

# City of Delray Beach

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## Minutes - Draft

**Tuesday, September 10, 2020**

**4:00 PM**

**1st Budget Public Hearing/Regular 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 City Commission Meeting was called to order at 4:00 p.m.

The roll call was taken by Katerri Johnson City Clerk and the following were present:

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

Others present were:

Jennifer Alvarez, Interim City Manager

Lynn Gelin, City Attorney

Katerri Johnson, City Clerk

## **2. PLEDGE OF ALLEGIANCE TO THE FLAG**

## **3. AGENDA APPROVAL**

Vice Mayor Boylston requested to make his Board of Adjustment nomination before Mayor Petrolia's Planning and Zoning Board nomination.

Mayor Petrolia denied the request because she wanted to keep the order of nominations the same.

Commissioner Casale requested to pull items 6.E, 6.H.1, and 6.H.5. from the Consent Agenda. Item 6.E. became item 7.A.A. Item 6.H.1. became item 7.B.B. and item 6.H.5. became item 7.C.C. on the Regular Agenda.

Commissioner Casale motioned to approve the agenda as amended. It was seconded by Deputy Vice Mayor Johnson. The motion carried by the following vote:

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

**No:** 1 - *Commissioner Frankel*

## **4. PRESENTATIONS:**

### **4.A. None**

Ferline Mesidort, Neighborhood Services Administrator provided an update regarding COVID-19 relief funds. Ms. Mesidort reported that funds are still available for those who qualify and encouraged residents to visit the Neighborhood Services Department for assistance.

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

**City Manager's response to prior public comments and inquiries:**

Interim City Manager Jennifer Alvarez shared that the South Tanks and Clear Well Tanks would be cleaned the following week.

**A.From the Public:**

Charmaine Settle, residing at 300 S. Ocean Blvd Unit W20, requested the Commission not to allow the seagrapes and the archways along the beach to be cut down.

William Alexander, residing at 300 Ocean Blvd Unit W20, voiced his concern about not cutting down the seagrape archways along the beach.

Dr. Annette Hands Child residing at 300 N. Swinton Avenue, requested the Commission not to cut down the seagrapes as it will take away from the natural beauty.

Caleb McDonnell, residing at 119 SE 5<sup>th</sup> Street, requested the seagrapes to be cut.

Sinead Hynes, residing at 4673 Hammock Circle, expressed that she prefers the seagrapes cut.

Lisa Powell, residing at 200 S. Ocean Blvd Unit A112, commented that she prefers the seagrapes cut.

Deborah Howard, residing at 1005 Ingraham Avenue, indicated she would like to see the seagrapes cut so there is visibility to the ocean.

David Tessier, residing at 1017 Del Harbor Drive, shared that he favors cutting the seagrapes.

Glen Stevick, residing at 88 S. Ocean Blvd, voiced his support of cutting down the seagrapes.

Elizabeth Schuer, 88 S. Ocean Blvd, recommended cutting down the seagrapes.

John Stevick, 88 S. Ocean Blvd, asked the Commissioners to remove the seagrapes.

George Sanzone, residing at 2014 Alta Meadows Lane, asked the Commissioners to reconsider cutting down the archways.

Barbara Szpilka, residing at 3010 Salerno Way, recommended the Commissioners to not cut the seagrapes.

Marilu Cristina Flores, residing at 529 Foresteria Drive, Lake Park, asked the Commission to preserve the seagrapes.

David Tessier, 1017 Del Harbor Drive, voiced that he was not in favor of cutting the seagrapes.

Pricilla McInnis, residing at 300 S. Ocean Blvd Unit W24, stated that she was in favor of the seagrapes being cut.

William Gaillard, City Employee, Utilities Department, was not in favor of the proposal to furlough Parks and Recreation employees.

Mario Fernandes Lopez, Water and Sewer Employee, commented that he is disappointed in the City's proposal of cutting employees' salaries by three percent or furloughing staff for eight days.

Deborah Howard, 1005 Ingraham Avenue, requested the Commissioners to vote in favor of trimming the seagrapes.

Montre Bennett, residing at 323 NW 2nd Avenue voiced his concerns about the proposed pay cut.

Unknown Name, message was inaudible.

Cosmo Taylor, City Employee, Utilities Department, expressed his concerns about possibly losing three percent of his pay.

Michael Chambers, City Employee, Utilities Department, voiced his concern about the proposed three percent pay cut.

Serena Cummins, residing at 4892 Pineview Circle, informed the Commission that she does not favor cutting the seagrapes or the archways.

Maura Hopkins, residing at 1041 Lewis Cove, stated that she favors cutting the seagrapes along A1A to view the ocean and protect the dunes.

Roy McCall, City Employee, reported that he was unsettled about his proposed pay cut.

Ronald Parch, City Employee informed the Commissioners that he was troubled by his department's proposed cut in pay.

Henry Guance, City Employee Water and Sewer Department expressed his disappointment with the City's proposal to decrease pay.

Yvonne Odom, 3905 Lowson Blvd, asked the City to utilize reserve funds to maintain its current staff.

William Bar, City Employee, voiced his concern about the proposed pay cut.

Kenneth Mease, City Employee, expressed his dismay regarding the proposed pay cut. He invited the Commissioners to shadow his department for one day before they decide.

Brian King, City Employee, voiced his disappointment in the proposed pay cut. He urged the Commissioner to reconsider their decision.

Harlim Dominic, 50 E. Road, reported that he believes trimming the seagrapes is healthy and has research to support his position.

Andrew Souza, City Employee, Utilities Department, expressed his grievance regarding the proposed pay cut or furlough.

Anne Habib, residing at 400 Seasage Drive Apt 702, requested the City keep the tunnels clean and leave the seagrapes at forty-eight inches in height.

Donald Robinson, residing at 100 N. Ocean Blvd, represents forty homeowners that favored the continuation of cutting down the seagrapes.

Luckeel Jackson, City Employee, recommended the Commission find another way to balance the budget instead of furloughing employees.

Freddie Watts, City Employee, expressed his concerns over the proposed pay cut or furlough.

Cindy Hiem, residing at 4676 Hammock Circle, mentioned that she would like to see the seagrapes continue to be trimmed.

Cameron Signerhiesten, residing at 2401 PGA Blvd, Palm Beach Gardens, shared that he received communication from Commissioner Frankel on August 20 indicating the seagrapes would not be cut before it became an agenda item. He expressed interest in knowing if the City obtained a State Permit prior to cutting down the Seagrapes as required.

Andrea Bruton, 703 Place Tavant, expressed concern about the recent proposal of furloughing city employees.

Marvin Lee, no address provided, shared his discontent in the proposed pay cut or furlough.

Marcus Mayor, no address provided, expressed his concerns about the proposed pay cut or furlough.

Evan Octena, City Employee, commented that he was displeased with the proposed cut or furlough.

Randy Murray, City Employee, expressed dissatisfaction with the proposed pay cut.

Molly Hietapelto, residing at 805 Palm Beach Trace Dr, Royal Palm Beach, Executive Board Member of the Palm Beach County Surfrider Foundation, raised concern that several Commissioners had previously stated that the seagrapes would not be cut down before becoming an addenda item. Ms. Hietapelto suggested that the City should speak to a native plant specialist before taking any action.

Jeff Thistle, 303 Grove Way, called to express his support for Aura Delray Beach Housing Project

Reggie Cox, 715 MLK Drive, commented that he is not in favor of lowering the employee's salaries.

Linda Lake, 1111 Thomas Street, stated that she is in favor of the continuation of trimming the seagrapes along A1A.

Scott Porten, 112 Basin Drive, called on behalf of the Beach Property Owners Association and gave a history of the seagrapes and stated that the Board Property Owners Association strongly supports the trimming of the Seagrapes to the minimum height allowed as not to obstruct the ocean view.

Richard Breitman, Attorney, representing Ocean Properties, LLC. who owns the Opal Grand Resort located at 10 North Ocean Blvd, Delray Beach, stated that Ocean Properties strongly supports the trimming of all seagrapes to the recommended height of 36-48 inches. He informed the Commission that qualified, knowledgeable and experienced experts support this for several reasons.

Jamie Hamilton, Chair of the Surfrider Foundation of Palm Beach County Chapter, requested the city not cut down the seagrapes or the iconic Arch Way.

Steve English, residing at 102 NE 10<sup>th</sup> Avenue, Delray Beach, expressed his support of cutting and maintaining the seagrapes.

Chris McGinnis, residing at 132 NE 7<sup>th</sup> Avenue, Unit 1, Delray Beach, commented he favored cutting down the seagrapes.

Tracy Conklin, residing at 1111 Sandpiper Lane, Lantana, voiced concern about the seagrapes being cut down without a permit.

Ryan Curran, residing at 202 SE 5<sup>th</sup> Avenue, Delray Beach, Director of Sales for the Aloft Hotel, pointed out how priceless the Downtown Development Authority (DDA) collectively markets the city to include the downtown area especially in the time of COVID.

Chris Quadrille, residing at 1020 E. Longport Circle, Delray Beach, FAU student/intern, expressed his concern about the City cutting the seagrapes without a permit.

Mary T. Walsh, residing at 514 Harbor Ct, Delray Beach, requested the seagrapes continue to be cut along A1A in order to view the ocean.

Hitesh Patel, residing at 601 N. Congress Avenue Unit # 433, Congress Commerce Center, represents a large group of Dunkin Donuts owners throughout the City of Delray Beach. He indicated the owners fully supported the Aura Housing Project.

Michelle Broda, residing at 553 Harbor Ct, Delray Beach, supported the seagrapes being cut.

Benita Goldstein, residing at 302 NE 7<sup>th</sup> Avenue, Delray Beach, read a report from the Department of Environmental Resources that it is ill-advised to cut the seagrapes.

Dana Bathurst, residing at 3008 San Clara Drive, Unit 12D, Delray Beach, requested the seagrapes be cut.

Brenda Familiar, residing at 900 E. Atlantic Avenue, Business Owner, expressed his support of trimming the seagrapes to allow the ocean to be seen.

Jordana L. Jarjura, Attorney and Vice President of Menin Development, residing at 101 SE 4<sup>th</sup> Avenue, reported to the Commission the importance of supporting the Downtown Development Authority which has proven to be crucial in the revitalization of the Downtown Area during COVID-19. Former Commissioner Jarjura requested the present Commission to approve Resolution No. 147-20, (Item No, 8.C).

Christopher Heffernan, residing at 1200 Thomas Street Unit G, clarified there were two engineering reports that proved to be inconclusive.

Joy Howell, residing at 25 NW 24<sup>th</sup> Ct, addressed the Commission regarding the most recent study of the seagrapes conducted by a recognized coastal management expert. Ms. Howell also asked the Commission to reconsider keeping the proposed Aura residential property to its existing commercial land use.

Lisa Cowell, residing at 200 S. Ocean Blvd, mentioned she enjoys walking on the beach and looking at the ocean view and requested the Commissioner's to cut the seagrapes.

Cindy Freeburn, residing at 1740 NW 22nd Avenue, requested the Commissioners to retain the seagrape arches. She opposed the Aura residential community being built in an industrial zone.

Alisha Burncrant, residing at 4887 S. Citation Drive, Citation Club Apartments, expressed her support to approve the Aura residential community on Second Reading.

Madison Day, 80 N. Congress Avenue, favored the Aura Delray Beach Project (Item No.8.E).

City Clerk Katerri Johnson concluded public comments.

Mayor Petrolia questioned why many of the public comments were about furloughing employees. She believed this matter had been resolved at the previous meeting.

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

Vice Mayor Boylston made a motion to approve the agenda as amended. 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*

### **6.A. CITY COMMISSION MEETING MINUTES**

**Sponsors:** City Clerk Department

### **6.B. PROPOSED OFFER OF SETTLEMENT IN THE CASE OF MARK LAUZIER V. CITY OF DELRAY BEACH**

**Sponsors:** City Attorney Department

**6.C.** RESOLUTION NO. 149-20: APPROVAL OF A LETTER OF AGREEMENT (LOA) WITH THE FLORIDA AGENCY FOR HEALTHCARE ADMINISTRATION (AHCA) FOR PARTICIPATION IN THE MANAGED CARE ORGANIZATION (MCO) PORTION OF THE PUBLIC EMERGENCY MEDICAL TRANSPORTATION (PEMT) PROGRAM.

**Sponsors:** Fire Rescue Department

**6.D.** ITEMS A1, A2, A3, & B1 - ACCEPTANCE OF RIGHT-OF-WAY DEDICATIONS FOR 308 SW 3rd AVE., 312 SW 3rd AVE., AND 1003 NE 9th AVE AND A GENERAL EASEMENT UTILITY AGREEMENT FOR 702 NE 3rd AVE.

**Sponsors:** Public Works Department

**6.E.** APPROVING AMENDMENT 1 TO A VALET PARKING LICENSE AGREEMENT WITH ROSEBUD 307, LLC, d/b/a/ LIONFISH PROVIDING VALET PARKING SERVICES TO CHANGE LOCATION OF VALET QUEUE AND TO EXTEND FOR TWO YEARS THE LICENSE TO PROVIDE VALET PARKING SERVICES IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF DELRAY BEACH (CITY)

**Sponsors:** Public Works Department

Item 6.E. was pulled from the Consent Agenda and became item 7.A A. on the Regular Agenda. The Commissioners were informed that former Commissioner Jordana Jarjura and Missie Barletto, Public Works Director were present.

Ms. Jarjura informed the Commission that the original request was to have the valet queue along 3rd Street.

Ms. Barletto reported that the applicant requested to move the valet queue to the West Bound Atlantic Avenue area. She informed the Commission that the Parking Advisory Management Board unanimously voted to approve the request.

City Attorney Gelin reminded the Commission that they have the right to terminate an agreement.

Ms. Jarjura outlined the proposed request to move the valet queue for the Lionfish Restaurant.

Ms. Barletto reported that the Curbside Management Study has been online for two weeks and has already received more than one hundred responses. She informed the Commission that the study will be completed by early 2021.

A motion was made by Commissioner Frankel to approve item 6.E. 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

## **6.F. PROCLAMATIONS:**

### **6.F.1. HISPANIC HERITAGE MONTH PROCLAMATION**



**Sponsors:** City Clerk Department

**6.F.2. CONSTITUTION WEEK PROCLAMATION - SEPTEMBER 17-23, 2020**

**Sponsors:** City Clerk Department

**6.F.3. DIAPER NEEDS AWARENESS WEEK PROCLAMATION - SEPTEMBER 21-27, 2020**

**Sponsors:** City Clerk Department

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

**6.G.1. REPORT OF APPEALABLE LAND USE ITEMS FROM JULY 13, THROUGH AUGUST 28, 2020.**

**Sponsors:** Development Services Department

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

**6.H.1. APPROVAL OF RESOLUTION NO. 97-20 FOR THE PURCHASE OF TWENTY-NINE NEW VEHICLES FROM VARIOUS CAR DEALERSHIPS UTILIZING THE FLORIDA SHERIFF'S ASSOCIATION CONTRACT NOS. FSA19-VEL27.0 AND FSA19-VEH17.0 AND THE SOURCEWELL CONTRACT NO. 120716-NAF - \$1,035,000**

**Sponsors:** Purchasing Department and Public Works Department

Item No. 6.H.1. was pulled from the Consent Agenda and became Item No. 7.B.B. on the Regular Agenda.

Interim City Manager Alvarez addressed the budget implications of proposed Resolution No. 97-20.

Commissioner Casale inquired about the criteria for vehicle replacements.

Interim City Manager Alvarez reminded the Commissioners that they were provided an attachment containing that information.

The Commissioners were divided on the necessity of vehicle replacements within the budget.

Missie Barletto, Public Works Director, presented a breakdown of the reasons these specific vehicles needed to be replaced.

Further discussion ensued between the Commissioners and Chief Sims regarding the City's vehicle policies.

Commissioner Casale and Deputy Vice Mayor Johnson were interested in finding out which non-police employees are driving City vehicles.

Vice Mayor Boylston made a motion to approve Resolution No. 97-20. It was seconded by Deputy Vice Mayor Johnson. The motion carried by the following vote:

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

**No:** 1 - Mayor Petrolia

**6.H.2. APPROVAL OF RESOLUTION NO. 132-20 TO AWARD AGREEMENTS WITH MADSEN/BARR CORP. AS THE PRIMARY VENDOR AND JOHNSON-DAVIS, INC. AS THE SECONDARY VENDOR FOR THE PURCHASE OF EMERGENCY SERVICES FOR WATER DISTRIBUTION, WASTEWATER COLLECTION AND STORMWATER UTILITY SERVICES; UTILIZING THE CITY BOYNTON BEACH ITB NO. 019-2521-19/IT - \$300,000**

**Sponsors:** Purchasing Department, Utilities Department and Public Works Department

**6.H.3. APPROVAL OF RESOLUTION NO. 134-20 TO AWARD AN AGREEMENT WITH M & M ASPHALT MAINTENANCE, INC. D/B/A ALL COUNTY PAVING, INC. FOR THE PURCHASE OF ROAD RESTORATION SERVICES; UTILIZING THE CITY OF SUNRISE INVITATION TO BID NO. 19-43-06-MS - \$888,000.**

**Sponsors:** Purchasing Department, Public Works Department and Utilities Department

**6.H.4. APPROVAL OF RESOLUTION NO. 135-20 TO AWARD AN AGREEMENT WITH PAVEMENT TECHNOLOGY, INC. FOR THE PURCHASE OF ASPHALT REJUVENATION SERVICES; UTILIZING CITY OF MARGATE BID NO. 2019-009 - \$150,000**

**Sponsors:** Purchasing Department and Public Works Department

**6.H.5. APPROVAL OF RESOLUTION NO. 141-20 FOR THE PURCHASE OF ONE NEW FIRE RESCUE AERIAL LADDER FIRE APPARATUS FROM TEN-8 FIRE EQUIPMENT, INC. UTILIZING THE FLORIDA SHERIFF'S ASSOCIATION CONTRACT NO. FSA20-VEF14.02 - \$1,475,000**

**Sponsors:** Purchasing Department and Public Works Department

Item 6.H.5. was pulled from the Consent Agenda and became item 7.C.C. on the Regular Agenda.

Interim City Manager Alvarez reminded the Commission that this purchase was approved by the Commission as a Capital Purchase for this year's budget.

Commissioner Casale questioned if this purchase was necessary since two new 75-foot ladder trucks were purchased in 2016.

Chief Tomey explained why this item was needed in the budget.

Deputy Vice Mayor Johnson made a motion to approve Resolution No. 114-20. It was seconded by Commissioner Frankel. The motion carried by the following vote:

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

**No:** 1 - Commissioner Casale

**6.H.6. APPROVAL OF RESOLUTION NO. 143-20 TO AWARD AN AGREEMENT TO ADVANCED DATA PROCESSING, INC. (ADPI) A SUBSIDIARY OF R1 RCM INC. FOR THE ADMINISTRATION, PROCESSING AND COLLECTION OF ALL COSTS ASSOCIATED WITH EMERGENCY MEDICAL SERVICES (EMS) PATIENTS MEDICAL BILLING AND RELATED PROFESSIONAL SERVICES UTILIZING CITY OF TAMARAC SOLICITATION 16-14 R - \$114,000**

**Sponsors:** Purchasing Department and Finance Department

## **7. REGULAR AGENDA:**

### **7.A. NOMINATIONS FOR APPOINTMENT TO THE PLANNING AND ZONING BOARD**

**Sponsors:** City Clerk Department

Mayor Petrolia nominated Christopher Davey to the Planning and Zoning Board. 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.B. NOMINATION FOR APPOINTMENT TO THE BOARD OF ADJUSTMENT**

**Sponsors:** City Clerk Department

Vice Mayor Boylston nominated Alexander Candia to the Board of Adjustment. It was seconded by Commissioner Frankel. The vote was taken, and the motion carried 5-0.

Mayor Petrolia nominated Carol Fredericks as an alternate to the Board of Adjustment. It was seconded by Commissioner Frankel. The vote was taken, and the motion carried 5-0.

### **7.C. DISCUSSION OF SEA GRAPE TRIMMING OPTIONS ON MUNICIPAL BEACH**

**Sponsors:** Public Works Department

Interim City Manager Alvarez informed the Commission that Missie Barletto, Public Works Director, was present to answer any questions.

Vice Mayor Boylston presented a comparison of the seagrapes that were trimmed vs the ones that were not.

Further discussion ensued regarding whether the seagrapes should be maintained or left alone. The Commissioners were divided on the issue. They respectfully disagreed and debated opinions from coastal experts and the engineering report provided by staff.

Commissioner Frankel made a motion to move forward with the Beach Property Owners Association's (BPOA) request to trim the dunes according to the Coastal Management Element. It was seconded by Vice Mayor Boylston. The motion carried by the following vote:

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

**No:** 2 - *Mayor Petrolia and Commissioner Casale.*

**7.D. APPROVAL OF RESOLUTION NO. 150-20 TO REPEAL RESOLUTION NO. 21-12 AUTHORIZING THE ESTABLISHMENT OF THE DELRAY BEACH ECONOMIC DEVELOPMENT FUND (FUND) AND THE DISBURSEMENT OF FUNDS FROM THE FUND INTO THE GENERAL FUND**

**Sponsors:** Finance Department

Interim City Manager Alvarez informed the Commission that staff recommends rescinding/appealing Resolution No. 21-12 which would transfer the one-million dollars out of the restricted reserves so that it may be utilized.

Interim City Manager Alvarez explained that one hundred thousand dollars of the money would be used for Economic Development next year.

Further discussion ensued on how the funds could be used.

Deputy Vice Mayor Johnson did not believe that it was the appropriate time to discuss this matter.

Vice Mayor Boylston made a motion to approve amending Resolution No. 21-12. 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*

**8. PUBLIC HEARINGS:**

**8.A. RESOLUTION NO. 145-20: TENTATIVE MILLAGE LEVY**

**Sponsors:** Finance Department

City Attorney Gelin read resolution numbers 145-20, 146-20, and 147-20 into the record.

Vice Mayor Boylston motioned to approve Resolution No. 145-20. It was seconded by Deputy Vice Mayor Johnson. The motion carried by the following vote:

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

**No:** 1 - *Commissioner Frankel*

**8.B. RESOLUTION NO. 146-20: TENTATIVE MILLAGE LEVY/DDA**

**Sponsors:** Finance Department

Laura Simon, Executive Director of the Downtown Development Authority (DDA) and Mr. Peter Arts, Chairman of the DDA were present.

Ms. Simon delivered a presentation highlighting the DDA's purpose, function, and budget and ended with the announcement that the DDA will be celebrating its fiftieth year in 2021.

Vice Mayor Boylston made a motion to approve Resolution No. 146-20. 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,  
Commissioner Casale

#### **8.C. RESOLUTION NO. 147-20: TENTATIVE BUDGET ADOPTION FOR FY 2021**

**Sponsors:** Finance Department

Ms. Kalka delivered the 2020/2021 proposed budget presentation. She detailed the following:

- Milage rate maintained at 6.847
- 2020/2021 proposed budget does not include any changes that were discussed at the September 8, 2020 meeting
- 20/2021 General Fund Expenditure Summary by Department.
- 2021 Proposed Budget Amendments
- The \$12 million budget increase is due to necessary obligations
- Savings Plan Summary
- Municipal Comparison
- CIP Special Project Fund
- CIP Rec Impact Fee Fund
- CIP Beach Restoration Fund
- CIP General Construction Fund
- CIP Surtax Fund
- CIP Water/Sewer Fund
- CIP Water/Sewer R & R Fund
- CIP Stormwater Utility Fund
- CIP Cemetery Fund

There was a five-minute recess from 8:29 - 8:33 p.m. to allow for public comments. City Clerk Katerri Johnson concluded that no public comments were submitted.

Vice Mayor Boylston and Deputy Vice Mayor Johnson went on record to thank staff, their colleagues and the DDA for balancing the budget. They were pleased that no one had to be laid off or furloughed.

Commissioner Casale and Commissioner Frankel inquired if Interim City Manager Alvarez could send out a City-Wide email to address the misinformation and inform employees that their positions are safe.

Interim City Manager Alvarez agreed to send an email to the City Employees summarizing the Commission's decision is not to furlough or reduce salaries for employees.

Mayor Petrolia opened the following items for discussion:

1. Requested to keep the reserve percentage at 25%
2. Suggested leveraging some of the Urban Development Action Grant (UDAG) funds for City projects such as Pompey Park, rather than have the CRA utilize the funds

Vice Mayor Boylston made a motion to approve Resolution No. 147-20. It was seconded by Deputy Vice Mayor Johnson. The vote was taken, and the motion carried 5-0.

Deputy Vice Mayor Johnson made a motion to direct staff to update Exhibit A. of the City budget with staff's 2021 proposed budget savings plan and amendment prior to the City's final budget hearing on September 22, 2020. It was seconded by Vice Mayor Boylston. The vote was taken, and the motion carried 5-0.

City Attorney Gelin read Ordinance numbers 23-20, 31-20, and 44-20 which were all Second Readings into the record.

There was a five-minute recess from 9:08 - 9:13 p.m. to allow for public comments. City Clerk Katerri Johnson concluded that there were no public comments submitted.

**8.D. ORDINANCE NO. 23-20: 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 ONE, "GENERAL PROVISIONS", ARTICLE 1.1, "ADOPTION OF CODE," SECTION 1.1.2, "AUTHORITY," AND ARTICLE 1.2, "EFFECT ON EXISTING LAW AND PREVIOUS DEVELOPMENT APPROVALS," SECTION 1.2.2, "PREVIOUS DEVELOPMENT APPLICATION APPROVALS"; CHAPTER 2, "ADMINISTRATIVE PROVISIONS," ARTICLE 2.1, "THE DEVELOPMENT SERVICES MANAGEMENT GROUP," SECTION 2.1.2, "ADMINISTRATIVE ORGANIZATION AND RESPONSIBILITIES," ARTICLE 2.2, "ESTABLISHMENT OF BOARDS HAVING RESPONSIBILITIES FOR LAND DEVELOPMENT REGULATIONS," SECTION 2.2.2, "THE PLANNING AND ZONING BOARD," SECTION 2.2.6, "THE HISTORIC PRESERVATION BOARD", ARTICLE 2.4, "GENERAL PROCEDURES," SECTION 2.4.5, "PROCEDURES FOR OBTAINING DEVELOPMENT APPROVALS," SECTION 2.4.6, "PROCEDURES FOR OBTAINING PERMITS AND APPROVALS;" CHAPTER 3, "PERFORMANCE STANDARDS," ARTICLE 3.1, "REQUIRED FINDINGS FOR LAND USE AND LAND DEVELOPMENT APPLICATIONS," SECTION 3.1.1, "REQUIRED FINDINGS," ARTICLE 3.2, "PERFORMANCE STANDARDS," SECTION 3.2.1, "BASIS FOR DETERMINING CONSISTENCY", SECTION 3.2.2, STANDARDS FOR REZONING ACTIONS," SECTION 3.2.3, "STANDARDS FOR SITE PLAN AND/OR PLAT ACTIONS," AND SECTION 3.2.4, "STANDARDS FOR SPECIFIC AREAS OR PURPOSES," CHAPTER 4, "ZONING REGULATIONS," ARTICLE, 4.2, "ANNEXATION AND INITIAL ZONING," SECTION 4.2.1, "AUTHORITY FOR ANNEXATIONS," SECTION 4.2.3, "ZONING," ARTICLE 4.3, "DISTRICT REGULATIONS, GENERAL PROVISIONS," SECTION 4.3.3, "SPECIAL REQUIREMENTS FOR SPECIFIC USES",**

ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.1, "AGRICULTURE ZONE DISTRICT (A)", SECTION 4.4.3, "SINGLE FAMILY RESIDENTIAL (R-1) DISTRICTS", SECTION 4.4.5, "LOW DENSITY RESIDENTIAL (RL) DISTRICT", SECTION 4.4.7, "PLANNED RESIDENTIAL DEVELOPMENT (PRD) DISTRICT", SECTION 4.4.10, "AUTOMOTIVE COMMERCIAL (AC) DISTRICT", SECTION 4.4.11, "NEIGHBORHOOD COMMERCIAL (NC) DISTRICT"; SECTION 4.4.12, "PLANNED COMMERCIAL (PC) DISTRICT", SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT", SECTION 4.4.16, "PROFESSIONAL AND OFFICE DISTRICT (POD)", SECTION 4.4.19, "MIXED INDUSTRIAL AND COMMERCIAL (MIC) DISTRICT", SECTION 4.4.21, "COMMUNITY FACILITIES (CF) DISTRICT", SECTION 4.4.22, "OPEN SPACE DISTRICT", SECTION 4.4.23 "CONSERVATION DISTRICT", SECTION 4.4.25, "SPECIAL ACTIVITIES DISTRICT", SECTION 4.4.26, "LIGHT INDUSTRIAL (LI) DISTRICT", SECTION 4.4.27 "OPEN SPACE AND RECREATION (OSR) DISTRICT", ARTICLE 4.5, "OVERLAY AND ENVIRONMENTAL MANAGEMENT DISTRICTS," SECTION 4.5.6, "THE WEST ATLANTIC AVENUE OVERLAY DISTRICT," ARTICLE 4.6, "SUPPLEMENTAL DISTRICT REGULATIONS," SECTION 4.6.16, "LANDSCAPE REGULATIONS," SECTION 4.6.20, "TRANSFER OF DEVELOPMENT RIGHTS," CHAPTER 5, "SUBDIVISION REGULATIONS," ARTICLE 5.1, "GENERAL PROVISIONS," SECTION 5.1.5, "COMPLIANCE WITH THE COMPREHENSIVE PLAN," CHAPTER 8, "SPECIAL IMPLEMENTATION PROGRAMS," ARTICLE 8.3, "WEST ATLANTIC AVENUE NEIGHBORHOOD IMPROVEMENT DISTRICT," SECTION 8.3.5, "AUTHORITY TO

APPLY FOR AND RECEIVE GRANTS," TO PROVIDE UPDATED REFERENCES TO AND CLARIFICATIONS RESULTING FROM THE ADOPTION OF THE ALWAYS DELRAY COMPREHENSIVE PLAN, PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (SECOND READING)

**Sponsors:** Development Services Department

Commissioner Frankel motioned to approve Ordinance No. 23-20 on Second Reading. It was seconded by Vice Mayor Boylston. The motion carried by the following vote:

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

**8.E.** ORDINANCE NO. 31-20: 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 4, "ZONING REGULATIONS," ARTICLE 4.3, "DISTRICT REGULATIONS, GENERAL PROVISIONS," SECTION 4.3.4, "BASE DISTRICT DEVELOPMENT STANDARDS," SUBSECTION 4.3.4(J), "HEIGHT," TO ADD THE PROPERTIES WITHIN THE AURA DELRAY BEACH OVERLAY DISTRICT TO THE LIST OF PROPERTIES ELIGIBLE FOR AN INCREASED HEIGHT OF 60 FEET. AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.7, "FAMILY/WORKFORCE HOUSING", SUBSECTIONS 4.7, "FINDINGS," 4.7.1, "DEFINITIONS," 4.7.2, "APPLICABILITY," AND 4.7.5, "DENSITY BONUS PROGRAM

FOR THE SOUTHWEST 10TH STREET, I-95/CSX RAILROAD CORRIDOR, AND SILVER TERRACE COURTYARDS OVERLAY DISTRICTS,” TO ESTABLISH THE AURA DELRAY BEACH OVERLAY DISTRICT; PROVIDING A CONFLICTS CLAUSE. PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (SECOND READING/PUBLIC HEARING)

**Sponsors:** Development Services Department

Development Services Director, Anthea Gianniotis informed the Commission that the applicant was present.

City Clerk Katerri Johnson swore in the applicant, Ms. Bonnie Miskel who gave testimony on the item.

Ms. Miskel gave a presentation about the Aura Delray Project.

Ms. Gianniotis provided a staff report highlighting the proposed changes for Items No. 8.E. and 9.C.

A discussion ensued about the project.

Anthea Gianniotis clarified that the Commission was voting on the Ordinance 31-20 text amendment.

Vice Mayor Boylston motioned to approve Ordinance No. 31-20 on Second Reading. It was seconded by Commissioner Frankel. The motion carried by the following vote:

**Yes:** 3 - Vice Mayor Boylston, Deputy Vice Mayor Johnson, Commissioner Frankel.

**No:** 2 - Mayor Petrolia, Commissioner Casale.

**8.F. ORDINANCE NO. 44-20, TO INDIVIDUALLY DESIGNATE “THE WELLBROCK HOUSE” AT 20 & 22 NORTH SWINTON AVENUE ON THE LOCAL REGISTER OF HISTORIC PLACES. (SECOND READING)**

**Sponsors:** Development Services Department

Tara Toto, Community Redevelopment Agency (CRA) Redevelopment Manager, gave a presentation highlighting the Historic Wellbrock House, 22 North Swinton Avenue. She reminded the Commission on August 22, 2018 the Ordinance was approved on First Reading.

Anthea Gianniotis, Development Services Director entered CRA No. 2020-87 and the presentation from the First Reading into the record.

Vice Mayor Boylston motioned to approve Ordinance No. 44-20 on Second Reading. It was seconded by Deputy Vice Mayor Johnson. 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. 51-20: APPROVAL OF A MODIFICATION OF THE FEE SCHEDULE IN ORDINANCE 96.66 TO PROVIDE FOR AN INCREASE IN FEES FOR EMERGENCY MEDICAL TRANSPORTS (FIRST READING)**

**Sponsors:** Fire Rescue Department

City Attorney Gelin read Ordinance No. 51-20 into the record.

Interim City Manager Alvarez explained that this Ordinance would allow the City to charge a higher fee for emergency transports.

Vice Mayor Boylston motioned to approve Ordinance No 51-20 on First Reading. 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

**10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:**

**A.City Manager:**

None

**B. City Attorney:**

City Attorney Gelin requested the Commission to reconsider the November 3 Commission Meeting because of Election Day. Mayor Petrolia and Vice Mayor Boylston agreed to reschedule the meeting to November 10.

City Attorney Gelin recommended the Commission to consider a Social Media Policy.

Mayor Petrolia, Vice Mayor Boylston, Commissioner Frankel, and Deputy Vice Mayor Johnson favored creating a policy and supported having a workshop on the topic.

Commissioner Frankel addressed the Commission about the destructive and determinantal personal attacks that have been made on Social Media about the City Commissioners and their families.

Commissioner Frankel and Vice Mayor Boylston proposed a motion that the Delray Beach condemns the negative social media posts recently published. In addition, Commissioner Frankel and Vice Mayor Boylston recommended the City Commission oppose all attempts to harm young children. It was seconded by Deputy Vice Mayor Johnson. The motion carried by the following vote:

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

**C. City Commission**

Vice Mayor Boylston:

- Hoped that by next meeting the Commission has pictures of the three bus shelters where the City is conducting its pilot program.

Deputy Vice Mayor Johnson:

- Thanked Interim City Manager Alvarez and Maria Kalka for a wonderful budget discussion.
- Complimented Parks and Recreation Director Sam Metott for overseeing the renovation of the City's cemetery.
- Thanked Missie Barletto for resolving a recent power line incident
- Complimented the Police Department for their diligent response to the recent accident on Atlantic and I-95

Mayor Petrolia:

- Requested a consensus to recognize Roy Simon's 90th birthday.
- Suggested looking into what the City can do to address the comments made by constituents about the taste and color of their water.
- Informed her colleagues about the numerous calls regarding the quality of life in the downtown area with loud music and motorcycles racing over the bridge.
- Requested an update on the Downtown Overlay
- Inquired about the beach parking rates for seniors since they are on a fixed income.
- Asked for a consensus to start looking for alternatives for the golf course besides the re-infrastructure.

There was consensus to create a proclamation for Roy Simon and there was consensus to look for alternatives for the golf course.

Commissioner Casale:

- Thanked City Attorney Gelin and everyone else.

With no further business to discuss, the meeting was adjourned at 10:16 p.m.