15.0 and FSA17-VEL25.0 and the US COMMUNITIES Contract No. EV2024-02.

Attachments: [Agenda Cover Report](#)
[FSA Contract FSA18-VEL26.0 Bid Award](#)
[2019 Tahoe PPV Quote-Stingray 2-21-19](#)
[F-250 CC Pickup Quote-Duval Ford 2-21-19.xlsx](#)
[F-250 CC Utility Quote-Duval Ford 2-21-19.xlsx](#)
[F-250 Pickup Quote-Duval Ford 2-21-19.xlsx](#)
[F-250 Reg. Cab Utility Quote-Duval Ford 2-22-19.xlsx](#)
[F-350 CC Dump Quote-Duval 2-22-19](#)
[Kawasaki ATV Quote-Broward Motorsports 12-12-18](#)
[Kawasaki ATV Quote-Florida Sports 12-12-18](#)
[Cat 2CC400 Fork Lift-Kelly Tractor 2-22-19](#)
[Vermeer- BC1500XL Chipper](#)
[Toyota Rav-4 Alan Jay 4-26-19](#)
[F150 REG CAB Coggin 2-22-19](#)
[Club Car- 2019 VILLAGER 2+2 LSV 4 24 2019](#)
[Nissan AltimaNoAlum-Deland Nissan 5-28-19](#)
[Resolution 131-19 for vehicle purchases](#)
[Palmetto Truck-F650 GAS Dump](#)
[Utility Interceptor Quote CSO-Duval 5-24-19](#)
[Utility Interceptor Quote LT.-Duval 5-24-19](#)
[Utility Interceptor Quote-Duval 3-18-19](#)
[Silverado 3500 4x4 Quote-Alan Jay 9-11-19](#)
[Kawasaki ATV Quote-Treasure Coast 9-11-19](#)
[Nissan Altima-Deland Nissan 9-11-19](#)
[Chevy 2500 Cargo Van-Alan Jay 9-11-19](#)
[Silverado 3500 4x4 Quote-Alan Jay 9-12-19](#)

Approved.

6.M.2. [19-830](#) APPROVAL OF RESOLUTION NO. 147-19 AWARDING AN AGREEMENT WITH TNT LAWN EXECUTIVES, LLC FOR LANDSCAPE MAINTENANCE: I-95 INTERCHANGES - \$204,441

Body: Recommended Action:

Recommendation: Motion to approve Resolution No. 147-19, awarding an Agreement with TNT Lawn Executives, LLC for Landscape Maintenance at I-95 Interchanges in the estimated amount of \$204,441 and authorizing the City Manager to exercise renewal options, in the amounts below, contingent on appropriation of funds.

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist TNT Landscaping around I 95](#)
[Resolution No.147-19 TNT Landscape Maintenance](#)
[TNT Agreement](#)

Approved.

- 6.M.3.** [19-634](#) APPROVAL OF RESOLUTION NO. 157-19 AND AMENDMENT NO. 1 TO AWARD AN AGREEMENT WITH FIVE VENDORS: DEAN MITCHELL GROUP, INC., PARTNER ASSESSMENT CORPORATION d/b/a ECO ADVISORS, PRISM RESPONSE, INC., GLE ASSOCIATES, INC., GAUDET ASSOCIATES, INC., FOR INDOOR AIR QUALITY AND INFECTIOUS DISEASE SERVICES UTILIZING THE SCHOOL DISTRICT OF PALM BEACH COUNTY, FLORIDA SOLICITATION NO. RFP 18C-018L IN A NOT-TO-EXCEED AMOUNT OF \$1,750,000

Body: Recommended Action:

Recommendation: Motion to approve Resoultion No. 157-19 and Amendment No. 1 to award an agreement with five vendors: Dean Mitchell Group, Inc., Partner Assessment Corporation d/b/a Eco Advisors, Prism Response, Inc., GLE Associates, Inc., Gaudet Associates, Inc., in the estimated amount of \$1,750,000 through June 30, 2020 utilizing The School District of Palm Beach County, Florida Solicitation No. RFP 18C-018L, and authorize the City Manager to approve renewal options, in the amounts indicated below, contingent upon appropriation of funds.

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist form Eco Advisors](#)
[Legal Review Checklist form Gaudet Associates](#)
[Legal Review Checklist form GLE Associates, Inc.](#)
[Legal Review Checklist form Prism Response](#)
[Legal Review Checklist form v. 6- City of Delray Beach Amendment No. 1 to Indoor Air Quality and Infectious Disease Resolution No. 157-19 Award of Agreement](#)
[Dean Mitchell Group](#)
[Gaudet Associates](#)
[GLE Associates](#)
[Partner Assessmnet Corporation Agreement](#)
[Prism Response Agreement](#)

Approved.

6.M.4. [19-893](#) RESOLUTION 167-19 : APPROVAL OF MAINTENANCE AND SUPPORT AGREEMENT WITH MOTOROLA SOLUTIONS, INC. FOR THE RADIO SYSTEM

Body: Recommended Action:

Recommendation: Motion to approve Maintenance and Support Agreement with Motorola Solutions, Inc., the sole source provider, for the current Motorola subscriber radios and system in the amount of \$74,651.32.

Attachments: [Agenda Cover Report](#)

[Motorola Delray Beach contract package starts 10-1-2019_lw review](#)

[Motorola Delray Beach contract September 2019 - Vendor Executed](#)

[Resolution 167-19 Motorola Solutions Inc Maintenance and Support Agreement for the radio system Rev. 1](#)

[Motorola Legal Review Checklist LW 2019](#)

[Motorola Sole Source Letter 9-6-2019](#)

Approved.

7. REGULAR AGENDA:

- 7.A. [19-855](#) RESOLUTION NO. 148-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF A PORTION OF OLD DIXIE HIGHWAY RIGHT-OF-WAY, LYING WEST OF AND ADJACENT TO THE NORTH 20 FEET OF LOT 14 AND ALL OF LOTS 15, 16 AND 17, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 21, PAGE 13, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LOCATED APPROXIMATELY 415 FEET SOUTH OF GULFSTREAM BOULEVARD, AS MORE PARTICULARLY DESCRIBED HEREIN; RETAINING A GENERAL UTILITY EASEMENT ENCOMPASSING THE SUBJECT AREA AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Body: **Recommended Action:**

Recommendation: Review and consider Resolution No. 148-19, approving the abandonment of a 20' wide portion of Old Dixie Hwy Right-Of-Way (ROW) totaling 6,482 sf, lying west of and adjacent to the north 20' of Lot 14 and all of Lots 15, 16, and 17, as recorded in the Delray Beach Estates Plat Book 21, Page 13, subject to a 20.25' x 324.12' General Utility Easement (GUE) being recorded for the abandonment area.

Attachments: [Agenda Cover Report](#)

[Abandonment of ROW \(Old Dixie Hwy\) - Location Map](#)

[Abandonment of ROW \(Old Dixie Hwy\) - Resolution 148-19 w. GUE](#)

[Abandonment of ROW \(Old Dixie Hwy\) - PZ Staff Report](#)

[Abandonment of ROW \(Old Dixie Hwy\) - Sketch and Legal](#)

[Description](#)

[Abandonment of ROW \(Old Dixie Hwy\) - Survey w/ Lots](#)

[Abandonment of ROW \(Old Dixie Hwy\) - Survey](#)

[Abandonment of ROW \(Old Dixie Hwy\) - Public Hearing Notice](#)

Anthea Gianniotis, Principal Planner, stated that the applicant was present for Resolution No. 148-19 abandonment on Old Dixie Hwy. right-of-way.

Merv McDonald, (representing Jim O'Neil, applicant) stated that his client is currently storing cars on the property but has plans to develop a new car dealership, which is what the property is zoned for.

Anthea Gianniotis gave a presentation and stated that there are currently Code Enforcement issues with this property which the owner has started to correct.

Mayor Petrolia expressed concern that the City would be giving away this property, and asked Interim City Manager de Jesus what his thoughts were. Interim City Manager de Jesus agreed that this isn't a good idea and

recommended that the property should be assessed because it does have monetary value.

Mayor Petrolia asked if there was a consensus that the City should have the land appraised and that the owner should incur the cost of the appraisal. There was consensus to have the property appraised.

Commissioner Frankel moved to deny item 7.A. It was seconded by Commissioner Boylston. A roll call vote was taken, and all were in favor of denying item 7.A. The motion carried 5-0.

Resolution No. 148-19 was approved for denial.

7.B. [19-801](#)

DISCUSSION REGARDING APPOINTMENTS TO THE NORTHWEST/SOUTHWEST ADVISORY BOARD

Body: Background:

On July 9, 2019, Resolution No. 138-19 was passed creating the Northwest/Southwest Advisory Board in order to advise and provide recommendations regarding development projects within the NW/SW area. Since the resolution passed, there has not been enough applicants to meet the advisory board criteria. A discussion will take place to determine how to move forward.

Attachments: [Agenda Cover Report](#)

[Res No. 138-19](#)

Commissioner Frankel expressed concern to the City Clerk that there wasn't a paper application for prospective board members to fill out instead of applying online. Ms. Johnson, City Clerk stated that there is now a paper application available in the City Clerk's office.

Commissioners Boylston and Commissioner Frankel thought that their needs to be clarification on what the duties and responsibilities are for being a board member. Mayor Petrolia expressed her thoughts that there should be a NW/SW board of some type, be it a task force or some type of body for communication. There was a consensus that the Commission review this again in a month to see if there have been any more applicants.

7.C. [19-899](#) APPROVAL OF 2020 THROUGH 2024 CAPITAL IMPROVEMENT PROGRAM BUDGET

Body: **Recommended Action:**

Recommendation: Motion to approve Capital Improvement Program (CIP) Budget for 2020 through 2024.

Attachments: [Agenda Cover Report](#)
[CIP FY 20-24 LC](#)

Interim City Manager de Jesus stated nothing has changed from the last meeting.

Commissioner Boylston moved to approve the Capital Improvement Program Budget for 2020-2024. It was seconded by Commissioner Frankel. A roll call vote was taken, and all were in favor. The motion carried 5-0.

Approved.

7.D. [19-912](#) DISCUSSION AND DIRECTION FOR MAYOR/COMMISSIONERS
COMPENSATION INCREASE

Attachments: [Agenda Cover Report](#)

[Ord 46-04](#)

[Delray Beach, FL Code of Ordinances Section 3.10](#)

City Attorney Gelin informed the Commission that they are not within the time frame to make a salary change.

Mayor Petrolia suggested that the City change the Charter so that in the future, Commissioners and the Mayor would automatically receive annual salary increases.

Commissioner Boylston said that he would like to see County-wide Commission salaries not just from Boca Raton.

Mayor Petrolia suggested waiting to see what the other cities salaries of the Commissioners are before a decision is made.

City Attorney Gelin informed the Commission and Mayor that in order to make a salary change, it would require a referendum to change the Charter Ordinance for 2020, otherwise they must wait until 2021 to make a change due to the missed deadline for the next City Election.

Commissioner Frankel suggested that the salary increases be put on the election ballot. Interim City Manager de Jesus suggested that Commission table this discussion until further information is obtained. Consensus was given to table this discussion.

7.E [19-944](#) DISCUSSION OF CITY MANAGER POSITION

Attachments: [Agenda Cover Report](#)

Commissioner Boylston moved to make an offer to Mr. George Gretsas. It was seconded by Vice Mayor Johnson.

A brief discussion ensued.

Commissioner Frankel stated he felt the whole process was tainted and recommended a new search for a City Manager. Commissioner Boylston clarified that the motion was to provide direction from City Attorney Gelin and Mr. Berg, the recruiter, to negotiate a contract with Mr. George Gretsas. Commissioner Frankel stated on the record all the Commissioners should receive a copy of the offer that was presented to Mr. Cernech to ensure there is transparency. City Attorney Gelin stated she would forward a copy of the contract to everyone.

Commissioner Boylston made a motion to move forward and have City Attorney Gelin and Mr. Berg negotiate a contract with Mr. George Gretsas. It was seconded by Vice Mayor Johnson. A roll call vote was taken, the motion carried 3-2 with Commissioner Frankel and Deputy Vice Mayor Bathurst dissenting.

Approved.

8. PUBLIC HEARINGS:

8.A. [19-889](#) RESOLUTION NO. 164-19 FINAL MILLAGE LEVY FOR THE CITY OF DELRAY BEACH (CITY)

Body: Recommended Action:

Recommendation: Motion to approve Resolution No. 164-19 Final Millage Levy for FY 2020 for the City of Delray Beach.

Attachments: [Agenda Cover Report](#)
[Resolution No 164-19 Final Millage Levy City](#)

City Attorney Gelin read Resolution No. 164-19 into the record.

Public Comment: None

Commissioner Boylston moved to approve Resolution No. 164-19. It was seconded by Commissioner Frankel . A roll call vote was taken, and all were in favor. The motion carried 5-0.

Resolution No. 164-19 was approved.

8.B. [19-890](#) RESOLUTION NO. 165-19 FINAL MILLAGE LEVY FOR THE DOWNTOWN DEVELOPMENT AUTHORITY (DDA)

Body: Recommended Action:

Recommendation: Motion to approve Resolution No. 165-19 Final Millage Levy for the DDA.

Attachments: [Agenda Cover Report](#)
[Resolution No 165-19 Final Millage Levy DDA](#)
[DDA Budget 19-20](#)
[DDA FY 19-20 Budget & Priority Review Memo](#)
[DDA FY 19-20 Millage Final Memo](#)

City Attorney Gelin read Resolution No. 165-19 into the record.

Public Comment: Pauline Moody, unverified address, requested clarification of the responsibilities of the DDA and CRA. She stated that both entities work to clean up the downtown area.

Commissioner Boylston moved to approve Resolution No. 165-19. It was seconded by Deputy Vice Mayor Bathurst. City Attorney Gelin stated the motion to approve Resolution 165-19 should state "as amended" with the corrected millage rate. A roll call vote was taken, and all were in favor of approving Resolution No. 165-19, as amended. The motion carried 5-0.

Resolution No. 165-19 was approved.

8.C. [19-891](#) RESOLUTION NO. 166-19 BUDGET ADOPTION FOR FY 2020

Body: **Recommended Action:**

Recommendation: Motion to approve Resolution No. 166-19 Final Budget Adoption for FY 2020 FOR THE CITY OF DELRAY BEACH (CITY).

Attachments: [Agenda Cover Report](#)
[Resolution No 166-19 Budget Adoption FY20](#)

City Attorney Gelin read Resolution No. 166-19 into the record.

Public Comment: None

Commissioner Frankel moved to approve Resolution No. 166-19. It was seconded by Commissioner Boylston. A roll call vote was taken, the motion carried 4-1, with Vice Mayor Johnson dissenting.

Resolution No. 166-19 was approved.

- 8.D. [19-897](#) ORDINANCE NO. 20-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES BY AMENDING SECTION 4.4.3. "SINGLE FAMILY (R-1) DISTRICTS," TO DELETE SUBSECTION I(10), AMEND SUBSECTIONS I(11) AND (12); AND, ADDING SECTION 7.1.8. "CONSTRUCTION PARKING" TO ESTABLISH REGULATIONS FOR ON-SITE AND OFF-SITE CONSTRUCTION PARKING; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (SECOND READING)

Body: **Recommended Action:**

Recommendation: Review and consider Ordinance No. 20-19 on second reading, a City-initiated amendment to the Land Development Regulations, Section 4.4.3 "Single Family (R-1) Districts," to delete Subsection I(10), amend Subsections I(11) and (12); and, adding Section 7.1.8. "Construction Parking" to establish regulations for on-site and off-site construction parking.

Attachments: [Agenda Cover Report](#)
[Ordinance No. 20-19](#)
[PZB Staff Report Construction Parking](#)

City Attorney Gelin read Ordinance No. 20-19 into the record.

Anthea Gianniotis, Principal Planner stated that there were no changes between the first and second reading.

Public Comment: None.

Commissioner Frankel moved to approve Ordinance No. 20-19. It was seconded by Commissioner Boylston. A roll call vote was taken, and all were in favor. The motion carried 5-0.

Ordinance 20-19 was approved.

9. FIRST READINGS:

- 9.A. [19-868](#) ORDINANCE NO. 32-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 32, "DEPARTMENTS, BOARDS AND COMMISSIONS", SUBHEADING "EDUCATION BOARD", BY AMENDING SECTION 32.29, "DUTIES AND RESPONSIBILITIES" TO REPLACE THE SECTION IN ITS ENTIRETY WITH NEW DUTIES AND RESPONSIBILITIES; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES. (FIRST READING)

Body: Recommended Action:

Recommendation: Motion to approve Ordinance No. 32-19 amending Chapter 32 "Education Board" by amending Section 32.29 "Duties and Responsibilities to replace this section in its entirety with new Duties and Responsibilities.

Attachments: [Agenda Cover Report](#)

[Ordinance No. 32-19 to Amend Section 32.29 Duties and Responsibilities of the Education Board](#)
[Simple Legal Review Approval Ordinance 32-19](#)

City Attorney Gelin read Ordinance No. 32-19 into the record.

Janet Meeks, Director of Public Affairs, spoke about these Ordinances being over twenty years old and they are now updated. Commissioner Boylston thanked Ms.Meeks for doing this without being asked, as well as putting together a Master Plan for Education.

Commissioner Boylston made a motion to approve Ordinance No. 32-19. It was seconded by Deputy Vice Mayor Bathurst . A roll call vote was taken, and all were in favor. The motion carried 5-0.

Ordinance 32-19 was approved on first reading.

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

Interim City Manager de Jesus informed everyone that Pompey Park is now open between the hours of 8 a.m. - 8 p.m.

Interim City Manager de Jesus informed the Commission that the Fire Department received approval for two reimbursement grants, which will help reduce the debt the City owes on equipment and also provide \$1.6 million in funding for (4) new paramedics.

Attorney Gelin recommended that the Commission vote on approval of the grant funds.

Commissioner Frankel moved to approve the two grants. It was seconded by Commissioner Boylston.
A roll call vote was taken, and all were in favor. The motion carried 5-0.

B. City Attorney

City Attorney Gelin stated that she was very pleased with the outcomes in court the prior day. Pursuant to the City Charter rules, she is requesting authorization from the Commission to file a lawsuit for injunctive relief based on what happened in court the prior day.

Consensus was given to file the lawsuit for injunctive relief.

C. City Commission

Commissioner Boylston thanked staff for helping him with his questions and concerns for the budget this past year.

Vice Mayor Johnson expressed concern about press releases quoting City Commissioners. She also stated that small town festivals and events have become difficult to put on due to the rules placed on the individuals. Sam Metott, Parks and Recreation Director spoke about the importance of having the proper insurance coverage, especially when food is involved. Vice Mayor Johnson also addressed the issue of traffic from 10th Street to the Boca/Delray line. She said that in speaking with the residents, they would like to resolve the issue.

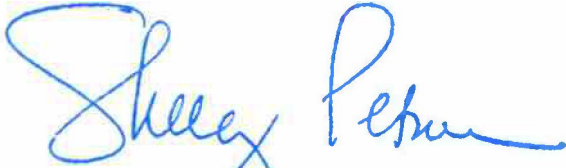
Commissioner Boylston informed the Commission that FDOT is actively working on the lights and the turn lanes.

There being no further business to discuss, Mayor Petrolia adjourned the meeting at 7:14 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 September 17, 2019 Final Budget Hearing/Regular Meeting of the City Commission held on September 17, 2019, which Minutes were formally approved and adopted by the City Commission on December 10, 2019.



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.