

City of Delray Beach

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Minutes - Draft

Tuesday, May 18, 2021

Regular Meeting at 4:00 PM

Delray Beach City Hall

https://www.youtube.com/channel/UCc2j0JhnR8Hx0Hj13RhCJag/videos?view=2&live_view=501

City Commission

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

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 Shirley Ervin Johnson, Deputy Vice Mayor Adam Frankel, Commissioner Ryan Boylston, and Commissioner Juli Casale

Others Present Were:

Lynn Gelin, City Attorney

Jennifer Alvarez, Interim City Manager

Katerri Johnson, City Clerk

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

Ms. Jennifer Alvarez, Interim City Manager, deferred Item No. 6.K.3. until the next Regular City Commission Meeting on June 1, 2021.

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

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

Ms. Jennifer Alvarez, Interim City Manager, requested a consensus from the Commission to authorize the mayor to sign an amendment with the Town of Highland Beach, authorizing a third lieutenant to be present on each rescue as agreed upon at the April 13, 2021, Workshop Meeting.

There was consensus to allow Mayor Petrolia to sign the First Interlocal Agreement (ILA) between the City of Delray Beach and the Town of Highland Beach to have three lieutenants on each rescue.

Deputy Vice Mayor Frankel motioned to approve the First Amendment to the Interlocal Agreement between the City of Delray Beach and the Town of Highland Beach. It was seconded by Commissioner Boylston. The motion carried by the following vote:

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

4. PRESENTATIONS:

4.A. PRESENTING FERLINE MESIDORT, NEIGHBORHOOD SERVICES ADMINISTRATOR, WITH EMPLOYEE OF THE MONTH FOR MARCH 2021.

Body: Recommended Action:

Recommendation: Motion to present Ferline Mesidort, with Employee of the Month for March 2021.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[\(4\) Nomination Forms](#)

LeShay King, Human Resource Generalist, recognized Ferline Mesidort, Neighborhood Services Administrator, as Employee of the Month for March 2021. Sammie Walthour, Interim Director of Neighborhood and Community Services praised Ms. Mesidort as a government professional.

Ms. Mesidort accepted her award and gave thanks to her team.

Ms. King announced on behalf of the Mayor and Commission that Ms. Mesidort would receive her award and a certificate for eight hours of paid time off.

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

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

None

B. From the Public:

June Neal, 950 Lavers Circle, Apartment F-204, Delray Beach, requested the Commission to inform the residents about the new restrictive voting laws passed during the legislative session.

Daniel Valdez, 520 NW 1st Avenue, Delray Beach, expressed his concerns about the recently passed voting laws. He asked the Commission to help combat Senate Bill 90 and provided suggestions of ways the city can help oppose voter suppression.

Carol Abshire, 950 Lavers Circle, Delray Beach, suggested the Commission use its resources to inform the residents about the new voting rules.

Charles Holbrook, 103 NE 16th Court, Delray Beach, asked the City Commission to take action regarding Senate Bill 90.

Peter Camacho, 121 NE 18th Street, Delray Beach, commented that Senate Bill 90 is incredulous.

Telene Thomas, 813 Normandy Q, Delray Beach, expressed her concern that Senate Bill 90 is racially biased and will suppress voter registration efforts.

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

6. CONSENT AGENDA: City Manager Recommends Approval

6.A. CITY COMMISSION MEETING MINUTES

Body: Recommended Action:

Recommendation: Motion to approve meeting minutes as listed below:

April 20, 2021, Regular Commission Meeting Minutes

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[April 20, 2021, Regular Commission Meeting Minutes - DRAFT](#)

Commissioner Boylston made a motion to approve the Consent Agenda as amended. It was seconded by Deputy Vice Mayor Frankel. The motion carried by the following vote:

YES: 5 - Mayor Petrolia, Vice Mayor Johnson, Deputy Vice Mayor Frankel, Commissioner Boylston, and Commissioner Juli Casale

6.B. GRANT APPLICATION / DEPARTMENT OF JUSTICE BULLETPROOF VEST PARTNERSHIP

Body: Recommended Action:

Recommendation: Motion to approve application to the Department of Justice's Bulletproof Vest Partnership program. If approved, this initiative would provide for the 50% of the cost of the bulletproof vests purchased for our Police Officers, up to the cap for our agency of \$32,614.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)

[BVP Application FY 2020-2021 5-4-2021](#)

6.C. RENEWAL OF THE SIDEWALK CAFÉ LEASE AGREEMENT

*BETWEEN THE CITY OF DELRAY BEACH AND THE FLORIDA
DEPARTMENT OF TRANSPORTATION.*

Body: Recommended Action:

Recommendation: Consideration of the following items:

SIDEWALK CAFÉ LEASE RENEWAL

Motion to approve the Lease Renewal between the State of Florida Department of Transportation and the City of Delray Beach for Sidewalk Cafés.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist FDOT Lease Atlantic and Ocean Sidewalk
Cafe and Valet
Lease Renewal 5.5.2021](#)

6.D. *APPROVE AMENDMENT 1 TO THE INTERLOCAL AGREEMENT
BETWEEN THE CITY OF DELRAY BEACH AND THE DELRAY BEACH
COMMUNITY REDEVELOPMENT AGENCY FOR FUNDING
CONSTRUCTION / PROFESSIONAL SERVICES FOR FISCAL YEAR
2020/21*

Body: Recommended Action:

Recommendation: Approve Amendment 1 of the Interlocal Agreement (ILA) between the City of Delray Beach (City) and the Delray Beach Community Redevelopment Agency (CRA) to fund Fiscal Year 2020/21 Capital Projects as described in Exhibit A of the attached agreement for Fiscal Year 2020/21.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[FIRST AMENDMENT TO CRACITY INTERLOCAL AGREEMENT](#)

[Legal Review Checklist Adm #1 to ILA with CRA for Construction
Professional Services Funding 2020-2021](#)

6.E. *APPROVAL TO INCREASE THE CONTRACT VALUE IN THE AMOUNT
OF \$99,732 WITH J&J, INC D/B/A/ EAGLE PAINTING FOR THE
PAINTING AND WATERPROOFING OF THE OLD SCHOOL SQUARE
PARKING GARAGE BUILDING, UTILIZING THE CITY OF FORT
LAUDERDALE COOPERATIVE AGREEMENT CONTRACT
NO. 12194-593*

Body: Recommended Action:

Recommendation: Motion to approve an increase in the amount of \$99,7312 to the contract value, to J&J Incorporated D/B/A Eagle Painting (Eagle Painting) for the painting and waterproofing of the Old School Square Parking Garage Building.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Eagle Painting Agreement \(1\)](#)

[Proposal OLD SCHOOL SQUARE PARKING GARAGE \(Commercial\) REV](#)

- 6.F.** *APPROVE A GRANT AGREEMENT WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT FOR PROVIDING SUPPLEMENTARY FUNDING FOR THE CONSTRUCTION OF A RECLAIMED WATER TRANSMISSION MAIN ALONG NW/SW 1ST AVE., FROM NW 2ND ST. TO SW 4TH ST., WITH DISTRIBUTION MAINS ALONG NW 2ND AVE. AND SW 2ND ST.*

Body: Recommended Action:

Recommendation: Staff is requesting City Commission to approve and execute grant agreement No. 4600004358 with the South Florida Water Management District (SFWMD) for providing supplementary funding for construction of a reclaimed water transmission main for the Area 10, Phase 2 project located along NW/SW 1st Ave., from NW 2nd Street to SW 4th Street, with distribution mains along NW 2nd Ave. and SW 2nd Street mains, as part of their Cooperative Funding Program for Alternative Water Supply (AWS).

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)

[Legal Review Approval Water Supply Funding Grant Agreement.pdf](#)

[SFWMD Agreement#4600004358 - City of Delray Beach .pdf](#)

- 6.G.** *APPROVE A NO-COST TIME EXTENSION AMENDMENT TO THE GRANT AGREEMENT WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT FOR PROVIDING SUPPLEMENTARY FUNDING FOR THE CONSTRUCTION OF RECLAIMED WATER MAINS WITHIN THE SW NEIGHBORHOOD IMPROVEMENTS PROJECT, ALONG SW 4TH ST, INCLUDING SW 6TH ST, SW 7TH AVE, AND SW 3RD COURT AND NE 2ND STREET FROM NE 4TH AVE TO NW 2ND AVE, AS PART OF THEIR COOPERATIVE FUNDING PROGRAM FOR ALTERNATIVE WATER SUPPLY.*

Body: Recommended Action:

Recommendation: Motion to approve and execute amended Grant Agreement No. 4600004144-A01 with the South Florida Water Management District (SFWMD) for providing supplementary funding for construction of reclaimed water mains within the SW neighborhood improvements project, along SW 4th Street, including SW 6th Street, SW 7th Avenue and SW 3rd Court (considered Reclaimed Area 14), as well as NE 2nd Street from NE 4th Avenue to NW 2nd Avenue (considered Phase 1 of Reclaimed Area 10), as part of their Cooperative Funding Program for Alternative Water Supply (AWS).

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)

[4600004144-A01 - City of Delray Beach - Reclaimed Water Main Construction along S.W. 4th Street Final.pdf](#)
[Simple Legal Review Approval South Florida Water Management District Grant Extension.pdf](#)

6.H. *APPROVE THE RESTRICTIVE COVENANT MASTER AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND CENTERPOINTE DELRAY HOLDINGS LLLP, PURSUANT TO THE REQUIREMENTS UNDER SECTION 4.7 OF THE LAND DEVELOPMENT REGULATIONS*

Body: Recommended Action:

Recommendation: Motion to Approve the Restrictive Covenant Master Agreement between the City of Delray Beach and Centerpointe Delray Holdings LLLP, pursuant to the requirements under Section 4.7 of the Land Development Regulations.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[Partially Executed Rest. Covenant Office Depot](#)
[Exhibit A to Office Depot Rest Covenant - Legal Description](#)
[Exhibit B Ord No. 30-18](#)
[Exhibit C Declaration for each Site Plan](#)
[Ex. D to WFH Covenant](#)
[WORKFORCE HOUSING AFFIDAVIT - Exhibit E to Agreement](#)

6.I. PROCLAMATIONS:

6.1.1. *PROCLAMATION TO DESIGNATE THE WEEK OF MAY 16-22 AS WATER REUSE WEEK*

Body: Recommended Action:

Recommendation: Motion to designate the week of May 16 - 22, 2021 as Water Reuse Week.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)
[Water Reuse Week](#)

6.1.2. *NATIONAL SAFE BOATING WEEK PROCLAMATION*

Body: Recommended Action:

Recommendation: Motion to proclaim the week of May 22 - 28, 2021 as National Safe Boating Week.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[National Safe Boating Week Proclamation](#)

6.1.3. *OBSERVANCE OF MEMORIAL DAY*

Body: Recommended Action:

Recommendation: Motion to Observe Memorial Day on May 31, 2021, in the City of Delray Beach.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Memorial Day Observance](#)

6.1.4. *NATIONAL FOSTER CARE MONTH PROCLAMATION MAY 2021*

Body: Recommended Action:

Recommendation: Motion to proclaim May 2021 as National Foster Care Month.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Foster Care Month](#)

6.1.5. *WE ♥ SMALL BIZ MONTH PROCLAMATION MAY 2021*

Body: Recommended Action:

Recommendation: Motion to proclaim May 2021 as We ♥ Small Biz Month.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[WE ♥ SMALL BIZ MONTH PROCLAMATION - MAY 2021](#)

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

6.J.1. None

6.K. AWARD OF BIDS AND CONTRACTS:

6.K.1. APPROVAL OF RESOLUTION NO. 66-21 TO AUTHORIZE A BID WAIVER TO AWARD AN AGREEMENT WITH AZTECA SYSTEMS, LLC IN THE AMOUNT OF \$419,490 FOR FIVE YEARS OF SERVER AMS PREMIUM ENTERPRISE LICENSE AND MAINTENANCE FOR THE CITY-WIDE WORK ORDER SYSTEM (CITYWORKS)

Body: Recommended Action:

Recommendation: Motion to approve Resolution No. 66-21 to authorize a Bid Waiver to award a five (5) year Agreement with Azteca Systems, LLC in the amount of \$419,490, contingent upon appropriation of funds, for Server AMS Premium Enterprise License and Maintenance for the City-wide work order system, City Works.

Sponsors: IT Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist Cityworks](#)

[Res 66-21 Azteca Systems LLC CityWorks IT](#)

[Purchasing Cityworks - Bid Waiver Acquisition signed](#)

[Delray Beach FL - Cityworks License Agreement 03 26 2021 signed](#)

6.K.2. APPROVAL OF RESOLUTION NO. 82-21 TO APPROVE AN AGREEMENT WITH CARTAYA AND ASSOCIATES ARCHITECTS, P.A., FOR DESIGN SERVICES FOR POMPEY PARK COMMUNITY CENTER AND CAMPUS PURSUANT TO RFQ NO. 2019-050 (PROJECT NO. 16-102) - \$2,077,712

Body: Recommended Action:

Recommendation: Motion to Approve Resolution No. 82-21 to award an Agreement with Cartaya and Associates Architects, P.A., for Design Services for Pompey Park Community Center and Campus Design pursuant to RFQ No. 2019-050 (Project No. 16-102), in an amount not to exceed \$2,077,712.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[2021-04-21 Revised Pompey Park A-E Fee Proposal and Exhibits](#)

[Legal Review Checklist Cartaya](#)

[Resolution No. 82-21 Pompey Park Cartaya](#)

[Signed Agreement - Pompey Park Design - Cartaya](#)

[Cartaya- RFQ 2019-050](#)

[2019-050 Scoring Summary after Technical Evals final 12.9](#)

6.K.3.

APPROVAL OF RESOLUTION NO. 86-21 TO AWARD AN AGREEMENT WITH THE SHYFT GROUP UPFIT SERVICES, INC. DBA STROBES-R-US FOR SUPPLYING AND INSTALLING AND/OR REPLACING EMERGENCY EQUIPMENT FOR PUBLIC SAFETY VEHICLES PURSUANT TO BROWARD SHERIFF'S OFFICE RFP 18006AG - \$430,000

Body: Recommended Action:

Recommendation: Motion to approve Resolution No. 86-21 to approve an agreement with The Shyft Group Upfit Services, Inc. dba Strobes-R-Us for supplying and installing and/or repairing and/or replacing emergency equipment for public safety vehicles in the total estimated amount of \$430,000; and authorize the City Manager to approve renewal options, in the amounts below, contingent upon appropriation of funds.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist Strobes](#)

[Resolution 86-21](#)

[Strobes Amendment 2 Renewal](#)

[Shyft Group Upfit Agreement](#)

6.K.4.

APPROVAL OF RESOLUTION NO. 84-21 TO AWARD AN AGREEMENT TO DONERITE PUMPS, INC. FOR ELECTRIC MOTOR PUMP REPAIRS PURSUANT TO INVITATION TO BID 2021-020 - \$1,025,400

Body: Recommended Action:

Recommendation: Motion to Approve Resolution No. 84-21 to award an Agreement with DoneRite Pumps, Inc. for electric motor pump repairs pursuant to ITB No. 2021-020 in the total estimated three-year amount of \$1,025,400; and authorize the City Manager to approve renewal options, in the amounts below, contingent upon appropriations of funds.

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist DoneRite Pumps](#)

[Resolution 84-21](#)

[Draft Agreement ITB 2021-020 Electric Motor Pumps kwb rev](#)

6.K.5. APPROVAL OF RESOLUTION NO. 85-21 TO AWARD AN AGREEMENT WITH MATHESON TRI-GAS, INC. FOR CARBON DIOXIDE, LIQUID BULK DELIVERY PURSUANT TO ITB 2021-024 - \$465,000

Body: Recommended Action:

Recommendation: Motion to approve Resolution No. 85-21 to approve an agreement with Matheson Tri-Gas, Inc. for carbon dioxide, liquid bulk delivery in the total estimated amount of \$465,000; and authorize the City Manager to approve renewal options, in the amounts below, contingent upon appropriation of funds.

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Res 85-21 Matheson Tri-Gas Inc](#)
[Agreement ITB 2021-024 Carbon Dioxide Matheson Tri-Gas Inc](#)
[Legal Review Matheson Tri-Gas Inc ITB 2021-024](#)

6.K.6. APPROVAL OF RESOLUTION NO. 90-21 TO APPROVE AN AGREEMENT WITH CAROLLO ENGINEERS, INC. FOR SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SERVICES PURSUANT TO RFQ NO. 2020-015 - \$145,380

Body: Recommended Action:

Recommendation: Motion to Approve Resolution No. 90-21 to award an Agreement with Carollo Engineers, Inc. pursuant to RFQ No. 2020-015 - \$145,380.

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Agreement with Carollo Engineers for SCADA services](#)
[Exhibit A Scope of Work](#)
[Exhibit B Fee Schedule](#)
[Resolution 90-21 Carollo Engineers Inc. for supervisory control and data acquisition services](#)
[Legal Review Checklist Agreement with Carollo Engineers for SCADA services](#)

7. REGULAR AGENDA:

7.A. RESOLUTION NO. 74-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.4.13 (D)(2)(a)(1)

AND TABLE 4.4.13(C) OF THE LAND DEVELOPMENT REGULATIONS, APPROVING A FRONT SETBACK OF SIX FEET SIX INCHES ON THE FIRST STORY AND NO SETBACK ON THE SECOND STORY AT THE SOUTHWEST CORNER OF THE PROPERTY LOCATED AT 95 SW 5TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

Body: **Recommended Action:**

Recommendation: Review and consider Resolution No. 74-21.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Res. No. 74-21-Setback Waiver 95 SW 5th Ave](#)

[Res. No. 74-21 - Exhibit A](#)

[95 SW 5th Avenue - Waiver Justification Statement](#)

[95 SW 5th Avenue - Location Map](#)

[95 SW 5th Avenue - SPRAB Waiver Staff Report](#)

[95 SW 5th Avenue - Architectural Plans \(REFERENCE\)](#)

[95 SW 5th Avenue - Landscape Plans \(REFERENCE\)](#)

[95 SW 5th Avenue - Civil Plan \(REFERENCE\)](#)

[95 SW 5th Avenue - PBC Traffic Concurrency Review Letter](#)

[95 SW 5th Avenue - Traffic Statement](#)

[95 SW 5th Avenue - Legal Review Form](#)

Mayor Petrolia read the Quasi-Judicial rules into the record. She asked her colleagues if they had any ex-parte communications, and the following was disclosed:

Vice Mayor Johnson: disclosed as a Board Member of the Community Redevelopment Agency, they had spoken amongst themselves, but none directly with Ms. Renee Jadusingh, Executive Director

Deputy Vice Mayor Frankel: disclosed that as a Board Member of the Community Redevelopment Agency, they had conversations amongst themselves but none with not with Ms. Renee Jadusingh, Executive Director.

Commissioner Casale: disclosed as a Board Member of the Community Redevelopment Agency, they had spoken amongst themselves, but not directly with Ms. Renee Jadusingh, Executive Director.

Commissioner Boylston: disclosed as a Board Member of the Community Redevelopment Agency, they had spoken amongst themselves, but not directly with Ms. Renee Jadusingh, Executive Director

Mayor Petrolia: disclosed as a Board Member of the Community Redevelopment Agency, they had spoken amongst themselves, but not directly with Ms. Renee Jadusingh, Executive Director

Katerri Johnson, City Clerk, swore in Ms. Anthea Gianniotis and Ms. Tara Toto, who provided testimony on this item.

Ms. Anthea Gianniotis, Development Services Director, read File No. 2020-133 into the record.

Ms. Tara Toto, Redevelopment Manager of the Community Redevelopment Agency (CRA), presented the proposed waiver request regarding the property located at 95 SW 5th Avenue. Ms. Toto stressed that the architectural design is compatible with the surrounding area and that the project meets the necessary requirements.

Ms. Gianniotis provided a staff report detailing the applicant's request. She informed the Commission that the request is strictly for a setback release. Ms. Gianniotis notified the Commission that the Site Plan Review and Appearance Board (SPRAB) voted 6-0 in support of the proposed project on April 28, 2021.

There was a five-minute recess from 4:34 p.m. - 4:39 p.m. to allow for public comments. When the Commission reconvened, Katerri Johnson, City Clerk, reported there were no public comments submitted.

There was no cross-examination or rebuttal pertaining to the presentations.

Commissioner Casale made a motion to approve Resolution No. 74-21. It was seconded by Commissioner Boylston. The motion carried by the following vote:

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

APPROVED

7.B.

RESOLUTION NO. 76-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 6.3.3(F)(8) OF THE LAND DEVELOPMENT REGULATIONS; APPROVING THE OPERATION OF A SIDEWALK CAFÉ WITHOUT A BARRIER SEPARATION FROM THE PEDESTRIAN PATHWAY ALONG SOUTHEAST 3RD AVENUE FOR THE DELRAY BEACH MARKET LOCATED AT 33 SE 3RD AVENUE, AS MORE PARTICULARLY

*DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND
FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)*

Body: Recommended Action:

Recommendation: Review and consider Resolution No. 76-21.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Resolution No. 76-21 - Sidewalk Cafe Waiver Delray Beach Market](#)

[Resolution No. 76-21 - Exhibit "A"](#)

[Resolution 76-21 - Exhibit "B"](#)

[Justification Statement - Reso 76-21](#)

[Legal Review Res 76-21 Waiver Sidewalk Cafe Barriers for 33 SE 3rd
Ave - Rosebud 3rd Ave](#)

Katerri Johnson, City Clerk, swore in Ms. Anthea Gianniotis and Ms. Jarjura, who provided testimony on this item.

Mayor Petrolia asked her colleagues if they had any ex-parte communications, and the following was disclosed:

Vice Mayor Johnson: None

Deputy Vice Mayor Frankel: Had conversations with the applicant, Ms. Jarjura and Ms. Gelin.

Commissioner Boylston: Spoke with Ms. Jarjura.

Commissioner Casale: None

Mayor Petrolia: None

Ms. Anthea Gianniotis, Development Services Director, read File No.2020-130 into the record.

Ms. Jarjura, President of the Menin Development Group, requested a waiver to allow sidewalk cafes at the Delray Market. She explained the applicant's request to add tables outside is to make up for the loss of inside seating spaces due to COVID-19 and social distancing. Ms. Jarjura informed the Commission that the Development Services Management Group (DSMG) voted unanimously in support of the project on May 13, 2021.

Ms. Gianniotis discussed the issue of a Sidewalk Cafe without a barrier separation from the pedestrian pathway. She informed the Commission this request was the first to come forward under the new regulations. She stated that each new request would need to be evaluated on a case-by-case basis.

There was a five-minute recess from 4:51 p.m. - 4:59 p.m. to allow for public comments. When the Commission reconvened, Katerri Johnson, City Clerk, reported there were no public comments submitted.

There was no cross-examination or rebuttal pertaining to the presentations.

Deputy Vice Mayor Frankel made a motion to approve Resolution No. 76-21. It was seconded by Commissioner Boylston. The motion carried by the following vote:

YES: 4 - Mayor Petrolia, Deputy Vice Mayor Frankel, Commissioner Boylston, and Commissioner Casale

NO: 1 – Vice Mayor Johnson

APPROVED

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

Body: Recommended Action:

Recommendation: Motion to Ratify the 59th and 60th Extensions of the State of Emergency for COVID-19 and Resolution No. 91-21.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[59th Extension State of Emergency - COVID -19](#)

[60th extension of state of emergency 5-5-2021](#)

[COVID Reso 91-21 repealing all inconsistent resolutions \(re masks\)
\(002\)](#)

Commissioner Boylston made a motion to ratify the 59th and 60th Extensions of the State of Emergency for COVID-19 and to approve Resolution No. 91-21. It was seconded by Commissioner Casale. The motion carried by the following vote:

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

APPROVED

7.D. *NOMINATION FOR APPOINTMENT TO THE HISTORIC
PRESERVATION BOARD*

Body: Recommended Action:

Recommendation: Motion to approve the nomination for an appointment for one (1) regular member to serve on the Historic Preservation Board for a term ending August 31, 2023.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Historic Preservation Board 2021 2](#)[Exhibit A 05112021](#)[2021 HPB QUARTERLY ATTENDANCE](#)[Berenberg](#)[Brown](#)[Chard](#)[Cooper 1](#)[Donohue](#)[Pitts](#)[Sexton](#)[Sylvestre](#)[Talley](#)[Vasiliou 1](#)[Wood](#)

Mayor Petrolia nominated Rhonda Sexton to the Historic Preservation Board. It was seconded by Commissioner Boylston. The motion carried by the following vote:

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

APPROVED

7.E. *DISCUSSION AND DIRECTION ON TURTLE-FRIENDLY LIGHTING ON A1A AND REPLACEMENT OF SODIUM HALOGEN STREETLIGHTS WITH LED STREET LIGHTS CITYWIDE.*

Body: Recommended Action:

Recommendation: Provide direction on purchase of turtle-friendly street lighting on A-1-A and on the City's opportunity to install LED lighting Citywide.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Citywide 1 of 2 Generator](#)
[Citywide 2 of 2 Generator](#)
[Citywide map by wattage](#)

Missie Barletto, Public Works Director, provided the background of the lighting system along A1A. She explained that Florida Power and Light (FPL) offered to replace the current lights along A1A with amber-colored lights that are sea-turtle friendly and would cost the city \$7,300. She informed the Commission that FPL also offered to convert the city's sodium halogen lights to LED lights at no upfront cost to the city. She added that FPL would replace and maintain the

lights. Ms. Barletto expressed that replacing the lighting would reduce the city's carbon footprint and save city dollars.

Mr. Diego Febres, a representative from FPL, informed the Commission that the project would be completed six months from a fully executed contract.

There was consensus to allow FPL to install amber lights along A1A and convert the halogen lights to LED lights.

7.F. DISCUSSION REGARDING THE COMMUNITY REDEVELOPMENT AGENCY

Body: Recommended Action:

Recommendation: Discussion regarding the Community Redevelopment Agency.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[CRA MEMO-3-26-2021](#)

Lynn Gelin, City Attorney, reminded the Commission that in 2018, they voted to have the Community Redevelopment Agency (CRA) Board composed of five elected Commissioners and two resident appointed seats. She informed the Commission that based on the published report by the Attorney General in 2019, the CRA Board cannot return to an independent board consisting only of residents. The Commission may either keep the board as a seven-member hybrid or reduce it to solely the five Commissioners.

The Commission engaged in a discussion regarding the pros and cons of each option. They deliberated whether they would have voted the same way in 2018 had they received the correct information.

Ms. Gelin identified two options for including resident input in the CRA Board process should the Commission choose to become a five-person board:

1. Recruit applicants to serve on the Northwest/Southwest Community Advisory Board.
2. Establish a CRA Advisory Committee.

Ms. Gelin stated that she would prepare a Resolution as a Public Hearing item for the next Regular City Commission Meeting on June 1, 2021.

8. PUBLIC HEARINGS/SECOND READINGS:

8.A. ORDINANCE 15-21 OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 33 "POLICE AND

FIRE-RESCUE DEPARTMENTS", OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING SECTIONS 33.76, "BENEFIT AMOUNTS AND ELIGIBILITY", 33.78 "CONTRIBUTIONS", AND 33.84, "DEFERRED RETIREMENT OPTION PLAN"; TO IMPLEMENT THE PENSION CHANGES CONTAINED IN THE 2020-2023 COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND the Professional Fire Fighters of Delray Beach Local 1842, IAFF, Inc.; 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 amendments to Chapter 33 Sections 33.76 "Benefits Amounts and Eligibility" 33.78, "Contributions, and 33.84, "Deferred Retirement Option Plan" to implement the Pension changes contained in the 2020-2023 Collective Bargaining Agreement between the City and the Professional Fire Fighters of Delray Beach Local 1842, IAFF, Inc.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)

[Ord 15-21 amending Ch 33 firefighter pension \(002\)](#)

[Simple Legal Review Approval Ord 15-21](#)

[Firefighters Actuarial Impact Statement 4-29-2021 - union contract](#)

Lynn Gelin, City Attorney, read Ordinance No. 15-21 into the record.

Keith Tomey, Fire Chief, stated he was present for questions.

There was a five-minute recess from 5:53 p.m. - 5:58 p.m. to allow for public comments. When the Commission reconvened, Katerri Johnson, City Clerk stated that no public comments were submitted.

Commissioner Boylston made a motion to approve Ordinance No. 15-21. It was seconded by Deputy Vice Mayor Frankel. The motion carried by the following vote:

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

APPROVED

9. FIRST READINGS:

9.A. None

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

Ms. Jennifer Alvarez, Interim City Manager, introduced Ms. Sara Maxfield as the city's new Economic Development Director. Ms. Alvarez provided Ms. Maxfield's credentials.

B. City Attorney

Lynn Gelin, City Attorney, reminded the Commission that she requested an Executive Session Meeting on June 1, 2021, at 3:00 p.m. She confirmed that the Workshop regarding the possible expansion of the Entertainment District and Noise Ordinance would be held on August 24, 2021.

C. City Commission

Commissioner Boylston supported the city's continued recognition for We Love Small Business Month and National Foster Care Month. He also recognized that it was Haitian Heritage Flag Day. He suggested making Juneteenth a City Holiday. Commissioner Boylston requested a discussion on Senate Bill 90. Mayor Petrolia gave her full support to get the word out on Senate Bill 90 as it gets closer to voting.

Commissioner Casale reported there was no update on the Beach Bucket Plan or the Coastal Habitat Conservation Plan. She stated that she reached out to the Architect Firm for the Pompey Park Pool to see if lengthening the pool would be possible so that the Delray Beach City Stingers Swim Team would not have the burden of traveling to Boca Raton for swim practice.

Deputy Vice Mayor Frankel complimented the Police and Fire Department for their excellent work during the four-day Margaritaville Event at Old School Square. He suggested discussing staffing requirements with City's Department Heads at the Goal Setting Meeting. Deputy Vice Mayor Frankel also expressed his concern about the time constraint allotted to find a City Manager and the lack of information regarding the applicants.

Vice Mayor Johnson announced the passing of Librarian Henrietta Mays Smith. Vice Mayor Johnson proposed to schedule a Joint Workshop between the Commission and the Community Redevelopment Agency on June 10, 2021.

There was consensus to schedule a Joint Workshop with the Commission and CRA on June 10, 2021, at 3:00 p.m. at the Arts Garage, Delray Beach.

She also requested a consensus to stay overnight when she attends the upcoming Florida League of Cities Conference in Orlando scheduled on June 11, 2021.

Jennifer Alvarez, Interim City Manager, believed there was money in the travel budget to accommodate Vice Mayor Johnson's request to stay overnight at the League of Cities conference.

The Commission engaged in a discussion regarding the qualifications and qualities they are

looking for in a new City Manager.

Mayor Petrolia mentioned a property on Palm Trail being dedicated to the city for public use. She reported receiving numerous complaints about the seaweed, palm fronds and the traffic on the Intercoastal Waterways. Mayor Petrolia commended the Police and Fire Department for their excellent work during Margaritaville.

11. ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 6:52 p.m.