



CITY OF DELRAY BEACH

CITY MANAGER'S OFFICE

100 N.W. 1ST AVENUE • DELRAY BEACH • FLORIDA 33444 • (561) 243-7015

Delray Beach
Florida



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City Commission Information Letter

April 22, 2022

Current Direction Concerning Administration of Cross Connection Control Program

In response to both the City's commitment with the Florida Department of Health (FDOH) to achieve long-term compliance goals and objectives, as well as to adhere to best practices concerning water quality and safety, the Department of Utilities is performing quite well relative major achievements to support our community's cross connection control program.

As referenced in the attached electronic mail message from Director of Utilities Hassan Hadjimiry, outcomes to this effect include full compliance with FDOH deliverable expectations, involving both applicable monthly and quarterly reporting, as well as a completion of residential and non-residential audits of sites to determine specific types of backflow prevention devices either necessary or present.

Given the significant progress being achieved in this regard, direction will continue to be offered to include such outcomes and record of accomplishments as a function of our continuous efforts to inform and educate the community accordingly. Meanwhile, I wish to offer my appreciation to the Department of Utilities leadership and staff for their continued work to bring the City of Delray Beach to full compliance as outlined.

Progress Involving Delray Beach Clean City Initiative

As the Department of Neighborhood and Community Services was able to productively initiate its Clean City Initiative at the beginning of the current fiscal year, reporting relative to various aspects and progress of the program continues to be provided to the Office of the City Manager.

As referenced in the attached memorandum from Director of Neighborhood and Community Services Sammie Walthour, activities and functions involving

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collaboration and community engagement; external infrastructure maintenance; and various signature efforts (including the recently directed Community Cats Program, Adopt-A-Street, and partnership outcomes involving Keep Palm Beach County Beautiful) have all been succinctly highlighted.

Additionally, references regarding the role and involvement of both the Department of Public Works and the Department of Parks and Recreation, as well as such involving external partners such as the Florida Department of Transportation, the Palm Beach County Board of Commissioners, Palm Tran, and the Florida East Coast Railroad, are included, as the Clean City Initiative will continue to operate as both an interdepartmental and external collaborative accordingly.

Enhancements to Right-of-Way Landscape Maintenance and Improvements

Given approvals offered during Tuesday's regular City Commission meeting relative to contractual service agreements for various landscaping solutions for both right-of-way and medians in Delray Beach, please be advised that efforts are being made to implement enhancements necessary to help alleviate concerns regarding present conditions.

Guidance to this effect includes ancillary moving and trimming activities to increase efficiencies and standardization of services. Additional functions are also being included to address the beach promenade beautification efforts.

Status, Direction, and Outcomes Involving Senate Bill 620 – Local Business Protection Act

As the Florida Legislature recently approved a senate bill governing the now defined Local Business Protection Act which would offer businesses recourse in the event that a municipality enacts or amends an ordinance or charter provision that has or will cause a reduction of at least 15% of profits on a per location basis, please be advised that the City of Delray Beach will soon therefore need to perform an analysis of future proposed legislation that may yield adverse impacts accordingly.

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As referenced in the attached electronic mail message from Assistant City Manager Jeff Oris, direction to this effect likewise involves specific analysis of resulting financial challenges, prior to considerations being offered for City Commission review and evaluation. In essence, the process of offering recommendations to enact or revise ordinances will become more challenging for Delray Beach and other local governments throughout Florida.

Although Governor DeSantis has yet to sign Senate Bill 620 into law, all involved anticipate that he will do so by June 1st.

Calendar of Meetings, Activities, and Functions

As staff prepares for this year's goal setting session, much preparation to proceed accordingly has been initiated earlier this week. This includes formal engagement of an external facilitator to assist the City of Delray Beach as noted, as well as preliminary discussions with department directors to outline status of specific goals, objectives, priorities, and tasks that were first identified during last year's process.

Each of you will therefore be contacted in the coming days to help address individual thoughts and considerations in advance of the May 13th exercise. Otherwise, I'm very much looking forward to my respective involvement and participation, enabling an opportunity to achieve unified direction of expectations accordingly.

Enclosures:

Electronic Mail Message from Hassan Hadjimiry – Cross Connection Control Update
Memorandum from Sammie Walthour – Clean City Initiative Report
Electronic Mail Message from Jeff Oris – SB 620 – The Business Protection Act
Calendar for Business Week of April 18, 2022

CM/Documents/City Commission Information Letter 28

Terrence R. Moore

From: Hadjimiry, Hassan
Sent: Monday, April 18, 2022 8:13 AM
To: Terrence R. Moore
Cc: Gelin, Lynn
Subject: Cross Connection Control update

Good morning Mr. Moore,

For your information, below are a few of the major achievements over the last year for our cross-connection control program:

Citywide backflow device audits were completed in 2021 giving us a first ever complete inventory of the backflow prevention devices in the city. Previously there were just over 1,000 devices recorded. Today we have 6,935 devices recorded and 5,835 need to receive annual testing every year. This exercise will also allow us to report accurately on our 180-day consent order requirements from the FDOH.

In the year 2020 the city received 1,071 test reports from certified backflow prevention assemblies, during 2021 we received 2,293 tests from backflow testers, more than double the previous year. Now at the beginning of Q2 of 2022 we have already received 1,123 test reports and are trending very well towards our goal of total compliance with FDOH Consent Oder by 2024.

We have complied with every FDOH deadline as stated in the Consent Order up to date such as: Monthly Reports of all activities, Quarterly Reports, and submitting satisfactory Cross Connection Inspections Report to the FDOH for reclaimed use sites.

All active reclaimed water customers are in compliance with FDOH regulation. Currently, we have 520 active reclaimed services in the city and 300 inactive services which are all are locked out. Our 2022 annual reclaimed notice which will go out in May to each active and inactive customer has been redesigned and will encourage customers to take advantage of the cost savings and environmental benefits of reclaimed water use.

We have drafted and submitted a new cross-connection control plan to the FDOH for review.

Monthly we process up to 85 permits for backflow installation of new backflow prevention assemblies. 373 devices need to be installed at non-residential sites and 464 devices need to be installed at residential sites by the end of 2024.

With a partnership with code enforcement for sites which do not comply we will meet our deadline of full compliance by the end of 2024.

Respectfully,



Hassan Hadjimiry, P.E.

Utilities Director

City of Delray Beach

434 S. Swinton Avenue



CITY OF DELRAY BEACH
NEIGHBORHOOD & COMMUNITY SERVICES
100 N.W. 1ST AVENUE • DELRAY BEACH • FLORIDA 33444 • (561) 243-7364



MEMORANDUM

TO: Terrence R. Moore, ICMA-CM, City Manger

THROUGH: Jeff Oris, Assistant City Manager

FROM: Sammie L. Walthour, Director, Neighborhood & Community Services *SLW*

DATE: April 6, 2022

SUBJECT: Clean City Initiative Report

This memorandum serves as the second quarter update on the collaborative efforts and direction to respond to visible eyesore environments in the City of Delray Beach. The overall goal of the Clean City Initiative (CCI) is to maximize the resources of City departments and external agencies in proactively participating in interventions and litter prevention activities and engage residents in finding practical solutions in creating a more sustainable community. The Clean City Initiative plan includes three focus areas: Collaboration and Community Engagement, Maintenance and Signature CCI Efforts. Our results to date are as follows.

Collaboration and Community Engagement

External Partners:

On Thursday, February 10, 2022, a Clean City Initiative meeting was held via Teams with internal and external partners. Representation included the Neighborhood & Community Services (NCS), Parks & Recreation, Public Works departments, Florida East Coast Railroad (FEC), Florida Department of Transportation (FDOT) and Palm Tran. Discussion topics consisted of goals and objectives of the Clean City Initiative, expectations regarding rights-of-way and highway on/off ramp maintenance, sidewalk pavers, bus stops, bus shelters and red-light outages. The FDOT representative provided an overview of the state roads, cracks, sidewalks, and the maintenance of landscape nodes. A route schedule was requested from FDOT regarding the maintenance of I-95 entrance/exit ramps to ensure the overall upkeep of the areas off Atlantic Avenue and Linton Boulevard. The Palm Tran representative discussed the interlocal agreement with the City concerning bus shelter maintenance and stand-alone bus stops citywide. The meeting was very productive and enlightening.

Homeowners Associations:

NCS's Neighborhood Services Division (NS) created and maintains a homeowners and condominium associations list for communities throughout the city. The document is utilized by NS and the Code Enforcement divisions to educate and update communities about ordinances and land development regulations that affect the associations, in addition to affordable housing services available to eligible

residents. During the second quarter, staff engaged in two association meetings regarding maintenance of properties and the aesthetics of the areas.

Maintenance

There are several ongoing construction projects in the city. The Public Works Department has been diligent in ensuring that construction sites are adhering to established protocols regarding cleanliness. As part of the Clean City Initiative, below are some of the projects that Public Works has been addressing.

- Cleaned-up illegal dumping in the alley way between S.W. 9th and S.W. 10th from 2nd Street to 1st.
- Worked with Code Enforcement to remove and demolish an abandoned boat.
- Satisfied customer complaints by removing debris and trash from S.E. 5th Street between S.E. 3rd & 4th Street right-of-way.
- Collaborated with the Parks and Recreation Department to dismantle the children's playground at Barwick Walking Park.
- Delray Tennis Open - Streets Maintenance Unit restored 1,500 displaced brick pavers.
- Public Works will conduct additional pressure cleaning to assist the Clean & Safe Division by scheduling every Monday and Wednesday for extra clean-up from Swinton Avenue to N.W. 5th Avenue.

The Parks and Recreation Department maintains more than fifty (50) park properties including athletic fields, aquatic centers, golf courses, tennis centers and the Delray Beach Memorial Gardens Municipal Cemetery and others. In addition to the park maintenance operation, there are more than 130 public rights-of-way and vacant lots being maintained throughout the city. As part of the Clean City Initiative, below are some of the projects that Parks & Recreation has been addressing:

- Replacement of plant material on Congress Avenue wall and at Police Department in progress.
- Barwick Park playground installation in progress.
- CPSI training starts April 11-13, 2022.
- 19,000 square feet of sod was installed at OSS great lawn in January.
- Parks & Recreation also over seeded both front lawns with rye and Bermuda seed.

Signature CCI Efforts

Community Cats Program:

On October 5, 2021, the Mayor and Commissioners approved the allocation of \$25,000.00 to the Neighborhood and Community Services Department to plan and implement a community cats trap-neuter-vaccinate-return (TNVR) program. To date, the following has been established in support the program:

- The "Delray Cats" webpage has been published and a designated email account created. The webpage includes the program overview, volunteer opportunities, updates, photos and more. For additional questions and concerns, email delraycats@mydelraybeach.com.
- NCS staff is working with the Purchasing Department to secure a vendor for trapping services.

- Food vendor partners such as the Community Redevelopment Agency's (CRA) Greenmarket have been contacted regarding the placement of a food collection box to be set-up at each event. The Clean & Safe Team will be responsible for collecting donations. NCS will publish the information on the department's social media account and tag the Greenmarket and CRA.
- Volunteer opportunities for the Delray Cats Program are being advertised on social media as well as on the Delray Cats webpage. Human Resources has advised that vetting of applications may take up to two (2) weeks for review and background checks.
- A soft launch and volunteer orientation is being planned for late April 2022.

Adopt-A-Street:

The NCS Neighborhood Planner in collaboration with Community Greening have been conducting outreach to remind residents that the Adopt-A-Street Program is still active. Community Greening has agreed to work with the Adopt-A-Street program regarding cleaning activities - specific cleanup dates are forthcoming. The Omega Psi Phi Fraternity, Inc., is one of the Adopt-A-Street organizations that has been consistently conducting weekly/monthly clean-ups of trash, litter & debris.

Keep Palm Beach County Beautiful:

The Keep Palm Beach Beautiful program is being reviewed and an update will be provided this month regarding any aspects that can be incorporated into the CCI efforts. The Neighborhood Services Division will be handing out flyers in the Community Development Block Grant focus areas in the city which includes the NW/SW areas.

Enhanced Services NW/SW Communities:

NCS recently hired its first of two litter prevention officers. The Litter Prevention Program is a CRA-funded effort that focuses on the maintenance and safety in the NW/SW areas. The program seeks to lead a comprehensive anti-litter management plan by performing public education campaigns designed to increase residents' participation in litter abatement and raise public awareness about environmental issues; conduct public presentations, publicize special events, and perform clean-up projects to remove litter, overgrowth, and graffiti in the NW/SW areas. As part of the Clean City Initiative, below are some of the projects that the Litter Prevention Officer has been tasked with addressing:

- Ensuring NW/SW neighborhoods are clean and free of trash, litter and debris on a weekly basis.
- Engaging with the residents in the NW/SW neighborhoods to educate and promote anti-littering.
- Performing clean-ups in areas identified as problem areas for trash, litter, and debris.
- Identify illegal dumping locations.
- Communicate with NCS's nuisance abatement officers to promptly remove bulk trash, litter, and debris from public rights-of way.
- Communicate with code enforcement officers when courtesy warning or notice of violation is necessary to achieve compliance.

Community Resources Meetings:

The Neighborhood and Community Services Department hosted its first Delray Beach Community Resource Fair on March 26th from 10:00am to 2:00pm, at Old School Square. The Resource Fair was created as an interactive opportunity to educate residents about the services and resources provided by City departments and nonprofit agencies. The free event offered information, raffle prizes, and food

for purchase from a few popular food trucks. In addition, there was a donation station (cat food) for the Community Cats Program.

The Clean City Initiative is off to an inspiring start and the partners will continue to communicate with and engage the community. Big thanks to Public Works Director Missie Barletto, Parks & Recreation Director Sam Metott, NCS division administrators Ferline Mesidort, Enrique Fernandez and Darcy Tyson (Acting Clean & Safe Administrator) and their respective teams for the tremendous support. And sincere gratitude to NCS Assistant Director Danise Cleckley, in her role as team lead for the Clean City Initiative, for working collaboratively with all involved and for making this report possible.



Terrence R. Moore

From: Oris, Jeff
Sent: Thursday, April 21, 2022 6:31 PM
To: Terrence R. Moore
Subject: SB 620 - The Business Protection Act

Mr. Moore:

During the recently their recently concluded session, the Florida legislature approved Senate Bill 620 also known as the Local Business Protection Act. This bill, which is anticipated to be signed into law by Governor DeSantis, would have direct impacts on the City and future consideration of certain new or amended ordinances and charter provisions. Our City will need to be prepared to comply with this legislation should it become law.

This Act, if enacted, will afford the opportunity for businesses (that have operated legally within the City for at least three years) to claim business damages from the City if the City were to enact or amend any ordinance or charter provision that results in a reduction of the business' profits by 15% or more as applied on a per location basis of a business operated within the City. Therefore, any ordinance or charter provision that would increase the cost of doing business in the City or decrease revenues could trigger a potential claim. An example of such regulation would be those that could lead to reduced business hours, increased lighting requirements, the need to alter existing signage, or regulation that limits or eliminates the use of part of a property or building from which the business derives revenue, just to name a few.

The value of business damages that could be claimed would vary from business to business based on the type of business, the product the business sells, or the business skills of the owner or manager of the business. Damages that may be recovered by a business may not exceed the present value of the business' future lost profits for the lesser of 7 years or the number of years the business has been in operation in the City before the ordinance or charter provision was enacted. The business will have to present a settlement offer to the City within 180 days of the effective date of the ordinance/charter provision along with certain business records to justify their claim. To avoid liability, the City will have 120 days from receipt of a good faith settlement offer and the business records to:

- 1) Make a counteroffer;
- 2) Rescind the ordinance or charter provision;
- 3) Amend the ordinance or charter provision in a manner that reduces the impact to the business to less than 15% of its profits;
- 4) Grant a waiver from the ordinance or charter provision to a business submitting a claim;
- 5) Within 30 days of the receipt of a good faith settlement offer, publish its intent to rescind or amend the ordinance.

Several exemptions are also contained within the legislation. The City will not have liability for damages should the ordinance or charter provision be;

- 1) Required to comply with state or federal law;
- 2) An emergency ordinance, declaration or order adopted under the State Emergency Management Act;
- 3) A temporary emergency ordinance which remains in effect for no more than 90 days;
- 4) To implement the Growth Management Act, the Florida Building Code, or the Florida Fire Prevention Code;
- 5) Required to implement a contract or agreement;
- 6) Related to the issuance or refinancing of debt;
- 7) Related to the adoption or amendment of a budget including revenue sources to fund the budget;
- 8) Related to procurement;
- 9) Intended to promote, enable, or facilitate economic competition.

The City will need to be vigilant in reviewing and analyzing the potential effects of any new or amended ordinance or charter provision on businesses operating within the City. Unfortunately, determining how many, if any, businesses may have cause to file a claim prior to implementation of any ordinance or charter provision will be challenging. The threshold to file a damage claim is not a fixed cost lost to businesses due to compliance with the new regulations but instead, is a percentage of the individual business' profit. As mentioned prior in this communication, profits may vary widely based on the type of business or the product it sells, as well as the operator's ability to operate and manage the business. This will limit the ability of the City to determine the number of businesses that may have cause to file a claim, as well as limit the ability to determine the potential value of possible claims.

Notwithstanding these limitations, a standard analysis method will be necessary to help guide the City Commission with their decision making for ordinance and charter provisions that have the potential to enable damage claims.

Should this bill become law, guidance will be required as to how staff is to proceed in creating backup information, specifically the type and contents of any analysis method, that would be required to assist the City Commission in their decision making process for any future ordinances or charter amendments that have the potential to generate business damage claims.

Please let me know if you require any further information or analysis regarding this matter.

Jeff Oris
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April 18, 2022 - April 24, 2022

April 2022							May 2022						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
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10	11	12	13	14	15	16	15	16	17	18	19	20	21
17	18	19	20	21	22	23	22	23	24	25	26	27	28
24	25	26	27	28	29	30	29	30	31				

Monday, April 18

- ← Summer Internship Program 2022 →
- ← Kent ooo →
- ← 12:00am Sammie
- 7:30am - 8:30am Begin CIL (CM Office)
- 8:30am - 8:40am New employee orientation (First Floor Conference Room) - Bast, Dot ↻
- 9:00am - 9:30am Follow-up Discussion Historic Carver/ Delray Master Plan - kristin.garrison@palmbeachschools.org
- 10:00am - 10:30am Direction Regarding Purchasing Function and Operations (CM Office) - Terrence R. Moore
- 11:00am - 12:00pm Follow-Up Review and Cost Analysis Regarding PBA Considerations (CM Office) - Terrence R. Moore
- 2:00pm - 3:00pm PD-Quarterly Awards Ceremony Announcement
- 2:30pm - 4:00pm Various (Various)
- 3:00pm - 4:30pm Canceled: Cancelled - Comm. Johnson mtg w/CM

Wednesday, April 20

- ← Summer Internship Program 2022 →
- 7:30am - 8:30am Kiwanis Club of Delray Beach (Delray Beach Golf Club (2200 Highland Ave, Delray Beach, FL 33445)) - Ezra Krieg ↻
- 9:00am - 10:00am Agenda Review Meeting (May 3 CC Meeting) (City Hall 1st Floor Conference Room) - Conference Room - City Hall
- 10:00am - 10:30am HOLD - Tourism Master Plan Meeting with Don Kolodz
- 10:00am - 11:00am CITY of DELRAY BEACH > Tourism Master Plan - 1-on-1 Interview
- 10:00am - 10:30am Project Ribbon - Prep for BDB Call (Conference Room)
- 11:00am - 12:00pm PBA (Office of the City Manager)
- 2:00pm - 3:00pm Meeting with Mark Sauer re: College Bound
- 3:00pm - 4:00pm Compile Information Letter Report - Progress
- 4:00pm - 4:30pm CM Moore/Chief Tomey 1:1 (City Manager's Office)
- 5:30pm - 7:00pm Various (Various)

Friday, April 22

- ← 12:00am Summer Internship Program 2022
- Amanda 1/2 day
- 7:30am - 9:00am Finalize CIL (CM Office) ↻
- 9:00am - 10:30am Quarterly Service Award participants - King, LeShay
- 10:00am - 11:00am Carver Square Construction Celebration (Corner of SW 3rd Street and SW 7th Avenue) - Waterlander, Tracy
- 11:00am - 1:30pm PBCCMA (Monthly) Meeting (Village of Royal Palm Beach Cultural Center 151 Civic Center Way Royal Palm Beach, FL)
- 12:30pm - 2:00pm Various (Various)
- 2:00pm - 3:30pm VTT002 - Virtual Think Tank (<https://us02web.zoom.us/j/84767239455?pwd=d09sZEtMakgyTmtBdD>)
- 3:00pm - 4:00pm Notice of Default- ITBC 2020-005- Water Main Subaqueous Crossings (Conference Room - City Manager) - Vega,
- 4:30pm - 5:30pm KnowBe4-Semi Annual Training (CM Office)

Tuesday, April 19

- ← Summer Internship Program 2022 →
- ← 12:00am Kent ooo
- 9:00am - 10:00am Compile Information Letter Report - Status, Direction, and Impacts Concerning SB 620 (CM Office) - Terrence R. Moore
- 10:00am - 11:30am Mayor mtg w/CM Moore Re: Agenda & Updates (1st Floor Conference Room) - Rangel, Delores ↻
- 11:30am - 12:00pm DK (CM Office)
- 2:00pm - 3:00pm Executive Session - City of Delray Beach and Police Benevolent Association Collective Bargaining (1st Floor)
- 2:00pm - 3:00pm Executive Session - City of Delray Beach and Police Benevolent Association Collective Bargaining (1st Floor)
- 3:00pm - 4:00pm Shade Meeting
- 4:00pm - 8:00pm April 19th Regular Commission Meeting - Viewing of Presentations (Microsoft Teams Meeting) - Harris, Patrice

Thursday, April 21

- ← Summer Internship Program 2022 →
- Janet ooo
- Katerri ooo
- 9:00am - 10:00am JJ Bujalski Introductory Meeting re: Pickle and Social (Conference Room - City Manager) - Vega, Brenda
- 10:00am - 11:00am 2022 Goal Setting Workshop Discussion (Office of the City Manager) - Vega, Brenda
- 11:30am - 12:30pm Compile Information Letter Report - Current
- 2:00pm - 3:00pm Comm. Casale Mtg w/CM Moore Re: Bi-Weekly
- 3:00pm - 4:30pm Various (Various) ↻
- 4:00pm - 5:00pm Compile Information Letter Report -
- 5:00pm - 6:00pm SC (CM Office)
- 5:00pm - 5:30pm .
- 6:00pm - 7:30pm Noise Ordinance Workshop (Commission)

Saturday, April 23

- 10:00am - 11:00am Delray Beach Tennis Center (Clay Court #8) ↻
- 11:30am - 1:30pm Various, CIL Notes, etc. (CM Office)
- 12:00pm - 12:30pm BLS (CM Office/Conference Call)

Sunday, April 24