

# City of Delray Beach

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## Minutes - Final

**Tuesday, August 11, 2020**

**4:00 PM**

**Regular Meeting at 4:00 PM**

**Virtual Meeting**

## **City Commission**

*Mayor Shelly Petrolia*  
*Vice Mayor Ryan Boylston*  
*Deputy Vice Mayor Shirley Ervin Johnson*  
*Commissioner Adam Frankel*  
*Commissioner Juli Casale*

## 1. ROLL CALL

The Regular Commission Meeting was called to order at 4:00 p.m.

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

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

## 2. PLEDGE OF ALLEGIANCE TO THE FLAG

## 3. AGENDA APPROVAL

Others Present Were:

Jennifer Alvarez, Interim City Manager

Lynn Gelin, City Attorney

Katerri Johnson, City Clerk

Commissioner Casale requested that item number 6.E. be pulled for discussion. It became Item 7.A.A. on the regular agenda.

Deputy Vice Mayor Johnson requested that items 6. B. and 6.L. be pulled from the Consent Agenda. Item 6.B. became item 7.B.B. and item 6.L. became item 7.C.C. on Regular Agenda.

Vice-Mayor Boylston requested to discuss plans that the DDA and Task Force have for re-opening the City during Phase II after the agenda. Mayor Petrolia stated that it would appear on the agenda as Item No. 9.E.

**A motion was made by Vice-Mayor Boylston, and seconded by Commissioner Casale, that the agenda be approved as amended. The motion carried by the following vote:**

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

## 4. PRESENTATIONS:

Interim City Manager Jennifer Alvarez recognized Mr. Hassan Hadjimiry, Utilities Director, who had recently been selected as the American Society for Civil Engineers, Florida Section Government Engineer of the Year.

### 4.A. RECLAIMED WATER PRESENTATION

**Sponsors:** Utilities Department

Mr. Hassan Hadjimiry, Utilities Director, gave a brief presentation of the Utilities and Reclaimed Water Program. Mayor Petrolia asked Mr. Hadjimiry to clarify the safety of the Cities drinking water. He informed the Commission that the drinking water meets and exceeds the EPA requirements. Mr. Hadjimiry added that the City tests new water samples everyday to ensure it does not get over-chlorinated. He explained that their team works closely with the Department of Health and visits homes to inspect their water while addressing any concerns that the residents may have. He also stated that the Utilities Departments' priority is to provide the best water quality to its residents, and they are happy to address any misinformation out there. Vice-Mayor Boylston and Mayor Petrolia task staff to use this presentation and convert it into a flyer to distribute to residents.

Commissioner Casale asked if her colleagues could discuss Mr. Gretsas's letters and emails briefly before moving to public comments.

Further discussion ensued. There was a consensus to have City Attorney Gelin write a cease and desist letter to urge Mr. Gretsas to stop using his personal email to conduct City business as a suspended employee.

Vice-Mayor Boylston stated for the record that Mr. Gretsas told him that he was looking for the documents to prove when the water tanks were last cleaned but that he had not found anything.

## **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

B. From the Public

Shirley Willis, 425 SW 15th Terrace, Delray Beach, commented that her street needs speed bumps installed.

Jeffrey Bush, 401 SW 15th Terrace, Delray Beach, asked the Commission to install speed bumps to make the road he lives on less dangerous.

Sandra Weatherspoon, 34 NW 12th Avenue, Delray Beach, believes that speed bumps are needed on her street because it would prevent traffic hazards and protect children that live in the area.

Ellen Isaac, a former Resident of Delray Beach, requested the City to recognize International Overdose Awareness Day on August 31, 2020.

Ernestine Holliday, 40 NW 9th Avenue, Delray Beach, expressed her support of the idea to install speed bumps in her area.

Yvonne Odom, 3905 Lowson Blvd, Delray Beach, recommended the

Commission return the CRA to an independent Status.

Alonzo Holloman, 610 SW 6th Avenue, voiced his concern that the City wants to put grass near his driveway where there has been concrete for forty years. Mr. Holloman said that he is a wheelchair user and that putting grass there would make it difficult for him to get around.

Alfonzo Bennett, 323 NW 2nd Avenue, Delray Beach, requested to have speed bumps to be installed throughout his neighborhood.

Ryan Mahoney, 5098 Adams Road, Delray Beach (Unincorporated), expressed his concerns about the water quality in Delray Beach.

Sandra Weatherspoon, 34 NW 12th Avenue, Delray Beach, raised concern about the water situation. She also requested the Commission to conduct a traffic study on NW 12th Avenue.

Morris Carstarphen, 619 SW 7th Avenue, Delray Beach, reported that the alleyways, specifically the trees, are not maintained the same way that trees along Atlantic Avenue are.

Jacqueline Bassie, 109 NW 13th Avenue, Delray Beach, requested the Commission to send out a written statement to residents informing them that the water is safe to drink.

City Clerk Katerri Johnson stated there were no more public comments.

Mayor Petrolia expressed her concern about the numerous public comments regarding speed bumps because the issue was not an agenda item. Interim City Manager Alvarez said she will ask Chief Simms to investigate the situation. The Mayor suggested assigning police officers and code compliance to monitor traffic and issue speeding tickets if needed and to make sure those areas are being kept up.

Mayor Petrolia requested that the Commission return phone calls to everyone who submitted public comments about the water quality, and release a Code Red message to assure the residents that the water is safe to drink.

Commissioner Casale and Deputy Vice Mayor Johnson agreed with the Mayor about addressing the speeding issue on NW 3rd, NW 12th, and SW 15th Street. They mentioned that residents reached out to them about this at a previous community meeting. They instructed Chief Simms also to monitor the area of NW 3rd Avenue, between Lake Ida and Atlantic Avenue.

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

A motion was made by Commissioner Frankel. It was seconded by Deputy Vice Mayor Ervin Johnson, to approve the consent agenda as amended. The motion carried by the following vote:

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

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

**Body: Recommended Action:**

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

June 16, 2020 City Commission Regular Meeting Minutes  
July 13, 2020 Closed Attorney/Client Session Meeting Minutes - 9:00 a.m.  
July 13, 2020 Closed Attorney/Client Session Meeting Minutes - 10:00 a.m.  
July 13, 2020 Closed Attorney/Client Session Meeting Minutes - 11:00 a.m.

**Sponsors:** City Clerk Department

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

[June 16, 2020 City Commission Regular Meeting Minutes\\_DRAFT](#)

[July 13th 9 am Shade Mtg - Draft](#)

[July 13th 10 am Shade Mtg - Draft](#)

[July 13th 11 am Shade Mtg - Draft](#)

**6.B. CORONAVIRUS RELIEF FUNDS (CRF) SUBRECIPIENT AGREEMENT - FLORIDA HOUSING FINANCE CORPORATION (FHFC)**

**Body: RECOMMENDATION:**

**Recommendation:** Motion to authorize and approve the CRF Subrecipient Agreement between the City of Delray Beach and Florida Housing Finance Corporation (FHFC) in the amount of \$224,573 for rental and mortgage assistance payments or emergency repairs for income eligible persons who have experienced hardships related to the COVID-19 emergency.

**Sponsors:** Community Improvement

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

[Legal Review Checklist CRF](#)

[113-2020 CRF Subrecipient Agreement](#)

This item was pulled for discussion. It will become Item 7.B.B. on the Regular Agenda. Deputy Vice Mayor Johnson expressed that she does not want the \$224,573 in grant money for Coronavirus Relief Funds (CRF) Subrecipient Agreement to expire and not be utilized. Interim City Manager Alvarez will provide the Commission a monthly expenditure report of how the grant funds were spent.

Ferline Mesidort, Neighborhood Services Administrator, gave the

Commission a detailed report explaining the requirements that an applicant/resident of Delray Beach must meet to qualify for assistance under the Housing Grant money. She encouraged residents to call or stop by the Neighborhood Services Division at City Hall to discuss if they meet the requirements.

**A motion was made by Vice Mayor Boylston. It was seconded by Commissioner Frankel, to approve Item No. 6.B, to be pulled to the regular agenda as Item No.**

**7. B.B. The motion carried by the following vote:**

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

**6.C. REQUEST FOR SUBORDINATION OF SECOND MORTGAGE FOR 49 NW 13th AVENUE**

**Body: Recommended Action:**

**Recommendation:** Motion to Approve a request for the City to subordinate its second mortgage position in the amount of \$23,100 for the property located at 49 NW 13th Avenue.

**Sponsors:** Community Improvement

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Subordination Agreement Jackson Edmond2 final](#)  
[Subordination Agreement for Refinance -Edmond G.](#)  
[Closing Disclosure](#)  
[Executed Title](#)  
[Appraisal - 49 NW 13th Ave](#)  
[Mortgage Calculator](#)  
[The City of Delray Beach Recorded Mortgage](#)  
[1st Mortgage](#)

**6.D. APPROVAL OF A HOLD HARMLESS AGREEMENT WITH GB 1177, INC, FOR THE FIRE-RESCUE DEPARTMENT TO CONDUCT TRAINING ON THE PROPERTY LOCATED AT 1177 GEORGE BUSH BLVD, DELRAY BEACH, FL 33483.**

**Body: Recommended Action:**

**Recommendation:** Staff recommends the approval of the Hold Harmless Agreement and indemnification for the purposes of conducting training.

**Sponsors:** Fire Rescue Department

**Attachments:** [Agenda Cover Report](#)  
[Simple Legal Review Approval - HH 1177 George Bush Blvd](#)  
[Hold Harmless Aqt with GB 1177 LLC \(signed\)](#)

**6.E. TRAIN STATION INSURANCE****Body: Recommended Action:**

**Recommendation:** Motion to approve Option 2 from the Florida League of Cities to rebuild the Historic Train Station Depot that was destroyed by fire on February 25, 2020. Total cost to the City is a \$100,000 deductible pursuant to its property insurance policy.

**Sponsors:** Human Resources Department

**Attachments:** [Agenda Cover Report](#)  
[Train Depot Memo](#)  
[Train Depot Fire Chart of Options](#)

Item 6.E. was pulled for discussion. It became item 7.A.A. on the Regular Agenda. Commissioner Casale acknowledged that Price Patton from Preservation Trust, advised her that a great deal of planning has already gone into the Train Station restoration. The City has full support from the Preservation Trust as the Commission proceeds.

**A motion was made by Vice-Mayor Boylston to approve Item 6.E. It was seconded by Commissioner Casale. The motion carried by the following vote:**

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

**6.F. GRANT APPLICATION/EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)****Body: Recommended Action:**

**Recommendation:** Motion to approve application for the 2019 Edward Byrne Memorial Justice Assistance Grant in the amount of \$27,466.

**Sponsors:** Police Department

**Attachments:** [Agenda Cover Report](#)  
[Edward Byrne Memorial Justice Assistance Grant \(JAG\) Program FY 2020 Local Solicitation](#)  
[Standard Assurances and Certifications JAG 2020](#)  
[Legal Review Form JAG LW 2020](#)  
[Disclosure JAG 2020 Filled Out](#)  
[Financial Capability BJA JAG Grant 2020 - Filled out by PD 7-28-2020](#)  
[Chief Executive Certification JAG 2020](#)

**6.G. APPROVE A GRANT PARTICIPATION AND REIMBURSEMENT AGREEMENT FOR CONSTRUCTION OF SUPPLEMENTAL SAFETY IMPROVEMENTS AT SELECTED RAILROAD CROSSINGS IN THE CITY**

OF DELRAY BEACH IN THE AMOUNT OF \$46,000

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

**Recommendation:** Motion to Approve and execute the Grant Participation and Reimbursement Agreement for Construction of Supplemental Safety Improvements at Selected Railroad Crossings in the City of Delray Beach in coordination with Brightline and other local cities.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[Simple Legal Review Approval - CRISI](#)  
[CRISI Grant Joint Participation Agmt - Delray](#)

**6.H.**

RESOLUTION . NO.110-20: REQUESTING APPROVAL FOR TWO LED AGREEMENTS WITH FLORIDA POWER AND LIGHT, ONE TO INSTALL NEW LIGHT EMITTING DIODE (LED) DECORATIVE STREET LIGHTS AND ANOTHER TO CONVERT 4 EXISTING STREET LIGHTINGS FROM HIGH PRESSURE SODIUM (HPS) TO LIGHT EMITTING DIODE ( LED) FOR THE OSCEOLA PARK NEIGHBORHOOD IMPROVEMENTS PROJECT. (PROJECT NO. 16-095)

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

**Recommendation:** Motion to Approve Resolution No.110-20 for approval of two Agreements with Florida Power and Light (FPL), one to install new LED Street Decorative Lights and the other for converting four lights from High Pressure Sodium (HPS) to Light Emitting Diode (LED) for the Osceola Park Neighborhood Improvements Project. The design and installation cost associated with this decorative lighting work (\$167,065.29) was previously approved on by the City Commission on February 4, 2020 by Resolution No. 43-20.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[Delray Beach - Osceola Park Conversions Final](#)  
[Delray Beach - Osceola Park Removals Final](#)  
[Delray Beach Osceola Conversions LT1 Street Light Agreement](#)  
[Delray Beach Osceola Generator Tool 06-03-2020 Conversions](#)  
[Delray Beach Osceola Generator Tool 06-03-2020](#)  
[Delray Beach Osceola New Lights LT1 Street Light Agreement](#)  
[Delray Beach Osceola Park Job Sketch 6-4-2020](#)  
[Legal Review LED Lighting Agreement FPL - bulb replacement](#)  
[Legal Review LED Lighting Agreement FPL pole replacment](#)  
[Resolution NO.110-20](#)  
[Res No. 43-20](#)



**6.I.** ITEMS A1 & A2 - ACCEPTANCE OF RIGHT OF WAY DEDICATIONS FOR 607 ALLEN AVE. AND 1120 NASSAU ST.

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

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

**RIGHT OF WAY DEED(S)**

**Items**

**(A1)** Motion to approve and accept a 5' Right of Way dedication by the owner(s) of 607 Allen Ave to the City of Delray Beach.

**(A2)** Motion to approve and accept a 10.60' Right of Way Dedication by the owner(s) of 1120 Nassau St. to the City of Delray Beach.

**Sponsors:** Public Works Department

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

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

[Item A1- ROW - 607 Allen Ave.](#)

[Item A1- Exhibit A - 607 Allen Ave.](#)

[Item A2 - ROW - 1120 Nassau St.](#)

[Item A2 - Exhibit A - 1120 Nassau St.](#)

**6.J.** APPROVE RESOLUTION NO. 123-20 ADVISING THE STATE OF FLORIDA THAT THE CITY OF DELRAY BEACH WILL CONSIDER PARTICIPATION AND PROVIDE LOCAL FUNDING SHARE FOR THE BEACH AND COASTAL MANAGEMENT PROGRAM

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

**Recommendation:** Motion to Approve Resolution No. 123-20 in support of the City of Delray Beach Renourishment Program. This resolution supports the beach and coastal management programs of the Florida Department of Environmental Protection (FDEP), advising the State of Florida that the City of Delray Beach (City) will consider participation and will provide the local funding share necessary to implement any State beach and coastal management program approved by the City Commission for participation.

**Sponsors:** Public Works Department

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

[Beach Nourishment Resolution 7.1.20](#)

[Simple Legal Review Approval 123-20](#)

**6.K.** APPROVAL OF AMENDMENT NO. 2 TO RENEW CONTRACT FOR SCHOOL CROSSING GUARD SERVICES WITH ACTION LABOR OF

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FLORIDA, LLC DBA STAFFING CONNECTION - \$350,000**Body:** **Recommended Action:**

**Recommendation:** Motion to approve Amendment No. 2 to renew the contract for school crossing guard services with Action Labor of Florida, LLC, dba Staffing Connection, in the estimated amount of \$350,000, for a total cumulative contract amount of \$1,149,000

**Sponsors:** Police Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist SCG Amend 2 .lw](#)  
[Vendor Signed Amendment No. 2](#)

**6.L.**

ALTERNATIVE WATER SUPPLY GRANT APPLICATION THROUGH SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD) FOR THE CONSTRUCTION OF A RECLAIMED WATER TRANSMISSION MAIN ALONG NW/SW 1ST AVE, FROM NW 2ND ST TO SW 4TH ST, WITH DISTRIBUTION MAINS ALONG NW 2 ND AVE AND SW 2ND ST.

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

**Recommendation:** Staff is requesting retroactive approval from Commission for submittal of an Alternative Water Supply (AWS) grant application to the South Florida Water Management District (District). The City of Delray Beach submitted the qualifying project to the District on July 27, 2020 for funding consideration.

**Sponsors:** Utilities Department

**Attachments:** [Agenda Cover Report](#)  
[20-0717 Memo to ICM Apprvl for Applctn Submittal.pdf](#)  
[AWS\\_FY21\\_Application\\_fillable\\_7-6-2020\\_FINAL](#)  
[FIGURE 1 17136.06 CONSTRUCTION AREA](#)

Item 6.L. was pulled from the Consent Agenda for discussion. It became Item 7.C.C. on the Regular Agenda. Deputy Vice Mayor Johnson expressed her gratitude to Mr. Hadjimiry. She will continue to support the Utilities Department in any way that she can. Additionally, she reported that she found a scrivener's error on the staff report and asked that it be corrected.

**A motion was made by Deputy Vice Mayor Ervin Johnson to approve Item 7.C.C. It was seconded by Vice-Mayor Boylston. The motion carried by the following vote:**

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

**6.M. PROCLAMATIONS:**

6.M.1. None

## 6.N. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:

6.N.1. REPORT OF APPEALABLE LAND USE ITEMS FROM JUNE 29, THROUGH JULY 10, 2020.

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

**Recommendation:** By motion, receive and file this report.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Appealable Items Map](#)  
[A - Appealable Report - 145 NE 6th Ave](#)  
[B - Appealable Report - 222 SE 7th Avenue](#)

## 6.O. AWARD OF BIDS AND CONTRACTS:

6.O.1. APPROVAL OF RESOLUTION NO. 124-20 TO APPROVE AN AGREEMENT WITH MOCK, ROOS AND ASSOCIATES, INC. FOR DESIGN SERVICES FOR THOMAS STREET STORMWATER PUMP STATION PURSUANT TO RFQ NO. 2020-011 (PROJECT NO. 18-017); IN AN AMOUNT NOT TO EXCEED \$552,100

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

**Recommendation:** Motion to Approve Resolution No. 124-20 to award an Agreement with Mock, Roos and Associates, Inc. for Design Services for Thomas Street Stormwater Pump Station pursuant to RFQ No. 2020-011 (Project No. 18-017), in an amount not to exceed \$552,100.

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

**Attachments:** [Agenda Cover Report](#)  
[Agreement - Thomas St - Mock Roos draft 7.2.20 \(1\)- GGG Signature.docx](#)  
[Exhibit A - Scope of Services](#)  
[Exhibit B - Fee Summary](#)  
[Resolution No. 124-20 Thomas St - Mock Roos](#)  
[Legal Review Checklist 2020-011 Thomas St Stormwater Pump Station Mock Roos and Assoc](#)  
[MockRoos\\_2020-011](#)  
[2020-011 Scoring Summary after Interviews Final Thomas St.](#)

## 7. REGULAR AGENDA:

7.A. APPEAL OF THE HISTORIC PRESERVATION BOARD (HPB) DENIAL

OF CERTIFICATE OF APPROPRIATENESS 2020-098, FOR THE INSTALLATION OF A PVC FENCE ASSOCIATED WITH THE EXISTING CONTRIBUTING SINGLE-FAMILY RESIDENCE LOCATED AT 232 SE 7TH AVENUE IN THE MARINA HISTORIC DISTRICT. (QUASI-JUDICIAL HEARING)

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

**Recommendation:** Review and consider Certificate of Appropriateness 2020-098 for the installation of a PVC fence associated with the existing contributing single-family residence located at 232 SE 7th Avenue in the Marina Historic District. Specifically, the request includes installation of new PVC (vinyl) fencing in the front, rear, and side of the subject property.

**Sponsors:** Development Services Department

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

[Owner Request for Appeal-232 SE 7th Avenue-2020-08-11](#)

[HPB Staff Report-232 SE 7th Ave-2020-06-17](#)

[Plans-232 SE 7th Ave-2020-08-11](#)

[Photographs Front Yard-232 SE 7th Avenue-2020-08-11](#)

[Photographs Rear Yard-232 SE 7th Avenue-2020-08-11](#)

Anthea Gianniotis, Development Services Director, read File No. 2020-098 into the record and informed the Commission that the applicant was present.

Mayor Petrolia read the Quasi-Judicial Rules into the record. She asked for ex-parte disclosures from her colleagues, and the following was disclosed: Commissioner Casale said that she might have received an email about the project. Mayor Petrolia also noted that she might have an email from Price Patton on the City Server.

Vice-Mayor Boylston - none

Deputy Vice Mayor Johnson - none

Commissioner Frankel - none

The City Clerk Katerri Johnson swore in the applicant Mr. Roger Cousins and his attorney Mr. Todd Stanley who wished to provide testimony on this item. The gentlemen gave a brief presentation on the historic home renovation project. Anthea Gianniotis, Development Services Director, then provided a follow-up presentation.

A recess was called from 6:11 - 6:16 p.m. to allow public comments. When the Commission reconvened, City Clerk Katerri Johnson reported that no public comments were submitted. Mayor Petrolia requested to open public

comments for a few more minutes. At 6:20 p.m. the City Clerk played the following public comment:

Claudia Willis, 160 Marine Way, Delray Beach, asked the Commission to support the Historic Preservation Society's decision not to allow the PVC fence to be installed.

City Clerk Katerri Johnson concluded there were no more public comments.

City Attorney Gelin asked Mr. Stanley if he wished to cross-examine Ms. Willis or the City Staff. He said, not at this time. Anthea Gianniotis stated that the fence facing the property's front would be restored, coinciding with the report's record. In contrast, the PVC fence (which is different from what the Historic Board considered) is intended to maintain the house's backside. Ms. Gianniotis mentioned that this is a common request from the residents in that neighborhood.

Ms. Gelin stated that the Commission's motion would either grant or deny the PVC fencing, regardless of what the Historic Preservation had voted. A discussion ensued between the Commission and Anthea Gianniotis.

**A motion was made by Vice Mayor Boylston, seconded by Deputy Vice Mayor Ervin Johnson, to deny the request. The motion passed by the following vote:**

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

**7.B.**

RESOLUTION NO. 128-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A PLAT REQUEST FOR A SIX-LOT SUBDIVISION KNOWN AS "PINEAPPLE ROAD" LOCATED ON THE EAST SIDE OF NORTH SWINTON AVENUE JUST SOUTH OF THE NORTH CITY LIMITS AND NORTH OF COCONUT ROAD. (QUASI JUDICIAL).

**Body: Recommended Action:**

**Recommendation:** Review and consider Resolution No. 128-20 pertaining to a Final Plat with a waiver request to LDR Section 5.3.1(D)(2).

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution No. 128-20 Pineapple Road Plat](#)  
[Pineapple Road Plat - Proposed Plat](#)  
[Pineapple Road Plat - Property Survey](#)  
[Pineapple Road Plat - PZB Staff Report](#)  
[Pineapple Road Plat - Waiver Request](#)  
[Legal Review Pineapple Road Plat Reso 128-20](#)

Mayor Petrolia asked for ex-parte disclosures from the Commission. The following was disclosed: Commissioner Frankel and Vice-Mayor Boylston reported that they had spoken with former Commissioner Bill Bathurst. Deputy Vice Mayor Johnson stated that she did not have any personal conversations, and any emails would be on the City Server.

Commissioner Casale - none

Mayor Petrolia - none

City Clerk Katerri Johnson swore in Mr. Krall, who wished to give testimony on this item. Ms. Gianniotis read File No. 2020-008 into the record and notified the Commission that the applicant was present. Mr. Mark Krall, Attorney, 800 Palm Trail # 210, Delray Beach, gave a presentation highlighting the project. Following, Anthea Gianniotis provided a staff presentation. She informed everyone that the Planning and Zoning Board voted unanimously to approve the entire plat on June 15, 2020.

There was a 5-minute recess from 6:43 - 6:48 p.m. for public comment. Shortly after City Clerk Katerri Johnson concluded that no public comments were submitted. There was no cross-examination or rebuttal from the applicant or the Commission. A discussion ensued with the Commission and Ms. Gianniotis regarding the project.

**A motion was made by Commissioner Frankel, seconded by Commissioner Casale, that the Pineapple Road Plat request be approved. The motion carried by the following vote:**

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

## **7.C. NOMINATIONS FOR APPOINTMENT TO THE HISTORIC PRESERVATION BOARD**

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

**Recommendation:** Motion to approve nominations for appointment for four (4) regular members to serve on the Historic Preservation Board for a two (2) year term ending August 30, 2022.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)[Exhibit A](#)[Historic Preservation Board](#)[2020 HPB QUARTERLY ATTENDANCE-1st 2nd](#)[Baffer](#)[Berenberg](#)[Caruso](#)[Cooper 1](#)[Evans](#)[Fredericks](#)[Osinoff](#)[Pitts](#)[Savell](#)[Smith](#)[Sylvestre](#)[Trupia](#)[Vasiliou 1](#)

Deputy Vice Mayor Johnson motioned to nominate Tracy Caruso to the Historic Preservation Board. It was seconded by Commissioner Frankel. The vote was taken, and the motion carried 5-0.

Mayor Petrolia motioned to nominate Maureen Smith to the Historic Preservation Board. It was seconded by Commissioner Frankel. The vote was taken, and the motion carried 5-0.

Commissioner Frankel motioned to reappoint Benjamin Baffer to the Historic Preservation Board. It was seconded by Deputy Vice Mayor Johnson. The vote was taken, and the motion carried 5-0.

Commissioner Casale motioned to nominate Greg Pitts. Commissioner Casale then deferred her nomination

**7.D. NOMINATIONS FOR APPOINTMENT TO THE SITE PLAN REVIEW AND APPEARANCE BOARD**

**Body: Recommended Action:**

**Recommendation:** Motion to approve nominations for appointment for four (4) regular members to serve on the Site Plan Review and Appearance Board for a two (2) year term ending August 30, 2022.

**Sponsors:** City Clerk Department

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

[Exhibit A](#)

[2020 QUARTERLY ATTENDANCE-1st 2nd qtr](#)

[Site Plan Review and Appearance](#)

[Adler](#)

[Baffer](#)

[Brewer](#)

[Cabana](#)

[Cherelus](#)

[Jones](#)

[L'Herrou](#)

[Patton](#)

[Warner](#)

[Youngblood](#)

Commissioner Frankel motioned to nominate Chris Patton to the Site Plan Review and Appearance Board. It was seconded by Deputy Vice Mayor Johnson. The vote was taken, and the motion carried 5-0.

Commissioner Casale motioned to nominate John Brewer to the Site Plan Review and Appearance Board. The vote was taken, and the motion carried 5-0.

Vice-Mayor Boylston motioned to nominate Todd L'Herrou for reappointment to the Site Plan Review and Appearance Board. It was seconded by Commissioner Frankel. The vote was taken, and the motion carried 5-0.

Deputy Vice Mayor Johnson - deferred her nomination.

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

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

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

**Sponsors:** City Attorney Department

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

[Resolution 57-18](#)

City Attorney Gelin stated that Rene Jadusingh from the CRA requested to



add the following nominations to the agenda.

Commissioner Frankel nominated Deputy Vice Mayor Johnson to serve as Chair of the Community Redevelopment Agency (CRA). This was seconded by Commissioner Casale. The vote was taken, and the motion carried 5-0.

Deputy Vice Mayor Johnson nominated Commissioner Frankel to serve as Vice Chair of the Community Redevelopment Agency (CRA). This was seconded by Commissioner Casale. The vote was taken, and the motion carried 5-0.

**7.F.**

**RATIFICATION OF EMERGENCY REGULATIONS RELATED TO COVID-19 ACTIVATED UNDER CHAPTER 95 OF THE DELRAY BEACH CODE OF ORDINANCES**

**Body: Recommended Action:**

**Recommendation:** Motion to Ratify the 16th, 17th, 18th, 19th and 20th Extensions of the State of Emergency for COVID -19 and Resolution Number 122-20, Resolution Number 126-20; Resolution Number 129-20; Resolution Number 130-20; Resolution Number 139-20 and Resolution Number 140-20.

**Sponsors:** City Attorney Department

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

[16th Extension Emergency Declaration - COVID -19](#)

[17th Extension Emergency Declaration - COVID -19](#)

[18th Extension Emergency Declaration - COVID -19](#)

[19th Extension Emergency Declaration - COVID -19](#)

[20th Extension Emergency Declaration - COVID -19](#)

[Resolution 122-20 COVID -19](#)

[Resolution No. 126-20 - COVID 19](#)

[Resolution 129-20 - COVID 19 \(Extending Directives on Wearing of Facial Coverings\)](#)

[Resolution 130-20 - COVID 19 \(Revised Restrictions on Operating Hours of Restaurants and other Businesses \)](#)

[Resolution 139-20 - Hurricane Isaias Terminating State of Emergency](#)

[Resolution 140-20 - Hurricane Isaias Beach Opening](#)

Ms. Gelin requested ratification of Resolution No. 139-20 from Hurricane Isaias, which was previously terminated.

**Vice-Mayor Boylston made a motion, seconded by Commissioner Frankel, to approve Resolution No. 139-20. The motion carried by the following vote:**

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

**7.G. DISCUSSION AND DIRECTION REGARDING THE HANDLING OF REQUESTS RECEIVED FROM AMERISTAR FOR EXCUSAL OF PAYMENT**

**Body: Recommended Action:**

**Recommendation:** Staff seeks direction regarding the handling of the request from Ameristar for excusal of payment.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)  
[FED Garage Spaces fee waive request](#)  
[Ameristar-federspiel letter](#)

City Attorney Gelin notified the Commission that Mr. England representing Ameristar was virtually present. Vice-Mayor Boylston believes that the excusal of payment from Ameristar would align with many of the exceptions that were already made. Deputy Vice Mayor Johnson asked why the applicant only requested to be excused for the months April, May, June?

Mr. England shared that he was able to open some parking spaces in June. He informed the Commission that he is still working on Rocco's valet ques' pilot program. City Attorney Gelin requested the Commission to consider Mr. England's request for excusal of payment through August. Since 2018, Ameristar has been on a month to month agreement.

A discussion ensued about the parking spaces in the City garages. Ms. Gelin stated that a formal agreement would be prepared if Ameristar uses the Cities Parking Spaces. There was a consensus amongst the Commission for the excusal of payment from Ameristar.

**7.H. REQUEST TO REVIEW EMAIL COMMUNICATIONS**

**Body: Recommended Action:**

**Recommendation:** Motion to Approve Internal Auditor's Request to Review Emails of Suspended City Manager George Gretsas.

**Attachments:** [Electronic Systems Communications Tools \(IT-5Rev. 2\)](#)

Mayor Petrolia stated that Dr. Julia Davidyan, Internal Auditor was virtually present. Dr. Davidyan noted that she is seeking approval from the Commission to obtain access and review the emails from suspended City Manager Gretsas as per her investigation assignment.

**A motion was made by Deputy Vice Mayor Ervin Johnson, seconded by Commissioner Frankel, that this Request be approved. The motion carried by the following vote:**

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

**7.I. DISCUSSION AND DIRECTION CONCERNING REQUEST FOR INDEPENDENT LEGAL REPRESENTATION**

**Body: Recommended Action:**

**Recommendation:** The City Attorney seeks direction regarding a request from George Gretsas seeking independent legal representation at the expense of the City.

**Attachments:** [2020-07-01 Letter from Gretsas to Mayor](#)

City Attorney Gelin stated that Mr. Gretsas sent a letter to Mayor Petrolia requesting Independent Legal Representation at the Cities expense, as noted in his employment contract. Ms. Gelin further explained that according to her conversation with Labor Counsel, the performed investigations were independent and were not a conflict of interest. Therefore, Mr. Gretsas is not entitled to compensation from the City.

**A motion was made by Vice-Mayor Boylston, seconded by Deputy Vice Mayor Ervin Johnson, to deny Mr. Gretsas independent legal representation. The motion carried by the following vote:**

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

**8. PUBLIC HEARINGS:**

**8.A. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN FY2019-2020 SUBSTANTIAL AMENDMENT 1**

**Body: Recommended Action:**

**Recommendation:** Motion to approve and execute the attached Substantial Amendment 1 to Annual Action Plan.

**Sponsors:** Community Improvement

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

[SF424\\_2\\_1-V2.1 FINAL](#)

[SF424D-V1.1](#)

[FY19-20 Annual Action Plan Substantial Amendment \(SA1\)](#)

[Citizen Participation Plan 2020 SA1 FINAL](#)

[Public Notice to Amend Consolidated Annual Action Plan SA1 FINAL](#)

[CertNonState 2019 SA1](#)

[CDB Request of Waiver in Response to COVID-19](#)

[Executed Final Annual Action Plan](#)

City Attorney Gelin recommended keeping all six of the Public Hearing

topics together, and there was a consensus by the Commission to follow suit. Ms. Gelin read Ordinance No. 22-20, Resolution 127-20, and Ordinance No. 40-20 into the record. The Commission awaited public comments from 7:23 - 7:28 p.m. City Clerk Katerri Johnson then concluded that no public comments were submitted.

Ferline Mesidort, Neighborhood Services Administrator, gave a brief staff analysis on the Community Development Block Grant.

**A motion was made by Vice-Mayor Boylston, seconded by Commissioner Casale, that this Request be approved. The motion carried by the following vote:**

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

**8.B.**

ORDINANCE NO. 22-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES, BY AMENDING CHAPTER 2, "ADMINISTRATIVE PROCEDURES, ARTICLE 2.2, "ESTABLISHMENT OF BOARDS HAVING RESPONSIBILITIES FOR LAND DEVELOPMENT REGULATIONS," SECTION 2.2.5, "RESERVED," TO ADD THE PUBLIC ART ADVISORY BOARD INCLUDING THE BOARD'S COMPOSITION, MEETING REQUIREMENTS, AND DUTIES; AND, ARTICLE 2.4, "GENERAL PROCEDURES," SECTION 2.4.3, "SUBMISSION REQUIREMENTS" TO SPECIFY THAT MURALS ARE REVIEWED SEPARATE FROM ARCHITECTURAL ELEVATIONS; BY AMENDING CHAPTER 8, "SPECIAL IMPLEMENTATION PROGRAMS," SECTION 8.5.2, "PUBLIC ART ADVISORY BOARD," TO AMEND THE PUBLIC ART ADVISORY BOARD'S DUTIES TO INCLUDE RENDERING OPINIONS ON MURALS, ADDING SECTION 8.5.3, "MURALS", TO ESTABLISH REQUIREMENTS AND CRITERIA FOR MURALS;" AMENDING APPENDIX A, "DEFINITIONS," ADDING A DEFINITION FOR MURALS AND AMENDING THE DEFINITION OF PUBLIC ART; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE.(SECOND READING/PUBLIC HEARING)

**Body: Recommended Action:**

**Recommendation:** Review and consider Ordinance No. 22-20 on Second Reading, City-initiated amendments to the Land Development Regulations to amend the Public Art Advisory Board's duties to include rendering opinions on murals and establish requirements and criteria for murals.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Ordinance No. 22-20](#)  
[Ordinance No. 22-20: Legal Review Approval](#)

Ms. Gianniotis, presented Ordinance No. 22-20. City Attorney Gelin stated that per the Cities LDR's when anything is completed without a permit, fees are tripled. The same regulations would apply for artwork if the applicant does not produce a permit. The artist would be subject to the same Code Enforcement Process as anyone else who receives a violation for not obtaining a permit. A discussion ensued.

Ms. Gelin clarified that the motion to approve Ordinance No. 22-20 includes all bridges, text being no more than 5%, apart from the text used to create the graphic.

**A motion was made by Commissioner Frankel, seconded by Vice-Mayor Boylston, to approve Ordinance No. 22-20 with the discussed amendments. The motion carried by the following vote:**

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

**8.C.**

RESOLUTION NO. 127-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ESTABLISHING A SCHEDULE OF FEES FOR MURALS, PURSUANT TO THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH, FLORIDA SECTION 2.4.5, "PROCEDURES FOR OBTAINING DEVELOPMENT APPROVALS," SUBSECTION 2.4.5(P) "MURALS"; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

**Body: Recommended Action:**

**Recommendation:** Review and consider Resolution No. 127-20, establishing an application fee for murals, to accompany Ordinance No. 22-20, which adopts regulations for murals into the Land Development Regulations.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution 127-20 - Mural Fees](#)  
[Legal Review - Res. No. 127-20 Mural Fees](#)

A discussion ensued about mural fees. Vice-Mayor Boylston made a motion to approve a flat fee of \$250.

The motion failed.

Commissioner Frankel motioned to approve a sliding scale fee of 50 cents per square foot with a cap amount of \$500. It was seconded by Vice-Mayor Boylston. The motion carried by the following vote:

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

- 8.D.** ORDINANCE NO. 40-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 34, "ELECTIONS," OF THE CODE OF ORDINANCES BY AMENDING "QUALIFICATIONS FOR CANDIDACY", SECTION 34.16, "FILING OF NOMINATING PETITION"; BY AMENDING SUBSECTION (A)(1)(a) TO PROVIDE FOR A ONE YEAR RESIDENCY REQUIREMENT PRIOR TO THE START OF THE QUALIFYING PERIOD; BY AMENDING SUBSECTION (A)(2) TO PROVIDE FOR ALTERNATIVES TO THE NUMBER OF PETITIONS OF REGISTERED VOTERS REQUIRED TO QUALIFY AS A CANDIDATE; BY PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

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

**Recommendation:** Motion to approve Ordinance 40-20.

**Sponsors:** City Attorney Department

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

[Ord 40-20 amending Ch 3 Qualifications for Candidacy final 7-20-2020](#)

**Vice-Mayor Boylston made a motion to approve Ordinance No. 40-20. It was seconded by Commissioner Casale. The motion carried by the following vote:**

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

## **9. FIRST READINGS:**

- 9.A.** ORDINANCE NO. 19-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT FOR A PARCEL OF LAND, AND RE-DESIGNATING SAID LAND FROM TRANSITIONAL (TRN) TO GENERAL COMMERCIAL (GC), PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT", FLORIDA STATUTES SECTION 163.3187; SAID LAND LOCATED AT 14145 SOUTH MILITARY TRAIL AT THE SOUTHWEST CORNER OF MILITARY TRAIL AND CONKLIN DRIVE, WHICH MEASURES APPROXIMATELY 0.99± ACRES, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

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

**Recommendation:** Review and consider at first reading Ordinance No. 19-20, a City-initiated

Land Use Map (LUM) amendment from Transitional (TRN) land use to General Commercial (GC) land use.

**Sponsors:** Development Services Department

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

[O'Reilly Auto Parts-Ordinance No. 19-20, Land Use](#)

[O'Reilly Auto Parts-PZB Staff Report](#)

[O'Reilly Auto Parts-Land Use Maps](#)

[Legal Review Ord 19-20 Amending FLUM for O Reilly Auto Parts.docx](#)

Anthea Gianniotis, Director of Development Services, stated that Item 9.A. and Item 9.B. are interrelated and will be presented together.

Ms. Gianniotis read Files No. 2020-088 and No. 2019-034 into the record. She then notified the Commission that Adam Schildmeier, with WGI, 2035 Vista Parkway, West Palm Beach, was virtually present.

Mr. Schildmeier gave a presentation on behalf of his client/applicant, O'Reilly Auto Parts. Anthea Gianniotis then provided a staff report showing that the City has an Initiative Land Use attached to this project. She reminded the Commission that the Planning and Zoning Board had approved Ordinance No.19-20 by a 4-2 vote.

**Vice-Mayor Boylston made a motion. It was seconded by Commissioner Frankel, to approve Ordinance No. 19-20. The motion carried by the following vote:**

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

**9.B.**

ORDINANCE NO. 20-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND RE-DESIGNATING LAND ZONED SPECIAL ACTIVITIES DISTRICT (SAD) TO GENERAL COMMERCIAL (GC), FOR A PARCEL OF LAND AT 14145 SOUTH MILITARY TRAIL AT THE SOUTHWEST CORNER OF SOUTH MILITARY TRAIL AND CONKLIN DRIVE, WHICH MEASURES APPROXIMATELY 0.99± ACRES, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING "CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017"; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (FIRST READING).

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

**Recommendation:** Review and consider at first reading Ordinance No. 20-20, a privately-initiated request for rezoning from Special Activities District (SAD) to General Commercial (GC).

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)[O'Reilly Auto Parts-Ordinance No. 20-20, Rezoning](#)[O'Reilly Auto Parts-PZB Staff Report](#)[O'Reilly Auto Parts-Zoning Maps](#)[Legal Review Ord 20-20 Rezoning O Reilly Auto Parts.docx](#)

**A motion was made by Commissioner Frankel. It was seconded by Deputy Vice Mayor Ervin Johnson, to approve Ordinance No. 20-20 on first reading. The motion carried by the following vote:**

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

**9.C.**

ORDINANCE NO. 42-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING CHAPTER 31, "CITY OFFICIALS AND EMPLOYEES"; SECTION 31.02, "COMPENSATION OF COMMISSIONERS AND MAYOR", OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, TO PROVIDE AN INCREASE IN THE SALARY OF THE MAYOR AND COMMISSIONERS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (FIRST READING)

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

**Recommendation:** Motion to approve Ordinance 42-20.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)[Ordinance 42-20](#)

Mayor Petrolia believes that raising Commission salaries is five years overdue. Deputy Vice Mayor Johnson has mixed feelings about the item and says that she hopes the residents recognize the Commission's efforts. Vice-Mayor Boylston expressed that is the worst time to adjust salaries considering the budget shortfall, recession, and a pandemic. He added that he would be happy to address this issue in the future. Commissioner Frankel said that it should be noted that if the salary increase is adopted, it will not go into effect until the next election cycle.

**Commissioner Frankel made a motion to approve Ordinance No. 42-20 on First Reading. It was seconded by Deputy Vice Mayor Johnson. The motion carried by the following vote:**

**Yes:** 4 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, and Commissioner Casale

**No:** 1 - Vice-Mayor Boylston

**9.D.**

ORDINANCE NO. 45-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING



CHAPTER 71, "PARKING REGULATIONS"; SECTION 71.060, "PARKING METER PERMITS", OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING SUBSECTION (A) TO RESTRICT THE BEACH PARKING PERMIT PROGRAM TO CITY RESIDENTS; BY AMENDING SUBSECTION (B) TO INCREASE THE AGE OF PERSONS ELIGIBLE FOR THE SENIOR BEACH PARKING PERMIT PROGRAM; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (FIRST READING)

**Body: Recommended Action:**

**Recommendation:** Review and consider Ordinance No. 45-20 on First Reading, to change Beach Parking Permit to be available to residents only and to amend the Senior Beach Parking Permit to raise the age limit to 70 years old from 62 years old.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[Ordinance 45-20 beach permit final](#)

Mayor Petrolia asked for clarification on whether the Atlantic Dunes Parking Lot is included in the Beach Parking Pass Program. Missie Barletto, Director of Public Works, stated that residents are required to pay for parking because the county owns the property. The Commission directed City Attorney Gelin to research the Atlantic Dunes Parking Lot's lease agreement.

**A motion was made by Commissioner Frankel, to approve Ordinance No. 45-20 on first reading. It was seconded by Vice-Mayor Boylston. The motion carried by the following vote:**

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

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

City Attorney Gelin stated there would be no reason to amend the agenda to discuss Phase II of re-opening the City as Vice-Mayor Boylston requested, and it could just be listed as a discussion item.

Vice-Mayor Boylston wanted to discuss adopting the recommendations made by the Task Force, DDA, and CRA. He suggested having a discussion and then providing staff direction for the next meeting.

Mayor Petrolia suggested reaching out to the group of women who represent the DDA, CRA, Chamber of Commerce, and the Cities'

Economic Director for some of their ideas. Then the City can begin working towards implementing Phase II.

There was a consensus of the Commission to have this item on the next agenda.

#### **A. City Manager**

None

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

City Attorney Gelin requested a Shade Meeting to take place to discuss the lawsuit from Foster Marine Contractors Inc. on Friday, August 21, at 10:30 a.m. Deputy Vice Mayor Johnson made a motion. It was seconded by Commissioner Frankel. The vote was taken, and the motion carried 5-0.

City Attorney Gelin asked for permission to file an action of Declaratory Judgment regarding the BH3 project, formally known as the Equity Uptown Project. Vice-Mayor Boylston made a motion to file an action of Declaratory Judgment. It was seconded by Commissioner Frankel. The vote was taken, and the motion carried 5-0.

Mayor Petrolia read an email that she received commending City Staff and the Commission on the painstakingly thorough presentation from the City Engineers today addressing the residents' concerns about the City Water, and the turnover in staff. The resident stated that she now feels reassured and thanked the hard-working staff and elected City Officials.

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

##### **Vice-Mayor Boylston:**

- Recommended staff to continue to update the residents about City matters. He reminded his colleagues that not everyone listens to the Commission Meetings.
- Reported that he was working with Mr. Gretsas and Ms. Fisher on funding a "Racial Equity Institute Course" for Staff Leaders. He hopes that the City continues to move forward with the program. Interim City Manager Alvarez agreed to investigate the matter.

##### **Deputy Vice Mayor Johnson announced the following:**

- Announced that she received a "Code Red Alert" on her cell phone,

stating that the Cities water was safe to drink.

- She thanked the staff for being proactive with addressing this issue.
- She expressed the importance of getting residents counted for the 2020 Census.
- Acknowledged the residents who have been reaching out to the commission about the speeding issues.
- Reported that the Tropic Isle Community sent her a letter about the condition of the community.
- Announced the Community Wellness and Empowerment Day event on Sunday, August 15, at 801 SE 6th Avenue.
- Requested a consensus to reconsider her vote from the July 21 Commission Meeting on item No. 9.A. - Ordinance No. 12-20. (Waterway East Property)

Deputy Vice Mayor Johnson motioned for the reconsideration of her vote of Ordinance No. 12-20. It was seconded by Commissioner Frankel. The vote was taken, and the motion carried 5-0.

**Commissioner Frankel:**

- Congratulated Deputy Vice Mayor Johnson on her appointment as the new Chair for the Community Redevelopment Agency
- Announced that a ribbon-cutting ceremony for Caesar's Famous Ribs will be taking place on August 13 and 14.
- Mentioned that he received emails regarding the Sea Grapes. Interim City Manager Alvarez requested Commissioner Frankel forward the messages to her so that there may be a discussion later.

**Mayor Petrolia:**

- Asked for a consensus to move forward and have City Attorney Gelin create a contract for "Delray Rocks." She believes there is a consensus to move forward.
- Requested an update regarding the boat fees that were reordered from the inter coastal Water Ways on July 4th, 2020.
- Reminded residents that the Police Department can break up large crowds of people in city-owned parks, but they cannot issue citations.
- Mentioned receiving calls from small business owners concerned that having to pay for parking downtown during the day is hurting their already struggling business.

**Commissioner Casale:**

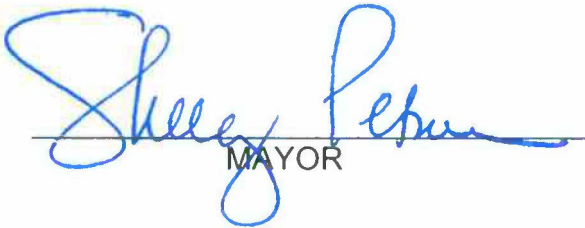
- Thanked everyone who was in attendance as well as City Staff for a

great meeting.

With no further business to discuss, the meeting was adjourned at 8:49 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 August 11, 2020 Regular Meeting City Commission Meeting held on August 11, 2020, which Minutes were formally approved and adopted by the City Commission on November 10, 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.