

City of Delray Beach

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Minutes - Draft

Tuesday, November 5, 2019

4:00 PM

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**

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

Approved.

4. PRESENTATIONS:

- 4.A. [19-904](#) RESOLUTION NO. 168-19 RECOGNIZING FRANCIS MOSCHETTE FOR 30 YEARS OF SERVICE.

Body: Recommended Action:

Recommendation: Motion to Approve Resolution No. 168-19 honoring Francis Moschette for 30 years of service.

Attachments: [Agenda Cover Report](#)
[Resolution 168.19 Francis Moschette 11.5.19](#)

Mayor Petrolia read into the record Resolution No.168-19, recognizing Mr. Francis E. Moschette III for 30 years of service with the City of Delray Beach Police Department.

Duane d' Andrea presented Mr. Francis E. Moschette III with a plaque for his 30 years of service to the City of Delray Beach.

- 4.B. [19-983](#) RESOLUTION NO. 181-19 RECOGNIZING GLENDA RIVERA FOR 30 YEARS OF SERVICE.

Body: Recommended Action:

Recommendation: Motion to Approve Resolution No. 181-19 honoring Glenda Rivera for 30 years of service.

Attachments: [Agenda Cover Report](#)
[Resolution 181-19 Glenda Rivera](#)

Mayor Petrolia read into the record Resolution No.181-19, recognizing Ms. Glenda Rivera for 30 years of service to the City of Delray Beach.

Duane d' Andrea presented Glenda Rivera with a plaque for her 30 years of service to the City of Delray Beach.

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.

B. From the Public

City Attorney Gelin read aloud the local rules regarding public comments.

Maura Plant, 933 SE 2nd Avenue, Delray Beach, representing the program "The Living Hungry" gave a brief speech about the programs function.

Rich Pollack, 543 Cleveland Road, Delray Beach, with "Delray Reads Day" wanted to thank the City Commission for their support.

Lak Kalra, 3842 S. Lake Drive, Boynton Beach, gave a presentation about the proposed annexation by his property.

David Altman, Tropic Isle, Delray Beach, spoke about the Code Enforcement citation that he received about his lawn.

Ezra Krieg, 2984 Needham Court, Delray Beach, representing "The Delray Beach Homeless Initiative", wished to thank the City for their support.

Pauline Moody, unverifiable address, expressed concern about public safety at the Green Market. She also mentioned that the showers do not work at the Delray Beach Homeless Initiative.

Leonard Mitchell, 210 SW 14 Avenue, Delray Beach, expressed concerns about some City employees who were recently forced to resign.

Paula Newman Rucker, 236 NW 8 Avenue, Delray Beach, spoke on behalf of the "Carver High School Preservation and Historical Group" requesting the Commission to list the City's historical properties on the local registry.

City Attorney Gelin informed the Commission that she has a meeting scheduled with the School Board regarding the historic protection of these buildings and will update the Commission after her meeting.

J. Reeve Bright, 700 Seasage Drive, Delray Beach, spoke about the streetlight outages on A1A.

Missie Barletto, Assistant Director of Public Works, Delray Beach, informed the Commission that she is working with FPL about the streetlight outages.

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 Frankel moved to approve the consent agenda. It was seconded by Deputy Vice Mayor Bathurst. A roll call vote was taken, and all were in favor of approving the consent agenda. The motion carried 5-0 to approve the consent agenda.

Approved.

6.A. [19-1001](#) CITY COMMISSION MEETING MINUTES

Body: Recommended Action:

Recommendation: Motion to approve meeting minutes as listed below:

August 20, 2019 - Regular Meeting Minutes

August 29, 2019 - Special Meeting Minutes

Attachments: [Agenda Cover Report](#)

[August 20, 2019 Regular Meeting Minutes](#)

[August 29, 2019 Emergency - Policy Group Meeting Minutes](#)

Approved.

6.B. [19-1040](#) RETROACTIVE APPROVAL TO APPLY FOR FY2019-20 SOLID WASTE AUTHORITY OF PALM BEACH COUNTY BLIGHTED PROPERTY GRANT

Body: RECOMMENDATION:

Recommendation: Motion to approve application to the Solid Waste Authority of Palm Beach County. If approved, this grant would provide funds to address activities related to demolishing structures and improvements for future development; removal of demolition products, rubble and other debris; physical removal of environmental contaminants or treatment for related improvements for commercial/residential units pursuant to zoning requirement within the incorporated city limits of Delray Beach.

Attachments: [Agenda Cover Report](#)

[Blighted Property Grant Application-2020](#)

[Memo - Approval to Apply](#)

Approved.

- 6.C. [19-991](#) EASEMENT AGREEMENTS FOR LANDSCAPE MAINTENANCE, PEDESTRIAN CLEAR ZONE, GENERAL UTILITIES AND WATER MAIN FOR THE PROJECT "DELRAY CITY MARKET" LOCATED AT THE NORTHEAST CORNER OF SE 1ST STREET AND SE 3RD AVENUE

Body: **Recommended Action:**

Recommendation: Review and consider easement agreements for Landscape Maintenance, Pedestrian Clear Zone, General Utilities and Water Main, as presented, for the project known as "Delray City Market".

Attachments: [Agenda Cover Report](#)
[Delray City Market Location Map](#)
[Delray City Market General Utility Easement Agreement](#)
[Delray City Market Landscape Maintenance Agreement](#)
[Delray City Market Pedestrian Clear Zone Easement Agreement](#)
[Delray City Market Water Main Easement Agreement](#)
[Legal Review Delray City Market \(Water, Utility and Pedestrian Clear Zone\)](#)
[Legal Review Delray City Market Landscape Maintenance Agreement](#)
[Delray City Market Approved Site Plan](#)

Approved.

- 6.D. [19-1015](#) ACCEPTANCE OF 5,587.70 SQUARE FEET OF PERPETUAL GREENWAY EASEMENT AGREEMENT LOCATED ON A PARCEL OF LAND LYING IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY FLORIDA, FROM ARCHEAN CAPITAL LLC, "THE GRANTOR", FOR THE SUBJECT PROPERTY LOCATED AT 777 S. CONGRESS AVENUE (PROJECT APPROVED AS COLLIER CAR CLUB).

Body: **Recommended Action:**

Recommendation: Review and Consider a Perpetual Easement Agreement located at Section 19, Township 46 South, Range 43 East, Palm Beach County Florida to provide certain public improvements, including but not limited to, sidewalk, pathways, lighting, curbing, drainage facilities, street furniture, handicap access, utilities and landscaping from "The Grantee", The City of Delray Beach, for the subject property located at 777 S. Congress Avenue.

Attachments: [Agenda Cover Report](#)
[777 S. Congress Ave Location Map](#)
[Greenway Easement Agreement](#)
[Legal Review of PGE for 777 Congress](#)

Approved.

- 6.E. [19-1033](#) APPROVAL OF TWO (2) HISTORIC PRESERVATION GRANT AWARDS FROM THE STATE OF FLORIDA - DIVISION OF HISTORICAL RESOURCES

Body: **Recommended Action:**

Recommendation: Motion to approve two (2) grant awards from the State of Florida Division of Historical Resources. Each award is in the amount not to exceed \$50,000 for the Education and Public Awareness of Historic Preservation and the Resurvey of Five Designated Historic Districts with a total of the two grants not to exceed \$100,000.

Attachments: [Agenda Cover Report](#)
[Digitization and Scanning - Unsigned Contract](#)
[5 District Resurvey - Unsigned Contract](#)
[2018-05-10-Executed Memo for 2019 Grant Application](#)

Approved.

- 6.F. [19-1013](#) INTERLOCAL AGREEMENT BETWEEN THE DELRAY BEACH CRA AND THE CITY OF DELRAY BEACH FOR FUNDING FOR INFORMATION TECHNOLOGY SERVICES FY19-20

Body: **Recommended Action:**

Recommendation: Motion to approve the Interlocal Agreement between the Delray Beach CRA and the City of Delray Beach for Computer Network and Information Technology Services for FY19-20 in the amount of \$110,000.

Attachments: [Agenda Cover Report](#)
[ATTACHMENT A - Legal Review Checklist form v. 5 ILA with CRA for IT services](#)
[ATTACHMENT B - FY19-20 ILA CRA IT Services](#)

Approved.

- 6.G. [19-1049](#) APPROVAL OF GRANT APPLICATION AND AWARD/FDOT/SPEED/AGGRESSIVE DRIVING ENFORCEMENT PROGRAM

Body: **Recommended Action:**

Recommendation: Motion to Approve application for the Florida Department of Transportation (FDOT) FY 19/20 Speed/Aggressive Driving Enforcement program.

Attachments: [Agenda Cover Report](#)
[Speed Aggressive Driving Grant 2019 Draft Application F](#)
[Legal Review Checklist Speed and Aggressive Driving Grant App lw 2019](#)

Approved.

6.H. [19-1050](#) APPROVAL OF GRANT APPLICATION AND
AWARD/FDOT/MOTORCYCLE SAFETY PROGRAM

Body: **Recommended Action:**

Recommendation: Motion to Approve application for the Florida Department of Transportation (FDOT) FY 19/20 Motorcycle Safety program.

Attachments: [Agenda Cover Report](#)
[Motorcycle Safety Grant 2019 Draft Application F](#)
[Legal Review Checklist Motorcycle Safety Enforcement Program](#)
[Grant App. lw 2019](#)

Approved.

6.I. [19-871](#) ITEMS (A-M) - ACCEPTANCE OF PERPETUAL SIDEWALK EASEMENTS AND EASEMENT AGREEMENT FOR MULTIPLE PROPERTIES

Body: **Recommended Action:**

Recommendation:

Item A

(A) Motion to approve and accept 5' of sidewalk easement on 237 NW 5th Ave.

Item B

(B) Motion to approve and accept 5' of sidewalk easement on 233 SW 14th Ave.

Item C

(C) Motion to approve and accept 5' of sidewalk easement on 229 SW 14th Ave.

Item D

(D) Motion to approve and accept 5' of sidewalk easement on 1121 Miami Blvd.

Item F

(F) Motion to approve and accept 5' of sidewalk easement on 1110 Waterway Lane.

Item G

(G) Motion to approve and accept 5' of sidewalk easement on 303 NW 18th St.

Item H

(H) Motion to approve and accept 5' of sidewalk easement on 901 Allamanda Dr.

Item I

(I) Motion to approve and accept 5' of sidewalk easement on 12 NW 18th St.

Item J

(J) Motion to approve and accept 5' of sidewalk easement on 315 NW 16th St.

Item K

(K) Motion to approve and accept 5' of sidewalk easement on 1126

Waterway Ln.

Item L

(L) Motion to approve and accept 5' of sidewalk easement on 941 Seagate Dr.

Item M

(M) Motion to approved and accept 10' Utility easement located at 509 Curlew Rd.

Attachments: [Agenda Cover Report](#)
[Simple Legal Review Approval- pse agreements](#)
[Item \(A\) Exhibit A Sketch-237 NW 5th Ave.](#)
[Item \(A\) Papa Map - 237 NW 5th Ave.](#)
[Item \(A\) Papa Page 237 NW 5th Ave.](#)
[Item \(A\) PSE Agreement-237 NW 5th Ave.](#)
[Item \(A\) Sunbiz -237 NW 5th Ave.](#)
[Item \(B\) PSE Agreement - 233 SW 14th Ave.](#)
[Item \(B\) Exhibit A Sketch 233 SW 14th Ave.](#)
[Item \(B\) PAPA Map Page 233 SW 14th Ave.](#)
[Item \(B\) PAPA Page 233 SW 14th Ave.](#)
[Item \(B\)Sunbiz -233 SW 14th Ave](#)
[Item \(C\) Exhibit A -229 SW 14th Ave.](#)
[Item \(C\) PAPA Page -229 SW 14th Ave.](#)
[Item \(C\) PAPA Map Page- 229 SW 14th Ave.](#)
[Item \(C\) PSE Agreement - 229 SW 14th Ave.](#)
[Item \(C\) Sunbiz145 SW -229 SW 14th Ave.](#)
[Item \(D\) Exhibit A Sketch - 1121 Miami Blvd.](#)
[Item \(D\) PAPA Map 1121 Miami Blvd.](#)
[Item \(D\) PAPA Page 1121 Miami Blvd.](#)
[Item \(D\) PSE Agreement - 1121 Miami Blvd.](#)
[Item \(F\) Exhibit A Sketch - 1110 Waterway Ln.](#)
[Item \(F\) PAPA Map 1110 Waterway Ln.](#)
[Item \(F\) PAPA Page 1110 Waterway Ln.](#)
[Item \(F\) PSE Agreement - 1110 Waterway Ln.](#)
[Item \(G\) Address App - 303 NW 18th St.](#)
[Item \(G\) Exhibit A Sketch -303 NW 18th St.](#)
[Item \(G\) PAPA Map 303 NW 18th St.](#)
[Item \(G\) PAPA Page 303 NW 18th St.](#)
[Item \(G\) PSE Agreement -303 NW 18th St.](#)
[Item \(H\) - Exhibit A - 901 Allamanda Dr.](#)
[Item \(H\) - PAPA Map - 901 Allamanda Dr](#)
[Item \(H\) - PAPA Page - 901 Allamanda Dr.](#)
[Item \(H\) - PSE Agreement - 901 Allamanda Dr](#)
[Item \(H\) - Survey -901 Allamanda Dr](#)
[Item \(I\) Exhibit A - 12 NW 18th St.](#)
[Item \(I\) PAPA Map - 12 NW 18th St.](#)
[Item \(I\) PAPA Page - 12 NW 18th St.](#)

[Item \(I\) PSE Agreement - 12 NW 18th St.](#)
[Item \(I\) Sunbiz - 12 NW 18th St.](#)
[Item \(J\) Exhibit A Sketch - 315 NW 18th St.](#)
[Item \(J\) PAPA Map 315 NW 16th St.](#)
[Item \(J\) PAPA Page 315 NW 16th St.](#)
[Item \(J\) PSE Agreement -315 NW 16th St. Redacted](#)
[Item \(K\) Exhibit A Sketch -1126 Waterway Ln.](#)
[Item \(K\) PAPA Map 1126 Waterway Ln.](#)
[Item \(K\) PAPA Page 1126 Waterway Ln.](#)
[Item \(K\) PSE Agreement - 1126 Waterway Ln.](#)
[Item \(L\) Exhibit A Sketch -941 Seagate Dr.](#)
[Item \(L\) PAPA Map 941 Seagate Dr.](#)
[Item \(L\) PAPA Page - 941 Seagate Dr.](#)
[Item \(L\) PSE Agreement - 941 Seagate Dr.](#)
[Item \(L\) Sunbiz - 941 Seagate Dr.](#)
[Item \(M\) - Exhibit A Sketch - 509 Curlew Rd.](#)
[Item \(M\) Easement Agreement - 509 Curlew Rd.](#)
[Item \(M\) PAPA Map - 509 Curlew Rd.](#)
[Item \(M\) PAPA Page - 509 Curlew Rd.](#)

Approved.

- 6.J. [19-958](#) APPROVAL OF AMENDMENT NO. 2 WITH UNIFIRST CORPORATION FOR UNIFORM AND FLAT SUPPLIES RENTAL SERVICES TO RENEW THE AGREEMENT FROM JANUARY 6, 2020 THROUGH JANUARY 5, 2021 IN AN AMOUNT NOT TO EXCEED \$96,135

Body: Recommended Action:

Recommendation: Motion to Approve Amendment No. 2 to the Agreement with Unifirst Corporation to exercise the final one (1) year renewal option in an amount not-to-exceed \$96,135 for Uniform and Flat Supplies, contingent on appropriation of funds.

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist form Unifirst \(KWB\)](#)
[Amendment No. 2 2016-028](#)

Approved.

6.K. PROCLAMATIONS:

6.K.1. [19-1051](#) DELRAY READS DAY - PROCLAMATION**Body: Recommended Action:**

Recommendation: Motion to approve the Delray Reads Day Proclamation.

Attachments: [Agenda Cover Report](#)
[Delray Reads Day proclamation - 2019](#)

This Proclamation was approved.

6.K.2. [19-1054](#) OBSERVANCE OF VETERAN'S DAY PROCLAMATION**Body: Recommended Action:**

Recommendation: Motion to observe Monday, November 11, 2019 as National Veteran's Day.

Attachments: [Agenda Cover Report](#)
[Veteran's Day Proclamation](#)

This Proclamation was approved.

6.K.3. [19-1024](#) NATIONAL HUNGER & HOMELESSNESS AWARENESS WEEK PROCLAMATION**Body: Recommended Action:**

Recommendation: Motion to proclaim November 17-23, 2019 as National Hunger & Homelessness Awareness Week.

Attachments: [Agenda Cover Report](#)
[Hunger and Homelessness Awareness Week](#)

This Proclamation was approved.

6.K.4. [19-1052](#) PICKLEBALL MONTH PROCLAMATION**Body: Recommended Action:**

Recommendation: Motion to proclaim November 2019 as Pickleball Month in recognition of the 2019 Delray Beach Pickleball Classic that begins on December 5, 2019 through December 8, 2019.

Attachments: [Agenda Cover Report](#)
[PickleballProclamation_2019](#)

This Proclamation was approved.

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

6.L.1. [19-1045](#) REPORT OF APPEALABLE LAND USE ITEMS FROM SEPTEMBER 30, 2019, THROUGH OCTOBER 18, 2019.

Body: Recommended Action:

Recommendation: By motion, receive and file this report.

Attachments: [Agenda Cover Report](#)

[Appealable Items Map - 11.05.19](#)

[A - 303 N. Swinton Avenue - Appealable Report](#)

[B - 22 SE 1st Ave- Appealable Report](#)

[C - 707 SE 1st St - Appealable Report](#)

[D - 3 NE 1st Street- Appealable Report](#)

[E - 230 George Bush - Appealable Report](#)

[F - 222 Palm Court - Appealable Report](#)

[G - 411 N. Swinton Ave - Appealable Report](#)

[H - 220 & 226 N. Swinton Ave - Appealable Report](#)

[I - 235 NE 1st Ave - Appealable Report](#)

[J - 2515 Lowson Blvd - Appealable Report](#)

[K - 2175 S. Ocean Blvd - Appealable Report](#)

[L - 166 SE 2nd Ave - Appealable Report](#)

[N- 710 SE 5th Ave - Appealable Report](#)

[O - 1111 W. Linton Blvd - Appealable Report](#)

[P - 202 SE 4th Ave - Appealable Report](#)

Approved.

6.M. AWARD OF BIDS AND CONTRACTS:

- 6.M.1. [19-1044](#) APPROVAL OF RESOLUTION NO. 183-19 FOR THE PURCHASE OF TWO NEW POLICE VEHICLES FROM BOZARD FORD UTILIZING THE FLORIDA SHERIFF'S CONTRACT NO. FSA19 VEL-27.0 - \$82,368

Body: Recommended Action:

Recommendation: Motion to approve Resolution No. 183-19 to purchase two new police vehicles from Bozard Ford in an amount not exceed \$82,368 utilizing the Florida Sheriff's Contract No. FSA19 VEL-27.0.

Attachments: [Agenda Cover Report](#)
[FSA 19-VEL27.0 Contract](#)
[Utility Interceptor Quote-Bozard 10-12-19](#)
[Hanin Estimate-1302 Total Loss](#)
[Hanin Estimate-1308 Total Loss](#)
[Florida Sheriffs Resolution for 2 police vehicles](#)

Approved.

7. REGULAR AGENDA:

- 7.A. [19-1005](#) APPROVAL OF RESOLUTION NO. 172-19 TO AWARD AN AGREEMENT WITH L.V. SUPERIOR LANDSCAPING, INC. FOR LANDSCAPE MAINTENANCE LAKE IDA ROAD MEDIANS AND TO AUTHORIZE THE CITY MANAGER TO APPROVE AND EXECUTE AGREEMENT RENEWAL OPTIONS - \$337,050

Body: Recommended Action:

Recommendation: Motion to approve Resolution No. 172-19 and to award an agreement with L.V. Superior Landscaping, Inc. for Landscape Maintenance Lake Ida Road Medians in the estimated amount of \$337,050 and authorize the City Manager to exercise any and all renewal options, in the amounts below, contingent upon appropriation of funds.

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist L.V. Superior Landscape Maintenance Agreement \(Rev. KWB\)](#)
[Resolution 172-19](#)
[ITB 2019-044 Agreement](#)

Sam Metott, Director of Parks and Recreation stated that through the bid process, LV Superior Landscaping was awarded the bid.

Commissioner Boylston made a motion to approve. It was seconded by Vice Mayor Johnson. A roll call vote was taken, and all were in favor. The motion carried 5-0 to approve Resolution No. 172-19.

Resolution No. 172-19 was approved.

7.B. [19-989](#)

RESOLUTION NO. 173-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF PORTIONS OF TWO GENERAL UTILITY EASEMENTS EACH CONTAINING 700 SQUARE FEET WHICH WERE DEDICATED TO THE CITY OF DELRAY BEACH AND ANY OTHER UTILITY OR SIMILAR FACILITY AS RECORDED IN DEED BOOK 847, PAGE 467 AND DEED BOOK 878, PAGE 273 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, RUNNING PARALLEL, FIVE FEET EAST AND FIVE FEET WEST, TO THE COMMON LOT LINE BETWEEN LOT 6 AND LOT 7, BLOCK H, PLAT BOOK 21, PAGE 95 OF THE JOHN B. RIED'S VILLAGE PLAT AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES, AND ASSOCIATED FINAL (MAJOR) SUBDIVISION REPLAT OF LOTS 6 AND 7, BLOCK H, JOHN B. REID'S VILLAGE, PLAT BOOK 21, PAGE 95, ALSO KNOWN AS CASUARINA ROAD REPLAT

Body: Recommended Action:

Recommendation: Review and consider Resolution No.173-19, as presented, with consideration of the Final (Major) Plat for Casuarina Road Replat, located at 1009-1023 Casuarina Road, by adopting that the request and approval thereof is consistent with the criteria set forth in the Land Development Regulations Section 2.4.5(J)(Major Subdivisions).

Attachments: [Agenda Cover Report](#)
[Casuarina Road Replat Location Map](#)
[Casuarina Easement GUE Abn Res. No.173-19](#)
[Casuarina Road Replat](#)
[Casuarina Road Replat Survey](#)
[Casuarina Road Replat PZ Staff Report](#)
[Casuarina Delray Townhomes Site Plan](#)

Anthea Gianniotis, Director of Development Services, stated that Mr. Carney, the applicant was present. She gave a presentation of the project.

Commissioner Frankel made a motion to approve Resolution 173-19. It was seconded by Vice Mayor Johnson. A roll call vote was taken, and all were in favor. The motion carried 5-0 to approve Resolution No.173-19.

Resolution No. 173-19 was approved.

- 7.C. [19-1043](#) RESOLUTION NO. 182-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING THE ABANDONMENT OF A COMBINED PRIVATE RIGHT-OF-WAY AND PERPETUAL EASEMENT, CONTAINING APPROXIMATELY 2,500 SQUARE FEET, THAT WAS DEDICATED TO THE CITY OF DELRAY BEACH AS RECORDED IN THE ORIGINAL RECORDS BOOK 9937, PAGE 1474, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, AND AS SHOWN ON THE WALLACE FORD REPLAT, AS RECORDED IN PLAT BOOK 124, PAGE 151 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", FOR THE SITE KNOWN AS AUTONATION BMW DELRAY, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Body: **Recommended Action:**

Recommendation: Review and consider Resolution No. 182-19, as presented.

Attachments: [Agenda Cover Report](#)

[AutoNation BMW \(fka Wallace Ford\) Location Map](#)

[Res. 182-19- AutoNation Easement \(fka Wallace\) Abandonment with exhibit](#)

[Wallace Ford Replat](#)

[AutoNation BMW \(fka Wallace Ford\) Approved Site Plan](#)

[AutoNation BMW \(fka Wallace Ford\) Survey](#)

[Wallace Ford Perpetual Easement \(to be abandoned\)](#)

Anthea Gianniotis, Director of Development Services, stated that Mr. Mike Troxell of Thomas Engineering, 6300 NW 31 Avenue, Ft. Lauderdale who represents the applicant was present. Mr. Troxell gave a presentation of the project.

Commissioner Boylston made a motion to approve Resolution No. 182-19. It was seconded by Deputy Vice Mayor Bathurst. A roll call vote was taken, and all were in favor. The motion carried 5-0 to approve Resolution No. 182-19.

Resolution No. 182-19 was approved.

- 7.D. [19-1070](#) POTENTIAL ANNEXATION, FUTURE LAND USE MAP AMENDMENT, AND REZONING OF THE CITY-OWNED 4.06-ACRE PARCEL LOCATED ON THE NORTH SIDE OF THE L-30 CANAL, EAST OF INTERSTATE 95, AND WEST OF LAKE IDA.

Body: **Recommended Action:**

Recommendation: Provide Direction.

Attachments: [Agenda Cover Report](#)
[Lake Ida Park Parcels Location Map](#)
[Lake Ida Park Addition 2015 Deed](#)
[P&Z Report Lake Ida Park Addition ANX FLU RZ](#)
[Lake Ida Park Parcels Proposed Land Use](#)
[Lake Ida Park Parcels Proposed Zoning](#)

Anthea Gianniotis, Director of Development Services, gave a presentation of the project.

A discussion ensued with the Commissioners.

Mayor Petrolia stated that she is in favor of the annexation of this property. City Attorney Gelin informed the Commission that a motion isn't necessary, but rather to give direction from the Commission on how to proceed with the annexation.

Anthea Gianniotis, Development Services Director, stated that she will move forward with the annexation of the property and communicate it to the County as well.

- 7.E. [19-1063](#) RESOLUTION NO. 189-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH STRONGLY ENCOURAGING THE STATE LEGISLATURE TO APPROVE SENATE BILL 182 AND ANY COMPANION HOUSE BILLS RELATING TO THE PREEMPTION OF RECYCLABLE AND POLYSTYRENE MATERIALS BY AMENDING SECTION 403.7033 AND SECTION 500.90, FLORIDA STATUTES; REPEALING THE PREEMPTION OF LOCAL LAWS REGARDING THE USE OR SALE OF SINGLE-USE PLASTIC BAGS AND POLYSTYRENE MATERIALS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Body: **Recommended Action:**

Recommendation: Motion to approve Resolution 189-19.

Attachments: [Agenda Cover Report](#)
[Resolution 189-19](#)
[SB 182](#)
[Letter for Plastics Regs Local Option](#)
[Memo Assistant City Attorney](#)

City Attorney Gelin clarified the nature of Resolution No. 189-19 to the Commission.

Commissioner Frankel made a motion to approve Resolution 189-19. It was seconded by Deputy Vice Mayor Bathurst. A roll call vote was taken, and all were in favor. The motion carried 5-0 to approve Resolution No. 189-19.

Resolution No. 189-19 was approved.

- 7.F. [19-986](#) RESOLUTION 191-19: REQUESTING FOR AUTHORIZATION FOR FLORIDA POWER AND LIGHT TO INSTALL STREET LIGHTS IN THE SW 4TH ST, SW 6TH ST, SW 7TH AVE, AND SW 3RD CT NEIGHBORHOOD IMPROVEMENTS PROJECT AND FOR PAYMENT OF A NOT-TO-EXCEED \$100,000 FOR THE DESIGN AND INSTALLATION OF THESE LED FIXTURES

Body: **Recommended Action:**

Recommendation: Motion to Approve Resolution No. 191-19 in support of Florida Power and Light (FPL) for the installation of LED Street Lights for the SW 4th St., SW 6th St., SW 7th Ave. & SW 3rd Ct. Neighborhood Improvements Project and for the payment of a not-to-exceed amount of \$100,000 for the design and installation of these LED fixtures.

Attachments: [Agenda Cover Report](#)
[Res FPL LED Lighting 10.23.19 lg rev](#)
[Legal Review Form 8-17-18 FPL Resolution](#)

Missie Barletto, Assistant Director of Public Works, gave a presentation on the project.

Commissioner Frankel made a motion to approve Resolution No.191-19. It was seconded by Commissioner Boylston. A roll call vote was taken, and all were in favor. The motion carried 5-0 to approve Resolution No. 191-19.

Resolution No. 191-19 was approved.

- 7.G. [19-1053](#) DISCUSSION/NOMINATIONS FOR APPOINTMENT OF THE NORTHWEST/SOUTHWEST ADVISORY BOARD

Body: **Recommended Action:**

Recommendation: Discussion/Motion to approve nomination for appointment of five (5) members to serve on the Northwest/Southwest Advisory Board. Three (3) members to serve a one (1) year term ending in 2020 and two (2) members to serve a two (2) year term ending in 2021.

Attachments: [Agenda Cover Report](#)
[Exhibit A 10152019](#)
[NWSW Applications](#)

Vice Mayor Johnson recommended that this item be tabled until the Commission has further discussions, and then the item will be put on a future agenda.

This appointment was tabled.

7.H. [19-1057](#) RECOMMENDATION FOR APPOINTMENT TO THE CODE ENFORCEMENT BOARD

Body: **Recommended Action:**

Recommendation: Recommendation for appointment for one (1) regular member to serve an unexpired term ending January 14, 2020 and one (1) regular member to serve an unexpired term ending January 14, 2021.

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Code Enforcement Board](#)
[Attendance](#)
[Code Enforcement Applications](#)

Commissioner Boylston moved to appoint Mr. Wes Waring to the Code Enforcement Board. It was seconded by Mayor Petrolia. A roll call vote was taken, and all were in favor. The motion carried 5-0 to appoint Mr. Wes Waring to the Code Enforcement Board.

This appointment was approved.

7.I. [19-988](#) RECOMMENDATION FOR APPOINTMENT TO THE DELRAY BEACH HOUSING AUTHORITY BOARD

Body: **Recommended Action:**

Recommendation: Recommendation for appointment of one (1) member to serve an unexpired term ending October 27, 2023.

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[DBHA Member List](#)
[Board Attendance Record 2019](#)
[DBHA Applications](#)

Vice Mayor Johnson moved to appoint Mr. Romain Cluet to the Delray Beach Housing Authority Board. It was seconded by Commissioner Frankel. A roll call vote was taken, and all were in favor. The motion carried 5-0 to appoint Mr. Romain Cluet to the Delray Beach Housing Authority.

This appointment was approved.

7.J. [19-992](#) RECOMMENDATION FOR APPOINTMENT TO THE BOARD OF TRUSTEES FOR THE POLICE OFFICERS' RETIREMENT SYSTEM

Body: **Recommended Action:**

Recommendation: Recommendation for appointment of one (1) regular member to serve an unexpired term ending October 4, 2020.

Attachments: [Agenda Cover Report](#)

[Exhibit A](#)

[Board of Trustees for the Police Officers' Retirement System 3](#)

[Police Officers' Retirement System Attendance](#)

[Police Retirement Applications](#)

Commissioner Boylston stated that he did not have the correct phone number for his applicant.

Commissioner Boylston asked to table his appointment for now.

This appointment was tabled.

8. PUBLIC HEARINGS:

8.A. None

9. FIRST READINGS:

- 9.A. [19-1076](#) ORDINANCE NO. 40-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 32, "DEPARTMENTS, BOARDS AND COMMISSIONS", OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, BY AMENDING SECTION 32.41, "COMPOSITION; TERMS; APPOINTMENT", TO AMEND PROCEDURE FOR APPOINTING MEMBERS OF THE BOARD AND TO CLARIFY TERM OF COMMITTEE MEMBERS; AMENDING SECTION 32.42, "ORGANIZATION", TO AMEND MAXIMUM HOURS WORKED TO BE CONSISTENT WITH CITY POLICY AND TO AMEND TO ALLOW MONTHLY MEETINGS TO BE ON AN "AS-NEEDED" BASIS, PROVIDING A CONFLICTS CLAUSE AND SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Body: **Recommended Action:**

Recommendation: Motion to approve Ordinance No. 40-19 on first reading, amending Chapter 32, "Departments, Boards and Commissions" by amending Section 32.41 "Composition; Terms; Appointment" to amend procedure for appointing members of the board and to clarify term of the Committee members; and Section 32.42 "Organization" to amend maximum hours worked to be consistent with City policy and to amend to allow monthly meetings to be on an "as-needed" basis.

Attachments: [Agenda Cover Report](#)
[Ordinance 40 -19 Kids and Cops](#)
[Simple Legal Review Approval Kids and Cops Amended Ordinance](#)

Attorney Gelin read Ordinance No. 40-19 into the record.

Commissioner Boylston made a motion to approve Ordinance No. 40-19. It was seconded by Vice Mayor Johnson. A roll call vote was taken, and all were in favor. The motion carried 5-0 to approve Ordinance 40-19 on first reading.

Ordinance 40-19 was approved on first reading.

- 9.B. [19-1098](#) ORDINANCE NO. 43-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR CHARTER REVISIONS BY AMENDING SECTION 3.10, "SALARIES AND EXPENSES"; TO PROVIDE FOR A CHANGE IN THE EFFECTIVE DATE FOR INCREASES TO MAYOR AND COMMISSIONER SALARIES; PROVIDING FOR A REFERENDUM ON MARCH 17, 2020; PROVIDING A GENERAL REPEALER CLAUSE; PROVIDING A SAVING CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Body: **Recommended Action:**

Recommendation: Motion to approve Ordinance 43-19 providing for Charter revisions by amending Section 3.10, "Salaries and Expenses" to provide for a change in the effective date for increases to Mayor and Commissioner salaries.

Attachments: [Agenda Cover Report](#)
[Ord 43-19 salaries of CC referendum](#)

City Attorney Gelin read Ordinance No. 43-19 into the record.

Commissioner Boylston made a motion to approve Ordinance No. 43-19. It was seconded by Vice Mayor Johnson. A roll call vote was taken, and all were in favor. The motion carried 5-0 to approve Ordinance 43-19 on first reading.

Ordinance 43-19 was approved on first reading.

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

Interim City Manager de Jesus deferred his comments.

B. City Attorney

City Attorney Gelin made the following comments:

- Informed the Commission that she received a cease and desist letter concerning former Commissioner Jordana Jarjura.
- She had been invited to Tallahassee to represent Delray Beach concerning the opioid crisis settlement. The Commission gave Ms. Gelin their approval for her to attend.
- Asked the Commission for direction about the Buddha Sky Bar project.
- Stated that she will prepare a Resolution regarding "The Ordinance Challenge".
- Informed the Commission that Mr. Michael Kahn will be consulting with the City concerning the aggressive panhandlers and homelessness in the City.

C. City Commission**Commissioner Frankel made the following comments:**

- Recognized Chief Simms for a job well done directing the downtown traffic.

Commissioner Boylston made the following comments:

- Hopes to see the West Atlantic Redevelopment Plan on a future agenda.
- Thinks the 1:30 CRA meetings should start later due to the lack of attendance.
- Informed the Commission that he will be teaching a crash course on adoption, foster and respite care on November 13, 2019.
- Asked the Commission if they had any recommendations for applicants to serve on the Police Retirement Board.
- Wanted to acknowledge that Target is now carrying Atlantic High School Football Gear in its store.

Vice Mayor Johnson made the following comments:

- Shared with the Commission about her conference with the League of Cities.
- Expressed her concerns about the regulation of Air B and B's in the City.
- Spoke about the elements of Good Governance
- Expressed her concerns about Interim City Manager de Jesus.

Mayor Petrolia made the following comments:

- Congratulated Team Hose's on their recent softball win.
- Recognized the passing of Dorothy Ellington with the Downtown Housing Authority and her accomplishments.
- Spoke briefly about the "American Flood Coalition Conference" that she attended.

A discussion ensued with the Commission and Chief Weatherspoon about the scheduled meetings with the DDA and business owners about the Noise Ordinance.

Vice Mayor Johnson expressed concern about the decisions made about the Marina. Missie Barletto, Assistant Director of Public Works, gave a brief explanation on the Marina Way Project.

Interim City Manager de Jesus made the following comments:

- Recognized Captain Weatherspoon and Anthea Gianniotis for a great job as interim managers in their departments.
- Asked the Commission for direction on the showers.
- Discussed Vice Mayor Johnson's statements concerning him.

Mayor Petrolia suggested that both Interim City Manager de Jesus and Vice Mayor Johnson sit down with City Attorney Gelin to discuss their concerns.

There being no further business to discuss, Mayor Petrolia adjourned the Regular Commission Meeting at 6:29 p.m.