

# City of Delray Beach

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## Minutes - Draft

**Tuesday, July 7, 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.

Others present were:

Interim City Manager Jennifer Alvarez

City Attorney Lynn Gelin

City Clerk Katerri Johnson

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

## 2. PLEDGE OF ALLEGIANCE TO THE FLAG

## 3. AGENDA APPROVAL

Commissioner Casale made a motion to approve the agenda. It was seconded by Vice Mayor Johnson. The motion carried by the following vote:

**approved**

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

## 4. PRESENTATIONS:

Interim City Manager Jennifer Alvarez introduced Fire Chief Keith Tomey to give an update on the COVID-19 virus. Chief Tomey gave updated numbers from the COVID-19 cases throughout the Counties in Florida and shared what protective measures were in place within each County. Mayor Petrolia commented about the numerous complaints that people are not wearing masks, the use of ventilators have gone down, and that younger people are contracting the virus. Finally, Mayor Petrolia requested Chief Tomey to keep the Commission posted with any updates.

Interim City Manager Alvarez introduced Assistant Police Chief Jean Sapino to give a COVID-19 update. Chief Sapino assured the Commission that the COVID Response Team will be checking on businesses to ensure they are in compliance. He expressed that there have not been many calls from the community about individuals not in compliance and that the Police Department is working with Code Enforcement to help them in any way they can.

Commissioner Frankel complimented the Police Officers, Code Enforcement and City Attorney Gelin on the handling of an incident at the Wine Bar to which the owner was not in compliance.

4.A. None

## **5. COMMENTS AND INQUIRIES ON AGENDA AND NON-AGENDA ITEMS FROM THE PUBLIC- IMMEDIATELY FOLLOWING PRESENTATIONS:**

A. City Manager's response to prior public comments and inquiries

B. From the Public

City Clerk Katerri Johnson explained there was one message from the last City Commission Meeting that did not get played, therefore, it was being included with the current days public comments.

(Public Comment From Prior Meeting)

Ms. Yvonne Odom, 3905 Lowson Blvd, expressed the following:

Return the CRA board to an independent board;

Allow the residents to own the land to which their houses sit on and not the Community Land Trust; and

Adopt the Set Transformation Plan.

(Public Comment From Present Meeting)

Ingrid Kennamer, International Materials Inc., 760 SE 5th Avenue, Delray Beach, wanted to recognize everyone from the City for their efforts in moving the Building Plans along in such a timely fashion allowing IMI to be in their new corporate headquarters located in the iPic theater by next year.

Mayor Petrolia also commended staff for a job well done in moving the plans along, especially in the middle of a pandemic.

## **6. CONSENT AGENDA: City Manager Recommends Approval**

A motion was made by Commissioner Frankel to approve the consent agenda. It was seconded by Vice Mayor Boylston. The motion was carried by the following vote:

**approved**

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

### **6.A. [20-354](#) CITY COMMISSION MEETING MINUTES**

**Recommendation:** Motion to approve meeting minutes as listed below:

## June 2, 2020 Regular City Commission Meeting Minutes

**Sponsors:** City Clerk Department

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

[June 2, 2020 Regular City Commission Meeting Minutes\\_DRAFT](#)

approved

**6.B.**     [20-460](#)     RESOLUTION NO. 112-20: NUISANCE ABATEMENT OF THREE (3) PROPERTIES THROUGHOUT THE CITY.

**Recommendation:** Motion to Approve Resolution No. 112-20 assessing costs for abatement action required to remove nuisances on three (3) properties throughout the City.

**Sponsors:** City Clerk Department

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

[Res No. 112-20 Nuisance Abatement](#)

[Copy of RES NO. 112-20 - Exhibit A](#)

[Legal Review Res 112-20](#)

approved

**6.C.**     [20-458](#)     IN LIEU OF PARKING FEE AGREEMENT FOR ONE (1) SPACE FOR OCEAN CITY LOFTS LOCATED AT 180 NE 4TH AVENUE.

**Recommendation:** Review and consider an In Lieu of Parking Fee agreement in the amount of \$10,140 for one (1) parking space for Ocean City Lofts, located at 180 NE 4th Avenue, subject to the condition that full payment be paid with execution of the agreement.

**Sponsors:** Development Services Department

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

[In Lieu Parking Agreement Ocean City Lofts 6-16-2020](#)

[Ocean City Lofts Class 1 Site Plan Modification](#)

[In Lieu Parking Fees and Map](#)

[Original Class V Site Plan 2005](#)

[Minutes City Commission Approval for In Lieu 2004](#)

[Simple Legal Review Approval - In Lieu Parking Ocean City Lofts.docx](#)

approved

**6.D.**     [20-356](#)     RESOLUTION NO. 88-20: EARLY LEARNING COALITION OF PALM BEACH COUNTY SCHOOL READINESS PROGRAM FOR THE AFTER SCHOOL PROGRAM LOCATED AT POMPEY PARK AND THE COMMUNITY CENTER

**Recommendation:** Motion to approve renewal of the agreement between the Early Learning

Coalition (ELC) of Palm Beach County, Inc. and the City of Delray Beach.

**Sponsors:** Parks & Recreation Department

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

[Res 88-20\\_ELC](#)

[LegalReview\\_ELC](#)

[ELC\\_Contract](#)

[Delray Beach Comm Ctr\\_Pompey Park\\_providerPymnts\\_2019](#)

approved

- 6.E. [20-357](#) RESOLUTION 100-20: CHILDREN'S SERVICES COUNCIL (CSC) SCHOLARSHIP PROGRAM FOR THE AFTER SCHOOL PROGRAM LOCATED AT POMPEY PARK AND THE DELRAY BEACH COMMUNITY WITH THE EARLY LEARNING COALITION (ELC) OF PALM BEACH COUNTY, INC.

**Recommendation:** Motion to approve renewal of the agreement between the Children's Services Council and the City of Delray Beach.

**Sponsors:** Parks & Recreation Department

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

[Resolution 100-20 - Agt w Early Learning Coalition of PBC](#)

[Legal Review Checklist CSC\\_2020](#)

[CSC Provider Agreement 2020.2021](#)

[17521 - Pompey Park CC\\_ELC](#)

[17496 - Delray Beach CC\\_ELC](#)

approved

- 6.F. [19-1104](#) INTERLOCAL AGREEMENT FOR BIOLOGY PROCESSING LABORATORY BETWEEN THE CITY OF BOCA RATON, THE CITY OF BOYNTON BEACH AND THE CITY OF DELRAY BEACH

**Recommendation:** Motion to Approve an Interlocal Agreement between the City of Boca Raton, the City of Boynton Beach and the City of Delray Beach that will allow the parties to pre-screen their DNA sample evidence in a shared Biology Processing Laboratory for the cost of \$66,200 for the initial year. After the initial year, the fee will be adjusted annually to reflect the proportional shares of the actual costs. The fees, per this agreement, are not expected to increase more than 10% per year. The estimated amount for the initial five-year agreement term is \$404,158.

**Sponsors:** Police Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist BPL](#)  
[BPL agreement 2020 final 6-24-20 with signature blocks](#)

approved

- 6.G.**     [20-413](#)     ITEMS A1, A2, B1, B2, B3, AND B4 - ACCEPTANCE OF PERPETUAL SIDEWALK EASEMENT AGREEMENT FOR 640 E. ATLANTIC AVE, PERPETUAL SIDEWALK EASEMENT AGREEMENT FOR 126 AND 128 SE 7TH AVE, RIGHT OF WAY DEDICATION FOR 920 NE 8TH, RIGHT OF WAY DEDICATION FOR 617 S.E. 5TH AVE., RIGHT OF WAY DEDICATION FOR 170 MARINE WAY AND RIGHT OF WAY DEDICATION FOR 9 NW 17TH ST.

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

**PERPETUAL SIDEWALK EASEMENT AGREEMENT(S)**

**Items A**

**(A1)** Motion to approve and accept a Perpetual Sidewalk Easement Agreement by the  
owner(s) of 640 E. Atlantic Ave. to the City of Delray Beach.

**(A2)** Motion to approve and accept a Perpetual Sidewalk Easement Agreement by the  
owner(s) of 126 & 128 SE 7th Ave. to the City of Delray Beach.

**RIGHT OF WAY DEED(S)**

**Items B**

**(B1)** Motion to approve and accept a 2' Alley Right of Way Dedication by the  
owner(s) of 920 N.E. 8th Ave. to the City of Delray Beach.

**(B2)** Motion to approve and accept a Right of Way Dedication by the  
owner(s) of  
617 E. 5th St.

**(B3)** Motion to approve and accept a 25' Radius Right of Way Dedication by the  
owner(s) of 170 Marine Way.

**(B4)** Motion to approve and accept a Right of Way Dedication by the  
owner(s) of 9 NW  
17th St.

**Sponsors:** Public Works Department - Programs & Project Management

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

[Item \(1\)1 - Legal Review Forms](#)

[Item \(A1a\) - PSE Agreement - 640 E. Atlantic Ave.](#)

[Item \(A1b\) - Exhibit A Sketch - 640 E. Atlantic Ave.](#)

[Item \(A2a\) - PSE Agreement - 126 & 128 SE 7th Ave](#)

[Item \(A2b\) - Exhibit A Sketch - 126 & 128 SE 7th Ave](#)

[Item \(B1a\) - ROW Deed -920 NE 8th Ave.](#)

[Item \(B1b\) - Exhibit A Sketch - 920 NE 8th Ave.](#)

[Item \(B2a\) - ROW Deed - 617 SE 5th St.](#)

[Item \(B2b\) - Electronic Articles of Org.-617 SE 5th St.](#)

[Item \(B2c\) - Exhibit A Sketch - 617 SE 5th St.](#)

[Item \(B3a\) - ROW Deed - 170 Marine Way](#)

[Item \(B3b\) - Exhibit A Sketch - 170 Marine Way](#)

[Item \(B4a\) - ROW Deed - 9 NW 17th St.](#)

[Item \(B4b\) - Exhibit A Sketch - 9 NW 17th St.](#)

approved

**6.H.**     [20-491](#)     ITEMS A1, A2, A3, A4, A5, A6, A7, A8, B1, B2, B3, B4, B5, B6, B7, B8 - ACCEPTANCE OF (8) RIGHT OF WAY DEDICATIONS AND (8) GENERAL UTILITY EASEMENT AGREEMENTS FOR COREY ISLE WORKFORCE HOUSING

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

**RIGHT OF WAY DEED(S)**

**Items A**

**Item A1** - Motion to approve and accept a 2' Right-of-Way Dedication by the owner of

324 SW 7th Ave (Lot 31).

**Item A2**

Motion to approve and accept a 2' Right-of-Way Dedication by the owner of

322 SW 7th Ave (Lot 32).

**Item A3**

Motion to approve and accept a 2' Right-of-Way Dedication by the owner of

320 SW 7th Ave (Lot 33).

**Item A4**

Motion to approve and accept a 2' Right-of-Way Dedication by the owner of  
318 SW 7th Ave (Lot 34).

**Item A5**

Motion to approve and accept a 2' Right-of-Way Dedication by the owner of  
316 SW 7th Ave (Lot 35).

**Item A6**

Motion to approve and accept a 2' Right-of-Way Dedication by the owner of  
314 SW 7th Ave (Lot 36).

**Item A7**

Motion to approve and accept a 2' Right-of-Way Dedication by the owner of  
312 SW 7th Ave (Lot 37).

**Item A8**

Motion to approve and accept a 2' Right-of-Way Dedication by the owner of  
238 SW 6th Ave (Lot 32 & 33).

**General Utility Easement Agreement****Items B****Item B1**

Motion to approve and accept a General Utility Easement Agreement by the  
owner of 324 SW 7th Ave (Lot 31).

**Item B2**

Motion to approve and accept a General Utility Easement Agreement by the  
owner of 322 SW 7th Ave (Lot 32).

**Item B3**

Motion to approve and accept a General Utility Easement Agreement by the  
owner of 320 SW 7th Ave (Lot 33).

**Item B4**



Motion to approve and accept a General Utility Easement Agreement Dedication  
by the owner of 318 SW 7th Ave (Lot 34).

**Item B5**

Motion to approve and accept a General Utility Easement Agreement by the  
owner of 316 SW 7th Ave (Lot 35).

**Item B6**

Motion to approve and accept a General Utility Easement Agreement by the  
owner of 314 SW 7th Ave (Lot 36).

**Item B7**

Motion to approve and accept a General Utility Easement Agreement  
by the  
owner of 312 SW 7th Ave (Lot 37).

**Item B8**

Motion to approve and accept a General Utility Easement Agreement by the  
owner of 238 SW 6th Ave (Lot 32 & 33).

**Sponsors:** Public Works Department - Programs & Project Management

**Attachments:** [Agenda Cover Report](#)[Item \(1\) - Legal Reviews](#)[Item \(A1a\) - ROW - 324 SW 7th Ave \(Lot 31\)](#)[Item \(A1b\) - Exhibit A - 324 SW 7th Ave \(Lot 31\)](#)[Item \(A2a\) - ROW - 322 SW 7th Ave \(Lot 32\)](#)[Item \(A2b\) - Exhibit A - 322 SW 7th Ave \(Lot 32\)](#)[Item \(A3a\) - ROW - 320 SW 7th Ave. \(Lot 33\)](#)[Item \(A3b\) - Exhibit A - 320 SW 7th Ave. \(Lot 33\)](#)[Item \(A4a\) - ROW - 318 SW 7th Ave. \(Lot 34\)](#)[Item \(A4b\) - Exhibit A - 318 SW 7th Ave. \(Lot 34\)](#)[Item \(A5a\) - ROW - 316 SW 7th Ave. \(Lot 35\)](#)[Item \(A5b\) - Exhibit A - 316 SW 7th Ave. \(Lot 35\)](#)[Item \(A6a\) - ROW - 314 SW 7th Ave. \(Lot 36\)](#)[Item \(A6b\) - Exhibit A - 314 SW 7th Ave. \(Lot 36\)](#)[Item \(A7a\) - ROW - 312 SW 7th Ave. \(Lot 37\)](#)[Item \(A7b\) - Exhibit A- 312 SW 7th Ave. \(Lot 37\)](#)[Item \(A8a\) - ROW - 238 SW 6th Ave. \(Lots 32 & 33\)](#)[Item \(A8b\) - Exhibit A - 238 SW 6th Ave. \(Lots 32 & 33\)](#)[Item \(B1a\) - G.U.E. Agree - 324 SW 7th Ave. \(Lot 31\)](#)[Item \(B1b\) - Exhibit A - 324 SW 7th Ave. \(Lot 31\)](#)[Item \(B2a\) - G.U.E. Agree - 322 SW 7th Ave. \(Lot 32\)](#)[Item \(B2b\) - Exhibit A - 322 SW 7th Ave. \(Lot 32\)](#)[Item \(B3a\) - G.U.E. Agree - 320 SW 7th Ave. \(Lot 33\)](#)[Item \(B3b\) - Exhibit A - 320 SW 7th Ave. \(Lot 33\)](#)[Item \(B4a\) - G.U.E. Agree - 318 SW 7th Ave. \(Lot 34\)](#)[Item \(B4b\) - Exhibit A- 318 SW 7th Ave. \(Lot 34\)](#)[Item \(B5a\) - G.U.E. Agree - 316 SW 7th Ave. \(Lot 35\)](#)[Item \(B5b\) - Exhibit A - 316 SW 7th Ave. \(Lot 35\)](#)[Item \(B6a\) - G.U.E. Agree - 314 SW 7th Ave. \(Lot 36\)](#)[Item \(B6b\) - Exhibit A - 314 SW 7th Ave. \(Lot 36\)](#)[Item \(B7a\) - G.U.E. Agree - 312 SW 7th Ave. Lot \(37\)](#)[Item \(B7b\) - Exhibit A - 312 SW 7th Ave. \(Lot 37\)](#)[Item \(B8a\) - G.U.E. Agree - 238 SW 6th Ave. \(Lots 32 & 33\)](#)[Item \(B8b\) - Exhibit A- 238 SW 6th Ave. \(Lots 32 & 33\)](#)

approved

**6.I. PROCLAMATIONS:**

6.I.1. [20-454](#) PROCLAMATION - NATIONAL CLEAN BEACHES WEEK - JULY 1 - 7,

2020

**Recommendation:** Motion to declare July 1-7, 2020 as National Clean Beaches Week.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[National Clean Beaches Week 2020](#)

approved

**6.I.2. [20-364](#) PARKS AND RECREATION MONTH PROCLAMATION - JULY 2020**

**Recommendation:** Motion to recognize July as Parks and Recreation Month in Delray Beach, Florida.

**Sponsors:** Parks & Recreation Department

**Attachments:** [Agenda Cover Report](#)  
[Parks Month Proclamation](#)

approved

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

6.J.1. None

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

**6.K.1. [20-310](#)** APPROVAL OF RESOLUTION NO. 08-20 TO AWARD AGREEMENTS TO NINE VENDORS: A ONE FIRE EQUIPMENT, INC., BENNETT FIRE PRODUCTS CO., INC., FISHER SCIENTIFIC CO., LLC., MUNICIPAL EMERGENCY SERVICES, INC., MUNICIPAL EQUIPMENT CO., LLC., NORTH AMERICAN FIRE EQUIPMENT CO., INC., TEAM EQUIPMENT, INC., TECHNICALRESCUE.COM, INC., AND TEN-8 FIRE EQUIPMENT, INC., FOR PURCHASE OF FIRE EQUIPMENT PARTS, SUPPLIES AND SERVICES; UTILIZING LAKE COUNTY, FLORIDA SOLICITATION NO. ITB 17-0606 - \$445,000

**Recommendation:** Motion to approve Resolution No. 08-20 to award Agreements to nine (9) vendors: A One Fire Equipment, Inc., Bennett Fire Products Co., Inc., Fisher Scientific Co., LLC., Municipal Emergency Services, Inc., Municipal Equipment Co., LLC., North American Fire Equipment Co., Inc., Team Equipment, Inc., Technicalrescue.com, Inc., and Ten-8 Fire Equipment, Inc., for purchase of fire equipment parts, supplies and services in the estimated amount of \$445,000 through June 30, 2021, of which \$88,000 is budgeted for FY2020, utilizing the Lake County, Florida Solicitation No. ITB 17- 0606, and authorize the City Manager to approve renewal options, in the amounts below, contingent on appropriations of funds.

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**Sponsors:** Fire Rescue Department and Purchasing Department

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

[Resolution 08-20 Fire Equipment Lake County Piggyback 17-0606 rev 4 10 2020](#)

[Signed - A One Fire - Lake County Piggyback Agreement](#)

[Exhibit B - Bennett - Lake County Piggyback Agreement](#)

[Exhibit C - Thermo Fisher - Lake County Piggyback Agreement](#)

[Exhibit D - Municipal Emerg Serv - Lake County Piggyback Agreement](#)

[Exhibit E - Municipal Equip Co - Lake County Piggyback Agreement](#)

[Exhibit F - North American Fire Equipment Co](#)

[Exhibit G - Team Equipment - Lake County Piggyback Agreement](#)

[Exhibit H - TechnicalRescue.com - Lake County Plggyback Agreement](#)

[Exhibit I Ten-8 Fire Equipment Inc\\_ 0606L](#)

[Legal Review Checklist A One Fire Equipment 17-0606A](#)

[Legal Review Checklist Bennett Fire Products 17-0606A](#)

[Legal Review Checklist Fisher Scientific 17-0606D](#)

[Legal Review Checklist Municipal Emergency Services 17-0606G](#)

[Legal Review Checklist Municipal Equipment Co 17-0606H](#)

[Legal Review Checklist North American Fire Equipment 17-0606I](#)

[Legal Review Checklist Team Equipment 17-0606J](#)

[Legal Review Checklist Technical Rescue 17-0606K](#)

[Legal Review Checklist Ten-8 Fire Equipment 17-0606L](#)

approved

**6.K.2. [20-346](#)**

APPROVAL OF RESOLUTION NO. 15-20 TO AWARD AN AGREEMENT WITH PLAYMORE WEST, INC. FOR PLAYGROUND EQUIPMENT, SURFACING, SHADE STRUCTURE AND INSTALLATION UTILIZING MANATEE COUNTY SCHOOL DISTRICT CONTRACT NO.16-0025-MR - \$350,000

**Recommendation:** Motion to approve Resolution No. 15-20 to award an agreement to Playmore West, Inc. for the purchase of playground equipment, surfacing, shade structure and installation for Currie Commons Park improvements totaling \$350,000.

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

**Attachments:** [Agenda Cover Report](#)  
[Manatee Schools 16-0025-MR-whole contract](#)  
[Manatee Schools Renewal 2020](#)  
[Currie Commons quote](#)  
[Playmore West Inc Resolution.rev](#)  
[CODB Playmore Agreement.rev](#)  
[Legal Review Checklist Playmore West Inc](#)

approved

- 6.K.3.** [20-407](#) APPROVAL OF RESOLUTION NO. 103-20 TO AWARD AN AGREEMENT TO INSIGHT PUBLIC SECTOR, INC., FOR PURCHASE OF TECHNOLOGY PRODUCTS, SERVICES AND SOLUTIONS; UTILIZING COUNTY OF FAIRFAX, VIRGINIA SOLICITATION NO. 2000001701 - \$300,000

**Recommendation:** Motion to approve Resolution No. 103-20 to award an Agreement to Insight Public Sector, Inc., for the purchase of technology products, services and solutions in the estimated amount of \$300,000 through April 30, 2021, of which \$100,000 is budgeted for FY2020, utilizing the County of Fairfax, Virginia Solicitation No. 2000001701, and authorize the City Manager to approve renewal options, in the amounts below, contingent on appropriations of funds.

**Sponsors:** IT Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Signed - Insight Omnia Partners](#)  
[reso. 103-20 - insight public sector](#)  
[Legal Review Checklist Insight Public Sector](#)  
[Insight-Public-Sector-Acceptance-Agreement](#)  
[2020 adopted IT budget with items highlighted for Insight Contract](#)

approved

## 7. REGULAR AGENDA:

- 7.A.** [20-496](#) DISCUSSION ON ROOFTOP APPURTENANCES

**Recommendation:** Discuss and provide direction for amendment to the Land Development Regulations for rooftop appurtenances.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[BPOA Letter 030620](#)  
[MAP Appurtenance Examples.pdf](#)  
[Appurtenance Examples Data.docx](#)

Ms. Anthea Gianniotis, Director of Development Services, stated staff is seeking input from the Commission as they prepare the zoning in progress for rooftop appurtenances.

Ms. Gianniotis then gave a brief presentation.

Vice Mayor Boylston commented that he will be looking to staff to put together a plan that will address the surrounding resident's concerns about the 4th floor usage. He also commented that the plan's regulations need to be black and white, leaving no grey areas.

Deputy Vice Mayor Johnson expressed the importance of having regulations as to what will and will not be acceptable usage of the roof top.

Commissioner Frankel stated that he would be in favor of the 4th floor rooftop in the central business district, but opposed to having it in the single-family neighborhoods. Commissioner Casale agreed with Commissioner Frankel's comments.

Mayor Petrolia stated that she agreed with everyone that no permanent structure should be allowed other than an elevator shaft, staircase access, etc.

Additional comments made by Deputy Vice Mayor Johnson was that the rooftop's only purpose should be used to gain access to the elevator shafts, air conditioning, etc. and that sunbathing and BBQ's should be prohibited.

Vice Mayor Boylston stated that if the applicant is willing to give up a floor in order to have a rooftop, he would be in favor.

Mayor Petrolia thanked the Commission for their discussion.

**7.B.** [20-414](#)

**NOMINATION FOR APPOINTMENT TO THE DOWNTOWN  
DEVELOPMENT AUTHORITY BOARD**

**Recommendation:** Motion to approve nomination for appointment for one (1) regular member to serve on the Downtown Development Authority Board for a three (3) year term ending June 30, 2023.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)[Exhibit A](#)[2019-2020 Year DDA Board Attendance Record](#)[Downtown Development Authority](#)[DDA Boundary Map](#)[Mangel](#)[Pellegrino](#)[Bruno](#)[Cannon](#)[Devitt](#)[evans](#)[fredericks](#)[MGinnis](#)[Smith](#)[sylvestre](#)[Warner](#)[Zirilli](#)

Vice Mayor Boylston nominated Mr. Rocco Mangel to the Downtown Development Authority Board. It was seconded by Commissioner Frankel. A roll call vote was taken and carried 5-0:  
**approved**

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

**7.C.**     [20-420](#)     **NOMINATIONS FOR APPOINTMENT TO THE EDUCATION BOARD**

**Recommendation:** Motion to approve nominations for appointment for five (5) regular members to serve on the Education Board for a two (2) year term ending July 30, 2022.

**Sponsors:** City Clerk Department

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**Attachments:** [Agenda Cover Report](#)[Education Board](#)[Exhibit A](#)[Adler](#)[Andre](#)[Brutus](#)[Cairns](#)[Evans](#)[Jonsons](#)[Nevin](#)[Purdo](#)[Tanner](#)[Vasiliou](#)[Youngblood](#)

Mayor Petrolia nominated Ms. Kae Jonsons to the Education Board. Commissioner Frankel seconded it. A roll call vote was taken and the vote carried 5-0.

Commissioner Frankel nominated Ms. Rebecca Andrea to the Education Board. It was seconded by Deputy Vice Mayor Johnson. A roll call vote was taken and the vote carried 5-0.

Commissioner Casale nominated Ms. Debbie Tanner to the Education Board. It was seconded by Commissioner Frankel. A roll call vote was taken and the vote carried 5-0.

Vice Mayor Boylston nominated Ms. Dana Adler to the Education Board. It was seconded by Commissioner Frankel. A roll call vote was taken and the vote carried 5-0.

Deputy Vice Mayor Johnson nominated Ms. Kristen Karins to the Education Board. It was seconded by Commissioner Frankel. A roll call vote was taken and the vote carried 5-0.

**7.D.** [20-459](#)

RATIFICATION OF EMERGENCY REGULATIONS RELATED TO COVID-19 ACTIVATED UNDER CHAPTER 95 OF THE DELRAY BEACH CODE OF ORDINANCES

**Recommendation:** Motion to Ratify the 11th, 12th, 13th, 14th and 15th Extensions of the State of Emergency for COVID -19 and Resolution Number 114-20; Directive on wearing of facial coverings.

**Sponsors:** City Attorney Department



**Attachments:** [Agenda Cover Report](#)[11th Extension Emergency Declaration - COVID -19](#)[12th Extension Emergency Declaration - COVID -19](#)[13th Extension Emergency Declaration - COVID -19](#)[14th Extension Emergency Declaration - COVID -19](#)[15th Extension Emergency Declaration - COVID -19](#)[Reso 114-20](#)

City Attorney Gelin explained to the Commission that these are the ratifications pursuant to Chapter 95, extensions of the State of Emergency that have been issued since the last meeting as well as Resolution No.114-20.

Deputy Vice Mayor Johnson made a motion to approve the ratifications. It was seconded by Vice Mayor Boylston. The motion carried by the following vote:

**approved**

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

**7.E.** [20-465](#) DISCUSSION AND DIRECTION CONCERNING CHANGES TO QUALIFICATIONS OF CANDIDATES

**Recommendation:** Provide direction to staff regarding possible changes to residency requirements in order for interested persons to qualify as candidates for election for Commissioner or Mayor.

**Sponsors:** City Attorney Department

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

[Residency Requirements to Qualify as Candidate](#)[Election Requirements for Other Municipalities](#)

City Attorney Gelin stated that City Clerk Johnson provided her a list of what the qualifications for candidacy are in neighboring municipalities and based on the information, her recommendation would be to require one year of residency to be an elector in the City of Delray Beach.

Mayor Petrolia expressed concern that there should be better forms of proof of residency such as utility bills, voter's registration card, driver's license for someone who wishes to be an elected official of the City. Mayor Petrolia stated that she would be in favor of Vice Mayor Boylston's suggestion as to not discourage potential candidates to run because of the upfront money. Mayor Petrolia suggested that the City reconsider petitions

for this year as it may be almost impossible to obtain due to the pandemic.

Commissioner Frankel thanked City Clerk Johnson for providing the information. He went on to say that it was his opinion that to qualify for candidacy, it should be one year from the date of qualification - one year immediately proceeding the beginning of the qualification period. He further recommended it to be similar to what Highland Beach's requirements are. Commissioner Frankel stated that requiring one year of residency is reasonable and he proposed that each candidate be required to obtain 100 signatures/petitions and to pay a \$1,000 fee.

Commissioner Casale commented that the number of petitions signed should be higher than 100 as that is a small percentage of the City's population. She would be in favor of keeping the number of signatures to 250 which is the current requirement. She is also in favor of requiring a minimum of one-year residency. She stated that the individual should be required to produce numerous forms of identification as proof that they have been living in Delray Beach for at least one year. She also agreed with the one year requirement from the qualification date as suggested by Commissioner Frankel. She additionally expressed that signatures can be obtained electronically.

Vice Mayor Boylston commented that he was also comfortable with a one-year residency requirement and not more. He expressed concern that obtaining 250 signatures and paying a small fee should remain an option, rather than requiring 100 signatures and paying \$1,000 becoming the new norm.

Commissioner Frankel stated that the City's fees to get onto the ballot are much lower than anywhere else and for the record, in the past, one percent of registered voter's signatures were required. He further stated that given the circumstances of COVID-19, getting signatures will be difficult. He would be in favor of:

- 100 signatures, \$1000 filing fee and 1-year residency requirement

There was consensus to institute a hybrid method of collecting signatures with the following options:

Option No. 1: Obtain 100 signatures and pay a \$1000 filing fee; or  
Option No. 2: Obtain 250 signatures and pay a \$50 filing fee.

#### 7.F. [20-480](#)

#### DISCUSSION AND DIRECTION TO INTERNAL AUDITOR

Attachments: [Agenda Cover Report](#)

Dr. Davidyan expressed that she was looking for direction from the Commission on what their immediate priority was for the Internal Auditor.

Further discussion ensued.

There was consensus from the Commission that the Internal Auditor begin looking into the areas of:

- IT Security
- Human Resources
- Hiring Practices of the City Manager and the City Manager's office; and
- Policies and Procedures

**7.G.**     [20-481](#)     DISCUSSION REGARDING INTERIM CITY MANAGER

**Attachments:**   [Agenda Cover Report](#)  
[Interim City Manager](#)  
[MIT List in Word FCCMA](#)  
[FW Interim City Manager](#)

City Attorney Lynn Gelin stated that she reached out to the ICMA as well as the League of Cities with the help of Human Resources asking if they would be able to ascertain a list of Interim City Managers for the City of Delray Beach. ICMA informed her that a job posting would first have to be made and approved before any of its members who are interested can apply. The League of Cities can also provide a list of "Managers in Transition" for the Commission's approval.

Commissioner Frankel commented that he has been in contact with former City Manager Mr. David Harden that in an email from Mr. Harden, he expressed his interest in assisting the City in preparing the budget for next fiscal year. Commissioner Frankel further commented that Mr. Harden would be a tremendous asset as he has a great deal of knowledge of about the cities infrastructure and how it is organized.

Deputy Vice Mayor Johnson thanked Ms. Jennifer Alvarez for a wonderful job as Interim City Manager for the past two weeks. She expressed that Ms. Alvarez has provided stability to the City at this time and she was not in favor of bringing Mr. Harden back.

Mayor Petrolia commented that she was very impressed with Ms. Alvarez and had every confidence that she was more than qualified.

City Attorney Lynn Gelin expressed since there was consensus to continue having Ms. Alvarez serve as Interim City Manager, she would prepare an agreement for the Commission to approve.

Ms. Alvarez was asked if she was comfortable moving forward as the Interim City Manager without having any support staff at this time. She expressed that she has had support from Assistant City Manager Ms. Love as well as all the Department Directors.

Commissioner Frankel stated for the record that he was not in favor of the hiring of Mr. Chapman or Mr. Gretsas, but that he did support them both. He further expressed that he would be in favor of starting a search for a new City Manager next year with the new Commission and within that time frame, Ms. Alvarez would have enough time to prove herself qualified for the role as Assistant City Manager.

Deputy Vice Mayor Johnson expressed her concern that the Finance Department should be properly staffed while trying to formulate the budget.

**7.H. [20-497](#) DISCUSSION AND DIRECTION REGARDING SCHEDULING TWO SPECIAL MEETINGS PURSUANT TO THE EMPLOYMENT AGREEMENT OF GEORGE GRETSAS**

**Recommendation:** The City Attorney seeks direction regarding the scheduling of two special meetings pursuant to Section 3 of the Employment Agreement between the City of Delray Beach and George Gretsas ("Termination of Agreement").

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)  
[Employment Agreement between the City and George Gretsas](#)  
[Demand for Written Charges](#)  
[Notice of Intent](#)

City Attorney Gelin expressed to the Commission that she would have to recuse herself in any discussion concerning the final investigative report since she was a witness.

Ms. Gelin stated that one of the Assistant City Attorney's would be available for the Commission to speak with regarding the investigation that already took place to which Ms. Gelin was a witness.

Ms. Gelin commented that she is however able to provide legal counsel regarding Mr. Gretsas's employment agreement and gave a procedural timeline based on the Commission's decision to "Terminate Mr. Gretsas with Cause".

Ms. Gelin suggested that Dr. Davidyan, Internal Auditor, conduct an investigative report to see if it was evident that Mr. Gretsas violated any City policies. If it were found that City policies were violated, it would provide grounds for immediate termination of Mr. Gretsas.

Further discussion ensued.

There was consensus to schedule a follow up meeting for Monday August 24, 2020 at 11:30 a.m. for further discussion.

**7.I. [20-505](#) DIRECTION CONCERNING REQUEST FOR INDEMNIFICATION**

**Recommendation:** The City Attorney seeks direction regarding a request from George Gretsas seeking indemnification by the City.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)  
[cease and desist letter](#)

City Attorney Gelin explained that she received an email forwarded by Mr. Gretsas from Mr. Francisco Turon, Attorney for Homestead Concrete who is demanding (cease and desist) a written letter from Mr. Gretsas retracting the statements that Mr. Gretsas has made about Homestead Concrete. He stated that if they do not receive a written retraction, they will be filing a lawsuit against the City.

Ms. Gelin stated that she received a letter from Mr. Turon that stated if Mr. Gretsas wrote a letter in the form of an apology to never disparage Homestead Concrete again that it would be sufficient. Ms. Gelin went on to say that she sent an email to Mr. Gretsas, but has not heard back from him yet.

Deputy Vice Mayor Johnson stated that she would not be in favor of indemnification based on the acts that she has seen by City Manager Gretsas.

Vice Mayor Boylston stated that he would be in favor of protecting a city employee, but would look to the City Attorney for guidance.

A discussion ensued with Ms. Gelin and the Commission explaining the nature of the allegations made by Mr. Turon. She went on to say that if Mr. Gretsas chooses to apologize, the case would be closed.

**8. PUBLIC HEARINGS:**

- 8.A. [20-456](#) 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. (SECOND READING)

**Recommendation:** Motion to Approve Ordinance 27-20.

**Sponsors:** City Attorney Department

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

[Ordinance 27-20](#)

[Ordinance No. 26-19](#)

The City Clerk stated that there were no public comments.

City Attorney Gelin requested an additional six months.

Commissioner Frankel made a motion to approve Ordinance No. 27-20 on second reading. It was seconded by Vice Mayor Boylston. The motion carried by the following vote 4-1 with Deputy Vice Mayor Johnson dissenting.

**approved**

**Yes:** 4 - Mayor Petrolia, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Casale

**No:** 1 - Deputy Vice Mayor Ervin Johnson

- 8.B. [20-457](#) 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. (SECOND READING)

**Recommendation:** Motion to Approve Ordinance 28-20.

**Sponsors:** City Attorney Department

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

[Ord 28-20 enacting new Ch 73 re dockless motorized-electric vehicles](#)  
[lg rev 6-30](#)  
[HB 0971 excerpts](#)

Vice Mayor Boylston made a motion to approve Ordinance No. 28-20 on second reading. It was seconded by Commissioner Frankel. The motion carried by the following vote 4-1 with Deputy Vice Mayor Johnson dissenting.

**approved**

**Yes:** 4 - Mayor Petrolia, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Casale

**No:** 1 - Deputy Vice Mayor Ervin Johnson

**8.C.**     [20-422](#)     RESOLUTION NO. 109-20: STORMWATER UTILITY ASSESSMENT (PUBLIC HEARING)

**Recommendation:** Motion to Approve Resolution No. 109-20 establishing a budget for the Stormwater Utility System, establishing the rates for FY 2020 /2021 Stormwater Management Assessments, and certifying and adopting the Stormwater Assessment Roll.

**Sponsors:** Public Works Department - Programs & Project Management

**Indexes:** Capital Improvement Projects - City Wide

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

[Legal Review Memo Res 109-20 for Stormwater Utility Assessment 6.16.20](#)  
[Res 109-20 for Stormwater Utility Assessment 6.23.20](#)  
[Delray 2020 TRIM with ADDRESS](#)

Commissioner Frankel made a motion to approve Resolution No. 109-20.

As a point of order, Attorney Gelin stated for the record there must be a second for discussion.

Vice Mayor Boylston seconded the motion for discussion.

Ms. Missie Barletto, Director of Public Works gave a brief presentation of the annual stormwater utility assessment for the tax roll.

Deputy Vice Mayor Johnson expressed her concern about how the money will be spent that will be generated from the assessment. Ms. Barletto provided an explanation on how the funds will be spent.

Mayor Petrolia requested a roll call be taken since there was a motion and a second on the floor. The vote carried as follows:

**approved**

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

## **9. FIRST READINGS:**

### **9.A. [20-421](#)**

ORDINANCE NO. 30-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING CHAPTER 34, "ELECTIONS"; SECTION 34.01, "STATE LAWS TO GOVERN" OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, BY REPEALING SECTION (B) IN ITS ENTIRETY; 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 30-20.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)  
[Ordinance 30-20](#)

City Attorney Gelin read Ordinance No. 30-20 into the record.

Ms. Gelin stated that the purpose of Ordinance 30-20 is to allow the City to participate in early voting as directed by the Commission.

Vice Mayor Boylston made a motion to approve Ordinance No. 30-20 on first reading. It was seconded by Commissioner Frankel. The motion carried by the following vote:

**approved on first reading**

**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**

Interim City Manager Jennifer Alvarez had the following comments:

She inquired if there was still an interest from the Commission to conduct a disparity study.

Mayor Petrolia responded that she was still in support of having the study performed.



Commissioner Casale commented that she would be in favor of still having the study performed. She went on to express her concern on whether the West Atlantic Redevelopment Plan would impact the study.

Vice Mayor Boylston stated that he was still interested in having the study performed. He also expressed that piggy backing onto other cities who were performing the study could possibly save money.

Deputy Vice Mayor Johnson stated that she was in favor of performing a disparity study.

Mayor Petrolia confirmed that there was consensus to move forward with the disparity study.

Ms. Alvarez also reported the following:

Sanitizing procedures are being implemented City-wide to help stop the spread of the COVID virus; and

She plans to schedule some time with the Utilities Director to discuss reclaimed water; and

The Permit Department took in a record number of 755 permits in the month of June.

## **B. City Attorney**

City Attorney Lynn Gelin expressed that she is looking for approval via consensus from the Commission to move forward with filing the Purdue Bankruptcy Claim Form.

Consensus was given for the City Attorney to file the Purdue Bankruptcy Claims Form regarding the Opioid litigation.

Ms. Gelin also requested to schedule three different Shade Meetings to discuss the litigation strategies for the following cases: Each case and number was read into the record separately.

Michael Coleman vs the City of Delray Beach

Deputy Vice Mayor Johnson made a motion to schedule a virtual shade meeting on Monday July 13, 2020 at 9:00 a.m., seconded by Vice Mayor Boylston. The motion carried 5-0.

Jamael Stewart vs the City of Delray Beach

Vice Mayor Boylston made a motion to schedule a virtual shade meeting on Monday July 13, 2020 at 10:00 a.m. It was seconded by Deputy Vice Mayor Johnson. The motion carried 5-0.

Mark Lauzier vs the City of Delray Beach

Deputy Vice Mayor Johnson made a motion to schedule a virtual shade meeting on Monday July 13, 2020 at 11:00 a.m. It was seconded by Vice Mayor Boylston. The motion carried 5-0.

Ms. Gelin reported that Missie Barletto has located three bus stations throughout the City to implement the pilot program that was proposed by Vice Mayor Boylston to have artwork wrapped at the bus shelters.

Attorney Gelin stated that there was a consensus for the three bus shelters to begin the pilot program of having artwork displayed/wrapped.

### **C. City Commission**

Commissioner Frankel inquired as to when the discussion will take place regarding the beach parking fees.

Mayor Petrolia stated that she would be in favor of discussing it at the next workshop meeting.

Commissioner Casale stated she is requesting an Ordinance or Resolution be adopted to ban the use of single use plastic in the City.

Mayor Petrolia stated that she would be in favor of a ban on single use plastic.

Vice Mayor Boylston stated that he would also be in favor of a ban on single use plastic.

Deputy Vice Mayor Johnson's Comments:

- Thanked Commissioner Casale for taking on an environmental issue such as single use plastic.
- Would like to see the City of Delray Beach recognize Juneteenth as an annual event.
- Welcomed Dr. Julia Davidyan back to the City
- Expressed her gratitude to Jennifer Alvarez for her continued support to the City.
- Announced that she will be the Cities new Census

representative.

Mayor Petrolia's comments:

- Commended the City for its July 4th festivities.
- Suggested that the Commissioners set up their appointments with Interim City Manager Alvarez.
- Would like to get an update from Anthea Gianniotis on the downtown overlay.
- She is going to meet with people from the NW/SW black businesses to discuss what the City can do to help combat racism from the government standpoint.
- Would like a consensus to have a mural put up that represents Delray's flavor.
- Would like a consensus to move forward to raise the Commissioners salaries.

Mayor Petrolia acknowledged that Concensus was given to have a mural put up that represents Delray's flavor.

Mayor Petrolia acknowledged that Concensus was given to move forward to raise the Commissioners salaries.

There being no further business to discuss, the meeting was adjourned at 7:20 p.m.