

City of Delray Beach

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Minutes - Draft

Tuesday, June 16, 2020

4:00 PM

Regular Meeting at 4:00 PM

Virtual Meeting

City Commission

Mayor Shelly Petrolia
Vice Mayor Ryan Boylston
Deputy Vice Mayor Shirley Ervin Johnson
Commissioner Adam Frankel
Commissioner Juli Casale

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.

Present: 5 - Mayor Shelly Petrolia, Deputy Vice Mayor Shirley Ervin Johnson, Commissioner Adam Frankel, Vice-Mayor Ryan Boylston, and Commissioner Juli Casale

Others present were:

George Gretsas, City Manager
Lynn Gelin, City Attorney
Katerri Johnson, City Clerk

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

City Attorney Gelin stated that the applicant for Item No.7.A. (Resolution No. 68-20, Quasi-Judicial) requested it be pulled. City Attorney Gelin asked the Commission if they wished to have a discussion then or later.

Commissioner Casale interjected with an issue she had regarding Item 7.B. and requested to have a workshop in July for the West Atlantic Redevelopment Plan to allow for additional time with regards to the questions that she has regarding the implementation of the plan. She expressed her concerns of promising things as a Commission that they cannot fulfill.

Mayor Petrolia stated that Deputy Vice Mayor Johnson, Commissioner Casale and herself are in favor of having a workshop in July for the West Atlantic Redevelopment Plan.

There was a consensus to have a workshop in July.

Mayor Petrolia requested that Item 6.F. be pulled for a brief discussion on the possibility of other areas around the City being added to this. This Item will become Item 7.A.A. She also requested that Item 6.J.4. be pulled to discuss the issue with the scope of services within the agreement that appears to be missing some information. This item will become Item 7.B.B. In addition, she made mention of issues within the agenda cover memos for Items 6.J.1. and 6.J.2. that appear to have information cut off and

wanted to make mention of it for future reference.

City Attorney Gelin addressed the Commission again regarding the postponement of Item 7.A. She stated that the applicant requested this to be moved to the July 7, 2020 Regular City Commission meeting and wanted to remind the Commission that this item has already been postponed several times. In addition, she wanted to point out that there is a zoning in progress regarding appurtenances for approval on the agenda and it will have to be postponed as a result of this. Consequently, she reminded the Commission that there are other applicants waiting but their applications for appurtenances are not being accepted at this time as a result of this postponement. City Attorney Gelin stated that she will be requesting an additional 6 months on the zoning in progress.

Mayor Petrolia stated that she is not in favor of pulling Item No.7.A. (Resolution No. 68-20) for another delay. She believes there have been enough delays, and that the Commission has not yet discussed what appurtenances will be allowed. In addition, any further delays will not allow other applicants to submit their plan.

Mayor Petrolia asked for the reasoning of this postponement. City Attorney Gelin shared that Mr. Matt Scott was available for comment.

Vice Mayor Boylston stated that he would be in favor of granting the applicant a delay so that they may bring revised plans to the Commission and they can agree upon a compromise.

Commissioner Frankel shared that he had a conversation with Ms. Miskel and Anthea Gianniotis, Development Services Director, regarding this and the applicant wanted to meet with the BPOA to work out some of the issues first. Ms. Gianniotis confirmed that the applicant submitted a letter requesting more time to meet with each property's association.

Mr. Matt Scott, partner at Dunay, Miskel and Backman, LLP, Boca Raton, addressed the Commission confirming that a letter of postponement was submitted respectfully requesting the matter to be presented at the July 7, 2020 City Commission meeting.

Anthea Gianniotis, Director Development Services stated to the Commission that there are other applicants who would like to submit plans. Ms. Gianniotis stated that there needs to be a resolution drawn to this soon.

Commissioner Casale stated that she was in favor of moving forward on this item and not postponement.

Deputy Vice Mayor Johnson stated that she was in favor of granting a delay until the first meeting in July.

There was a consensus to delay Item 7.A. until the July 7, 2020 Regular City Commission meeting.

A motion was made by Commissioner Frankel, seconded by Deputy Vice Mayor Ervin Johnson, that the agenda be approved as amended. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Casale

4. PRESENTATIONS:

4.A. [20-383](#) PRESENTATION BY THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS REGARDING UPCOMING ELECTIONS

Recommendation: PRESENTATION ONLY.

Attachments: [Agenda Cover Report](#)

Ms. Wendy Sartory Link, Supervisor of Elections gave a presentation on the upcoming Presidential Election in November and the need for early voting sites located in Delray Beach.

She went on to state the following:

- Vote by mail and early voting procedures.
- Safety precautions that are in place if you choose to vote in person at a precinct.
- The Supervisor of Elections is looking to hire more poll workers.

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 Clerk Katerri Johnson stated that there were at least forty-eight public comments that were received on voice mail for item 7.B. (West Atlantic Redevelopment Plan) Resolution No. 105-20. Mayor Petrolia said that she was in favor of hearing the comments then, since during a workshop there

are no public comments allowed to be heard.

Vice Mayor Boylston stated that he would like to hear the voice messages too.

Willie Potts Jr., 135 NW 7th Ave, Delray Beach stated that he would like to have the Police Advisory Board to have the ability to issue subpoenas.

Kenya Madison, 301 NW 7th Ave, Delray Beach stated that she would love to see the Set Transformation adopted as soon as possible.

Inaudible, SW 14th Ave, Delray Beach stated that he is in favor of the Set Transformation Plan.

Andrea Springer works in Delray and stated that she is in favor of the original Set Transformation Plan.

Angela Burns, 2578 Lake Ida Road, Delray Beach, stated that she is in favor of the Set Transformation Plan.

Ms. Kirkwood, 607 SW 6th St, Delray Beach, stated that she is not in favor of any changes to the original plan.

Ms. Sulnick, 204 Palm Trail, Delray Beach, stated that she is in favor of the original Set Transformation Plan.

Emmanuel Jackson, Delray Beach, stated that he was in favor of the Set Transformation Plan.

Inaudible, 813 SW 4th Street, Delray Beach, stated that he would like the Commission and the CRA to work together on the Set Transformation Plan.

Michael Antwell, 3070 NW 13th Ct., would like the Commission to adopt the plan in its original form.

Stephine Haywood, 502 SW 15th Terrace, Delray Beach, would like the Commission to adopt the Set Transformation Plan.

Kevin McNally, 32 SE 2nd Avenue, Delray Beach, is in favor of the original plan.

Brigham Johnson, 1740 NW 19th Terrace # 201, Delray Beach, is in favor

of adopting the original Set Transformation Plan.

Savannah Winchester, 355 SW 27th Terrace, Delray Beach, is in favor of adopting the original Set Transformation Plan.

Reginald Cox, 713 Martin Luther King Jr. Blvd, is in favor of adopting the original Set Transformation plan.

Ms. Morris stated that she is in favor of voting yes on the Peoples Plan.

Robert Abberack, 5432 Privet Place, Unit A, was in favor of an early voting site, he also stated that he is in favor of adopting the set Transformation Plan into the Comprehensive Plan.

David Felsnick, 204 Palm Trail, Delray Beach, is in favor of adopting the Set Transformation Plan.

Keith Lee, 1441 E. Bexley Park Drive, Delray Beach, is in favor of adopting the original Set Transformation Plan.

Dana Malinowski, 114 NW, NW 18th Street, Delray Beach, stated that she is in favor of adopting the original Set Transformation Plan.

Tennille DeCoste, 2567 Dorson Way, Delray Beach, stated that she is in favor of adopting the Set Transformation Plan.

Ms. Lee, 1441 E. Bexley Park Drive, Delray Beach, is in favor of adopting original the Set Transformation Plan.

Corey Nearing, West Palm Beach, is in favor of adopting the Set Transformation Plan.

Charles Ridley, 210 NW 2nd Avenue, Delray Beach, is in favor of adopting the original Set Transformation Plan.

Krystina Buckley, 5134 Van Buren Road, Delray Beach, is in favor of adopting the original Set Transformation Plan.

Linda Carter Palmer, 4925 Myrtle Way is in favor of the original Set Transformation Plan in its original form.

Mavis Benson, 800 Greenwood Ct, Delray Beach, message cut off.

Dorothy Sutton, 40 NW 9th Avenue, Delray Beach, is in favor of adopting the Set Transformation Plan.

Lottie Williams, 131 NW 4th Avenue, Delray Beach, is in favor of adopting the original name of the Set Transformation Plan.

Anthony Holliday, 314 SW 3rd Street, Delray Beach, is in favor of adopting the Set Transformation Plan.

Kristyn Cox, 525 Frost Lane, is in favor of adopting the original Set Transformation Plan.

Patricia Wright is in favor of adopting the original Set Transformation Plan.

Alexis Santiago, 566 Udell Lane, Delray Beach, is in favor of adopting the original Set Transformation Plan.

Curlene Thomas, 821 SW 12th Avenue, Delray Beach, is in favor of adopting the original Set Transformation Plan.

Judith Krause, 1265 High Point Place South, Delray Beach, is in favor of adopting the original Set Transformation Plan.

Randall Head Jr., 566 Udell Lane, Delray Beach, is in favor of the original Set Transformation Plan in its original form.

George Williams, 131 NW 4th Avenue, Delray Beach, is in favor of adopting the Set Transformation Plan.

Leonard Quince, 322 SW 1st Avenue, Delray Beach, is in favor of the original name of the Set Transformation Plan.

Dr. Lily Quince Head, 566 Udell Lane, Delray Beach, is in favor of the original name of the Set Transformation Plan.

Rose Jackson, no address given, is in favor of adopting the original Set Transformation Plan.

Patrick Glover, 219 NW 10th Avenue, Delray Beach, stated that he is in favor of adopting the original Set Transformation Plan and would like to schedule the Urban Scrap Metal Plaza on an upcoming agenda.

John Krause, 1265 High Point Place South, Delray Beach, is in favor of

adopting the original Set Transformation Plan.

Willie Dublin, 301 SW 12th Avenue, Delray Beach, is in favor of adopting the original Set Transformation Plan.

Michelle Thurston, 301 SW 12th Avenue, Delray Beach, is in favor of adopting the original Set Transformation Plan.

Debra Davis Walker, 1312 NW 2nd Street, Delray Beach, is in favor of adopting the original Set Transformation Plan.

Virginia Haynes, 234 NW 6th Avenue, Delray Beach, is in favor of adopting the original name Set Transformation Plan.

Pastor David Clark, 614 SW 4th Street, Delray Beach, is in favor of adopting the original Set Transformation Plan.

Jane Nasa Oliver, 102 NW 14th Avenue, Delray Beach, is in favor of adopting the original Set Transformation Plan.

Cedric Ivery, 218 NW 13th Avenue, Delray Beach, stated that he would like to see a Community Driven Neighborhood.

Rudolf Jones, 1510 SW 3rd Ct, Delray Beach, is in favor of adopting the original Set Transformation Plan.

Marla Ivy Holness, 340 SW 5th Avenue, is in favor of the original name of the Set Transformation Plan.

Mr. Bennett, 323 NW 2nd Avenue, Delray Beach, is in favor of the original name of the Set Transformation Plan.

Ernestine Holliday, 40 NW 9th Avenue, Delray Beach, is in favor of the original name of the Set Transformation Plan.

Caryla Ivery, 218 NW 13th Avenue, Delray Beach, is in favor of the original name of the Set Transformation Plan and to build affordable homes.

Jennifer Jones, 1740 Palm Cove Blvd, Delray Beach, is in favor of the original name of the Set Transformation Plan.

Ellen Stein Badder, no address given, is in favor of adopting the original Set Transformation Plan.

Maryann Quince McCleriehan, 23 SW 9th Street, Delray Beach, is in favor of adopting the original Set Transformation Plan.

Karen Absura, 590 Lavers Circle, Delray Beach, is in favor of adopting the original Set Transformation Plan.

Andrea S. Rutin, 703 Place Tavant, Delray Beach, Delray Beach, is in favor of adopting the original Set Transformation Plan.

City Clerk Katerri Johnson stated there were no further public comments.

6. CONSENT AGENDA: City Manager Recommends Approval

A motion was made by Commissioner Frankel, seconded by Deputy Vice Mayor Ervin Johnson, that the consent agenda be approved as amended. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Casale

- 6.A.** [20-359](#) RESOLUTION NO. 101-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH APPROVING SPECIAL COUNSEL FOR ALL LEGAL MATTERS RELATED TO WORKERS' COMPENSATION CLAIMS; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Recommendation: Motion to Approve Resolution 101-20 to Approve Special Counsel for Legal Matters Related to Workers' Compensation Claims.

Attachments: [Agenda Cover Report](#)
[Resolution 101-20](#)
[Letter from Walton Lantaff Schroeder and Carson LLP](#)
[Letter from Weiss Serota Helfman Cole and Bierman](#)

Resolution No. 101-20 was approved.

- 6.B.** [20-409](#) PROPOSED OFFER OF SETTLEMENT IN THE CASE OF LISA ROMSTADT V. CITY OF DELRAY BEACH, ET AL

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

Attachments: [Agenda Cover Report](#)

Approved.

- 6.C.** [20-338](#) INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE SCHOOL BOARD OF PALM BEACH COUNTY CONCERNING

STUDENT INFORMATION

Recommendation: Motion to approve the Interlocal Agreement between the City of Delray Beach and the School Board of Palm Beach County concerning student information.

Attachments: [Agenda Cover Report](#)
[Data Sharing Agreement 2020-2023](#)
[Legal Review Checklist ILA with School Board for Sharing Student Information](#)

Approved.

6.D. [20-329](#) APPROVAL OF RESOLUTION NO. 14-20 FOR RETROACTIVE APPROVAL WITH ONSOLVE, LLC. FOR CODERED SUBSCRIPTION SERVICES

Recommendation: **Recommended Action:**
Motion to Approve Resolution No. 14-20 for approval with OnSolve, LLC., in the amount of \$27,000, of which \$27,000 is budgeted in FY2020, and authorize the City Manager to approve renewal options, in the same amounts, contingent on appropriations of funds.

Attachments: [Agenda Cover Report](#)
[reso 14-20 OnSolve CodeRed](#)
[Legal Review Checklist CodeRed](#)
[CodeRed by OnSolve Agreement](#)
[Renewal 1-19-19 thru 1-18-20](#)
[Renewal 1-19-20 thru 1-18-21](#)
[Invoice - 1-19-20 thru 1-18-21](#)

Approved.

6.E. [20-405](#) APPROVAL OF AMENDMENT NO. 1 TO ADD FUSION AND WEB ENABLEMENT LICENSES TO THE NAVILINE PUBLIC ADMINISTRATION APPLICATIONS SOLUTION AGREEMENT WITH SUPERION, LLC

Recommendation: Motion to Approve Amendment No. 1 to the Agreement with Superion, LLC to implement Fusion and Web Enablement licenses to the City's Public Administration Applications solution, in the amount of \$9,330, of which \$9,330 is budgeted in Fiscal Year 2020, 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 form v. 6 Superion \(1\)](#)
[Delray Beach, FL Amendment No. 1 - Superion Naviline Agreemt - CST Signed - Scan Original - 6.5.2020](#)

Approved.

- 6.F. [20-341](#) APPROVAL OF RESOLUTION NO. 94-20 APPROVING A MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION SUPPORTING A PERMIT APPLICATION TO PLACE TWO "NO SOLICITATION WITHOUT PERMIT" SIGNS ON ATLANTIC AVENUE AT MILITARY TRAIL AND AGREEING TO MAINTAIN SUCH SIGNS; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND DIRECTING AND AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY ACTIONS TO EFFECTUATE SAME; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Recommendation: Motion to approve Resolution No. 94-20 to approve a Maintenance Memorandum of Agreement with the Florida Department of Transportation agreeing to maintain two "No Solicitation Without Permit" signs to be placed in the median of Atlantic Avenue at Military Trail.

Attachments: [Agenda Cover Report](#)
[Delray Beach Signs 2020-K-496-00004 Final](#)
[Legal Review Checklist - InProgress](#)
[Resolution 94-20 without redline](#)
[Agenda Cover Report](#)

Pulled from the Consent Agenda and became item 7.A.A.

Mayor Petrolia expressed concern that she would like to add the area of Atlantic Avenue and I-95 to Resolution No. 94-20 (Maintenance Memorandum with FDOT). Mayor Petrolia stated that she has observed windshield window washers working in this area and thought that it may become problematic when the lanes become turbo lanes.

City Attorney Gelin stated that the maintenance memorandum with FDOT is very specific and that other areas cannot just be added to the memorandum.

City Attorney Gelin stated that if directed to do so, City Staff can look into the area of Atlantic Avenue and I-95 that Mayor Petrolia is concerned about.

Mayor Petrolia went on to say that she did not want to hold up signing Resolution No. 94-20 and suggested that City Staff keep an eye on those areas for now.

A motion was made by Commissioner Frankel, seconded by Vice-Mayor Boylston,

that Resolution No. 94-20 be approved. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Casale

- 6.G.** [20-327](#) UTILITY WORK BY HIGHWAY CONTRACTOR AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION FOR DESIGN AND CONSTRUCTION OF UTILITY RELOCATIONS RELATED TO FLORIDA DEPARTMENT OF TRANSPORTATION'S HOMEWOOD BOULEVARD PROJECT FROM OLD GERMANTOWN ROAD TO LOWSON BOULEVARD, FOR LUMP SUM \$19,958.40

Recommendation: Motion to approve a Utility Work by Highway Contractor Agreement (UWHCA) with the Florida Department of Transportation for performing construction services relocating and adjusting water utilities relating to the Florida Department of Transportation's (FDOT) project, primarily roadway pavement resurfacing, Homewood Blvd., from Old Germantown Rd to Lowson Blvd., FDOT Financial Project ID No. 438394-1-52-01 (City Project No. 17-115) for a lump sum of \$19,958.40.

Attachments: [Agenda Cover Report](#)
 [Draft UWHCA 438394-1 City of Delray Beach](#)
 [Legal Review FDOT UWHCA](#)
 [Resolution 92-20_FDOT UWHCA 438394-1.rev](#)

Approved.

6.H. PROCLAMATIONS:

Mayor Petrolia stated that she wanted to recognize June's Proclamations and how important they were, especially at this time.

- 6.H.1.** [20-366](#) OBSERVANCE OF JUNETEENTH

Recommendation: Motion to observe Juneteenth on June 19th as the celebration commemorating the ending of slavery in the United States.

Attachments: [Agenda Cover Report](#)
 [Juneteenth Proclamation](#)

Approved.

- 6.H.2.** [20-367](#) LGBTQ PRIDE MONTH

Recommendation: Motion to declare June as LGBTQ Pride Month.

Attachments: [Agenda Cover Report](#)
 [LGBTQ Pride Month](#)

Approved.

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

6.I.1. None

6.J. AWARD OF BIDS AND CONTRACTS:

- 6.J.1.** [20-307](#) APPROVAL OF RESOLUTION NO. 72-20 TO AWARD AN AGREEMENT WITH BOUND TREE MEDICAL, LLC. UTILIZING COUNTY OF FAIRFAX, VIRGINIA SOLICITATION NO. 2000002832 FOR FIRST AID SUPPLIES AND TO AMEND RESOLUTION NOS. 80-19 AND 81-19

Recommendation: Motion to approve Resolution No. 72-20 to amend Resolution Nos. 80-19 and 81-19 to authorize the issuance of purchase orders in lieu of an executed agreement and award an agreement with Bound Tree Medical, LLC. for first aid supplies, utilizing the County of Fairfax, Virginia Solicitation No. 2000002832, in the estimated amount of \$200,000, of which \$125,000 is budgeted for FY2020, and authorize the City Manager to approve renewal options, in the amounts below, contingent upon appropriation of funds.

Attachments: [Agenda Cover Report](#)
 [Fairfax County Bound Tree First Aid Supplies Agreement](#)
 [reso 72-20_final 5.12.20](#)
 [Signed Agreement - Bound Tree Medical](#)
 [Legal Review Checklist Bound Tree updated](#)

Approved.

- 6.J.2.** [20-320](#) APPROVAL OF RESOLUTION NO. 13-20 TO AWARD AN AGREEMENT WITH CITIES DIGITAL, INC. UTILIZING REGION 14 EDUCATION SERVICE CENTER, ON BEHALF OF THE NATIONAL COOPERATIVE PURCHASING ALLIANCE (NCPA) SOLICITATION NO. 01-18 FOR DOCUMENTS AND RECORDS MANAGEMENT MAINTENANCE, SUPPORT AND SERVICES

Recommendation: Motion to approve Resolution No. 13-20 to award an agreement with Cities Digital, Inc. for documents and records management maintenance, support and services in the amount of \$45,000, of which \$45,000 is budgeted for FY 2020, utilizing the Region 14 Education Service Center, on behalf of the National Cooperative Purchasing Alliance (NCPA) Solicitation No. 01-18, and authorize the City Manager to approve renewal options, in the amounts below, contingent upon appropriation of funds.

Attachments: [Agenda Cover Report](#)[Resolution 13-20 Laserfiche Cities Digital NCPA Piggyback it 4.22.20](#)[\(1\)](#)[Legal Review Checklist Cities Digital Piggyback](#)[Document and Records Management Evaluation](#)[Laserfiche Award Letter](#)[Laserfiche Resellers](#)[NCPA Laserfiche Pricelist Cloud 12.18.2018](#)[NCPA Laserfiche Rio Pricelist 12.18.2018](#)[NCPA Pricelist Avante 12.18.2018](#)[NCPA Pricelist Subscription 12.18.2018](#)[Agreement - Laserfiche - Cities Digital NCPA Piggyback](#)**Approved.**

- 6.J.3. [20-385](#)** APPROVAL OF RESOLUTION NO. 63-20 TO AWARD AN AGREEMENT WITH RIC-MAN CONSTRUCTION, INC FOR ALLEY ENHANCEMENT PROJECT PURSUANT TO ITBC 2020-018 (PROJECT NO.19-008)

Recommendation: Motion to Approve Resolution No. 63-20 to award an Agreement with Ric-Man Construction, Inc. for Alley Enhancement project pursuant to ITBC No. 2020-018 (Project No. 19-008) - \$ 791,445

Attachments: [Agenda Cover Report](#)[Ric-Man Constr Inc Resolution 63-20](#)[Signed Agreement Alley Enhancement](#)[Legal Review Checklist Alley Enhancement](#)[Copy of Excel Tabulation for Bid ITBC 2020-018](#)[FDOT FORMS Alley Enhancement Signed](#)**Approved.**

- 6.J.4. [20-398](#)** APPROVAL OF RESOLUTION NO. 106-20 TO APPROVE AN AGREEMENT WITH COMMUNITY GREENING CORP. FOR A ONE-YEAR TREE PLANTING PROGRAM PURSUANT TO RFP NO. 2020-030

Recommendation: Motion to Approve Resolution No. 106-20 to award an Agreement with Community Greening Corp. pursuant to RFP NO. 2020-030 in the estimated total amount of \$195,504, of which \$195,504 is budgeted in Fiscal Year 2020.

Attachments: [Agenda Cover Report](#)
[Agreement - Community Greening Corp.](#)
[Exhibit A - Scope of Services - Tree Planting](#)
[Exhibit B - Price Proposal](#)
[Resolution No. 106-20 Tree Planting - Community Greening](#)
[Legal Review Checklist Tree Planting Program with Community Greening Corp.](#)
[2020-030 - Tree Planting Program Technical Scoring final](#)

Pulled from the Consent Agenda and became item 7.B.B. on the Regular Agenda.

Mayor Petrolia questioned the wording on the agreement under "Scope of Services," as it appeared like there was words missing at the end of the paragraph.

Jennifer Alvarez, Purchasing Director, clarified that the sentence at the top of the first page of the agreement under "Scope of Services" should have been deleted as it was captured in its entirety on the second paragraph under Scope of Services, Section 4.2, Basic Service, Item No. 5, Education Components.

Mayor Petrolia stated that she would be fine with the contract as corrected.

A motion was made by Vice-Mayor Boylston, seconded by Commissioner Frankel, that Item 6.J.4 be approved with the mentioned correction. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Casale

7. REGULAR AGENDA:

- 7.A.** [20-386](#) RESOLUTION NO. 68-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR APPROVAL OF THE CLASS II (2020-029) SITE PLAN MODIFICATION FOR 100 GLEASON STREET; APPROVING TWO APPURTENANCES THAT EXCEED THE HEIGHT LIMIT PURSUANT TO SECTION 4.3.4(J)(3) "EXCEPTIONS TO DISTRICT HEIGHT LIMITATIONS" OF THE LAND DEVELOPMENT REGULATIONS BY FINDING THAT THE REQUEST IS CONSISTENT WITH THE COMPREHENSIVE PLAN AND MEETS THE CRITERIA SET FORTH IN THE LAND DEVELOPMENT REGULATIONS, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI-JUDICIAL).

Recommendation: Review and consider Resolution No. 68-20, providing direction to draft a final resolution consistent with City Commission direction for the Mayor's

signature.

Attachments: [Agenda Cover Report](#)
[Res No 68-20_100 Gleason ST Class II.docx](#)
[100 Gleason ST Class II Plans.pdf](#)
[100 Gleason ST SPRAB Staff Report 11-20-19](#)
[100 Gleason ST SPRAB Memo 12-11-19](#)
[BPOA Appurt Letter](#)
[Res. No. 68-20 Legal Review.docx](#)

Resolution 68-20 was tabled until the July 7, 2020 Regular City Commission Meeting.

- 7.B. 20-395** RESOLUTION NO. 105-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING THE WEST ATLANTIC REDEVELOPMENT PLAN UPDATE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommendation: Review and consider Resolution No. 105-20, adopting the West Atlantic Redevelopment Plan Update.

Attachments: Agenda Cover Report
Res No 105-20 West Atlantic Redevelopment Plan Update.docx
West Atlantic Redevelopment Plan Update_060220.pdf
Edits in Current Draft.pdf
Additional Edits Final Draft
Cover_ Option 2-West Atlantic Redevelopment Plan Update 2019.pdf
West Atlantic Redevelopment Plan Update PZB Staff Report.docx

Resolution 105-20 was removed from the agenda and scheduled for a Workshop Meeting on July 14, 2020.

- 7.C. [20-361](#)** RESOLUTION NO. 102-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, RECOGNIZING THAT THE CITY OF DELRAY BEACH IS CONSIDERING AMENDMENTS TO THE CITY'S CODE OF ORDINANCES RELATING TO THE REGULATION OF APPURTENANCES; EXTENDING THE PENDING ORDINANCE DOCTRINE PERIOD PREVIOUSLY INVOKED BY THE CITY COMMISSION; RESTATING THAT THE CITY WILL DEFER THE PROCESSING AND APPROVAL OF ALL APPLICATIONS FOR APPURTENANCES INCONSISTENT WITH THE CODE OF ORDINANCES DURING THE PENDENCY OF THE CITY'S CONSIDERATION OF THESE AMENDMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommendation: Motion to Approve Resolution 102-20.

Attachments: [Agenda Cover Report](#)
[Resolution 102-20](#)
[Res No. 37-20](#)

City Attorney Gelin read Resolution No. 102-20 into the record.

City Attorney Gelin stated that she is requesting an extension of 180 days based on the Quasi-Judicial appeal that has not yet been heard by the Commission.

A motion was made by Deputy Vice Mayor Ervin Johnson, seconded by Commissioner Frankel, that request for a 180-day extension for Resolution 102-20 be approved. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Casale

7.D. [20-362](#) DISCUSSION AND DIRECTION REGARDING THE REQUEST RECEIVED FROM LSMS TRAMONTI TO CANCEL THEIR VALET LEASE AGREEMENT WITH THE CITY WITHOUT THE REQUIRED 30-DAY NOTICE

Recommendation: Staff seeks direction regarding the handling of a request to cancel a Parking License Agreement with the City of Delray Beach and LSMS, Inc. d/b/a Tramonti Restaurant based on Section 11: Revocable License, which requires a 30-day notice.

Attachments: [Agenda Cover Report](#)
[LSMS INC dba TRAMONTI RESTAURANT 10-2019](#)
[LSMS Inc. dba Tramonti Restaurant Amendment No. 1 to the Parking License Agreement](#)
[Tramonti Cancel Letter 5.20.20](#)

Maria Kalka, Finance Director, reported to the Commission that Tramonti Restaurant was seeking permission to terminate their valet lease agreement prior to giving the required thirty-day notice.

A motion was made by Vice-Mayor Boylston, seconded by Commissioner Frankel, that Tramonti Restaurant be released from their valet lease agreement without the required thirty-day notice be approved. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Casale

7.E. [20-353](#) RECOMMENDATION FOR APPOINTMENT TO THE DELRAY BEACH HOUSING AUTHORITY BOARD

Recommendation: Motion to recommend for appointment one (1) regular member to serve on the Delray Beach Housing Authority Board for a four (4) year term ending

July 14, 2024.

Attachments: [Agenda Cover Report](#)

[Exhibit A](#)

[Jones](#)

[Krieg](#)

[McGinnis](#)

[Walker, Debra](#)

A motion was made by Commissioner Casale, seconded by Deputy Vice Mayor Ervin Johnson, that the appointment of Ezra Krieg to the Delray Beach Housing Authority Board be approved. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Casale

7.F. [20-391](#) APPROVAL OF COLLECTIVE BARGAINING AGREEMENT FOR 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.

Attachments: [Agenda Cover Report](#)

[Memo to Mayor and Commissioners through CM re Approval of CBA](#)

[IAFF Supervisory Unit TA's lg rv](#)

[Legal Review Checklist form v. 6 CBA](#)

Duane D' Andrea, Human Resource Director, gave a report to the Commission and stated that Chief Keith Tomey was present to answer any questions.

Commissioner Casale stated that she had numerous questions about the agreement for Chief Tomey.

A discussion ensued with the Commission.

Vice Mayor Boylston expressed his gratitude to Duane, Chief Tomey and Craig Mahoney, (Labor Union Consultant) for their hard work in negotiating the agreement.

A discussion ensued with the Commission.

Commissioner Casale expressed her concern that the agreement was signed prior to the Commission seeing it and without legal representation for the City and its residents.

Commissioner Frankel made a motion to approve, seconded by Vice Mayor Boylston.

Mayor Petrolia stated that she has not had a chance to speak on this item. Vice Mayor Boylston seconded for discussion.

Mayor Petrolia expressed concern that the City did not have legal representation when negotiating the Collective Bargaining Agreement. She went on to say that she would not be in favor of approving the agreement as written.

A motion was made by Commissioner Frankel, seconded by Vice-Mayor Boylston, that this Collective Bargaining Agreement for Supervisory Unit be approved. The motion carried by the following vote:

Yes: 3 - Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, and Vice-Mayor Boylston

No: 2 - Mayor Petrolia, and Commissioner Casale

7.G. [20-419](#) APPROVAL OF INTERNAL AUDITOR SERVICES AGREEMENT

Recommendation: Motion to approve Internal Auditor Services Agreement with Dr. Julia Davidyan.

Attachments: [Agenda Cover Report](#)
[Indep Contractor Auditor](#)

City Attorney Gelin stated that pursuant to Commission's request, she has prepared an employment agreement for Dr. Julia Davidyan as the Internal Auditor for the City of Delray Beach.

A motion was made by Deputy Vice Mayor Ervin Johnson, seconded by Commissioner Casale, that the Internal Auditor Services Agreement be approved. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Casale

8. PUBLIC HEARINGS:

8.A. [20-365](#) ORDINANCE NO. 01-20: 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 FOUR, "ZONING REGULATIONS", ARTICLE 4.4, "BASE ZONING DISTRICT", SECTION 4.4.13, "CENTRAL BUSINESS DISTRICT (CBD)", BY AMENDING SUBSECTION 4.4.13(1)(2)(i) "CBD PARKING STANDARDS", "MINIMUM NUMBER OF OFF-STREET PARKING SPACES" TO NOT REQUIRE

ADDITIONAL PARKING FOR CHANGES IN USE IN EXISTING COMMERCIAL BUILDINGS AND ANY ASSOCIATED OUTDOOR AREAS WITHIN THE WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT, PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (SECOND READING)

Recommendation: Review and consider Ordinance No. 01-20 on Second Reading, privately-initiated amendments to the Land Development Regulations (LDR) Section 4.4.13, Central Business District (CBD), to eliminate the requirement to provide additional off-street parking spaces for outdoor uses associated with existing building located within the West Atlantic Neighborhood Sub-district of the Central Business District, and extend the parking exemption from December 31, 2020 to December 31, 2023.

Attachments: [Agenda Cover Report](#)
[Ord No 01-20 WAN Sub-district Parking Exemption](#)
[Ord No 01-20 PZB Staff Report](#)
[Ord No 01-20 Applicant Request](#)
[Ord No 01-20 Legal Review Approval](#)

City Attorney Gelin read Ordinance No.'s 01-20 and 16-20 into the record. She also gave a reminder that this item would require a short recess to allow for public comment.

Meeting went into Recess - 6:56 p.m.

Meeting Reconvened - 7:01 p.m.

Katerri Johnson, City Clerk stated that there was one public comment for Item 8.B. Mayor Petrolia asked that the message be played when they get to it on the agenda.

Anthea Gianniotis, Development Services Director, stated that Neil Schiller, Saul Ewing, Arnstein & Lehr, North Flagler Drive, West Palm Beach was present on behalf of the applicant to provide an overview of the request.

Mr. Schiller gave a brief presentation.

Anthea Gianniotis, Development Services Director, gave a brief staff presentation highlighting how the proposed code amendment would apply to businesses.

Vice Mayor Boylston stated that he would be in favor of continuing the

proposed program only if used by full-service restaurants.

Deputy Vice Mayor Johnson expressed concern that the area is in desperate need of being developed.

Mayor Petrolia stated that she had concerns about the parking.

Ms. Gianniotis stated the large investment private/public partnership that would be coming in would be bringing parking with it. She went on to say that the area can be watched and monitored for compliance.

A motion was made by Deputy Vice Mayor Ervin Johnson, seconded by Commissioner Frankel, that Ordinance 01-20 be approved. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Casale

8.B. [20-387](#)

ORDINANCE NO.16-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, BY AMENDING CHAPTER 57, "RIGHT-OF-WAY APPLICATION PROCESS FOR COMMUNICATIONS FACILITIES": BY AMENDING SECTION 57.02, "DEFINITIONS", "*COMMUNICATIONS SERVICES*"; AMENDING SECTION 57.03(G), "REGISTRATION FOR PLACING OR MAINTAINING COMMUNICATIONS FACILITIES IN PUBLIC RIGHTS-OF-WAY"; AMENDING SECTION 57.05(Q), "PLACEMENT OR MAINTENANCE OF A COMMUNICATIONS FACILITY IN PUBLIC RIGHTS-OF-WAY"; AMENDING SECTION 57.07, "APPEALS"; AMENDING SECTION 57.12, "CONSTRUCTION BOND"; BY REPEALING SECTION 57.13, "SECURITY FUND"; AND AMENDING THE CODE OF ORDINANCES BY ADOPTING A NEW CHAPTER 58, TO BE ENTITLED "RIGHT-OF-WAY APPLICATION PROCESS FOR SMALL WIRELESS FACILITIES", TO IMPLEMENT REGULATIONS SET FORTH IN THE "ADVANCED WIRELESS INFRASTRUCTURE DEPLOYMENT ACT", CODIFIED AT SECTION 337.401(7), *FLORIDA STATUTES*; PROVIDING FOR A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

Recommendation: Review and consider Ordinance No. 16-20 on Second Reading.

Attachments: [Agenda Cover Report](#)

[Ord 16-20\(1\)](#)

[Legal Review Ord 16-20 Small Cell Towers](#)

City Attorney Gelin stated that Assistant City Attorney William Bennett, did most of the work and research on this matter and is present to answer any

questions the Commission may have.

Public Comment:

Jessica Fernandez, Florida Government Affairs Manager for Crown Castle, Sunrise, FL, is requesting that Item 8-C in Ordinance No. 16-20 be amended, and Item 58-06K, and sections 337.403 and 337.404 be removed.

City Attorney Gelin stated that Ordinance 16-20 is consistent with Florida Statutes, as written and went on to say that she was comfortable moving forward with Ordinance 16-20 as it is written. She also gave her thanks to Mr. Bennett for doing a tremendous job with this ordinance.

A motion was made by Commissioner Frankel, seconded by Vice-Mayor Boylston, that Ordinance No. 16-20 be approved. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Casale

9. FIRST READINGS:

- 9.A.** [20-375](#) ORDINANCE NO. 27-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, EXTENDING A TEMPORARY MORATORIUM ON THE OPERATION OF RETAIL BUSINESSES ENGAGED IN THE SALE OF RETAIL PRODUCTS CONTAINING CANNABIDIOL/CBD SOLD AS A PRINCIPAL RETAIL PRODUCT WITHIN THE CITY FOR A PERIOD OF SIX (6) MONTHS; PROVIDING FOR CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Recommendation: Motion to Approve Ordinance 27-20.

Attachments: [Agenda Cover Report](#)

[Ordinance 27-20](#)

[Ordinance No. 26-19](#)

City Attorney Gelin read Ordinance No. 27-20 into the record.

She stated that due to the COVID-19 pandemic she is requesting an additional six-months.

A motion was made by Vice-Mayor Boylston, seconded by Commissioner Frankel, that Ordinance 27-20 be approved on first reading. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Casale

- 9.B. [20-378](#) ORDINANCE NO. 28-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES BY AMENDING TITLE 7, "TRAFFIC CODE", BY ENACTING A NEW CHAPTER 73, "REGULATION OF MICROMOBILITY DEVICES, DOCKLESS BICYCLE SHARING DEVICES, AND MOTORIZED SCOOTERS WITHIN THE CITY" TO REGULATE THE RENTAL OF SUCH DEVICES; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (FIRST READING)

Recommendation: Motion to Approve Ordinance 28-20.

Attachments: [Agenda Cover Report](#)
[Ordinance 28-20](#)

City Attorney Gelin read Ordinance No. 28-20 into the record. She opined that these vehicles would be a nuisance to the City.

A motion was made by Vice-Mayor Boylston, seconded by Commissioner Frankel, that Ordinance 28-20 be approved on first reading. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Casale

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

- Gave an update on the COVID-19 pandemic.
- Gave an update on City Staff returning to work.
- Stated that three fire fighters contracted the virus but are doing well.

Mayor Petrolia stated that she was in favor of wearing masks on a regional level.

Deputy Vice Mayor Johnson stated that she was in favor of wearing face coverings.

Vice Mayor Boylston stated that he was in favor of wearing masks. He expressed his concern that employees at retail businesses are not wearing face coverings.

B. City Attorney

- Prepared a memorandum concerning the eligibility requirements for a resident to qualify to run in the City election and a change regarding early voting in the City.

C. City Commission

Deputy Vice Mayor Johnson requested an update from City Attorney Gelin on the complaints levied against City Manager Gretsas.

Mayor Petrolia felt it was premature to discuss this matter before the report was finalized. She stated that a Special Meeting would be scheduled once the report comes back.

Vice Mayor Boylston suggested having the meeting on Tuesday, June 23, 2020 at 12:00 p.m. prior to the CRA Workshop meeting at 2:00 p.m.

There was a consensus to have the meeting on that date.

Commissioner Frankel made the following comments:

- The League of Cities Ethics Training conflicts with the Community Redevelopment Authority meeting on Thursday.
- The City should consider looking into the electronic submission of plans.

Vice Mayor Boylston made the following comments:

- Food distribution points in Delray Beach are winding down.

Commissioner Casale stated that people are traveling from a far distance to get food from Delray through the Feeding South Florida Program.

Deputy Vice Mayor Johnson stated that this would be a good opportunity to partner with the West Atlantic Homeowners Associations to help distribute food. City Manager Gretsas stated that he would look into it.

The Commission inquired about the incident regarding a restaurant that was not in compliance with the City's policy for COVID-19.

Mr. David Weatherspoon, Director of Code Enforcement, reported how Code Enforcement along with the Police Department handled a situation regarding a restaurant that was not in compliance. City Attorney Gelin stated that there is body-cam footage of the situation that

can be viewed.

Vice Mayor Boylston made the following comments:

- He would like to see the video of the incident.
- Expressed his concern regarding the West Atlantic Redevelopment Plan being delayed again and wanted the residents of Delray Beach to know that he feels it is critical to everyone in the City and he will not give up on it.

Commissioner Frankel stated that he was ready to move forward with the West Atlantic Redevelopment Plan but also respects the request for more time to review the plan. He went on to say that some of the stakeholders in the area have publicly made reverse racism and anti-semitic comments and feels that those individuals do not deserve to be rewarded.

Deputy Vice Mayor Johnson stated that she is speechless over Vice Mayor Boylston's comments and that there was nothing racist about wanting a workshop to discuss this vital plan.

Deputy Vice Mayor Johnson made the following comments:

- Was thankful for all the comments that came in from the public on the West Atlantic Redevelopment Plan and hopes they will listen to the workshop meeting on the topic.
- Expressed her concern to the Commission on the importance of attending the League of Cities Conference in August.
- The killing going on in our country from racism today should never be tolerated.

Mayor Petrolia made the following comments:

- Met with community leaders to discuss some of the issues going on.
- Having a workshop on the West Atlantic Redevelopment Plan is long overdue.
- The Downtown Development Association is requesting to have paid parking after 5:00 p.m. instead of 12:00 p.m. in the downtown corridor.

There was a consensus to have paid parking after 5:00 p.m. once the downtown opens up.

- Received a "Take the Pledge, Commitment to Action" from Sheryl Harman and stated that she would be looking into City

polices to make sure there are no racial biases present.

There was a consensus for the Mayor to take the pledge and look into the City's policies for any racial biases.

There being no further business to discuss, Mayor Petrolia adjourned the meeting at 8:38 p.m.