

City of Delray Beach

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Minutes - Draft

Tuesday, June 8, 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

0.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:

Jennifer Alvarez, Interim City Manager

Lynn Gelin, City Attorney

Katerri Johnson, City Clerk

1. PLEDGE OF ALLEGIANCE TO THE FLAG

2. AGENDA APPROVAL

2.A. Additions, Deletions, Substitutions

Mayor Petrolia requested to switch items 3 and 4 to allow the meeting to begin with the presentations.

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

3. CITY MANAGER SELECTION

Body: **Recommended Action:**

Recommendation: Discussion and/ or Selection of City Manager.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)

[Bornstein resume redacted](#)

[Moore resume redacted](#)

[Napoli resume redacted](#)

[Sossamon resume redacted](#)

Duane D'Andrea, Human Resources Director, reported that the final three candidates were interviewed on the dais. Mr. D'Andrea provided the Commissioners their ballots and asked them to rank the candidates with the number one being their favorite and number three being their least favorite.

Katerri Johnson, City Clerk, collected the ballots and announced that the vote was unanimous to offer Terrence R. Moore the City Manager position.

Commissioner Boylston praised the caliber of the final candidates and the city's selection process. He shared that his vote weighed heavily on input from department heads, staff, committee members, and the public.

The Commission engaged in a conversation with Lynn Gelin, City Attorney, regarding the negotiation process.

There was consensus to allow Lynn Gelin, City Attorney, to act as the Commission's liaison for the negotiation process.

There was consensus to allow Mr. D'Andrea, Human Resources Director, to notify the candidates who would not be offered the position.

Deputy Vice Mayor Frankel made a motion to enter negotiations with Terrence R. Moore for the City Manager contract. It was seconded by Commissioner Casale. The motion carried by the following vote:

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

4. PRESENTATIONS:

4.A. *Presenting AZIM HOSEIN, BUILDING MAINTENANCE WORKER, WITH EMPLOYEE OF THE MONTH FOR APRIL 2021*

Body: Recommended Action:

Recommendation: Motion to present Azim Hosein, Building Maintenance Worker, with Employee of the Month for April 2021.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Azim Hosein \(2\)](#)

LeShay King, Human Resource Generalist, recognized Azim Hosein, Building Maintenance Worker, as Employee of the Month for April 2021. Ms. King announced on behalf of the Mayor

and Commission that Mr. Hosein would receive his award and a certificate for eight hours of paid time off.

4.B. PRESENTATION BY STATE SENATOR LORI BERMAN, STATE REPRESENTATIVES OMARI HARDY AND MICHAEL CARUSO, PROVIDING LEGISLATIVE UPDATES FROM THE 2021 FLORIDA LEGISLATIVE SESSION

Sponsors: City Manager Department - Intergovernmental Affairs

Attachments: [Agenda Cover Report](#)

State Senator Lori Berman and Mat Forrest, Lobbyist with Ballard Partners, provided updates from the 2021 legislative session. They informed the Commission about Senate Bill 90 and how it would change voting processes. They reported on bills related to home rule such as the vacation rental bill and legislation involving legal notices. Additionally, they discussed citizen activism demonstrated by parents and teachers to transform the Bright Futures bill.

Mr. Forrest notified the Commission that the next legislative session would begin in January 2022, and Committee Weeks are scheduled to start in September 2021. He explained that the city put forward five budget proposals during the last legislative session. Two of the five projects made it to the final round but were vetoed from the budget. Mr. Forrest encouraged the city to regroup and to plan their budget requests early to bring a comprehensive agenda to the legislative session in 2022.

The Commission engaged in a discussion with Mr. Forrest and Senator Berman regarding strategies for budget proposals, matching dollars, and potential partnerships with municipalities who are interested in similar projects.

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

Ebonni Chrispin, residing at 2707 NE 14th Street Causeway, Pompano Beach, commented on behalf of her organization, the AIDS Healthcare Foundation. Ms. Chrispin thanked the city for being a community partner. Her organization is proud to sponsor and participate in the Pride Crosswalk Streetscape ribbon cutting ceremony. The crosswalk is a symbol of how far the Pride movement has come and commemorates those who lost their lives to AIDS.

Michael Gulley, Chief Operations Officer at Achievement Centers for Children & Families, residing at 211 SW 11th Avenue, Delray Beach, provided a history of his organization's partnership with the city. He acknowledged the teens from his program sitting in the audience and explained that Janet Meeks, Education Coordinator, brought the teens to city hall so they could witness government at work. He invited the Commission to come to their Achievement Centers to get to know their teens and learn more about the Achievement Center.

Mayor Petrolia concluded public comments.

6. *CONSENT AGENDA: City Manager Recommends Approval*

Commissioner Boylston made a motion to approve the Consent Agenda. It was seconded by Commissioner Casale. The motion carried by the following vote:

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

6.A. *CITY COMMISSION MEETING MINUTES*

Body: Recommended Action:

Recommendation: May 11, 2021, City Commission Workshop Meeting Minutes

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[May 11, 2021, Workshop Meeting Minutes - DRAFT](#)

6.B. *ACCEPTING A RIGHT-OF-WAY DEED, PEDESTRIAN CLEAR ZONE EASEMENT, HOLD HARMLESS AGREEMENT, AND A LANDSCAPE MAINTENANCE AGREEMENT FOR THE SPICE OFFICE BUILDING LOCATED AT 325-343 NE 5TH AVENUE.*

Body: Recommended Action:

Recommendation: Review and consider the Right-Of-Way Deed, Pedestrian Clear Zone Easement, Hold Harmless Agreement, and Landscape Maintenance Agreement, all as presented, for the Spice Office Building, located at 325 - 343 NE 5th Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Spice Office Bldg: Location Map](#)

[Spice Office Bldg: ROW Deed](#)

[Spice Office Bldg: Pedestrian Clear Zone Agmt](#)

[Spice Office Bldg: Hold Harmless Agmt](#)

[Spice Office Bldg: Landscape Maintenance Agmt](#)

[Spice Office Bldg: Site Plan](#)

[Spice Office Bldg: Staff Report](#)

[Legal Review: ROW Deed](#)

[Legal Review: Pedestrian Clear Zone Easement Agmt](#)

[Legal Review: Hold Harmless for State ROW](#)

[Legal Review: Landscape Maintenance Agreement](#)

6.C. *APPROVAL OF FY19-20 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT*

Body: **Recommended Action:**

Recommendation: Motion to approve the 2019-2020 Consolidated Annual Performance and Evaluation Report (CAPER) required by the United States Housing and Urban Development (HUD) for utilization of federal grant funds.

Sponsors: Neighborhood & Community Services

Attachments: [Agenda Cover Report](#)

[CAPER DRAFT FY19-20](#)

[IDIS Generated Reports FY19-20](#)

6.D. *COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FY2020-2024 FIVE-YEAR CONSOLIDATED PLAN AND FY 2020-2021 ANNUAL ACTION PLAN*

Body: **Recommended Action:**

Recommendation: Motion to approve and execute the attached Five-Year Consolidated Plan and Annual Action Plan.

Sponsors: Neighborhood & Community Services

Attachments: [Agenda Cover Report](#)

[Five Year Consolidated & Annual Action Plan 2020-2025 DRAFT](#)

[SF424 2 1-V2.1](#)

[SF424D-V1.1](#)

[Non-State-Certifications](#)

6.E. *RESOLUTION NO. 92-21: EARLY LEARNING COALITION OF PALM BEACH COUNTY SCHOOL READINESS PROGRAM FOR THE AFTER SCHOOL PROGRAM LOCATED AT POMPEY PARK AND THE COMMUNITY CENTER*

Body: Recommended Action:

Recommendation: Motion to approve renewal of the agreement between the Early Learning Coalition (ELC) of Palm Beach County, Inc. and the City of Delray Beach.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)

[Simple Legal Review Approval School Readiness](#)

[Resolution 92-21](#)

[OEL SR20 - 21-22 School Readiness contract City of Delray Beach for provider signature \(002\)](#)

6.F. *APPROVAL OF THE REQUEST FOR FUNDING FROM THE OMEGA UPLIFTS FOUNDATION, INC. FROM THE LAW ENFORCEMENT TRUST FUND (LETF) IN THE AMOUNT OF \$14,500.*

Body: Recommended Action:

Recommendation: Motion to approve request for funding from the Law Enforcement Trust Fund (LETF) pursuant to Florida Statute 932.7055, Disposition of Liens and Forfeited Property, to the Omega Uplifts Foundation, Inc. in the amount of \$14,500.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)

[Legal Review Form omega uplifts](#)

[Omega Uplifts 5-11-2021](#)

[Chief's Memo re-Omega Uplifts](#)

6.G. PROCLAMATIONS:

6.G.1. *OBSERVANCE OF JUNETEENTH*

Body: Recommended Action:

Recommendation: Motion to observe Juneteenth on June 19th as the celebration

commemorating the ending of slavery in the United States.

Sponsors: City Clerk Department

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

6.G.2. NATIONAL HIV TESTING DAY PROCLAMATION - JUNE 27, 2021

Body: **Recommended Action:**

Recommendation: Motion to observe June 27, 2021, as National HIV Testing Day.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[National HIV Testing Day](#)

6.G.3. OBSERVANCE OF INDEPENDENCE DAY

Sponsors: City Clerk Department

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

6.G.4. PROCLAMATION - NATIONAL CLEAN BEACHES WEEK - JULY 1 - 7, 2021

Body: **Recommended Action:**

Recommendation: Motion to declare July 1-7, 2021 as National Clean Beaches Week.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[National Clean Beaches Week 2021](#)

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

6.H.1. REPORT OF APPEALABLE LAND USE ITEMS FROM MAY 17, THROUGH MAY 28, 2021.

Body: **Recommended Action:**

Recommendation: By motion, receive and file this report.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Appealable Items Map](#)

[A - Delray Park Plaza South](#)

[B - Ramen Lab](#)

[C - 258 SE 6th Avenue](#)

[D - 14802 S. Military Trail](#)

[E - 912 Palm Trail](#)

[F - Delray Park Plaza North](#)

6.I. AWARD OF BIDS AND CONTRACTS:

- 6.I.1.** APPROVAL OF RESOLUTION NO. 77-21 TO TERMINATE THE EXISTING MASTER SERVICES AND PURCHASING AGREEMENT WITH AXON ENTERPRISE, INC. AND APPROVAL TO ENTER INTO A NEW AGREEMENT WITH AXON ENTERPRISE INC. FOR BODY WORN CAMERAS, TASERS, INTERVIEW ROOM CAMERAS, IN-CAR VIDEO, BATTERIES, CARTRIDGES, RELATED EQUIPMENT AND ACCESSORIES, LICENSING, MAINTENANCE, AND WARRANTY - \$2,770,752

Body: Recommended Action:

Recommendation: Motion to approve Resolution No. 77-21 to terminate the existing the existing Master Services and Purchasing Agreement with Axon Enterprise, Inc. and approve the new agreement with Axon Enterprise, Inc. for body worn cameras, Tasers, interview room cameras, in-car video, batteries, cartridges, related equipment, and accessories, licensing, maintenance, and warranty in the total estimated amount of \$2,770,752 over the next five (5) years.

Sponsors: Police Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Axon Agreement Final verbiage 6-3-2021](#)
[RESOLUTION NO. 77-21 - Axon Agreement 5-12-2021](#)
[Sole Source Axon Camera ENG.PDF 2021](#)
[Q-294644-44307.066BF.pdf Final without Sourcewell Terms](#)
[Original Axon Agreement 2016](#)
[Current 2018 Axon Agreement and Resolution](#)
[Legal Review Checklist LW 5.26.21 - Axon](#)

- 6.I.2.** 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 - \$250,000*

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 \$250,000; and authorize the City Manager to approve the renewal option, in the amount 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](#)

6.1.3. *AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO DATA
FLOW SYSTEMS, INC., TO IMPLEMENT PHASE I OF THE SCADA
COMMUNICATIONS IMPROVEMENTS PROJECT- \$290,040*

Body: Recommended Action:

Recommendation: Motion to authorize the issuance of a Purchase Order to Data Flow Systems, Inc. to implement Phase I of the communications improvements project to the City's SCADA system in the amount of \$290,040.

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Quote DFS Scada](#)

6.1.4. *AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO FISHER
SCIENTIFIC COMPANY, LLC FOR LABORATORY EQUIPMENT AND
SUPPLIES PURSUANT TO STATE OF FLORIDA ALTERNATE
CONTRACT SOURCE NO. 41120000-20-ACS - \$115,415*

Body: Recommended Action:

Recommendation: Motion to Authorize the issuance of a purchase order to Fisher Scientific Company, LLC for laboratory equipment and supplies pursuant to State of Florida Alternate Contract Source No. 41120000-20-ACS in the amount not to exceed \$115,415.

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Quote - Fischer Scientific](#)

[41120000-20-ACS NASPO Contract and Attachments](#)

[41120000-20-ACS Amendment 1 eff. 4-1-2021](#)

7. REGULAR AGENDA:

7.A. 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 63rd and 64th Extensions of the State of Emergency for COVID -19.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[63Rd extension of state of emergency 5-26-2021](#)

[64th Extension of State of Emergency COVID-19](#)

Commissioner Casale made a motion to approve the extension of the 63rd and 64th State of Emergency for COVID-19. It was seconded by Deputy Vice Mayor Frankel. The motion carried by the following vote:

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

7.B. RESOLUTION NO. 97-21 AMENDING THE FISCAL YEAR 2020-21 BUDGET ADOPTED BY RESOLUTION NO. 157-20 ON SEPTEMBER 22, 2020.

Body: **Recommended Action:**

Recommendation: Motion to Approve Resolution No. 97-21 amending the Fiscal Year 2020-21 budget.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

[Resolution 97-21](#)

[Simple Legal Review Approval 97-21](#)

[2021 Exhibit A Budget Amendment - June 2021 PDF](#)

[Budget Amendment Narrative June 2021 PDF](#)

[Budget Amendment Agenda Memo June 2021 Updated 5-28-21](#)

Lynn Gelin, City Attorney, read Resolution No. 97-21 into the record.

John Lege, Finance Director, presented the proposed changes to amend the 2021 budget. The proposal would appropriate outstanding balances from the end of the fiscal year 2020 which includes purchases for goods and services that were encumbered by September 30, 2020 but were not received by that date. It also covers projects that were started but not completed within the 2020 fiscal year.

The Commission engaged in a discussion with Mr. Lege regarding the budget amendment, upcoming Fiscal Year Budget, and their confidence with past budgets.

Jennifer Alvarez, Interim City Manager, and Mr. Lege informed the Commission that there would be additional meetings to discuss the budget. They assured the Commission that they, as well as the public, would be involved in the process.

The Commission inquired about the elevator repairs in the Robert Federspiel parking garage.

Ms. Alvarez explained that the elevator fell into disrepair because the contractor installed proprietary parts. The proprietary parts need to be removed by the new contractor and fixed with non-proprietary parts. She is working with Lynn Gelin, City Attorney, to explore legal options pertaining to the former contractor.

Mayor Petrolia engaged in a conversation with Sammie Walthour, Interim Director of Neighborhood and Community Services, regarding the use of the \$3.8 million Urban Development Grant funds.

Mr. Walthour agreed to provide the plan to the Commission.

Deputy Vice Mayor Frankel made a motion to approve Resolution No. 97-21. It was seconded by Commissioner Boylston. The motion carried by the following vote:

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

8. PUBLIC HEARINGS/SECOND READINGS:

8.A. *None*

9. FIRST READINGS:

9.A. None

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:**A. City Manager****10.A.1. PINEAPPLE GROVE ARTS DISTRICT SCULPTURES DISCUSSION****Body: Recommended Action:**

Recommendation: Consider permitting the display of two sculptures on the sidewalk in Pineapple Grove.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[PGAD Sculptures Presentation](#)

Jennifer Alvarez, Interim City Manager, explained that if the Commission approved the sculptures conceptually, the city could proceed with entering negotiations with the Pineapple Grove Arts District.

Jason King, Legislative Affairs Manager, presented the Pineapple Grove Sculptures project. The Pineapple Grove Arts Commission would donate two sculptures called Hope and Shy Dancers to the Pineapple Grove Arts District. The Public Works Department identified NE 2nd Avenue as the most suitable location for the sculptures to reside. The Public Art Advisory Board voted in support of the sculptures and their proposed locations. He informed the Commission that the Pineapple Grove Arts Commission offered to pay for the sculptures' concrete pads and to assist with the installation.

The Commission engaged in a discussion with Mr. King, Ms. Alvarez, and Mr. Jeff Whyman, artist, regarding the maintenance, longevity, materials, safety, and insurance.

Mr. Whyman explained that the sculptures are made with welded steel and touch up paint maintenance would occur every three years. He informed the Commission that at this stage, there is no cost to the city regarding this project.

There was consensus to enter negotiations about the sculptures with the Pineapple Grove Arts Commission.

B. City Attorney

Lynn Gelin, City Attorney, informed the Commission that she would have Mr. Moore's contract for the City Manager position ready for the meeting on July 6, 2021.

C. City Commission

Commissioner Boylston felt that the city was entering into a new decade of excellence.

Vice Mayor Johnson commented that they learned a lot from the goal setting workshop. She thanked Jennifer Alvarez, Interim City Manager, for guiding the city through difficult times. She also thanked Lynn Gelin, City Attorney, Duane D'Andrea, Human Resources Director, and Dot Bast, Assistant Human Resources Director. She informed the students in the audience that decisions that are being made weigh heavily on them.

Deputy Vice Mayor Frankel recognized Rob Long in the audience.

Commissioner Casale thanked everyone who attended the meeting.

Mayor Petrolia thanked the applicants who applied for the City Manager position. She reminded her colleagues about the SPIRIT BBQ on Friday and the Ribbon Cutting Ceremony for the Pride Crosswalk on Saturday. Additionally, she wished her colleagues a pleasant break before the meetings in July.

11. ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 5:43 p.m.