

City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

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www.mydelraybeach.com



Regular Commission Meeting

Regular Meeting at 4:00 PM

Tuesday, July 13, 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.

1. ROLL CALL**2. PLEDGE OF ALLEGIANCE TO THE FLAG****3. AGENDA APPROVAL**

A. Additions, Deletions, Substitutions

4. PRESENTATIONS:**4.A. FY 2020 COMPREHENSIVE ANNUAL FINANCIAL REPORT - CALER, DONTEN, LEVINE, PORTER & VEIL, P.A**

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[City of Delray Beach 2020 CAFR](#)
[Delray Beach 2020 Financial Highlights](#)

4.B. GREEN IMPLEMENTATION ADVANCEMENT BOARD 2020 ANNUAL REPORT

Recommendation: Motion to Accept Report.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[2021 Green Board Annual Report 062821](#)

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: Motion to approve meeting minutes as listed below:

June 1, Regular City Commission Meeting Minutes
June 8, Special City Commission Meeting Minutes
June 8, Regular City Commission Meeting Minutes
June 10, Special City Commission Meeting Minutes

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[June 1 2021 Commission Meeting Minutes - DRAFT](#)

[June 8 2021 Special Commission Meeting Minutes - DRAFT](#)

[June 8 2021 Regular Commission Meeting Minutes - DRAFT](#)

[June 10, 2021 Special Commission Meeting Minutes - DRAFT](#)

6.B. INTER LOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH, GREATER DELRAY CHAMBER OF COMMERCE, DOWNTOWN DEVELOPMENT AUTHORITY - TOURISM MARKETING

Recommendation: Motion to approve agreement.

Sponsors: Economic Development Department

Attachments: [Agenda Cover Report](#)

[Simple Legal Review Approval City Tourism Agreement with DDA and Chamber](#)

[Tourism ILA partially executed](#)

[Exhibit A - Tourism Rebound Marketing Program FY 2020-21as of 7.5.21](#)

6.C. APPROVAL OF COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF DELRAY BEACH, FLORIDA AND THE PROFESSIONAL FIREFIGHTERS OF DELRAY BEACH IAFF 1842 FOR THE SUPERVISORY UNIT.

Recommendation: Motion to approve the Collective Bargaining Agreement between the City of Delray Beach and the Professional Firefighters of Delray Beach, IAFF Local 1842 Inc for the Supervisory Unit.

Sponsors: Fire Rescue Department and Human Resources Department

Attachments: [Agenda Cover Report](#)

[Agenda Memo 7-13-2021](#)

[3IY2033-Tentative CBA- Supervisory Unit 7-6-21 \(Formatted\)](#)

6.D. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN FY 2021-2022

Recommendation: Motion to approve and execute the attached Annual Action Plan.

Sponsors: Neighborhood & Community Services

Attachments: [Agenda Cover Report](#)
[SF424_2_1-V2.1](#)
[sf424d-v1.1 fill-sign 71321](#)
[FY2021-2022 Annual Action Plan FINAL](#)
[Non-State-Certifications 71321](#)

6.E. GRANT APPLICATION/EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)

Recommendation: Motion to approve application for the 2021 Edward Byrne Memorial Justice Assistance Grant in the amount of \$31,395.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[Certifications and Assurances by the Chief Executive of the Applicant Government](#)
[Legal Review Form JAG_21 - certification of Chief Executive Official](#)
[Disclosure of lobbying activities JAG 2021](#)

6.F. APPROVAL TO INCREASE THE CONTRACT VALUE IN THE AMOUNT OF \$400,000 AND AUTHORIZE THE CITY MANAGER TO ISSUE A PURCHASE ORDER FOR ADDITIONAL PLAYGROUND EQUIPMENT

Recommendation: Motion to approve an increase to the contract value in the estimated amount of \$400,000 thru June 2, 2022, of which \$400,000 is budgeted for FY2021, to the contract value with REP Services, Inc. for various equipment and amenities for parks and playgrounds, and authorize the City Manager to issue a purchase order.

Sponsors: Parks & Recreation Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Agenda Cover Memo 2-9-21](#)

6.G. APPROVAL TO INCREASE THE CONTRACT VALUE IN THE AMOUNT OF \$39,412 WITH SUNSHINE CLEANING SYSTEMS, INC. FOR JANITORIAL SERVICES CITYWIDE FOR PARK AND RECREATION DEPARTMENT

Recommendation: Motion to approve increase in the amount of \$39,412 to the contract value by adding the Delray Beach Municipal Golf Club managed by the Parks and Recreation Department. The increase will provide janitorial services necessary for the Delray Beach Municipal Golf Club.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist Sunshine Cleaning Amendment 2](#)
[Scope for Janitorial Services \(DBGC\) - Exhibit B](#)
[Amendment No. 2 RFP 2019-003](#)

6.H. RATIFICATION OF SOUTH CENTRAL REGIONAL WASTEWATER TREATMENT & DISPOSAL BOARD ACTION OF JUNE 14, 2021, AND APPROVAL OF THEIR 2021/2022 PROPOSED BUDGET

Recommendation: Motion to ratify actions approved by South Central Regional Wastewater Treatment and Disposal Board (Board) at their meeting of June 14, 2021.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)
[2022 Approved Budget - SCRWTDB.pdf](#)
[Delray Beach Ratification FY2022.pdf](#)

6.I. SETTLEMENT OF CLAIM MADE BY KEVIN AND MINDY KEANE

Recommendation: Motion to approve the settlement agreement between Kevin and Mindy Keane and the City of Delray Beach.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[2019-06-27 claim ltr](#)
[Settlement Agreement Keane](#)

6.J. PROPOSED OFFER OF SETTLEMENT IN THE CASE OF DERRICK S. ROLLE V. CITY OF DELRAY BEACH

Recommendation: Motion to deny the settlement offer for the reasons discussed in the confidential memorandum previously distributed to the City Commission.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

6.K. PROCLAMATIONS:

6.K.1. SPADY CULTURAL HERITAGE MUSEUM 20TH ANNIVERSARY

Recommendation: Motion to proclaim July 27, 2021, as the 20th Anniversary of the Spady Cultural Heritage Museum.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Spady Museum 20th Anniversary](#)

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

6.L.1. None

6.M. AWARD OF BIDS AND CONTRACTS:

6.M.1. None

7. REGULAR AGENDA:

7.A. RESOLUTION NO. 103-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF INTEREST OF A PORTION OF A PUBLIC EASEMENT LOCATED AT 5115 FOXPOINTE CIRCLE, DELRAY BEACH, FLORIDA, TOTALING APPROXIMATELY SIX HUNDRED AND SEVENTY-TWO SQUARE FEET (672 SQ. FT.), AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

Recommendation: Review and consider Resolution No. 103-21, for the abandonment of a portion of a utility easement located at 5115 Foxpointe Circle.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 103-21: Abandonment of Easement at 5115 Foxpointe](#)
[Resolution No. 103-21: Exhibits](#)
[Resolution No. 103-21: Survey](#)
[Resolution No. 103-21: Plat](#)
[Resolution No. 103-21: Resolution No. 02-82](#)
[Legal Review Res 103-21 Abandonment of Easements 5115 Foxpointe Circle](#)

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

Recommendation: Motion to Ratify the 69th Extension of the State of Emergency for COVID
-19.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[69th Extension of State of Emergency 07-07-21](#)

7.C. NOMINATION FOR APPOINTMENT TO THE EDUCATION BOARD

Recommendation: Motion to approve the nomination for an appointment for six (6) regular
members to serve on the Education Board for a two (2) year term ending
July 31, 2023.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A 07062021](#)
[ATTENDANCE RECORDS 2021](#)
[Education Board 2021 3](#)
[Butler Schillinger 2](#)
[Cruz](#)
[Dickerson](#)
[Katz](#)
[Siperstein Klein EB](#)
[Knight](#)
[Nevin 2](#)
[Newbold](#)
[Spitzer](#)
[Talley](#)
[Waldo](#)
[Williams, K](#)

7.D. NOMINATION FOR APPOINTMENT TO THE POLICE ADVISORY BOARD

Recommendation: Motion to approve the nominations for appointment of two (2) regular members to serve on the Police Advisory Board for a two (2) year term ending July 31, 2023.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A 06232021 2](#)
[Police Advisory Board 2021](#)
[Police Advisory Board Attendance 2021](#)
[Newbold](#)
[Strasser](#)

7.E. NOMINATION FOR APPOINTMENT TO THE GREEN IMPLEMENTATION ADVANCEMENT BOARD

Recommendation: Motion to approve the nomination for an appointment of one (1) alternate member to serve on the Green Implementation Advancement Board for a two (2) year term ending July 31, 2023.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A 06252021 2](#)
[Green Implementation Advancement Board 2021 2](#)
[2021 Quarterly Attendance](#)
[Adamo](#)
[Clark](#)
[Roll](#)
[Seckler](#)

7.F. FISCAL YEAR 2022 PROPOSED MILLAGE RATE

Recommendation: Motion to Approve Staff's recommendation that the City Commission set the proposed millage rate at 6.6611 mills for operating and 0.1792 mills for debt service for a total of 6.8403 mills.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[Preliminary Millage - July 13 2021 FINAL](#)

7.G. FISCAL YEAR 2022 PROPOSED MILLAGE RATE/DOWNTOWN DEVELOPMENT AUTHORITY (DDA)

Recommendation: Motion to Approve Staff's recommendation that the City Commission set the proposed millage rate at 1.0000 mills for the Downtown Development Authority for Fiscal Year 2022.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[DDA FY20-21 Budget Amended 5.10.21](#)
[2021 Estimate of Taxable Value Delray Beach](#)
[Letter 2021-2022 1 mill request 6.16.21](#)

7.H. REVIEW AND APPROVE IMPROVEMENTS TO OLD SCHOOL SQUARE PROPOSED BY THE OLD SCHOOL SQUARE CENTER FOR THE ARTS, INC.

Recommendation: Review and consider improvements to Old School Square proposed by the Old School Square Center for the Arts, Inc.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Phase 1](#)
[Phase 2](#)
[OSS lobby-corridor](#)
[OSS lobby-main](#)
[Lease - Old School Square Center for the Arts dated December 2 2016](#)

7.I. DISCUSSION AND CONSIDERATION OF INTERIM CITY MANAGER ALVAREZ'S PERFORMANCE AND EMPLOYMENT AGREEMENT

Recommendation: Discussion and consideration of Interim City Manager Alvarez's performance and employment agreement.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Alvarez ICM 6.24.20](#)

8. PUBLIC HEARINGS/SECOND READINGS:

8.A. None

9. FIRST READINGS:

- 9.A.** ORDINANCE NO. 25-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES, BY AMENDING CHAPTER 1, "GENERAL PROVISIONS," ARTICLE 1.1, "ADOPTION OF CODE," SECTION 1.1.1, "REFERENCE," AND SECTION 1.1.6, "AMENDMENTS," AND BY AMENDING CHAPTER 2, "ADMINISTRATIVE PROVISIONS," ARTICLE 2.4, "GENERAL PROCEDURES," SECTION 2.4.5, "PROCEDURES FOR OBTAINING DEVELOPMENT APPROVALS," SUBSECTION 2.4.5(M), "AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS," TO REQUIRE AT LEAST ONE MEMBER OF THE CITY COMMISSION SPONSOR A PRIVATELY-INITIATED AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS PRIOR TO THE SUBMITTAL OF AN APPLICATION; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

Recommendation: Review and consider Ordinance No. 25-21 on First Reading, a City-initiated request to amend the Land Development Regulations (LDR) to require that at least one member of the City Commission shall sponsor a privately-initiated amendment to the LDR at a City Commission Workshop prior to the submittal of an application for such a request.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ordinance No. 25-21: Staff Report](#)
[Ordinance No. 25-21: Private LDR Sponsorship](#)
[Ordinance No. 25-21: Legal Review](#)

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

B. City Attorney

C. City Commission

11. ADJOURNMENT