

City of Delray Beach

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Minutes - Final

Tuesday, July 9, 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 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

Others present were:

Neal de Jesus, Interim City Manager
Lynn Gelin, City Attorney
Katerri Johnson, City Clerk

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

The City Attorney requested that Item 6.H.2. be moved to the regular agenda as Item 7.A.A.

Interim City Manager de Jesus requested that Item 6.H.1. be removed from the agenda.

Commissioner Frankel moved to approve the agenda as amended. It was seconded by Deputy Vice Mayor Bathurst. A roll call vote was taken and all were in favor. The motion carried 5-0.

4. PRESENTATIONS:

- 4.A. [19-564](#) PRESENTING ALBERT ANGULO, CODE ENFORCEMENT OFFICER, WITH EMPLOYEE OF THE MONTH FOR JULY 2019.

Recommendation: Motion to present Albert Angulo, Code Enforcement Officer, with Employee of the Month for July 2019.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Nomination Form Albert Angulo](#)

Captain David Weatherspoon, Acting Director of Neighborhood and Community Services, recognized and commended Albert Angulo, Code Enforcement Officer with Employee of the Month award for July 2019.

On behalf of the City Commission, Mayor Petrolia thanked and commended Mr. Angulo.

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

4.B. [19-616](#) NEXT GENERATION INITIATIVES DAY PROCLAMATION

Recommendation: Motion to proclaim July 9th, 2019 as Next Generation Initiatives Day in the City of Delray Beach

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Next Generation Initiatives Day Proclamation.docx](#)

Duane D'Andrea, Human Resources Director, gave a few brief comments.

Mayor Petrolia read the Next Generation Initiatives Day Proclamation into the record.

4.C. [19-669](#) DELRAY BEACH WATER SUPPLY AND TREATMENT FEASIBILITY STUDY PRESENTATION

Recommendation: Presentation Only.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)
[Kimley-Horn presentation Water Supply and Treatment Feasibility Study submitted 062119, rev](#)

Victor Majtenyi, Deputy Director of Public Utilities, gave a brief presentation on the Delray Beach Water Supply and Treatment Feasibility Study.

John Potts, Water Treatment Engineer with Kimley-Horn and Associates, 2525 Highland Avenue, Delray Beach, gave a few brief comments.

4.D. Internal Auditor's Report

4.D.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**

Interim City Manager de Jesus introduced the City's new Public Information Officer Gina Carter.

5.B. From the Public

Ellyn Bogdanoff, 1 East Broward Boulevard, Fort Lauderdale (former Representative and Senator for Delray Beach), representing Kaufman & Lynn and stated she would like an update on the award for the Rescue-Fire Station #113 because they are anxious to move forward.

Monica Cason, 1227 N.E. 8th Avenue, Delray Beach, expressed concern over the concrete grinding at a two-story condominium being built eight feet from her home which is in a residential area and is all botanical gardens. Ms. Cason stated that the developer never had the land compacted, but instead cut up driveways and 450 feet of sidewalk with a dry cutting concrete saw and as a result, her lungs are affected and she is losing her voice. Ms. Cason stated there was supposed to be a 15 foot setback and noted that her grandfather helped design the entire building code for Delray Beach.

Ron Gilinsky, thanked and congratulated the Gauff Family and the Odom Family for putting Delray Beach on the map. Vice Mayor Johnson stated she would also like to include the Wrights Family as well.

Cynthia Ridley, 210 N.W. 2nd Avenue, Delray Beach, expressed concern over the insufficient lighting at Pompey Park and urged the City to look into this.

Krystina Buckley, 250 Congress Park Drive, Delray Beach, submitted a petition signed by 205 people; 82 of them are from Delray Beach into the record protesting the time of the City Commission meetings and that it be changed from 4:00 p.m. back to 6:00 p.m. Ms. Buckley encouraged the City Commission to have a discussion regarding moving the City Commission and Community Redevelopment Agency (CRA) meetings back to 6:00 p.m. and workshop meetings held on a weekend so that people can participate in the direction that Delray Beach is going in. She commented about The Set Transformation Plan and stated the work that has already been done is being repeated.

Willie Potts, Jr., 135 Delray Beach, asked if the City is going to get a permanent City Manager. Secondly, Mr. Potts commented about a tax

foundation in Delray Beach and he has been working with the City on since 2015 to obtain funding. Mr. Potts stated the City's policy is everything is currently on hold until the investigation is over and inquired how he can they file the required paperwork to make it official that they are requesting funding from the City. Lastly, Mr. Potts stated he has been working with 501(c)(3) organizations and requested that when the City builds the new Pompey Park to consider extra gym space.

Ernestine Holliday, 40 N.W. 9th Avenue, Delray Beach, expressed concern over the City Commission holding numerous meetings in one day and she urged the City Commission to move the CRA meetings back to Thursdays and the City Commission meetings back to Tuesdays.

Reggie Cox, 715 Dr. Martin Luther King, Jr. Drive, Delray Beach, concurred with comments expressed by the previous speakers regarding the meeting times and expressed concern over the City Commission holding four meetings in one day.

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

The City Attorney requested that Item 6.E. be moved to the Regular Agenda as Item 7.B.B.

Vice Mayor Johnson requested that Item 6.G.1.be moved to the Regular Agenda as Item 7.C.C.

Deputy Vice Mayor Bathurst moved to approve the consent agenda as amended. It was seconded by Commissioner Frankel. The roll call vote was taken and all were in favor. The motion carried 5-0.

Approved as amended.

6.A. [19-709](#) CITY COMMISSION MINUTES

Recommendation: Motion to approve meeting minutes as listed below:

June 11, 2019 Workshop City Commission Minutes
June 18, 2019 Regular City Commission Minutes

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[06-11-19 Workshop City Commission Minutes](#)
[06-18-19 Regular City Commission Minutes](#)

Approved.

- 6.B.** [19-682](#) A QUIT CLAIM DEED OF 5 FEET ON NE 7TH AVENUE REPLACED BY A 5 FEET WIDE PERPETUAL SIDEWALK EASEMENT ALONG NE 7TH AVENUE AND NE 5TH STREET, AND A 5 FEET WIDE RIGHT OF WAY DEDICATION ALONG NE 7TH AVENUE AND A 2 FEET WIDE ALLEYWAY DEDICATION FOR 501 NE 7TH AVENUE.

Recommendation: Consider the Quit Claim deed, the perpetual sidewalk easement, and the right of way and alleyway dedication for 501 NE 7th Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Quit Claim Deed 501 NE 7th Avenue](#)
[Legal Review 501 NE 7th Avenue](#)
[Perpetual Sidewalk Easement Agreement 501 NE 7th Ave](#)
[Right of Way Deed 501 NE 7th Ave](#)

Approved.

- 6.C.** [19-695](#) AMENDMENT NO. 2 WITH MT CAUSLEY, INC., FOR INSPECTION, PLAN REVIEW, AND DEVELOPMENT REVIEW SERVICES - \$200,000

Recommendation: Motion to approve Amendment No. 2 to the Agreement with MT Causley, Inc., to extend the Agreement in an amount not-to-exceed \$200,000 for Inspection, Plan Review, and Development Review Services.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist form v. 5 MT Causley Amend No 2](#)
[RFP 2015-56 Amendment No. 2](#)

Approved.

- 6.D.** [19-642](#) CONSIDERATION OF A HOLD HARMLESS AGREEMENT FOR 707 N. OCEAN BLVD.(ITEM A) AND 1901 S. OCEAN BLVD.(ITEM B) AND CONSIDERATION OF A RIGHT OF WAY DEDICATION FOR 36 SE 2ND AVE. (ITEM C)

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)[Item \(A\) Hold Harmless Agreement - 707 N Ocean Blvd.](#)[Item \(A\) PAPA Map 707 N Ocean Blvd](#)[Item \(A\) Civil Drawings 707 N Ocean Blvd.](#)[Item \(A\) PAPA Page 707 N Ocean Blvd](#)[Legal Review N Ocean 707B Hold Harmless](#)[Item \(B\) PAPA Map for 1901 S Ocean](#)[Item \(B\) PAPA Page for 1901 S Ocean](#)[Item \(B\) Civil Drawings -1901 S Ocean Blvd.](#)[Item \(B\) Hold Harmless Agreement - 1901 N Ocean Blvd.](#)[Item \(C\) Sun Biz Page 36 SE 2nd Ave](#)[Item \(C\) Exhibit \(A\) Sketch and Description 36 SE 2nd Ave](#)[Item \(C\) Exhibit \(B\) Sketch and Description 36 SE 2nd Ave](#)[Item \(C\) Legal Review Approval for ROW Deed SE 2nd Ave](#)[Item \(C\) PAPA Map Location 36 SE 2nd Ave](#)[Item \(C\) Papa Page 36 SE 2nd Ave](#)[Item \(C\) ROWD 36 SE 2nd Ave](#)

Approved.

6.E. [19-714](#)

RESOLUTION NO. 134-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, RECOGNIZING THAT THE CITY OF DELRAY BEACH IS CONSIDERING AMENDMENTS TO THE CITY'S CODE OF ORDINANCES RELATING TO THE REGULATION OF DOCKLESS MOBILITY DEVICES; EXTENDING THE PENDING ORDINANCE DOCTRINE PERIOD PREVIOUSLY INVOKED BY THE CITY COMMISSION; RESTATING THAT THE CITY WILL DEFER THE PROCESSING AND APPROVAL OF ALL APPLICATIONS FOR DOCKLESS MOBILITY DEVICES INCONSISTENT WITH THE CODE OF ORDINANCES DURING THE PENDENCY OF THE CITY'S CONSIDERATION OF THESE AMENDMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommendation: Motion to approve Resolution 134-19.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)[Res 134-19 Extending the Zoning in Progress Period for the Scooters](#)[Res No. 44-19](#)[HB 453](#)

Item 6.E. has been moved to the Regular Agenda as Item 7.B.B.

The City Attorney explained that this item should not have been placed on the consent agenda and it is an extension of the current "zoning in progress" which the City of Delray Beach already has on scooters. She stated the Governor signed House Bill 453 which relates to scooters and electric mobility devices. The City Attorney requested an additional six months in order to continue reviewing the City's ordinances and at that time present something to the City Commission.

Commissioner Frankel moved to approve Item 7.B.B. (formerly Item 6.E.). It was seconded by Vice Mayor Johnson. A roll call vote was taken and all were in favor. The motion carried 5-0.

Approved.

6.F. PROCLAMATIONS:

6.F.1. None

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

6.G.1. [19-666](#) REPORT OF APPEALABLE LAND USE ITEMS FROM JUNE 10, 2019, THROUGH JUNE 21, 2019.

Recommendation: By motion, receive and file this report.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Appealable Map - July 9 2019](#)

[A - 1200 NW 17th Avenue - Appealable Report](#)

[B - 75 SE 4th Avenue - Appealable Report](#)

[C - 313 NE 3rd Street - Appealable Report](#)

[D - 307 E. Atlantic Ave - Appealable Report](#)

[E - 640 E. Atlantic Ave - Appealable Report](#)

[F - 10 N. Ocean Blvd. - Appealable Report](#)

[G - 1009-1023 Casuarina Rd. - Appealable Report](#)

Item 6.G.1. has been moved to the Regular Agenda as Item 7.C.C.

Vice Mayor Johnson expressed concern over the mural located at 75 S.E. 4th Avenue (Proper Ice Cream).

Mayor Petrolia expressed concern that the City Commission has the opportunity to appeal this *after* the mural has already been completed versus the City Commission getting the opportunity to review this *prior* to the mural being done.

A brief discussion between the City Commission and the City Attorney followed with respect to the approval process.

The City Attorney stated the Public Art Advisory Board (PAAB) is not a part of this process because this is private art on private property and the Board handles public art.

After a brief discussion, it was the consensus of the City Commission to direct the City Attorney to amend the ordinance for the Public Art Advisory Board (PAAB) in order to include private art within their purview.

Deputy Vice Mayor Bathurst stated he would like to continue to make sure that this is a well-rounded board.

Vice Mayor Johnson moved to appeal Item 6.G.1.B. (75 S.E. 4th Avenue/Proper Ice Cream). The motion died due to lack of a second.

Commissioner Frankel moved to file the Report of Appealable Land Use Items. It was seconded by Commissioner Boylston. A roll call vote was taken and the motion carried a vote of 4-1, with Vice Mayor Johnson dissenting.

Approved.

6.H. AWARD OF BIDS AND CONTRACTS:

- 6.H.1. [19-688](#) APPROVAL OF RESOLUTION NO. 129-19 TO AWARD AN AGREEMENT TO DEV-LAND DEMOLITION & SITE, INC. FOR LIME SLUDGE REMOVAL AND DISPOSAL - \$1,245,750

Recommendation: Motion to approve Resolution No. 129-19 to award an agreement to Dev-Land Demolition & Site, Inc. for lime sludge removal and disposal in an amount of \$1,245,750, and authorize the City Manager to approve renewal options, contingent upon appropriation of funds, in the amounts shown below.

Sponsors: Purchasing Department

Attachments: [Agenda Cover Report](#)
[Copy of Excel Tabulation for Bid 2019-033](#)
[Agreement](#)
[Resolution](#)
[Legal Review Checklist form v. 5 Dev Land](#)

This item has been removed from the agenda.

- 6.H.2. [19-722](#) APPROVAL OF RESOLUTION NO. 136-19 TO APPROVE AN

AGREEMENT WITH ADVANCED DATA PROCESSING, INC., A SUBSIDIARY OF INTERMEDIX CORPORATION, FOR PROFESSIONAL PUBLIC EMERGENCY MEDICAL TRANSPORTATION (PEMT) PROGRAM SERVICES; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THIS AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommendation: Motion to Approve Resolution No. 136-19 to approve an agreement based upon Contract No. 17-SQ-68BB between Volusia County, Florida and Advanced Data Processing, Inc. (ADPI) for a Public Emergency Medical Transportation (PEMT) Program for the City of Delray Beach Fire Department and authorize the City Manager to execute a master service agreement with ADPI and authorize the City Manager to approve renewal options; contingent upon renewal by Volusia County.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)
[Volusia County Fully Executed Agreement - ADPI](#)
[Res 136-19 for PEMT Services - ADPI - Volusia County CA rev](#)
[Legal Review Checklist form v. 5 ADP Volusia County piggyback](#)
[Agreement - PEMT - ADPI - Volusia CA rev](#)

This item was moved to the regular agenda as Item 7.A.A.

The City Attorney stated in finalizing the agreement with Advanced Data Processing, Inc., a subsidiary listed as Intermedix Corporation is actually now RIRCM, Inc.

Commissioner Frankel moved to authorize the City Manager to execute the agreement subject to the change as stated by the City Attorney. It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. The motion carried 5-0.

Approved as amended.

7. REGULAR AGENDA:

- 7.A.** [19-684](#) RESOLUTION NO. 126-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE PURSUANT TO LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, AND THE COMPREHENSIVE PLAN, TO ALLOW THE ESTABLISHMENT OF A VETERINARY CLINIC AT 600 AND 660 WEST LINTON BOULEVARD; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

Recommendation: Review and consider Resolution No. 126-19: A Conditional Use request to

allow a Veterinary Clinic at 600 and 660 W. Linton Boulevard.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Banfield Conditional Use - Resolution no. 126-19](#)

[Banfield Conditional Use - Staff Report](#)

[Banfield Conditional Use - Project Description Letter](#)

[Banfield Conditional Use - Site Plan](#)

[Banfield Conditional Use - Floor Plan](#)

Mayor Petrolia read the City of Delray Beach quasi-judicial rules into the record for Item 7.A. and 7.B.

Vice Mayor Johnson stepped away from the dais briefly and returned.

The City Clerk swore in those individuals who wished to give testimony on this item.

Mayor Petrolia asked the City Commission to disclose their ex parte communications. The City Commission had no ex parte communications to disclose.

Anthea Gianniotis, Principal Planner, entered project file 2019-185 into the record.

Jeff Diego, represents Banfield Pet Hospitals, gave a brief presentation regarding the conditional use request to allow the establishment of a veterinary clinic at 600 and 660 W. Linton Boulevard, Delray Beach.

Ms. Gianniotis gave a few brief comments.

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

There was no cross-examination or rebuttal.

Commissioner Boylston moved to approve Resolution No. 126-19. It was seconded by Commissioner Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

Approved.

7.B. [19-685](#)

RESOLUTION NO. 127-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE PURSUANT TO LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, AND THE

COMPREHENSIVE PLAN, TO ALLOW THE ESTABLISHMENT OF A NEIGHBORHOOD AUTOMOTIVE RENTAL FACILITY AT 14802 S. MILITARY TRAIL; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

Recommendation: Review and consider Resolution No. 127-19: A Conditional Use request to allow a Neighborhood Automotive Rental Facility at 14802 S. Military Trail, with the following conditions:

1. A Class III Site Plan Modification shall be approved prior to establishment of the proposed use;
2. The establishment shall operate and comply with the special regulations associated with the Conditional Use request per LDR Section 4.3.3(C).
3. Clarification of the proposed on-site method of disposal of the water runoff generated from the car wash shall be approved by the City Engineer prior to a board action associated with the Site Plan Modification.
4. Signage shall be provided indicating that customer pick-up and drop-off of vehicles is not allowed in the rear.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Enterprise Conditional Use - Resolution No. 127-19](#)
[Enterprise Conditional Use - Staff Report](#)
[Enterprise Conditional Use - Site Plan](#)
[Enterprise Conditional Use - Floor Plan and Elevations](#)
[Enterprise Conditional Use - Proposed Use Description](#)

Mayor Petrolia stated if anyone would like to speak on this item who has not already been sworn in, to step forward.

Mayor Petrolia asked the City Commission to disclose their ex parte communications. The City Commission had no ex parte communications to disclose.

Anthea Gianniotis, Principal Planner, entered project file #2019-156 into the record and stated this is for consideration of Resolution No. 127-19 which is a conditional use to allow for a neighborhood automotive rental facility at 14802 S. Military Trail.

Corey O'Gorman (applicant), Place Planning & Design, 700 US Highway 1, North Palm Beach, AICP, Planner, Michael E. Wood Consulting and Adam Gerhart from Enterprise Holdings, stated this is a conditional use request to allow a neighborhood automotive rental facility at the Bed, Bath & Beyond plaza at West Atlantic Avenue and Military Trail. The Planning and

Zoning Board considered this item at their meeting in June and unanimously recommended approval with conditions. Mr. O'Gorman stated they concur with the conditions of the Planning and Zoning Board and continue to work with staff on the Class III site plan.

Ms. Gianniotis gave a few brief comments and explained the four conditions that are within the resolution; the first three are related to the LDR requirements stipulating that (1) the Class III Site Plan Modification will be approved prior to the establishment of the use, (2) the establishment will operate specifically within the confines of Section 4.3.3.(C), and (3) that clarification of the proposed on-site method for the disposal of the water run-off from the car washing be finalized and approved by the City Engineer prior to Board action, and the Planning & Zoning Board added (4) signage be provided indicating customer pickup and dropoff vehicles is not in the rear of the building.

Mayor Petrolia declared the public hearing open. There being no one from the public who wished to address the City Commission regarding Resolution No. 127-19, the public hearing was closed.

There was no cross-examination or rebuttal.

Mayor Petrolia inquired if they are moving space from the front or are they going to maintain that property and be able to exit out the back. In response, Mr. O'Gorman stated the storage of the spaces is in the rear of the plaza and an employee will bring the car from the back around to the front.

Deputy Vice Mayor Bathurst stated his biggest concern is that the drainage is done properly and he also expressed concern over the way the cars would be entering and exiting.

Vice Mayor Johnson stated this will be a vast improvement over what is currently there.

Mayor Petrolia expressed concern over the imposition on the properties behind the building as well as the water. She commented that the bay is going to be inside versus outside.

Mr. O'Gorman explained that the City Code requires them to operate with the bay door closed at all times, and the washing and vacuuming will be inside the bay. He stated there will be no runoff, but it will all be collected inside by the oil/water separated and properly treated.

Commissioner Boylston moved to approve Resolution No. 127-19. It was

seconded by Deputy Vice Mayor Bathurst. A roll call vote was taken and all were in favor. The motion carried 5-0.

Approved.

7.C. [19-672](#) PROPOSED MILLAGE LEVY RATE/DOWNTOWN DEVELOPMENT AUTHORITY (DDA)

Recommendation: Motion to Approve staff's recommendation that the City Commission approve the DDA millage rate at 1.0000 for FY 2020.

Attachments: [Agenda Cover Report](#)
 [DDA FY18-19 Budget](#)
 [Letter 2019-20 1 mill request 6.12.2019](#)
 [DDA FY19-20 MILLAGE PRESENTATION TO CITY COMMISSION](#)
 [7.9.19 V2](#)
 [Delray Beach DDA FY19-20 Millage Approval Memo 7.9.19](#)

Peter Arts, 1746 Fern Forest Place, Delray Beach, Chair of the Downtown Development Authority (DDA), thanked Commissioner Frankel for his nomination to the DDA at the last meeting. Mr. Arts introduced Mavis Benson and Pamela Ramsey who are on the DDA Board. Mr. Arts stated the DDA Board approved the millage rate in June and subsequent to that the DDA had two Goal Setting sessions in May and June. Mr. Arts urged the City Commission to approve staff's recommendation to approve the 1 mill millage rate renewal for the DDA.

Mavis Benson, 800 Greensward Court, Delray Beach, read a statement from Dr. Alan Castillo into the record. Ms. Benson briefly highlighted the numbers from the DDA's marketing programs and stated the events the DDA plans impact the downtown.

Laura Simon, Executive Director of the Downtown Development Authority (DDA), gave a brief presentation regarding the proposed millage levy rate for the DDA. Ms. Simon explained that the assessed valuation on all taxable property for operating purposes within the DDA taxing district of the City of Delray Beach is \$1,157,124,508 which is a 6.7% increase over fiscal year 18/19. Ms. Simon stated since 2010, the value of the downtown has increased almost 130%. This equates to \$1,099,268 for the fiscal year 19/20 budget amount which is an addition of \$59,721 of revenue over fiscal year 18/19. Ms. Simon reviewed the DDA's year-to-date highlights and priorities for 2019/2020. Ms. Simon stated there is a large billboard of Delray Beach in the Fort Lauderdale Airport Terminal 1, digital signage in West Palm Beach through October 2019, digital billboards in the Toronto Financial District and in New York Time Square. Ms. Simon also reviewed the DDA's programs and events.

A brief discussion between the City Commission and Ms. Simon followed.

Ms. Simon stated Delray's nighttime business is an economic engine for the downtown and the City. Ms. Simon announced that the DDA will hold an open Town Hall session tomorrow morning at 10:00 a.m. Mr. Jim Peters who is an expert from the Responsible Hospitality Institute will speak about "Life at Night" as well as have discussions with key stakeholders, City staff, and City leaders to help guide the next phase.

Vice Mayor Johnson encouraged anyone who would like to comment on Delray's nightlife to attend.

Commissioner Frankel moved to approve the proposed millage levy rate for the Downtown Development Authority (DDA) at 1.0000 for fiscal year 2020. It was seconded by Deputy Vice Mayor Bathurst. A roll call vote was taken and all were in favor. The motion carried 5-0.

Approved.

7.D. [19-673](#) FISCAL YEAR 2020 PROPOSED MILLAGE RATE

Recommendation: Motion to Approve staff's recommendation that the City Commission set a total millage of 7.0645 for FY 2020 (6.8611 for operating and 0.2034 for debt service).

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[2020 Proposed Millage Rate Ordinance \(002\)](#)

Deputy Vice Mayor Bathurst stepped away from the dais briefly and returned.

Interim City Manager de Jesus stated staff will be presenting the following three options to the City Commission: (1) one-tenth reduction, (2) hold at current millage, and (3) a one-tenth increase. Staff recommends option #3. Interim City Manager de Jesus stated there are a multitude of contributing factors that staff has been challenged with to balance this year's budget. Approximately \$5 million from fund balance was used to fund this year's budget; \$3 million came from the General Fund for various projects and \$2 million went to cover the pension deficit based on a decision from various pension boards to lower their assumption rate. In addition, Interim City Manager de Jesus stated the General Employees Pension Board and the Fire and Police Pension Board voted again to lower the assumption approximately a \$1.5-2 million reduction which causes the City to contribute more. He stated last year the City Commission moved to reappropriate approximately \$1 million (\$980,000) from the Community Redevelopment Agency (CRA) that was going for the Tennis Center to the City. The City Commission directed the former City Manager to fund that

and it was not funded so staff had to come up with it this year and again next year causing another \$1 million deficit to the budget that was not planned for. Due to contractual negotiations, there has been increases in salaries, increases to health insurance costs, and as the DDA pointed out in their presentation, with the overall growth of the City there has been a significant impact on our services. Interim City Manager de Jesus stated if the City Commission were to reduce the millage by one-tenth for another year, that would put the City at a \$2.1 million deficit which would require them to cut and decide what level of services would be impacted; if the City Commission decides to hold the millage at its current rate it will be a \$1.3 million deficit; and if the City Commission decides to increase the millage, the City will still have a \$475,000 deficit based on the current submittals from each department to maintain the level of services that are being performed today.

Laura Thezine, Acting Finance Director, gave a brief presentation regarding the current and rolled-back millage rate. Ms. Thezine explained that the City's current millage rate is 6.7611 and the Debt Service millage for the General Obligation Debt is 0.2108; the total fiscal year 2018/19 Citywide millage is 6.9719; the total fiscal year 2019/20 rolled-back rate is 6.4641 and noted the rolled-back rate will generate the same amount of revenues as last year. The City's taxable value increased by 6.62% in property value (\$689.4 million); the 2018 Final Taxable Value was \$10.4 billion and for the 2019 Preliminary Taxable Value is \$11.1 billion as of July 1, 2019. Ms. Thezine reviewed the proposed millage rate options: (1) 0.100 mills decrease a millage rate of 6.6611 (\$2.4 million in ad valorem revenues), (2) leave at the current millage rate of 6.7611 (\$3.5 million in ad valorem revenues), or (3) 0.100 mills increase a millage rate of 6.8611 (\$4.6 million in ad valorem revenues). Ms. Thezine stated the proposed debt service millage is 0.2034 which is 0.0074 mills lower than the current debt service millage of 0.2108. Ms. Thezine reviewed the impact to homeowners based on the three options and gave a history of the millage rates from 2010-2020 and noted the following:

2020 - Option #1 - 6.8645 (total city-wide millage rate)
2020 - Option #2 - 6.9645 (total city-wide millage rate)
2020 - Option #3 - 7.0645 (total city-wide millage rate)

Ms. Thezine also reviewed the taxable property value which compares Palm Beach County and the City of Delray Beach. Palm Beach County increased their taxable value by 6.2%; the City of Delray Beach's taxable value increased by 6.6% which is in alignment with the County; the City of Delray Beach represents 5.6% of the properties in the County.

Ms. Thezine stated there will be a Budget Workshop on August 13, 2019

and the two Budget Public Hearings, one on September 5, 2019 for the Tentative Budget Adoption and the other September 24, 2019 for the Final Adoption Public Hearing.

A brief discussion by the City Commission ensued.

It was the consensus of the City Commission to support Option #1.

Interim Chief de Jesus stated the target percentage for reserves was 25% and noted the City is currently at 23%. Based on this millage reduction, it is more than likely that the City will go to that well again to help balance the budget and to help maintain the level of services necessary, meet the increased costs (beyond staff's control) made by the decisions of boards and contracts.

Vice Mayor Frankel moved to approve **Option #1 a total millage rate of 6.8645 (6.6611 for operating millage; 0.2034 for debt service)**. It was seconded by Deputy Vice Mayor Bathurst. A roll call vote was taken and all were in favor. The motion carried 5-0.

Approved.

7.E. [19-738](#) ADOPTION OF RESOLUTION 138-19; CREATING THE NORTHWEST/SOUTHWEST ADVISORY BOARD

Recommendation: Motion to approve a Resolution of the City Commission of the City of Delray Beach, Florida, creating the Northwest/ Southwest Advisory Board in order to advise and provide recommendations regarding development projects in the Northwest and Southwest sections of the City; providing an effective date; and for other purposes.

Sponsors: City Attorney Department and Ingles

Attachments: [Agenda Cover Report](#)
[Res 138-19 NW SW Board](#)

The City Attorney stated this is the creation of the Northwest/Southwest Advisory Board. The City Attorney stated in speaking with Commissioner Frankel yesterday, he suggested changing the boundaries and instead of N.W. 10th Street and moving to Linton Boulevard from N.W. 10th Street to complete the boundary on the south. With respect to the composition of the board, the City Attorney stated she incorporated the City Commission comments to include residents, property owners, or business owners within that section.

For clarification, Commissioner Frankel stated the board members would be subject to Sunshine Law, ethics requirements, and could not accept

management fees for supporting a project.

The City Attorney stated because this is an elected board and they are subject to the same public records requirements with respect to City emails in the event that the City receives a public records request, they will be subject to the Sunshine Law, and they will have to take the Ethics course the same way any elected official would have to do. If this amended resolution is approved today, then when the City Commission returns from their break in August, they will each be able to make an appointment to this board and the City Clerk can start accepting applications.

Commissioner Frankel moved to approve Resolution No. 138-19 as amended. It was seconded by Vice Mayor Johnson. A roll vote was taken and all were in favor. The motion carried 5-0.

Approved as amended.

8. PUBLIC HEARINGS:

8.A. [19-656](#) RESOLUTION NO. 122-19: STORMWATER UTILITY ASSESSMENT (PUBLIC HEARING)

Recommendation: Motion to Approve Resolution No. 122-19 establishing a budget for the Stormwater Utility System, establishing the rates for FY 2019 /2020 Stormwater Management Assessments, and certifying and adopting the Stormwater Assessment Roll.

Sponsors: Public Works Department - Programs & Project Management

Attachments: [Agenda Cover Report](#)
[Res 122-19 for Stormwater Utility Assessment 7.3.19](#)
[Delray 2019 TRIM with ADDRESS](#)

Cynthia Fuentes, Engineering Division Manager/Public Works, stated this is to adopt the 2019 Stormwater Tax Roll and it is identical to the 2018 Stormwater Tax Roll.

Mayor Petrolia commented about an assessment for the re-working of the Water Treatment Plant. In response, Interim City Manager de Jesus stated a study must be completed before any recommendation can be made to increase the stormwater assessment fees, and once the study is complete, then staff will bring it forward for next year's discussion of the stormwater utility assessment.

Mayor Petrolia declared the public hearing open. There being no one from the public who wished to address the City Commission regarding Resolution No. 122-19 for the Stormwater Utility Assessment, the public hearing was closed.

Vice Mayor Johnson moved to approve Resolution No. 122-19. It was seconded by Commissioner Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

Approved.

8.B. [19-665](#) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN FY2019-2020 (PUBLIC HEARING)

Recommendation: Motion to approve and execute the attached Annual Action Plan.

Sponsors: Community Improvement

Attachments: [Agenda Cover Report](#)
[SF424 2 1-V2.1 70919](#)
[FY 2019-2020 Annual Action Plan](#)
[Certifications NonState 2019](#)

Ferline Mesidort, Neighborhood Services Administrator, stated the Consolidated Annual Action Plan is required to be submitted to the U.S. Department of Housing and Urban Development (HUD). Ms. Mesidort stated the Needs Assessment Meeting was held on May 20, 2019 inclusive of the community and there was a thirty (30) day comment period that was available as well. She noted that the Consolidated Annual Action Plan will be submitted to HUD on August 15, 2019.

Mayor Petrolia declared the public hearing open. There being no one from the public who wished to address the City Commission regarding the CDBG Annual Action Plan, the public hearing was closed.

Commissioner Boylston moved to approve the Community Development Block Grant (CDBG) Annual Action Plan for fiscal year 2019-2020. It was seconded by Deputy Vice Mayor Bathurst. The roll call vote was taken and all were in favor. The motion carried 5-0.

Approved.

8.C. [19-693](#) ORDINANCE NO. 17-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES BY AMENDING SECTION 4.4.13 "CENTRAL BUSINESS DISTRICT", BY AMENDING SUBSECTION 4.4.13(C)(3)(b) "CENTRAL CORE AND BEACH SUB-DISTRICTS", TO AMEND THE BASIS FOR GROUND FLOOR RETAIL REQUIREMENTS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.(SECOND READING/PUBLIC HEARING)

Recommendation: Review and consider Ordinance No. 17-19 on second reading, a City-initiated amendment Land Development Regulations, Section 4.4.13 "Central Business (CBD) District," subsection 4.4.13(C)(3)(b) to provide a basis for exceptions to the retail requirement within the Central Core and Beach Sub-districts.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ordinance No. 17-19](#)
[Ordinance No. 17-19 PZB Staff Report](#)
[Legal Review Ordinance 17-19](#)
[Ordinance No. 21-07](#)

The City Attorney stated Ordinance No. 17-19 did not pass last week at first reading and should have been removed from the agenda.

The City Attorney noted that no action is required on this item.

- 8.D. [19-717](#) ORDINANCE NO. 26-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, IMPOSING A TEMPORARY MORATORIUM ON THE OPERATION OF RETAIL BUSINESSES ENGAGED IN THE SALE OF RETAIL PRODUCTS CONTAINING CANNABIDIOL/CBD SOLD AS A PRINCIPAL RETAIL PRODUCT WITHIN THE CITY FOR A PERIOD OF ONE (1) YEAR; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

Recommendation: Motion to Approve Ordinance No. 26-19.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[SB 1020](#)
[Ord 26-19 CBD Moratorium](#)

The City Attorney read the title of Ordinance No. 26-19 into the record.

A brief discussion between the City Attorney and the City Commission ensued.

Mayor Petrolia declared the public hearing open.

Dustin Robinson, 1000 S.E. 2nd Street, Delray Beach, stated the ordinance references Senate Bill 1020; however, it ignores that Senate Bill 1020 delegates authority to Florida's Department of Agriculture to come up with a program for hemp rules that suits the public's interest. In his opinion, Mr. Robinson stated it is completely arbitrary, does not serve the purpose,

and is unconstitutional.

Chris Ronzon, President and Founder of a company called Hemp Boca, concurred with comments expressed by Mr. Robinson and stated education is very important with these products. Mr. Ronzon urged the City to invite the companies that are already established and allow them to help guide the City about what bans and regulations they should have in Delray Beach rather than placing a moratorium on this product.

Josh Hoffman, 55 S.W. 2nd Avenue, Delray Beach, supports the product and stated he is a clinical specialist implementing education. Mr. Hoffman stated this product is about reducing symptoms of conditions that people suffer from with little or no side affects.

Camilo Cuarzas, 104 Swollen Parkway, Royal Palm Beach, supports the product and stated this is a benefit to the community that can help eliminate some of the drug opioid and heroin crisis.

Christina Escalante, 5748 Fox Hollow Apt. "B", Boca Raton, stated part of what they do is to try and convince City Commission's to not ban medical marijuana dispensaries. She asked if delivery of medical marijuana will be impacted or if the ordinance will be amended to specifically exclude delivery.

There being no one else from the public who wished to address the City Commission regarding Ordinance No. 26-19, Mayor Petrolia closed the public hearing.

Commissioner Frankel stated he supports the ordinance that has been drafted by the City Attorney.

Deputy Vice Mayor Bathurst stated the City is waiting to see what some of the findings are going to be and see what everyone in the state is doing. Deputy Vice Mayor Bathurst stated he concurs with Commissioner Frankel because the City wants to do it right.

Commissioner Boylston stated places such as bars, banks, churches, and tatoo shops all have regulations about where they can be located and how many there can be. In addition, Commissioner Boylston stated this is a moratorium, not an all out ban.

Vice Mayor Johnson stated she supports the moratorium and regulating this like the City does with respect to tatoo parlors.

Mayor Petrolia stated she too supports the moratorium so that they can do

the right thing as like the "time-out" with the electric scooters because it has given the City a great window of opportunity of watching what happens in another city and what they are having to deal with so that Delray is not having to deal with the same thing. Mayor Petrolia stated the City wants to do the right thing and putting these where they belong and not necessarily opening up to everybody everywhere. In the meantime, Mayor Petrolia stated it is important to be educated on this. She stated these are medicines that are so important to so much of our society and many people in the recovery industry that could possibly find their way out of a dire situation through the use of this.

The City Attorney confirmed that this would not eliminate delivery.

Commissioner Frankel moved to approve Ordinance No. 26-19. It was seconded by Vice Mayor Johnson. A roll call vote was taken and all were in favor. The motion carried 5-0.

Approved.

9. FIRST READINGS:

9.A. None

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

Interim City Manager stated prior to him being appointed Interim City Manager, the City Commission asked staff to look into relocating a large Banyan tree on N.E 7th Avenue. Staff met with three companies at the site and two of them refused to bid and one bid at \$45,000 with the caveat that the City acknowledge that the tree had a very slim or no chance of survival relocation. Staff recommends that we do not attempt to relocate that tree. Secondly, Interim City Manager de Jesus stated with respect to trucks on the Avenue, he met with staff and the signs are regulated by Florida Department of Transportation (FDOT). Interim City Manager stated the current placement of the sign does not meet FDOT regulations and not enforcement. Staff is working with FDOT to relocate the signs and install the proper signage. In addition, Interim City Manager de Jesus stated there are multiple drivers and he has asked the Police Department staff that when they stop the drivers to find out who the company is and the City will notice the company to advise their drivers. Also, he suggested to canvass the businesses downtown and tell them to notify their vendors of the preferred routes (not Atlantic Avenue) and reiterated that staff will attempt education and then ticketing. With respect to comments made earlier in the meeting about vacancies amongst the Executive staff, Interim City Manager de Jesus

noted that staff is doing an incredible job with covering those voids. Interim City Manager de Jesus recognized and thanked Interim Neighborhood Services Director Captain Weatherspoon for his leadership in this position during a very difficult time. Interim City Manager de Jesus stated there is a lot of other people who have stepped up as well and he will recognize them as the City continues to fill those positions. Lastly, Interim City Manager stated he sent the City Commission an update on the City Manager search process and staff is tweaking the process to include the community involvement part that the City had on the last process.

B. City Attorney

The City Attorney stated the home that is being relocated to the Community Redevelopment Agency (CRA) property went before the Historic Preservation Board (HPB) for the request. With respect to the Appealable Land Use items that come before the City Commission, the City Attorney stated it would not come before the City Commission for an appeal until after it was scheduled to be moved.

It was consensus of the City Commission to not appeal this item.

C. City Commission

Deputy Vice Mayor Bathurst stated the 4th of July was great and he thanked City staff. Secondly, Deputy Vice Mayor Bathurst commented that he is looking forward to Frog Alley. Lastly, Deputy Vice Mayor Bathurst announced that Specialized Healthcare Partners is a new headquarters in Delray Beach.

Commissioner Frankel thanked the Palm Beach County School Board for removing the Spanish River High School Principal who decided that the Holocaust did not happen. Secondly, Commissioner Frankel stated Gary Ferreri with the Police Department has asked him to invite the City Commission and the public for the National Night Out August 6, 2019 from 6-10 p.m. at Old School Square. Lastly, Commissioner Frankel commented about the impressive performance of Coco Gauff on and off the court. He feels the City should recognize her and also commented about the media coverage worldwide about how she trained at Pompey Park here in Delray Beach. Commissioner Frankel stated giving Coco Gauff a Key to the City was great; however, he feels that something more permanent be done for her such as renaming S.W. 10th Avenue from Atlantic Avenue to Lake Ida Road & Coco Gauff Way. Commissioner Frankel stated Coco Gauff is a superstar now and in the future.

Mayor Petrolia suggested naming rights to the tennis courts and stated the City needs to have some type of reception for her because the town really wants to celebrate her incredible abilities and because she is from Delray Beach. Mayor Petrolia suggested that something be done (i.e. naming rights) to the Tennis Center or Pompey Park, but at the same time respects what her family and parents want for her. Interim City Manager de Jesus stated the family understands this and when they are ready and whatever they would like the City to do, we want to celebrate with them as much as they are willing to celebrate.

Commissioner Boylston concurred with comments expressed by Commissioner Frankel about the naming rights at the tennis courts at Pompey Park. Secondly, Commissioner Boylston thanked everyone for their patience when he was on vacation trying to skype during the City Commission meeting. He noted that ShotSpotter is in the CRA's budget and he would like staff to prioritize this. Interim City Manager de Jesus stated he scheduled a meeting with Police Chief Sims tomorrow afternoon. Commissioner Boylston made reference to comments expressed by Kaufman & Lynn.

Vice Mayor Johnson thanked everyone for their inputs. Secondly, Vice Mayor Johnson stated if the City is going to do anything for Coco Gauff, she feels that the City should honor her heroes the Williams' sisters first. She thanked the Interim City Manager de Jesus for extending the pool hours at Pompey Park until 8:00 p.m. However, Vice Mayor Johnson expressed concern that there is nothing available for someone who cannot go into 3 feet of water and expressed concern over the condition of the bathrooms at Pompey Park.

Mayor Petrolia commented about the delay of the posting of the City Commission meetings and inquired if this can be done any quicker. The City Attorney stated as part of the settlement for the Federal lawsuit, any videos that are posted have to be closed captioned. The City Attorney explained that if there is a Public Records Request and they do not want the video closed captioned, then the video can be released immediately. With respect to the Pompey Park pool, Mayor Petrolia stated there was an additional suggestion as to whether or not Saturday night could be included because 5:00 p.m. was thought to be too early and eliminate Mondays since the pool is already closed on Mondays. Lastly, Mayor Petrolia commented about the July 4th celebration and stated there is a great small town feel about it which makes it unique. Mayor Petrolia stated this was the first year the City put this celebration on without the assistance of the Delray Beach Marketing Cooperative (DDMC) and she gave kudos to everyone

involved including Police, Fire, and all the workers for a job well done. She noted everyone made it extra special and the next day everything was all cleaned up.

There being no further business to discuss, Mayor Petrolia adjourned the Regular Meeting at 7:30 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 July 9, 2019 Regular City Commission Meeting, which Minutes were formally approved and adopted by the City Commission on August 20, 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.