

City of Delray Beach

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



Minutes - Final

Tuesday, June 18, 2019

4:00 PM

Regular Meeting at 4:00 PM

Delray Beach City Hall

City Commission

*Mayor Shelly Petrolia
Vice Mayor Shirley Ervin Johnson
Deputy Vice Mayor Bill Bathurst
Commissioner Adam Frankel
Commissioner Ryan Boylston*

1. ROLL CALL

Mayor Petrolia called the regular meeting to order at 4:00 p.m.

The roll call was taken by the Deputy City Clerk.

The following were in attendance:

Mayor Shelly Petrolia
Commissioner Adam Frankel
Vice Mayor Shirley Ervin Johnson
Deputy Vice Mayor Bill Bathurst
Commissioner Ryan Boylston (absent)

Others present were:

Neal de Jesus, Interim City Manager
Lynn Gelin, City Attorney
Beverly Graikowski, Deputy City Clerk

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

Commissioner Frankel stated per his conversation with the City Attorney, he requested to remove Item 8.A. from the agenda.

Commissioner Frankel moved to remove Item 8.A from the agenda. It was seconded by Deputy Vice Mayor Bathurst. A roll call vote was taken and all were in favor. The motion carried 4-0.

4. PRESENTATIONS:

4.A. [19-590](#) POST LEGISLATIVE SESSION UPDATE BY REPRESENTATIVE MICHAEL CARUSO

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

State Representative Michael Caruso gave a brief Post-Legislative Session update. Mr. Caruso stated they passed a \$91 billion budget and noted that Governor Ron DeSantis stressed the following: (1) the environment, (2) education, and (3) healthcare. Mr. Caruso stated U.S. News has ranked Florida number one in higher education for the third consecutive year. State Representative Caruso stated he passed two bills; one was for anti-Semitism which Governor DeSantis signed in Israel on

May 31st and the Sober Home Bill. Mr. Caruso stated he is working with Governor DeSantis' office to see if he will come to Delray Beach and sign the Sober Home Bill.

Mayor Petrolia stated the City was pleased to see that Governor DeSantis did not sign but vetoed "ban the ban on the plastic straws." A brief discussion between State Representative Caruso and Mayor Petrolia ensued.

Mayor Petrolia expressed concern over the drilling in the Everglades.

Commissioner Frankel thanked State Representative Caruso for being so gracious to him and his colleagues when they went to Tallahassee for Palm Beach County Days. On behalf of his niece and nephew who attend Alexander D. Henderson University School, Commissioner Frankel thanked State Representative Caruso for everything that he has done for Henderson and he also appreciates the anti-Semitism Bill.

Deputy Vice Mayor Bathurst stated he appreciated the hospitality in Tallahassee and everything he has done.

State Representative Caruso stated he would like to work with Mayor Petrolia in July or August on some appropriation requests for the City of Delray Beach so he can get them in early and have time to work with the committees.

Vice Mayor Johnson congratulated State Representative Caruso on his first term and she appreciates his support.

4.B. [19-585](#)

PRESENTING OSCAR DOMINGUEZ, TECHNICAL SERVICES MANAGER, WITH EMPLOYEE OF THE MONTH FOR JUNE 2019.

Recommendation: Motion to present Oscar Dominguez, Technical Services Manager, with Employee of the Month for June 2019.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Dominguez Employee of the Month nomination form](#)

Keith Tomey, Assistant Fire Chief, recognized and commended Oscar Dominguez, Technical Services Manager with the Employee of the Month for June 2019.

Duane D'Andre, Human Resources Director, presented a plaque and a certificate for 8 hours of time off with pay.

Oscar Dominguez, Technical Services Manager, gave a few comments and came forward to accept the recognition.

4.C. Internal Auditor's Report

4.C.1. None

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

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

None.

5.B. From the Public

Kerry-Anne Baker, 1050 Linton Lake Drive, Apt. "C", Delray Beach, currently the Executive Director of College of Health and Allied Development and stated they provide healthcare education and their program goes from the CNA to the Bachelor's Degree in Nursing. Ms. Baker stated they also offer social and human services providing workforce for people in recovery. She stated they receive support from the City of Delray Beach and she looks forward to the continued support because their next milestone is for accreditation. Lastly, Ms. Baker stated their pass rates and placement rates are 100%.

Jennifer Jones, 639 Kingbird Circle, Delray Beach, Public Relations Director of the Volunteer Association and Fund of Florida Coalition (a community led organization who actively seek to benefit the community of Delray Beach and its members), expressed concern that they had to hear in the news about several employees and city officials that have been fired and let go in the past few months. Ms. Jones stated they were not consulted in the process and members of the community were not aware of some of these decisions. She stated when their input is not sought, that makes them feel that their voices do not matter. Secondly, Ms. Jones stated some of the neighborhoods that need the most improvements, some developers and investors are coming in and reaping the benefits from the City. She expressed concern that as members of the community they were not privy to some of the decision making and the decisions directly affect them. Ms. Jones stated with respect to projects, they do not want to be brought in at the end during the final stages, but they want to ensure that every interest of every member of the community is known, heard, and considered. Ms. Jones stated they want to see the community improve and they want to be an active partner with Delray Beach.

Bob Victorin, President of the Beach Property Owners' Association (BPOA), 120 S. Ocean Boulevard, Delray Beach, commented about the

Always Delray Comprehensive Plan.

Ernestine Holliday, 40 N.W. 9th Avenue, Delray Beach, commented about the Always Delray Comprehensive Plan item on the Workshop Meeting agenda, and expressed concern that The Set Transformation Plan is not included to the attachments listed on the back. Ms. Holliday stated there were people from their community who sat on the Advisory Board.

Montre Bennett, 323 N.W. 2nd Avenue, Delray Beach, spoke about poverty in the United States and noted it occurs because of the overall distribution of wealth and income is extremely unequal. Mr. Bennett supports The Set Transformation Plan for people like him.

Greta Britt, Founder of United Believers of Delray Beach, stated they are a group of Pastors and Congregates who come together to try and address issues that are going on in the community so that they have a greater impact in the community. Ms. Britt inquired as to when The Set Transformation Plan will be discussed at a Workshop Meeting so that the community can know where each City Commissioner stands as to what is in the Plan. Secondly, Ms. Britt stated she read an article about "toxic work cultures" and expressed concern that given the turnover that is occurring right now in the City of Delray Beach, could that be a possibility that there is a toxic work culture within the City that is causing the turnover. She urged the City Commission to address the work culture that exists within the City.

Chuck Ridley, 210 N.W. 2nd Avenue, Delray Beach, last Thursday at their Elders Breakfast, community leader Zack Straghn expressed concern that he had never seen the disrespect and tension between residents of The Set and the City Commission, and he urged everyone to stop this and work forward to discuss. Mr. Ridley stated he concurs with Mr. Straghn. Mr. Ridley invited the City Commission to the Elders Breakfast to discuss any of the problems that they are facing in the community, in particular the development of West Atlantic Avenue. Mr. Ridley stated there is a disagreement about the vision of the development of West Atlantic Avenue. Lastly, Mr. Ridley shared with the City Commission that Michael Coleman and Jamael Stewart are really good men.

Michael Cantwell, 3070 N.W. 13th Court, Delray Beach (retirement community), President of the Democratic Club of Delray Beach which is a Progressive Organization and Editor of the Delray Democrat Newsletter, expressed concern that the City Commission can make choices for that community without the support of the people in the community. In his opinion, Mr. Cantwell stated if there is a group involved in The Set Transformation Plan, then they need to be a part of it.

Victor Korobker, Budha Sky Bar, spoke about the character of Michael Coleman and Jamael Stewart and gave examples of how they have both helped the youth and single mothers in the community. Mr. Korobker stated both of these men are an inspiration to the youth and the community.

Yvonne Odom, 3905 Lowson Boulevard, Delray Beach, stated she will reserve her comments about the Always Delray Comprehensive Plan until July. Secondly, Ms. Odom voiced her support for Michael Coleman and Jamael Stewart; one of them in particular she has known since he was a baby and knows the integrity of the family. Ms. Odom stated employees need to be treated better and she worked in the community for 45 years and she was always upfront with the people she worked with and they were always upfront with her. Ms. Odom stated what has been done the past couple of years to the employees is embarrassing as a citizen of this community and she feels everybody is entitled to decency and respect.

Pat Trusello, 829 Lake Avenue N., Delray Beach (La Hacienda neighborhood established in 1926), stated they (the La Hacienda neighborhood) are facing a similar crisis like Banker's Row faced in the early 1990's. Ms. Trusello stated La Hacienda has 15 homes built in the 1920's and 1930's, 18 homes built in the 1940's, and 15 homes built in the 1950's. She stated because of economic changes in the last few weeks some homeowners have sold their homes and a single developer purchased all the properties with plans to construct two-story modern luxury homes. Ms. Trusello stated La Hacienda is requesting that the developer stop the demolition and construction to give them time to preserve their neighborhood.

Abe Lucas, part owner of Delray Luxury Homes, Developer/General Contractor, stated he is the developer in the La Hacienda neighborhood, stated he has followed the proper protocol and City codes, and the landscaping will be brought back.

Debra Sherman, 831 Lake Avenue N., Delray Beach (La Hacienda neighborhood established in 1926), stated she has a letter signed by several neighbors and members of the community who are thanking her and Ms. Trusello for trying to take a stand. Ms. Sherman stated the new development signs went up on June 7, 2019 and they have at least a dozen signatures opposed to this development and noted that at least 30% of the homes in the La Hacienda neighborhood have been purchased within the last 5-7 years by people who want to live in those homes and people who are rehabilitating the homes as they stand now. She stated the developer is building cookie-cutter McMansions for the wealthy and that is not the community that lives in their neighborhood right now and the homes are also out of character with the cottage and bungalow architecture of the La

Hacienda neighborhood.

Jackie Goodard, 242 S.W. 15th Avenue, Delray Beach, stated everybody should be working together, treated fairly, and have input on what goes on in their community.

There being no one else from the public who wished to address the City Commission, Mayor Petrolia closed the public comment.

6. CONSENT AGENDA: City Manager Recommends Approval

Commissioner Frankel moved to approve the consent agenda. It was seconded by Vice Mayor Johnson. A roll call vote was taken and all were in favor. The motion carried 4-0.

6.A. [19-628](#) CITY COMMISSION MEETING MINUTES

Recommendation: Motion to approve meeting minutes as listed below:

May 7, 2019 City Commission Minutes
June 4, 2019 City Commission Minutes

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[May 7, 2019 City Commission Regular Minutes](#)

[June 4, 2019 City Commission Minutes](#)

approved

6.B. [19-640](#) HOLD HARMLESS AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND 13TH FLOOR INVESTMENTS, LLC.

Recommendation: Motion to Approve Hold Harmless Agreement between the City of Delray Beach and 13th Floor Investments.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)

[Legal Review Form 13th Floor](#)

[HH Agreement for Fire Training at Office Depot](#)

approved

6.C. [19-591](#) ITEM (A) - ACCEPTANCE OF A HOLD HARMLESS AGREEMENT FOR 4771 W. ATLANTIC AVE.

Recommendation: **Item A**

Motion to approve and accept Hold Harmless Agreement located at 4771 W Atlantic Ave.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)[Item \(A\) Hold Harmless Agreement for 4771 W Atlantic](#)[Item \(A\) PAPA Map for 4771 W Atlantic](#)[Item \(A\) PAPA Page for 4771 W Atlantic](#)[Item \(A\) Sunbiz Page for 4771 W Atlantic](#)[Item \(A\) Civil Engineering Plans for 4771 W Atlantic](#)[Legal Review Hold Harmless Agreement with 4771 W Atlantic](#)

approved

- 6.D.** [19-509](#) RETROACTIVE APPROVAL OF AMENDMENT NO. 1 TO THE AGREEMENT WITH BAXTER & WOODMAN, INC. FOR CONSTRUCTION, ENGINEERING, AND INSPECTION (CEI) SERVICES FOR AREA 12C RECLAIMED WATER MAIN EXPANSION FOR TWO MONTH CONTRACT EXTENSION

Recommendation: Motion to retroactively approve Amendment No.1 to the Agreement with Baxter & Woodman, Inc. for construction, engineering, and inspection (CEI) services for Area 12C Reclaimed Water Main Expansion for a two month contract extension.

Sponsors: Purchasing Department

Attachments: [Agenda Cover Report](#)[Legal Review Checklist form v. 5 Baxter Woodman CEI services](#)[Fully Executed Agreement - RFQ 2017-042](#)[Amendment 1 to Baxter Woodman CEI 12C Reclaimed Water Expansion Revised CA rev \(2\)](#)

approved

6.E. PROCLAMATIONS:

6.E.1. None

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

6.F.1. None

6.G. AWARD OF BIDS AND CONTRACTS:

- 6.G.1.** [19-610](#) APPROVAL OF RESOLUTION NO. 91-19 TO APPROVE AN AGREEMENT WITH ROSSO SITE DEVELOPMENT, INC. FOR SEACREST BLVD. FROM NE 22ND STREET TO GULFSTREAM BLVD. CONSTRUCTION PURSUANT TO ITBC NO. 2019-027 (PROJECT NO. 17-010(16-095)) IN AN AMOUNT NOT-TO-EXCEED \$1,935,830

Recommendation: Motion to approve Resolution No. 91-19 to award an Agreement with

Rosso Site Development, Inc. for Seacrest Blvd. from NE 22nd Street to Gulfstream Blvd. Construction pursuant to ITBC No. 2019-027 (Project No. 17-010(16-095)) in an amount not-to-exceed \$1,935,830.

Sponsors: Public Works Department - Programs & Project Management

Attachments: [Agenda Cover Report](#)
[Executed Agreement - Rosso - Bid 2019-027 Seacrest Beautification](#)
[Exhibit A, Contractor's Bid Response](#)
[Exhibit B, Contractor's Pricing Schedule](#)
[Exhibit C, FDOT Required Clauses](#)
[Resolution No. 91-19 \(1\)](#)
[Legal Review Checklist Construction Agreement with Russo Site Development](#)
[2019-027 Phase 3 Seacrest Beautification \(rev 6 Final and Complete\)](#)
[2019-027 Addendum No. 1](#)
[Rosso Bid Submittal](#)
[2019-027 Bid Tabulation](#)

approved

- 6.G.2** [19-598](#) APPROVAL OF RESOLUTION NO. 100-19 TO AWARD A SOLE SOURCE AGREEMENT WITH RECHTIEN INTERNATIONAL TRUCKS, INC. FOR INTERNATIONAL OEM PARTS AND RELATED SERVICES - \$75,000

Recommendation: Motion to approve Resolution No. 100-19 to award a sole source agreement with Rechtien International Trucks, Inc. for International OEM parts and related services in an estimated cost of \$75,000 and authorize the City Manager to approve renewal options, in the same amounts, contingent upon appropriation of funds.

Sponsors: Public Works Department - Fleet Division

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist Rechtien International sole source international navistar](#)
[Resolution No. 100-19](#)
[Approved Rechtien International Sole Source Justification](#)
[Rechtein Agreement Vendor Executed](#)

approved

- 6.G.3.** [19-637](#) RESOLUTION 120-19: APPROVAL OF AGREEMENT WITH SMITH AND WESSON FOR TRADE OF DUTY WEAPONS

Recommendation: Motion to approve Resolution # 120-19 approving an agreement with Smith and Wesson for trade of Police Department's duty weapons at no cost to the City.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[Resolution 120-19 APPROVAL OF AGREEMENT WITH SMITH AND WESSON FOR TRADE OF DUTY WEAPONS rev 1](#)
[Trade Agreement LW review](#)
[Legal Review Checklist LW Smith and Wesson Trade](#)
[TRADE QUOTE - Delray Beach PD](#)
approved

7. REGULAR AGENDA:

7.A. [19-623](#) APPOINTMENT OF ASSISTANT CITY ATTORNEY

Recommendation: Motion to appoint Kelly Brandon as Assistant City Attorney.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

Commissioner Frankel moved to appoint Kelly Brandon as Assistant City Attorney. It was seconded by Vice Mayor Johnson. A roll call vote was taken and all were in favor. The motion carried 4-0.
approved

7.B. [19-644](#) NOMINATION FOR APPOINTMENT TO THE EDUCATION BOARD

Recommendation: Motion to approve nomination for appointment for one (1) regular member to serve on the Education Board for two year terms ending July 31, 2021.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Education Board Member List](#)
[Education Board Attendance List](#)
[Education Board Applications](#)

Commissioner Boylston's appointment has been deferred to the next regular meeting.
approved

7.C. [19-592](#) NOMINATIONS FOR APPOINTMENT TO THE POLICE ADVISORY BOARD

Recommendation: Motion to approve nominations for appointment for five (5) regular members to serve on the Police Advisory Board for two (2) year terms ending July 31, 2021.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[06182019 Exhibit A](#)
[Police Advisory Board Member List](#)
[Police Advisory Board Attendance List](#)
[Police Advisory Board Apps](#)

Commissioner Boylston's appointment has been deferred to the next regular meeting.

Vice Mayor Johnson moved to nominate Nancy Chanin to the Police Advisory Board. It was seconded by Deputy Vice Mayor Bathurst. A roll call vote was taken and all were in favor. The motion carried 4-0.

Mayor Petrolia moved to nominate Nicholas Palmisano to the Police Advisory Board. It was seconded by Commissioner Frankel. A roll call vote was taken and all were in favor. The motion carried 4-0.

Commissioner Frankel moved to nominate Ronald Gilinsky to the Police Advisory Board. It was seconded by Deputy Vice Mayor Bathurst. A roll call vote was taken and all were in favor. The motion carried 4-0.

Deputy Vice Mayor Bathurst moved to nominate Kelli Freeman to the Police Advisory Board. It was seconded by Commissioner Frankel. A roll call vote was taken and all were in favor. The motion carried 4-0.
approved

7.D. [19-593](#) NOMINATIONS FOR APPOINTMENT TO THE PUBLIC ART ADVISORY BOARD

Recommendation: Motion to approve nominations for appointment for three (3) regular members to serve on the Public Art Advisory Board for two (2) years term ending July 31, 2021.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[06182019 Exhibit A](#)
[Public Art Advisory Board Member List](#)
[Public Art Advisory Board Attendance List](#)
[Public Arts Advisory Boards Applications](#)

Vice Mayor Johnson moved to nominate Tonya Akins to the Public Art Advisory Board. It was seconded by Commissioner Frankel. A roll call vote was taken and all were in favor. The motion carried 4-0.

Mayor Petrolia moved to nominate Stella Jurkiewicz to the Public Art Advisory Board. It was seconded by Commissioner Frankel. A roll call

vote was taken and all were in favor. The motion carried 4-0.

Commissioner Frankel moved to nominate Joyce Warner to the Public Art Advisory Board. It was seconded by Vice Mayor Johnson. A roll call vote was taken and all were in favor. The motion carried 4-0.

approved

7.E. [19-588](#) RESOLUTION NO. 116-19, BUDGET AMENDMENT

Recommendation: Motion to Approve Resolution No. 116-19 amending the budget for Fiscal Year (FY) 2018/19 adopted September 25, 2018.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[Exhibit A Mid Year Amendment - 2019](#)
[Mid-Year Amendment Narrative - 2019](#)
[Mid Year Budget Amendment Summary - 2019](#)
[Resolution No 116-19 - 2019](#)

Neal de Jesus, Interim City Manager, stated he and Laura Thezine, Acting Finance Director and staff worked with him to come up with this budget amendment and used existing funds and did not borrow funds from reserve or other department budgets. In addition, Interim City Manager de Jesus stated at last year's budget discussion with respect to Commissioner Boylston's comments about fulfilling the obligation for the four additional firefighter/paramedics at next year's budget, and Mayor Petrolia's suggestion to take another look at it during mid-year, and this is what staff has done. Interim City Manager de Jesus stated last year this City Commission directed the previous administration to fund half of the tennis center contract, and while that was acknowledged, it was never budgeted. However, Interim City Manager de Jesus stated staff is able to do so within the existing budget.

Laura Thezine, Acting Finance Director, gave a brief presentation regarding the mid-year budget amendment. Ms. Thezine stated there will be approximately \$800,000 more in taxes than anticipated and the contract with Palm Beach County for school security from the Police Department; the contract is a two-year contract. Ms. Thezine stated last year the City Commission approved the new investment policy and staff can expect \$400,000 more in interest income from investments than what was budgeted. She explained that with respect the major items under expenses, is the tennis tournament contract that was not budgeted at the beginning of the year (\$900,000), the reimburseable overtime for Palm Beach County police security for the school contract (\$539,000), and the hiring of four firefighters/paramedics (\$160,000). Ms. Thezine stated the total budget amendment is for \$1,948,000.

Mayor Petrolia stated she believes Commissioner Boylston was requesting to put the four additional firefighters/paramedics on last year's budget not this next year's budget. Mayor Petrolia stated she brought the idea up about a re-look of the four firefighter/paramedic positions because generally there is a sizable surplus at mid-year. However, Mayor Petrolia stated there were some unanticipated expenses that the City Commission thought was part of the budget from the previous year and they were not. Mayor Petrolia stated she is happy to see the balanced budget at mid-year and also that staff was able to stop the gap of the tennis tournament amount. Mayor Petrolia stated she appreciates the hard work of Laura Thezine of the Finance Department and Interim City Manager de Jesus.

Commissioner Frankel echoed comments expressed by Mayor Petrolia and thanked Interim City Manager de Jesus and everyone in the Finance Department.

Deputy Vice Mayor Bathurst stated because of the job that is being done, the reporting that the City Commission receives is much more clear as to exactly where they are from a financial perspective. He appreciates all the hard work of Ms. Thezine, the Finance Department, and Interim City Manager de Jesus.

Vice Mayor Johnson commended Ms. Thezine and the Finance Department because there have been numerous changes internally. Vice Mayor Johnson stated she supported the additional four firefighters/paramedics and she suggested that staff also look at the Police Department. She commented about the actions the new Police Chief has taken to eliminate the drug bins that are existing in certain parts of the community. She commented about The Set and the crime fighting should have been going on that is now commencing and suggested that this be considered in the next budget activity. Vice Mayor Johnson stated the City has been fighting the opioid crisis for awhile, and noted the Police Department also took on the security of the schools without the additional manpower. Vice Mayor Johnson suggested that at the next budget cycle there be consideration for an increase of Police Officers in the Police Department.

Mayor Petrolia stated what this City Commission and the Community Redevelopment Agency (CRA) is trying to do is to keep the funds that are within the CRA budget in the areas that have been neglected. Furthermore, she stated keeping money in the western sections in the town to get the infrastuture to standard and that is one of the reasons why she did not support the City Manager's idea of potentially asking for CRA dollars and to keep the money where it needs to be right now.

Commissioner Frankel moved to approve Resolution No. 116-19, Budget Amendment. It was seconded by Deputy Vice Mayor Bathurst. A roll call vote was taken and all were in favor. The motion carried 4-0.
approved

7.F. [19-645](#) DISCUSSION AND DIRECTION REGARDING DISPARITY STUDY

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

Interim City Manager de Jesus stated as the Community Redevelopment Agency (CRA) Board, the City Commission discussed moving forth with a Disparity Study and in that meeting the City Commission indicated that the CRA would be funding the Disparity Study and that City staff would run that process. Interim City Manager de Jesus requested direction from the City Commission to move forward to solicit proposals for the City of Delray Beach for the Disparity Study. The Disparity Study is anticipated to cost between \$30,000-\$50,000 of the City's like size and between 2-4 full-time staff to manage the program.

The City Commission concurred that they are unanimously in favor of moving forward with a Disparity Study.

Commissioner Frankel suggested reaching out to former colleague Mr. Mack Bernard who is currently the Mayor of Palm Beach County and championed for this. Commissioner Frankel stated perhaps he would be a valuable resource and might be able to assist.

Interim City Manager de Jesus stated one of the resources staff reached out to was the County Administrator.

Mayor Petrolia stated there has been questions to this Commission's end and the CRA Board's intent on creating equality and making it so there is some leveling off for minority businesses and women owned businesses to be able to bid and have a fair shot. Mayor Petrolia stated she supports a Disparity Study and the CRA is willing to support it financially; however, she would like staff to look into this to see if this is something they can support 100% because this will be citywide. Mayor Petrolia stated they do not have to have this on the budget this year; if they find it is going to be more expensive or that they are going to have to participate in it, they can put it on next year's budget but go through the procurement process right now and have it ready when the City Commission reviews next year's budget.

Vice Mayor Johnson stated she wholeheartedly supports a Disparity Study.

No vote was necessary.
approved

8. PUBLIC HEARINGS:

- 8.A. [19-617](#) ORDINANCE NO. 19-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING THE "ALWAYS DELRAY" COMPREHENSIVE PLAN FOR THE 2019-2040 PLANNING HORIZON BY REPEALING AND REPLACING THE ADOPTED COMPREHENSIVE PLAN IN ITS ENTIRETY; PROVIDING FOR THE GOALS, OBJECTIVES, AND POLICIES, INCLUDING THE "ALWAYS DELRAY" MAP SERIES FOR THE FOLLOWING ELEMENTS: HEALTHY COMMUNITY; HISTORIC PRESERVATION; HOUSING; MOBILITY; CAPITAL IMPROVEMENTS; ECONOMIC PROSPERITY; STRATEGIC PARTNERSHIPS; COASTAL MANAGEMENT; CONSERVATION, SUSTAINABILITY AND RESILIENCY; OPEN SPACE, PARKS, AND RECREATION; EDUCATION; NEIGHBORHOODS, DISTRICTS, AND CORRIDORS; AND PUBLIC FACILITIES; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (FIRST READING)

Recommendation: Review and consider Ordinance No. 19-19 at first reading to transmit the Always Delray Comprehensive Plan to the Department of Economic Opportunity for review.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ord. No. 19-19 Always Delray Comprehensive Plan](#)
[Exhibit A Current Comprehensive Plan](#)
[Exhibit B.1 Healthy Community GOPs](#)
[HCE DIA](#)
[Exhibit B.2 Historic Preservation GOPs](#)
[HPE DIA](#)
[Exhibit B.3 Housing GOPs](#)
[HOU DIA](#)
[Exhibit B.4 Mobility GOPs](#)
[Exhibit B.5 Capital Improvements GOPs](#)
[CIE DIA](#)
[Exhibit B.6 Economic Prosperity GOPs](#)
[ECP DIA](#)
[Exhibit B.7 Strategic Partnerships GOPs](#)
[SPE DIA](#)
[Exhibit B.8 Coastal Management GOPs](#)
[CME DIA](#)
[Exhibit B.9 Conservation Sustainability Resiliency GOPs](#)
[CSR DIA](#)
[Exhibit B.10 Open Space Parks Recreation GOPs](#)
[OPR DIA](#)
[Exhibit B.11 Education GOPs](#)
[EDU DIA](#)
[Exhibit B.12 Neighborhoods Districts Corridors GOPs](#)
[NDC DIA](#)
[Exhibit B.13 Public Facilities GOPs](#)
[PFE DIA](#)
[Exhibit B.14 Always Delray Map Series](#)
[DIA Map Series](#)
[Always Delray Project List](#)
[Always Delray Element Overview 13 Elements](#)

Item 8.A. has been removed from the agenda.

9. FIRST READINGS:

9.A. None

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

Interim City Manager de Jesus stated the City is regulated by Local, State, and Federal regulations with respect to employment law and he will ensure that the City is not put in a position to make the City liable in any of those areas. Furthermore, Interim City Manager de Jesus stated at no time will the City include citizens, residents, or anyone outside of those individuals in those decisions other than those individuals that have to be involved in employment termination decisions. Interim City Manager de Jesus stated there are three independent bodies the Office of the Inspector General (IG), the Palm Beach County Ethics Commission, and the Palm Beach County State Attorney's Office which are conducting inquiries and/or investigations with respect to the City's employment issues.

B. City Attorney

The City Attorney stated staff had a meeting with Match Point, Mr. Baron and his attorneys. The City Attorney stated after consulting with the City Commission, she made the decision to ask Mr. Herin to resign from the case. Therefore, the City Attorney stated she is seeking direction and approval of the hiring of a new attorney. The City Attorney stated Deputy Vice Mayor Bathurst is going to be meeting with Mr. Baron next week; however, she does not want to put a new attorney in a position where they do not have a lot of time to prepare. The City Attorney stated there is a motion for summary judgment that is scheduled for August 2, 2019.

It was the consensus of the City Commission to allow the City Attorney to move forward with the hiring of a new attorney.

C. City Commission

Deputy Vice Mayor Bathurst commented about the Swinton Avenue Beautification Program and stated there was a unanimous decision to move forward with this. He stated there was some thought about a Central Business District (CBD) tree overlay for Palm Trail and he requested that this be brought back to the City Commission for discussion.

Commissioner Frankel suggested that the City recognize Delray Beach citizen Gary Woodland for winning the U.S. Open. Secondly, Commissioner Frankel stated he previously requested and received unanimous consent of his colleagues for looking into and establishing a City board for the Northwest/Southwest neighborhoods that would be constituted under the Inspector General (IG), the Ethics Commission, and all the same requirements of the Sunshine Law that the City

Commission falls under and requested an update.

Mayor Petrolia suggested that the City board for the Northwest/Southwest neighborhoods consist of five people who represent the area.

The City Attorney stated since this board would be appointed by the City Commission, they would be subject to the Sunshine Law and the Inspector General (IG).

Vice Mayor Johnson stated she would like to see something brought before the City Commission with respect to the new objectives for the Police Department. Secondly, she commented about the College Bound group which is a program where the students are given additional afterschool tutoring for the SAT and ACT. Vice Mayor Johnson stated College Board has no more funds and if the City contributes, then College Board will match the amount.

Interim City Manager de Jesus stated based on the current investigations that are being conducted having to do with funding of non-profits and grant funding, the City needs to hold off on all funding and put it in abatement until the City receives information from the three entities.

Vice Mayor Johnson stated she was advised today from an upset resident of a new procedure that when people enter City Hall they are supposed to sign in at the front desk and she knew nothing about it.

Interim City Manager de Jesus responded to Vice Mayor Johnson's comments and stated staff has made a decision to implement a new sign in procedure at the front desk in City Hall and it is the beginning of a multitude of safety and security procedures that are being addressed.

Vice Mayor Johnson stated she understands the needs for safety and suggested that a brief rollout and discussion with the community prior to this being implemented would have been beneficial for customer relations and customer service.

Mayor Petrolia stated the City has gone from completely open and totally accessible to every single office in City Hall to now having some passcodes to get through. Mayor Petrolia stated she concurs that this is an antiquated building with respect to the layout; however, having these processes in place, makes it a little more secure especially with the environment in the United States. Mayor Petrolia stated with respect to getting the information out ahead of time, the City

Commission can be the bridge for staff in being able to carry this to their constituency. She noted the City has come a long way, but still has a long way to go.

Commissioner Frankel stated he applauds and supports Interim City Manager de Jesus' efforts to make City Hall more secure.

Vice Mayor Johnson stated although this is the first step to the security measures, she would like to see things done at a faster pace.

Mayor Petrolia commented about the people who spoke and are upset about what is happening in their neighborhoods and noted there is a huge change in some of the areas around town. She commented about protecting the neighborhoods. In addition, Mayor Petrolia stated at the last meeting, the City Commission had a discussion about protecting the downtown corridor. Secondly, Mayor Petrolia commented about a packet the City Commission received about a resident who is petitioning for the "No Wake" zone to be changed. She supports changing that because: (1) the manatees and natural life, and (2) the water is rising. Mayor Petrolia stated the higher tides are creating more damage and stress on the seawalls. Mayor Petrolia stated she supports this if the zone can be changed or that it be moved up further so that it is not affecting the homeowners along there. The Interim City Manager stated he will look into this.

Mayor Petrolia concurred with comments expressed by Commissioner Frankel about recognizing Gary Woodland as a token of the City's appreciation for calling Delray Beach his home.

There being no further business to discuss, Mayor Petrolia adjourned the regular meeting at 5:56 p.m.



City Clerk

ATTEST:



MAYOR

The undersigned is the City Clerk of the City of Delray Beach, Florida, and the information provided herein is the Minutes of the June 18, 2019 Regular Meeting held on June 18, 2019, which Minutes were formally approved and adopted by the City Commission on July 9, 2019.



City Clerk

NOTE TO READER:

If the Minutes you have received are not completed as indicated above, this means they are not the official Minutes of the City Commission. They will become the official Minutes only after review and approval which may involve some amendments, additions or deletions as set forth above.