

City of Delray Beach

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



Minutes - Final

Tuesday, July 13, 2021

4:00 PM

Regular Meeting at 4:00 PM

Delray Beach City Hall

https://www.youtube.com/channel/UCc2j0JhnR8Hx0Hj13RhCJag/videos?view=2&live_view=501

City Commission

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

1. ROLL CALL

The Regular City Commission (Commission) Meeting was called to order at 4:02 p.m. The roll call was taken by Katerri Johnson, City Clerk, and the following were present:

Present: 4 - Mayor Shelly Petrolia, Vice Mayor Shirley Ervin Johnson, Deputy Vice Mayor Adam Frankel, and Commissioner Juli Casale.

Commissioner Ryan Boylston joined the meeting remotely at 4:10 p.m.

Others Present Were:

Lynn Gelin, City Attorney

Duncan Tavares, Assistant City Manager

Katerri Johnson, City Clerk

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

A. Additions, Deletions, Substitutions

Commissioner Casale requested to pull agenda item numbers 6.C. and 6.G. from the Consent Agenda for comments. Item numbers 6.C. and 6.G. became item numbers 7.A.A. and 7.B.B. on the Regular Agenda.

Vice Mayor Johnson requested to pull Item No. 6.B. from the Consent Agenda for discussion. Item No. 6.B. became Item No. 7.C.C. on the Regular Agenda.

A motion was made by Deputy Vice Mayor Frankel to allow Commissioner Boylston to participate in the meeting remotely. The motion was seconded by Commissioner Casale. The motion carried by the following vote:

YES: 4 - Mayor Petrolia, Vice Mayor Johnson, Deputy Vice Mayor Frankel, and Commissioner Casale.

Mayor Petrolia congratulated the Board Members of the Spady Cultural Heritage Museum for celebrating their 20th Anniversary.

4. PRESENTATIONS:

4.A. FY 2020 COMPREHENSIVE ANNUAL FINANCIAL REPORT - CALER, DONTEN, LEVINE, PORTER & VEIL, P.A

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

[City of Delray Beach 2020 CAFR](#)

[Delray Beach 2020 Financial Highlights](#)

Mr. Scott Porter, Audit Partner with Caler, Donten, Levine, Porter & Veil, PA., presented the 2020 financial highlights. He provided a five-year comparison of the General Fund revenues from 2016-2020. He explained that revenue in 2020 decreased \$1.2 million compared to 2019. Mr. Porter highlighted the following important aspects of the financial and compliance sections of his firm's report:

- Employee retirement plans
- Summary of net pension liability
- Budgetary comparison
- Pension funding schedule
- Report on internal control and compliance
- Report on single audit compliance and internal control
- Schedule of expenditures of federal and state awards

Commissioner Casale had questions regarding the net pension liability.

Mr. Porter addressed her questions and explained that the \$120 million included the pension for the general employees, the police department, and the fire department. He recommended consulting with the City Attorney on best practices to achieve a precise dollar amount for revenue collected from building funds, permits, etc., and not to combine them in the General Fund.

4.B. *GREEN IMPLEMENTATION ADVANCEMENT BOARD 2020 ANNUAL REPORT*

Body: **Recommended Action:**

Recommendation: Motion to Accept Report.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

[2021 Green Board Annual Report 062821](#)

Mr. Kent Edwards, Sustainability Officer, introduced Ms. Sarah Lucas, Vice Chair of the Green Implementation Advancement Board.

Ms. Lucas presented the Green Implementation Advancement Board 2020 Annual Report. She highlighted the following achievements:

- Tree planting campaign
- Limiting polystyrene
- Electric vehicle charging stations
- Green business certification
- Educating the community on climate change and rising of sea levels

Ms. Lucas reported that the board would focus their efforts on the Green Building Ordinance, Tree Inventory and Urban Forest Management Plan, recycling/composting programs, and the Climate Change Vulnerability Assessment.

The Commission engaged in a discussion with Ms. Lucas about planting and preserving trees in the city.

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

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

Mr. Duncan Tavares, Assistant City Manager, reported he had no comments.

B. From the Public:

Ms. Debra Garito Stravino, residing at 3631 Lowson Boulevard, Delray Beach, expressed her concerns about the upkeep of the city cemetery. She asked the Commission to address this matter so that she and others could properly pay respects to their loved ones.

Ms. Mavis Benson, residing at 800 Greensward Court, Delray Beach, announced that August is Restaurant Month and encouraged the community to explore the city's establishments. She expressed her appreciation to the Commission and the residents for supporting the city's downtown.

Mayor Petrolia concluded public comments.

6. CONSENT AGENDA: City Manager Recommends Approval

Deputy Vice Mayor Frankel made a motion to approve the Consent Agenda as amended. It was seconded by Vice Mayor Johnson. The motion carried by the following vote:

YES: 4 - Mayor Petrolia, Vice Mayor Johnson, Deputy Vice Mayor Frankel, and Commissioner Casale.

Commissioner Boylston was unable to respond due to technical issues.

6.A. CITY COMMISSION MEETING MINUTES

Body: Recommended Action:

Recommendation: Motion to approve meeting minutes as listed below:
June 1, Regular City Commission Meeting Minutes
June 8, Special City Commission Meeting Minutes
June 8, Regular City Commission Meeting Minutes

June 10, Special City Commission Meeting Minutes

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[June 1, 2021, Commission Meeting Minutes - DRAFT](#)

[June 8, 2021, Special Commission Meeting Minutes - DRAFT](#)

[June 8, 2021, Regular Commission Meeting Minutes - DRAFT](#)

[June 10, 2021, Special Commission Meeting Minutes - DRAFT](#)

6.B. *INTER-LOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH, GREATER DELRAY CHAMBER OF COMMERCE, DOWNTOWN DEVELOPMENT AUTHORITY - TOURISM MARKETING*

Body: **Recommended Action:**

Recommendation: Motion to approve agreement.

Sponsors: Economic Development Department

Attachments: [Agenda Cover Report](#)

[Simple Legal Review Approval City Tourism Agreement with DDA and Chamber
Tourism ILA partially executed](#)

[Exhibit A - Tourism Rebound Marketing Program FY 2020-21as of 7.5.21](#)

Vice Mayor Johnson requested to move Item No. 6.B. from the Consent Agenda for discussion. Item No. 6.B. on the Consent Agenda became Item No. 7.C.C. on the Regular Agenda.

Sara Maxfield, Economic Development Director, informed the Commission that she worked alongside Laura Simon, Executive Director of the Downtown Development Authority (DDA); Stephanie Immelman, Chief Executive Officer of the Greater Delray Beach Chamber of Commerce; Jennifer Alvarez, Former Interim City Manager; and Duncan Tavares, Assistant City Manager, to address the city's marketing needs for local businesses. Ms. Maxfield announced that the Community Redevelopment Agency (CRA) and the DDA agreed to partner with the city to promote all areas of Delray Beach instead of only focusing on the downtown area.

Ms. Simon acknowledged that the program was created to work collectively with the city to help businesses and the tourism industry recover from their losses during COVID-19.

Ms. Maxfield informed the Commission that there would be two opportunities to renew their one-year agreement. She explained that the Master Marketing Plan for the agreement was \$65,000, and the funds for the program would be coming from the Economic Development Budget. She notified the Commission that \$15,000 would be spent outside of the downtown area.

Deputy Vice Mayor Frankel suggested promoting areas West of Swinton, Linton, Military Trail, and on Congress.

Ms. Immelman and Ms. Simon assured the Commission that the plan would promote all of Delray and not just the downtown area.

Deputy Vice Mayor Frankel made a motion to approve the interlocal agreement. It was seconded by Commissioner Boylston. The motion carried by the vote:

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

6.C. *APPROVAL OF COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF DELRAY BEACH, FLORIDA, AND THE PROFESSIONAL FIREFIGHTERS OF DELRAY BEACH IAFF 1842 for the Supervisory Unit.*

Body: Recommended Action:

Recommendation: Motion to approve the Collective Bargaining Agreement between the Cities of Delray Beach and the Professional Firefighters of Delray Beach, IAFF Local 1842 Inc for the Supervisory Unit.

Sponsors: Fire Rescue Department and Human Resources Department

Attachments: [Agenda Cover Report](#)

[Agenda Memo 7-13-2021](#)

[31Y2033-Tentative CBA- Supervisory Unit 7-6-21 \(Formatted\)](#)

Commissioner Casale asked to move Item No. 6.C. from the Consent Agenda for discussion. Item No. 6.C. on the Consent Agenda became Item No. 7.A.A. on the Regular Agenda. She requested to amend her previous vote on this item.

Deputy Vice Mayor Frankel made a motion to approve the Collective Bargaining Agreement. It was seconded by Vice Mayor Johnson. The motion carried by the following vote:

YES: 3 - Vice Mayor Johnson, Deputy Vice Mayor Frankel, Commissioner Boylston

NO: 2 - Mayor Petrolia, Commissioner Casale.

The motion was approved by a 3-2 vote, with Commissioner Casale and Mayor Petrolia dissenting.

6.D. *COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN FY 2021-2022*

Body: Recommended Action:

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

Sponsors: Neighborhood & Community Services

Attachments: [Agenda Cover Report](#)

[SF424 2 1-V2.1](#)

[sf424d-v1.1 fill-sign 71321](#)

[FY2021-2022 Annual Action Plan FINAL](#)[Non-State-Certifications 71321](#)

6.E. GRANT APPLICATION/EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)

Body: **Recommended Action:**

Recommendation: Motion to approve application for the 2021 Edward Byrne Memorial Justice Assistance Grant in the amount of \$31,395.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)

[Certifications and Assurances by the Chief Executive of the Applicant Government - JAG 2021](#)

[Legal Review Form JAG 21 - certification of Chief Executive Official](#)

[Disclosure of lobbying activities JAG 2021](#)

6.F. APPROVAL TO INCREASE THE CONTRACT VALUE IN THE AMOUNT OF \$400,000 AND AUTHORIZE THE CITY MANAGER TO ISSUE A PURCHASE ORDER FOR ADDITIONAL PLAYGROUND EQUIPMENT

Body: **Recommended Action:**

Recommendation: Motion to approve an increase to the contract value in the estimated amount of \$400,000 thru June 2, 2022, of which \$400,000 is budgeted for FY2021, to the contract value with REP Services, Inc. for various equipment and amenities for parks and playgrounds, and authorize the City Manager is issuing a purchase order.

Sponsors: Parks & Recreation Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Agenda Cover Memo 2-9-21](#)

6.G. APPROVAL TO INCREASE THE CONTRACT VALUE IN THE AMOUNT OF \$39,412 WITH SUNSHINE CLEANING SYSTEMS, INC. FOR JANITORIAL SERVICES CITYWIDE FOR THE PARKS AND RECREATION DEPARTMENT

Body: **Recommended Action:**

Recommendation: Motion to approve increase in the amount of \$39,412 to the contract value by adding the Delray Beach Municipal Golf Club managed by the Parks and Recreation Department. The increase will provide janitorial services necessary for the Delray Beach Municipal Golf Club.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist Sunshine Cleaning Amendment 2](#)

[Scope for Janitorial Services \(DBGC\) - Exhibit B](#)
[Amendment No. 2 RFP 2019-003](#)

Commissioner Casale asked to pull Item No. 6.G. from the Consent Agenda for discussion. Item No. 6.G. on the Consent Agenda became Item No. 7.B.B. on the Regular Agenda. She proposed finding a local janitorial service to clean the Delray Beach Municipal Golf Club for less than \$39,412.

Ms. Ilyse Triestman, Acting Purchasing Director, explained that it is the “best practice” to piggyback on an existing contract to save on administrative costs and have a single provider of services. Ms. Triestman informed the Commission that putting a bid out to local services would not ensure a response.

The Commission engaged in a discussion regarding local preferences for city contracts.

Commissioner Casale made a motion to approve the increased contract value. It was seconded by Deputy Vice Mayor Frankel. The motion carried by the following vote:

YES: 4 - Mayor Petrolia, Vice Mayor Johnson, Deputy Vice Mayor Frankel, Commissioner Casale

Commissioner Boylston was unable to respond due to technical issues

6.H. **RATIFICATION OF SOUTH-CENTRAL REGIONAL WASTEWATER
TREATMENT & DISPOSAL BOARD ACTION OF JUNE 14, 2021, AND
APPROVAL OF THEIR 2021/2022 PROPOSED BUDGET**

Body: Recommended Action:

Recommendation: Motion to ratify actions approved by South Central Regional Wastewater Treatment and Disposal Board (Board) at their meeting of June 14, 2021.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)
[2022 Approved Budget - SCRWTDB.pdf](#)
[Delray Beach Ratification FY2022.pdf](#)

6.I. **SETTLEMENT OF CLAIM MADE BY KEVIN AND MINDY KEANE**

Body: Recommended Action:

Recommendation: Motion to approve the settlement agreement between Kevin and Mindy Keane and the City of Delray Beach.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[2019-06-27 claim ltr](#)
[Settlement Agreement Keane](#)

6.J. **PROPOSED OFFER OF SETTLEMENT IN THE CASE OF DERRICK S.**

ROLLE V. CITY OF DELRAY BEACH

Body: **Recommended Action:**

Recommendation: Motion to deny the settlement offer for the reasons discussed in the confidential memorandum previously distributed to the City Commission.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

6.K. PROCLAMATIONS:**6.K.1. SPADY CULTURAL HERITAGE MUSEUM 20TH ANNIVERSARY**

Body: **Recommended Action:**

Recommendation: Motion to proclaim July 27, 2021, as the 20th Anniversary of the Spady Cultural Heritage Museum.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Spady Museum 20th Anniversary](#)

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

6.L.1. None

6.M. AWARD OF BIDS AND CONTRACTS:

6.M.1. None

7. REGULAR AGENDA:

7.A. RESOLUTION NO. 103-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF INTEREST OF A PORTION OF A PUBLIC EASEMENT LOCATED AT 5115 FOXPOINTE CIRCLE, DELRAY BEACH, FLORIDA, TOTALING APPROXIMATELY SIX HUNDRED AND SEVENTY-TWO SQUARE FEET (672 SQ. FT.), AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

Body: **Recommended Action:**

Recommendation: Review and consider Resolution No. 103-21, for the abandonment of a portion of a utility easement located at 5115 Foxpointe Circle.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 103-21: Abandonment of Easement at 5115 Foxpointe](#)

[Resolution No. 103-21: Exhibits](#)

[Resolution No. 103-21: Survey](#)

[Resolution No. 103-21: Plat](#)

[Resolution No. 103-21: Resolution No. 02-82](#)

[Legal Review Res 103-21 Abandonment of Easements 5115
Foxpointe Circle](#)

Katerri Johnson, City Clerk, swore in Ms. Anthea Gianniotis, Development Services Director, and Mr. Paul Goldberg, the applicant, who provided testimony on this item.

Mayor Petrolia read the Quasi-Judicial rules into the record. She asked her colleagues if they had any ex-parte communications, and the following was disclosed:

Commissioner Casale: None
Commissioner Boylston: None
Deputy Vice Mayor Frankel: None
Vice Mayor Johnson: None
Mayor Petrolia: None

Ms. Gianniotis entered File No. 2021- 011 into the record.

Mr. Paul Goldberg, residing at 5115 Foxpointe Circle, Delray Beach, requested the abandonment of a Public Utility Easement in order to construct a new home.

Ms. Gianniotis verified that only a portion of the utility easement was needed to accommodate its utility lines. She confirmed that Mr. Patrick Figurella, City Engineer, had given his approval for the request.

There were no public comments, cross-examinations, or rebuttals pertaining to this item.

Deputy Vice Mayor Frankel made a motion to approve Resolution No. 103-21. It was seconded by Commissioner Casale. The motion carried by the following vote:

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

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

Body: Recommended Action:

Recommendation: Motion to Ratify the 69th Extension of the State of Emergency for COVID-19.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[69th Extension of State of Emergency 07-07-21](#)

Deputy Vice Mayor Frankel made a motion to approve the ratification of the 69th Extension of the State of Emergency for COVID-19. It was seconded by Commissioner Casale. The motion carried by the following vote:

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

7.C. NOMINATION FOR APPOINTMENT TO THE EDUCATION BOARD

Body: Recommended Action:

Recommendation: Motion to approve the nomination for an appointment for six (6) Regular members to serve on the Education Board for a two (2) year term ending July 31, 2023.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Exhibit A 07062021](#)

[ATTENDANCE RECORDS 2021](#)

[Education Board 2021 3](#)

[Butler Schillinger 2](#)

[Cruz](#)

[Dickerson](#)

[Katz](#)

[Siperstein Klein EB](#)

[Knight](#)

[Nevin 2](#)

[Newbold](#)

[Spitzer](#)

[Talley](#)

[Waldo](#)

[Williams, K](#)

Commissioner Boylston nominated Penny Butler-Schillinger to the Education Board. It was seconded by Deputy Vice Mayor Frankel. The motion carried by the following vote:

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

Vice Mayor Johnson nominated Kendra Williams to the Education Board. It was seconded by Deputy Vice Mayor Frankel. The motion carried by the following vote:

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

Mayor Petrolia nominated Karen Siperstein Klein to the Education Board. It was seconded by Deputy Vice Mayor Frankel. The motion carried by the following vote:

YES: 5 - Mayor Petrolia, Vice Mayor Johnson, Deputy Vice Mayor Frankel, and Commissioner Casale,

Commissioner Boylston.

Deputy Vice Mayor Frankel nominated Marjorie Waldo to the Education Board. It was seconded by commissioner Casale. The motion carried by the following vote:

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

Commissioner Casale nominated Mitch Katz to the Education Board. It was seconded by Deputy Vice Mayor Frankel. The motion carried by the following vote:

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

Commissioner Boylston nominated Sherry Spitzer to the Education Board. It was seconded by Deputy Vice Mayor Frankel. The motion carried by the following vote:

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

7.D.*NOMINATION FOR APPOINTMENT TO THE POLICE ADVISORY BOARD*

Body: Recommended Action:

Recommendation: Motion to approve the nominations for appointment of two (2) Regular members to serve on the Police Advisory Board for a two (2) year term ending July 31, 2023.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A 06232021 2](#)
[Police Advisory Board 2021](#)
[Police Advisory Board Attendance 2021](#)
[Newbold](#)
[Strasser](#)

Commissioner Boylston nominated Rosetha Newbold to the Police Advisory Board. It was seconded by Deputy Vice Mayor Frankel. The motion carried by the following vote:

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

Vice Mayor Johnson nominated John Strasser to the Police Advisory Board. It was seconded by Deputy Vice Mayor Frankel. The motion carried by the following vote:

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

7.E.*NOMINATION FOR APPOINTMENT TO THE GREEN IMPLEMENTATION ADVANCEMENT BOARD*

Body: Recommended Action:

Recommendation: Motion to approve the nomination for an appointment of one (1) alternate member to serve on the Green Implementation Advancement Board for a two (2) year term ending July 31, 2023.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A 06252021 2](#)
[Green Implementation Advancement Board 2021 2](#)
[2021 Quarterly Attendance](#)
[Adamo](#)
[Clark](#)
[Roll](#)
[Seckler](#)

Vice Mayor Johnson nominated Isabelle Seckler to the Green Implementation Advancement Board. It was seconded by Deputy Vice Mayor Frankel. The motion carried by the following vote:

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

7.F. FISCAL YEAR 2022 PROPOSED MILLAGE RATE

Body: **Recommended Action:**

Recommendation: Motion to Approve Staff's recommendation that the City Commission set the proposed millage rate at 6.6611 mills for operating and 0.1792 mills for debt service for a total of 6.8403 mills.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[Preliminary Millage - July 13, 2021, FINAL](#)

Mr. John Lege, Finance Director, presented the proposal to set the millage rate for the fiscal year 2022. He informed the Commission that the proposed/preliminary taxable value for the city is \$12.5 billion, which represents a \$636 million increase, or 5.35% in taxable value. Mr. Lege stated that \$147 million of the increase comes from new construction. He informed the Commission that from 2012-2022 the debt service rate had decreased by one millage percent.

Mr. Lege observed that the city has two outstanding obligation debt service bonds that mature in fiscal year 2024 in the amount of \$12.5 billion. The bonds would require a payment of \$2,133.79 and debt service mills of 0.1792 mills. He explained that with the current mill rate of 6.6611, the General Fund would see an increase of 80.5 mills with an increase from the CRA of \$16.1 million. He informed the Commission that staff recommends setting the millage rate at 6.6611 mills and the debt service mill rate at 0.1792 mills for a total of 6.8403 mills, which is a 0.0094 reduction from the current millage rate of 6.8497 mills. Mr. Lege provided the following dates for the Budget Workshops:

- August 24, 2021 - Budget Workshop
- September 13, 2021 - Tentative Adoption Public Hearing
- September 23, 2021 - Final Adoption Public Hearing

The Commission engaged in a discussion with Mr. Lege regarding the proposed millage rate, increasing revenue, reducing expenditures, and using the reserve fund.

Mayor Petrolia was in favor of reducing expenditures as she had promised. She mentioned that the city has a substantial reserve fund to utilize.

Deputy Vice Mayor Frankel made a motion to set the millage rate at 6.5611 for operating and 0.1792 for debt services. Mayor Petrolia passed the gavel and seconded the motion. The motion failed by the following vote:

NO: 3 - Vice Mayor Johnson, Commissioner Casale, Commissioner Boylston.

YES: 2 - Mayor Petrolia, Deputy Vice Mayor Frankel.

The motion failed by a 3-2 vote.

Commissioner Boylston made a motion to set the millage rate at 6.6611. It was seconded by Commissioner Casale. The motion carried by the following vote:

YES: 3 - Commissioner Casale, Vice Mayor Johnson, Commissioner Boylston

NO: 2 - Mayor Petrolia, Deputy Vice Mayor Frankel

The motion passed by a 3-2 vote.

Vice Mayor Johnson made a motion to set the debt service rate at 0.1792. It was seconded by Commissioner Casale. The motion carried by the following vote:

YES: 3 - Commissioner Casale, Vice Mayor Johnson, Commissioner Boylston

NO: 2 - Mayor Petrolia, Deputy Vice Mayor Frankel

The motion passed by a 3-2 vote.

7.G. FISCAL YEAR 2022 PROPOSED MILLAGE RATE/DOWNTOWN DEVELOPMENT AUTHORITY (DDA)

Body: Recommended Action:

Recommendation: Motion to Approve Staff's recommendation that the City Commission set the proposed millage rate at 1.0000 mills for the Downtown Development Authority for Fiscal Year 2022.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

[DDA FY20-21 Budget Amended 5.10.21](#)

[2021 Estimate of Taxable Value Delray Beach](#)

[Letter 2021-2022 1 mill request 6.16.21](#)

Ms. Laura Simon, Executive Director of the Downtown Development Authority (DDA), proposed a one millage rate increase which was the highest rate that the DDA is allowed to levy. She reported that the taxable value to fund the operating budget is \$1.3 billion, which equates to a \$1.24 million budget to operate the fiscal year 2021-2022, or an \$8,000 increase over the current year. She informed the Commission that the DDA received a 5.5% increase during the current year, and the city received a 5.7% increase.

Mayor Petrolia acknowledged the DDA for supporting local businesses during COVID-19.

Ms. Simon reminded the Commission that the DDA would be holding Budget Board Workshops on July 26, 2021, and August 24, 2021. Additionally, she announced that a Public Budget Workshop would be held on September 23, 2021.

Vice Mayor Johnson made a motion to approve the one percent millage increase to the DDA for Fiscal Year 2022-2023. It was seconded by Commissioner Boylston. The motion carried by the following vote:

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

7.H. *REVIEW AND APPROVE IMPROVEMENTS TO OLD SCHOOL SQUARE PROPOSED BY THE OLD SCHOOL SQUARE CENTER FOR THE ARTS, INC.*

Body: Recommended Action:

Recommendation: Review and consider improvements to Old School Square proposed by the Old School Square Center for the Arts, Inc.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

[Phase 1](#)

[Phase 2](#)

[OSS lobby-corridor](#)

[OSS lobby-main](#)

[Lease - Old School Square Center for the Arts dated December 2, 2016](#)

Mr. Duncan Tavares, Assistant City Manager, informed the Commission that he recently toured Old School Square.

Ms. Lynn Gelin, City Attorney, explained that the city requested construction to cease at Old School Square pending their submission of proper documentation according to their lease agreement with the city.

Ms. Deborah Dowd, Vice Chairman of the board at Old School Square, and Ms. Frances Bourge, Founder and Chair of Emeritus at Old School Square, approached the podium to

speak on behalf of the organization. She acknowledged that Ms. Margaret Bloom, benefactor of Old School Square, was also present.

Mr. Gino De Santis with the architectural firm of Walters Zakaria Associates, accompanied by Mr. Bill Branning, General Contractor, explained the proposed planned improvements for Old School Square.

Vice Mayor Johnson expressed her disapproval that they did not come before the Commission for approval to make changes to a city-owned property.

Ms. Anthea Gianniotis, Development Service Director, explained that the Historic Preservation Board does not have purview over the interior of historic buildings. She informed the Commission that the Cornell Museum complied with the Historic Preservation Board when changing their exterior doors. Ms. Gianniotis said there are currently no regulations when making changes inside of a historic building that would require a Building Permit.

Ms. Gelin, City Attorney, confirmed that Old School Square did go before the Historic Preservation Board for one renovation. She advised the Commission she would prepare a more concise lease agreement between the city and Old School Square to better understand each party's responsibilities. Ms. Gelin suggested scheduling a workshop.

Ms. Dowd apologized for the misunderstanding and acknowledged the need for a new lease.

The Commission engaged in a discussion on ways to reconcile the situation. They also discussed the advantages of incorporating a commercial kitchen and culinary training classes at Old School Square.

Vice Mayor Johnson respectfully disagreed with having a full-service kitchen on the premises. She mentioned that she had received numerous concerns about Old School Square.

Deputy Vice Mayor Frankel made a motion to approve Item No. 7.H. to include the following conditions:

- Dr. Julia Davidyan to review financials within 30-60 days.
- Provide proof of a payment bond and a copy of the Old School Square Board's meeting minutes.
- City Attorney to amend the lease agreement.
- Provide Consent for improvements.
- Revise building application to reflect the proper owner of the building, with the actual extent of the renovations.

It was seconded by Commissioner Casale. The motion carried by the following vote:

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

Ms. Gelin suggested having the Mayor or City Manager sign the documents for execution.

7.I. DISCUSSION AND CONSIDERATION OF INTERIM CITY MANAGER ALVAREZ'S PERFORMANCE AND EMPLOYMENT AGREEMENT

Body: Recommended Action:

Recommendation: Discussion and consideration of Interim City Manager Alvarez's performance and employment agreement.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Alvarez ICM 6.24.20](#)

Ms. Dot Bast, Assistant Human Resources Director, requested the Commission to discuss and consider Ms. Jennifer Alvarez's employment agreement as Interim City Manager, which came into effect on June 24, 2020.

Ms. Lynn Gelin, City Attorney, advised that instead of an annual merit increase, Ms. Alvarez requested that six weeks of sick time be added to her accrual bank along with an 18-month cap to use the allotted time; this time would not be the subject of a pay-out if she left the city.

Commissioner Casale made a motion to grant an extension of thirteen days of sick leave and a 5% merit salary increase with the condition of an evaluation. The motion was seconded by Deputy Vice Mayor Frankel. The motion carried by the following vote:

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

8. PUBLIC HEARINGS/SECOND READINGS:

8.A. None

9. FIRST READINGS:

9.A. ORDINANCE NO. 25-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES, BY AMENDING CHAPTER 1, "GENERAL PROVISIONS," ARTICLE 1.1, "ADOPTION OF CODE," SECTION 1.1.1, "REFERENCE," AND SECTION 1.1.6, "AMENDMENTS," AND BY AMENDING CHAPTER 2, "ADMINISTRATIVE PROVISIONS," ARTICLE 2.4, "GENERAL PROCEDURES," SECTION 2.4.5, "PROCEDURES FOR OBTAINING DEVELOPMENT APPROVALS," SUBSECTION 2.4.5(M), "AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS," TO REQUIRE AT LEAST ONE MEMBER OF THE CITY COMMISSION SPONSOR A PRIVATELY-INITIATED AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS PRIOR TO THE SUBMITTAL OF AN APPLICATION; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO

*CODIFY, AND PROVIDING AN EFFECTIVE
DATE. (FIRST READING)*

Body: Recommended Action:

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

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

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

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

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

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

Commissioner Casale made a motion to approve Ordinance No. 25-21 on First Reading. It was seconded by Deputy Vice Mayor Frankel. The motion carried by the following vote:

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

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

Mr. Duncan Tavares, Assistant City Manager, requested Deputy Vice Mayor Frankel attend the upcoming League of Cities Annual Conference from August 11, 2021 – August 14, 2021, in place of the city's representative, Vice Mayor Johnson.

Commissioner Casale made a motion to approve the request. It was seconded by Commissioner Boylston. The motion carried by the following vote:

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

B. City Attorney

Ms. Gelin complimented the Commission on their excellent teamwork as a government body.

C. City Commission

Commissioner Boylston thanked his colleagues for allowing him to participate in the meeting virtually.

Vice Mayor Johnson requested permission to participate virtually for the next few Commission Meetings. She thanked her colleagues and staff members for their diligence. Vice Mayor Johnson notified residents that the Commission is listening to their input as the city grows and changes. Additionally, she acknowledged that Bahamian Independence Day was recently celebrated.

Deputy Vice Mayor Frankel congratulated Coco Gauff for representing the city in the 2021 Summer Olympics.

Commissioner Casale thanked Vice Mayor Johnson for her sentiments.

Mayor Petrolia complimented the cohesiveness of the Commission during the meeting. She suggested the city create a pamphlet that would notify residents about important information and the city's accomplishments. Additionally, she informed her colleagues about the Spinal Surgery Hospital that is planned for West Delray.

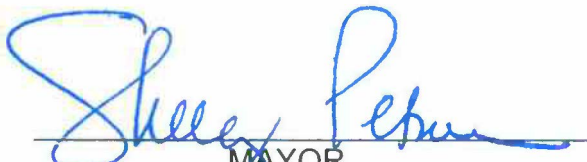
11. ADJOURNMENT

There being no further business to discuss, the Regular City Commission Meeting was adjourned at 7:40 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 13, 2021, City Commission Meeting held on July 13, 2021, which minutes were formally approved and adopted by the City Commission on September 13, 2021.



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.