

# City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

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[www.mydelraybeach.com](http://www.mydelraybeach.com)



## Minutes - Final

**Monday, September 19, 2022**

**4:00 PM**

**2nd Budget Public Hearing/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](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*



## City of Delray Beach

### Minutes

### City Commission

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#### 1. ROLL CALL

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

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

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

Others present were:

Terrence Moore, City Manager  
Lynn Gelin, City Attorney

#### 2. PLEDGE OF ALLEGIANCE TO THE FLAG

#### 3. AGENDA APPROVAL

##### 3.A. Additions, Deletions, Substitutions

Deputy Vice Mayor Casale requested 6.T.1. (F.307 NE 5<sup>th</sup> Avenue) be pulled for discussion. It became 7.A.A. on the regular agenda. She requested 6.U.2. be pulled. It became 7.B.B. on the regular agenda. She requested 6.U.3. be pulled. It became 7.C.C. on the regular agenda.

Commissioner Shirley Ervin Johnson requested to table 4.C. but retracted her request after further clarification. She requested to pull 6.K. for discussion. It became 7.D.D. on the regular agenda.

Mayor Petrolia requested to pull 6.N. for discussion. It came 7.E.E. on the regular agenda.

## 2<sup>nd</sup> Budget Public Hearing / Regular Meeting at 4:00 PM

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. 22-1172 *PRESENTING RODNEY NEWTON, UTILITIES SUPERVISOR, WITH EMPLOYEE OF THE MONTH FOR AUGUST 2022.*

**Recommendation:** Motion to present Rodney Newton, Utilities Supervisor, with Employee of the Month for August 2022.

**Sponsors:** Human Resources Department

**Attachments:** [Agenda Cover Report](#)  
[Rodney Newton EOM Nomination form](#)

Ms. LaShay King, Human Resources Generalist, recognized Rodney Newton with Employee of the Month for August 2022. Mr. Hassan Hadjimiry, Utilities Director, further recognized Mr. Newton. Ms. King presented Mr. Newton with a plaque and a certificate for 8 hours off with pay.

### 4.B. 22-1258 *PRESENTATION: RECOGNIZING THE DELRAY TRACK CLUB'S 2022 OUTSTANDING SEASON ACHIEVEMENTS*

**Recommendation:** Motion to present Parks & Recreation and Public Works with Team of the Month for July 2022.

**Sponsors:** Parks & Recreation Department

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

Mr. Sam Metott, Director of Parks & Recreation introduced Mr. Prentice Mobley, Recreation Supervisor. Mr. Mobley highlighted the achievements of the Delray Track Club's 2022 Season. The team took a picture with City Commission.

### 4.C. 22-1132 *EDUCATION PRESENTATION*

**Recommendation:** Presentation regarding Education in Delray Beach.

**Sponsors:** City Manager Department

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

Ms. Janet Meeks, Education Coordinator, summarized the findings from the requested Needs Assessment. She introduced Mr. James Gravalos who provided an update on the Wi-Fi extenders, which were purchased with grant funding from the City. Mayor Petrolia and the Commission thanked Ms. Meeks for her service.

Mr. Terrence Moore, City Manager, introduced the new Education and Workforce Coordinator, Cheryl

## **2<sup>nd</sup> Budget Public Hearing / Regular Meeting at 4:00 PM**

Young-Moffett. Ms. Young-Moffett introduced herself and shared her background.

### **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**

Mr. Moore had no comments.

#### **5.B. From the Public**

**Patty Hamburg**, Delray Beach, expressed concern about the traffic flow at Spady Elementary School.

**Beth Dellinger**, 104 West Beverly Road, Jupiter, encouraged the Commission to pass the Low-Income Senior Citizens Municipal Pax Amendment. She described the amendment and next steps.

**Sandy Zeller**, 209 NW 12<sup>th</sup> Street, Delray Beach, spoke on the Capital Improvement and funding for Atlantic Dunes Park. He spoke about the removal of the Australia Pines. He referenced a letter he sent to the City Commission.

**Gail Clark**, 120 NE 7<sup>th</sup> Avenue, Delray Beach, expressed concern about the removal of the Australian Pines in Atlantic Dunes Park. She shared additional information about the purpose of the Australian Pines.

**Montre Bennett**, 323 NW 2<sup>nd</sup> Avenue, Delray Beach, invited the Commission to the holistic wellness circle and thanked Mr. Moore.

**Eric Sidell**, 807 NE 1<sup>st</sup> Street, Delray Beach, spoke about the construction on Atlantic Crossing and deteriorating road conditions.

**Paul Ludwig**, 920 Dogwood Drive, Delray Beach, spoke about Australian Pines at Atlantic Dunes Park. He referenced a petition he sent the Commission.

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

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

Commissioner Boylston motioned to approve the Consent 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**

## 2<sup>nd</sup> Budget Public Hearing / Regular Meeting at 4:00 PM

### 6.A. 22-1270 CITY COMMISSION MEETING MINUTES

**Recommendation:** Motion to approve meeting minutes as listed below:  
May 3, 2022 Regular Commission Meeting

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[May 3, 2022 Regular Commission Meeting Minutes - Draft](#)

APPROVED

### 6.B. 22-1223 *RESOLUTION NO. 148-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION AND MAINTENANCE OF PEDESTRIAN LIGHTING IN FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AMENDMENTS AND TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THIS AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.*

**Recommendation:** Motion to review and consider Resolution No. 148-22 approving a Maintenance Memorandum of Agreement (MMOA) with the Florida Department of Transportation (FDOT) for the installation and maintenance of pedestrian lighting.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Res 148-20 FDOT Maintenance Memo Agreement Pedestrian Lighting Atlantic Crossings](#)  
[MOA PEDESTRIAN LIGHTING 93020001 SR 806 SR 5 DELRAY BEACH PALM BEACH Compressed](#)  
[12084-ES1.1 REV10 04-29-21](#)  
[Legal Review MMOA with FDOT re pedestrian lighting for Atlantic Crossing Project](#)

APPROVED

### 6.C. 22-1153 *CERTIFICATION OF THE FINAL PLAT "1236 GEORGE BUSH BOULEVARD" A REPLAT OF A PORTION OF LOTS 28 AND 29, MODEL LAND COMPANY AS RECORDED IN PLAT BOOK 8, PAGE 40 ASSOCIATED WITH THE CREATION OF SIX FEE SIMPLE TOWNHOME LOTS.*

**Recommendation:** Consider the major subdivision plat for the property located at 1236 George Bush Boulevard.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[PZB Report, 1236 George Bush Blvd.](#)

**2<sup>nd</sup> Budget Public Hearing / Regular Meeting at 4:00 PM**

[2022.06.13 - 1236 George Bush Blvd - Plat V8](#)

**APPROVED**

- 6.D. 22-1318** *APPROVAL OF INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE TOWN OF GULF STREAM TO TRANSITION BUILDING AND RELATED PERMITTING AND INSPECTION SERVICES*

**Recommendation:** Motion to Approve of Interlocal Agreement Between the City of Delray Beach and the Town of Gulf Stream to Transition Building and Related Permitting and Inspection Services.

**Sponsors:** City Attorney Department

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

[Interlocal Agreement -- Building Department Services post-termination - \(9.9.22 FINAL\)](#)

**APPROVED**

- 6.E. 22-1123** *APPROVING VALET PARKING LICENSE AGREEMENT WITH CUT 432, LLC, d/b/a CUT 432 PROVIDING VALET PARKING SERVICES FOR TWO YEARS TO PROVIDE VALET PARKING SERVICES IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF DELRAY BEACH (CITY)*

**Recommendation:** Motion to approve to Valet Parking License Agreement with Cut 432, LLC, d/b/a Cut 432 providing valet parking services from October 1, 2022 until September 30, 2024.

**Sponsors:** Public Works Department

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

[Legal Review Checklist Parking License Agreement Cut 432 LLC.pdf](#)

[Cut 432 LLC Parking License Agreement - Valet Que - SE 4th Ave.docx](#)

**APPROVED**

- 6.F. 22-1124** *APPROVING VALET PARKING LICENSE AGREEMENT WITH OSTERIA NUMERO UNO, LTD d/b/a ELISABETTA'S PROVIDING VALET PARKING SERVICES TO PROVIDE VALET PARKING SERVICES IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF DELRAY BEACH (CITY)*

**Recommendation:** Motion to approve to Valet Parking License Agreement with Osteria Numero Uno, LTD d/b/a Elisabetta's providing valet parking services to extend the license from October 1, 2022 until September 30, 2024.

**Sponsors:** Public Works Department

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

[Legal Review Checklist Parking License Agreement Osteria Numero Uno dba Elisabetta's.pdf](#)

[Osteria Numero Uno - Elisabetta's Parking License Agreement - Valet Que - Atlantic between Swinton and SE 1st Ave.docx](#)

## 2<sup>nd</sup> Budget Public Hearing / Regular Meeting at 4:00 PM

- 6.G. 22-1125** *APPROVING RETROACTIVE VALET PARKING LICENSE AGREEMENT WITH ROSEBUD 307, LLC, d/b/a/ LIONFISH PROVIDING VALET PARKING SERVICES TO PROVIDE VALET PARKING SERVICES IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF DELRAY BEACH (CITY)*

**Recommendation:** Motion to retroactive approve Valet Parking License Agreement with Rosebud 307, LLC, d/b/a Lionfish providing valet parking services from September 1, 2022 until September 30, 2024.

**Sponsors:** Public Works Department

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

[Legal Review Checklist Parking License Agreement Rosebud 307 dba Lionfish.pdf RoseBud 307](#)

APPROVED

- 6.H. 22-1126** *APPROVING VALET PARKING LICENSE AGREEMENT WITH CAFFE LUNA ROSA, INC. d/b/a CAFFE LUNA ROSA PROVIDING VALET PARKING SERVICES TO PROVIDE VALET PARKING SERVICES IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF DELRAY BEACH (CITY)*

**Recommendation:** Motion to approve to Valet Parking License Agreement with Caffe Luna Rosa, Inc. d/b/a Caffe Luna Rosa providing valet parking services from October 1, 2022 until September 30, 2024.

**Sponsors:** Public Works Department

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

[Legal Review Checklist Parking License Agreement Caffe Luna Rosa, Inc..pdf](#)  
[Caffe Luna Rosa Parking License Agreement - Valet Que - E Atlantic between Salina Ave and Ocean Blvd.docx](#)

APPROVED

- 6.I. 22-1127** *APPROVING VALET PARKING LICENSE AGREEMENT WITH DELRAY TACO, LLC, d/b/a ROCCO'S TACOS PROVIDING VALET PARKING SERVICES TO PROVIDE VALET PARKING SERVICES IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF DELRAY BEACH (CITY)*

**Recommendation:** Motion to approve to Valet Parking License Agreement with Delray Taco, LLC, d/b/a Rocco's Tacos providing valet parking services from October 1, 2022 until September 30, 2024.

**Sponsors:** Public Works Department

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

[Legal Review Checklist Parking License Agreement Delray Taco LTD.pdf](#)  
[Delray Taco](#)

APPROVED

## 2<sup>nd</sup> Budget Public Hearing / Regular Meeting at 4:00 PM

- 6.J. 22-1128** *APPROVING VALET PARKING LICENSE AGREEMENT WITH TAVERNA OPA ATLANTIC, LLC PROVIDING VALET PARKING SERVICES TO PROVIDE VALET PARKING SERVICES IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF DELRAY BEACH (CITY)*

**Recommendation:** Motion to approve to Valet Parking License Agreement with Taverna Opa Atlantic, LLC providing valet parking services from October 1, 2022 until September 30, 2024.

**Sponsors:** Public Works Department

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

[Legal Review Checklist Parking License Agreement Taverna Opa Atlantic.pdf](#)  
[Taverna Opa Parking License Agreement - Valet Que - 200 block of E Atlantic .docx](#)

### APPROVED

Item 6.K. was moved to Regular Agenda.

- 6.K. 22-974** *MOTION TO RETROACTIVELY APPROVE SUBMITTAL OF TWO GRANT APPLICATIONS TO THE RESILIENT FLORIDA GRANT PROGRAM THROUGH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) FOR THREE PROJECTS INCLUDING THE MARINE WAY ROADWAY AND DRAINAGE IMPROVEMENT PROJECT (\$20 MILLION) AND THOMAS STREET PUMP STATION IMPROVEMENT (\$5 MILLION)*

**Recommendation:** Staff is requesting retroactive approval from City Commission for submittal of grant applications to the Resilient Florida Grant Program administered by the Florida Department of Environmental Protection (FDEP). Two projects are qualified for this sea level rise grant, including Marine Way Roadway and Drainage Improvement (\$20M) and Thomas Street Pump Station Improvement (\$5M).

**Sponsors:** Public Works Department

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

[Thomas Street PS Resilient Florida FY23 Final Submittal](#)  
[Marine Way Resilient Florida 2023 Final Submittal](#)

Commissioner Johnson requested to pull 6.K. for discussion. It became 7.D.D. on the regular agenda.

Ms. Missie Barletto, Public Works Director, stated a new employee selected an incorrect date and the item was never heard. She noted the grant application deadline is September 30, 2022, but the employee already had submitted. She stated the application can be withdrawn if the Commission so desired. Ms. Barletto described the grants.

Vice Mayor Frankel motioned to approve. 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



**2<sup>nd</sup> Budget Public Hearing / Regular Meeting at 4:00 PM**

**APPROVED**

- 6.L. 22-1217** *ITEM(S) A1 - ACCEPTANCE OF FIRE HYDRANT EASEMENT AGREEMENT BY 720 SW 2ND TERRACE AND ACCEPTANCE OF A RIGHT OF WAY DEDICATION BY 501 NW 9TH STREET AND A RIGHT OF WAY DEDICATION BY 40 NW 9TH AVENUE AND ACCEPTANCE OF A RIGHT OF WAY DEDICATION BY 342 SW 4TH AVE.*

**Recommendation:** Item A1 - Motion to approve and accept a Fire Hydrant Easement Agreement by the owners of 720 SW 2nd Terrace.

Item B1 - Motion to approve and accept a Right of Way Dedication by the owners of 501 NW 9th Street

Item C1 - Motion to approve and accept a Right of Way Dedication by the owners of 40 NW 9th Ave.

Item D1 - Motion to approve and accept a Right of Way Dedication by the owners of 342 SW 4th Ave.

**Sponsors:** Public Works Department

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

[Legal Reviews \(3\)](#)

[Item \(A1a\) Fire Hydrant Easement Agreement - 720 SW 2nd Terrace](#)

[Item \(A1b\) Exhibit A & Sketch - 720 SW 2nd Terrace](#)

[Item \(B1a\) - 501 NW 9th St. - ROW](#)

[Item \(B1b\) Exhibit A - Sketch & Description - 501 NW 9th St - ROW](#)

[Item \(C1a\) 40 NW 9th Ave. - ROW](#)

[Item \(C1b\) Exhibit A & Sketch - 40 NW 9th Ave - ROW](#)

[Exhibit A Sketch & Descrip - 40 NW 9th Ave. - ROW](#)

[\(Item D1a\) 342 SW 4th Ave - ROW](#)

[\(Item D1b\) Exhibit A & Sketch 342 SW 4th Ave](#)

[Legal Review Right of Way Deed 342 SW 4th Ave Developers Contractors Group Inc](#)

**APPROVED**

- 6.M. 22-1216** *ITEM(S) A1, A2, A3: MAINTENANCE OF TRAFFIC PLAN FOR FPL ALONG MIRAMAR AVE./VENETIAN DR., MAINTENANCE OF TRAFFIC PLAN FOR ATLANTIC CROSSING AT 611 E ATLANTIC AVE., MAINTENANCE OF TRAFFIC PLAN FOR SUNDY VILLAGE ALONG SW 1ST ST.*

**Recommendation:** Consideration of the following items: *Per LDR 7.1(C) (1) Maintenance of Traffic (MOT) Plan. All construction parking and staging that involves travel lane, bike lane, or sidewalk closures shall submit a MOT Plan as follows: (Ord. No. 50-20, § 2 , 10-20-20) Closures greater than 14 days throughout the course of construction, which eliminate travel lanes or change the flow of traffic must be approved by the City Commission. Street closures that do not exceed 14 days throughout the course of*

## 2<sup>nd</sup> Budget Public Hearing / Regular Meeting at 4:00 PM

*construction may be approved administratively. (Ord. No. 50-20, § 2 , 10-20-20) Having exceeded the allowable 14 days throughout the course of construction the following Maintenance of Traffic plans are petitioning additional closures as follows:*

### **MAINTENANCE OF TRAFFIC PLAN/ ROAD & LANE CLOSURES**

#### **Item(s)**

Item A1 - **FPL** - Motion to approve and accept a Maintenance of Traffic/ Road closure Plan for Miramar Ave, Venetian Dr, and nearby roads.

Item A2 - **ATLANTIC CROSSING** - Motion to approve and accept a Maintenance of Traffic/ Road closure Plan for 611 E Atlantic Ave at Atlantic Crossing

Item A3 - **SUNDY VILLAGE** - Motion to approve and accept a Maintenance of Traffic/ Road closure Plan for 22 W Atlantic Ave along the SW 1ST St.

**Sponsors:** Public Works Department

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

[A1 MOT Plan Miramar Ave and Venetian Drive](#)

[A2 MOT plan for 611 E Atlantic](#)

[A3 MOT plan for SW 1st St](#)

#### **APPROVED**

Item 6.N. was moved to the Regular Agenda.

**6.N. 22-1286** *RESOLUTION NO. 150-22: APPROVAL OF AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE TOWN OF HIGHLAND BEACH FOR POLICE COMMUNICATIONS SERVICES*

**Recommendation:** Motion to approve Resolution No. 150-22 approving agreement between the City of Delray Beach and the Town of Highland Beach for police communications services.

**Sponsors:** Police Department

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

[Legal Review Checklist Police Comm Agreement 22 lw](#)

[Res 150-22 - Town of Highland Beach Police Communications Agreement lw](#)

[Highland Beach Police Communications Agreement - Highland Beach executed](#)

Mayor Petrolia requested to pull 6.N. for discussion. It became 7.E.E. on the regular agenda.

Mr. Russ Mager, Police Chief, reviewed the cost of the contract and partnership with Highland Beach. He noted no additional staffing would be needed to accommodate Highland Beach. He

## 2<sup>nd</sup> Budget Public Hearing / Regular Meeting at 4:00 PM

stated they escalate by the CPI annually. Mr. Moore suggested a future market analysis.

Commissioner Boylston motioned to approve. 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.O. 22-1285** *RESOLUTION 151-22 APPROVING INTERLOCAL AGREEMENT FOR LAW ENFORCEMENT SERVICES BETWEEN CITY OF DELRAY BEACH AND PALM BEACH COUNTY FOR PARTICIPATION IN THE MANATEE PROGRAM*

**Recommendation:** Motion to approve Resolution 151-22 approving Interlocal Agreement for Law Enforcement Services between City of Delray Beach and Palm Beach County for participation in the Manatee program.

**Sponsors:** Police Department

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

[Res 151-22 - Florida Fish and Wildlife Conservation Commission Interlocal Agreement lw](#)

[2022 Law Enforcement Agreement \(Delray Beach\) Final - Manatee Program Legal Review Checklist Manatee LE Interlocal lw](#)

### APPROVED

**6.P. 22-1180** *APPROVAL OF RESOLUTION NO. 165-22, A RESOLUTION OF THE CITY COMMISSION OF DELRAY BEACH, FLORIDA, LEVYING AND ADOPTING CHARGES, RATES, FEES FOR SOLID WASTE COLLECTION SERVICES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.*

**Recommendation:** Pursuant to direction given during the September 6, 2022, for the FY 2022-2023 Tentative Budget, staff is hereby presenting the amended rates and fees for the Sanitation Fund. These rates will be effective from October 1, 2022, through April 30, 2023. Prior to May 1, 2023, staff will present a recommendation of rates and fees, which will be determined by various factors, including but not limited to, the outcome of the current solicitation for a contractor to provide solid waste and recycling collection services to the City.

**Sponsors:** Finance Department

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

[Simple Legal Review Approval - 165-22](#)

[Resolution 165-22 final lg rev 9-12-22 remove admin and franchise fees](#)

### APPROVED

**6.Q. 22-1221** *FLORIDA MUNICIPAL INSURANCE TRUST (FMIT) FOR RENEWAL OF PROPERTY INSURANCE POLICY*

## 2<sup>nd</sup> Budget Public Hearing / Regular Meeting at 4:00 PM

**Recommendation:** Staff is requesting approval for renewal of Property, Excess Workers' Compensation Insurance, and a fully insured liability program from the Florida Municipal Trust Fund (FMIT) for \$2,273,200 for the coverage period 10/1/2022 through 9/30/2023.

**Sponsors:** Human Resources Department

**Attachments:** [Agenda Cover Report](#)  
[FMIT Quote Comparison](#)  
[FMIT Market Summary](#)  
[FMIT Premium Summary](#)  
[Resolution for FMIT Renewal 22 23 revd](#)

### APPROVED

**6.R. 22-1131** *APPROVE A NO COST TIME EXTENSION AMENDMENT NO. 01 TO GRANT AGREEMENT 46000004358 (CONSIDERED PHASE 2 OF RECLAIMED AREA 10), WITH SOUTH FLORIDA WATER MANAGEMENT DISTRICT FOR PROVIDING SUPPLEMENTARY FUNDING FOR CONSTRUCTION OF RECLAIMED WATER TRANSMISSION ALONG SE 1st AVE, SE 1st ST, SW 1st ST, NE 2nd Ave, AND NE 1st St.*

**Recommendation:** Motion to approve and execute amended Grant Agreement (Agreement) No. 46000004358-A01 with the South Florida Water Management District (SFWMD) for providing supplementary funding for construction of reclaimed water transmission main for Area 10 (Phase 2) project, along SE 1st Ave, SE 1st St, SW 1st St, NE 2nd Ave, and NE 1st St, as part of their Cooperative Funding Program for Alternative Water Supply (AWS).

**Sponsors:** Utilities Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Amd #1 to Grant Agreement with SFWMD Reclaimed Area 10 .pdf](#)  
[Amd #1 to Agreement No. 4600004358 with SFWMD.pdf](#)

### APPROVED

#### **6.S. PROCLAMATIONS:**

**6.S.1. 22-1271** *DIAPER NEED AWARENESS WEEK*

**Recommendation:** Motion to approve September 24th - October 2, 2022 as Diaper Need Awareness Week.

**Sponsors:** City Clerk Department

**Attachments:** [Diaper Need Awareness Week](#)

### APPROVED

**6.S.2. 22-1310** *NATIONAL WALK YOUR CHILD TO SCHOOL DAY PROCLAMATION – OCTOBER 5, 2022*

## **2<sup>nd</sup> Budget Public Hearing / Regular Meeting at 4:00 PM**

**Recommendation:** Consideration of a proclamation for National Walk or Bike to School Day.

**Sponsors:** Development Services Department

**Attachments:** [Walk and Bike to School Day](#)

**APPROVED**

### **6.S.3. 22-1310 ENERGY EFFICIENCY DAY PROCLAMATION**

**Recommendation:** Motion to proclaim October 5, 2022 as Energy Efficiency Day.

**Sponsors:** City Manager Department

**Attachments:** [EEDay-2022 Proclamation](#)

**APPROVED**

### **6.S.4. 22-1311 INDIGENOUS PEOPLES DAY - OCTOBER 10, 2022**

**Recommendation:** Motion to declare and observe Monday, October 10, 2022 as Indigenous Peoples Day.

**Sponsors:** City Clerk Department

**Attachments:** [Indigenous People's Day Proclamation](#)

**APPROVED**

## **6.T. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**

### **6.T.1. 22-1284 REPORT OF APPEALABLE DEVELOPMENT APPLICATION REQUESTS FROM AUGUST 23, 2022 THROUGH SEPTEMBER 7, 2022.**

**Recommendation:** By motion, receive and file this report for actions from August 23, 2022 through September 7, 2022.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Location Map of Appealable Items](#)  
[PAAB Agenda 08.23.2022](#)  
[SPRAB Agenda 08.24.2022](#)  
[HPB Agenda 09.07.2022](#)

Deputy Vice Mayor Casale requested 6.T.1. F(307 NE 5<sup>th</sup> Avenue) be pulled for discussion. It became 7.A.A. on the regular agenda. She noted emails were received expressing concerns.

Ms. Anthea Gianniotis, Development Services Director, provided background on the townhouse development. She confirmed it was passed by SPRAB with a 4-1 vote. Consensus was reached to contact the applicant and schedule them for a City Commission hearing.

Deputy Vice Mayor Casale motioned to appeal 6.T.1.F (307 NE 5<sup>th</sup> Avenue) Commissioner Johnson seconded the motion. The motion was carried by the following vote:

## 2<sup>nd</sup> Budget Public Hearing / Regular Meeting at 4:00 PM

**YES:** 3 Mayor Petrolia, Deputy Vice Mayor Casale, Commissioner Johnson

**NO:** 2 Vice Mayor Frankel, Commissioner Boylston,

**APPROVED 3-2.**

### **6.U. AWARD OF BIDS AND CONTRACTS:**

**6.U.1. 22-1110** *APPROVAL OF RESOLUTION NO. 110-22 TO AWARD AN AGREEMENT TO IMAGETREND, INC FOR ELECTRONIC PATIENT CARE REPORTING AND FIRE INCIDENT REPORTING SOFTWARE, MAINTENANCE, AND SUPPORT SERVICES FOR THE FIRE DEPARTMENT - IN THE AMOUNT OF \$116,542 FOR A THREE-YEAR PERIOD.*

**Recommendation:** Motion to approve Resolution No. 110-22 to award an Agreement to ImageTrend, Inc. for electronic patient care reporting (ePCR) and fire incident reporting (NIFRS) software in the amount of \$116, 542 for a three-year period (Avg. \$35,699 a year) and authorize the City Manager to approve renewal options, in the amounts below, contingent on appropriations of funds.

**Sponsors:** Fire Rescue Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist ImageTrend Agreement - Vendor Executed](#)  
[Resolution 110-22](#)

**APPROVED**

**6.U.2. 22-1111** *APPROVAL OF RESOLUTION NO. 123-22 TO AWARD AN AGREEMENT TO CRAIG B. KUSHNIR D.O., LLC FOR MEDICAL DIRECTOR SERVICES FOR THE FIRE DEPARTMENT - 3 YEAR TOTAL \$157,320 (\$52,440 PER YEAR)*

**Recommendation:** Approval of Resolution No. 123-22 to award an agreement to Craig B. Kushnir D.O., LLC for Medical Director services for the Fire Department in the amounts below, contingent on appropriations of funds.

**Sponsors:** Fire Rescue Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution 123-22 Medical Director Services - Exemption](#)  
[Medical Director Cost Analysis](#)  
[Kushnir Contract](#)  
[Legal Review Checklist Medical Director 9.1.22](#)

Deputy Vice Mayor Casale requested 6.U.2. be pulled. It became 7.B.B. on the regular agenda. She asked about the salary increase. Mr. Keith Tomey, Fire Chief, stated Dr. Kushnir has not received a salary increase in 13 years and the market analysis demonstrated he was underpaid. He stated the per station cost is \$10,047. Chief Tomey outlined Dr. Tomey's responsibilities.

Further discussion ensued.

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

## 2<sup>nd</sup> Budget Public Hearing / Regular Meeting at 4:00 PM

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

### APPROVED

**6.U.3. 22-1273** *APPROVAL OF RESOLUTION NO. 134-22 TO AWARD AN AGREEMENT WITH BEEFREE, LLC DBA FREEBEE, FOR FIXED ROUTE AND POINT-TO-POINT TRANSPORTATION SERVICES IN THE ESTIMATED AMOUNT NOT TO EXCEED \$4,437,346 (\$887,469 PER YEAR)*

**Recommendation:** Motion to Approve Resolution No. 134-22 to award an Agreement with Beefree, LLC dba Freebee, for Fixed Route and Point-To-Point Transportation Services in the estimated amount not to exceed \$4,437,346 (\$887,469 per year), and authorize the City Manager to exercise renewal options, in the amounts below, contingent upon appropriation of funds.

**Sponsors:** Economic Development Department and Purchasing Department

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

[Legal Review Checklist](#)

[Resolution No. 134-22](#)

[RFP 2022-031 Beefree LLC dba Freebee Agreement - Vendor Executed](#)

Deputy Vice Mayor Casale requested 6.U.3. be pulled. It became 7.C.C. on the regular agenda. She expressed concern that the area being served is the same area being served by the CRA.

Ms. Sara Maxfield, Economic Development Director, presented on the item. She provided background on the procurement process. The Committee reviewed and evaluated one (1) responsive proposal submitted by BeeFree, LLC, dba FreeBee. She reviewed the four options BeeFree, LLC provided, including the current service area and three options for expanded service areas.

A discussion ensued about the GEM, Tesla vehicles, and various options.

Vice Mayor Frankel stated he only supports Option #1.

Mayor Petrolia stated they would have to briefly table the discussion in order to discuss the budget, which is required by law to begin at 5:00 P.M.

**6.U.4. 22-725** *APPROVAL OF RESOLUTION NO. 94-22 TO AWARD AN AGREEMENT TO DEERE & COMPANY, INC. FOR THE PURCHASE OF AGRICULTURE AND LAWN EQUIPMENT; UTILIZING STATE OF FLORIDA CONTRACT NO. 25101900-21-STC IN THE ESTIMATED AMOUNT OF \$422,157*

**Recommendation:** Motion to approve Resolution No. 94-22 to award an Agreement to Deere & Company, Inc. for the purchase of agriculture and lawn equipment; utilizing State of Florida contract No. 25101900-21-STC in the estimated amount of \$422,157 and authorize the City Manager to approve renewal options, in the amounts below, contingent on appropriations of funds.

**Sponsors:** Parks & Recreation Department and Purchasing Department

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

[Legal Review Checklist Deere & Company](#)

[Resolution No. 94-22](#)



## 2<sup>nd</sup> Budget Public Hearing / Regular Meeting at 4:00 PM

[P2022-043 Agreement - Vendor Executed](#)  
[Exhibit A](#)

### APPROVED

**6.U.5. 22-389** *RESOLUTION 166-22 APPROVING SPEER AND FEDERAL AMMUNITION AS A CITY STANDARD AND AUTHORIZING THE ISSUANCE OF A PURCHASE ORDER TO FLORIDA BULLET, INC., AS A SOLE SOURCE FOR THE PURCHASE OF LAW ENFORCEMENT AMMUNITION IN THE AMOUNT NOT TO EXCEED \$150,000.*

**Recommendation:** Motion to approve Resolution 166-22 approving SPEER and Federal Ammunition as City Standard and authorizing the issuance of a Purchase Order to Florida Bullet, Inc., as a sole source for the purchase of law enforcement ammunition in the amount not to exceed \$150,000 for FY 2022-2023.

**Sponsors:** Police Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Florida Bullet Authorized Letter 011022 \(Federal-Speer-CCI LE Ammunition\)](#)  
[Simple Legal Review Approval - PD City Standard for Ammo](#)  
[Res 166-22 - Florida Bullet Inc City Standard Ammunition](#)

### APPROVED

**6.U.6. 22-1152** *APPROVAL OF RESOLUTION NO. 133-22 FOR THE PURCHASE OF ONE (1) 2023 TAHOE SUV FROM STINGRAY CHEVROLET AND ONE (1) 2022 F-150 PICK-UP TRUCK FROM DUVAL FORD UTILIZING FLORIDA SHERIFF'S ASSOCIATION CONTRACT NO. FSA20-VEL28.0, TO REPLACE THESE INOPERABLE VEHICLES- \$79,781.*

**Recommendation:** Motion to approve Resolution No. 133-22 to purchase one (1) 2023 Tahoe SUV and one (1) 2022 F-150 Pick-Up Truck utilizing the Florida Sheriff's Association Contract No. FSA20-VEL28.0, valid from October 1, 2020, through September 30, 2022.

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

**Attachments:** [Agenda Cover Report](#)  
[FSA Contract FSA20-VEL28.0](#)  
[Solicitation - FSA20-VEL28.0](#)  
[2022 Ford F-150 Quote](#)  
[2023 Tahoe Quote](#)  
[Resolution 133-22](#)  
[Simple Legal Review Approval for Resolution 133-22](#)

### APPROVED

**6.U.7. 22-1246** *APPROVAL OF RESOLUTION NO. 141-22 TO AWARD AN AGREEMENT TO AQUIFER MAINTENANCE & PERFORMANCE SYSTEMS, INC. FOR WELL REPAIRS, MAINTENANCE, AND REHABILITATION SERVICES, UTILIZING THE CITY OF PALM BAY SOLICITATION #40-0-2022/SM - IN THE NOT-TO-EXCEED ESTIMATED AMOUNT OF \$3,073,000. (\$573,000 FIRST YEAR AND \$625,000 RESPECTIVELY)*



## 2<sup>nd</sup> Budget Public Hearing / Regular Meeting at 4:00 PM

**Recommendation:** Motion to approve Resolution No. 141-22 to award an Agreement to Aquifer Maintenance & Performance Systems, Inc., (AMPS) for the repair, maintenance, and rehabilitation of wells in the estimated amount of \$3,073,000, through July 31, 2027, utilizing the City of Palm Bay, Florida Solicitation No. 40-0-2022/SM.

**Sponsors:** Utilities Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist Well Repair 2022.pdf](#)  
[Res 141-22 - Well Repair and Maintenance - AMPS - Palm Bay Piggyback rev. KWB.pdf](#)  
[Agreement vendor executed.pdf](#)

**APPROVED**

**6.U.8. 22-1207** *APPROVAL OF RESOLUTION NO. 144-22 TO AWARD AN AGREEMENT WITH UNITED RENTALS FOR RENTAL OF EQUIPMENT ON AN AS-NEEDED BASIS, AND ALSO REQUEST TO INCREASE PURCHASE ORDER 2022-0000050 IN THE AMOUNT OF \$27,383 FOR PAYMENT OF OUTSTANDING INVOICES UTILIZING SOURCEWELL SOLICITATION NO. #062320 IN THE TOTAL ESTIMATED AMOUNT NOT TO EXCEED \$327,383 (\$127,383 FIRST YEAR AND \$100,000 RESPECTIVELY).*

**Recommendation:** Motion to approve Resolution No. 144-22 to award an Agreement to United Rentals (North America) Inc., for the rental of equipment, products, and services as needed in the estimated amount of \$327,383, through August 24, 2025, utilizing the Sourcewell Solicitation No. 06320.

**Sponsors:** Utilities Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist MSA United Rental Piggyback Sourcewell Rental Equipment.pdf](#)  
[Res 144-22 - Rental Equipment Products Services - United Rental - Sourcewell Piggyback .pdf](#)  
[MSA Rental Equipment Products Services United Rental vendor executed.pdf](#)

**APPROVED**

**6.U.9. 22-1269** *APPROVAL OF RESOLUTION NO. 158-22 TO APPROVE THE RECOMMENDATION OF AWARD AND PROVIDING AUTHORITY TO NEGOTIATE AN AGREEMENT WITH HAZEN AND SAWYER, P.C., FOR OWNER'S REPRESENTATIVE SERVICES FOR THE DESIGN-BUILD CONSTRUCTION OF A NEW WATER TREATMENT PLANT AND RELATED IMPROVEMENTS PURSUANT TO REQUEST FOR QUALIFICATIONS (RFQ) NO. 2022-034 (PROJECT NO. 22-019U).*

**Recommendation:** Motion to approve Resolution No. 158-22 approving the recommendation of award and providing authority to negotiate an Agreement with the highest-ranked qualified firm, Hazen and Sawyer, PC, for the Owner's Representative services for the design-build construction of the City's new water treatment plant and related improvements.

**Sponsors:** Utilities Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Res 158-22 Negotiate Agreement with Hazen and Sawyer for Owner Rep](#)

## 2<sup>nd</sup> Budget Public Hearing / Regular Meeting at 4:00 PM

[services for Water Plant.pdf](#)

[Res 158-22 - Approving Award and Authorizing Negotiations - Hazen and Sawyer - Owner Rep Water Plant.pdf](#)

[2022-034 Technical Scoring Summary Sheet - Owners' Representative WTP for DB.pdf](#)

**APPROVED**

### **8. PUBLIC HEARINGS/SECOND READINGS:**

#### **8.A. 22-1213 RESOLUTION NO. 155-22: GENERAL FUND OPERATING AND DEBT SERVICE FINAL MILLAGE RATES**

**Recommendation:** Motion to adopt Resolution No. 155-22 - Certifying to the Property Appraiser and the Tax Collector of Palm Beach County, the final rates of millage to be levied by the City of Delray Beach for the fiscal year beginning October 1, 2022.

**Sponsors:** Finance Department

**Attachments:** [Agenda Cover Report](#)  
[Reso No. 155-22 GENERAL FUND AND DEBT SERVICE MILLAGE](#)  
[Simple Legal Review Approval Resolution 155-22](#)

Ms. Lynn Gelin, City Attorney, read Resolution No. 155-22 into the record.

Mr. Hugh Dunkley, Finance Director, provided background on Resolution No. 155-22. He noted the millage rate went down from 6.8403 to 6.6665. He announced the roll back rate was 6.0635. He reviewed the breakdown of the total millage levied which included 34% to Delray Beach, 34% to the Public Schools, 24% to the County, and 1.5% to Other Independent Special Districts. He noted the average homeowner pays \$2,000 in ad valorem taxes to the City, assuming \$300K taxable value. Mr. Dunkley summarized the total Citywide budget including the FY2022-23 Proposed Operating Budget; General Fund Revenues; General Fund Expenditures By Department; and American Rescue Plan Act (ARPA).

#### **Public Comments:**

Seeing no one come forth to speak, Mayor Petrolia closed public comments.

Commissioner Boylston asked for further detail on the Revenue Loss Replacement. Mr. Dunkley provided additional comments on the ARPA funding. Commissioner Boylston expressed concern with continuing to utilize ARPA funding for Revenue Loss in 2024.

Mayor Petrolia recommended keeping the ARPA election as is.

Deputy Vice Mayor Casale requested access to the drop-down menu feature to view itemization.

Discussion ensued about the ARPA funding.

Mayor Petrolia noted the Delray Beach millage rate decrease as other cities are increasing their millage rates.

Vice Mayor Frankel motioned to approve Resolution No. 155-22. Deputy Vice Mayor Casale seconded

## 2<sup>nd</sup> Budget Public Hearing / Regular Meeting at 4:00 PM

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.B. 22-1214** *RESOLUTION NO. 156-22: DOWNTOWN DEVELOPMENT AUTHORITY FINAL MILLAGE RATE*

**Recommendation:** Motion to adopt Resolution No. 156-22 - Certifying to the Property Appraiser and the Tax Collector of Palm Beach County, the final rates of millage to be levied by the Downtown Development Authority for the fiscal year beginning October 1, 2022.

**Sponsors:** Finance Department

**Attachments:** [Agenda Cover Report](#)  
[Reso 156-22 DOWNTOWN DEVELOPMENT AUTHORITY MILLAGE](#)  
[Simple Legal Review Approval Resolution 156-22](#)  
[DDA FY22-23 Budget Memo for 9.06.22 City Commission Mtg](#)  
[DDA FY 22-23 Budget Presentation CC 9.6.22 meeting V2](#)

Ms. Gelin read Resolution No. 156-22 into the record.

Ms. Laura Simon, Executive Director Downtown Development Authority (DDA), stated there were no changes from the previous meeting. She confirmed their Board approved their final budget on September 12, 2022.

### Public Comments:

Seeing no one came forth to speak, Mayor Petrolia closed public comments.

Deputy Vice Mayor Casale motioned to approve Resolution No. 156-22. Commission 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.C. 22-1215** *RESOLUTION NO. 157-22: ADOPTION OF THE FISCAL YEAR FINAL BUDGET BEGINNING OCTOBER 1, 2022*

**Recommendation:** Motion to adopt Resolution No. 157-22 - Adopting the Final Budget for the fiscal year beginning on October 1, 2022 and ending on September 30, 2023.

**Sponsors:** Finance Department

**Attachments:** [Agenda Cover Report](#)  
[Reso 157-22 ADOPTION OF THE FISCAL YEAR BUDGET BEGINNING OCTOBER 1 2022](#)  
[Exhibit A - Resolution 157-22](#)  
[FY 2022-23 Proposed Budget Worksheet Report](#)  
[Simple Legal Review Approval Resolution 157-22](#)

## **2<sup>nd</sup> Budget Public Hearing / Regular Meeting at 4:00 PM**

Ms. Gelin read Resolution No. 157-22 into the record.

### **Public Comments:**

No one came forth to speak. Mayor Petrolia closed public comments.

Deputy Vice Mayor Casale asked about funding allocated for the Travel and Tourism Master Plan. Ms. Maxfield stated they did not include funding for Travel and Tourism this year. She noted they are looking at inter-departmental collaboration to implement various parts of the plan and the City's portion would be approximately \$40,000. Deputy Vice Mayor Casale recommended including funding in this year's budget. Mr. Dunkley said the Commission could utilize the Citywide Contingency Funding.

Deputy Vice Mayor Casale asked about the \$59,000 added to the Communications budget and whether it would be used for Bang the Table. Mr. Moore provided explanation. Deputy Vice Mayor Casale stated the Commission reached previous consensus they did not support the initiative.

Consensus was reached to allocate \$40,000 in funding to Economic Development.

Further discussion ensued about budget approval and amendments.

Commissioner Johnson spoke on IT and cybersecurity. She expressed concern about the decrease in sustainability funding.

Discussion ensued about the budget increases and decreases.

Vice Mayor Frankel motioned to approve Resolution No. 157-22, with proposed adjustments. Deputy Vice Mayor Casale seconded the motion. The motion was carried by the following vote:

**YES: 3** Mayor Petrolia, Vice Mayor Frankel, Deputy Vice Mayor Casale

**NO: 2:** Commissioner Boylston, Commissioner Johnson

### **APPROVED 3-2.**

Discussion resumed on Item 6.U.3.

Mr. Moore clarified an agreement has not yet been executed.

Deputy Vice Mayor Casale confirmed by asking Vice Mayor Frankel if he would be open to the expanded service. He expressed his interest in expanded service, but not offering service to the Tri-Rail. Mayor Petrolia also supported expanded service, but not service to the Tri-Rail. Ms. Maxfield provided additional comments on the service to Tri-Rail.

Further discussion ensued about the options.

Ms. Gelin noted a decision does not need to be made at tonight's meeting.

Commissioner Boylston also requested ridership data.

Vice Mayor Frankel motioned to defer to the November workshop meeting. 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,

## 2<sup>nd</sup> Budget Public Hearing / Regular Meeting at 4:00 PM

Commissioner Johnson

**APPROVED**

### 7. **REGULAR AGENDA:**

#### 7.A. **22-1306** *DEPARTMENT DIRECTOR SALARY CONSIDERATIONS*

**Recommendation:** Motion to consider one of the three options provided.

**Sponsors:** Human Resources Department

**Attachments:** [Agenda Cover Report](#)  
[Memo Mayor and Commissioners Department Director Review and Analysis Considerations dd](#)  
[Classification and Pay Plans, PER-4, Rev 10](#)  
[SALARY COMPARISONS dd](#)  
[Department Director Salary Consideration Current Proposal](#)  
[Department Director Salary Consideration Option 1](#)  
[Department Director Salary Consideration Option 2](#)

Mr. Duane D'Andrea, Human Resources Director, provided background on the item. He reviewed the three options.

Commissioner Johnson motioned to table the item. Vice Mayor Frankel seconded for discussion.

Deputy Vice Mayor Casale briefly commented on the compensation study and recommended a cost-of-living increase.

A discussion ensued about compression, equity, and various options. Consensus was reached for Mr. Moore to bring forth a recommendation to the November 1, 2022, meeting.

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.B. **22-1308** *APPROVAL OF REVOCABLE LICENSE AGREEMENT WITH JPR PRODUCTIONS, INC. TO PROMOTE AND PRODUCE THE LOTOS FESTIVAL TO BE HOSTED AT THE DELRAY BEACH TENNIS CENTER*

**Recommendation:** Motion to approve Revocable License Agreement with JPR Productions, Inc. to promote and produce the Lotos Festival to be hosted on January 7, 2023 at the Delray Beach Tennis Center.

**Sponsors:** Parks & Recreation Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review RLA Lotus Music Festival 2023](#)  
[Palm Beach County Amphitheater Rental Guide](#)  
[Lotus Music Festival rev. kwb 8.29.22 lg rev 9-12-22 remove parking](#)

Mr. Sam Metott, Director of Parks and Recreation, provided an overview of the item. He stated they

## 2<sup>nd</sup> Budget Public Hearing / Regular Meeting at 4:00 PM

completed benchmarking, and the price is competitive.

Ms. Gelin noted approval tonight is for the event and the final agreement will be signed at a later date with accurate expenses.

Mayor Petrolia asked about student involvement.

Mr. Johnny Riordan, Event Promoter, said the parking is the City's responsibility and they keep the funding.

Deputy Vice Mayor Casale motioned to approve. 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

**7.C. 22-1160** *APPROVAL OF REVOCABLE LICENSE AGREEMENT WITH DELRAY BOXING, LLC TO HOST COMPETITIVE BOXING MATCHES, SANCTIONED BY THE STATE OF FLORIDA ATHLETIC COMMISSION, ON OCTOBER 8, 2022, FOR AN EVENT KNOWN AS "BLACKSHEEP FIGHT NIGHT".*

**Recommendation:** Motion to approve a Revocable License Agreement with Delray Beach Boxing, LLC (Delray Boxing) to host competitive boxing matches, sanctioned by the State of Florida Athletic Commission, known as "Blacksheep Fight Night" on October 8, 2022 at the Delray Beach Tennis Center (Tennis Center).

**Sponsors:** Parks & Recreation Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Revocable License Agreement for Boxing Event at Tennis Center October 2022](#)  
[DelrayBoxing\\_RLA\\_Oct2022](#)

Mr. Sam Metott, Director of Parks and Recreation, provided an overview of the item. He stated the revenue would be \$10,000, expenses are minimal, and the promoter retains the parking revenue.

The Commission discussed establishing a rental policy moving forward. Ms. Gelin recommended staff bring forth a resolution with rates for approval.

Commissioner Boylston motioned to approve. 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. 22-1071** *RESOLUTION NO. 129-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.4.13(C)(3)(a)(2)(a) OF THE LAND DEVELOPMENT*

## 2<sup>nd</sup> Budget Public Hearing / Regular Meeting at 4:00 PM

*REGULATIONS; APPROVING A PORCH AS A FRONTAGE TYPE ALONG WEST ATLANTIC AVENUE BETWEEN NORTH SWINTON AVENUE AND NORTHWEST 1ST AVENUE FOR THE PROJECT KNOWN AS CITY CENTER DELRAY, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI JUDICIAL).*

**Recommendation:** Review and consider Resolution No. 129-22, approving a Waiver request to Section 4.4.13(C)(3)(a)(2)(a) to allow a porch frontage type along West Atlantic Avenue between North Swinton Avenue and Northwest 1st Avenue for the project known as City Center Delray.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Res. No. 129-22 Porch frontage waiver - City Center Delray](#)  
[2022-08-03-HPB Waiver Staff Report-10 N Swinton Ave](#)  
[DDA Approval Letter-City Center](#)  
[Justification Statement-City Center-2022-08-03](#)  
[Plans-City Center Delray-2022-08-03](#)  
[Simple Legal Review Approval Resolution 129-22 City Center Waiver](#)

**APPROVED**

**7.E. 22-1072** *RESOLUTION NO. 130-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING IN-LIEU OF PARKING FEE REQUEST FOR THE PROJECT KNOWN AS CITY CENTER DELRAY, AS MORE PARTICULARLY DESCRIBED HEREIN; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT CONSISTENT WITH THE APPROVAL HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)*

**Recommendation:** Review and consider Resolution No. 130-22, an in lieu of parking fee request in the amount of \$253,500 for 25 parking spaces for the project known as City Center Delray.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Res. No. 130-22 In-Lieu of Parking Request - City Center Delray](#)  
[2022-08-03-HPB In-Lieu Staff Report-10 N Swinton Ave](#)  
[DDA Approval Letter-City Center](#)  
[Justification Statement-City Center-2022-08-03](#)  
[Plans-City Center Delray-2022-08-03](#)  
[2022-09-19-In lieu parking agreement-City Center Delray](#)  
[Simple Legal Review Approval In-Lieu of Parking Agreement](#)  
[Simple Legal Review Approval Resolution 130-22 City Center Delray](#)

**APPROVED**

**7.F. 22-1073** *RESOLUTION NO. 128-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE TO ALLOW OUTDOOR DINING AT NIGHT ASSOCIATED WITH RESTAURANTS ASSOCIATED WITH THE PROJECT KNOWN AS CITY CENTER DELRAY, AS MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT TO LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES AND THE COMPREHENSIVE PLAN OF THE CITY OF DELRAY BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER*



## 2<sup>nd</sup> Budget Public Hearing / Regular Meeting at 4:00 PM

*PURPOSES. (QUASI JUDICIAL).*

**Recommendation:** Review and consider Resolution No. 128-22, approving a Conditional Use request for outdoor dining at night for the restaurant associated with the project known as City Center Delray.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution 128-22 City Center Delray outdoor use](#)  
[PZB Staff Report-City Center Delray-2022-08-18](#)  
[HPB Staff Report-City Center Delray Conditional Use-2022-08-03](#)  
[Plans-City Center Delray-2022-08-03](#)  
[Justification Statement-City Center Delray-2022-08-03](#)  
[CCD-TPS letter- City Center Delray 6-28-22](#)  
[DDA Approval Letter-City Center Delray](#)  
[Simple Legal Review Approval Resolution 128-22](#)

Ms. Gelin recommended consideration of 7.D., 7.E., and 7.F. together since they are related.

Mayor Petrolia read the Quasi-Judicial rules into the record and asked those who wish to give testimony to stand and be sworn in. City Clerk Katerri Johnson swore in all those who wished to give testimony on Items 7.D., 7.E., 7.F. and 7.G.

Mayor Petrolia asked if there were any Ex Parte Communications for Resolution No. 129-22 by the City Commission.

The following was recorded:

Vice Mayor Frankel – Spoke with Mr. Schiller  
Deputy Vice Mayor Casale – Spoke with Mr. Schiller and anything on the server  
Commissioner Johnson – Spoke with Mr. Schiller, the owner, and anything on the server  
Commissioner Boylston – Spoke with Mr. Schiller and the owner  
Mayor Petrolia – Spoke with Mr. Schiller and anything on the server

Ms. Gianniotis, Development Services Director entered Files No. 2022-060 and 2022-126 into the record.

Mr. Neil Schiller, Government Law Group, (137 NW 1<sup>st</sup> Street, Delray Beach) summarized the three requests. Mr. John Szerdi, LDG Florida Architects, reviewed the site plan including the breezeway, open space, streetscapes, lighting, and pedestrian experience. He displayed renderings, fly through video, and project details.

Mr. Schiller continued by reviewing the requested waivers. He noted the Downtown Development Authority recommended approval of Resolution No. 129-22 on June 21, 2022. The Historic Preservation Board recommended approval on August 3, 2022, and the Planning and Zoning Board recommended approval on August 9, 2022.

Mr. Schiller provided background on the in-lieu parking request. He noted the Downtown Development Authority recommended approval of Resolution No. 130-22 on June 21, 2022. The Historic Preservation Board recommended approval on August 3, 2022, and the Planning and Zoning Board recommended approval on August 9, 2022.



## **2<sup>nd</sup> Budget Public Hearing / Regular Meeting at 4:00 PM**

Mr. Schiller provided background on the Conditional Use request. He noted the applicant proposes to reestablish DOC's at its location within the project, creating a need for the Conditional Use. The applicant is seeking operating hours from 9:00 am to 2:00 am. He summarized the next steps. If approved, the final Site Plan Review will be heard by the Historic Preservation Board on October 19, 2022, and the appealable lead use item on the November 15, 2022, City Commission agenda.

Ms. Gianniotis reviewed the parcel land use, zoning, and requested waivers.

### **Public Comments:**

**Eddie Odom**, 3905 Lawson Boulevard, Delray Beach, recalled positive memories going to DOC's.

**George Long**, 46 North Swinton Avenue, Delray Beach, supports the parking solution, porches, and hours of operation.

**Phil Whitman**, 310 Franklin Club Drive, Delray Beach, supports the project.

**Garret Gerard**, 2685 Albatross Road, Delray Beach supports the project.

Mayor Petrolia closed public comments.

Deputy Vice Mayor Casale expressed concern about in-lieu parking. Discussion ensued about parking. Commissioner Boylston noted the Commission could discuss changing in-lieu parking at a future workshop.

Commissioner Johnson expressed concern about the ADA access locations. Mr. Schiller said they would look into it further.

Mayor Petrolia also expressed concern about in-lieu parking. She noted she would not support operating hours that end at 2:00 AM. Mr. Schiller confirmed the applicant is ok with closing at 12:00 AM.

Commissioner Boylston motioned to approve Resolution 129-22. Vice Mayor Frankel 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**

Commissioner Boylston motioned to approve Resolution 130-22. Vice Mayor Frankel seconded the motion. The motion was carried by the following vote:

**YES: 4** Mayor Petrolia, Vice Mayor Frankel, Commissioner Boylston, Commissioner Johnson

**NO: 1** Deputy Vice Mayor Casale

### **APPROVED 4-1.**

Commissioner Boylston motioned to approve Resolution 128-22, with operating hours ending at midnight. Vice Mayor Frankel seconded the motion. The motion was carried by the following vote:

## 2<sup>nd</sup> Budget Public Hearing / Regular Meeting at 4:00 PM

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

### APPROVED

**7.G. 22-1224** *RESOLUTION NO. 161-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A FINAL PLAT WITH WAIVERS FOR A TWO-LOT MINOR SUBDIVISION KNOWN AS "REYES PLAT," FOR THE PROPERTIES LOCATED AT 342 AND 344 SW 4TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)*

**Recommendation:** Review and consider Resolution No. 161-22, a request for final approval of a minor subdivision plat with a waiver to Land Development Regulations (LDR) Section 4.3.4(K), Development Standards Matrix: Nonresidential Zoning Districts, to reduce the minimum required lot width and lot frontage from 60 feet to 50 feet for Lots 1 and 2; to reduce the minimum lot size from 7,500 square feet to 4,399.3 square feet for Lot 1 and 4,999.2 for Lot 2; and, reduce the minimum lot depth for Lot 1 from 100 feet to 88 feet, as created by the "Reyes Plat", currently addressed as 342 and 344 SW 4th Avenue.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Res. No. 161-22: Reyes Plat with Waivers](#)  
[Res. No. 161-22: Reyes Plat Sheets 1 to 2](#)  
[Reyes Plat - Original Block 32 Plat](#)  
[Reyes Plat - Applicant Justification Statement](#)  
[Reyes Plat - Development Standards Chart](#)  
[Reyes Plat - Aerial Location and Neighborhood Maps](#)  
[Reyes Plat - Adjacent Property Photos](#)  
[Simple Legal Review Approval - 161-22 Reyes Plat](#)

Mayor Petrolia asked if there were any Ex Parte Communications for Resolution No. 161-22 by the City Commission.

The following was recorded:

Vice Mayor Frankel – none  
Deputy Vice Mayor Casale – none  
Commissioner Johnson – none  
Commissioner Boylston – none  
Mayor Petrolia – none

Ms. Gianniotis, Development Services Director, entered File No. 2022-235 into the record.

Mr. Cory O'Gorman, Place Planning and Design, provided an overview of the Minor Subdivision, including two requested waivers.

Ms. Gianniotis reviewed the Reyes Plat including location, site information, land use, and zoning.

### Public Comments:

## 2<sup>nd</sup> Budget Public Hearing / Regular Meeting at 4:00 PM

Seeing no one came forth to speak, Mayor Petrolia closed public comments.

Discussion ensued about the proposed homes on the two lots.

Commissioner Boylston motioned to approve Resolution 161-22, with operating hours ending at midnight. 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.H. 22-1118** *RESOLUTION NO. 142-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ABANDONING A UTILITY EASEMENT LOCATED AT 170 SHERWOOD BOULEVARD, TOTALING APPROXIMATELY THREE THOUSAND SEVEN HUNDRED AND TWENTY-TWO SQUARE FEET (3,722 SQ. FT.), AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.*

**Recommendation:** Approve the abandonment of utility easement.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution No. 142-22: Enclave at Sherwood Utility Easement Abandonment](#)  
[Resolution No. 142-22: Exhibit A](#)  
[Resolution No. 142-22: Legal Review](#)

Ms. Gianniotis, Development Services Director, entered File No. 2022-093 into the record.

Ms. Sandra McGrue, Urban Design Studio, briefly reviewed the request.

Commissioner Boylston motioned to approve Resolution 142-22. 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.I. 22-1182** *RESOLUTION NO. 143-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ABANDONING A PORTION OF A DRAINAGE EASEMENT LOCATED AT 810 ANDREWS AVENUE, TOTALING APPROXIMATELY ONE THOUSAND THREE HUNDRED THIRTY SQUARE FEET (1,330 SQ. FT.), AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.*

**Recommendation:** Review and consider Resolution No. 143-22, abandoning a portion of a drainage easement at 810 Andrews Avenue.

**Sponsors:** Development Services Department

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

## 2<sup>nd</sup> Budget Public Hearing / Regular Meeting at 4:00 PM

[Res. No. 143-22 Easement Abandonment 810 Andrews Ave](#)

[Res. No. 143-22: Exhibit A](#)

[Res. No. 143-22 Exhibit B General Utility Easement](#)

[Resolution No. 143-22: Legal Review](#)

### APPROVED

**7.J. 22-1181** *ACCEPTING A GENERAL UTILITY EASEMENT AGREEMENT AT 810 ANDREWS AVENUE, TOTALING APPROXIMATELY ONE HUNDRED SQUARE FEET (100 SQ. FT.), AS MORE PARTICULARLY DESCRIBED HEREIN.*

**Recommendation:** Consider acceptance of a General Utility Easement Dedication by the owner(s) of 810 Andrews Avenue to the City of Delray Beach.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[810 Andrews General Utility Easement](#)  
[Legal Review: 810 Andrews Avenue General Utility Easement Agreement](#)

Ms. Gelin noted 7.I. and 7.J. are related as they are the same project.

Commissioner Boylston motioned to approve Resolution 143-22. 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

Commissioner Boylston motioned to approve 7.J. Vice Mayor Frankel 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.K. 22-1264** *RESOLUTION NO. 153-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA TO AUTHORIZE, SUBJECT TO REFERENDUM APPROVAL, THE ISSUANCE BY THE CITY OF DELRAY BEACH OF ITS GENERAL OBLIGATION BONDS, TO BE ISSUED IN ONE OR MORE SERIES, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$100,000,000 FOR THE PURPOSE OF FINANCING ALL OR A PORTION OF THE COSTS OF RENOVATING AND IMPROVING CERTAIN PUBLIC SAFETY CAPITAL PROJECTS, CALLING FOR A BOND REFERENDUM OF THE QUALIFIED ELECTORS OF THE CITY OF DELRAY BEACH, FLORIDA TO BE HELD ON MARCH 14, 2023 AS TO WHETHER GENERAL OBLIGATION BONDS FOR SUCH PURPOSE SHOULD BE ISSUED; AND PROVIDING AN EFFECTIVE DATE.*

**Recommendation:** Motion to approve Resolution No. 153-22 authorizing, subject to referendum approval, the issuance of General Obligation Bonds in one or more series in an aggregate principal amount of not to exceed

## 2<sup>nd</sup> Budget Public Hearing / Regular Meeting at 4:00 PM

\$100,000,000 for public safety improvements.

**Sponsors:** Finance Department

**Attachments:** [Agenda Cover Report](#)  
[Referendum Resolution 153-22 - City of Delray GO Bonds 2022 \(Public Safety\)](#)  
[Simple Legal Review Approval Reso 153-22](#)  
[PFM General Obligation Bond Referendum Presentation - City of Delray Beach](#)

### APPROVED

**7.L. 22-1263** *RESOLUTION NO. 154-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA TO AUTHORIZE, SUBJECT TO REFERENDUM APPROVAL, THE ISSUANCE BY THE CITY OF DELRAY BEACH OF ITS GENERAL OBLIGATION BONDS, TO BE ISSUED IN ONE OR MORE SERIES, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$20,000,000 FOR THE PURPOSE OF FINANCING ALL OR A PORTION OF THE COSTS OF IMPROVING THE ATLANTIC DUNES PARK, THE CATHERINE STRONG PARK, AND THE MILLER PARK CALLING FOR A BOND REFERENDUM OF THE QUALIFIED ELECTORS OF THE CITY OF DELRAY BEACH, FLORIDA TO BE HELD ON MARCH 14, 2023 AS TO WHETHER GENERAL OBLIGATION BONDS FOR SUCH PURPOSE SHOULD BE ISSUED; AND PROVIDING AN EFFECTIVE DATE.*

**Recommendation:** Motion to approve Resolution 154-22 authorizing, subject to referendum approval, the issuance of General Obligation Bonds in one or more series in an aggregate principal amount of not to exceed \$20,000,000 for parks and recreational improvements.

**Sponsors:** Finance Department

**Attachments:** [Agenda Cover Report](#)  
[Referendum Resolution 154-22 \(Parks\) - City of Delray GO Bonds 2022](#)  
[Simple Legal Review Approval Reso 154-22](#)  
[PFM General Obligation Bond Referendum Presentation - City of Delray Beach](#)

Ms. Gelin noted 7.K. and 7.L. are related and read Resolution 153-22 and Resolution 154-22 into the record.

Mr. Dunkley, Finance Director, noted Jay Glover, Financial Advisor, was in attendance to answer any questions.

Ms. Missie Barletto, Public Works Director, reviewed the referendum items. She noted the first G.O. Bond will finance the costs of much-needed replacements, renovations and innovations to the existing police station, Fire Station 112, and Ocean Rescue Headquarters, as well as Fire Stations 111, 114, and 115 located throughout the City. She reviewed the current needs at the Police Headquarters and Fire Rescue Department.

Mr. Samuel Metott, Parks and Recreation Director, reviewed the G.O. Bond regarding Parks and Recreation. He noted the G.O. Bond would fund projects up to \$20 million at Atlantic Dunes Park, Catherine Strong Park, Miller Park Pickleball Courts and several other parks across the City. He summarized the needs.

Discussion ensued about removing Atlantic Dunes Park from the G.O. Bond.

## 2<sup>nd</sup> Budget Public Hearing / Regular Meeting at 4:00 PM

Mr. Steve Czaban, Bond Counsel, said the Commission could adopt the resolution with removing Atlantic Dunes Park.

Consensus was reached to remove Atlantic Dunes Park from the G.O. Bond.

Commissioner Boylston motioned to approve Resolution 153-22. 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

Commissioner Boylston motioned to approve Resolution 155-22, with the director to remove the Atlantic Dunes project in its entirety. Vice Mayor Frankel 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

Mayor Petrolia asked if any remaining items could be pushed back to a future meeting. Mr. Moore stated 8.D. – Approving the Inventory list of City owned property - could be pushed back to the November 1, 2022, meeting.

Vice Mayor Frankel motioned to defer item 8.D. to the November 1, 2022, meeting. 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.M. 22-1313** *RESOLUTION NO. 164-22 AMENDING THE FISCAL YEAR 2021-22 BUDGET ADOPTED BY RESOLUTION NO. 141-21 ON SEPTEMBER 23, 2021 TO RATIFY INTER-DEPARTMENTAL BUDGET TRANSFERS*

**Recommendation:** Motion to Approve Resolution No.164-22 amending the budget for Fiscal Year 2021-22 adopted on September 23, 2021.

**Sponsors:** Finance Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution 164-22 - Budget Transfer Ratification](#)  
[Exhibit A - Resolution 164-22 - 9-19-2022](#)  
[Legal Review Res 164-22 Budget Transfer](#)

Mr. Dunkley, Finance Director, provided background on the item and noted they are revising the budget transfer policy to be more aligned with the City Charter.

Discussion ensued about the current administrative policy. Ms. Gelin provided additional comments regarding her interpretation of the policy.

## 2<sup>nd</sup> Budget Public Hearing / Regular Meeting at 4:00 PM

Deputy Vice Mayor Casale motioned to approve item 7.M. Vice Mayor Frankel seconded 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

**APPROVED 4-1.**

**7.N. 22-1317** *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 approval of the Letter of Agreement (LOA) with AHCA 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](#)  
[PEMT LOA 2022-23](#)  
[Simple Legal Review Approval- Public Emergency Medical Transportation Letter of Agreement 2022](#)

Mr. Keith Tomey, Fire Chief, provided background on the item. He noted it is normal reimbursement from Medicaid for transport of patients.

Deputy Vice Mayor Casale motioned to approve item 7.N. Vice Mayor Frankel 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.O. 22-1316** *APPROVAL OF 2023 THROUGH 2027 CAPITAL IMPROVEMENT PROGRAM BUDGET*

**Recommendation:** Motion to approve the Capital Improvement Program (CIP) Budget for 2023 through 2027.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[FY23 CIP Book FINAL](#)

Ms. Missie Barletto, Public Works Director, said it is the final adoption of the Capital Improvement Budget FY 2023-2027. She noted the only change from the previous meeting is the addition of the final payment for the SCBA equipment for Fire Department in the amount of \$183,572 in the General Construction budget.

Discussion ensued about the second Police boat. Chief Mager explained the need for the second boat.

Discussion ensued about the detail officer in the City Hall lobby.



## 2<sup>nd</sup> Budget Public Hearing / Regular Meeting at 4:00 PM

Vice Mayor Frankel motioned to approve item 7.O. 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

**8.E. 22-1086** *ORDINANCE NO. 27-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, UPDATING THE CAPITAL IMPROVEMENT PLAN SCHEDULE IN THE COMPREHENSIVE PLAN OF THE CITY OF DELRAY BEACH FOR FY 2022-23 TO FY 2026-27 IN ACCORDANCE WITH THE REQUIREMENTS OF POLICIES CIE 1.2.1. AND CIE 1.2.6 OF THE CAPITAL IMPROVEMENT ELEMENT; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING/PUBLIC HEARING)*

**Recommendation:** Review and consider Ordinance No. 27-22, adopting the 5-Year Capital Improvement Plan for FY 2022-23 through FY 2026-27 and the FY 2022-23 Capital Improvement Budget into the Comprehensive Plan.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[Ordinance No. 27-22 Adoption of Capital Improvements Plan](#)  
[Ordinance No. 27-22 Exhibit A Table CIE-1](#)  
[CIP FY 22-23 to FY 26-27](#)  
[CIP FY 22-23 to FY 26-27: PZB Staff Report](#)  
[Legal Review, Ordinance No. 27-22](#)

Ms. Gelin read Ordinance 27-22 into the record.

### Public Comments:

Seeing no one come forth to speak, Mayor Petrolia closed public comments.

Vice Mayor Frankel motioned to approve Ordinance 27-22. 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

## 9. FIRST READINGS:

**9.A.** None

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

### A. City Manager



## **2<sup>nd</sup> Budget Public Hearing / Regular Meeting at 4:00 PM**

Mr. Moore had no additional comments.

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

Ms. Gelin had no additional comments.

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

Vice Mayor Frankel asked for an update on school zone signage for 2023.

Deputy Vice Mayor Casale requested to add an agenda item on an FAU program regarding diversity in medicine and bioresearch geared towards helping kids in the 6<sup>th</sup> – 8<sup>th</sup> grades.

Commission Boylston requested to add an agenda item on tenants' rights and rent.

Commissioner Johnson spoke about the 1926 lynching of Steven Nelson. She read from historical City Commission minutes regarding the account. She recommended reopening the case. Ms. Gelin noted she will report back on the request.

Mayor Petrolia stated many calls are being received about petty theft on Palm Trail. She asked for increased night patrol in that area.


## ***11. ADJOURNMENT***

With no further business to discuss, Mayor Petrolia adjourned the Regular City Commission Meeting at 9:03 p.m.

[Minutes by TBaclawski Prototype-Inc.]

  
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 19, 2022 City Commission Workshop Meeting held on September 19, 2022, which minutes were formally approved and adopted by the City on November 1, 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.