

City of Delray Beach

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www.mydelraybeach.com



Regular Commission Meeting

Regular Meeting at 4:00 PM

Tuesday, June 8, 2021

Commission Chambers
Delray Beach City Hall

City Commission

Mayor Shelly Petrolia
Vice Mayor Shirley Ervin Johnson
Deputy Vice Mayor Adam Frankel
Commissioner Juli Casale
Commissioner Ryan Boylston

RULES FOR PUBLIC PARTICIPATION

PUBLIC COMMENT: City Commission meetings are business meetings and the right to limit discussion rests with the Commission. **Generally, remarks by an individual will be limited to three minutes or less.** The Mayor, presiding officer or a consensus of the City Commission has discretion to adjust the amount of time allocated.

Public comment shall be allowed as follows:

- A.** Comments and Inquiries on Non-Agenda and Agenda Items (excluding public hearing or quasi-judicial hearing items) from the Public: Any citizen is entitled to be heard concerning any matter within the scope of jurisdiction of the Commission under this section. The Commission may withhold comment or direct the City Manager to take action on requests or comments.
- B.** Public Hearings/Quasi-Judicial Hearings: Any citizen is entitled to speak on items under these sections at the time these items are heard by the Commission.
- C.** All persons desiring to do a presentation on agenda or non-agenda items that are on a portable flash drive device or a CD/DVD, must provide their media to the City Clerk no later than 12:00 p.m. one day prior to the meeting where they wish to present.

SIGN IN SHEET: Prior to the start of the Commission Meeting, individuals wishing to address the Commission should sign in on the sheet located on the right side of the dais. If you are not able to do so prior to the start of the meeting, you may still address the Commission. The primary purpose of the sign-in sheet is to assist staff with record keeping. Therefore, when you come up to the to speak, please complete the sign-in sheet if you have not already done so.

ADDRESSING THE COMMISSION: At the appropriate time, please step up to the lectern and state your name and address for the record. All comments must be addressed to the Commission as a body and not to individuals. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the Commission shall be barred by the presiding officer from speaking further, unless permission to continue or again address the Commission is granted by a majority vote of the Commission members present.

APPELLATE PROCEDURES

Please be advised that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is based. The City neither provides nor prepares such record.

0. ROLL CALL**1. PLEDGE OF ALLEGIANCE TO THE FLAG****2. AGENDA APPROVAL**

2.A. Additions, Deletions, Substitutions

3. CITY MANAGER SELECTION

Recommendation: Discussion and/ or Selection of City Manager.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Bornstein resume redacted](#)
[Moore resume redacted](#)
[Napoli resume redacted](#)
[Sossamon resume redacted](#)

4. PRESENTATIONS:**4.A. PRESENTING AZIM HOSEIN, BUILDING MAINTENANCE WORKER, WITH EMPLOYEE OF THE MONTH FOR APRIL 2021**

Recommendation: Motion to present Azim Hosein, Building Maintenance Worker, with Employee of the Month for April 2021.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Azim Hosein \(2\)](#)

4.B. PRESENTATION BY STATE SENATOR LORI BERMAN, STATE REPRESENTATIVES OMARI HARDY AND MICHAEL CARUSO, PROVIDING LEGISLATIVE UPDATES FROM THE 2021 FLORIDA LEGISLATIVE SESSION

Sponsors: City Manager Department - Intergovernmental Affairs

Attachments: [Agenda Cover Report](#)

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

B. From the Public

6. CONSENT AGENDA: City Manager Recommends Approval

6.A. CITY COMMISSION MEETING MINUTES

Recommendation: May 11, 2021 City Commission Workshop Meeting Minutes

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[May 11 2021 Workshop Meeting Minutes - DRAFT](#)

6.B. ACCEPTING A RIGHT-OF-WAY DEED, PEDESTRIAN CLEAR ZONE EASEMENT, HOLD HARMLESS AGREEMENT, AND A LANDSCAPE MAINTENANCE AGREEMENT FOR THE SPICE OFFICE BUILDING LOCATED AT 325-343 NE 5TH AVENUE

Recommendation: Review and consider the Right-Of-Way Deed, Pedestrian Clear Zone Easement, Hold Harmless Agreement, and Landscape Maintenance Agreement, all as presented, for the Spice Office Building, located at 325 - 343 NE 5th Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Spice Office Bldg: Location Map](#)
[Spice Office Bldg: ROW Deed](#)
[Spice Office Bldg: Pedestrian Clear Zone Agmt](#)
[Spice Office Bldg: Hold Harmless Agmt](#)
[Spice Office Bldg: Landscape Maintenance Agmt](#)
[Spice Office Bldg: Site Plan](#)
[Spice Office Bldg: Staff Report](#)
[Legal Review: ROW Deed](#)
[Legal Review: Pedestrian Clear Zone Easement Agmt](#)
[Legal Review: Hold Harmless for State ROW](#)
[Legal Review: Landscape Maintenance Agreement](#)

6.C. APPROVAL OF FY19-20 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT

Recommendation: Motion to approve the 2019-2020 Consolidated Annual Performance and Evaluation Report (CAPER) required by the United States Housing and Urban Development (HUD) for utilization of federal grant funds.

Sponsors: Neighborhood & Community Services

Attachments: [Agenda Cover Report](#)
[CAPER DRAFT FY19-20](#)
[IDIS Generated Reports FY19-20](#)

6.D. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FY2020-2024 FIVE-YEAR CONSOLIDATED PLAN AND FY2020-2021 ANNUAL ACTION PLAN

Recommendation: Motion to approve and execute the attached Five-Year Consolidated Plan and Annual Action Plan.

Sponsors: Neighborhood & Community Services

Attachments: [Agenda Cover Report](#)
[Five Year Consolidated & Annual Action Plan 2020-2025 DRAFT](#)
[SF424 2 1-V2.1](#)
[SF424D-V1.1](#)
[Non-State-Certifications](#)

6.E. RESOLUTION NO. 92-21: EARLY LEARNING COALITION OF PALM BEACH COUNTY SCHOOL READINESS PROGRAM FOR THE AFTER SCHOOL PROGRAM LOCATED AT POMPEY PARK AND THE COMMUNITY CENTER

Recommendation: Motion to approve renewal of the agreement between the Early Learning Coalition (ELC) of Palm Beach County, Inc. and the City of Delray Beach.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[Simple Legal Review Approval School Readiness](#)
[Resolution 92-21](#)
[OEL SR20 - 21-22 School Readiness contract City of Delray Beach for provider](#)

6.F. APPROVAL OF THE REQUEST FOR FUNDING FROM THE OMEGA UPLIFTS FOUNDATION, INC. FROM THE LAW ENFORCEMENT TRUST FUND (LETF) IN THE AMOUNT OF \$14,500.

Recommendation: Motion to approve request for funding from the Law Enforcement Trust Fund (LETF) pursuant to Florida Statute 932.7055, Disposition of Liens and Forfeited Property, to the Omega Uplifts Foundation, Inc. in the amount of \$14,500.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[Legal Review Form omega uplifts](#)
[Omega Uplifts 5-11-2021](#)
[Chief's Memo re-Omega Uplifts](#)

6.G. PROCLAMATIONS:

6.G.1. OBSERVANCE OF JUNETEENTH

Recommendation: Motion to observe Juneteenth on June 19th as the celebration commemorating the ending of slavery in the United States.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Juneteenth Proclamation](#)

6.G.2. NATIONAL HIV TESTING DAY PROCLAMATION - JUNE 27, 2021

Recommendation: Motion to observe June 27, 2021 as National HIV Testing Day.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[National HIV Testing Day](#)

6.G.3. OBSERVANCE OF INDEPENDENCE DAY

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Observance of Independence Day](#)

6.G.4. PROCLAMATION - NATIONAL CLEAN BEACHES WEEK - JULY 1 - 7, 2021

Recommendation: Motion to declare July 1-7, 2021 as National Clean Beaches Week.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[National Clean Beaches Week 2021](#)

6.H. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**6.H.1. REPORT OF APPEALABLE LAND USE ITEMS FROM MAY 17, THROUGH MAY 28, 2021.**

Recommendation: By motion, receive and file this report.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Appealable Items Map](#)
[A - Delray Park Plaza South](#)
[B - Ramen Lab](#)
[C - 258 SE 6th Avenue](#)
[D - 14802 S. Military Trail](#)
[E - 912 Palm Trail](#)
[F - Delray Park Plaza North](#)

6.I. AWARD OF BIDS AND CONTRACTS:

- 6.I.1.** APPROVAL OF RESOLUTION NO. 77-21 TO TERMINATE THE EXISTING MASTER SERVICES AND PURCHASING AGREEMENT WITH AXON ENTERPRISE, INC. AND APPROVAL TO ENTER INTO A NEW AGREEMENT WITH AXON ENTERPRISE INC. FOR BODY WORN CAMERAS, TASERS, INTERVIEW ROOM CAMERAS, IN-CAR VIDEO, BATTERIES, CARTRIDGES, RELATED EQUIPMENT AND ACCESSORIES, LICENSING, MAINTENANCE, AND WARRANTY - \$2,770,752

Recommendation: Motion to approve Resolution No. 77-21 to terminate the existing the existing Master Services and Purchasing Agreement with Axon Enterprise, Inc. and approve the new agreement with Axon Enterprise, Inc. for body worn cameras, Tasers, interview room cameras, in-car video, batteries, cartridges, related equipment and accessories, licensing, maintenance and warranty in the total estimated amount of \$2,770,752 over the next five (5) years.

Sponsors: Police Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Axon Agreement Final verbiage 6-3-2021](#)
[RESOLUTION NO. 77-21 - Axon Agreement 5-12-2021](#)
[Sole Source_Axon Camera_ENG.PDF 2021](#)
[Q-294644-44307.066BF.pdf Final without Sourcewell Terms](#)
[Original Axon Agreement 2016](#)
[Current 2018 Axon Agreement and Resolution](#)
[Legal Review Checklist_LW_5.26.21 - Axon](#)

- 6.I.2.** APPROVAL OF RESOLUTION NO. 86-21 TO AWARD AN AGREEMENT WITH THE SHYFT GROUP UPFIT SERVICES, INC. DBA STROBES-R-US FOR SUPPLYING AND INSTALLING AND/OR REPLACING EMERGENCY EQUIPMENT FOR PUBLIC SAFETY VEHICLES PURSUANT TO BROWARD SHERIFF'S OFFICE RFP 18006AG - \$250,000

Recommendation: Motion to approve Resolution No. 86-21 to approve an agreement with The Shyft Group Upfit Services, Inc. dba Strobes-R-U's for supplying and installing and/or repairing and/or replacing emergency equipment for public safety vehicles in the total estimated amount of \$250,000; and authorize the City Manager to approve the renewal option, in the amount below, contingent upon appropriation of funds.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist Strobes](#)
[Resolution 86-21](#)
[Strobes Amendment 2 Renewal](#)
[Shyft Group Upfit Agreement](#)

6.I.3. AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO DATA FLOW SYSTEMS, INC., TO IMPLEMENT PHASE I OF THE SCADA COMMUNICATIONS IMPROVEMENTS PROJECT- \$290,040

Recommendation: Motion to authorize the issuance of a Purchase Order to Data Flow Systems, Inc. to implement Phase I of the communications improvements project to the City's SCADA system in the amount of \$290,040.

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Quote DFS Scada](#)

6.I.4. AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO FISHER SCIENTIFIC COMPANY, LLC FOR LABORATORY EQUIPMENT AND SUPPLIES PURSUANT TO STATE OF FLORIDA ALTERNATE CONTRACT SOURCE NO. 41120000-20-ACS - \$115,415

Recommendation: Motion to Authorize the issuance of a purchase order to Fisher Scientific Company, LLC for laboratory equipment and supplies pursuant to State of Florida Alternate Contract Source No. 41120000-20-ACS in the amount not to exceed \$115,415.

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Quote - Fischer Scientific](#)
[41120000-20-ACS NASPO Contract and Attachments](#)
[41120000-20-ACS Amendment 1_eff. 4-1-2021](#)

7. REGULAR AGENDA:

7.A. RATIFICATION OF EMERGENCY REGULATIONS RELATED TO COVID-19 ACTIVATED UNDER CHAPTER 95 OF THE DELRAY BEACH CODE OF ORDINANCES

Recommendation: Motion to Ratify the 63rd and 64th Extensions of the State of Emergency for COVID -19.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[63Rd extension of state of emergency 5-26-2021](#)
[64th Extension of State of Emergency COVID-19](#)

**7.B. RESOLUTION NO. 97-21 AMENDING THE FISCAL YEAR 2020-21 BUDGET
ADOPTED BY RESOLUTION NO. 157-20 ON SEPTEMBER 22, 2020.**

Recommendation: Motion to Approve Resolution No. 97-21 amending the Fiscal Year 2020-21 budget.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

[Resolution 97-21](#)

[Simple Legal Review Approval 97-21](#)

[2021 Exhibit A Budget Amendment - June 2021 PDF](#)

[Budget Amendment Narrartive June 2021 PDF](#)

[Budget Amendment Agenda Memo June 2021 Updated 5-28-21](#)

8. PUBLIC HEARINGS/SECOND READINGS:

8.A. None

9. FIRST READINGS:

9.A. None

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

10.A.1. PINEAPPLE GROVE ARTS DISTRICT SCULPTURES DISCUSSION

Recommendation: Consider permitting the display of two sculptures on the sidewalk in Pineapple Grove.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

[PGAD Sculptures Presentation](#)

B. City Attorney

C. City Commission

11. ADJOURNMENT