City of Delray Beach

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Minutes - Final

Tuesday, February 4, 2020

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:

Present: 5 - Mayor Shelly Petrolia, Vice-Mayor Shirley Ervin Johnson, Commissioner Adam Frankel, Deputy Vice Mayor William Bathurst, and Commissioner Ryan Boylston

Also Present:

George Gretsas, City Manager
Lynn Gelin, City Attorney
Katerri Johnson, City Clerk

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

A motion was made by Commissioner Boylston, seconded by Commissioner Frankel, that the agenda be approved. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Vice-Mayor Ervin Johnson, Commissioner Frankel, Deputy Vice Mayor Bathurst, and Commissioner Boylston

4. PRESENTATIONS:

4.A. None.

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

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

None.

B. From the Public

Laura Simon, Downtown Development Authority, wished to thank everyone who attended Delray Beach Fashion Week.

Pauline Moody, P.O Box 8196, Delray Beach, expressed concern about the construction project at I-95 and asked what the City is doing about it.

There being no one else from the public who wished to address the City

Commission, Mayor Petrolia closed the public comments.

6. CONSENT AGENDA: City Manager Recommends Approval

A motion was made by Commissioner Frankel, seconded by Deputy Vice Mayor Bathurst, that the consent agenda be approved. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Vice-Mayor Ervin Johnson, Commissioner Frankel, Deputy Vice Mayor Bathurst, and Commissioner Boylston

6.A. 20-050 APPROVAL OF UNFORESEEABLE EMERGENCY WITHDRAWAL ASSESSMENT AUTHORIZATION FROM INTERNATIONAL CITY MANAGEMENT ASSOCIATION (ICMA) 457 PLAN

Body: **Recommended Action:**

Recommendation: Motion to Approve the Unforeseeable Emergency Withdrawal Assessment Authorization with ICMA- RC authorizing them to process emergency withdrawal requests on behalf of participants without requiring Employer approval.

Attachments: Agenda Cover Report

2019-457 Assessment Authorization for Emergency Withdrawals-directive letter FINAL

Approved.

6.B. 19-1088 APPROVE INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY FOR FUNDING CONSTRUCTION/PROFESSIONAL SERVICES FOR FISCAL YEAR 2019/20

Body: **Recommended Action:**

Recommendation: Approve the Interlocal Agreement (ILA) between the City of Delray Beach (City) and the Delray Beach Community Redevelopment Agency (CRA) to fund Fiscal Year 2019/20 Capital Projects as described in Exhibit A of the attached agreement for Fiscal Year 2019/20. This amendment adjusts the ILA to remove projects that are being managed by CRA staff and to reflect actual funding requirements for projects that are moving forward under City management.

Attachments: Agenda Cover Report

Legal Review Checklist form v. 5 ILA for Construction-Professional Services
CRA - ILA - General Capital Improvement Projects (004)

Approved.

6.C. 19-1213 RESOLUTION NO. 43-20 REQUESTING FOR AUTHORIZATION FOR

FLORIDA POWER AND LIGHT TO INSTALL DECORATIVE LED STREET LIGHTS IN THE OSCEOLA PARK NEIGHBORHOOD IMPROVEMENTS PROJECT AND FOR PAYMENT OF A NOT-TO-EXCEED $300,000 FOR DESIGN AND INSTALLATION

Body: **Recommended Action:**

Recommendation: Motion to Approve Resolution No. 43-20 in support of Florida Power and Light (FPL) for the installation of Decorative LED Street Lights for the Osceola Park Neighborhood Improvements Project and for the payment of a not-to-exceed amount of $300,000 for the design and installation of the Decorative LED fixtures.

Attachments: Agenda Cover Report

43-20- Legal Review Form 8-17-18 FPL Resolution

Res 43-20

Approved.

6.D. 20-027 APPROVAL OF AMENDMENT 3 RETROACTIVELY APPROVING CONTRACT RENEWAL WITH T2 SYSTEMS, INC. FOR MULTI-SPACE SMART PARKING METERS AND REDUCING RENEWAL AMOUNTS

Body: **Recommended Action:**

Recommendation: Motion to approve Amendment 3, for retroactive contract renewal with T2 Systems, Inc. for multi-space parking meters, and authorize the City Manager to approve renewal options, in the amounts below, contingent upon appropriation of funds.

Attachments: Agenda Cover Report

Legal Review- Multispace Smart Parking Meters- With amended values
Amendment No. 3 Multi-Space

T2 Sytems, Inc. - amd 2 to solicitation no. 2016-057L multi-spac (1)

Amendment No. 1 Multi-Space Smart Parking Meters

Approved.

6.E. 19-921 RATIFICATION OF THE EMERGENCY ACQUISITIONS RELATED TO THE REPAIR OF A BROKEN 12-INCH WATER MAIN AT 911 SE 6TH AVE, THE VICINITY OF SE 10TH ST AND FEDERAL HWY, IN THE AMOUNT OF $86,456.00 TO JOHNSON-DAVIS, INC. AND $4,600.36 TO FORTILINE WATERWORKS, FOR AN AGGREGATE TOTAL OF $91,056.36

Body: **Recommended Action:**

Recommendation: Approve ratification of the emergency acquisitions for the repair of a 12-inch water main at 911 SE 6th Avenue, the vicinity of SE 10th Street and Federal Highway, in the amount of $86,456.00 to Johnson-Davis, Inc. and $4,600.36 to Fortiline Waterworks, for a total final repair cost of $91,056.36.

Attachments: Agenda Cover Report

19-0820_1906 RE_ ICWW Pipe Break_ Beach Drive_ NE 4th Street_ Emergency Authorization for Repair
19-0905 Fortiline invoices_ SE 10 ST WM Emrgncy Rprs

19-0905 Johnson Davis partial invoice_SE 10 ST WM Emrgncy Repair_A
20-0108_1541 Email from FDOT Cosultant_ Paving Finaled

Approved.

6.F. PROCLAMATIONS:

6.F.1. 20-070 BLACK HISTORY MONTH PROCLAMATION

Body: **Recommended Action:**

Recommendation: Motion to approve the proclamation declaring February as Black History Month.

Attachments: Agenda Cover Report

Black History Month Proclamation 2019

This Proclamation was approved.

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

6.G.1. 20-038 REPORT OF APPEALABLE LAND USE ITEMS FROM JANUARY 6, THROUGH JANUARY 17, 2020.

Body: **Recommended Action:**

Recommendation: By motion, receive and file this report.

Attachments: Agenda Cover Report

Appealable Items Map 2.4.20

A - 1395 NW 17th Avenue; Delray North Business Park - Appealable Report
B - 25 SW 5th Avenue; Sweet Jamaican Rest.- Appealable Report

C - 925 S. Congress Avenue; A-Christian Glass- Appealable Report

D- 2870 Florida Blvd - Wellness Resource Center - Appealable Report

E - 190 SE 5th Avenue; Frankie Beans- Appealable Report

F - 210 NE 6th Avenue; Nina Ranor- Appealable Report

G - 885 SE 6th Avenue; Mayfair Federal Plaza- Appealable Report

H - 308 NW 2nd Street- Appealable Report

I - 4-8 E Atlantic Avenue; Tin Roof - Appealable Report

J - 702 NE 3rd Avenue - Appealable Report

Approved.

6.H. AWARD OF BIDS AND CONTRACTS:

6.H.1. 19-1218 APPROVAL OF RESOLUTION NO. 07-20 TO APPROVE AN AGREEMENT WITH BAXTER AND WOODMAN, INC. FOR CONSTRUCTION ENGINEERING AND INSPECTION SERVICES FOR SW 4TH STREET, SW 6TH STREET, S.W. 7TH AVENUE, AND S.W. 3RD COURT NEIGHBORHOOD IMPROVEMENTS PURSUANT TO RFQ NO. 2019-045 (PROJECT NO. 17-108) - $587,416

Body: **Recommended Action:**

Recommendation: Motion to Approve Resolution No. 07-20 to award an Agreement with Baxter and Woodman, Inc. for Construction Engineering and Inspection Services for SW 4th St, SW 6th St, SW 7th Ave and SW 3rd Ct Neighborhood Improvements project pursuant to RFQ No. 2019-045 (Project No. 17-108) - $587,416.

Attachments: Agenda Cover Report

Exhibit A to Resolution 07-20- Signed Agreement BW

Resolution No. 07-20 CEI SW Neighborhoods BW

Legal Review Checklist 2019-045 Baxter & Woodman CEI SW Neighborhood Improvements

Submittal - Baxter and Woodman - SW Neighborhoods CEI

2019-045 Scoring Summary after Final Rankings

Approved.

6.H.2. 19-1196 APPROVAL OF RESOLUTION NO. 24 -20 TO APPROVE AN AGREEMENT WITH RIC-MAN CONSTRUCTION, INC. FOR SW 4TH STREET, SW 6TH STREET, S.W. 7TH AVENUE, AND S.W. 3RD COURT NEIGHBORHOOD IMPROVEMENTS PURSUANT TO ITBC NO. 2019-048 (PROJECT NO. 17-108) - $5,648,785

Body: **Recommended Action:**

Recommendation: Motion to Approve Resolution No. 24-20 to award an Agreement with Ric-Man Construction, Inc. for SW 4th St, SW 6th St, SW 7th Ave and SW 3rd Ct Neighborhood Improvements project pursuant to ITBC No. 2019-048 (Project No. 17-108) - $5,648,785.

Attachments: Agenda Cover Report

Agreement - 2019-048 - Ric-Man Signed

Exhibit A - Ric Man Submittal Combined

Exhibit B - Ric-Man Pricing Schedule

Res 24-20 Ric-Man Constr Inc

Legal Review Checklist Ric-Man Construction Agreement

Bid Tabulation Bid 2019-048

Approved.

7. REGULAR AGENDA:

7.A. 20-047 RESOLUTION NO: 34-20: 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 COMMUNITY RESIDENCE AT 727 PLACE TAVANT WITHIN 570 FEET OF ANOTHER EXISTING COMMUNITY RESIDENCE; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

Body: **Recommended Action:**

Recommendation: Review and consider Resolution No. 34-20, a Conditional Use request to allow for a Family Community Residence located at 727 Place Tavant.

Attachments: Agenda Cover Report
Planned Care Home II - Location Map
Planned Care Home II - Resolution
Planned Care Home II - Legal Review Form
Planned Care Home II - PZB Staff Report
Planned Care Home II - ACHA Certification
Planned Care Home II - APD Certification
Planned Care Home II- CUP Applicant Responses

Mayor Petrolia read the City of Delray Beach Quasi-Judicial rules into the record. The Clerk swore in those individuals who wished to give testimony.

Mayor Petrolia asked the Commission to disclose their ex parte communications.

Commissioner Frankel stated he met with staff and legal counsel.

Vice Mayor Johnson stated that she met with staff and Mr. Nicks.

Commissioner Boylston stated that he met with staff and called (Steve) the applicant. He also stated that he visited the site.

Deputy Vice Mayor Bathurst stated that he drove by the site and spoke to staff and legal.

Mayor Petrolia stated that she spoke with staff and counsel.

Ms. Anthea Gianniotes, Development Services Director, entered file number 2020-033 into the record.

Mr. Ron East, Planned Care Home Services, gave a presentation about the shelter and housing services that his company provides for disabled individuals.

Mr. Steve Mullings, President of Planned Care Home Services, addressed concerns about the qualifications of his staff and his company's policies.

Ms. Gianniotes gave a brief presentation.

Ms. Terrill Pyburn, Legal Counsel, stated that she helped the city create Ordinance 25-17 which defined Community Residence Living in 2017.

Ms. Gianniotes stated that this is a Group Home for individuals with disabilities and is not a Recovery Home.

Mayor Petrolia opened the meeting up for public comment.

Public Comment:
Alice Finst, 707 Place Tavant, stated that numerous years ago, Commission voted to give Shadow Lane its own zoning to prevent people from doing business in the neighborhood. Ms. Finst stated that she would not be in favor of the rezoning and would like to keep the neighborhood as it is.

Ms. Pauline Moody spoke about her concerns about having a Group Home and its potential legal problems.

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

Ms. Pyburn stated that she had no cross examination but did have a rebuttal. Ms. Pyburn stated that a Community Residence is not considered a business under the Fair Housing Act.

Mr. Ron East came to the podium and addressed Ms. Moody's concerns.

Mr. Steve Mullings also addressed Ms. Moody's concerns.

Mayor Petrolia asked if there was a similar facility on this block.

Kent Walia, Senior Planner, stated that there was no other Community Residence on the block.

Commissioner Boylston thanked staff for taking the time to present the facts to the public.

Deputy Vice Mayor Bathurst stated that Ordinance 25-17 was carefully crafted for situations like this.

Vice Mayor Johnson expressed her concern about the increase in the number of residents.

Ms. Pyburn and Mr. Walia came up to the podium and addressed Vice Mayor Johnsons concerns.

Vice Mayor Johnson also expressed concern over not having mixed bedrooms.

Mr. Mulligans stated the specifications of the bedrooms.

Commissioner Frankel thanked Ms. Pyburn and Mr. Mark Woods, Code Enforcement, for their excellent work.

A motion was made by Commissioner Boylston, seconded by Deputy Vice Mayor Bathurst, that Resolution 34-20 be approved. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Vice-Mayor Ervin Johnson, Commissioner Frankel, Deputy Vice Mayor Bathurst, and Commissioner Boylston

7.B. 20-005 POLICE ADVISORY BOARD NOMINATIONS FOR APPOINTMENT

Body: **Recommended Action:**

Recommendation: Recommendation for appointment of one (1) regular member to serve an unexpired term ending July 31, 2022 and one (1) regular member to serve a term ending July 31, 2021.

Attachments: Agenda Cover Report
Police Advisory Board
Exhibit A
Police Advisory Board Attendance 4th quarter
1. Abramson
2. Burgess
3. Evans
4. Feldmanis
5. Harold
6. Ratlieff
7. Rex
8. Trupia

Mayor Petrolia appointed Richard Burgess to the Police Advisory Board. It was seconded by Commissioner Frankel. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Vice-Mayor Ervin Johnson, Commissioner Frankel, Deputy Vice Mayor Bathurst, and Commissioner Boylston

Vice Mayor Johnson deferred her appointment until February 11th, 2020 meeting.

7.C. 20-026 RECOMMENDATION FOR APPOINTMENT TO THE BOARD OF TRUSTEES FOR THE POLICE OFFICERS' RETIREMENT SYSTEM

Body: **Recommended Action:**

Recommendation: Recommendation for appointment of one (1) regular member to serve an unexpired term ending October 4, 2020.

Attachments: Agenda Cover Report
Exhibit A
Applicant #1
Board of Trustees for the Police Officers' Retirement System 3
Police Officers' Retirement System Attendance

Commissioner Boylston nominated Mr. Henry Dickson to the Board of Trustees Police Officers' Retirement System. It was seconded by Commissioner Frankel. The motion carried the following vote:

Yes: 5 - Mayor Petrolia, Vice-Mayor Ervin Johnson, Commissioner Frankel, Deputy Vice Mayor Bathurst, and Commissioner Boylston

8. PUBLIC HEARINGS:

8.A. 19-841 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 AND SERVICES; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (SECOND READING)

Body: **Recommended Action:**

Recommendation: Review and consider Ordinance No. 19-19 at second reading to adopt the Always Delray Comprehensive Plan.

Attachments: Agenda Cover Report
Always Delray Revisions from Transmittal
Always Delray Comments_DEO.pdf
Always Delray Comments_FDOT
Always Delray Comments_SFWMD
Always Delray Comments_PBC
Ord. No. 19-19 Always Delray Comprehensive Plan
Exhibit A Current Comprehensive Plan
Always Delray Vision & Acknowledgments
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
MBL DIA
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 Definitions

Always Delray Project List

City Attorney Lynn Gelin read Ordinance No. 19-19 into the record.

Ms. Anthea Gianniotes, Development Services Director, gave a brief presentation on the Always Delray Comp Plan.

Mayor Petrolia opened the floor for public comment.

Public Comment:

Mr. Gary Eliopoulos, 1045 E. Atlantic Avenue, stated that he would like the Commission to consider this Ordinance.

Mr. Tyler Knight, 805 Del Mar Way, expressed concerns about the Ratio of Total Floor Area, (FAR).

Ms. Yvonne Odom,3905 Lowson Blvd, welcomed Mr. Gretsas to the City. She then spoke about the Set Transformation Plan.

Rusten Kupi, 1045 E. Atlantic Avenue, expressed concern about the incentives being offered for the Ratio of Total Floor Area.

Mr. Ken Kaleel, 54 NE 4th Avenue, stated that he is a proud small business owner in the City of Delray Beach.
Mr. Kaleel said that if the Commission adopts the FAR, it will stop him from redesigning and expanding his business.

Ms. Jordana Jarjura, VP & General Counsel for Menin Development, Delray Beach, spoke about the differences in the re-writes to the FAR. Ms. Jarjura entered her comments into the record.

Jose Gonzalez, Gonzalez Architect, Palm Beach, spoke about applying FAR in a way that wouldn't penalize businesses from expanding.

Pauline Moody stated that she feels the City is a congested mess.

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

Deputy Vice Mayor Bathurst stated that the Commission should make sure

the City is getting the architecture that they want from the FAR and would like to see further discussion on the Congress Avenue Corridor.

Commissioner Frankel thanked Former Mayor Schmidt for his hard work. He stated that he would like to speak with Ms. Odom about her comments.

Commissioner Frankel stated that he would be supporting of the CBD at 3.0, Congress at 2.5, and not to count any garages.

Mayor Petrolia stated that she would not be in favor of not counting the garages.

Commissioner Boylston commented that the Commission should focus on quality development.

Commissioner Boylston stated that he hopes to adopt the West Atlantic Development Comprehensive Plan Update in the next few weeks.

Vice Mayor Johnson expressed her concern regarding the density.

Deputy Vice Mayor Bathurst made a motion to approve Ordinance No. 19-19 maintaining the 3.0 FAR in the downtown. It was seconded by Vice Mayor Johnson. The vote carried as follows:

Yes: 4 - Vice-Mayor Ervin Johnson, Commissioner Frankel, Deputy Vice Mayor Bathurst, and Commissioner Boylston

No: 1 - Mayor Petrolia

9. FIRST READINGS:

9.A. None.

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

None.

B. City Attorney

The outside counsel who is handling the opioid litigation is requesting to come to a meeting and give a presentation.

C. City Commission

Commissioner Boylston inquired when the next West Atlantic Redevelopment Plan will come back to the Commission. City Manager

Gretsas stated that it would be on the next meeting. He also inquired about the Architectural and Structural Study.

Deputy Vice Mayor Bathurst commented that he visited the Delray Beach Health & Wellness Center and that it looked much better. He also thanked Mr. Schmidt for his efforts.

Commissioner Frankel informed the Commission that the Panhandling/Ordinance Task Force Committee had their first meeting.

Vice Mayor Johnson announced that February is Black History Month.

Mayor Petrolia reported the following:

- Spoke to other Mayors regarding an Assault Weapon Ban when she was in Washington.
- Light Asphalt is being used in some municipalities.
- Thought that combining Fashion Week and the Super Bowl was a great idea.
- Whole Foods Market opened.
- Habitat for Humanity built another affordable house for one of Delray's first-time homeowners.
- Inducted New Chamber of Commerce Board Members.

With no further business to discuss, the meeting was adjourned at 6:02 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 February 4, 2020 Regular City Commission Meeting held on February 4, 2020, which Minutes were formally approved and adopted by the City Commission on March 3, 2020.

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.