

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

Monday, September 13, 2021

4:00 PM

1st Budget Public Hearing/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



City of Delray Beach

Regular Commission Meeting

City Commission

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1st Budget Public Hearing/Regular Meeting at 4:00 PM

1. ROLL CALL

The 1st Budget Public Hearing/Regular Meeting was called to order at 4:02 p.m.

The roll call was taken by Katerri Johnson, City Clerk.

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

Others present:

Terrence Moore, City Manager

Lynn Gelin, City Attorney

Katerri Johnson, City Clerk

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

A. Additions, Deletions, Substitutions

4. PRESENTATIONS:

4.A. PRESENTING JESSIE HOUSTON, ADMINISTRATIVE ASSISTANT, WITH EMPLOYEE OF THE MONTH FOR JULY 2021.

Recommendation: Motion to present Jessie Houston, Administrative Assistant, with Employee

of the Month for July 2021.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)

[Jessie Houston Employee of the Month nomination form](#)

Ms. Ebony Olivier, Human Resources Generalist, explained that Mr. Jessie Houston participated in a Shadow Day Program which introduces recent college graduates to local government. He volunteered in the city's Human Resources Department and shortly thereafter started his career full-time as a Human Resources Generalist. Ms. Olivier applauded Mr. Houston for his efforts to reduce the city's paper usage by streamlining paperwork and countless other innovative solutions. Mr. Houston was presented a plaque and a certificate for eight hours off. Mr. Houston thanked everyone and Mayor Petrolia thanked him for bringing the city into the twenty-first century.

4.B. RECOGNIZE STAFF OF THE DELRAY BEACH MEMORIAL GARDENS MUNICIPAL CEMETERY WHO WORKED TIRELESSLY THROUGH THE COVID-19 PANDEMIC

Recommendation: Motion to recognize staff of the Delray Beach Memorial Gardens Municipal

Cemetery who worked tirelessly through the Covid-19 pandemic.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)

Mr. Sam Metott, Parks and Recreation Director recognized Chad Swatte, Curtis Wise, John Pape, and Yasemin Kacar, Cemetery Manager, for their tireless work and dedication during the past eighteen months which showed an increase in burials by sixty percent (60%).

Mayor Petrolia thanked Mr. Metott and his crew for their hard work in keeping the cemetery looking beautiful.

4.C. RECOGNIZE THE DELRAY BEACH TENNIS CENTER FOR BEING ONE OF TWENTY-FIVE (25) FACILITIES TO BE AWARDED USTA'S OUTSTANDING FACILITY AWARD

Recommendation: Motion to recognize the Delray Beach Tennis Center for being one of twenty-five (25) facilities to be awarded by the USTA for Outstanding Facility.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)

[USTA Press Release](#)

Mr. Metott, recognized the Delray Beach Tennis Center for being awarded one of twenty-five USTA exceptional tennis facilities. Mr. Metott read an article written by the United States Tennis Association extolling the Tennis Center and the City of Delray Beach for its

accomplishment. Ms. Sharon Painter, Tennis Director, and Mr. Jeff Bingo, Tennis Professional, accepted the award.

4.D. PURCHASING DEPARTMENT RECEIVES THIRD CONSECUTIVE AWARD FROM THE NATIONAL PROCUREMENT INSTITUTE FOR ACHIEVEMENT OF EXCELLENCE IN PROCUREMENT

Sponsors: Purchasing Department

Attachments: [Agenda Cover Report](#)
[Formal Notification of AEP Award - IT - 2021](#)

Jennifer Alvarez, Director of Purchasing, acknowledged the City's Purchasing Department for receiving the National Procurement Institute for Achievement of Excellence in Procurement Award for the third consecutive time. Ms. Alvarez thanked everyone on her team and the Commission. Mayor Petrolia congratulated Ms. Alvarez and her team for doing an excellent job.

4.E. INTERNAL AUDIT PRESENTATION

Attachments: [Agenda Cover Report](#)

Dr. Julia Davidyan, City Auditor, discussed the audit conducted for Old School Square. She concluded that Old School Square did not comply with Article 6.1. of the lease they entered into on December 1, 2016. Dr. Davidyan noted that in the appendix of her report, she provided recommendations to enhance record-keeping and reporting transparency. Dr. Davidyan provided a slide presentation on the complete audit results.

Commissioner Casale confirmed that Dr. Davidyan reached out to the Community Redevelopment Agency (CRA) for documents even after Old School Square seized their communication with the City on September 11, 2021.

Mr. Moore, City Manager, informed the Commission that he visited the Arts Garage Facility earlier and met with Ms. Waldo to understand the scope of their agreement. Mr. Moore shared of his positive experience and impression with what he had seen.

Dr. Davidyan informed the Commission that Old School Square's annual budget files were primarily geared to the CRA and based on the financial forms she received, they were not in compliance.

Finally, Dr. Davidyan concluded that on the basis of the financial forms not submitted to the City as requested, Old School Square was not in compliance.

Deputy Vice Mayor Frankel inquired if other non-profits had as astringent reporting requirements as Old School Square.

Lynn Gelin, City Attorney, explained smaller non-profits do not have strict reporting

requirements because their budgets cannot support a full-blown audit nor do they receive taxpayer funding that Old School Square receives.

Mayor Petrolia reminded the Commission that Old School Square is welcome to re-apply when the contract goes out for RFP.

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

Marjorie Ferrer, resident at 4930 Glenn Pine Lane, Boynton Beach, thanked the Commission for the Proclamation recognizing The Henry Morrison Chapter Daughters of the American Revolution.

Edward Walters, residing at 2361 Jager Drive, Delray Beach, requested the Commission to have the city remove the unsightly trees that are on city property in his community and replace them with oak trees.

Jennifer Thompson, 181 SE 5 Avenue, Delray Beach, introduced herself as the new CEO of Habitat for Humanity.

Mayor Petrolia closed public comments.

6. CONSENT AGENDA: City Manager Recommends Approval

Commissioner Casale made a motion to approve the Consent Agenda. It was seconded by Vice Mayor Johnson. The motion was carried by the following vote:

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

APPROVED

6.A. CITY COMMISSION MEETING MINUTES

Recommendation: Motion to approve meeting minutes as listed below:

July 13, 2021, Regular City Commission Meeting Minutes

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[July 13, 2021 Regular Commission Meeting - DRAFT](#)

6.B. ACCEPTANCE OF INTERNAL AUDIT REPORT: #21-01 OVERPAYMENTS (CONSULTING SERVICES)

Recommendation: Motion to accept the report completed by the Internal Auditor, Dr. Julia Davidyan, dated August 31, 2021.

Attachments: [Agenda Cover Report](#)
[21 01 IA Overpayments Report](#)

6.C. ACCEPTANCE OF INTERNAL AUDIT REPORT: #21-02 OLD SCHOOL SQUARE LEASE COMPLIANCE

Recommendation: Motion to accept the report completed by the Internal Auditor, Dr. Julia Davidyan, Internal Auditor, dated September 8, 2021.

Attachments: [Agenda Cover Report](#)
[21 02 OSS Lease Compliance Audit Report](#)

6.D. APPROVAL OF A LETTER OF AGREEMENT (LOA) WITH THE FLORIDA AGENCY FOR HEALTHCARE ADMINISTRATION (AHCA) FOR PARTICIPATION IN THE MANAGED CARE ORGANIZATION (MCO) PORTION OF THE PUBLIC EMERGENCY MEDICAL TRANSPORTATION (PEMT) PROGRAM.

Recommendation: Staff recommends the approval of the Letter of Agreement (LOA) to facilitate additional reimbursement of Medicaid dollars for providing emergency medical transportation to individuals covered by one of Medicaid's Managed Care Organizations.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)
[Delray Beach SFY2122 PEMT LOA updated signature line](#)
[Simple Legal Review Approval- Public Emergency Medical Transportation Letter of](#)

Agreement

[Year 3 SFY 2021-22 PEMT MCO Projections AHCA Final for Providers](#)

6.E. APPROVAL TO INCREASE THE CONTRACT VALUE IN THE AMOUNT OF \$83,981 WITH ADVANCED DATA PROCESSING, INC. (ADPI) FOR PROFESSIONAL PUBLIC EMERGENCY MEDICAL TRANSPORTATION (PEMT) PROGRAM SERVICES UTILIZING CITY OF TAMARAC SOLICITATION 16-14 R.

Recommendation: Motion to approve increase in the amount of \$83,981 to the contract value to Advanced Data Processing Inc. (ADPI) for Professional Public Emergency Medical Transportation (PEMT) Program Services and authorize the City Manager to approval renewal options, in the amounts below, contingent upon appropriation of funds.

Sponsors: Finance Department, Fire Rescue Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Agreement - Advanced Data Processing Inc.](#)

6.F. APPROVAL OF AMENDMENT NO. 1 TO THE AGREEMENT WITH CANON SOLUTIONS AMERICA, INC. FOR REPLACEMENT, MAINTENANCE, AND REPAIRS OF MULTIFUNCTION DEVICES, TO EXTEND THE AGREEMENT THROUGH SEPTEMBER 30, 2023 - \$600,000

Recommendation: Motion to Approve Amendment No. 1 to the Agreement with Canon

Solutions America, Inc. for the replacement, maintenance, and repairs of multifunction devices, to extend the term of the Agreement through September 30, 2023, in the total amount not to exceed \$600,000, for a total estimated contract not to exceed \$954,000.

Sponsors: IT Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist Amd #1 to Agreement with Canon Multifunction Devices](#)
[Canon Solutions America](#)
[Fully Executed Agreement - Canon Solutions America Inc](#)
[May 5, 2020 Agenda Cover Memo](#)

6.G. APPROVAL OF FIRST AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND PALM BEACH COUNTY FOR UTILIZATION OF THE HOMELESS RESOURCE CENTER

Recommendation: Motion to approve first Amendment to Interlocal Agreement between the City of Delray Beach and Palm Beach County which allows the city to utilize the Homeless Resource Center ("HRC") to assist our homeless population.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[First Amendment - Delray 080621 HRC PBC 2021](#)
[Legal Review Checklist amend 1 PBC HRC](#)

6.H. ITEM(S) A1 and A2 - ACCEPTANCE OF A RIGHT OF-WAY DEDICATION BY 10 NW 17 ST AND 1023 SW 8th AVE.

Recommendation: Consideration of the following items:

RIGHT OF WAY DEED(S)

Items A

Item A1 - Motion to approve and accept a Right of Way Dedication by the owner(s) of 10 NW 17th St. to the City of Delray Beach.

Item A2 - Motion to approve and accept a Right of Way Dedication by the owner(s) of 1023 S.W. 8th Ave. to the City of Delray Beach.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Item \(1\) Legal Review ROW Deeds](#)
[Item \(A1a\) 10 NW 17 ST. LLC - ROW](#)
[Item \(A1b\) Exhibit A & Sketch - 10 NW 17th St.](#)
[Item \(A2a\) ROW - 1023 SW 8th Ave](#)
[Item \(A2b\) Exhibit A - Sketch & Description - 1023 SW 8th Ave](#)

6.I. MOTION FOR RETROACTIVE APPROVAL FOR SUBMITTAL OF A GRANT APPLICATION RESILIENT FLORIDA GRANT PROGRAM TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) IN THE AMOUNT OF \$39,600,000 FOR MANAGEMENT FOR THE TROPIC ISLE ROADWAY AND UNDERGROUND UTILITY IMPROVEMENTS PROJECT (PROJECT NO.19-015).

Recommendation: Staff is requesting retroactive approval from City Commission for submittal of Resilient Florida Grant Program to the Florida Department of Environmental Protection (FDEP). One qualifying City of Delray Beach Capital Improvement Project was submitted to the FDEP on August 31, 2021 for funding consideration (Tropic Isle Roadway and Underground Utility Improvements Project).

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[LOCATION MAP AND LIMITS OF TROPIC ISLE NEIGHBORHOOD BASIS OF DESIGN](#)

REPORT

[DelrayBeach ResilientFlorida Worksheet FINALFOR CLIENT REVIEWv.2 083121](#)

[SB 1954](#)

[Simple Legal Review Approval Grant Application for Resilient Florida](#)

6.J. PROCLAMATIONS:

6.J.1. HISPANIC HERITAGE MONTH PROCLAMATION

Recommendation: Motion to declare September 15, 2021 - October 15, 2021, as Hispanic Heritage Month.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[National Hispanic Heritage Month Proclamation](#)

6.J.2. AQUIN, HAITI RELIEF PROCLAMATION

Recommendation: Motion to proclaim September 13, 2021, as Aquin, Haiti Relief Day.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Sister City Aquin Haiti Draft lq rev](#)

6.J.3. iTHINK FINANCIAL DAY PROCLAMATION

Recommendation: Motion to proclaim September 17, 2021, as iTHINK FINANCIAL DAY.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[iTHINK Financial Proclamation](#)

6.J.4. CONSTITUTION WEEK PROCLAMATION - SEPTEMBER 17-23, 2021

Recommendation: Motion to declare September 17- 23, 2021 as Constitution Week.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Constitution Week Proclamation](#)

6.J.5. DELRAY TO THE DOGS DAY PROCLAMATION

Recommendation: Motion to proclaim November 7, 2021, as Delray to the Dogs Day.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Delray Dogs Proclamation](#)

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

6.K.1. REPORT OF APPEALABLE LAND USE ITEMS FROM AUGUST 9, THROUGH SEPTEMBER 3, 2021.

Recommendation: By motion, receive and file this report.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Appealable Items Map](#)
[A - 738 SE 5th Avenue](#)
[B - 390 SE 2nd Avenue](#)
[C - Delray Beach Club](#)
[D - 105-111 E. Atlantic](#)
[E - 502 E. Atlantic Ave](#)
[F - 95 SW 5th Avenue](#)
[G - Atlantic Crossing](#)
[H - Trinity Evangelical Lutheran Church](#)
[I - 123 SE 7th Avenue](#)
[J - 80 Depot Ave](#)

6.L. AWARD OF BIDS AND CONTRACTS:

6.L.1. AWARDING AGREEMENTS FOR GROUP HEALTH, VISION, LIFE INSURANCE

Recommendation: Motion to allow the City Manager to enter into and execute a three (3) year agreement with CIGNA to provide the City's group health plan; a four (4) year agreement with EyeMed to provide the City's group vision plan; and a two (2) year agreement with The Standard to provide the City's group life insurance benefit.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Gehring Group City of Delray Medical RFP Finalist Summary](#)
[CIGNA Executive Highlights Sheet](#)
[Gehring Group City of Delray Voluntary Vision BAFO Evaluation](#)

6.L.2. APPROVAL OF RESOLUTION 128-21 TO AWARD AN AGREEMENT TO MILLENIUM PRODUCTS, INC.,. FOR LICENSE PLATE RECOGNITION CAMERAS,

*ACCESSORIES, AND RELATED SERVICES , UTILIZING GENERAL SERVICES
ADMINISTRATION CONTRACT GS-07F-0231W - \$275,000*

Recommendation: Motion to approve Resolution No. 128-21 to award an agreement to

Millenium Products, Inc. for purchases of license plate recognition cameras, accessories, and related services in the estimated amount of \$275,000 through October 4, 2021, utilizing General Services Administration Contract GS-07F-0231W.

Sponsors: Police Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Delray Beach Police Department \(FL\) - Millenium Quote 2021](#)

[GSA GS-07F-0031W Millenium Products Inc 2021](#)

[Resolution 128-21 LPR Phase 2 Millenium Products Inc 2021](#)

[Legal Review Checklist millenium LPR](#)

[Agreement - Vendor Executed](#)

**6.L.3. APPROVAL OF RESOLUTION NO. 129-21 TO APPROVE AN AGREEMENT WITH
CUSTOM BUILT MARINE CONSTRUCTION, INC. FOR THE CONSTRUCTION OF
ISLAND DRIVE BRIDGE REHABILITATION PROJECT PURSUANT TO ITBC NO.
2021-035 (PROJECT NO. 19-014) - \$1,226,578**

Recommendation: Motion to Approve Resolution No. 129-21 to award an Agreement with

Custom Built Marine Construction, Inc. for the construction of Island Drive Bridge Rehabilitation Project pursuant to ITBC No. 2021-035 (Project No. 19-014).

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[ITBC 2021-035 Agreement](#)

[Legal Review Checklist Custom Built Marine Island Drive Bridge Rehab](#)

[Reso. 129-21 - Custom Built Marine](#)

[Custom Built Marine Submittal](#)

**6.L.4. APPROVAL OF RESOLUTION NO. 130-21 TO AWARD AN AGREEMENT TO
AQUIFER MAINTENANCE & PERFORMANCE SYSTEMS, INC. FOR WELL REPAIRS,
MAINTENANCE AND REHABILITATION SERVICES; UTILIZING THE CITY OF PALM
BAY SOLICITATION #45-0-2017/ET - \$585,000**

Recommendation: Motion to approve Resolution No. 130-21 to award an Agreement to

Aquifer Maintenance & Performance Systems, Inc., for the repair, maintenance and rehabilitation of wells in the estimated amount of \$585,000 through July 30, 2022, utilizing the City of Palm Bay, Florida Solicitation No. 45-0-2017/ET.

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Res 130-21 - Well Repair and Maintenance - AMPS - Palm Bay Piggyback draft it 8.5.21](#)

[Review Checklist Palm Bay Piggyback Aquifer Maintenance & Performance Systems Inc](#)

[Signed - AMPS - Well Maintenance - Palm Bay Piggyback](#)

[2017 contract line items](#)

[2017 palm bay executed contract](#)

[Original Contract 17-18](#)

[RENEWAL THRU 2019](#)

[AMPS - RENEWAL EXP 073020](#)

[AQUIFER - RENEWAL EXP 07302021](#)

[AMPS - RENEWAL EXP 07302022](#)

[AMPS COI exp 10-28-21](#)

6.L.5. APPROVAL OF RESOLUTION NO. 131-21 TO AWARD AN AGREEMENT TO AIRGAS SPECIALTY PRODUCTS, INC., FOR THE PURCHASE AND DELIVERY OF ANHYDROUS AMMONIA; UTILIZING PALM BEACH COUNTY SOLICITATION #18-056/MB - \$38,700

Recommendation: Motion to approve Resolution No. 131-21 to award an Agreement to Airgas Specialty Products, Inc., for the purchase and delivery of anhydrous ammonia in the estimated amount of \$38,700 through June 8, 2022, utilizing the Palm Beach County, Florida Solicitation No. 18-056/MB, and authorize the City Manager to approve renewal options, in the amounts below, contingent on appropriations of funds.

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[2021 Piggyback](#)

[Reso 131-21 - Anhyrdous Ammonia Airgas Specialty - PBC Piggyback rev. kwb 8.3.21](#)

[Legal Review Checklist Airgas Specialty Products Inc](#)

[18056 BID RESPONSE - AIRGAS](#)

[Original Award - 18056 AIRGAS](#)

[Renewal 1 - 18056 AIRGAS](#)

[Renewal 2 - 18056 AIRGAS](#)

[Renewal 3 - 18056 AIRGAS](#)

6.L.6. APPROVAL OF RESOLUTION NO. 133-21 TO AWARD AN AGREEMENT TO SHADE SYSTEMS INC. FOR PLAYGROUNDS AND RELATED EQUIPMENT UTILIZING SCHOOL BOARD OF VOLUSIA COUNTY SOLICITATION NO. MTS-906BC - \$103,845

Recommendation: Motion to approve Resolution No. 133-21 and to award an Agreement to

Shade Systems Inc. for Playgrounds and Related Equipment utilizing School Board of Volusia County Solicitation No. MTS-906BC in the amount of \$103,845.

Sponsors: Parks & Recreation Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist Shade Systems, Inc.](#)

[RESOLUTION NO. 133-21](#)

[Shade Systems Inc - Master Service Agreement rev. KWB. 8.10.21](#)

7. REGULAR AGENDA:

7.A. PUBLIC ART ADVISORY BOARD MEMORANDUM ON PROJECTS

Recommendation: Seeking City Commission direction for PAAB and the administration.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

[PAAB Memo to City Commission](#)

[Public Arts Program and Public Arts Board as defined in the Code](#)

Mr. Duncan Tavares, Assistant City Manager and Public Art Advisory Board Liaison, advised the Commission that any monetary projects concerning the Public Art Advisory Board would need to come before the Commission for their consideration. He noted he would be working in conjunction with the Downtown Development Authority (DDA).

Mayor Petrolia recommended displaying a variety of sculptures from different artists.

Further discussion ensued.

7.B. PUBLIC ART ADVISORY BOARD RECOMMENDATION TO PURCHASE "SHY DANCER" SCULPTURE

Recommendation: Seeking City Commission direction on entering into an agreement with

Mr. Wyman for the purchase of "Shy Dancer" for \$5,000 and for the installation at the identified location.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

[PINEAPPLE GROVE ARTS DISTRICT SCULPTURES DISCUSSION](#)

Mr. Tavares reported that Mr. Wyman went before the Public Art Advisory Board with a request to purchase his sculpture entitled "Shy Dancer" for \$5,000.00. Mr. Tavares explained to Mr. Wyman that he was obligated to present his offer to purchase "Shy Dancer" to the City Commission.

The City Commission discussed how they would like to allocate the Public Art Advisory Board's \$40,000.

Mr. Tavares assured the Commission that before any monetary actions are taken by the Public Art Advisory Board, it must come before the Commission.

Vice Mayor Johnson admonished the Commission when approving projects.

Commissioner Boylston motioned to approve the purchase of "Shy Dancer". It was seconded by Deputy Vice Mayor Frankel. The motion carried by the following vote:

YES 3 -Mayor Petrolia, Deputy Vice Mayor Frankel, Commissioner Boylston

NO 2 – Vice Mayor Johnson, Commissioner Casale.

The motion carried by a 3-2 vote with Vice Mayor Johnson and Commissioner Casale dissenting.

APPROVED

Mr. Tavares reminded the Commission that there would be an unveiling of the Heritage Mural on Friday, September 16, 2021 at 2:30 p.m. at Catherine Strong Park.

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

Recommendation: Motion to Ratify the 75th, 76th and 77th Extensions of the State of
Emergency for COVID -19.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[75th SOE Extension](#)
[76th State of Emergency Extension](#)
[77th Extension of State of Emergency 09-02-21](#)

Commissioner Casale made a motion to approve the ratification of the 75th, 76th and 77th Extension of the State of Emergency for COVID-19. It was seconded by Commissioner Boylston. The motion was carried by the following vote:

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

APPROVED

**7.D. NOMINATION FOR APPOINTMENT TO THE AFFORDABLE HOUSING ADVISORY
COMMITTEE**

Recommendation: Motion to approve the nomination for an appointment for four (4) regular
members to serve on the Affordable Housing Advisory Committee for a
two (2) year term ending July 31, 2023.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A 82521](#)
[Affordable Housing Advisory Committee 2](#)
[Byrns](#)
[Catania](#)
[Cox](#)
[Kasser](#)
[Levin](#)
[Redding](#)
[Torres](#)

Commissioner Casale nominated Richard Kasser to the Affordable Housing Advisory Committee/ Residential Home Building. It was seconded by Deputy Vice Mayor Frankel. The motion was carried by the following vote:

YES 5 – Mayor Petrolia, Vice Mayor Johnson, Deputy Vice Mayor Frankel, Commissioner Boylston, Juli Casale.

Commissioner Boylston nominated Kristyn Cox to the Affordable Housing Advisory Committee/ Actively Engaged Not-for-Profit Home Building. 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, Commissioner Boylston, and Juli Casale.

Mayor Petrolia and Vice Mayor Johnson deferred their nomination until the next meeting.

7.E. CITY OF DELRAY BEACH COVID-19 TEMPORARY MEASURES

Recommendation: Provide direction regarding continuing or sun-setting COVID-19

Temporary Measures.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[DDA - Temporary COVID19 Reopen Task Force recommendations follow up](#)

[8.9.21 Reopen Task Force Summary and Recommendations](#)

Laura Simon, Executive Director of the Delray Beach Downtown Development Authority, suggested creative ways to use caution when sponsoring a special event.

Deputy Vice Mayor Frankel agreed it was time to return to normal, but still practice caution if the virus starts back up.

Commission Boylston remarked that he would favor resuming the “New normal” while considering COVID-19 protocols.

There was a consensus to have the city move forward with opening up and to remove the parking signs.

Ms. Gianniotis remarked there was still an interest in maintaining private outdoor use areas and standalone bars.

Mayor Petrolia and Commissioner Boylston were in favor of maintaining the private outdoor use areas and standalone bars.

There was a consensus to allow private outdoor use and standalone bars until May 1, 2022. Ms. Gianniotis inquired about the free parking signs.

Deputy Vice Mayor Frankel and Commissioner Boylston were in favor of sunsetting the parking signage.

Vacant Storefront Activation – Downtown Development Authority

There was a consensus to continue the Vacant Storefront Activation Program.

City Manager Moore emphasized the importance of keeping residents informed of events occurring around the city.

7.F. REQUEST FOR APPOINTMENT OF ONE (1) COMMISSIONER TO THE TASK FORCE FOR THE TOURISM MASTER PLAN

Recommendation: Motion to nominate a commissioner to serve as a member of the Tourism Master Plan Task Force.

Sponsors: Economic Development Department

Attachments: [Agenda Cover Report](#)

Vice Mayor Johnson nominated Commissioner Casale to serve on the Task Force for the Tourism Master Plan. It was seconded by Commissioner Boylston. The motion was carried by the following vote:

YES 5 – Mayor Petrolia, Vice Mayor Johnson, Deputy Vice Mayor Frankel, Commissioner Boylston, Juli Casale.

8. PUBLIC HEARINGS/SECOND READINGS:

8.A. RESOLUTION NO. 139-21: GENERAL FUND AND DEBT SERVICE MILLAGE

Recommendation: Motion to adopt Resolution No. 139-21 - Certifying to the Property Appraiser and the Tax Collector of Palm Beach County, the rates of millage to be levied by the City of Delray Beach for the fiscal year beginning October 1, 2021.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 139-21 - Final.pdf](#)
[Simple Legal Review Approval 139-21.pdf](#)

Ms. Gelin, read Resolution No.139-21 into the record.

Mr. John Lege, Finance Director, highlighted the changes made since August 24, 2021, Budget Workshop. He reported on the following changes for the 2021-22 Proposed Budget.

- Increase in Proposed Budget: 9.06 % from 2021 Fiscal Year Budget.
- Increase in General Fund Revenue: \$118,443.
- Increase in General Fund Expenditures: \$118,443.

As Commission requested, Mr. Lege transferred \$200,000 from the Tree Planting Fund to the Special Projects Fund.

He added that staff recommended using \$4,604,502 in American Rescue Plan Act (ARPA) Funds to close the budget gap in the General Fund for Fiscal Year 2021.

He explained how the funds were appropriated in Resolution No's 139-21, 140-21 and 141-21.

Mr. Moore remarked that Mr. Lege's presentation covered agenda Item No's 8.A., 8.B., and 8.C.

There were no public comments pertaining to Items 8.A, 8.B, or 8.C.

Vice Mayor Johnson inquired about the error of how reimbursements were being calculated as discussed at the League of Cities Board Meeting. Mr. Moore assured Commission that the City of Delray Beach was not affected.

Commissioner Boylston motioned to approve Resolution No. 139-21 to set the millage rate at 6.6611, the debt service rate at 0.1792, and the overall millage rate at 6.8403. It was seconded by Commissioner Casale. The motion was carried by the following vote:

YES 4 – Mayor Petrolia, Vice Mayor Johnson, Commissioner Boylston, Commissioner Casale.

NO 1 – Deputy Vice Mayor Frankel.

The motion was carried by a 4-1 vote with Deputy Vice Mayor Frankel dissenting.

APPROVED

8.B. RESOLUTION NO. 140-21: DOWNTOWN DEVELOPMENT AUTHORITY MILLAGE

Recommendation: Motion to adopt Resolution No. 140-21 - Certifying to the Property

Appraiser and the Tax Collector of Palm Beach County, the rates of millage to be levied by the Downtown Development Authority for the

fiscal

year beginning October 1, 2021

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

[9.13.21 - Delray Beach DDA FY21-22 Budget Memo and Detail Report](#)

[Resolution No. 140-21 - Final.pdf](#)

[Simple Legal Review Approval 140-21.pdf](#)

Ms. Gelin, City Attorney, read Resolution No.140-21 into the record.

Mr. Peter Arts, who resides at 1746 Fern Forest Place, Delray Beach, Chairman of the Downtown Development Authority (DDA), approached the podium to introduce Ms. Laura Simon, Executive Director of the DDA.

Ms. Simon presented the Fiscal Year 2020-21 marketing and programs that the DDA accomplished during COVID-19 and their focus in the coming year. In conclusion, Ms. Simon expressed her appreciation for the city and its efforts.

Commissioner Casale made a motion to approve Resolution No. 140-21 to set the Millage Rate at 1.000 mill. It was seconded by Commissioner Boylston. The motion was carried by the following vote:

YES 5 – Mayor Petrolia, Vice Mayor Johnson, Deputy Vice Mayor Frankel, Commissioner Boylston, Juli Casale

APPROVED

8.C. RESOLUTION NO. 141-21: ADOPTION OF THE FISCAL YEAR BUDGET BEGINNING OCTOBER 1, 2021

Recommendation: Motion to adopt Resolution No. 141-21 - Adopting the budget for the fiscal year beginning on October 1, 2021, and ending on September 30, 2022

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 141-21 -Final.pdf](#)
[Simple Legal Review Approval 141-21.pdf](#)
[2022 Exhibit A Budget Hearing 09.13.21.pdf](#)

Ms. Gelin, read Resolution No.141-21 into the record.

Commissioner Casale made a motion to approve Resolution No. 141-21, adopting the budget for the Fiscal Year beginning October 1, 2021 and ending September 30, 2022. It was seconded by Vice Mayor Johnson. The motion was carried by the following vote:

YES 4 – Mayor Petrolia, Vice Mayor Johnson, Commissioner Boylston, Commissioner Casale.

NO 1 – Deputy Vice Mayor Frankel

The motion was carried by a 4-1 vote with Deputy Vice Mayor Frankel dissenting.

APPROVED

8.D. ORDINANCE NO. 30-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A COMPREHENSIVE PLAN AMENDMENT PURSUANT TO THE PROVISIONS OF THE “COMMUNITY PLANNING ACT”, FLORIDA STATUTES SECTION 163.3177 AND SECTION 163.3184, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT “A” ENTITLED “ALWAYS DELRAY COMPREHENSIVE PLAN AMENDMENT, ORDINANCE NO. 30-21” AND INCORPORATED HEREIN BY REFERENCE, TO BRING THE ADOPTED COMPREHENSIVE PLAN INTO COMPLIANCE WITH LEGISLATIVE CHANGES TO F.S. 163.3177(6)(i)1 by adopting a property rights element; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING/PUBLIC HEARING)

Recommendation: Review and consider Ordinance No. 30-21, an amendment to the Always Delray Comprehensive Plan, adopting a new property rights element in compliance with statutory changes to Section 163.3177, Florida Statutes.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ordinance No. 30-21 Private Property Rights Element](#)

[Exhibit A - Always Delray Comprehensive Plan Element, Ord. No. 30-21](#)

[Private Property Rights Element-DIA \(For Review Only, Not Adoption\)](#)

[Private Property Rights Element-Staff Report](#)

[Notice of Legislative Change Concerning Property Rights](#)

[House Bill 59-Complete](#)

[House Bill 59-Summary](#)

Ms. Gelin, read Ordinance No. 30-21 into the record.

Commissioner Boylston motioned to approve Item No. 8.D. (Ordinance No. 30-21). It was seconded by Deputy Vice Mayor Frankel. The motion was carried by the following vote:

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

APPROVED

There were no public comments pertaining to this item.

9. FIRST READINGS:

9.A. *ORDINANCE NO. 33-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 34, "ELECTIONS", OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING SECTION 34.16, "FILING OF NOMINATING PETITION", TO AMEND THE QUALIFYING PERIOD FOR THE CITY OF DELRAY BEACH'S GENERAL ELECTION; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)*

Recommendation: Motion to approve Ordinance No. 33-21 amending the qualifying period for the general election to accommodate statutory vote-by-mail requirements.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Ord 33-21 amending qualification period to 1st 2 weeks of Nov](#)

[Ordinance Amending Ch 34 - Legal Review](#)

Ms. Gelin read Ordinance No.33-21 into the record.

Commissioner Boylston made a motion to approve Item No. 9.A. (Ordinance No. 33-21), amending the qualification period to the first two weeks of November. It was seconded by Deputy Vice Mayor Frankel. The motion was carried by the following vote:

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

APPROVED

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

None.

B. City Attorney

Ms. Gelin requested permission from the Commission to proceed with the cities Opioid Litigation Settlement with Mallinckrodt Drug Manufacturer, who filed bankruptcy for 1.6 billion dollars cash.

Vice Mayor Johnson motioned to approve moving forward with the settlement. It was seconded by Commissioner Casale. The motion was carried by the following vote:

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

APPROVED

Ms. Gelin requested permission to hold a Shade Meeting concerning Foster Marine vs. the City of Delray Beach. Commissioner Boylston motioned to approve the Shade Meeting of Foster Marine vs. the City of Delray Beach on September 28 at 1:00 p.m. 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 Boylston, Commissioner Casale.

APPROVED

C. City Commission

Commissioner Casale informed the Commission that Periwinkle Ladies Shop located at 339 East Atlantic Avenue is hosting a Sip and Shop on Thursday, September 16, 2021, from 5-8 p.m., with proceeds from the sale going to the Delray Beach Historical Society. Commissioner Casale also requested approval from the Commission to subcontract a company that would control the City's feral cat population by spaying/neutering and vaccinating them before releasing them back into population.

There was consensus for City Manager Moore and City Attorney Gelin to look into the program further.

Commissioner Casale also discussed the City's Sea Turtle and the Beach Bucket Program will take place on Saturday, September 18, 2021 at 8:00 a.m.

Deputy Vice Mayor Frankel acknowledged Mr. Craig Menin with the Menin Group and Clique Hospitality for the spectacular opening of the Ray Hotel.

Commissioner Boylston noted all of the fantastic sports programs that Delray offers.

Vice Mayor Johnson commented on the ribbon-cutting ceremony at the Seven-Eleven Store located at the Southeast Corner of Linton and Military Trail.

Mayor Petrolia also recognized the Menin Group's spectacular job in organizing the Ray Hotel's grand opening.

She brought up the idea of having "Zoom" Meetings for those who aren't comfortable with in-person Board Meetings.

Ms. Gelin pointed out how difficult it would be on staff to have to have zoom meetings.

Commissioner Casale suggested taking people's temperatures in the lobby of City Hall. Mr. Moore remarked that we could accommodate temperature checks.

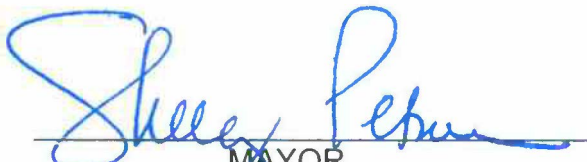
Further discussion ensued regarding the advancement of technology that is required to hold meetings in such a manner.

11. ADJOURNMENT

With no further business to discuss, the 1st Budget Public Hearing/Regular Commission Meeting was adjourned at 6:42 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 September 13, 2021 City Commission Meeting held on September 13, 2021, which minutes were formally approved and adopted by the City on December 7, 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.