

City of Delray Beach

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Minutes - Draft

Tuesday, April 9, 2019

3:30 PM

Workshop Meeting

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*

Pursuant to Section 3.12 of the Charter of the City of Delray Beach, the Mayor has instructed me to announce a Workshop Meeting of the City Commission to be held for the following purposes:

Mayor Petrolia called the Workshop Meeting to order at 3:30 p.m.

The roll call was taken by the City Clerk.

The following were in attendance:

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

Others present were:

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

W.S.1. [19-387](#)

**Intracoastal Waterway Water Level and Infrastructure Vulnerability:
Presentation of Ordinance Alternatives for Implementation of Seawall
Elevations and Improvements of Private Seawalls**

Recommendation: Provide direction regarding the City's desired ordinance to mandate seawall elevations and timing of improvements to improve resiliency to coast flooding City-wide

Sponsors: Public Works Department - Programs & Project Management

Attachments: [Agenda Cover Report](#)

[Other Municipal Ordinances](#)

[City of Delray Beach - Water Level Infrastructure Vulnerability](#)

[Study FINAL](#)

[Seawall Vulnerability Summary](#)

[Seawall Ordinance Presentation 3.29.19](#)

Missie Barletto, Assistant Public Works Director, gave a presentation on Improving Resiliency to Coastal Flooding and noted the Seawall Vulnerability Analysis was completed in October 2018. In addition, Ms. Barletto gave an update regarding the Stormwater Master Plan and reviewed the top 5 ranked projects and noted staff will start to address these which are prioritized based on the flooding problem severity. She noted that the City is working on raising the seawalls and commented that the City will need to work with the private sector in bringing their seawalls up to the same level. Ms. Barletto stated staff will be requesting a policy direction from the City Commission on what type of ordinance they would

like staff to bring forward. Also, staff will be requesting Capital Improvement Plan (CIP) dollars to line pipes that are old and have become susceptible to infiltration from ground water, and implement the backflow prevention devices to prevent the water from coming up through the stormwater system and flooding streets.

Mayor Petrolia noted while in Tallahassee it was used as an opportunity of sharing findings with those in higher positions that could potentially mandate monies at a later date that everybody along the coast will be dealing with. She stated in receipt of this is Congresswoman Frankel at the Federal level, State Senator Lori Berman and State Representative Caruso who received Delray's reports which will help start that conversation moving forward in trying to find ways to get money earmarked at a Federal and State level coming down to a local level.

Secondly, Mayor Petrolia stated the City has to have the support of the public and she suggested that staff reach out to the community and distribute educational information from the City to the public to give them a better understanding of what is going on with respect to the rising tides.

Ms. Barletto explained that approximately 78% of the City's population has seawalls that are below what City standards need to be built up to over the next few years.

Vice Mayor Johnson inquired about the possibility of replacing the Thomas Street pump station. Ms. Barletto stated with respect to Thomas Street there is: (1) an immediate fix in order to continue the current level of service, (2) look at an immediate need to re-design the pump station by putting in two pumps that are equally capable of keeping up with the flow and use one at a time; however, if one pump breaks, there is another pump for backup. Ms. Barletto stated this is currently under design.

Interim City Manager stated a permanent solution under a previous Capital Improvement Program (CIP) was initially estimated at \$6 million. He stated this mid-term solution will carry the City out several years and those pumps that are being designed for that station will be usable in other stations. He noted there will be a significant impact to the residents of that street and they will not have access to their homes for approximately six months. Interim City Manager stated until the City gets there, utilizing the engineering firm that is now designing this for the City, is going to be the quickest and best mid-term solution.

A brief discussion between Mayor Petrolia and Interim City Manager de Jesus ensued regarding the \$6 million not being an actual line item in the budget, but it was part of the original Vulnerability Study of these lift stations

and pump stations that were failing.

Commissioner Boylston suggested that the City Commission meet individually with the firms for a more in-depth discussion. In addition, Commissioner Boylston concurred with comments expressed by Mayor Petrolia with respect to getting the information out to the community. He suggested that staff have a Town Hall Meeting with this information and data, and that the individuals from these firms be present as well.

Mayor Petrolia concurred that a Town Hall Meeting would be beneficial for the community and stated she would like to make sure that they reach out to the coastal communities.

Commissioner Frankel commended Ms. Barletto on a great presentation and asked that this information be made available and easily distributed for the members of the Beach Property Owners' Association (BPOA).

Mayor Petrolia suggested that the City consider having an enterprise fund where everyone contributes a very minimal amount of money on a monthly basis that the City is going to need during this transition. Interim City Manager de Jesus concurred that the City needs to start to consider this now. Mayor Petrolia stated that taking a proactive approach could help to put Delray Beach as a priority on the list for receiving grants moving forward.

Interim City Manager de Jesus stated with respect to the media report regarding the cost to address the sea level rise, this is over several years to prepare for the future. He stated when the pump station was installed it was installed, for then with no future capacity and this new one in the re-design brings it out 35-50 years in terms of its capacity based on these projections.

W.S.2. [19-421](#)

GREEN IMPLEMENTATION ADVANCEMENT BOARD 2019 ANNUAL PRESENTATION

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[GIAB Annual 2019 Update Powerpoint](#)

Mayor Petrolia stated students from Lynn University and Florida Atlantic University (FAU) came into her office today to discuss "straw fish" and explained that their new straws are all paper and super durable.

Hal Stern, Chairperson of the Green Implementation Advancement Board (GIAB), reviewed the GIAB's 2019 accomplishments. Mr. Stern stated their goal is to eliminate single use plastics and polystyrene from all City operations, modify contracts for all special events to eliminate the use of single use of plastics and polystyrene, and organize a "green team" among City departments. He suggested to develop or revise the City's green building ordinances, and support a Community Vulnerability Assessment, reduce single use plastics community-wide, and brand a Green Civic Culture.

W.S.3 COMMISSION COMMENTS

Commissioner Frankel commented about an email from Interim City Manager de Jesus with respect to fire inspections at local establishments. He expressed concern over how the first responders and inspectors were treated and noted this is unacceptable. Commissioner Frankel asked the City Attorney about the City policies regarding fines for violating certain occupancy loads and the treatment of the 15 Police Officers. He inquired if the City can bill the establishment for the overtime for these officers who were there. Commissioner Frankel asked if the fees can be higher and suggested that a Magistrate review these violations versus a Board because the Board is dismissing 95% of the claims.

The City Attorney stated she retained a law firm to take an unbiased look of the City's Code of Ordinances. The City Attorney stated the City has the ability to utilize a Special Magistrate which would not require a code change; however, there are some policies that would need to be determined (i.e. which cases would move forward and what the criteria would be).

Mayor Petrolia suggested that commercial property violations go to a Special Magistrate and residential be more on a case per case basis; or, allow the establishments to choose to go before a Board or a Magistrate. Mayor Petrolia stated this needs to get under control and stopped immediately. In addition, Mayor Petrolia suggested to push back the times that these establishments are allowed to be open.

Commissioner Frankel requested a review of any policies or ordinances that as a group the City Commission can discuss.

Deputy Vice Mayor Bathurst stated the town at night needs to be safe for everyone and he concurred with comments expressed by Mayor Petrolia and Commissioner Frankel.

Interim City Manager de Jesus stated there was staffing at most establishments; however, the one establishment that was shut down Friday night did not have staff because previously they were compliant. He stated they were cited for some fire code violations, however, they were cooperative. Interim City Manager stated there were two establishments that were not staffed on Friday night and the rest of the establishments had multiple fire inspectors. Staff is working with the Police, Code, and Fire-Rescue and the occupant load is under control. However, he noted that the rest of the establishments are still converting to a restaurant. Interim City Manager de Jesus stated he has asked the City Attorney to see if the City can force these establishments to hire more Police so that we can ensure our personnel are safe because the Police are working the detail for them, however, the City personnel is getting threatened. Interim City Manager stated there is an equal amount of residents and visitors in this community that have expressed their gratitude to the City for getting back Atlantic Avenue.

Mayor Petrolia stated at the late night hour, there is so many people lined up waiting to get into these establishments, that the average population has to go out into the road in order to be able to walk because the sidewalks are not large enough for people to line up and allow others to walk by. She noted that this was not intended to be a "nightclub city" and there are droves of people walking out into the street with the cars right at their feet in order to be able to pass by these large crowds that have assembled outside of these restaurants.

Deputy Vice Mayor Bathurst stated he wants to ensure that Delray Beach has a sustainable economy for this downtown destination and shared the identical concerns expressed by Mayor Petrolia.

Vice Mayor Johnson expressed concern over the Public Safety personnel being verbally assaulted and having beer thrown on them. Interim City Manager de Jesus stated there are not laws against this; however, through the Police Department and the Legal Department they are looking at the "threshold of obstruction" when a manager or owner refuses to comply, and it forces the City to take action on their behalf.

Commissioner Boylston concurred with comments expressed by his colleagues and supports Interim City Manager de Jesus with whatever he decides should be the next step for the City.

Mayor Petrolia stated if the City staff was not in front of these restaurants, they would be well beyond capacity as they have been in the past and creates a dangerous situation.

There being no further business to discuss, Mayor Petrolia adjourned the Workshop Meeting at 4:56 p.m.