

City of Delray Beach

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Minutes - Draft

Tuesday, December 3, 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

Vice Mayor Johnson 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:

Vice Mayor Shirley Ervin Johnson

Commissioner Adam Frankel

Commissioner Ryan Boylston

Others present were:

Neal de Jesus, Interim City Manager

Lynn Gelin, City Attorney

Katerri Johnson, City Clerk

Absent:

Mayor Shelly Petrolia

Deputy Vice Mayor Bill Bathurst

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

Interim City Manager de Jesus requested item 6.B. be pulled from the agenda.

Commissioner Boylston moved to approve the agenda as amended. It was seconded by Commissioner Frankel. A roll call vote was taken, and all were in favor. The motion carried 3-0 to approve the agenda as amended.

Approved.

4. PRESENTATIONS:

4.A. [19-984](#) RESOLUTION NO. 202-19 RECOGNIZING JOSEPH J. HART FOR 30 YEARS OF SERVICE

Body: **Recommended Action:**

Recommendation: Motion to Approve Resolution No. 202-19 honoring Joseph J. Hart for 30 years of service.

Attachments: [Agenda Cover Report](#)
[Resolution 202.19 Joseph Hart 12.03.19](#)

Duane D' Andrea, Human Resource Director, on behalf of the City Commission, requested Chief Simms and Joseph Hart to come to the podium to honor Joseph Hart for 30 years of service with the City of Delray Beach. He presented Mr. Hart with a plaque for his 30 years of service.

Vice Mayor Johnson read Resolution No.202-19 into the record.

Chief Sims gave a brief speech about Master Policeman/ Detective Joseph J Hart and expressed how much he will be missed. Mr. Hart thanked all the City employees that he's worked with.

Approved.

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

Interim City Manager de Jesus responded to Ms. Moody's previous public comment about a woman who fell at the Green Market and reported that there were no injuries and no medical attention required.

B. From the Public

Rob Ilvento, Silver Ball Museum, 19 NE 3rd Avenue, Delray Beach, spoke about the parking difficulty that his customers as well as himself and other retailers are experiencing. Mr. Ilvento gave a handwritten copy of his presentation to the Commissioners.

With no others present for public comments, Vice Mayor Johnson closed the public comments.

6. CONSENT AGENDA: City Manager Recommends Approval

Commissioner Frankel moved to approve the consent agenda as amended. It was seconded by Commissioner Boylston. A roll call vote was taken, and all were in favor. The motion carried 3-0 to approve the consent agenda.

Approved as amended.

6.A. [19-1145](#) CITY COMMISSION MEETING MINUTES

Body: **Recommended Action:**

Recommendation: Motion to approve meeting minutes as listed below:

September 10, 2019 Special Commission Meeting
October 1, 2019 Special Commission Meeting
October 1, 2019 Regular Commission Meeting
November 21, 2019 Attorney/Client Closed Door Session

Attachments: [Agenda Cover Report](#)

[September 10, 2019 City Commission Special Meeting](#)

[Minutes DRAFT](#)

[October 1, 2019 Special Meeting Draft](#)

[October 1, 2019 City Commission Regular Meeting Draft rev](#)

[November 21, 2019 Special Meeting - Attorney Client Session](#)

Approved.

6.B. [19-1046](#) APPROVAL OF AMENDMENT 1 FOR RETROACTIVE APPROVAL WITH LANIER PARKING SOLUTIONS FOR COMPREHENSIVE PARKING MANAGEMENT SERVICES IN THE AMOUNT OF \$240,000 AND APPROVAL TO INCREASE THE CONTRACT VALUE - \$3,104,616

Body: **Recommended Action:**

Recommendation: Motion to approve Amendment 1, for retroactive approval with Lanier Parking Solutions, in the amount of \$240,000, for a total annual amount of \$896,000, and authorize the City Manager to approve renewal options, in the amounts listed below, contingent upon appropriation of funds.

Attachments: [Agenda Cover Report](#)

[Comprehensive Parking Management Services Agreement FULLY EXECUTED](#)

[Amendment 1](#)

[Legal Review Checklist Lanier Parking Amendment No 1](#)

Item 6.B. was removed.

6.C. [19-1119](#) ITEMS (C-I) - ACCEPTANCE OF PERPETUAL SIDEWALK EASEMENT DEDICATIONS FOR MULTIPLE PROPERTIES

Body: **Recommended Action:**

Recommendation: **PERPETUAL SIDEWALK EASEMENTS**

Item C

(C) Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 408 SW 4th St., to the City of Delray Beach.

Item D

(D) Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 238 SE 4TH Ave. to the City of Delray Beach.

Item E

(E) Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 106 SW 14th Ave. to the City of Delray Beach.

Item F

(F) Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 760 Lake Trail, lot #20 to the City of Delray Beach.

Item G

(G) Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 768 Lake Trail, lot #18 to the City of Delray Beach.

Item H

(H) Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 764 Lake Trail, lot #19 to the City of Delray Beach.

Item I

(I) Motion to approve and accept dedication of a 5' sidewalk easement by the owner(s) of 1011 Beach Drive to the City of Delray Beach.

Attachments: [Agenda Cover Report](#)
[Simple Legal Review Approval- pse agreements \(002\)](#)
[\(Item C\) Exhibit A - 408 SW 4th St.](#)
[\(Item C\) PSE Agreement - 408 SW 4th St. Redacted](#)
[\(Item D\) Exhibit A - 238 SE 4th Ave.](#)
[\(Item D\) PSE Agreement - 238 SE 4th Ave.](#)
[\(Item E\) PSE Agreement - 106 SW 14th Ave.](#)
[\(Item E\) Exhibit A Sketch -106 SW 14th Ave.](#)
[\(Item E\) Legal Description - 106 SW 14th Ave.](#)
[\(Item F\) PSE Agreement - 760 Lake Trail](#)
[\(Item F\) Exhibit A -760 Lake Trail](#)
[\(Item G\) PSE Agreement - 768 Lake Trail](#)
[\(Item G\) Exhibit A -768 Lake Trl](#)
[\(Item H\) PSE Agreement - 764 Lake Trail](#)
[\(Item H\) Exhibit A Sketch - 764 Lake Trail](#)
[\(Item I\) PSE Agreement - 1011 Beach Dr.](#)
[\(Item I\) Exhibit A Sketch - 1011 Beach Dr.](#)

Approved.

6.D. PROCLAMATIONS:

6.D.1. [19-1159](#) PROCLAMATION RECOGNIZING THE TOWN OF HIGHLAND BEACH 70TH ANNIVERSARY

Body: **Recommended Action:**

Recommendation: Motion to declare and join neighboring municipalities in the recognizing December 5, 2019 as the Town of Highland Beach Day.

Attachments: [Agenda Cover Report](#)
[Highland Beach 70th Anniversary](#)

This Proclamation was approved.

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

6.E.1. [19-1143](#) REPORT OF APPEALABLE LAND USE ITEMS FROM NOVEMBER 4, 2019, THROUGH NOVEMBER 15, 2019.

Body: Recommended Action:

Recommendation: By motion, receive and file this report.

Attachments: [Agenda Cover Report](#)

[Appealable Items Map](#)

[A - 201 NE 5th Court - Appealable Report](#)

[B -131 NW 1st Ave- Appealable Report](#)

[C - 110 Marine Way - Appealable Report](#)

[D - 103 SE 4th Ave; Downtown Lofts Condominium Association - Appealable Report](#)

[E - 53 SE 4th Ave ; Fourth and Fifth \(IPIC\) - Appealable Report](#)

[F -530 SE 6th Ave; KHO Space - Appealable Report](#)

[G -615 E. Atlantic Ave; Atlantic Crossing - Appealable Report](#)

[H - 398 NE 5th Ave; Gasland - Appealable Report](#)

[I -4575 Linton Blvd; Florida Medical Center - Appealable Report](#)

Approved.

6.F. AWARD OF BIDS AND CONTRACTS:

- 6.F.1. [19-1124](#) RESOLUTION NO. 194-19 TO APPROVE AN AGREEMENT WITH OFFICE DEPOT FOR OFFICE SUPPLIES, PRODUCTS AND RELATED SERVICES; UTILIZING THE CITY OF TAMARAC SOLICITATION 19-12R - \$800,000

Body: **Recommended Action:**

Recommendation: Motion to Approve Resolution No. 194-19 to award an agreement with Office Depot, Inc. for citywide office supplies utilizing the City of Tamarac Contract No. 19-12R in the estimated amount of \$800,000, and authorize the City Manager to approve renewal options, in the amounts below, contingent upon appropriation of funds.

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist P2020-1 Office Depot](#)
[19-12R Office Depot Executed Agreement with Tamarac](#)
[19-12R Office Depot PRICING](#)
[19-12R Tamarac Addendum 1](#)
[AZ Compliance Questionnaire](#)
[Department expense](#)
[P2020-01 Master Service Agreement Office Depot \(CA Approved\)](#)
[CityofDelrayBeach.ParticipationAgreement.Bennett.CDMslgRev.11.20](#)
[.19 \(1\) Final](#)
[Res 194-19 Office Depot](#)
[Vendor Signed Agreement](#)

Approved.

7. REGULAR AGENDA:

7.A. [19-1121](#) 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](#)

[Applicant #1](#)

[Applicant #2](#)

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

[Police Officers' Retirement System Attendance](#)

Commissioner Boylston stated that he was not able to connect with the applicant. Commissioner Frankel said that he would be in favor of allowing Commissioner Boylston more time. Interim City Manager de Jesus stated that the position could be reposted, which would give Commissioner Boylston more time for his appointment.

Vice Mayor Johnson asked if there was a consensus. Commissioner Boylston and Commissioner Frankel gave their consensus to allow Commissioner Boylston more time and to repost the position.

This Appointment was tabled.

8. PUBLIC HEARINGS:

- 8.A. [19-1136](#) ORDINANCE NO. 33-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES BY AMENDING SECTION 4.4.13. "CENTRAL BUSINESS (CBD) DISTRICT," SUBSECTION (H)(1) "RESIDENTIAL INCENTIVES", TO ALLOW CERTAIN LOTS LOCATED WITHIN THE WEST SETTLERS HISTORIC DISTRICT TO PARTICIPATE IN THE RESIDENTIAL INCENTIVE PROGRAM; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

Body: **Recommended Action:**

Recommendation: Review and consider Ordinance No. 33-19 on Second Reading, a privately-initiated amendment to the Land Development Regulations Section 4.4.13(H)(1), "Residential Incentives," to allow residential incentives in the form of increased density on certain lots that do not contain contributing historic structures or non-contributing structures that are more than 30 years old within the West Settlers Historic District portion of the West Atlantic Neighborhood Sub-district.

Attachments: [Agenda Cover Report](#)

[Ord No 33-19 West Settlers Residential Incentive, 1st Reading](#)

[Ord No 33-19 PZB Staff Report](#)

[Ord No 33-19 Justification Request Letter](#)

City Attorney Gelin read Ordinance No. 33-19 into the record.

Anthea Gianniotis, Development Services Director, stated that for the record, there were no changes between the first and second readings of Ordinance 33-19.

Tim Hernandez, representing Atlantic Grove Partners, 200 Congress Park Drive, Suite 201, stated that since there were no changes, he was present to answer any questions that the Commission may have.

Vice Mayor Johnson stated if anyone from the public would like to address the City Commission to come forward.

Public Comment:

There being no one from the public who wished to address the City Commission, Vice Mayor Johnson closed the public comments.

Commissioner Boylston made a motion to approve Resolution No. 33-19. It was seconded by Commissioner Frankel. A roll call vote was taken, and all were in favor. The motion carried 3-0.

Ordinance 33-19 was approved.

9. FIRST READINGS:

9.A. None.

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

None.

B. City Attorney

City Attorney Gelin made the following comments:

- Requesting permission for the “Police Explorers” to have a fund raiser in the City and County garages on the First Night on the Tree Lighting as well as the First Night.

Gary Farerri of the Police Department gave a brief speech about the activities that the “Police Explorers” have previously taken part in and how the program benefits the City as well as the individuals of the program itself.

Interim City Manager de Jesus stated that he is supportive of the program, and that if it’s the will of the Commission that they should move forward with it as long as it can be executed with the Cities parking agreement with Lanier Parking.

Commissioner Frankel stated that he would like to see the “Police Explorers” receive 100 percent of the revenue collected at both of the events. There was a consensus to move forward.

- Attorney Gelin passed out copies on the dais of a letter to the Commissioners from Mr. Tyler Knight concerning nine in-lieu parking spaces that he received in 2017 without having a development plan. She is asking for permission to amend this agreement to reflect a time frame that is consistent with Mr. Knight’s development plans. There was a consensus to move forward with the amended agreement.
- Stated that City Attorney Bennett was in court today and was doing an excellent job.
- Gave an update on the “Match Point” settlement case.

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

- Expressed concern that City Commissioners are having outside communication with opposing counsel. Attorney Gelin stated that she expressed to outside counsel that all communications be filtered through her office. She stated that she would draw up a policy to put into place on this matter.

Commissioner Boylston made the following comments:

- Requested an update on the Dune Management. Interim City Manager de Jesus stated that he can give Commission an update right then. Mr. de Jesus stated that Missie Barletto, Assistant Director of Public Works is working on getting the permits and should have them by April.
- Vice Mayor Johnson stated that she would like to see a quarterly progress report.
- Stated that he would like to see the Green Implementation Boards Recommendation on the next agenda for discussion
- Thanked Sargent McCabe for allowing him to ride along with him to see the night life.

Commissioner Frankel made the following comments:

- Max Weinberger, drummer for Bruce Springsteen will be at the City's Menorah lighting this year on December 22nd.

Vice Mayor Johnson made the following comments:

- Would like to see all of the residents come out to enjoy the holiday festivities that the City has to offer almost every night. She also wished everyone a very happy holiday season.

There being no further business to discuss, Vice Mayor Johnson adjourned the meeting at 4:37 p.m.