

City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444
Phone: (561) 243-7000 - Fax: (561) 243-3774
www.mydelraybeach.com



Minutes - Draft

Tuesday, July 21, 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

The Regular Commission Meeting was called to order at 4:09 p.m. The roll call was performed by Katerri Johnson City Clerk and the following were present:

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

Others present:

Jennifer Alvarez, Interim City Manager

Lynn Gelin, City Attorney

Katerri Johnson, City Clerk

A motion was made by Commissioner Frankel to approve the agenda. It was seconded by Commissioner Casale. A roll call vote was taken, and 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. 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

No Updates

B. From the Public

Carol Anderson, 4812 W. Bexley Park Drive #A, Delray Beach, expressed concern regarding Item 7. F. Ms. Anderson urged the Commission to approve the highest possible millage rate.

Aida Smith, 8113 Temple Stone Ct, Delray Beach, FL 33446, called to express support of the KOP mentoring network and she believes that the house at 101 NE 5th Street would be a safe place to engage children in learning and growing through play.

Ingrid Kennemer of the Coastal Commercial Group, 760 SE 5th Avenue, Delray Beach, requested the Commission to rescind code changes related to Item 9.A. Waterway East. She expressed concern that this may take away valuable opportunities and retail use.

Mark Perry, 88 NE 5th Avenue, called to express support of Ordinance No. 120-20, Item 9.A. Mr. Perry believes that Ordinance No. 120-20 will support Waterway East's continued existence and growth. He recommended the Commission read the staff report before discussing and voting on the decision.

Brenda Keelies, President of Waterway East Board of Directors, and owner of Private Jewelers located at 900 E. Atlantic Avenue, #15, Delray Beach, FL 33483. Ms. Keelies commented on Item 9.A. Ordinance No. 120-20. She stated that she opened Private Jewelers 13 years ago. She believes that the Waterway East property cannot survive by being strictly designated for retail.

Christina Morrison, Tropic Bay Area of Delray Beach, requested the Commission to protect Waterway East by keeping its commercial use intact while also expressing concerns about business vacancies during COVID-19.

Sue Tauriello, 927 Bolender Drive, Delray Beach, requested that the Commission vote yes to amend Ordinance No. 12-20 Item. 9.A.

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

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. A roll call vote was taken, and the motion carried with the following vote:

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

6.A. CITY COMMISSION MEETING MINUTES

Body: Recommended Action:

Recommendation: Motion to approve meeting minutes as listed below:

June 9, 2020 City Commission Workshop Meeting Minutes
June 24, 2020 Special City Commission Meeting Minutes

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[June 9, 2020 City Commission Workshop Meeting Minutes DRAFT](#)

[June 24, 2020 Special City Commission Meeting Minutes DRAFT](#)

6.B. RESOLUTION NO. 119-20: HISTORIC PROPERTY AD VALOREM TAX EXEMPTION REQUEST FOR 701 NORTH SWINTON AVENUE

Body: **Recommended Action:**

Recommendation: Review and consider Resolution No. 119-20; approving a Historic Property Ad Valorem Tax Exemption request for improvements to the contributing structure and property located at 701 North Swinton Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Resolution 119-20-701 N. Swinton Avenue](#)

[Ad Valorem Tax Exemption Application-701 N. Swinton](#)

[Ave-2020-07-21](#)

[Warranty Deed & Tax Bill - 701 N. Swinton Avenue-2020-07-21](#)

[Certificate of Occupancy-701 N. Swinton Avenue-2020-07-21](#)

[Site Plan Elevations-701 N. Swinton Ave-2020-07-21](#)

[Photographs-701 N. Swinton Ave-2020-06-21](#)

[City Approval Letter-701 N. Swinton Ave-2020-07-21](#)

[HPB Staff Report-701 N. Swinton Avenue-2020-06-17](#)

[Simple Legal Review Approval 119-20](#)

This Resolution was approved.

6.C. RESOLUTION NO. 120-20: HISTORIC PROPERTY AD VALOREM TAX EXEMPTION REQUEST FOR 101 NE 5th STREET

Body: **Recommended Action:**

Recommendation: Review and consider Resolution No. 120-20; approving a Historic Property Ad Valorem Tax Exemption request for improvements to the contributing structure and property located at 101 NE 5th Street.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Resolution 120-20-101 NE 5th Street \(003\)](#)

[Ad Valorem Tax Exemption Application-101 NE 5th Street-2020-07-21](#)

[Site Plan Elevations-101 NE 5th Street-2020-07-21](#)

[Photographs-101 NE 5th Street-2020-07-21](#)

[HPB Staff Report-101 NE 5th Street-2020-03-04](#)

[Certification Letter - 101 NE 5th St-2020-07-21](#)

[Simple Legal Review Approval 120-20](#)

This Resolution was approved.

6.D. RESOLUTION NO. 121-20: HISTORIC PROPERTY AD VALOREM TAX EXEMPTION REQUEST FOR 777 NORTH OCEAN BOULEVARD

Body: Recommended Action:

Recommendation: Review and consider Resolution No. 121-20, approving a Historic Property Ad Valorem Tax Exemption request for improvements to the contributing structure and property located at 777 North Ocean Boulevard.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Resolution 121-20-777 North Ocean Boulevard](#)

[Ad Valorem Tax Exemption Application-777 N. Ocean Blvd-2020-07-21](#)

[Photographs-777 N. Ocean Blvd-2020-07-21](#)

[Site Plan Elevations-777 N. Ocean Blvd-2020-07-21](#)

[HPB Staff Report-777 N Ocean Blvd-2020-07-01](#)

[City Approval Letter-777 N. Ocean Blvd-2020-07-21](#)

[Simple Legal Review Approval 121-20](#)

This Resolution was approved.

6.E. RESOLUTION NO. 61-20 TO AWARD SERVICE AUTHORIZATION NO. 6 WITH APTIM ENVIRONMENTAL & INFRASTRUCTURE, INC. IN THE AMOUNT NOT-TO-EXCEED \$157,552 FOR COASTAL ENGINEERING CONSULTING SERVICES INCLUDING PRELIMINARY FEDERAL REAUTHORIZATION COORDINATION, ENGINEERING FOR THE 6TH PERIODIC BEACH RENOURISHMENT PROJECT AND MONITORING FOR THE CITY OF DELRAY BEACH'S NOURISHMENT PROGRAM (PROJECT NO. 17-081).

Body: Recommended Action:

Recommendation: Approval of a Resolution No. 61-20 to award Service Authorization No.6 with Aptim Environmental & Infrastructure, Inc. in the amount not-to-exceed \$157,552 for Coastal Engineering Consulting Services including preliminary federal reauthorization coordination, engineering for the 6th periodic beach renourishment project and monitoring for the City of Delray Beach's Nourishment Program. (Project No. 17-081)

Sponsors: Public Works Department - Programs & Project Management

Attachments: [Agenda Cover Report](#)

[Res 61-20 Aptim SA#6](#)

[Legal Review Checklist Consulting Service Authorization with Aptim](#)

[Environmental & Infrastructure LLC](#)
[Aptim SA#6 Preliminary Federal Reauthorization, Engineering for 6th](#)
[Renourishment & Monitoring 3.2.20](#)

This Resolution was approved.

6.F. *APPROVAL OF AMENDMENT NO. 1 TO RENEW THE CITY'S
AGREEMENT WITH APTIM ENVIRONMENTAL AND
INFRASTRUCTURE, INC. FOR COASTAL ENGINEERING
CONSULTING SERVICES (RFQ NO. 2015-01) - \$500,000*

Body: **Recommended Action:**

Recommendation: Motion to Approve Amendment No. 1 to renew the Agreement with APTIM Environmental and Infrastructure, Inc. for Coastal Engineering Consulting Services in the amount of \$500,000.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Amendment 1 to Agreement Delray Beach SIGNED by](#)
[APTIM 061620](#)
[Legal Review Checklist Aptim](#)

This Request was approved.

6.G. *ITEMS A1, A2, A3, A4, A5, A6, A7, A8, A9, A10, A11, A12, A13, A14,*
A15, A16, A17 - ACCEPTANCE OF (17) RIGHT OF WAY
DEDICATION(S) FOR CARVER SQUARE WORKFORCE HOUSING

Body: **Recommended Action:**

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

RIGHT OF WAY DEED(S)

Item A1

Motion to approve and accept a Right of Way Dedication by the owner of 700 SW 2nd Court (Lot 11).

Item A2

Motion to approve and accept a Right of Way Dedication by the owner of 701 SW 3rd Street (Lot 30).

Item A3

Motion to approve and accept a Right of Way Dedication by the owner of 702 SW 2nd Terrace (Lot 21).

Item A4

Motion to approve and accept a Right of Way Dedication by the owner of 703 SW 2nd Terrace (Lot 20).

Item A5

Motion to approve and accept a Right of Way Dedication by the owner of 704 SW 2nd Terrace (Lot 22).

Item A6

Motion to approve and accept a Right of Way Dedication by the owner of 705 SW 2nd Terrace (Lot 19).

Item A7

Motion to approve and accept a Right of Way Dedication by the owner of 708 SW 2nd Terrace (Lot 23).

Item A8

Motion to approve and accept a Right of Way Dedication by the owner of 709 SW 2nd Terrace (Lot 18).

Item A9

Motion to approve and accept a Right of Way Dedication by the owner of 712 SW 2nd Terrace (Lot 24).

Item A10

Motion to approve and accept a Right of Way Dedication by the owner of 713 SW 2nd Terrace (Lot 17).

Item A11

Motion to approve and accept a Right of Way Dedication by the owner of 716 SW 2nd Court (Lot 15).

Item A12

Motion to approve and accept a Right of Way Dedication by the owner of 716 SW 2nd Terrace (Lot 25).

Item A13

Motion to approve and accept a Right of Way Dedication by the owner of 717 SW 3rd Street (Lot 26).

Item A14

Motion to approve and accept a Right of Way Dedication by the owner of 704 SW 2nd Court (Carver Square Lot 12).

Item A15

Motion to approve and accept a Right of Way Dedication by the owner of 708 SW 2nd Court (Carver Square Lot 13).

Item A16

Motion to approve and accept a Right of Way Dedication by the owner of 712 SW 2nd Court (Carver Square Lot 14).

Item A17

Motion to approve and accept a Right of Way Dedication by the owner of 720 SW 2nd Terrace (Carver Square Lot 16).

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Item 1\(1\) - Legal Reviews](#)

[Item A1a- ROW - 700 SW 2nd Court \(Lot 11\)](#)

[Item A1b - Exhibit A - 700 SW 2nd Ct \(Lot 11\)](#)

[Item A2a - ROW - 701 SW 3rd Street \(Lot 30\)](#)

[Item A2b - Exhibit A - 701 SW 3rd St. \(Lot 30\)](#)

[Item A3a - ROW - 702 SW 2nd Ter. \(Lot 21\)](#)

[Item A3b - Exhibit A - 702 SW 2nd Ter. \(Lot 21\)](#)

[Item A4a- ROW - 703 SW 2nd Ter. \(Lot 20\)](#)

[Item A4b- Exhibit A - 703 SW 2nd Ter. \(Lot 20\)](#)

[Item A5a- ROW - 704 SW 2nd Ter. \(Lot 22\)](#)

[Item A5b - Exhibit A - 704 SW 2nd Ter. \(Lot 22\)](#)

[Item A6a - ROW - 705 SW 2nd Ter. \(Lot 19\)](#)

[Item A6b - Exhibit A - 705 SW 2nd Ter. \(Lot 19\)](#)

[Item A7a - ROW - 708 SW 2nd Ter. \(Lot 23\)](#)

[Item A7b- Exhibit A - 708 SW 2nd Ter. \(Lot 23\)](#)

[Item A8a - ROW - 709 SW 2nd Ter. \(Lot 18\)](#)

[Item A8b- Exhibit A - 709 SW 2nd Ter. \(Lot 18\)](#)

[Item A9a- ROW - 712 SW 2nd Ter. \(Lot 24\)](#)

[Item A9b- Exhibit A - 712 SW 2nd Ter. \(Lot 24\)](#)

[Item A10a- ROW - 713 SW 2nd Ter. \(Lot 17\)](#)

[Item A10b - Exhibit A - 713 SW 2nd Ter. \(Lot 17\)](#)

[Item A11a - ROW - 716 SW 2nd Ct. \(Lot 15\)](#)

[Item A11b- Exhibit A - 716 SW 2nd Ct. \(Lot 15\)](#)

[Item A12a - ROW - 716 SW 2nd Ter. \(Lot 25\)](#)

[Item A12b - Exhibit A - 716 SW 2nd Ter. \(Lot 25\)](#)

[Item A13a - ROW - 717 SW 3rd St. \(Lot 26\)](#)

[Item A13b - Exhibit A - 717 SW 3rd St. \(Lot 26\)](#)

[Item A14a - ROW - 704 SW 2nd Ct. \(Carver Sq. Lot 12\)](#)

[Item A14b - Exhibit A - 704 SW 2nd Ct. \(Carver Sq. Lot 12\)](#)

[Item A15a - ROW - 708 SW 2nd Ct. \(Carver Sq. Lot 13\)](#)

[Item A15b - Exhibit A - 708 SW 2nd Ct. \(Carver Sq. Lot 13\)](#)

[Item A16a - ROW - 712 SW 2nd Ct. \(Carver Sq. Lot 14\)](#)

[Item A16b - Exhibit A - 712 SW 2nd Ct. \(Carver Sq. Lot 14\)](#)

[Item A17a - ROW - 720 SW 2nd Ter. \(Carver Sq. Lot 16\)](#)

[Item A17b - Exhibit A - 720 SW 2nd Ter. \(Carver Sq. Lot 16\)](#)

This Request was approved.

6.H.

APPROVAL TO BE CO-APPLICANT WITH THE CITY OF BOYNTON BEACH TO SUBMIT A GRANT APPLICATION TO REBUILD FLORIDA GENERAL INFRASTRUCTURE PROGRAM (GIP) ADMINISTERED BY THE STATE OF FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO) AND FUNDED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) COMMUNITY DEVELOPMENT BLOCK GRANT-MITIGATION (CDBG-MIT) ALLOCATION AS DESCRIBED IN PUBLIC LAW 115-123.

Body: Recommended Action:

Recommendation: Motion to approve Co-Application with the City of Boynton Beach for a Construction and Administration Grant to Rebuild Florida GIP Administered by the State of Florida DEO and funded by the U.S. Department of HUD CDBG-MIT allocation as described in Public Law 115-123.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[ILA Agreement with City of Boynton Beach and CODB for Engineering Design of SE 36th Avenue Recorded Rebuild Florida GIP guidelines 6-12-20](#)

[Rebuild Florida GIP-checklist-and-instructions 061220](#)

[Gulfstream Simple Legal Review Approval 070120](#)

This Request was approved.

6.I. PROCLAMATIONS:

6.I.1. None

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

6.J.1.

REPORT OF APPEALABLE LAND USE ITEMS FROM MARCH 23, THROUGH JUNE 26, 2020.

Body: Recommended Action:**Recommendation:** By motion, receive and file this report.**Sponsors:** Development Services Department**Attachments:** [Agenda Cover Report](#)[Appealable Items Map](#)[A - Appealable Report - 111 SE 7th Avenue](#)[B - Appealable Report - 159 Marine Way](#)[C - Appealable Report - Heritage Here](#)[D - Appealable Report - Keele Center; 4575 Linton Blvd](#)[E - Appealable Report - Echelon 1625 S. Ocean Blvd](#)[F - Appealable Report - 7-Eleven Store #34793; 13555 S. Military Trl.](#)

This Request was approved.

6.K. AWARD OF BIDS AND CONTRACTS:

- 6.K.1.** APPROVAL OF RESOLUTION NO. 104-20 TO AWARD AN AGREEMENT TO DELL MARKETING LP, FOR PURCHASE OF TECHNOLOGY PRODUCTS, SERVICES AND SOLUTIONS; UTILIZING STATE OF FLORIDA ALTERNATE CONTRACT SOURCE NO. 43211500-WSCA-15-ACS - \$400,000

Body: Recommended Action:

Recommendation: Motion to approve Resolution No. 104-20 to award an Agreement to Dell Marketing LP, for the purchase of technology products, services and solutions in the estimated amount of \$400,000 through July 31, 2021, of which \$43,000 is budgeted for FY2020, utilizing the State of Florida Alternate Contract Source No. 43211500-WSCA-15-ACS, contingent on appropriations of funds.

Sponsors: IT Department and Purchasing Department**Attachments:** [Agenda Cover Report](#)[Agreement - Dell - State of Florida ACS Dell Signed 10Jun2020](#)[Resolution 104-20 Dell Marketing State of Florida ACS](#)[Legal Review Checklist Dell \(edited to note piggyback indemnification paragraph\) - Copy](#)[Computer Equipment Amendment ADA \(Dell Marketing LP\)](#)[Dell PUR 1000](#)[2020 adopted IT budget with items highlighted for Dell Contract](#)[Capital Improvement Project Request Form - PC Replacement](#)

This Resolution was approved.

7. REGULAR AGENDA:

7.A. RESOLUTION NO. 96-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF A PORTION OF THE RHODES VILLA AVENUE RIGHT-OF-WAY, LYING ADJACENT TO THE NORTHWEST CORNER OF LOT 8 (1006 RHODES VILLA AVENUE) OF SAID "DELRAY BEACH SHORES" PLAT AS RECORDED IN THE PLAT BOOK 23, PAGES 167 OF THE OFFICIAL RECORDS OF PALM BEACH COUNTY, FLORIDA, AND AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

RESOLUTION NO. 116-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A FINAL PLAT REQUEST FOR A MINOR SUBDIVISION THAT CONTAINS A NON-CONFORMITY FOR A TWO-LOT SUBDIVISION KNOWN AS "1004-1006 RHODES VILLA", WHICH CONSISTS OF A COMBINATION OF LOTS OF RECORD DESCRIBED AS LOT 8, AND THE WEST 6 FEET OF LOT 7, TOGETHER WITH LOT 9 AND THE SOUTH 25 FEET OF LOT 10 TOGETHER WITH THE ABANDONED 10 FEET OF THE SOUTH 45 FEET OF RHODES VILLA AVENUE RIGHT-OF-WAY, DELRAY BEACH SHORES, PLAT BOOK 23, PAGE 167 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES (QUASI JUDICIAL).

Body: **Recommended Action:**

Recommendation: Review and consider Resolution No. 96-20 approving the abandonment of a portion of the Rhodes Villa Avenue right-of-way, lying adjacent to the Northwest Corner of Lot 8 (1006 Rhodes Villa Avenue) of said "Delray Beach Shores" Plat as recorded in the Plat Book 23, Page 167 of the Official Records of Palm Beach County, Florida. Review and consider Resolution No. 116-20 approving a Final Plat request for a Minor Subdivision that contains a non-conformity for a two-lot subdivision known as "1004-1006 Rhodes Villa" Plat, which consists of a combination of lots of record and a portion of abandoned Rhodes Villa Avenue right-of-way originally platted as part of the "Delray Beach Shores" Plat Book 23, Page 167 of the of the Official Records of Palm Beach County, Florida.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Res. No. 96-20: Rhodes Villa - Abandonment of ROW](#)

[Rhodes Villa 96-20- Proposed Legal and Sketch](#)

[Rhodes Villa 96-20- 1004 Rhodes Villa Survey](#)

[Rhodes Villa 96-20- 1006 Rhodes Villa Survey](#)

[Legal Review Reso 96-20 Abandonment 1006 Rhodes Villa Ave](#)

[Res. No. 116-20: 1004-1006 Rhodes Villa Plat](#)

[Rhodes Villa Plat 116-20- 1004-1006 Rhodes Villa Plat](#)

[Rhodes Villa Plat 116-20- Justification Letter from Applicant](#)

[Legal Review for Reso 116-20 Rhodes Villa Plat](#)

Anthea Gianniotis, Development Services Director, informed the Commission that Resolutions No. 96-20 and No. 1004-1006 are interrelated because of Rhodes Villa and will be presented together. Each resolution will require a separate motion due to this being a two-part item.

Ms. Gianniotis notified the Commission that the applicant was present.

Before continuing, Mayor Petrolia read the Quasi-Judicial rules aloud before her colleagues and the applicant. She asked her fellow Commissioners for ex-parte communications, and the following disclosures were made:

Mayor Petrolia: Spoke with the applicant verbally and received emails on the City Server.

Vice Mayor Boylston: No disclosures necessary.

Deputy Vice Mayor Johnson: Spoke with Ms. Gianniotis and is in receipt of emails on the City Server.

Commissioner Frankel: Received emails about the matter.

Commissioner Casale: Communicated with the applicant and Ms. Gianniotis verbally and in writing.

Mr. Glen Urquhart (applicant) and Mr. Eric Granger (applicant's agent) introduced themselves to the Commission. City Clerk Katerri Johnson swore in both gentlemen.

Mr. Urquhart and Mr. Granger gave their presentation highlighting the importance of their project.

Ms. Gianniotis, Development Services Director, reminded the Commission that both items reflected in 7.A. would require two separate motions.

Ms. Gianniotis entered items 2019-163 and 2020-197 into the record.

She continued her presentation on the improvement plans related to Rhodes Villa lots eight and nine.

After Ms. Gianniotis' presentation concluded, a recess was called from 4:43 - 4:48 p.m. to allow public comments. When the Commission reconvened; City Clerk Katerri Johnson concluded that no public comments were submitted. There was no cross examination or rebuttal pertaining to the presentation.

A motion was made by Commissioner Frankel to approve Resolution 96-20. It was seconded by Commissioner Casale. The vote was taken, and the motion carried 5-0.

Commissioner Frankel made a motion to approve Resolution No. 116-20. It was seconded by Vice Mayor Boylston. The vote was taken, and the motion carried 5-0.

Both Resolutions were approved.

7.B.
COMMISSION

RESOLUTION NO. 115-20 A RESOLUTION OF THE CITY

OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A PLAT REQUEST FOR A TWO-LOT SUBDIVISION KNOWN AS "PINEAPPLE TRAIL", LOCATED ON THE SOUTHEAST CORNER OF NE 10TH STREET AND NE 2ND AVENUE (QUASI JUDICIAL).

Body: Recommended Action:

Recommendation: Review and consider Resolution No. 115-20: Certification of a final plat for a two-lot subdivision known as "Pineapple Trail", located on the southeast corner of NE 10th Street and NE 2nd Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Resolution No. 115-20 Pineapple Trail Replat](#)

[Pineapple Trail Proposed Replat](#)

[Pineapple Trail Replat Survey](#)

[Pineapple Trail Justification](#)

[Legal Review Res 115-20 Pineapple Trail Plat](#)

Quasi Judicial rules apply to items 7.A. 7.B. and 7.D.; the rules only need to be read once during the meeting. Mayor Petrolia read the rules prior to the previous presentation, the Commission proceeded with ex-parte disclosures.

Commissioner Casale: Communicated with a neighbor about the project and received email correspondences from the City Server.
Commissioner Frankel: Received emails on the City Server.
Deputy Vice Mayor Johnson: Received emails on the City Server.
Vice Mayor Boylston: Received emails on the City Server.
Mayor Petrolia: Received emails on the City Server.

Mayor Petrolia recognized the applicant. City Clerk Katerri Johnson swore in Mr. Nuno Morais (applicant) and his attorney Mr. James Burnham. Ms. Gianniotis, Development Services Director, read File No. 2019 026 into the record.

Mr. Morais and Mr. Burnham introduced themselves to the Commission and gave a presentation to create a two-lot housing subdivision for the Pineapple Trail Plat. Approving resolution 115-20 would permit Mr. Morais to reorient the lots to keep the property's character consistent with the neighborhood.

Ms. Gianniotis provided her analysis to the Commission about code requirements relating to the applicant's request. She expressed concern about the project potentially impacting the bicycle lane located in front of the properties.

A recess was called from 5:04 - 5:15 p.m. to allow public comments. The Commission returned from recess, and City Clerk Katerri Johnson played the following public comments:

Public Comment:

Shane Shortes, 210 NE 10 Street, Delray Beach, is a neighbor to the proposed plot and is not in favor of the project.

Ms. Shortes expressed concern that this item is being "pushed through" during the transition of City Managers. She requested that the Commission abide by the rules in place and not grant approval for this matter.

Ron McCrief, 211 NE 9 Street, Delray Beach, stated that this item was pulled last year from the agenda right before the meeting. Mr. McCrief is not in favor of approving this request. He reported that he had difficulty leaving a voicemail message for public comment and is concerned that others may be having similar issues.

City Clerk Katerri Johnson concluded public comments. Mayor Petrolia asked if there was any cross examination or rebuttal.

Mr. Burnham said that he would like to cross examine the individuals who left messages over the phone. City Clerk Johnson indicated that the public commenters were waiting on the phone line.

Mr. Burnham asked Ms. Shortes if she understood that the proposed property is not classified as a single "one home" lot and asked if she had read the staff reports before the meeting. He informed Ms. Shortes that Mr. Morais has the right to build two homes on the tracks without the City's approval.

Mr. Burnham stated that a Release of Declaration of Unity and Title was reordered in the Public Records of Palm Beach County on April 29, 2019. Ms. Shortes said that her community was never notified of the declaration and believes that this request deviates from the City's standards. She added that the previous property owner requested to split the lot, and the City rejected the request because the area would be overbuilt.

Mr. Burnham believes the Staff Report from the City proves that if the lots were reoriented, it would decrease non-conformities and would be compliant with the current land development regulations. Mr. Burnham ended the cross examination.

Ms. Gianniotis clarified that the proposed lots are allowed to be developed as two distinct lots under the City's present code. Mayor Petrolia opened the floor for rebuttal.

Mr. Burnham and Mr. Morias expressed that they do not believe that the project would impact bicycle safety as Ms. Gianniotis indicated in her staff report.

Mayor Petrolia concluded the rebuttal and moved to her fellow Commissioners for comments and questions.

Commissioner Casale said that she received emails from residents asking her to visit the proposed project's site. Upon her visit, she observed problems with the space and elevation between homes. Commissioner Casale believes that these issues can be resolved at the planning stage and asked if the City can look into this matter.

Ms. Gianniotis requested that Commissioner Casale forward concerns from constituents to her directly. Upon receipt of the concerns, the Building and Engineering departments can begin working towards a solution.

Vice Mayor Boylston then requested clarification about the project. Ms. Gianniotis explained that under the current regulations in place the applicant is allowed to build two houses on the existing lots facing north. Vice Mayor Boylston added that he is not in favor of adding any driveways on 2nd Avenue.

A discussion ensued between Vice Mayor Boylston and Mr. Burnham about the community's understanding of the project. Mr. Boylston asked his colleagues for their thoughts.

Deputy Vice Mayor Johnson expressed her concerns about the potential pedestrian safety issues this project may cause and the subject of the project's non-conformity. She informed her fellow commissioners that she will be voting no on the measure.

City Attorney Gelin reminded the Commission that their decision should be determined by whether the subject's request for non-conformity is necessary and appropriate.

Mayor Petrolia commented that the two homes will be built on the property regardless and that the Commission has the opportunity to approve change configuration. She told her colleagues that she would be ruling in favor of the proposed plan.

Commissioner Frankel made a motion to approve Resolution 115-20. It was seconded by Commissioner Casale. The motion carried by the following vote:

Yes: 3 - Mayor Petrolia, Commissioner Frankel, and Commissioner Casale

No: 2 - Deputy Vice Mayor Ervin Johnson, and Vice-Mayor Boylston

7.C.

RESOLUTION NO. 117-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF A SIX-FOOT SANITARY SEWER EASEMENT.

Body: Recommended Action:

Recommendation: Review and consider Resolution No. 117-20, for the abandonment of a sanitary sewer easement.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Resolution No. 117-20 316 N Ocean BLVD](#)

[316 N. Ocean BLVD: Property Survey](#)

[Legal Review Reso 117-20 Sewer Easement Abandonment](#)

Vice Mayor Boylston recused himself from this item. A motion was made

by Commissioner Frankel to approve Resolution No. 117 20. It was seconded by Commissioner Casale. The motion carried by the following vote:

Yes: 4 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, and Commissioner Casale

Recused: 1 - Vice-Mayor Boylston

7.D.

RESOLUTION NO. 118-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A FINAL PLAT, REQUEST FOR A MAJOR SUBDIVISION WITH WAIVERS FOR A 40-LOT SUBDIVISION KNOWN AS "BANYAN COURT", WHICH CONSISTS OF A PORTION OF THE NORTHEAST ONE-QUARTER OF SECTION 12, TOWNSHIP 46 SOUTH, RANGE 42 EAST, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL)

Body: Recommended Action:

Recommendation: Review and consider Resolution No. 118-20 for a final plat to create 40 lots, private tracts, and easements pertaining to an approved single-family residential development known as Banyan Court.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Resolution 118-20 Banyan Court Plat](#)

[Banyan Court - Proposed Plat](#)

[Banyan Court - Engineering Plans](#)

[Banyan Court - Survey](#)

[Banyan Court - PZB Staff Report](#)

[Banyan Court - Waiver Request Letter](#)

[Legal Review for Reso 118-20 Banyan Court Plat](#)

Ms. Gianniotis, Development Services Director, read File Number 2020-108 into the record and informed the Commission that the applicant was present.

Mayor Petrolia asked for ex-parte disclosures from her colleagues. Mayor Petrolia: Verbal communicated with Banyan Court and confirmed that it was on the record.

Vice Mayor Boylston: Received emails on the City Server.

Deputy Vice Mayor Johnson: Received emails on the City Server.

Commissioner Frankel: Received emails on the City Server.

Commissioner Casale: Communicated with everyone involved.

City Clerk Katerri Johnson swore in Mr. Bradley Miller (applicant) who wished to give testimony on this item. Mr. Miller, 508 E. Boynton Beach

Blvd, stated that his presentation would highlight the next step in the approval process for the development of Banyan Court.

Ms. Gianniotis provided a staff report on Item No 7.D. (Resolution No.118-20) and indicated two internal waivers would be needed to be approved, which are consistent with the master plan.

There was a recess from 6:05 - 6:10 p.m. to allow public comments. After the recess, City Clerk Katerri Johnson reported no public comments had been submitted. The presentation concluded without cross examination or rebuttal.

Commissioner Casale made a motion to approve Resolution No. 118-20. It was seconded by Vice Mayor Boylston. 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. PROPOSED MILLAGE LEVY RATE/DOWNTOWN DEVELOPMENT AUTHORITY (DDA)

Body: Recommended Action:

Recommendation: Motion to Approve staff's recommendation that the City Commission approve the DDA millage rate at 1.0000 for FY 2021.

Sponsors: Downtown Development Authority and Finance Department

Attachments: [Agenda Cover Report](#)
[2020 Estimate of Taxable Value Delray Beach DDA](#)
[DDA Detailed Budget as of May 2020](#)
[Delray Beach DDA FY20-21 Millage Approval Memo 6.15.20](#)

Laura Simon, Director of the Downtown Development Agency (DDA), presented on the millage rate.

Ms. Simon explained that the DDA assesses 1.0000 mills on properties within the district, which equates to \$1,228,708 for the FY 20/21 operating budget. The Commission engaged in a discussion.

Vice Mayor Boylston made a motion to approve the proposed Millage Levy Rate for the DDA for F/Y 21. It was seconded by Deputy Vice Mayor Johnson. The motion carried by the following vote:

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

No: 2 - Commissioner Frankel, and Commissioner Casale

7.F. FISCAL YEAR 2021 PROPOSED MILLAGE RATE

Body: Recommended Action:

Recommendation: Motion to approve staff's recommendation that the City Commission set a total millage of 6.8497 for FY 2021 (6.6611 for operating and 0.1886 for debt service).

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[2021 Proposed Millage Rate](#)

Finance Director, Marie Kalka, presented on the proposed millage rate for the fiscal year and its impact on the City. She provided the Commission three options for the millage rate.

1. Keep the current millage rate.
2. Increase the millage rate by ten cents.
3. Reduce the millage rate by ten cents.

Ms. Kalka said that, unfortunately, due to COVID-19, the City was unable to host a Goal Setting and Capital Improvement Plan (CIP) Workshop at the beginning of the year. The Finance Department hopes to have both workshops on August 11.

The City is required to hold two Public Meetings regarding the Budget. The tentative dates for those meetings are:

- September 10th Tentative Adoption
- September 22nd Final Adoption

Deputy Vice Mayor Johnson mentioned that she favors option number two, which would increase the millage rate by ten cents. In opposition, Commissioner Frankel stated that he prefers to lower the rate to give property taxpayers a break. Mayor Petrolia, Commissioner Casale, and Vice Mayor Boylston favor the staff's recommendation and will be selecting option number one, which would keep the current millage rate. Vice Mayor Boylston looks forward to further conversations and workshops.

A motion was made by Vice Mayor Boylston to keep the Millage Rate at 6.8497 for FY 20/21. It was seconded by Commissioner Casale. The motion carried with the following vote:

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

No: - Commissioner Frankel

A motion was made by Deputy Vice Mayor Johnson to approve the

Budget Hearing dates of September 10, and September 22, seconded by Vice Mayor Boylston.

Commissioner Frankel expressed concern that the CRA meeting on September 22 would conflict with the hearing. Commissioner Casale noted that the CRA meeting was moved to September 29, confirming that it would not conflict with the Budget hearing dates. A roll call vote was taken, and the motion carried 5-0.

This Request was approved.

7.G. RESOLUTION NO. 125-20 BUDGET AMENDMENT

Body: Recommended Action:

Recommendation: Motion to Approve Resolution No. 125-20 amending the budget for Fiscal Year (FY) 2019/20 adopted September 17, 2019.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

[Legal Review Reso 125-20 Budget Amendment](#)

[Resolution 125-20 Budget Amendment](#)

[Exhibit A](#)

[Mid-Year Amendment Narrative FY 2020](#)

City Attorney Gelin read Resolution No. 125-20 into the record.

Interim City Manager Jennifer Alvarez stated that since the September 2019 budget, the City has faced many challenges. She informed the Commission that the Budget Summary is up to date with details pertaining to revenue and expenditures. The proposed amendment is intended to support the City through the end of the 2020 fiscal year based on the detailed projections provided.

Marie Kalka, Finance Director, gave a presentation outlining the proposed Budget Amendment. She discussed the financial impact that COVID-19 had on the City. The entire Commission thanked Interim City Manager Alvarez and Ms. Kalka for their efforts.

Mayor Petrolia requested clarification from Ms. Kalka regarding the City's shortfall amounts indicating that she thought the amount was \$4.25 million versus \$2.25 million discussed in the presentation. Ms. Kalka explained that management worked together to come up with \$2.25 million to reduce the shortfall amount.

Commissioner Frankel believes that this is not a year to use surplus

funds since the future is uncertain. He is in favor of approving Resolution No. 125-20. Deputy Vice Mayor Johnson agreed to support the resolution.

Commissioner Casale expressed her gratitude and excitement that the City did not have a \$10 million deficit as initially thought. Vice Mayor Boylston thanked the staff for looking to the future as they prepare the budget in these uncertain times. The City was fortunate to have been able to use reserves throughout the pandemic. He expressed his support in approving Resolution No. 125-20.

Mayor Petrolia shared her colleagues' sentiments and is grateful to the staff for their efforts and sacrifices. However, she felt that the City had an excessive amount of reserve funds and believes that revenue belongs to the residents.

Mayor Petrolia requested to discuss specific hiring decisions that were previously made and stated the following for the record: The eight firefighters hired in March of 2020 were not included in the approved September 2019 budget. City Manager George Gretsas Commission Meeting on May 20, 2020 indicated the approval was improperly done. During the May 5, 2020 meeting, Chief Tomey stated, "The Firefighters were hired in March 2020," before Commission authorization. The City Manager, Fire Chief, and Human Resources Director knew the hiring did not follow protocol but continued regardless. Four of the eight Firefighters were intended to be assigned to the Highland Beach station, a station already overstaffed. These four firefighters are now in limbo with regards to their assignments. The Delray Beach Fire Department is an Insurance Services Office (ISO) # 1 rated Fire Rescue Department. My insurance carrier stated there is no reduction in premiums when a Fire Department goes from an ISO # 2 to an ISO # 1 status.

Commissioner Casale indicated the City is still waiting on FEMA funding from Hurricane Irma. Mayor Petriola questioned if there was a consensus to ask the Interim City Manager to look into the 2017 funds that were not received. City Attorney Lynn Gelin said that we could approve communicating with the Interim City Manager and then look into what action would be necessary.

Commissioner Casale and Mayor Petrolia asked if the City could retract the eight firefighters that were hired improperly through the Safer Grant. Chief Tomey informed the Commission that the City already accepted the grant. Deferring at this stage would prevent

the City from reapplying for three years.

The Mayor concluded concerns regarding the past hiring decision and circled back to the budget. Commissioner Casale and Commissioner Frankel agreed that the City needs to look at expenditures line by line.

Interim City Manager Jennifer Alvarez and Chief Tomey are exploring the requirements of the Safer Grant to determine flexibility and ramifications.

They are also looking into FEMA to identify relief they may be able to provide. The Commission will be notified of the results. Ms. Alvarez informed the Commission that she has been actively working with staff directors to make appropriate budget cuts.

Vice Mayor Boylston motioned to approve Resolution No. 125-20. It was seconded by Commissioner Casale. 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.H.

NOMINATIONS FOR APPOINTMENT TO THE GREEN IMPLEMENTATION ADVANCEMENT BOARD

Body: Recommended Action:

Recommendation: Motion to approve nominations for appointment for three (3) regular members to serve on the Green Implementation Advancement Board for a two (2) year term ending July 30, 2022.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Exhibit A](#)

[Green Implementation Advancement Board](#)

[2020 Quarterly Attendance GIAB](#)

[Adamo](#)

[Malleck](#)

[Seckler](#)

[Shaheen](#)

[Stern](#)

Commissioner Casale motioned to nominate Hal Stern to the Green Implementation Board. It was seconded by Vice Mayor Boylston. The vote was taken, and the motion carried 5-0.

Vice Mayor Boylston motioned to nominate Lisa Shaheen to the

Green Implementation Board. It was seconded by Commissioner Frankel. The vote was taken, and the motion carried 5-0.

Deputy Vice Mayor Johnson motioned to nominate Shaynaz Malleck to the Green Implementation Board. It was seconded by Commissioner Frankel. The vote was taken, and the motion carried 5-0.

7.I. *NOMINATIONS FOR APPOINTMENT TO THE PARKING MANAGEMENT ADVISORY BOARD*

Body: Recommended Action:

Recommendation: Motion to approve nominations for appointment for two (2) regular members (Citizen-at-Large) to serve on the Parking Management Advisory Board for a two (2) year term ending July 30, 2022.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Parking Management Advisory Board](#)
[2020 Quarterly Attendance PMAB](#)
[Burgess](#)
[Cullinan](#)
[Hallyburton](#)

Mayor Petrolia asked Commissioner Frankel if he would switch places with her and go first. Commissioner Frankel agreed.

Commissioner Frankel motioned to nominate Richard Burgess to the Parking Management Advisory Board. It was seconded by Vice Mayor Boylston. The vote was taken, and the motion carried 5-0.

Mayor Petrolia motioned to nominate Brenda Cullinan to the Parking Management Advisory Board. It was seconded by Commissioner Frankel. The vote was taken, and the motion carried 5-0.

7.J. *NOMINATIONS FOR APPOINTMENT TO THE POLICE ADVISORY BOARD*

Body: Recommended Action:

Recommendation: Motion to approve nominations for appointment for four (4) regular members to serve on the Police Advisory Board.

Sponsors: City Clerk Department

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

[Police Advisory Board](#)[Cannon](#)[Evans](#)[McNally](#)[Potts](#)[Safranski](#)[Trupia](#)[Waring](#)

Deputy Vice Mayor Johnson motioned to nominate Paul Cannon to the Police Advisory Board. It was seconded by Commissioner Frankel. The vote was taken, and the motion carried 5-0.

Mayor Petrolia motioned to nominate Kevin McNally to the Police Advisory Board. It was seconded by Commissioner Frankel. The vote was taken, and the motion carried 5-0.

Commissioner Frankel motioned to nominate Willie Potts, Jr. to the Police Advisory Board. It was seconded by Vice Mayor Boylston. The vote was taken, and the motion carried 5-0.

Commissioner Casale motioned to nominate Wes Waring to the Police Advisory Board. It was seconded by Commissioner Frankel. The vote was taken, and the motion carried 5-0.

7.K. *NOMINATIONS FOR APPOINTMENT TO THE PUBLIC ART ADVISORY BOARD*

Body: Recommended Action:

Recommendation: Motion to approve nominations for appointment for four (4) regular members to serve on the Public Art Advisory Board for a two (2) year term ending July 30, 2022.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Exhibit A](#)[Public Art Advisory Board](#)[Aronstein](#)[Cabana](#)[Cooper](#)[Fitzsimmons](#)[Jacobson](#)[Keeler](#)

[Pereira](#)

[Sherman](#)

[Vasiliou](#)

Commissioner Casale motioned to nominate Joseph Aronstein to the Public Art Advisory Board. It was seconded by Deputy Vice Mayor Johnson. The vote was taken, and the motion carried 5-0.

Vice Mayor Boylston motioned to nominate Damian Fitzsimmons to the Public Art Advisory Board. It was seconded by Commissioner Frankel. The vote was taken, and the motion carried 5-0.

Deputy Vice Mayor Johnson motioned to nominate Lark Keeler to the Public Art Advisory Board. It was seconded by Commissioner Frankel. The vote was taken, and the motion carried 5-0.

Mayor Petrolia motioned to nominate Peter Pereira to the Public Art Advisory Board. It was seconded by Commissioner Frankel. The vote was taken, and the motion carried 5-0.

This Appointments were approved.

7.L. DIRECTION CONCERNING REQUEST FOR INDEMNIFICATION

Body: Recommended Action:

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](#)
[Homestead Concrete Email](#)

City Attorney Gelin informed the Commission that Mr. Gretsas denies the allegations made by Homestead Concrete and Drainage. He believes that he is not inclined to issue an apology. Ms. Gelin seeks direction from the Commission on their response to Homestead Concrete and Drainage concerns. She informed the Commission of their possible choices of response.

- 1.The Commission can decide if they wish to indemnify Mr. Gretsas based on the language stated in his contract.
- 2.The Commission can take a "wait and see approach." She stated that if Homestead Concrete and Drainage files a complaint, the Commission can schedule a meeting.

3. The Commission can indemnify Mr. Gretsas today.

Vice Mayor Boylston thanked Ms. Gelin and suggested that he favors taking a "wait and see approach".

Commissioner Casale asked Ms. Gelin about the charges made against Mr. Gretsas. Ms. Gelin stated that she wanted to see the allegations made by Homestead Concrete and Drainage to verify if the actions were within the scope of Mr. Gretsas' duties as City Manager.

Mayor Petrolia expressed her concerns in taking a "wait and see approach" without receiving an apology from Mr. Gretsas. She fears that by waiting the City would be unintentionally encouraging a lawsuit. Mayor Petrolia believes that Mr. Gretsas needs to understand that if he does not issue an apology to Homestead Concrete, the City will not support him should a lawsuit ensue. Mayor Petrolia is in favor of the City not protecting Mr. Gretsas.

Commissioner Frankel concurs with the Mayor Petrolia regarding Mr. Gretsas issuing an apology. However, because nothing has been done he would be in favor of City Attorney Gelin's recommendation of the "wait and see approach."

Deputy Vice Mayor Johnson wholeheartedly agrees with Mayor Petrolia. Vice Mayor Boylston said that the City should take a "wait and see approach" at this time and believes that reacting to the letter now could set a potentially harmful precedent.

City Attorney Gelin explained that her recommendation to the cease and desist letter would be to "Deny as Premature," with mutual understanding that if a complaint is filed, it will be brought back and the request will be reconsidered.

Commissioner Frankel made a motion, seconded by Vice Mayor Boylston, to approve the recommendation made by City Attorney Gelin to "Deny as Premature" in response to the cease and desist letter sent by Homestead Concrete and Drainage. The motion carried as follows:

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

7.M.

EMPLOYMENT AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND INTERIM CITY MANAGER JENNIFER ALVAREZ

Body: Recommended Action:

Recommendation: Motion to approve the Employment Agreement between the City of Delray Beach and Interim City Manager Jennifer Alvarez.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[Interim City Manager Agreement with Jennifer Alvarez FINAL](#)

City Attorney Lynn Gelin read the terms of Interim City Manager Alvarez's employment agreement to the Commission.

Commissioner Casale made a motion to approve Interim City Manager Alvarez's employment agreement. It was seconded by Vice Mayor Boylston. 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. 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. (SECOND READING)

Body: Recommended Action:

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.

Vice Mayor Boylston made a motion to approve.

City Attorney Gelin reminded the Commission that Public Comments needed to be heard first.

There was a recess from 8:20 - 8:25 p.m. to allow public comments.

City Clerk Katerri Johnson concluded there were no public comments submitted.

Vice Mayor Boylston proceeded with his motion, seconded by Commissioner Frankel, to approve Ordinance No. 30-20 on second 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. FIRST READINGS:

9.A. *ORDINANCE NO. 12-20: 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 DISTRICT", SUBSECTION 4.4.13(C)(3)(b) "CENTRAL CORE AND BEACH SUB-DISTRICTS", TO AMEND THE BASIS FOR GROUND FLOOR RETAIL REQUIREMENTS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (FIRST READING).*

Body: Recommended Action:

Recommendation: Review and consider a request to approve Ordinance No. 12-20, a City-initiated amendment to the Land Development Regulations, Section 4.4.13 "Central Business District," subsection 4.4.13(C)(3)(b), to provide exception to the retail requirement within the Central Core and Beach

Sub-districts for properties that have 80 percent or more of frontage at a setback of 25 feet or greater.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ord. No. 12-20 - CBD Required Retail Frontage](#)

[Ord. No. 12-20 - PZB Staff Report](#)

[Ord. No. 12-20 - Map of Area Impacted by the Amendment](#)

[Ord. No. 12-20 - Legal Review](#)

City Attorney Lynn Gelin read Ordinance No. 12-20 into the record. Anthea Gianniotis, Development Services Director, provided a recap of the amendment and stated that previous Commissions had seen it.

Mayor Petrolia was surprised to see this Ordinance back as it had previously failed with a 3-1 vote and she is still not in favor of

approving the item.

Vice Mayor Boylston made a motion to approve Ordinance No. 12-20. It was seconded by Commissioner Frankel. The motion carried by the following vote:

Yes: 2 - Commissioner Frankel, and Vice-Mayor Boylston

No: 3 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, and Commissioner Casale

9.B.

ORDINANCE NO. 22-20: 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 2, "ADMINISTRATIVE PROCEDURES, ARTICLE 2.2, "ESTABLISHMENT OF BOARDS HAVING RESPONSIBILITIES FOR LAND DEVELOPMENT REGULATIONS," SECTION 2.2.5, "RESERVED," TO ADD THE PUBLIC ART ADVISORY BOARD INCLUDING THE BOARD'S COMPOSITION, MEETING REQUIREMENTS, AND DUTIES; AND, ARTICLE 2.4, "GENERAL PROCEDURES," SECTION 2.4.3, "SUBMISSION REQUIREMENTS" TO SPECIFY THAT MURALS ARE REVIEWED SEPARATE FROM ARCHITECTURAL ELEVATIONS; BY AMENDING CHAPTER 8, "SPECIAL IMPLEMENTATION PROGRAMS," SECTION 8.5.2, "PUBLIC ART ADVISORY BOARD," TO AMEND THE PUBLIC ART ADVISORY BOARD'S DUTIES TO INCLUDE RENDERING OPINIONS ON MURALS, ADDING SECTION 8.5.3, "MURALS," TO ESTABLISH REQUIREMENTS AND CRITERIA FOR MURALS," PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

Body: Recommended Action:

Recommendation: Review and consider Ordinance No. 22-20 on First Reading, City-initiated amendments to the Land Development Regulations to amend the Public Art Advisory Board's duties to include rendering opinions on murals and establish requirements and criteria for murals.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ordinance No. 22-20, Murals](#)

[Ordinance No. 22-20, Murals: Staff Report](#)

[Ordinance No. 22-20: Legal Review Approval](#)

City Attorney Lynn Gelin read Ordinance No. 22-20 into the record.

Anthea Gianniotis, Development Services Director, delivered a follow up presentation on Ordinance No. 22-30 zoning in progress

that passed in 2019.

Mayor Petrolia expressed concern that someone may write offensive content on the mural and believes that a charge of \$750 is insignificant for the people who want to put it up, but feels that a fine of \$250 would not deter people from displaying offensive content.

Deputy Vice Mayor Johnson agrees that the fee of \$750 seems small and believes that the culprit should take offensive material down in addition to a \$250 fine.

Commissioner Frankel recommended looking at some of the guidelines that the City of Wynwood in Miami follows regarding Street Art rather than rewriting everything before the Second Reading.

Mayor Petrolia requested that Ms. Gianniotis research guidelines in Wynwood.

Vice Mayor Boylston motioned to approve the first reading, seconded by Commissioner Frankel. 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.C.

ORDINANCE NO. 40-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 34, "ELECTIONS," OF THE CODE OF ORDINANCES BY AMENDING "QUALIFICATIONS FOR CANDIDACY", SECTION 34.16, "FILING OF NOMINATING PETITION"; BY AMENDING SUBSECTION (A)(1)(a) TO PROVIDE FOR A ONE YEAR RESIDENCY REQUIREMENT PRIOR TO THE START OF THE QUALIFYING PERIOD; BY AMENDING SUBSECTION (A)(2) TO PROVIDE FOR ALTERNATIVES TO THE NUMBER OF PETITIONS OF REGISTERED VOTERS REQUIRED TO QUALIFY AS A CANDIDATE; BY PROVIDING A CONFLICTS CLAUSE,

A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Body: **Recommended Action:**

Recommendation: Motion to approve Ordinance 40-20.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[Ord 40-20 amending Ch 3 Qualifications for Candidacy final 7-20-2020](#)

City Attorney Gelin read Ordinance No. 40-20 into the record. This would remove the exemption, granting the City to participate in Early Voting in the future.

Commissioner Casale questioned the City's intentions requiring proof of residency to vote. City Attorney Gelin explained this would be a policy or procedure change through the Clerk's Office if the Commission chooses to move forward.

Deputy Vice Mayor Johnson agrees with Commissioner Casale that voters should be required to show proof of their residency to qualify to vote.

Commissioner Frankel stated the current requirement for candidates is 250 signatures and a \$50 filing fee with a value of \$6.33 per signature. However, he would favor updating the policy to 250 signatures and a \$500 filing fee or \$50 and 1 percent of the City's population. Deputy Vice Mayor Johnson agreed.

Mayor Petrolia expressed concern that changing the requirements would deter qualified candidates due to cost. Deputy Vice Mayor Johnson agreed that running for office requires a commitment and that she would not want to prevent anyone from participating.

Vice Mayor Boylston is not in favor of requiring a candidate to obtain more signatures at this time. He would like to return to the subject post COVID-19 and he would be interested in discussing raising the filing fee if a candidate chooses to obtain only 50 signatures.

Vice Mayor Boylston made a motion to approve Ordinance No. 40-20 on the First Reading, and Commissioner Frankel seconded the motion. Commissioner Frankel then changed his motion to second the motion for further discussion. After some clarification from City Attorney Gelin, Commissioner Frankel then re-seconded the motion to approve Ordinance No. 40-20 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

Interim City Manager Alvarez proposed the following:

There was consensus from the Commission to change the Budget Workshop scheduled on August 11, from 3:30 p.m. to 10:00 a.m. to allow more time.

There was consensus from the Commission to send a letter to Congress to reconsider the "Original Cares Act" for Cities with populations under five thousand.

There was a consensus on both items.

B. City Attorney

City Attorney Gelin seeks direction from the Commission as to whether they would be raising their salaries. Vice Mayor Boylston is not in favor of raising commission salaries at this time.

Mayor Petrolia recommended that the Commission should be paid within the middle range of what surrounding municipalities make and believes that there is a consensus among the group to move forward.

City Attorney Gelin stated that she would prepare documents for the next Commission Meeting.

Ms. Gelin asked for the Commission's decision regarding filing a lawsuit with "Quiet Title" about the Phase 3 Project. She will prepare a memorandum for the next meeting, outlining the details. They will continue the conversation at the meeting.

C. City Commission

PBC Admin Center:

Vice Mayor Boylston informed his colleagues that he sent an email to Interim City Manager Alvarez regarding Congress Avenue and the PBC Admin Center. He seeks support from the Commission to enter conversations with the County and Transportation representatives to discuss the project/property's future.

Mayor Petrolia states that the County owns the property, and it would be their decision. She does not want the City Commission involved in anything outside of what they can control, adding that Vice Mayor Boylston can participate in discussions with the county as a private citizen.

2020 Census:

Deputy Vice Mayor Johnson provided her fellow commission members with an update on the 2020 Census.

Noise Ordinances:

Deputy Vice Mayor Johnson met with citizens in the southwest section over concerns with noise and believes that the City must address its policies and procedures regarding its noise ordinances.

IT Department:

Deputy Vice Mayor Johnson suggested to give the IT Department more time to set up and test the system before Commission Meetings.

Performance Evaluation:

Deputy Vice Mayor Johnson recommended that Delores Rangel receive her performance evaluation.

Small Business Relief:

Mayor Petrolia received a letter from Small Business Relief asking for a minimum of \$10,000 in grants or low interest rate loans for struggling businesses. She believes that if the City distributed \$10,000 to 6,000 local companies, it would total \$60 million. Unfortunately, the City is struggling to ensure that its residents continue to be served.

Abatement:

There was an issue about rate abatement/deferment and non-eviction until Phase 3 of the pandemic. Mayor Petrolia informed the Commission that she would respond "In Kind," stating that this was a private matter, and the City would not get involved.

Additional Updates:

The Commission has agreed to stop saying prayers at the meetings in order to keep church and government entities separate.

There being no further business to discuss, Mayor Petrolia adjourned the meeting at 9:26 p.m.