

City of Delray Beach

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Minutes - Final

Tuesday, May 17, 2022

4:00 PM

Regular Meeting at 4:00 PM

Delray Beach City Hall or Watch on YouTube:

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

City Commission

Mayor Shelly Petrolia

Vice Mayor Adam Frankel

Deputy Vice Mayor Juli Casale

Commissioner Ryan Boylston

Commissioner Shirley Ervin Johnson

less. The Mayor, presiding officer or a consensus of the City Commission has discretion to adjust the amount of time allocated.

Public comment shall be allowed as follows:

- A. Comments and Inquiries on Non-Agenda and Agenda Items (excluding public hearing or quasi-judicial hearing items) from the Public: Any citizen is entitled to be heard concerning any matter within the scope of jurisdiction of the Commission under this section. The Commission may withhold comment or direct the City Manager to take action on requests or comments.
- B. Public Hearings/Quasi-Judicial Hearings: Any citizen is entitled to speak on items under these sections at the time the Commission hears these items.
- C. All persons desiring to do a presentation on agenda or non-agenda items that are on a portable flash drive device or a CD/DVD, must provide their media to the City Clerk no later than 12:00 p.m. one day prior to the meeting where they wish to present.

SIGN IN SHEET: Prior to the start of the Commission Meeting, individuals wishing to address the Commission should sign in on the sheet on the dais's right side. If you are not able cannot do so before the meeting, you may still address the Commission. The primary purpose of the sign-in sheet is to assist staff with record keeping. Therefore, when you come up to the to speak, please complete the sign-in sheet if you have not already done so.

ADDRESSING THE COMMISSION: At the appropriate time, please step up to the lectern and state your name and address for the record. All comments must be addressed to the Commission as a body and not to individuals. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the Commission shall be barred by the presiding officer from speaking further, unless permission to continue or again address the Commission is granted by a majority vote of the Commission members present.

APPELLATE PROCEDURES

Please be advised that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is based. The City neither provides nor prepares such record.

1. ROLL CALL

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

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

Present: 4 Vice Mayor Adam Frankel, Deputy Vice Mayor Julie Casale, Commissioner Ryan Boylston, Commissioner Shirley Ervin Johnson

Others present were:

Terrence Moore, City Manager
Lynn Gelin, City Attorney

Vice Mayor Frankel requested a consensus to allow Mayor Petrolia to participate remotely.

Commissioner Boylston motioned to approve Mayor Petrolia to attend remotely. Deputy Vice Mayor Casale seconded the motion. The motion was carried by the following vote:

YES: 4 Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Boylston, Commissioner Johnson

APPROVED

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

3. A. Additions, Deletions, Substitutions

Deputy Vice Mayor Casale requested to pull Item No. 6.D. from the Consent Agenda for discussion. Item No. 6.D. became Item No. 7. A.A. on the Regular Agenda.

Commissioner Boylston motioned to approve the agenda as amended. Deputy Vice Mayor Casale seconded the motion. The motion was carried by the following vote:

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

APPROVED AS AMENDED

4. PRESENTATIONS:

4.A. PRESENTING MAYRA BELTRAN, ADMINISTRATIVE ASSISTANT, WITH EMPLOYEE OF THE MONTH FOR APRIL 2022

Recommendation: Motion to present Mayra Beltran, Administrative Assistant, with
Employee of the Month for April 2022.

Sponsors: Human Resources Department

Attachments: Agenda Cover Report

Employee of the Month Nomination-Beltran

Ms. LeShay King, Human Resources Generalist, recognized Ms. Myra Beltran, Administrative Assistant, with employee of the month for May 2022. Keith Tomey, Fire Chief, shared that Ms. Beltran began her career as an EMS billing specialist. He described Ms. Beltran as a ray of sunshine in her department and said the Fire Department is fortunate to have her. Ms. Beltran was presented with a plaque and a certificate for eight hours of paid time off.

4.B. 2022 HISTORIC PRESERVATION BOARD AWARDS - A PRESENTATION TO THE CITY COMMISSION OF THE 2022 HISTORIC PRESERVATION BOARD AWARDS.

Recommendation: Presentation.

Sponsors: Development Services Department

Attachments: Agenda Cover Report

Ms. Michelle Hoyland, the Principal Planner of the Historic Preservation Board, gave a slide presentation highlighting the local homes awarded the 2022 National Historic Preservation Board Awards. She said the title for this year's awards was "People Saving Places." Ms. Hoyland reported that four recipients were recognized in the three categories of homes completed between June 2021 and April 2022. The three categories were :

1. Residential Contributing / Individual Designated Addition and or Accessory Structure
2. Residential Non-Contributing New Construction
3. Commercial Non-Contributing New Construction and /or Exterior Alteration

Ms. Hoyland acknowledged the winners and thanked everyone who supported the Historic Preservation Board.

APPROVED

4.C. INTERNAL AUDIT PRESENTATION

Attachments: Agenda Cover Report

Internal Audit Presentation 05 17 22

Dr. Julia Davidyan, Internal Auditor for the City of Delray Beach, provided her findings for the city's payroll processing audit (specifically paid time off) for October 1, 2020, through September 30, 2021. She said several findings pointed to specific weaknesses within the internal controls over payroll and paid leave processing that needs to be addressed.

The following reflects Dr. Davidyan's findings of the Paid Time Off Audit:

1. An overpayment of 240 hours of sick pay at separation/retirement.
2. Inconsistent accruals practice of PTO and other fringe benefits while on "Leave Without Pay."
3. An overpayment of \$2,537.60 of regular-pay past separation (the employee had passed away).
4. Inconsistent use of employee leave forms process.
5. Three instances identified underreporting of PTO hours.

6. Missing provision for repayment of taxable moving expenses upon early resignation.

Dr. Davidyan provided her observations and recommendations for the following:

Systems:

1. Consider the implementation of an alternative payroll system.
2. Suggested implementing a time and attendance system to eliminate the manual timesheets currently in place. If Police and Fire continue to use Telestaff, integration with proper interface with any new payroll system should be ensured.

Internal Controls:

The Finance Department should retrain payroll processing staff and revisit the following:

- Payout of accruals at separation/retirement, removal of accruals added by the system for "Leave without Pay" status, employee status change (from active to terminated).

Payroll Processing (Paid Time Off Audit)

- Annual review of employees with very low PTO hours taken (potential underreporting).
- Encourage employees in critical positions to take time -off for a number of consecutive days.
- Review of employees with high PTO hours being lost.
- Ensure mechanisms are in place to maintain the security of manual timesheets and employee leave forms that are to be retained after payroll is processed.
- Consider automating the Holiday Options hours tracking (Police Department.) as a separate pay code in the Tyler New World system.

Documentation of Policies and Procedures:

1. Formulate a robust policy and procedure manual for payroll processing.
2. Establish a policy or guidelines regarding recovery of funds paid out in error and adjustment of incorrect accruals. Include a provision for revisiting internal controls once a root-cause analysis has been conducted on mistakes identified.
3. Revisit the following policies: Section 7.6 *Leave of Absence Without Pay* (Military Leave) and Section 4.7 *Overtime Work*.
4. Establish a policy for taxable moving expenses (including guidelines and limits for the amount of the benefit).

5. Review and document the differences in the payroll entry process in Police and Fire, with a documented annual review of Telestaff configuration of the various types of hour codes.

Training:

1. Periodic training (at least annually) of the respective departments' payroll counterparts (Administrative Assistants) on the policies and procedures for payroll processing and any applicable forms or manual processes currently in place.
2. Consider implementing employee training for reiteration of accountability and responsibility for public funds. Staff should be encouraged to question past practices inconsistent with documented policies and procedures.

The Commission discussed Dr. Davidian's findings.

Deputy Vice Mayor Casale thanked Dr. Davidyan for her hard work. She expressed her concern that the city wasn't accountable to the taxpayers. Deputy Vice Mayor Casale emphasized that the Capital Improvement Plan should include a time and attendance program.

Mr. Moore reported that he had been working with the department directors and advised that a payroll manual would be in place within the coming weeks.

Commissioner Johnson said she favored implementing corrective procedures to help ensure that errors aren't repeated.

Deputy Vice Mayor Casale recommended the Commission take a look back after the corrective policies are in place.

Mr. Moore said that he would provide an update on the June 10th information letter after meeting with the various departments to discuss implementing new payroll procedures moving forward.

Commissioner Boylston expressed the importance of reconciling this matter.

Mayor Petrolia said that there must be better accountability when reporting payroll. She instructed Mr. Moore to prioritize the situation before the next fiscal year.

Dr. Davidyan reported that in addition to auditing a random sample of forty employees, she looked at specific pay codes in smaller pools of employees for sufficiency.

Mayor Petrolia inquired if there were any payout shortages for the forty employees she audited.

Dr. Davidyan clarified that there were inconsistencies with the leave forms but found no shortages.

Vice Mayor Frankel thanked Dr. Davidyan for her hard work.

4.D. SUPPORT CONSIDERATIONS FOR THE PALM BEACH COUNTY HAITIAN CARIBBEAN RESOURCE CENTER VIA THE VOLUNTEER ASSOCIATION FUND OF FLORIDA SPONSOR: COMMISSIONER RYAN BOYLSTON

Recommendation: Presentation.

Sponsors: Boylston

Attachments: Agenda Cover Report

Letter from Volunteer Association & Fund of Florida

Ms. Jennifer Jones, residing at 1740 Palm Cove Blvd, Delray Beach, is the Public Relations Director for the Volunteer Association & Fund of Florida. Ms. Jones thanked Commissioner Boylston for his continued support of the Haitian community. She stated that the organization's mission was to promote and advocate issues affecting the Haitian and Caribbean community in Delray Beach and throughout Palm Beach County. Ms. Jones asked the Commission to help find a permanent location in Delray Beach to conduct their meetings and events.

Commissioner Johnson suggested using the County facility at the Tri-Rail Station, where Senator Mack Bernard has his office. Ms. Jones thanked the Commission for their time.

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

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

None.

5. B. From the Public

Julie Mullen, of state resident, thanked the Commission for its consideration of Item No. 7. F.

Kelly DeVito, no address given, was present to thank the Commission for recognizing June 3rd as Nation Gun Violence Awareness Day.

Terrance Johnson, President of the Boys and Girls Club, discussed that the mission of the Boys and Girls Club was to empower the local youth with different activities and to engage them in the community.

Commissioner Johnson acknowledged that the Boys and Girls Club is the oldest non-profit organization in the city.

Jessica Straughn, residing at 699 Arbor Avenue, Delray Beach, asked the Commission to approve agenda Item No. 7. E.

Clarence Weatherspoon, residing at 34 NW 12th Avenue, Delray Beach, asked the Commission to approve agenda Item No. 7. E.

Ernestine Holiday, residing at 40 NW 9th Avenue, Delray Beach, asked the Commission to approve Item No. 7.E.

Kristyn Cox, residing at 204 Palm Trail, Delray Beach, stated that approval of Item No. 7.D. would not burden the city financially and help low-income residents remain in their homes or buy new affordable homes.

Sara Selznick, residing at 204 Palm Trail, Delray Beach, asked the Commission to approve the five-foot side setbacks allowing legacy homeowners to stay in their homes and help with gentrification.

Peter Arts, residing at 1746 Fern Forest Place, Delray Beach, asked for Commissioner Johnson's nomination so that he may continue serving on the Downtown Development Authority Board.

Montre Bennett, residing at 323 NW 2nd Avenue, Delray Beach, asked to have the broken light pole behind his home repaired.

Colleen Paul, residing at 2039 SW 12th Court, Delray Beach, requested the Commission to help find the Haitian Community a permanent location to hold their meetings.

Anne Pierre, residing at 563 Davis Road, Delray Beach, thanked Commissioner Boylston for his hard work helping the Haitian Community. She implored Commission Johnson to take action and secure a location for the Haitian community that makes up seventy percent of the voters in the city.

Zulmar Colson, residing at 2039 SW 12th Court, said that the Haitian Community made up one-third of the voters in the city and asked the Commission to help them secure a location for the Haitian Community to meet.

Clarise Cherilis, residing at 215 SE 9th Avenue, Delray Beach, said that having a location to meet would empower the Haitian and Caribbean Communities to provide resources and assistance to other Haitian families.

Chuck Ridley, residing at 210 NW 2nd Avenue, Delray Beach, spoke on behalf of the Collation and thanked the Commission for their hard work on Carver Square. He mentioned that the Commission had left out the Delray Beach Community Development Corporation, which accounts for seventy percent of families. He said the city needs to develop a strategy for families that cannot afford a home below thirty thousand dollars. Mr. Ridley read a self-prepared proclamation to honor his wife.

Emmanuel Guerrer, a retired Code Enforcement Officer, asked the Commission to consider allowing the Haitian Resource Center to meet at Veterans Park permanently.

Andrea Bruton, ****CONFIDENTIAL RECORD****, was present to ask the Commission to support Item No. 7. C.

Willie Potts, residing at 600 Lindell Blvd, Delray Beach, expressed concern that the Police Advisory Board only meets every three months.

Seeing no one else present for public comment, Vice Mayor Frankel closed public comments.

6. *CONSENT AGENDA: City Manager Recommends Approval*

Commissioner Johnson motioned to approve the agenda as amended. Deputy Vice Mayor Casale seconded the motion. The motion was carried by the following vote:

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

APPROVED

6.A. CITY COMMISSION MEETING MINUTES

Recommendation: Motion to approve meeting minutes as listed below:

Regular City Commission Meeting Minutes - January 11, 2022

Regular City Commission Meeting Minutes - February 8, 2022

Sponsors: City Clerk Department

Attachments: Agenda Cover Report

January 11, 2022 Regular Commission Meeting Minutes - Draft

February 8, 2022, Regular Commission Meeting Minutes -Draft

APPROVED

6.B. APPROVAL TO SUBMIT APPLICATION FOR STATE OF FLORIDA DIVISION OF HISTORICAL RESOURCES SMALL MATCHING GRANT (SMG) CYCLE.

Recommendation: Motion to approve an application for the State of Florida Division of Historical Resources Small Grant (SMG) Cycle.

Sponsors: Development Services Department

Attachments: Agenda Cover Report

APPROVED

6.C. RESOLUTION NO. 72-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH AMENDING RESOLUTION 79-18 BY ESTABLISHING SETTLEMENT AUTHORITY FOR BODILY INJURY CLAIMS FOR THE CITY'S RISK MANAGEMENT DIVISION IN THE AMOUNT OF \$15,000; PROVIDING A CONFLICTS CLAUSE, AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Recommendation: Motion to Approve Resolution 72-22.

Sponsors: City Attorney Department

Attachments: Agenda Cover Report

Resolution 72-22

Resolution 79-18

APPROVED

6.D. APPROVE THE RESTRICTIVE COVENANT MASTER AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND TRG DELRAY BEACH CONGRESS LLC

Recommendation: Motion to Approve the Restrictive Covenant Master Agreement Between

The City Of Delray Beach And TRG Delray Beach Congress LLC.

Sponsors: City Attorney Department

Attachments: Agenda Cover Report

Workforce housing agreement-signed by Owner

Deputy Vice Mayor Casale requested to pull Item 6.D. from the Consent Agenda for discussion. Item No. 6.D. became Item No. 7. A.A. on the Regular Agenda.

Deputy Vice Mayor Casale inquired if the city approved the percentage of units that were designated as Workforce and Affordable Housing apartments.

Ms. Bonnie Miskel Esq., located at 14 SE 4th Street, Boca Raton, confirmed that the number of apartments depended on the unit and the apartment size.

Deputy Vice Mayor Casale asked if the units could incorporate the added fees to help keep the costs down.

Ms. Gelin clarified that this item was part of a Special Activities District and was developer-approved by an Ordinance. She stated that the restricted covenant's purpose was to memorialize and enter it into the record.

Commissioner Boylston motioned to approve Item No. 6.D. Deputy Vice Mayor Casale seconded the motion. The motion was carried by the following vote:

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

APPROVED

6.E. RESOLUTION NO. 77-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA , OPPOSING SENATE BILL 620 IN THE 2022 LEGISLATIVE SESSION, URGING GOVERNOR RON DESANTIS TO VETO SENATE BILL 620 WHICH, IF ENACTED, WOULD ALLOW BUSINESS DAMAGES TO BE ASSESSED AGAINST COUNTIES AND MUNICIPALITIES IN CERTAIN COPY CIRCUMSTANCES; DIRECTING THE CITY CLERK TO TRANSMIT A CERTIFIED COPY OF THIS RESOLUTION TO GOVERNOR RON DESANTIS, THE FLORIDA LEAGUE CITIES, AND THE PALM BEACH COUNTY LEAGUE OF CITIES

PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Recommendation: Motion to approve Resolution 77-22.

Sponsors: City Attorney Department

Attachments: Agenda Cover Report

Res. No. 77-22-Opposing SB 620 FINAL

APPROVED

6.F. *PROPOSED OFFER OF SETTLEMENT IN THE CASE OF JAMES KEEGAN V. CITY OF DELRAY BEACH*

Recommendation: Motion to deny settlement in case of *James Keegan v. City of Delray Beach* for the reasons discussed in the confidential memorandum previously distributed to the City Commission.

Sponsors: City Attorney Department

Attachments: Agenda Cover Report

APPROVED

6.G. *RECEIVE ANNUAL FLOOD MITIGATION PLAN AND PROGRAM FOR PUBLIC INFORMATION (PPI) EVALUATION REPORT*

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

None

Sponsors: Public Works Department

Attachments: Agenda Cover Report

330 PPI Annual Evaluation Report 3-8-2022 to PPI Cmte for aprvl

510 FMP - Annual Progress Report on Flood Mitigation Projects 2022

Legal Review not needed

APPROVED

6.H. *ACCEPTANCE OF INTERNAL AUDIT REPORT: #22-01 Payroll Processing (Paid-Time Off)*

Recommendation: Motion to accept the report completed by the Internal Auditor, Julia Davidyan.

Attachments: Agenda Cover Report

22 01 Payroll Processing (Paid Time Off) Internal Audit Report

APPROVED

6.I. *PROCLAMATIONS:*

6.I.1. *PROCLAMATION: KIDS TO PARKS DAY*

Recommendation: Motion to proclaim May 21, 2022, as Kids to Parks Day.

Sponsors: Parks & Recreation Department

Attachments: Agenda Cover Report
Kids To Parks Day 2022

APPROVED

6.1.2. NATIONAL SAFE BOATING WEEK PROCLAMATION

Recommendation: Motion to proclaim the week of May 21 - 27, 2022 as National Safe Boating Week.

Sponsors: City Clerk Department

Attachments: Agenda Cover Report
National Safe Boating Week Proclamation

APPROVED

6.1.3. NATIONAL BEACH SAFETY WEEK

Recommendation: Motion to proclaim May 23-30, 2022 as National Beach Safety Week.

Sponsors: Fire Rescue Department

Attachments: Agenda Cover Report
National Beach Safety Week

APPROVED

6.1.4. PROCLAMATION: NATIONAL TENNIS MONTH

Recommendation: Motion to proclaim the month of May as National Tennis Month in the City of Delray Beach.

Sponsors: Parks & Recreation Department

Attachments: Agenda Cover Report
Proclamation Nat'l Tennis Month.2022

APPROVED

6.1.5. JEWISH AMERICAN HERITAGE MONTH PROCLAMATION

Recommendation: Motion to proclaim the month of May as Jewish American Heritage Month.

Sponsors: City Clerk Department

Attachments: Agenda Cover Report
Jewish American Heritage Proclamation

APPROVED

6.1.6. GUN VIOLENCE AWARENESS DAY PROCLAMATION

Recommendation: Motion to declare the first Friday in June to be National Gun Violence Awareness Day in the City of Delray Beach.

Sponsors: City Clerk Department

Attachments: Agenda Cover Report

National Gun Violence Awareness Day 2022

APPROVED

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

6.J.1. REPORT OF APPEALABLE LAND USE ITEMS FROM APRIL 11, THROUGH MAY 6, 2022.

Recommendation: By motion, receive and file this report.

Sponsors: Development Services Department

Attachments: Agenda Cover Report

Appealable Items Map

A - Jardin Del Mar

B - 1845 SW 4th Avenue

C - Enclave at Sherwood

D - 706 NE 2nd Avenue

APPROVED

6.K. AWARD OF BIDS AND CONTRACTS:

6.K.1 APPROVAL OF RESOLUTION NO. 52-22 TO AWARD A FIVE-YEAR AGREEMENT TO PFM FINANCIAL ADVISORS LLC FOR FINANCIAL ADVISORY SERVICES IN A NOT-TO-EXCEED AMOUNT OF \$115,000.

Recommendation: *Motion to approve Resolution No. 52-22 to award a five year Agreement*

PFM Financial Advisors LLC (PFM) for financial advisory services in the not to exceed amount of \$115,000 for services for the Agreement term and authorize the City Manager to execute renewals, in the amounts detailed below, contingent on the appropriation of funds.

Sponsors: Finance Department and Purchasing Department

Attachments: Agenda Cover Report

SEMINOLE PFM FINANCIAL ADVISORS, LLC EXECUTED AGREEMENT

PFM Financial Advisor LLC, Signed Agreement

RESOLUTION NO. 52-22

Legal Review Checklist PFM Financial Advisory

APPROVED

6.K.2 APPROVAL OF RESOLUTION NO. 53-22 TO AWARD AN AGREEMENT TO PFM ASSET MANAGEMENT, LLC. FOR INVESTMENT MANAGEMENT SERVICES UTILIZING THE CITY OF DORAL SOLICITATION NUMBER 2020-26 - \$340,000.

Recommendation: Motion to approve Resolution Number 53-22 to award a three-year

Agreement to PFM Asset Management, LLC for investment management services in a not to exceed amount of \$340,000 utilizing the

the city of Doral's solicitation number 2020-26 and authorizing the City Manager to execute renewals, in the amounts detailed below, contingent on the appropriation of funds.

Sponsors: Finance Department and Purchasing Department

Attachments: Agenda Cover Report

Doral 2021-05-14 Agreement for Investment Management Services executed

PFM Asset Management LLC Signed Agreement

RESOLUTION NO. 53-22

Legal Review Checklist PFM Asset Management 2022

APPROVED

6.K.3 APPROVAL OF RESOLUTION NO. 67-22 TO AWARD AN AGREEMENT TO THOMPSON CONSULTING SERVICES, LLC. FOR EMERGENCY DEBRIS REMOVAL MONITORING SERVICES - \$288,150.

Recommendation: Motion to approve Resolution No. 67-22 to AWARD AN Agreement to Thompson Consulting Services, LLC for emergency debris removal monitoring services in the estimated annual amount of \$288,150. and authorize the City Manager to exercise renewal options, in the amounts below, contingent upon the appropriation of funds.

Sponsors: Public Works Department and Purchasing Department

Attachments: Agenda Cover Report

Advertised Bid RFP No. 2022-013

Thompson Consulting Services Proposal

Excel Tabulation for Bid RFP No. 2022-013 JDM

City of Delray Agreement

Exhibit A - Scope of Services

Exhibit B - Pricing Schedule

Res 67-22 Thompson Consulting Services Emergency Debris Removal Monitoring

Legal Review Checklist RFP 2022-013 Emergency Debris Removal Monitoring - Thompson

Consulting Services LLC

APPROVED

6.K.4 APPROVAL OF RESOLUTION NO. 68-22 TO AWARD AN AGREEMENT TO CJ CONTRACTING, LLC, FOR ROOF MAINTENANCE AND REPAIR SERVICES, - \$750,000.

Recommendation: Motion to approve Resolution No. 68-22 to AWARD AN Agreement to CJ Contracting, LLC for roof maintenance and repair services in the estimated amount \$750,000, and authorize the City Manager to exercise renewal options, in the amounts below, contingent upon the appropriation of funds.

Sponsors: Public Works Department and Purchasing Department

Attachments: Agenda Cover Report
Advertised Bid 2022-021 Roof Maintenance and Repair
Tabulation Report for Roof Repair
Tabulation Packet for CJ Contracting
Roof Maintenance and Repair Services contract ITB 2022-021 Signed
Res 68-22 CJ Contracting LLC Roof Repair
Legal Review Checklist CJ Contracting LLC roof repair and maintenance

APPROVED

6.K.5 APPROVAL OF RESOLUTION NO. 70-22 TO AWARD AN AGREEMENT WITH RELATION INSURANCE SERVICES OF FLORIDA, INC. FOR PROPERTY AND CASUALTY INSURANCE BROKER SERVICES PURSUANT TO REQUEST FOR PROPOSALS NO. 2022-006 FOR THE HUMAN RESOURCES RISK MANAGEMENT DIVISION - \$132,000 FOR THE INITIAL THREE-YEAR TERM (\$44,000 PER YEAR)

Recommendation: Motion to Approve Resolution No. 70-22 to award an Agreement with

Relation Insurance Services of Florida, Inc. Property and Casualty Insurance Broker Services for the Human Resources Risk Management Division pursuant to Request for Proposals (RFP) No. 2022-006 in the estimated initial three (3) year amount of \$132,000 (\$44,000 per year) and authorize the City Manager to exercise any and all renewal options in amounts below contingent upon appropriation of funds.

Sponsors: Human Resources Department and Purchasing Department

Attachments: Agenda Cover Report
Legal Review Checklist Relation Insurance Services
RESOLUTION NO. 70-22
RFP 2022-006 Relation Insurance Services of Florida Inc. Agreement - Vendor Executed

APPROVED

7. REGULAR AGENDA:

7.A. RECOMMENDATION FOR APPOINTMENT TO THE DELRAY BEACH HOUSING AUTHORITY BOARD

Recommendation: Motion to recommend for appointment three (3) regular members to serve on the Delray Beach Housing Authority Board for a four (4) year term ending July 14, 2026.

Sponsors: City Clerk Department

Attachments: Agenda Cover Report
Exhibit A
Delray Beach Housing Authority
DBHA Attendance Record 2022
Buckley
Charles
Cortez

Gomez

Metcalf

Torres

Commissioner Johnson motioned to nominate Ms. Christina Buckley to the Delray Beach Housing Authority Board for a four (4) year term ending July 14, 2026. Commissioner Boylston seconded the motion. The motion was carried by the following vote:

YES: 4 Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Boylston, Commissioner Johnson

NO: 1 Mayor Petrolia

APPROVED

Mayor Petrolia motioned to nominate Mr. Ivan Gomez to the Delray Beach Housing Authority Board for a four (4) year term ending July 14, 2026. Commissioner Boylston seconded the motion. The motion was carried by the following vote:

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

APPROVED

Vice Mayor Frankel motioned to nominate Mr. Marcus Metcalf to the Delray Beach Housing Authority Board for a four (4) year term ending July 14, 2026. Deputy Vice Mayor Casale seconded the motion. The motion carried by the following vote:

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

APPROVED

7.B. NOMINATION FOR APPOINTMENT TO THE DOWNTOWN DEVELOPMENT AUTHORITY BOARD

Recommendation: Motion to approve the nomination for an appointment for one (1) regular member to serve on the Downtown Development Authority Board for a three (3) year term ending July 01, 2025.

Sponsors: City Clerk Department

Attachments: Agenda Cover Report

Exhibit A

Downtown Development Authority

DDA Boundary Map Highlight

DDA Board Attendance 2021-2022

Arts

Catania

Clark

Cohen, S

Kaulina-Feldmanis

Michel

Rindos

Van Arnem

Woodson

Zirilli

Commissioner Johnson motioned to nominate Ms. Vera Woodson to the Downtown Development Authority Board for a three (3) year term ending July 01, 2025. Mayor Petrolia seconded the motion. The motion was carried by the following vote:

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

APPROVED

7.C. STATE HOUSING INITIATIVES PARTNERSHIP LOCAL HOUSING ASSISTANCE PLAN (LHAP) FY2022-2025

Recommendation: Motion to authorize and approve the Local Housing Assistance Plan (LHAP) for Fiscal Years 2022-2025, by adopting Resolution # 61-22, pursuant to Title 67-37 of the Florida Administrative Code.

Sponsors: Neighborhood & Community Services

Attachments: Agenda Cover Report
Simple Legal Review Approval Resolution 61-22
Delray2022-2025 FINAL
2022 Exhibit A Administrative Budget
2022 Exhibit B Timeline
2022 Exhibit C Housing Delivery Goals
2022 Exhibit D Certification
Exhibit E Resolution 61-22
Exhibit H Subordination Policy

Mr. Sammie Walthour, Director of Neighborhood and Community Services, clarified that the Local Housing Assistance Program (LHAP) was directly connected to the State Housing Initiatives Program (SHIP) funding the department receives. He advised that the State has no governing control over the city's Workforce Housing under Ordinance No. 2-93.

Ms. Ferline Mesidort, Division Administrator of the Neighborhood and Community Services, engaged in a discussion with Deputy Vice Mayor Casale, who expressed her concern that the

plan modification to the lien term limits would take the homes out of long-term affordability for the subsequent buyers. Ms. Mesidort advised that the Commission nominated several community members who conducted a program comparison study in the summer of 2021 in Palm Beach County and throughout the tri-county area on their strategies, lien terms, and the provisions they offer. The survey found that the city was at the higher end of the spectrum and that to line up with the other cities, the committee recommended modifying the terms of the loans.

Commissioner Johnson said she would have liked the Commission to discuss this matter before submittal to the State.

Ms. Gelin recommend this item be placed on the Regular Agenda in the future.

Mayor Petrolia expressed her concern that the homes aren't insured and would cost the taxpayers money for repairs.

Ms. Mesidort verified that the city employs two housing inspectors as part of the Neighborhood Services Division Team, who inspect the properties once the applicant is approved. Ms. Mesidort advised the Land Development Regulations (LDR) state that repairs cannot exceed more than fifty percent of the home's value. She summarized that if a house incurs structural damage, the city would address the issues.

Commissioner Boylston motioned to approve Resolution No. 61-22. Deputy Vice Mayor Casale seconded the motion. The motion was carried by the following vote:

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

APPROVED

7.D. DISCUSSION OF REVOCABLE LICENSE AGREEMENT/ TRIPLE THREAT DBA AMERICAN ACADEMY

Recommendation: Motion to approve the Agreement between the City of Delray Beach (City) and Triple Threat DBA American Academy

Sponsors: Neighborhood & Community Services

Attachments: Agenda Cover Report

AALC Brochure DBNRC 42022

Revocable License Agreement - Triple Threat DBA American Academy Commission 10422

Mr. Mark Resume, Director of the American Academy, discussed the numerous developmental programs and activities that his Non-Profit Organization (American Academy Learning Center) provides to the local youth. He asked the Commission to continue allowing him to run his program from the Neighborhood Resource Center (NRC).

Commissioner Johnson expressed her concern that the Neighborhood Resource Center wasn't designed for Mr. Resume's programs.

Mr. Samuel Metott, Parks and Recreation Director, advised that Mr. Resume's program meets the Department of Children and Family Services requirements.

Ms. Gelin agreed that Mr. Resume's program could pose a liability to the city when held at the Neighborhood Resource Center.

Mayor Petrolia communicated her concern that the program was not adequately vetted.

Ms. Gelin reminded the Commission that this item had come before them as a Consent Agenda item and remarked that a presentation should have accompanied it. She suggested deferring this item until the next City Commission meeting.

Mayor Petrolia added that this item was approved as a retro agreement and wasn't seen by the Commission.

Deputy Vice Mayor Casale suggested that Mr. Resume sign a release of liability.

Deputy Vice Mayor Casale motioned to defer this item until the next City Commission Meeting with an assurance that there is safety for the children or find another location. Commissioner Boylston second the motion. The motion was carried by the following vote:

YES: 4 Mayor Petrolia, Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Boylston,

NO: 1 Commissioner Johnson

ITEM No7. D. WAS DIFFERED UNTIL THE NEXT CITY COMMISSION ON JUNE 7, 2022.

7.E. DISCUSSION REGARDING ALLOWING THE USE OF SMALLER SIDE SETBACKS ON SINGLE-FAMILY LOTS FOR THE PROVISION OF WORKFORCE HOUSING BY OTHER AGENCIES

Recommendation: Provide Direction.

Sponsors: Development Services Department

Attachments: Agenda Cover Report

Ms. Anthea Gianniotis, Development Services Director, stated that she was seeking direction from the Commission to allow smaller side setbacks on single-family lots to provide Workforce Housing by other agencies. Ms. Gianniotis provided the following questions for the Commissioners consideration:

Direction Requested:

1. If the lot is 50' wide and not limited to Workforce Housing (WFH) development, can 5' side setbacks (instead of 7.5') be allowed for WFH in the City ?
2. If the 50' side setbacks are allowed, can the County's covenant be used ?

Considerations:

1. 2.5' of setbacks on either side is all the City is contributing to achieving WFH of the lot
2. Market rate development in Sherwood is 50' lots with 40' wide houses

Ms. Gianniotas mentioned that if it was the will of the Commission, they could only approve the *Thrive Affordable* units being built.

Commissioner Boylston motioned to approve.

Mayor Petrolia suggested the city's homes remain at the forty-year term and allow the County to build houses at their fifteen-year period..

Commissioner Johnson expressed her concern that the County would dictate what the City Builds.

Commissioner Boylston motioned to approve Item No. 7.E. Deputy Vice Mayor Casale seconded the motion for discussion to approve a reduced side setback for a single-family homes that comes before the city promoting a WFH programs other than the city's The motion was carried by the following vote:

YES: 2 Vice Mayor Frankel, Commissioner Boylston

NO : 3 Mayor Petrolia, Deputy Vice Mayor Casale, Commissioner Johnson

ITEM 7.E. FAILED BY a 3-2 vote

7.F. APPROVE THE REQUEST FROM THE DELRAY BEACH PUBLIC LIBRARY ASSOCIATION, INC. TO SUBLET 900 SQUARE FEET OF SPACE AT 100 WEST ATLANTIC AVENUE TO THE BUZZ AGENCY.

Recommendation: Approve THE request from the Delray Beach Public Library Association, Inc. to sublet 900 square feet of space at 100 West Atlantic Avenue to the Buzz Agency under the Lease Agreement between the Delray BEACH Library Association, Inc. and the City of Delray Beach.

Sponsors: City Manager Department

Attachments:

Library 2005 Business Lease for 99 years

Delray Beach Library Association Amendment No. 1 to the Lease Agreement

Overview of Tenant for Library Building

revised letter to Mayor and Commissioners to request sublease for Buzz Agency

02852- Delray Library Sublease with The Buzz Agency

Deputy Vice Mayor Casale motioned to approve Item No. 7.F. Commissioner Boylston seconded the motion. The motion was carried by the following vote:

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

APPROVED

8. PUBLIC HEARINGS/SECOND READINGS:

8.A. ORDINANCE NO. 09-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING APPROXIMATELY 0.183 ACRES OF LAND PRESENTLY ZONED SINGLE FAMILY RESIDENTIAL (R1) DISTRICT TO COMMUNITY FACILITIES (CF) DISTRICT FOR A PARCEL LOCATED AT 620 LAKE IDA ROAD, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE "CITY OF DELRAY BEACH, ZONING MAP, JULY 6, 2021"; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE ; AND FOR OTHER PURPOSES. (FIRST READING/PUBLIC HEARING)

Recommendation: Review and consider Ordinance No. 09-22, a privately initiated request for a rezoning of the +/- 0.183-acre property located at 620 Lake Ida Road for rezone the property from Single Family Residential (R-1-A) to Community Facilities (CF).

Sponsors: Development Services Department

Attachments: Agenda Cover Report

620 Lake Ida Rd - Ordinance No. 09-22

620 Lake Ida Road - PZB Report

620 Lake Ida Road - Existing and Proposed Zoning

620 Lake Ida Road - Applicant Justification Statement

620 Lake Ida Road - Traffic Statement Letter

Simple Legal Review Approval Ordinance 09-22

Ms. Gelin read Ordinance No. 09-22 into the record.

Vice Mayor Frankel opened the floor to public comments on Ordinance No. 09-22.

Seeing no one present, public comments were closed.

Mayor Petrolia motioned to approve Ordinance No. 09-22. Commissioner Boylston seconded the motion. The motion was carried by the following vote:

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

APPROVED ON FIRST READING

8.B. *ORDINANCE NO. 10-22: 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, CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.7, "FAMILY/WORKFORCE HOUSING;" AMENDING SECTION 4.7.5, "DENSITY BONUS PROGRAMS," TO UPDATE CROSS-REFERENCES; AMENDING SECTION 4.7.6, "RENTAL HOUSING UNITS," MODIFYING THE PERMISSIBLE MAXIMUM RENT FOR EACH INCOME CATEGORY; AMENDING SECTION 4.7.7, "FOR SALE HOUSING UNITS," TO ALIGN THE MAXIMUM SALES PRICE REQUIREMENTS WITH STATE STANDARDS; AMENDING SECTION 4.7.8, "RESALE AND SUBSEQUENT RENTALS OF AFFORDABLE UNITS," MODIFYING THE PERMISSIBLE CONVEYANCE OF PROPERTIES WITH RESTRICTIVE COVENANTS; AMENDING SECTION 4.7.11, "DENSITY BONUS TABLES," DELETING THE SECTION IN ITS ENTIRETY, AND RENUMBERING SECTION 4.7.12, "OTHER INCENTIVES," TO REFLECT THE DELETION OF SECTION 4.7.11; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (SECOND READING)*

Recommendation: Review and consider Ordinance No. 10-22, a City-initiated amendment to Article 4.7, "Family/Workforce Housing" of the Land Development Regulations (LDR), amending Section 4.7.1, "Definitions," Section 4.7.6, "Rental housing units", Section 4.7.7, "For sale housing units", and Section 4.7.8, "Resale and subsequent rentals of affordable units"; deleting Section 4.7.11, "Density Bonus Tables"; and renumbering Section 4.7.12, "Other incentives," to reflect the deletion of Section

4.7.11.

Sponsors: Development Services Department

Attachments: Agenda Cover Report

Family/Workforce Housing LDR: Ordinance No. 10-22

Family/Workforce Housing LDR: PZB Staff Report

Family/Workforce Housing LDR: Always Delray Map DIA-7

Legal Review, Ordinance No. 10-22

Ms. Gelin read Ordinance No. 10-22 into the record.

Vice Mayor Frankel opened the floor to public comments on Ordinance No. 10-22.

Seeing no one present, public comments were closed.

Deputy Vice Mayor Casale motioned to approve Ordinance No. 10-22. Commissioner Johnson seconded the motion. The motion was carried by the following vote:

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

APPROVED ON SECOND READING

8.C. ORDINANCE NO. 17-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING TITLE 5, "PUBLIC WORKS," CHAPTER 52, "WATER," SUBHEADING "RATES, CHARGES, AND FEES," SECTION 52.34, "WATER RATES," SUBSECTION (B), "MONTHLY RATES," INCREASING THE RATES FOR WATER FURNISHED BY THE CITY; AMENDING CHAPTER 53, "SANITARY SEWERS," SUBHEADING "USER CHARGE AND INDUSTRIAL COST RECOVERY SYSTEM," SECTION 53.130, "USER CHARGES; WHOLESALE SEWER RATES; CALCULATION OF SEWER SURCHARGE," SUBSECTION (D), "[RATES AND CHARGES.]," INCREASING THE SANITARY SEWER SERVICE CHARGES; AMENDING CHAPTER 59, "RECLAIMED WATER," SECTION 59.09, "FEES, RATES, AND CHARGES," TO REFERENCE THE COMMODITY CHARGES IN SECTION 52.34, "WATER RATES;" PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (SECOND READING)

Recommendation: Review and consider Ordinance No. 17-22, pertaining to Title 5, "Public Works," Chapter 52, "Water," Subheading "Rates, Charges, and Fees," Section 52.34, "Water Rates," Subsection (B), "Monthly Rates," of the Code of Ordinances of the City of Delray Beach, Florida.

Sponsors: Finance Department

Attachments: Agenda Cover Report

Ordinance 17-22 FINAL

Legal Review Ord 17-22

Commission Presentation - 2022-03-08 - v1 (002)

Ms. Gelin read Ordinance No. 17-22 into the record.

Mr. Hugh Dunkley, Finance Director, discussed the findings of the Willdan Financial Consultants that conducted a rate study analysis of the city's water and sewer rates. The study concluded that the current water and sewer rates would be insufficient to cover the system's routine operation and maintenance expenses, annual debt service, and other capital-related needs. Mr. Dunkley explained that the rate adjustment would align the city with other municipalities and prevent it from depleting its cash reserves. He reminded the Commission on March 8th, Willdan Financial Consultants presented the Commission with three options, and they voted on "Option B", which would raise the average household from \$57.85 to \$60.93. He said that this increase would enable the city to have a cash reserve of three hundred days.

Vice Mayor Frankel opened the floor to public comments on Ordinance No. 17-22.

Ms. Sandra Weatherspoon, residing at 34 NW 12th Avenue, Delray Beach, was present to represent the SET Neighborhood Alliance, Community Coordinator. She reported that the water rate increases pose a hardship to the residents of her community.

Ms. Weatherspoon shared her concerns about the resident's rate increase. Ms. Weatherspoon suggested that city leaders and organizations collaborate with the SET neighborhood on the impact of the rise in water and sewer costs will mean to their community.

Mr. David Harden, residing at 1395 NW 22nd Avenue, Delray Beach, suggested having a water increase over the next three years instead of three increases over eighteen months. Mr. Harden acknowledged that there hadn't been a water rate increase since 2009.

Seeing no one else present, public comments were closed.

Mr. Dunkley addressed the comments and explained how the rate structure was calculated.

Mr. Hassan Hadjimiry, Utilities Director, advised that the city's water rate was one of the lowest in the state. He said the city had needed a new water treatment plant for the past twenty years. Mr. Hadjimiry stated that building the water treatment plant is a four-year project and would hopefully be constructed by 2026.

Mayor Petrolia motioned to reschedule to a date certain to include rate increases throughout the years as backup. Deputy Vice Mayor Casale seconded the motion for discussion.

Vice Mayor Frankel thanked Mr. Harden for sharing his thoughts.

Commissioner Boylston assured everyone that the Commission would seek funding from every level.

Commissioner Johnson acknowledged that a new water plant was long overdue. She recommend appointing a SET community liaison to partner with Mr. Hadjimiry for better communication.

Deputy Vice Mayor Casale said she favored having an actual presentation.

Mr. Moore recommended June 7th, 2022 to revisit Ordinance No. 17-22.

Ms. Johnson called the roll. The motion to postpone Ordinance No. 17-22 until June 7th was carried by the following vote:

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

APPROVED ON SECOND READING

9. FIRST READINGS:

9.A. ORDINANCE NO. 11-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING TITLE 5, "PUBLIC WORKS," CHAPTER 52, "WATER," BY ENACTING A NEW SECTION 52.07, "LANDSCAPE IRRIGATION," TO IMPLEMENT THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT MANDATORY YEAR-ROUND LANDSCAPE IRRIGATION CONSERVATION MEASURES RULE, ESTABLISH A LANDSCAPE IRRIGATION SCHEDULE AND EXCEPTIONS THERETO, REQUIRE

IRRIGATION SYSTEMS TO UTILIZE TECHNOLOGY THAT INHIBITS OR WATERING DURING PERIODS OF SUFFICIENT MOISTURE, PROVIDE FOR VARIANCES FROM THE LANDSCAPE IRRIGATION SCHEDULE, AND PROVIDE FOR ENFORCEMENT OF THIS ORDINANCE; AMENDING SECTION 52.99, "PENALTY," TO ESTABLISH PENALTIES FOR VIOLATIONS OF THIS ORDINANCE "PENALTY," TO CRIMINAL SANCTIONS BUT INCREASE THE FINANCIAL PENALTY FOR VIOLATIONS OF SECTIONS 52.65 THROUGH 52.70, WHICH PLACE RESTRICTIONS ON WATER USE DURING WATER SHORTAGE EMERGENCIES, AND INCREASE THE FINANCIAL PENALTY FOR VIOLATIONS OF SECTIONS 52.80 THROUGH 52.85, REQUIRING THE INSTALLATION AND MAINTENANCE OF BACKFLOW PREVENTION DEVICES; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

Sponsors: Utilities Department

Attachments: Agenda Cover Report

Ord 11-22 Irrigation Ord.docx

Legal Review Ord 11-22 Irrigation.docx

Ms. Gelin read Ordinance No.11-22 into the record. Deputy Vice Mayor Casale motioned to approve Ordinance No. 11-22. Mayor Petrolia seconded the motion for discussion.

Mayor Petrolia suggested amending the language to Ordinance No. 11-22 authorizing the City Manager or designee to make changes.

Mr. Moore said that he would collaborate with city staff.

Ms. Johnson called the roll. The motion was carried by the following vote:

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

APPROVED ON FIRST READING

9.B. *ORDINANCE NO. 13-22: AN ORDINANCE OF THE CITY COMMISSION OF THE OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT REDESIGNATING SEVEN PARCELS OF LAND, MEASURING APPROXIMATELY 1.38 ACRES, GENERALLY LOCATED SOUTH OF LAKE IDA ROAD, NORTH OF NORTHWEST 4TH STREET, EAST OF NORTHWEST 8TH AVENUE, AND WEST OF NORTHWEST 6TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM COMMUNITY FACILITIES (CF) TO LOW DENSITY (LD), PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT," FLORIDA STATUTES SECTION 163.3187; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)*

Recommendation: Consider Ordinance No. 13-22, a City-initiated Land Use Map

Amendment (LUMA) from Community Facilities (CF) to Low Density (LD) land use to correct a data conversion error on seven parcels totaling 1.38 acres currently addressed as 620, 704, 706, and 710 Lake Ida Road, and 655, 701, and 709 NW 4th Street.

Sponsors: Development Services Department

Attachments: Agenda Cover Report

Ordinance No. 13-22: 620 Lake Ida Rd et al

Ordinance No. 13-22: PZB Staff Report, LUMA, 620 Lake Ida Rd et al

Ordinance No. 13-22: Proposed Land Use Map

Legal Review: Ordinance No. 13-22

Ms. Gelin read Ordinance No. 13-22 into the record. Commissioner Boylston motioned to approve Ordinance No. 13-22. Deputy Vice Mayor Casale seconded the motion. The motion was carried by the following vote:

YES: 4 Mayor Petrolia, Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Boylston

Commissioner Johnson recused herself.

APPROVED ON FIRST READING

9.C. ORDINANCE NO. 14-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT RE-DESIGNATING A PARCEL OF LAND MEASURING APPROXIMATELY 0.18 ACRES, LOCATED GENERALLY EAST OF NORTH FEDERAL HIGHWAY AND SOUTH OF NORTH LAKE AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM MEDIUM DENSITY TO GENERAL COMMERCIAL, PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT," FLORIDA STATUTES SECTION 163.3187; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE ; AND FOR OTHER PURPOSE (FIRST READING).

Recommendation: Review and consider Ordinance No. 14-22, a City-initiated Land Use Map Amendment (LUMA) from Medium Density Residential (MD) to General Commercial (GC) land use to correct a data conversion error on a Parcel totaling 0.18 acres currently addressed as 716 N Lake Ave.

Sponsors: Development Services Department

Attachments: Agenda Cover Report

Ordinance 14-22 (716 N. Lake Ave) WMB 2022 04 15

PZB Staff Report (716 N. Lake Ave)

Legal Review (716 N. Lake Ave)

Ms. Gelin read Ordinance No. 14-22 into the record. Deputy Vice Mayor Casale motioned to approve Ordinance No. 14-22. Commissioner Boylston seconded the motion. The motion was carried by the following vote:

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

APPROVED ON FIRST READING

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

- Nothing more to report.

B. City Attorney

- Ms. Gelin requested direction from the Commission allowing a policy change to the local rules, not to allow a lower Board Member to participate telephonically. There was a consensus to enable Ms. Gelin to create a policy change.

C. City Commission

Mayor Petrolia:

- Asked for a consensus to allow Ms. Gelin to look into the predatory parking practices. There was a consensus giving Ms. Gelin permission to look into this.

Commissioner Boylston:

- Requested the Commission to continue looking into a permanent facility for the Haitian Community Center to meet in.
- Asked Mr. Moore's permission to allow the Affordable Housing Committee to meet monthly. Mr. Moore provided his authorization for the Affordable Housing Committee to meet monthly.

Deputy Vice Mayor Casale:

- Nothing to report.

Commissioner Johnson:

- Apologized for her suggestion to ask the Cultural Center for assistance.

Vice Mayor Boylston:

- Thanked everyone for their participation in the Goal Setting along with Dorothy Ellington.
- Acknowledged the poor conditions of the Fire Houses.

11. ADJOURNMENT

There being no further business to discuss, Vice Mayor Frankel adjourned the Regular City Commission Meeting at 7:58 p.m.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

| | | | |
|--|--------|--|---|
| LAST NAME—FIRST NAME—MIDDLE NAME Johnson Shirley Ervin | | NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE City of Delray Beach City Commission | |
| MAILING ADDRESS 100 NW 1st Avenue | | THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: | |
| CITY Delray Beach, Palm Beach County | COUNTY | <input checked="" type="checkbox"/> CITY | <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY |
| DATE ON WHICH VOTE OCCURRED May 17, 2022 | | NAME OF POLITICAL SUBDIVISION: City of Delray Beach | |
| | | MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE | |

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Shirley Ervin Johnson, hereby disclose that on May 17, 20 22 :

(a) A measure came or will come before my agency which (check one or more)



inured to my special private gain or loss;



inured to the special gain or loss of my business associate, _____ ;



inured to the special gain or loss of my relative, Arnold Johnson ;



inured to the special gain or loss of _____, by
whom I am retained; or



inured to the special gain or loss of _____, which
is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

City staff initiated an ordinance (Ordinance 13-22) correcting the City's Land Use Map for a portion of the City that includes my residence. The amendment changed the designation of my home (and 6 other parcels) from Community Facilities to Low Density, single family residential, which is the correct designation. The error occurred when the City converted its data from the AutoCAD system to the Geographic Information Systems (GIS) program. This was a scrivener's error that the Ordinance sought to correct.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

May 23, 2022

Date Filed


Shirley Ervin Johnson

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.


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 May 17, 2022 City Commission Regular Meeting held on May 17, 2022, which minutes were formally approved and adopted by the City on November 15, 2022.


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.