

# City of Delray Beach

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



## Minutes - Draft

Tuesday, August 10, 2021

4:00 PM

Regular Meeting

Delray Beach City Hall

[https://www.youtube.com/channel/UCc2j0JhnR8Hx0Hj13RhCJag/videos?view=2&live\\_view=501](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.

A motion was made by Commissioner Casale to allow Vice Mayor Johnson to participate in the meeting remotely. 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

*Vice Mayor Johnson joined the meeting remotely.*

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

**PRESENT 5** - Mayor Shelly Petrolia, Vice Mayor Johnson, Deputy Vice Mayor Adam Frankel, Commissioner Boylston, and Commissioner Casale.

Others Present Were:

Terrence Moore, City Manager

Lynn Gelin, City Attorney

Katerri Johnson, City Clerk

## 2. PLEDGE OF ALLEGIANCE TO THE FLAG

## 3. AGENDA APPROVAL

### A. Additions, Deletions, Substitutions

Deputy Vice Mayor Frankel requested to table Item No. 8.A. (Ordinance No. 16-21) to a future date and schedule a workshop.

Mayor Petrolia and Commissioner Boylston were in favor of keeping Item No. 8.A. on the agenda.

There was final consensus to keep Item No. 8.A. (Ordinance No. 16-21) on the Regular Agenda.

Mr. Terrence Moore, City Manager, requested to postpone Item No. 4.A. – Employee of the month presentation since Ms. Lauren Czencz was unable to attend the meeting to accept the award. It was postponed until August 17, 2021.

Mayor Petrolia requested to pull Item No. 6.M. (Amendment No. 2 with Baxter and Woodman) for discussion. Item No. 6.M. became Item No. 7.A.A. on the Regular Agenda.

Vice Mayor Johnson requested to move Item No. 4.F. up on the Consent Agenda to allow State Representative Michael Caruso to give his presentation earlier regarding legislative updates. It became Item 4.A.A. on the Consent Agenda.

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 Petrolia, Vice Mayor Johnson, Deputy Vice Mayor Frankel, Commissioner Boylston, and Commissioner Casale.

**APPROVED**

Mayor Petrolia welcomed the new City Manager, Mr. Terrence Moore. She was pleased to report that Mr. Moore's priority was to ensure the health and safety of the city's employees and residents by instituting a mask mandate when in a city building, requiring proof of vaccinations, and practicing social distancing. He informed everyone that the Fire Station is offering COVID-19 vaccines to those employees who wished to receive them.

Mr. Moore expressed his gratitude for being unanimously elected as the City Manager of Delray Beach and vowed to do his best in his role.

#### **4. PRESENTATIONS:**

##### **4.A. PRESENTING LAUREN CZENCZ, EXECUTIVE ASSISTANT, WITH EMPLOYEE OF THE MONTH FOR JUNE 2021.**

**Body: Recommended Action:**

**Recommendation:** Motion to present Lauren Czencz, Executive Assistant, with Employee of the Month for June 2021.

**Sponsors:** Human Resources Department

**Attachments:** [Agenda Cover Report](#)  
[Lauren Czencz nomination form](#)

Postponed until August 17, 2021.

##### **4.B. *RECOGNIZING MEMBERS OF DELRAY BEACH FIRE RESCUE WHO WERE DEPLOYED TO ASSIST WITH SEARCH AND RESCUE EFFORTS AT THE COLLAPSED CHAMPLAIN TOWERS SOUTH IN SURFSIDE, FLORIDA***

**Sponsors:** Fire Rescue Department

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

Fire Chief, Keith Tomey, recognized the firefighters who rose to the occasion to protect the dignity of 98 families in the aftermath of the Surfside tragedy. He expressed his gratitude and presented each firefighter with a plaque honoring their efforts. Mayor Petrolia mimicked his sentiments.

**4.C.** *PROCLAMATION TO DESIGNATE THE MONTH OF AUGUST AS FLORIDA WATER PROFESSIONALS MONTH*

**Body: Recommended Action:**

**Recommendation:** Motion to designate the month of August as Florida Water Professionals Month.

**Sponsors:** Utilities Department

**Attachments:** [Agenda Cover Report](#)  
[2021 Proclamation Mayor Delray Beach.docx](#)  
[Simple Legal Review Approval Water Professionals Proclamation.pdf](#)  
[2021 FWPCOA Water Professionals Proclamation Delray Beach.pdf](#)

Mayor Petrolia read the Florida Water Professionals Month proclamation into the record.

Mr. Hassan Hadjimiry, Utilities Director, presented Mr. James Lee, Water Plant Manager and Mr. Philip G. Donovan, Chairman of the Florida Water Pollution Control Operators Association (FWPCOA), with a proclamation recognizing them as local Water Professionals.

**4.D.** *ASIAN AMERICAN AND PACIFIC ISLANDER RECOGNITION DAY*

**Body: Recommended Action:**

**Recommendation:** Motion to proclaim August 10, 2021, as Asian American and Pacific Islander Recognition Day.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Asian American & Pacific Islanders Recognition Day](#)

Mayor Petrolia read the Asian American and Pacific Islander Recognition Day proclamation into the record. She emphasized that the City of Delray Beach would not tolerate racism and urged all residents to stand together in solidarity against bigotry. Mayor Petrolia presented the proclamation to Mr. Louis Grayson, Owner of Ramen Lab Eatery.

**4.E.** *INTERNAL AUDIT UPDATE*

**Attachments:** [Agenda Cover Report](#)  
[Internal Audit Update 08\\_10\\_21](#)

Dr. Julia Davidyan, City Auditor, gave a status update on her audit of the lease agreement between the City of Delray Beach (City) and Old School Square (OSS). She informed the Commission that OSS provided her with an audit from 2018-2019, but did not submit prior

years. She reminded the Commission that OSS is required to submit a strategic plan every three years to the City.

After a brief discussion with Dr. Davidyan, Commissioner Casale requested that findings be shared with the CRA and requested a copy be forwarded to the City.

Vice Mayor Johnson expressed her disappointment in the City's monitoring of OSS and made a motion to terminate the lease agreement with Old School Square Center for the Arts, Inc.

Commissioner Casale seconded the motion for discussion.

Ms. Lynn Gelin, City Attorney, provided the Commission with the legalities of terminating the City's lease with OSS. She explained that the lease provided for 180 days written notice in the event the Commission wanted to terminate the lease without prejudice.

A discussion ensued with the Commission about the importance of OSS's lack of compliance and which party would be responsible for completing the renovations.

Deputy Vice Mayor Frankel and Commissioner Boylston noted that they had concerns. However, they were not in favor of terminating the lease at that moment.

Ms. Gelin, City Attorney, reminded the Commission that the City would be responsible for the contractual obligations upon the termination of the lease. She informed the Commission that the 58.54 bond submitted by OSS was not adequate in protecting the city.

Mayor Petrolia expressed her support of Vice Mayor Johnson's motion to terminate the lease with OSS and suggested using the CRA funding towards the continued renovations.

Commissioner Boylston respectfully disagreed with the decision to terminate the lease agreement that evening and recommended waiting until the audit was complete.

Deputy Vice Mayor Frankel recognized the efforts that OSS offered to improve the city. He suggested that the city's departments are overstrained and are not in position to run OSS.

Commissioner Casale suggested that terminating the lease should be based on their lack of compliance for many years.

Commissioner Boylston emphasized the need for further discussion and recommended scheduling a workshop with all the information to make a sound decision.

Mr. Terrence Moore, City Manager, stated that if there were consensus to terminate the lease, he would bring back other options for consideration.

Vice Mayor Johnson made a motion to terminate the lease with the present nonprofit, titled Old School Square Center for the Arts, Inc., with a 180-day notice from that evening. It was seconded by Commissioner Casale. The motion carried by the following vote:

**YES 3** - Mayor Petrolia, Vice Mayor Johnson, Commissioner Casale

**NO 2** - Deputy Vice Mayor Frankel, Commissioner Boylston

*The motion carried by a 3-2 vote to terminate the lease with Old School Square Center for the Arts, Inc.*

Mr. Moore asked for a consensus to inquire what further contractual agreements with OSS and alternatives to proceed.

There was consensus.

Dr. Davidyan verified that she would continue the audit on Human Resources.

Commissioner Casale requested a consensus to audit each department's payroll, time sheets, and vacation pay for possible inconsistencies.

There was consensus.

Mr. Moore commented he would keep the Commission apprised of the findings.

**4.F. PRESENTATION BY STATE REPRESENTATIVE MICHAEL A. CARUSO, PROVIDING LEGISLATIVE UPDATES FROM THE 2021 FLORIDA LEGISLATIVE SESSION**

**Body: Recommended Action:**

**Recommendation:** Presentation only.

**Sponsors:** City Clerk Department

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

State Representative Michael A. Caruso of District 89 provided a legislative update regarding the State budget, key bills that were passed, services his staff provided during COVID-19, and bills he had sponsored, which included motor vehicles and cleaning up the sober home industry. Additionally, he announced that he partnered with Comcast, and they have agreed to install Wi-Fi/High-Speed Internet to Pompey Park at no cost to the city.

Commissioner Casale expressed her appreciation for all that Representative Caruso had accomplished throughout the past year. She engaged in a discussion with Representative Caruso about the Senate Bill 90, House Bill 1, and COVID-19 measures.

Vice Mayor Johnson thanked State Representative Caruso for his hard work and expressed her gratitude for regulating Airbnb rentals.

**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*

Mr. Moore stated that he had none.

*B. From the Public*

Richard Burgess, the owner of Dealers Pro Choice, located at 475 SE 1st Avenue, Delray Beach, congratulated Mr. Moore and thanked the Commission and City Attorney for all they do to serve the city. He asked the Commission to assist him with the parking problem at his business but continues to be issued parking citations.

Matt Shipley, residing at 1210 Vista Del Mar, Delray Beach, representing Community Greening, informed the Commission that his company has been implementing ways to help combat climate change in South Florida by planting and caring for trees. He added that they have planted 2,000 trees for Delray Beach's campaign to plant ten thousand trees over the next five years.

Mark Cassini, residing at 3384 Lakeview Boulevard, Delray Beach, partner of Community Greening, informed the Commission that they have 6 full-time employees and 9 part-time employees. He announced that his organization received a grant from the United States Wildlife Service, the Conservation Partner of the Year award, and the Spirit of the Arbor Day award.

Francesca Velluzzi, located at 475 SE 1st Avenue, Delray Beach, business owner of Dealers Pro Choice, implored the Commission to pave the 400 Block of SE 1st Avenue to help provide adequate parking for the businesses.

Acey Patterson, residing at 127 SW 12th Avenue, Delray Beach, employed by Dealers Pro Choice, told the Commission how grateful he was to be working for such a worthwhile company and asked the city to help in any way they can. He explained that Dealers Pro Choice provides landscaping and maintenance services at no cost all along the avenue.

Joseph Galt, located at 475 SE 1st Avenue, Delray Beach, employed at Dealers Pro Choice, requested the Commission for help with his company's business parking issues.

Rubin Romulus, located at 475 SE 1st Avenue, Delray Beach, employed at Dealers Pro Choice expressed his gratitude for being employed by Dealers Pro Choice. He explained that he was provided a chance to rehabilitate himself after he served his sentence. Mr. Romulus requested help from the Commission.

Michael Muha, residing at 622 SW 4th Avenue, Delray Beach, spoke about the parking problems in Osceola Park. He stated that he is asking the city to help to stop people from parking in the swales.

Richard Listro, residing at 345 South Swinton Avenue, Delray Beach, expressed concern about who is the responsible party for upkeeping the alleyways behind his house, sprinklers, and the landlords not maintaining their properties. He provided the Commission with a photo of the overgrown areas.

Mayor Petrolia requested the city to investigate the situation.

Mike Vantec, Owner of Surf District Surf Shop located at 220 NE 1st Street, Delray Beach, requested to permanently display the A-Frame signs that were permitted during the pandemic.

Akib Khanani, residing at 203 Depot Avenue, Delray Beach, requested to temporarily grant a permit allowing him to paint the front exterior of the Tin Roof Restaurant lavender purple to match the theme of silent films of the JM fictional movies from September 8, 2021, through September 21, 2021. He noted that the restaurant would act as a pop-up shop based on the Jay and Silent Bob silent films era the city would be showcasing during that period.

Deputy Vice Mayor Frankel made a motion to allow the building to be temporarily painted lavender with the condition that the Tin Roof is painted back to its original color the day after the event ends. The motion was seconded by Commissioner Casale. The motion passed by the following vote:

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

Mayor Petrolia concluded public comments.

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

Commissioner Casale made a motion to approve the consent agenda as amended. It was seconded by Commissioner Boylston. The motion carried by the following vote:

**YES 5** – Mayor Petrolia, Vice Mayor Johnson, Deputy Vice Mayor Frankel, Commission Boylston, and Commissioner Casale.

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

**Body: Recommended Action:**

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

June 3, 2021, Goal Setting Day 1 City Commission Workshop Meeting Minutes

June 4, 2021, Goal Setting Day 2 City Commission Workshop Meeting



## Minutes

July 6, 2021, Regular City Commission Meeting Minutes

July 13, 2021, City Commission Budget Workshop Meeting Minutes

**Sponsors:** City Clerk Department**Attachments:** [Agenda Cover Report](#)[June 3, 2021, Goal Setting Workshop Day 1 Commission Meeting Minutes - DRAFT](#)[June 4, 2021, Goal Setting Workshop Day 2 Commission Meeting Minutes - DRAFT](#)[July 6, 2021, Regular Commission Meeting Minutes - DRAFT](#)[July 13, 2021, Commission Budget Workshop Meeting - DRAFT](#)**6.B.**

APPROVING THE FINAL (MAJOR) SUBDIVISION REPLAT OF LOTS 64 THROUGH 68, INCLUSIVE, BLOCK 34, DEL-RATON PARK, AS RECORDED IN PLAT BOOK 14, PAGE 9 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LOTS 1 THROUGH 3, INCLUSIVE, FLORIDA BOULEVARD TOWNHOMES AT DELRAY BEACH, AS RECORDED IN PLAT BOOK 112, PAGE 156 AND 157 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LYING IN SECTION 28, TOWNSHIP 46 SOUTH, RANGE 43 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA, ALSO KNOWN AS DELRAY EAST TOWNHOMES.

**Body:** **Recommended Action:**

**Recommendation:** Review and consider the Final (Major) Plat for Delray East Townhomes, at 2800, 2808, 2810 and 2812 Florida Boulevard, by adopting that the request and approval thereof are consistent with the criteria set forth in

the

Land Development Regulations Section 2.4.5(J) (Major Subdivisions).

**Sponsors:** Development Services Department**Attachments:** [Agenda Cover Report](#)[Delray East Location Map](#)[Delray East Plat](#)[Delray East Plat PZ Board Staff Report](#)[Delray East Site Plan](#)**6.C.**

ACCEPTANCE OF AN AMENDED LANDSCAPE MAINTENANCE AGREEMENT AND STREETLIGHT MAINTENANCE AGREEMENT ALONG NE 2ND AVENUE AND NE 2ND STREET FOR THE PROPERTY LOCATED AT 233 NE 2ND AVENUE.

**Body:** **Recommended Action:**

**Recommendation:** Review and Consider acceptance of an amended Landscape

Maintenance Agreement and Street Light Agreement along NE 2nd Street and NE 2nd Avenue for 233 NE 2nd Avenue.

**Sponsors:** Development Services Department

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

[The Ray SPRAB Report](#)

[Grove Rosebud Two Landscape Maintenance Agreement signed](#)

[Grove Rosebud Two Streetlight Maintenance Agreement signed](#)

[Simple Legal Review Approval Landscape Maintenance Agreement](#)

[The Ray](#)

[Simple Legal Review Approval Streetlight Maintenance Agreement The](#)

[Ray](#)

**6.D.**

RESOLUTION NO. 107-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION TO JOEL DARACK & LAURIE CLINGAN-DARACK, FOR THE HISTORIC REHABILITATION OF THE PROPERTY LOCATED AT 235 NE 1ST AVENUE, AS FURTHER DESCRIBED HEREIN, DETERMINING THAT THE COMPLETED IMPROVEMENTS ARE CONSISTENT WITH LAND DEVELOPMENT REGULATION (LDR) SECTION 4.5.1(J), TAX EXEMPTION FOR HISTORIC PROPERTIES; AND PROVIDING AN EFFECTIVE DATE.

**Body:** **Recommended Action:**

**Recommendation:** Review and consider Resolution No. 107-21; approving a Historic Property Ad Valorem Tax Exemption request for improvements to the contributing structure and property located at 235 NE 1st Avenue.

**Sponsors:** Development Services Department

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

[Resolution 107-21-235 NE 1st Ave-Tax Exemption](#)

[HPB Staff Report-235 NE 1st Ave](#)

[Ad Valorem Tax Exemption Application-235 NE 1st Ave](#)

[Warranty Deed-235 NE 1st Ave](#)

[Property Tax Information-235 NE 1st Ave](#)

[Certificate of Occupancy-235 NE 1st Ave](#)

[Architectural Drawings-235 NE 1st Ave](#)

[Survey Old-235 NE 1st Ave](#)

[Survey New-235 NE 1st Ave](#)

[Before and After Photographs-235 NE 1st Ave](#)

[Simple Legal Review Approval 107-21](#)

**6.E.**

APPROVAL OF THE INTERLOCAL AGREEMENT WITH PALM BEACH

*COUNTY FOR ACCEPTANCE OF FY 2020-21 EMS GRANT FUNDS.***Body:** **Recommended Action:**

**Recommendation:** Staff recommends the approval Interlocal Agreement, for the purposes of receiving reimbursement for the purchase of one (1) Ferno patient stretcher, from Palm Beach County through the 2021 EMS Grant.

**Sponsors:** Fire Rescue Department

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

[EMS Grant ILA with County for purchase of FERNO Stretcher 2021](#)

[Legal Review Checklist EMS Grant ILA with County for Ferno Stretcher](#)

[Ferno iNX Quote -Delray Beach Fire Rescue](#)

**6.F.**

*INTERLOCAL AGREEMENT FORMING THE PALM BEACH WORKFORCE DEVELOPMENT CONSORTIUM (CONSORTIUM) BY AND BETWEEN PALM BEACH COUNTY (COUNTY) POLITICAL SUBDIVISION OF THE STATE OF FLORIDA AND THE CITY OF DELRAY BEACH, THE CITY OF PALM BEACH GARDENS, THE CITY OF SOUTH BAY AND THE CITY OF WEST PALM BEACH FOR THE PURPOSE OF ESTABLISHING AN INDEPENDENT SPECIAL DISTRICT AND TO IMPLEMENT FEDERAL AND STATE WORKFORCE DEVELOPMENT PROGRAMS AND RELATED ACTIVITIES IN PALM BEACH COUNTY, FLORIDA UNDER THE PROVISIONS OF THE WORKFORCE INNOVATION AND OPPORTUNITY ACT, THE TEMPORARY ASSISTANCE TO NEEDY FAMILIES ACT, THE WAGNER-PEYSER ACT AND THE FLORIDA WORKFORCE INNOVATION ACT OF 2000 ("WORKFORCE PROGRAMS").*

**Body:** **Recommended Action:**

**Recommendation:** Motion to Approve the Interlocal Agreement forming the Palm Beach Workforce Development Consortium (Consortium) (R2007-1220) for the purpose of establishing an Independent Special District (ISD) and to implement Federal and State workforce development programs and related activities in Palm Beach County.

**Sponsors:** Neighborhood & Community Services

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

[Legal Review Email Confirmation](#)

[ILA - Palm Beach County Workforce Development Consortium 81721](#)

[Palm Beach County Workforce Development Agreement](#)

[Amendment No. 2 to Agreement for Workforce Development Consortium](#)

[3rd Amendment, Workforce Development Consortium](#)

[Item 3A1 PBC Agenda Item 11182014](#)

**6.G.** *RESOLUTION 108-21: AN AGREEMENT WITH THE EARLY LEARNING COALITION OF PALM BEACH COUNTY PROVIDING A REIMBURSABLE SCHOLARSHIP PROGRAM FOR THE AFTER SCHOOL PROGRAM LOCATED AT POMPEY PARK AND THE DELRAY BEACH COMMUNITY CENTER*

**Body: Recommended Action:**

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

**Sponsors:** Parks & Recreation Department

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

[Resolution 108-21 CSC](#)

[Legal Review Checklist CSC 2021](#)

[CSC Provider Agreement 2021.2022 -City of Delray Beach](#)

**6.H.** *RESOLUTION NO. 114-21: APPROVAL OF AGREEMENT BETWEEN THE SCHOOL BOARD OF PALM BEACH COUNTY AND THE CITY OF DELRAY BEACH TO PROVIDE SCHOOL SECURITY SERVICES TO NON-CHARTER DISTRICT-OPERATED SCHOOLS*

**Body: Recommended Action:**

**Recommendation:** Motion to approve Resolution No. 114-21 approving agreement between the School Board of Palm Beach County and the City of Delray Beach to provide school security services to non-charter district-operated schools.

**Sponsors:** Police Department

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

[School Security Agreement 2021 F](#)

[EXHIBIT A - Rate Schedule School Board 2021](#)

[Exhibit B - Contract Agreement Addendum Concerning Student Information - 2021](#)

[Resolution 114 21 School Board agreement for school security 2021](#)

[Legal Checklist 2021 Security Agreement LW review](#)

**6.I.** *GRANT APPLICATION AND APPROVAL/FDOT PEDESTRIAN & BICYCLE SAFETY*

**Body: Recommended Action:**

**Recommendation:** Motion to approve the application and award from the Florida Department of Transportation (FDOT) in an amount not to exceed \$45,000 for the pedestrian and bicycle safety education and enforcement program.

**Sponsors:** Police Department

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

[Pedestrian Bicycle Grant - Delray Beach PD Contract Approval Letter  
13July2021  
Legal Review Form FDOT Bicycle High visibility grant lw 7-16-2021](#)

- 6.J.** APPROVAL OF THE REQUEST FOR FUNDING FROM THE GBDC ENTREPRENEURSHIP INSTITUTE, INC. FROM THE LAW ENFORCEMENT TRUST FUND (LETF) IN THE AMOUNT OF \$10,000.

**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 GBDC Entrepreneurship Institute, Inc. in the amount of \$10,000.

**Sponsors:** Police Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Form GBDC](#)  
[GBDC Entrepreneurship Institute LETF request 2021](#)

- 6.K.** APPROVAL TO INCREASE THE CONTRACT VALUE IN THE AMOUNT OF \$1,250,000 FOR THE PURCHASE OF ADDITIONAL TECHNOLOGY PRODUCTS, SERVICES AND SOLUTIONS THROUGH APRIL 30, 2023, FOR THE INFORMATION TECHNOLOGY AND POLICE DEPARTMENTS

**Body:** **Recommended Action:**

**Recommendation:** Motion to approve an increase to the contract value in the estimated amount of \$1,250,000 through April 30, 2023, with Insight Public Sector, Inc., for the purchase of technology products, services, and solutions, including hardware and software, security appliances and programming, licensing, maintenance, and support.

**Sponsors:** IT Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[TextFileInSite-01-Jul-2020-12-54-24](#)

- 6.L.** APPROVAL OF AMENDMENT NO. 4 TO THE SOLID WASTE AND RECYCLING COLLECTION FRANCHISE AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND WASTE MANAGEMENT INC. OF FLORIDA

**Body:** **Recommended Action:**

**Recommendation:** Motion to Approve Amendment No. 4 to the Solid Waste and Recycling Collection Agreement dated March 9, 2015, between the City of Delray Beach and Southern Waste Systems, LLC and assigned to Waste Management Inc. of Florida on December 14, 2015.

**Sponsors:** Neighborhood & Community Services and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[WM Signed Amend 4 2014-038](#)  
[Legal Review Checklist Waste Management Amendment 4](#)  
[Fully Executed Amendment No. 3 - Solid Waste Recycling Collection Agreement](#)  
[Waste Management - amd no. 2 to solid waste and recycling collection franchise agreement dated April 3, 2018](#)  
[Waste Management of Florida - amendment no. 1 to franchise agreement for collection of solid waste and recyclable materials Exclusive Franchise Agreement -Southern Waste Systems LLC 03 2015](#)

Mayor Petrolia requested to pull Item No. 6.M. from the consent agenda. Item 6.M. became Item No. 7.A. A on the regular agenda.

**6.M.** APPROVAL OF AMENDMENT NO. 2 TO BAXTER & WOODMAN, INC. FOR ADDITIONAL CONSTRUCTION, ENGINEERING, AND INSPECTION SERVICES (CEI) FOR THE OSCEOLA PARK NEIGHBORHOOD IMPROVEMENT PROJECT IN THE AMOUNT OF \$172,000 (PROJECT NO. 16-095)

**Body:** **Recommended Action:**

**Recommendation:** Motion to Approve Amendment No. 2 to the Agreement with Baxter & Woodman, Inc. for additional Construction, Engineering, and Inspection Services (CEI) for the Osceola Park Project, in the amount of \$172,000, for a total contract amount not to exceed \$1,155,865.

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

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist Amd #2 to Osceola Park CEI services Baxter & Woodman](#)  
[Signed Amend2 to RFQ 2019-051 - Baxter and Woodman Osceola Park Neighborhood Improvements 2021-06-28](#)  
[Amendment No. 2 Rev 2021-06-21 Ex A](#)  
[Amendment No. 1 - Baxter Woodman Inc. RFQ 2019-051 fully executed](#)  
[Exhibit A to Amend 1 - CEI Osceola Park](#)  
[Exhibit B - Fee Estimate](#)  
[Fully Executed Agreement - Baxter & Woodman - Osceola CEI](#)  
[2019-051 CEI Services for Osceola Park Neighborhood Improvements - FINAL](#)

Ms. Cynthia Buisson, Assistant Director of Public Works, reported that this project began one year ago during the peak of COVID-19. She informed the Commission that the cost increases are due to difficulty finding workers, materials, and supplies. She mentioned that there is a need for utility repairs due to the age of the community. She told the Commission that the project would be complete by September 2021. She explained that the General Contractor was

put on notice that the city would be seeking liquidated damages when the project is finalized.

Mayor Petrolia inquired why the additional costs due to delays should be on tax-paying dollars?

Ms. Lynn Gelin, City Attorney, clarified that the city is taking care of the project's contractor (CEI) portion to keep it moving and this would not cost the taxpayers.

Commissioner Casale made a motion to approve the additional funding. 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

**6.N.** *APPROVE RESOLUTION NO. 110-21 AUTHORIZING A GRANT AGREEMENT WITH FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) IN THE AMOUNT OF \$1,242,499.50 FOR MANAGEMENT OF THE CITY OF DELRAY BEACH'S (CITY) SHORE PROTECTION PROJECT (PROJECT NO. 17-081)*

**Body:** **Recommended Action:**

**Recommendation:** Motion to approve Resolution No. 110-21 authorizing a Grant Agreement with the Florida Department of Environmental Protection (FDEP) for assistance with funding the City's Shore Protection Project (Project No. 17-018) in amount of \$1,242,499.50.

**Sponsors:** Public Works Department

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

[Beach State Grant Resolution 6.30.21](#)

[22PB1 Delray Beach Shore Protection Project](#)

[Simple Legal Review Approval DEP Grant Agreement for Beach Nourishment Program](#)

**6.O.** *RESOLUTION 119-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH CREATING A TIME-LIMITED PARKING ZONE WITHIN THE CITY AND PROVIDING A MAXIMUM TIME LIMIT WITHIN SPECIFIED LOCATIONS*

**Body:** **Recommended Action:**

**Recommendation:** Motion to approve Resolution 119-21 to create a new time-limited parking zone in the city.

**Sponsors:** Public Works Department

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

[DSMG 5.13.21 Meeting Notes](#)

[Resolution No. 119-21.pdf](#)

[Simple Legal Review Approval Resolution 119-21.pdf](#)

**6.P.** *INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY*



*BEACH AND THE CITY OF BOYNTON BEACH FOR LAKE IDA WATER QUALITY MONITORING SERVICES IN AN AMOUNT NOT TO EXCEED \$30,000.*

**Body:** **Recommended Action:**

**Recommendation:** Motion to approve and accept the proposed Interlocal Agreement (ILA) between the City of Delray Beach and Boynton Beach for water quality monitoring services for Lake Ida in an amount not to exceed \$30,000.

**Sponsors:** Public Works Department

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

[1. ILA with Delray Beach for Lake IDA](#)

[2. Exhibit A- Water Quality Monitoring for Lake Ida](#)

[3. Legal Review ILA with Boynton Beach for water sample testing from Lake Ida](#)

**6.Q.**

*ITEM(S) A1 and B1 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 53 SE 7TH AVE. AND HOLD HARMLESS AGREEMENT FOR 1625 S. OCEAN BLVD*

**Body:** **Recommended Action:**

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

**RIGHT-OF-WAY DEED(S)**

**Items A**

**Item A1** - Motion to approve and accept a Right-of-Way Dedication by the owner(s) of 53 SE 7th Ave. to the City of Delray Beach.

**HOLD HARMLESS AGREEMENT**

**Item B**

**Item B1** - Motion to approve and accept a Hold Harmless Agreement by the owner(s) of 1625 S. Ocean Blvd to the City of Delray Beach.

**Sponsors:** Public Works Department

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

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

[Item \(A1a\) 53 SE 7th Ave. - ROW](#)

[Item \(A1b\) 53 SE 7th Ave - Exhibit A & Sketch](#)

[Item \(B1\) Hold Harmless pkg. 1625 S. Ocean Blvd](#)

[Item \(B1\) Exhibit A Sketch of Description - 1625 S. Ocean Blvd.](#)

[Item \(B1\) Exhibit Utility Permit work in State ROW 1625 S Ocean](#)

**6.R. PROCLAMATIONS:**



6.R.1. None

## **6.S. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**

### **6.S.1. REPORT OF APPEALABLE LAND USE ITEMS FROM JUNE 11, THROUGH JULY 23, 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 East Townhomes](#)

[B - Grand Bahama](#)

[C - Park Ten](#)

[D - The Ray Hotel and the Shops at the Ray](#)

[E - Throw Social](#)

[F - Ocean Hammock](#)

[G - The Mark Downtown](#)

## **6.T. AWARD OF BIDS AND CONTRACTS:**

### **6.T.1. APPROVAL OF RESOLUTION NO. 51-21 TO AWARD AN AGREEMENT TO ADVANCED MULCH, INC., FOR THE PURCHASE AND INSTALLATION OF MULCH; UTILIZING PALM BEACH COUNTY SOLICITATION NO. 20-061/KP - \$40,000**

**Body:** **Recommended Action:**

**Recommendation:** Motion to approve Resolution No. 51-21 to award an Agreement to Advanced Mulch, Inc., for the purchase and installation of mulch in the estimated amount of \$40,000 through July 31, 2022, utilizing the Palm Beach County, Florida Solicitation No. 20-061/KP, and authorize the city Manager to approve renewal options, in the amounts below, contingent on appropriations of funds.

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

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

[Legal Review Checklist final advanced mulch](#)

[Master Service Agreement PBC Advanced Mulch Inc Piggyback](#)

[Resolution No. 51-21 ADVANCED MULCH INC \(KWB 7.12.21\)](#)

[Form L for renewal #20061 MULCH, Blown](#)

[20061 Advanced Mulch response](#)

[Form L #20061 MULCH, BLOWN](#)

**6.T.2.** *APPROVAL OF RESOLUTION NO. 112-21 TO AWARD AN AGREEMENT TO POINT BLANK ENTERPRISES, INC. FOR PURCHASES OF BODY ARMOR, UTILIZING STATE OF FLORIDA ALTERNATE CONTRACT SOURCE NO. 46151500-NASPO-21-ACS - \$150,000*

**Body: Recommended Action:**

**Recommendation:** Motion to approve Resolution No. 112-21 to award an agreement to Point Blank Enterprises, Inc., for purchases of body armor in the estimated amount of \$150,000 through November 10, 2022, utilizing the State of Florida Alternate Contract Source No. 46151500-NASPO-21-ACS, and authorize the City Manager to approve renewal options, in the amounts below, contingent on appropriations of funds.

**Sponsors:** Police Department and Purchasing Department

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

[Point Blank Agreement](#)

[Reso 112-21 - Body Armor and Ballistic Resistant Products - Federal](#)

[Easter - State Piggyback lw rev](#)

[Legal Review Checklist point blank lw rev](#)

[NASPO Master Agreement Number 164719](#)

**7. REGULAR AGENDA:**

**7.A.** *RESOLUTION NO. 117-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE PURSUANT TO THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, TO ALLOW THE OPERATION OF A PRIVATE EDUCATIONAL FACILITY AT 342 NORTH SWINTON AVENUE, 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. 117-21, to allow the operation of a private educational facility at 342 North Swinton Avenue.

**Sponsors:** Development Services Department

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

[Res. No. 117-21 Conditional Use Cocoplum School](#)

[Conditional Use Cocoplum School: Survey](#)

[Conditional Use Cocoplum School: Site Plan](#)

[Conditional Use Cocoplum School: Life Safety](#)

[Conditional Use Cocoplum School: Lighting Plan](#)

[Legal Review Res 117-21 Condition Use Cocoplum School](#)

Mayor Petrolia read the Quasi-Judicial Rules into the record.

Katerri Johnson, City Clerk, swore in Ms. Anthea Gianniotis, Development Service Director; Mr. Jeffrey Lynne, Attorney with Beighley, Myrick, Udell & Lynne P.A.; Dr. Melanie Stephanovic, Executive Director of Cocoplum Nature School; Dr. Fernanda Pineda Wolfson, Director of Curriculum, and Instruction of Coco Plum Nature School; Mr. George Long, Ms. Angela Dugan, Ms. Juliana Millings, Ms. Alexis Talbott, and Mr. Pablo Del Real who wished to provide testimony on this item.

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

Commissioner Boylston: Had a conversation with the applicant and Mr. Jeffrey Lynne.  
Deputy Vice Mayor Frankel: Spoke with Mr. Jeffrey Lynne and Mr. von Lazar Dugan Esq.  
Vice Mayor Johnson: none  
Commissioner Casale: none  
Mayor Petrolia: none:

Ms. Gianniotis entered File No. 2021-169 into the record.

Mr. Jeffrey Lynne, Attorney with Beighley, Myrick, Udell & Lynne P.A., located at 2385 NW Executive Drive, Boca Raton, spoke briefly about the proposed Cocoplum Nature School. Mr. Lynne introduced Dr. Fernanda Pineda Wolfson and Dr. Melanie Stefanovic, co-founders of the Cocoplum Nature School.

Dr. Melanie Stefanovic, Executive Director of Cocoplum Nature School, residing at 258 NE 15th Street, Delray Beach, presented the proposed Conditional Use Land Development application needed to obtain approval to operate a private school. Dr. Stefanovic explained that the existing uses in the church parking are not concurrent with the proposed conditional use and would be unaffected. She clarified that the Church had been used as a preschool and nursery school before the pandemic. Dr. Stefanovic informed the Commission that the structure of the building would remain the same, but improvements would be made to the property's appearance.

Anthea Gianniotis, Development Services Director, provided a staff report of the proposed project. She explained that the applicant is working on complying with the recommendations made by the Planning and Zoning Board on July 19, 2021. These conditions include blocking off the parking spaces located south of the loading area during hours of operation and providing appropriate illumination standards for the space. The Commission must make findings that the conditional use would not:

- Have a detrimental effect upon the stability of the neighborhood in which it would be located.
- Hinder development or redevelopment of nearby properties.

*Public Comments:*

George Long, residing at 46 N. Swinton Avenue, Delray Beach, stated that he approved of the school.

Angela Dugan, residing at 6366 Pond Apple Road, Boca Raton, said that Cocoplum School provided her child with a nurturing and wonderful learning experience.

Julianna Mullings, residing at 328 Hastings Street, Boca Raton, had her child speak about what she likes at the school.

Alexis Talbott, Pastor of Cason United Methodist Church, residing at 220 NW 7th Street, Delray Beach, expressed her gratitude for having Cocoplum Nature School as a community partner.

Pablo Del Real residing at 6285 White One Way, Lantana, a teacher at Atlantic School asked the Commission to assist with opening Cocoplum Nature School.

Fernanda Pineda Wolfson, residing at 744 S. Lake Avenue, Delray Beach, thanked everyone who came to support the Cocoplum Nature School.

Anthea Gianniotis, Development Services Director, informed the Commission that staff had been in receipt of their application since May 19, 2021.

The Commission engaged in a discussion with Ms. Gianniotis and Mr. Lynne regarding the lighting requirements.

Commissioner Boylston made a motion to approve Resolution No. 117-21 to allow Cocoplum School to open with the condition that 90 days from August 10, 2021, Cocoplum Nature School would provide photometric lighting. 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, Commissioner Casale

**7.B.                    *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 70th, 71st and 72nd Extensions of the State of Emergency for COVID -19.

**Sponsors:** City Attorney Department

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

[70th Extension of State of Emergency 07-14-21](#)

[71st extension of state of emergency 7-21-2021](#)

[72nd extension of state of emergency 7-28-2021](#)

Commissioner Boylston made a motion to approve the ratification of the 70th, 71st and 72nd Extension of the State of Emergency for COVID-19. 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, Commissioner Casale

**7.C.** *APPOINTMENT OF THE CHAIR AND VICE-CHAIR OF THE COMMUNITY REDEVELOPMENT AGENCY (CRA)*

**Body:** **Recommended Action:**

**Recommendation:** Motion to appoint the Chair and Vice-Chair of the Community Redevelopment Agency (CRA).

**Sponsors:** City Attorney Department

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

[Res No. 57-18](#)

Commissioner Casale nominated Vice Mayor Johnson as the Chair of the Community Redevelopment Agency Board. 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, Commissioner Casale

Commissioner Casale nominated Angeleta Gray as the Vice Chair of the Community Redevelopment Agency Board. 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 Commissioner Casale

**7.D.** *NOMINATION FOR APPOINTMENT TO THE BOARD OF ADJUSTMENT*

**Body:** **Recommended Action:**

**Recommendation:** Motion to approve the nomination for an appointment for four (4) regular members and two (2) alternate members to serve on the Board of Adjustments for a two (2) year term ending August 31, 2023.

**Sponsors:** City Clerk Department

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

[Exhibit A 07212021](#)

[Cabana](#)

[Candia 2](#)

[Clark](#)

[Cohen 2](#)

[Dumitrescu 2](#)

[Evans](#)

[Evola](#)

[Fredericks 3](#)

[Hayes](#)

[Williams](#)

The Board of Adjustment nominations were deferred to the August 17, 2021, Regular Commission Meeting.

**7.E. NOMINATIONS FOR APPOINTMENT TO THE HISTORIC PRESERVATION BOARD**

**Body: Recommended Action:**

**Recommendation:** Motion to approve nominations for appointment for two (2) regular members to serve on the Historic Preservation Board for a two-year term ending August 31, 2023.

**Sponsors:** City Clerk Department

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

[Exhibit A 08052021](#)

[Brown](#)

[Chard](#)

[Cohen](#)

[Dumitrescu 2](#)

[Fredericks 2 BOA](#)

[Hayes](#)

[Nevin 2](#)

[Pitts](#)

[Sylvestre](#)

[Talley](#)

[Turner](#)

[Wood](#)

Deputy Vice Mayor Frankel nominated James Chard 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, Commissioner Casale.

**APPROVED**

Commissioner Casale requested consideration from the Commission to allow Alyse Lemstrom to be reappointed to the Historic Preservation Board.

Here was consensus to allow Ms. Lemstrom's nomination to come back on the August 17, 2021 Agenda pending receipt of her application.

**7.F. NOMINATION FOR APPOINTMENT TO THE PLANNING AND ZONING BOARD**

**Body: Recommended Action:**

**Recommendation:** Motion to approve the nominations for appointment for two (2) regular members to serve on the Planning and Zoning Board to serve for a two (2) year term ending August 31, 2023.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Exhibit A 08022021](#)  
[Planning & Zoning Board 2021 2](#)  
[Blankenship 2](#)  
[Brown](#)  
[Cabana](#)  
[Chard](#)  
[Clark](#)  
[Cohen](#)  
[Cope](#)  
[Cortez](#)  
[Cruz](#)  
[Dumitrescu 2](#)  
[Evola](#)  
[Gray](#)  
[Hayes](#)  
[Howell 2](#)  
[Jonas](#)  
[Lieberman](#)  
[Stepner](#)  
[Umbdenstock](#)

Commissioner Casale nominated Joy Howell to the Planning and Zoning Board. 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, Commissioner Casale

**APPROVED**

Commissioner Boylston nominated Julen Blankenship to the Planning and Zoning Board. 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, Commissioner Casale

**7.G.** *NOMINATION FOR APPOINTMENT TO THE SITE PLAN REVIEW AND APPEARANCE BOARD*

**Body:** **Recommended Action:**

**Recommendation:** Motion to approve the nominations for appointment of two (2) regular members to serve on the Site Plan Review and Appearance Board for a two (2) year term ending August 31, 2023.

**Sponsors:** City Clerk Department

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

[Exhibit A 07282021](#)

[Bailey](#)

[Blankenship 2](#)

[Cabana](#)

[Chard](#)

[Clark](#)

[Cohen](#)

[Dumitrescu 2](#)

[Gray](#)

[Hayes](#)

[Perez](#)

[Sherman 2](#)

Deputy Vice Mayor Frankel nominated Annette Gray to the Site Plan Review and Appearance Board. 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, Commissioner Casale

Commissioner Casale nominated Carol Perez to the Site Plan Review and Appearance Board. 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, Commissioner Casale

**7.H.** *DISCUSSION REGARDING SUPERVISOR OF ELECTIONS RECOMMENDATION*

**Body:** **Recommended Action:**



**Recommendation:** Discussion and direction only.

**Sponsors:** City Clerk Department

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

[SOE Charter Recommendations](#)

[Polling of Other Municipalities in Palm Beach County](#)

Katerri Johnson, City Clerk, provided an update regarding the Palm Beach County Supervisor of Elections recommendations for qualifying periods for future elections and canvassing board.

There was consensus to have the qualifying period for future elections the first 14 business days in November. The Commission agreed to keep the current Canvassing Board as is and will appoint a third person to serve on the Canvassing Board.

**7.I.                                      *DESIGNATION OF VOTING DELEGATE AND ALTERNATE(S) TO THE PALM BEACH COUNTY LEAGUE OF CITIES.***

**Body:** **Recommended Action:**

**Recommendation:** Designation of voting delegate and alternate(s) to the Palm Beach County League of Cities.

**Sponsors:** City Clerk Department

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

[Voting Delegate Form 2021 fillable](#)

Commissioner Boylston offered to serve as the designated voting delegate to the Palm Beach League of Cities. 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, Commissioner Casale.

Deputy Vice Mayor Frankel nominated Commissioner Casale as the alternate voting delegate to the Palm Beach League of Cities. 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, Commissioner Casale.

**7.J.                                      *RESOLUTION NO. 122-21 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. 122-21 amending the Fiscal Year 2020-21 budget.

**Sponsors:** Finance Department

**Attachments:** [Agenda Cover Report](#)  
[Tennis Center Budget Adjustment 8102021](#)  
[Barwick Park Budget Adjustment 8102021](#)  
[Budget Amendment Narrative - August 2021](#)  
[ELC Budget Adjustment- 8102021](#)  
[2021 Exhibit A Budget Amendment - August 2021](#)  
[Resolution 122-21 Budget Amendment FY 20.21](#)  
[Simple Legal Review Approval 122-21](#)

Ms. Lynn Gelin, City Attorney, read Resolution No. 122-21 into the record.

Mr. John Lege, Finance Director, provided staff's recommendations to adopt Budget Resolution No. 122-21 that amends the Fiscal Year Budget. He explained the proposed changes would affect the following three elements of the budget:

1. Tennis Center – Requesting to increase revenues to account for additional expenditures.
2. Early Learning Collation Grant – Requesting to increase revenues and expenditures for after school and summer programs.
3. Parks and Recreation – (Recreation Impact Fee Fund) for Mike Machek Boy Scout Park. He said that the shade structure had not been completed from the prior year and was carried forward to the current fiscal year.

Mr. Samuel Metott, Director of Parks and Recreation, explained that the fees associated with the increased revenue are to cover expenditures that are incurred as well.

Deputy Vice Mayor Frankel made a motion to approve Resolution No. 122-21. 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, Commissioner Casale.

## **8. PUBLIC HEARINGS/SECOND READINGS:**

- 8.A.** *ORDINANCE NO. 16-21: 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 PROVISIONS", ARTICLE 2.4 "GENERAL PROCEDURES", SECTION 2.4.3 "SUBMISSION REQUIREMENTS", SUBSECTION (A), "STANDARD APPLICATION ITEMS", AND SUBSECTION (B), "STANDARD PLAN ITEMS", TO CLARIFY AND ADD REQUIREMENTS; SECTION 2.4.6, "PROCEDURES FOR OBTAINING*

*PERMITS AND APPROVALS”, SUBSECTION (B), “BUILDING PERMITS”, TO REQUIRE GREEN BUILDING CERTIFICATION; FOR NEW CONSTRUCTION OR ADDITIONS OVER 5,000 SQUARE FEET. BY AMENDING CHAPTER 3, “PERFORMANCE STANDARDS”, ARTICLE 3.2, “PERFORMANCE STANDARDS”, SECTION 3.2.3, “STANDARDS FOR SITE PLAN AND/OR PLAT ACTIONS”, TO REQUIRE LEED CERTIFICATION FOR NEW CONSTRUCTION OR ADDITIONS OVER 5,000 SQUARE FEET; BY AMENDING CHAPTER 4, “ZONING REGULATIONS”, ARTICLE 4.4, “BASE ZONING DISTRICT”, SECTION 4.4.13, “CENTRAL BUSINESS (CBD) DISTRICT”, SUBSECTION (F), “ARCHITECTURAL STANDARDS”, TO AMEND ARCHITECTURAL STANDARDS FOR URBAN HEAT ISLAND REQUIREMENTS FOR ROOFED AND NON-ROOFED AREAS AND GREEN BUILDING PRACTICES; BY ENACTING A NEW ARTICLE 7.11, “RESILIENT DESIGN AND CONSTRUCTION PRACTICES”, TO PROVIDE CERTIFICATION REQUIREMENTS FOR NEW PRIVATE AND PUBLIC DEVELOPMENT, APPLICATION PROCEDURES, BOND REQUIREMENTS, AND TO ESTABLISH A GREEN BUILDING FUND. PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY AND PROVIDING AN EFFECTIVE DATE. (SECOND READING/PUBLIC HEARING).*

**Body: Recommended Action:**

**Recommendation:** Motion to approve Ordinance No. 16-21 on Second Reading to amend the Land Development Regulations for the purpose of requiring that all new construction over 5000 square feet, whether public or private, obtain Leadership in Energy and Environmental Design certification of minimum Gold level or equivalent.

**Sponsors:** City Manager Department

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

[Memo GIAB Green Building Recommendation to City Commission](#)

[Green Building Req- PZ Staff Report](#)

[Simple Legal Review Approval LEED 6.7.21](#)

[LEED LDR Amendments 061021 lq rev](#)

Ms. Gelin, City Attorney, read Ordinance No. 16-21 into the record.

Mr. Ken Edwards, Sustainability Officer, explained that the city created the Green Implementation Advancement Board in 2009. He shared staff recommendations for new structures to be considered Silver or Gold Leadership in Energy and Environmental Design (LEED) Certified under proposed Ordinance No.16-21.

Gary Eliopoulos, Architect, with GE Architecture Inc, located at 1045 E. Atlantic Avenue, Delray Beach, favored tabling or workshopping this item.

Josh Weaver, Architect, residing at 2111 NW 2nd Avenue, Delray Beach, commented the proposed Ordinance needs to be discussed with professionals.

Dan Sloane, with Sloan and Sloan Architecture, located at 106 SW 7th Avenue, Delray Beach, suggested having incentives for buildings built to be green. He suggested tabling the item to receive feedback from the community.

Commissioner Casale thanked Mr. Sloan for his efforts in putting together his research.

There being no further comments, public comment was closed.

Commissioner Boylston stated that he was in favor of having the discussion that evening.

The Commission deliberated over a building's requirements to be certified as "Silver or Gold LEED Certified."

Mayor Petrolia suggested having more cost-efficient ways to build a new home and still be compliant with the city's green ordinances.

Deputy Vice Mayor Frankel recommended having a workshop with local professionals and Mr. Edwards to help make well-educated decisions.

Mr. Terrence Moore, City Manager, acknowledged there was a consensus to workshop Ordinance No.16-21. Mayor Petrolia suggested having charrettes before the workshops. Mr. Moore advised the Commission that he will be discussing this Ordinance with the Executive Leadership Team in their weekly meetings and will keep the Commission apprised of their discussions.

Deputy Vice Mayor Frankel made a motion to table the discussion until December 14, 2021. 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, Commissioner Casale.

**8.B.** *ORDINANCE NO. 25-21: 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 1, "GENERAL PROVISIONS," ARTICLE 1.1, "ADOPTION OF CODE", SECTION 1.1.1, "REFERENCE," AND SECTION 1.1.6, "AMENDMENTS", AND BY AMENDING CHAPTER 2, "ADMINISTRATIVE PROVISIONS", ARTICLE 2.4, "GENERAL PROCEDURES", SECTION 2.4.5, "PROCEDURES FOR OBTAINING DEVELOPMENT APPROVALS", SUBSECTION 2.4.5(M), "AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS", TO REQUIRE AT LEAST ONE MEMBER OF THE CITY COMMISSION SPONSOR A PRIVATELY-INITIATED*

*AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS PRIOR TO THE SUBMITTAL OF AN APPLICATION; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (SECOND READING/PUBLIC HEARING)*

**Body:** **Recommended Action:**

**Recommendation:** Review and consider Ordinance No. 25-21 on Second Reading, a city-initiated request to amend the Land Development Regulations (LDR) to require that at least one member of the City Commission shall sponsor a privately-initiated amendment to the LDR at a City Commission Workshop prior to the submittal of an application for such a request.

**Sponsors:** Development Services Department

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

[Ordinance No. 25-21: Private LDR Sponsorship](#)

[Ordinance No. 25-21: Staff Report](#)

[Ordinance No. 25-21: Legal Review](#)

Ms. Lynn Gelin, City Attorney Read Ordinance No. 25-21 into the record.

Ms. Anthea Gianniotis, Development Services Director, noted that there weren't any changes to the first and second reading of Ordinance No. 25-21.

There were no public comments pertaining to this item.

Commissioner Casale motioned to approve Ordinance No. 25-21. 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, Commissioner Casale.

**8.C.** *ORDINANCE NO. 26-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH BY AMENDING CHAPTER 4, "ZONING REGULATIONS", ARTICLE 4.4, "BASE ZONING DISTRICT", SECTION 4.4.13. "CENTRAL BUSINESS DISTRICT (CBD)", SUBSECTION (A), "PURPOSE AND INTENT"; SUBSECTION (B), "REGULATING PLANS". SUBSECTION (C), "ALLOWABLE USES"; SUBSECTION (D), "CONFIGURATION OF BUILDINGS"; SUBSECTION (E), "FRONTAGE STANDARDS"; SUBSECTION (F), "ARCHITECTURAL STANDARDS". SUBSECTION (G), "CIVIC OPEN SPACES"; SUBSECTION (I), "CBD PARKING STANDARDS"; AND SUBSECTION (K) "CBD REVIEW AND APPROVAL PROCESS"; TO PROVIDE CLARIFICATION OF AND CONSISTENCY WITH EXISTING REGULATIONS, RENUMBERING OF FIGURES, AND AMENDING THE PARKING REQUIREMENT FOR*

*BUILDINGS ON PROPERTIES LESS THAN 65 FEET WIDE AND CONTAINING MORE THAN TWO STORIES; AND, PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (SECOND READING/PUBLIC HEARING)*

**Body: Recommended Action:**

**Recommendation:** Review and consider Ordinance No. 26-21 on Second Reading, amendments to the Land Development Regulations (LDR) Sections 4.4.13, Central Business District (CBD), to provide general clarifications and updates to the existing regulations, renumbering of existing figures, and amending the parking requirement for buildings on properties less than 65 feet wide and containing more than two stories.

**Sponsors:** Development Services Department

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

[Ord. No. 26-21: CBD Amendments \(Non-expansion\)](#)

[Ord. No. 26-21: PZB Staff Report](#)

[Ord. No. 26-21: Legal Review](#)

Ms. Lynn Gelin, City Attorney, read Ordinance No. 26-21 into the record.

Anthea Gianniotis, Development Services Director, explained that proposed Ordinance No. 26-21 was written to provide clarifications and updates to the existing regulations that would be renumbered in section number 4.4.13. of the Land Development Regulations/Central Business District.

Commissioner Boylston made a motion to approve Ordinance No. 26-21. 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, Commissioner Casale.

## **9. FIRST READINGS:**

9.A. None

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

### **A. City Manager**

Mr. Terrence Moore, City Manager, clarified his position on the Employee COVID-19 Outreach Vaccination Policy. He explained that each employee is required to show vaccine proof to Human Resources or explain why they have chosen not to be vaccinated, in which case they would be required to be tested weekly beginning August 30, 2021. He emphasized that the health and safety of the city's employees and residents/visitors are his number one priority.

Mr. Duane D'Andrea, Human Resource Director, reported that the city's Vaccine Outreach

Program jumped from 8% compliance to 37.3 % compliance in its first week of being instituted. He noted that the City of Delray Beach is paving the path of instituting the Vaccine Outreach Program for other cities to adopt.

Mayor Petrolia noted that she would be working alongside Congresswoman Lois Frankel to help combat COVID-19 within the county.

### ***B. City Attorney***

Ms. Lynn Gelin, City Attorney, explained that Mr. Burgess, owner of Dealers Pro Choice, is facing Code Violations for conducting business on property that does not belong to him. She stated that the case would likely be heard by a Special Magistrate and reminded the Commission that this issue was not within their purview because it was a code matter and that they cannot grant him special privileges.

Ms. Gelin requested a Shade Meeting in the case of Foster and Marine Contractors, Inc. vs. the City of Delray Beach, Case No. 50-2017CA8953XXXXMB-AO50-000 on Tuesday, August 17, 2021, at 3:00 p.m. Ms. Gelin read the case into the record.

Deputy Vice Mayor Frankel made a motion to approve a Shade Meeting in the case of Foster and Marine Contractors, Inc. vs. the City of Delray Beach Tuesday August 17, 2021, at 3:00 p.m. 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, Commissioner Casale.

### ***C. City Commission***

Commissioner Casale announced that there would be another Chess Tournament on Sunday, September 5, 2021, from 2:00 p.m. - 5:00 p.m. at Libby Wesley Park. She reported that she had met with Mr. Terrance Moore and provided him with an update on the current projects that she is working on. Commissioner Casale declared that Pompey Park Pool could accommodate two additional lanes, allowing the High School Swim Team to utilize the pool. She mentioned that the Community Redevelopment Agency (CRA) requested to archive the history of the city. Commissioner Casale discussed a humane program to help control the feral cat overpopulation. Additionally, she mentioned creating a working group with the Tree Preservation Trust to enhance the city's tree ordinance.

Deputy Vice Mayor Frankel mentioned installing flashing lights in school zones as discussed in December of 2020.

Vice Mayor Johnson welcomed Mr. Moore and thanked him for his efforts to vaccinate everyone in the city.

Commissioner Boylston thanked Mr. Moore for attending the Merchant Meeting. He shared that Atlantic High School students brought lunch to the first responders in Surfside. Additionally, he suggested providing the city's ancillary essential employees with a one-time incentive of \$500 to be vaccinated.

Mr. Moore clarified that the monies would be more of a “hazard pay” and would equal \$90,000 that would be taken from the city’s \$11 million American Rescue Plan allocation.

Deputy Vice Mayor Frankel suggested employees provide proof of their vaccinations before receiving their payments.

Mayor Petrolia, Commissioner Casale, and Vice Mayor Johnson expressed their support.

Commissioner Boylston brought up the issue of swale parking in the Osceola Park Community.

Mayor Petrolia suggested having City Manager Moore and his staff address the parking issues. She asked the city to inspect the structural integrity of its high-rise buildings versus waiting for the State to do so. Additionally, Mayor Petrolia requested a proclamation for the event “Delray to the Dogs”.

Mr. Moore acknowledged there was an official consensus to proceed with the additional pay for the city’s ancillary employees.

## **11. ADJOURNMENT**

There being no further business to discuss, the Regular City Commission Meeting was adjourned at: 8:49 p.m.