

# City of Delray Beach

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## Regular Commission Meeting

2nd Budget Public Hearing/Regular Meeting at 4:00 PM

Thursday, September 23, 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 LED BY THE ATLANTIC COMMUNITY HIGH SCHOOL'S JROTC BRIGADE**

2.A. PRESENTATION OF COLORS BY THE ATLANTIC COMMUNITY HIGH SCHOOL'S JROTC BRIGADE

**3. AGENDA APPROVAL**

A. Additions, Deletions, Substitutions

**4. PRESENTATIONS:****4.A. PRESENTING ALFA VERGARA, ADMINISTRATIVE ASSISTANT, WITH EMPLOYEE OF THE MONTH FOR AUGUST 2021**

**Recommendation:** Motion to present Alfa Vergara, Administrative Assistant, with Employee of the Month for August 2021.

**Sponsors:** Human Resources Department

**Attachments:** [Agenda Cover Report](#)  
[Alfa Vergara Nomination Form](#)

**4.B. PRESENTING LOGAN GAYNOR WITH A CITIZEN LIFESAVING AWARD FOR HIS HEROIC ACTION TAKEN IN DELRAY BEACH ON MAY 9, 2021**

**Sponsors:** Fire Rescue Department

**Attachments:** [Agenda Cover Report](#)

**4.C. PRESENTATION REGARDING THE ATLANTIC COMMUNITY HIGH SCHOOL'S JROTC BRIGADE'S EXECUTION OF THE VETERANS & HOMEFRONT VOICES (VHV) PROGRAM IN DELRAY BEACH**

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Commissioner presentation deck v2](#)

**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. FLORIDA MUNICIPAL INSURANCE TRUST (FMIT) FOR RENEWAL OF PROPERTY INSURANCE POLICY**

**Recommendation:** Staff is requesting approval for renewal of Property, Excess Liability and Excess Workers' Compensation Insurance from the Florida Municipal Trust Fund (FMIT) for \$1,570,664 for the coverage period 10/1/2021 through 9/30/2022.

**Sponsors:** Human Resources Department

**Attachments:** [Agenda Cover Report](#)  
[Res146-21 renewal with FMIT](#)  
[Quote Comparison](#)  
[Premium Summary](#)  
[Market Summary](#)

**6.B. RESOLUTION NO. 135-21: SANITATION RATES FY2022**

**Recommendation:** Motion to approve Resolution No. 135-21 to implement a schedule of sanitation rates and fees in accordance with the City Code of Ordinances, Chapter 51, "Garbage and Trash", Section 51.70, "Regular Charges Levied; and to authorize the City of Delray Beach to collect the residential and commercial sanitation rates on the tax roll for Fiscal Year 2022.

**Sponsors:** Neighborhood & Community Services

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Res 135-21 Solid Waste Collection rates and fees for FY21-22](#)  
[RES 135-21 Sanitation Rate CPI Resolution](#)

**6.C. STATE AND LOCAL TASK FORCE AGREEMENT WITH THE UNITED STATES DEPARTMENT OF JUSTICE, DRUG ENFORCEMENT ADMINISTRATION (DEA)**

**Recommendation:** Motion to approve a State and Local Task Force Agreement with Drug Enforcement Administration (DEA).

**Sponsors:** Police Department

**Attachments:** [Agenda Cover Report](#)  
[Program Funded State and Local Task Force Agreement New FY 2022 - DELR](#)  
[Certification Form -OJP Form 4061-6 rev1](#)  
[Legal Review Checklist LW 21 rev final - DEA Agreement 2021](#)

**6.D. ITEM(S) A1-HOLD HARMLESS FOR 2095 W ATLANTIC AVE**

**Recommendation:** Consideration of the following items:

**HOLD HARMLESS AGREEMENT(S)**

**Item A1**

Motion to approve and accept Hold Harmless Agreement in favor of the City, due to Owner's need to install a tap on existing water main within the State Right-of-Way on Atlantic Ave. As a result, a permit from the Florida Department of Transportation (FDOT) is required as the City will be maintaining that part of the service within the FDOT right-of-way, FDOT requires that the City sign the permit application.

There is no City cost now or in the future for this item.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

NA

**Timing of Request:**

The timing of these requests is of high importance in order to allow the project to continue construction.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Hold Harmless for State ROW for TRG Delray Beach Congress L](#)  
[Item \(A1a\) Hold Harmless Agreement - 2095 W Atlantic Ave](#)  
[Item \(A1b\) Exhibit A](#)  
[Item \(A1c\) Exhibit Utility Permit work in State ROW 2095 W ATLANTIC](#)

**6.E. PROCLAMATIONS:****6.E.1. DIAPER NEED AWARENESS WEEK PROCLAMATION - SEPTEMBER 27 - OCTOBER 3, 2021**

**Recommendation:** Motion to declare September 27 - October 3, 2021 as Diaper Need Awareness Week.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Diaper Need Awareness Week 2021](#)

**6.E.2. PROCLAMATION FOR THE SUPPORT OF TROOPS STILL IN ACTIVE DUTY, VETERANS AND THOSE WHO SERVED AS THE HOMEFRONT FOR TROOPS WHO SERVED IN AFGHANISTAN**

**Recommendation:** Motion to declare October 7, 2021 as Operation Enduring Freedom Day.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Operation Enduring Freedom](#)

**6.F. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**

6.F.1. None

**6.G AWARD OF BIDS AND CONTRACTS:**

**6.G.1. APPROVAL OF RESOLUTION NO. 151-21 TO APPROVE AN AGREEMENT WITH BJCE, INC. FOR MANAGEMENT SERVICES FOR THE DELRAY BEACH GOLF CLUB AND LAKEVIEW GOLF CLUB FOR ONE-YEAR IN THE AMOUNT OF \$140,000**

**Recommendation:** Motion to approve Resolution No. 151-21 to approve an Agreement with BJCE, Inc. in the amount of \$140,000 for golf course management services for the Delray Beach Golf Club and Lakeview Golf Club for a term of one-year effective October 31, 2021.

**Sponsors:** Parks & Recreation Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Res 151-21 BJCE Golf Mgmt - FINAL](#)  
[Legal Review Checklist form v. 6 Bid Waiver Golf Agreement](#)  
[Executed Agreement BJCE 9.14.21](#)  
[Exhibits - Agreement with BJCE](#)

**7. REGULAR AGENDA:**

- 7.A.** RESOLUTION NO. 137-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE PURSUANT TO THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, TO ALLOW A COMMERCIAL RECREATIONAL FACILITY AT 29 SE 2ND AVENUE, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI-JUDICIAL HEARING)

**Recommendation:** Review and consider Resolution No. 137-21, to allow a commercial recreational facility at 29 SE 2nd Avenue.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Res. No. 137-21 Conditional Use Throw Social](#)  
[PZB Staff Report - Throw Social](#)  
[DDA Memo - 29 SE 2nd Ave \(Throw Social\)](#)  
[Justification Statement - Throw Social](#)  
[Axe Cage Fencing Detail](#)  
[Axe Throwing Safety Specs](#)  
[Survey - 29 SE 2nd Ave Throw Social](#)  
[Site Plan - 29 SE 2nd Ave - Throw Social](#)  
[Life Safety Plan -29 SE 2nd Ave - Throw Social](#)  
[Plan Area - SE 2nd Ave - Throw Social](#)  
[Simple Legal Review Approval Resolution 137-21 - Throw Social](#)

- 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 78th and 79th Extensions of the State of Emergency for COVID -19.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)  
[78th Extension of State of Emergency 09-09-21](#)  
[79th Extension of State of Emergency 9-15-21](#)

**7.C. NOMINATION FOR APPOINTMENT TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE**

**Recommendation:** Motion to approve the nomination for an appointment for two (2) regular members to serve on the Affordable Housing Advisory Committee for a two (2) year term ending July 31, 2023.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[AHAC Category List 9212021](#)  
[Affordable Housing Advisory Committee 2021](#)  
[Res 05-12](#)  
[Bruton](#)  
[Byrns](#)  
[Catania](#)  
[Levin](#)  
[morrison 2](#)  
[Redding](#)  
[Torres](#)  
[Zeller](#)

**7.D. APPROVAL OF 2022 THROUGH 2026 CAPITAL IMPROVEMENT PROGRAM BUDGET**

**Recommendation:** Motion to approve Capital Improvement Program (CIP) Budget for 2022 through 2026.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[FY 22-26 CIP Presentation 9.23.21](#)

**8. PUBLIC HEARINGS/SECOND READINGS:****8.A. RESOLUTION NO. 139-21: GENERAL FUND AND DEBT SERVICE MILLAGE**

**Recommendation:** Motion to adopt Resolution No. 139-21 - Certifying to the Property Appraiser and the Tax Collector of Palm Beach County, the rates of millage to be levied by the City of Delray Beach for the fiscal year beginning October 1, 2021.

**Sponsors:** Finance Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution No. 139-21 - Final](#)  
[Simple Legal Review Approval 139-21](#)



**8.B. RESOLUTION NO. 140-21: DOWNTOWN DEVELOPMENT AUTHORITY MILLAGE**

**Recommendation:** Motion to adopt Resolution No. 140-21 - Certifying to the Property Appraiser and the Tax Collector of Palm Beach County, the rates of millage to be levied by the Downtown Development Authority for the fiscal year beginning October 1, 2021.

**Sponsors:** Finance Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution No. 140-21 - Final](#)  
[Simple Legal Review Approval 140-21](#)

**8.C. RESOLUTION NO. 141-21: ADOPTION OF THE FISCAL YEAR BUDGET BEGINNING OCTOBER 1, 2021**

**Recommendation:** Motion to adopt Resolution No. 141-21 - Adopting the budget for the fiscal year beginning on October 1, 2021 and ending on September 30, 2022.

**Sponsors:** Finance Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution No. 141-21 -Final](#)  
[Simple Legal Review Approval 141-21](#)  
[2022 Exhibit A Budget Hearing 09.23.21](#)

**9. FIRST READINGS:****9.A. ORDINANCE NO. 22-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, BY AMENDING CHAPTER 100, "NUISANCES," SECTION 100.04, "SEAWALLS," TO ESTABLISH REGULATIONS FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC AND PRIVATE SEAWALLS AND PROVIDE FOR GENERAL PENALTIES; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)**

**Recommendation:** Consider Ordinance No. 22-21, a City initiated request to amend Chapter 100, *Nuisances*, Section 100.04, *Seawalls* of the Code of Ordinances procedures for enforcement of seawall maintenance standards and a procedure to remedy a violation.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Ordinance No. 22-21-Amendment to the Code of Ordinances](#)  
[Ordinance No. 22-21-PZB Staff Report](#)  
[City of Delray Beach - Water Level Infrastructure Vulnerability Study](#)  
[Ordinance No. 22-21 Legal Review](#)

- 9.B.** ORDINANCE NO. 23-21: 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 7, "BUILDING REGULATIONS," ARTICLE 7.1, "BUILDING REGULATIONS," SECTION 7.1.7, "SEAWALLS" AND AMENDING ARTICLE 7.9, "DOCKS, DOLPHINS, FINGER PIERS, AND BOAT LIFTS," SECTION 7.9.5, "STANDARDS FOR APPROVAL," TO ESTABLISH REGULATIONS FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC AND PRIVATE SEAWALLS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

**Recommendation:** Consider Ordinance No. 23-21, a City initiated request to amend Section 7.1.7 and Section 7.9.5 of the Land Development Regulations (LDR) to adopt specific regulations for seawall construction and maintenance and related dock elevations.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Ordinance No. 23-21 Amendment to the Land Development Regulations](#)  
[Ordinance No. 23-21-PZB Staff Report](#)  
[City of Delray Beach - Water Level Infrastructure Vulnerability Study](#)  
[Ordinance No. 23-21 Legal Review](#)

## **10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:**

**A. City Manager**

**B. City Attorney**

**C. City Commission**

## **11. ADJOURNMENT**