



# City of Delray Beach

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Delray Beach, Florida  
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## Annual Organizational Meeting and Regular Meeting

### City Commission

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

Delray Beach City Hall or Watch on YouTube:

Tuesday, April 5, 2022,

4:00 PM

[https://www.youtube.com/channel/UCc2j0JhnR8Hx0Hj13RhCJag/videos?view=2&live\\_view=501](https://www.youtube.com/channel/UCc2j0JhnR8Hx0Hj13RhCJag/videos?view=2&live_view=501)

### Annual Organizational Meeting/Regular Meeting at 4:00 PM

#### 1. CALL TO ORDER

The Annual Organizational Meeting/Regular Commission Meeting was called to order at 4:00 p.m.

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

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

Others present were:

Terrence Moore, City Manager

Lynn Gelin, City Attorney

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

#### 3. AGENDA APPROVAL

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

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

**APPROVED**

4. A. Additions, Deletions, Substitutions

Commissioner Casale requested to speak before the Commissioner's comments.

**ORGANIZATIONAL MEETING**

4. SELECTION OF VICE MAYOR FOR THE TERM MARCH 31, 2022, - MARCH 30, 2023

**Sponsors:** City Clerk Department

Vice Mayor Johnson motioned to nominate Deputy Vice Mayor Frankel as Vice Mayor from March 31, 2022 - March 30, 2023. Commissioner Boylston seconded the motion. The motion was carried by the following vote:

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

**APPROVED**

5. SELECTION OF DEPUTY VICE MAYOR FOR THE TERM OF MARCH 31, 2022 - MARCH 30, 2023.

**Sponsors:** City Clerk Department

Commissioner Johnson motioned to nominate Commissioner Casale as Deputy Vice Mayor from March 31, 2022 - March 30, 2023. Vice Mayor Frankel seconded the motion. The motion was carried by the following vote:

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

**APPROVED**

6. REVIEW AND ADOPTION OF DELRAY BEACH CITY COMMISSION LOCAL RULES OF PROCEDURE AND QUASI-JUDICIAL RULES

**Sponsors:** City Attorney Department

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

[Local Rules Clean 3-27-2022 FINAL Iq FINAL2 3-29-2022 \(002\)](#)

Ms. Gelin recommended adopting the following amended Rules of Procedure:

- Combine the Local Rules of Procedure and the Quasi-Judicial Rules into one document.
- Allow only one reconsideration per action item.
- Motion for a postponement to include a 60-day timeline before coming back to the Commission.
- Adding a section to the agenda for Commissioners' comments or items that may or may not require a vote.

Commissioner Boylston motioned to approve adopting the amended Local Rules of Procedure and Quasi-Judicial Rules as recommended by Ms. Gelin. 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. CITY COMMISSION MEETING DATES FOR 2022-23**

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[2022 - 2023 Commission Meeting Calendar Dates](#)

Vice Mayor Frankel motioned to approve the City Commission Meeting dates 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**

Deputy Vice Mayor Casale recommended that the Commission provide Mr. Moore with better direction on City priorities.

**REGULAR MEETING**

**8. PRESENTATIONS:**

**8.A. PRESENTING DEON BASS, ENGINEERING INSPECTOR, WITH EMPLOYEE OF THE MONTH OF MARCH 2022.**

**Sponsors:** Human Resources Department

**Attachments:** [Agenda Cover Report](#)  
[Deon Bass EOM Nomination Form](#)

Ms. LeShay King, Human Resource Generalist, recognized Mr. Deon Bass, Engineering Inspector, as the employee of the month for March 2022. Ms. King recognized Mr. Bass as an outstanding employee who goes above and beyond his duties. Ms. Missie Barletto, Director of Public Works, shared that Mr. Bass performed an act of bravery by saving an employee who fell into the intercoastal before he joined the city. Ms. Barletto communicated that Mr. Bass is an exemplary employee in his department. Mr. Bass was presented with a plaque and a certificate for eight hours of paid time off.

**APPROVED**

**8.B. RECOGNITION OF ATLANTIC HIGH SCHOOL STUDENT-ATHLETES WHO HAVE**

## SIGNED LETTERS OF INTENT FOR UNIVERSITY ATHLETIC SCHOLARSHIPS

**Sponsors:** City Manager Department

Mr. Moore acknowledged the students from Atlantic High School who have signed letters of intent for college athletic scholarships. Mr. Daniel Studdard, Assistant Coach and staff member at Atlantic High School, discussed the school's rigorous athletic and academic programs. Mr. Studdard introduced the students, who thanked the coaching staff for their mentorship.

### APPROVED

#### 8.C. GREEN IMPLEMENTATION ADVANCEMENT BOARD 2021 ANNUAL REPORT

**Sponsors:** City Manager Department

**Attachments:** [Agenda Cover Report](#)  
[2022 GIAB Annual Reported](#)

Mr. Kent Edwards, Sustainability Officer, introduced Mr. Hal Stern, Chairperson of the Green Implementation Advancement Board. Mr. Stern presented his findings for the year in review per the original Resolution No. 24-09:

#### Plastics:

- Not much progress has occurred in resolving the problem of single-use plastics in the City.
- There had been no action with the straw ban, and there were limitations to banning polystyrenes.
- The C.O.A.S.T Program was implemented to pick up plastics that wash up on the shore.

#### Green Building Ordinance:

- The proposed Green Building Ordinance has been met with significant opposition by members of the community. It is his belief that the proposed Ordinance can substantially reduce greenhouse gases, but it will take everyone working together.

#### Trees:

- The tree inventory is complete
- The RFP has been put out and the City is negotiating on the plantings
- There is a final draft of the Urban Forest Management Plan, which is the first time an inventory has been done of each tree the City owns.
- He acknowledged a potential future problem that as the city continues to grow, more trees would come down.
- Ozark Tree Services questioned whether the old trees in town are being preserved.

In conclusion, Mr. Stern feels there needs to be a more unified city effort to engage the citizens to devise ways to preserve the planet.

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

#### **9. A. City Manager's response to prior public comments and inquiries**

##### **9.A.1. INTRODUCTION OF HUGH DUNKLEY, CPA, CGFO, FINANCE DIRECTOR**

Mr. Moore introduced Mr. Hugh Dunkley as the City's new Finance Director. He gave an overview of Mr. Dunkley's extensive record of achievements in finance and accounting, making him the perfect candidate for the City's Finance Director. He also informed the Commission that Mr. Dunkley had been a Delray Beach resident for the past twenty-six years.

Mr. Dunkley thanked everyone for their warm welcome. He discussed his family's involvement in the community and thanked the Commission for the opportunity to serve the city.

### **9.A.2. INTERNAL FACILITY CONDITIONS AT THE OLD SCHOOL SQUARE COMPLEX**

Ms. Missie Barletto, Director of Public Works, provided an assessment of the construction at the Old School Square Campus – Crest Theater. She explained that some of the areas are still in good condition, as noted below:

- The classrooms on the 2<sup>nd</sup> Floor
- The Cornell Museum Facility
- The elevators are in working order
- The amphitheater and lawn

Additional Improvements needed with the following:

- The Concession Stand has had some issues with roof leaks
- The Crest Theatre exterior lighting needs to be upgraded
- Stage curtains replaced
- Grounds Improvements
- Campus bathrooms

Ms. Barletto reported that the National Endowment for the Humanities Infrastructure and the Capacity Building Challenge Grant provides municipalities with a fifty percent match of funds up to \$1 million, providing the city meets the established guidelines.

Further discussion ensued.

Ms. Barletto received consensus to move forward with applying for the grant mentioned above.

Mayor Petrolia thanked Ms. Barletto for her efforts.

### **9.A.3. FOLLOW-UP CLARIFICATION AND RESPONSE TO RECENT OIG AUDIT**

**Attachments:**     [OIG Response \\_ AP Expenditures and Cash Disbursements Audit 03.29.2022](#)

Mr. Moore reported that Mr. Dunkley, Finance Director, would provide his findings from the Office of Inspector (OIG) relative to finance transactions from 2015-2019. Mr. Dunkley reported that the (OIG) was not in receipt of several revisions to the city's new Purchasing Departments Ordinances allowing city staff to purchase resale items for the golf course and tennis facilities without the approval of the City Commission. Mr. Dunkley communicated that this significantly reduced the audit findings. He advised Mr. Moore that city staff is working on tightening the controls.

### **9.A.4. Current construction projects**

Ms. Barletto provided an update on the city's construction projects.

## **9.B. From the Public**

Montre Bennett, residing at 323 NW 2nd Avenue, Delray Beach, thanked Mr. Moore for all that he does within the community. Mr. Bennett expressed his concern that there wasn't a sign in Libby West Plaza to recognize Mr. Zach Straghn. He urged the Commission to think about the residents and not themselves. Mr. Bennett requested the Commission to give the American Legion Hall back to the residents.

Jennifer Jones, residing at 639 Kingbirds Avenue, Delray Beach, Public Relations Founder of the Volunteer Association Fund of Florida. Ms. Jones discussed the importance of the Haitian communities vote in the local elections. She asked the Commission to help locate a building to host events for the Haitian community.

Jerry Albright, residing at 1644 SE 3<sup>rd</sup> Street with Urban Heights Construction, provided an update on the Atlantic Crossings sidewalks.

Mavis Benson, residing at 800 Greensward Court, Delray Beach, suggested that signs be put up on the 500 block directing people o the Delray Affair. She thanked everyone who attended Savor the Avenue. Mr. Moore commented that he would look into the matter.

Mayor Petrolia closed public comment.

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

Commissioner Johnson requested to discuss Consent Item No.10.D. and Consent Item No. 10.G.7.

Ms. Gelin suggested discussing both items to avoid having to amend the Agenda since they were not requested to be pulled for discussion prior to the agenda being approved. If there appears to be an issue with approving, then the agenda would have to be amended.

### Item No.10.D.

Commissioner Johnson questioned the retroactive approval and the unclear dollar amount. Ms. Barletto explained that the existing Resolution for Barwick Road from Atlantic to Lake Ida did not cover this grant application and therefore was not brought forward for approval. Although it was discussed at Goal Setting and during the budget process, a formal request for permission to apply for the grant was not done. Thus the need to bring it forward now. Ms. Barletto further explained that is a grant application – not a grant award and it is part of the TPA Grant program where a multi-use trail is being added separating it from the roadway. The estimate was not readily available, however, it was clarified there is no expenditure of funds this year.

### Item No. 10.G.7.

Commissioner Johnson commented that she questions agenda items with the large dollar amounts placed on the Consent Agenda. Mr. Jay Stacy explained these are CIP Items that were approved for the server and data storage infrastructure totaling about \$900,000. It was rounded up to \$1 million dollars to accommodate some of the other departments' IT purchase requests.

Commissioner Boylston motioned to approve the Consent Agenda. 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 AS AMENDED**

**10. A. CITY COMMISSION MEETING MINUTES**

**Sponsors:** City Clerk Department

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

[November 16, 2021, Regular Commission Meeting Minutes - DRAFT](#)

[December 7, 2021 Regular Commission Minutes - DRAFT](#)

[January 4, 2022 Regular Commission Minutes - DRAFT](#)

**APPROVED**

**10.B. APPROVAL OF AMENDMENT #1 TO THE POLICE COMMUNICATIONS AGREEMENT WITH THE TOWN OF GULF STREAM**

**Sponsors:** Police Department

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

[Police Communications Agreement Town of Gulf Stream - Amendment 1 CJIS lw rev](#)

[Town of Gulf Stream executed Amendment No. 1](#)

[Gulf Stream - Fully Exec Comm Agreement expire 9.30.22](#)

[Legal Review Checklist Amend 1-Police Comm Agreement](#)

**APPROVED**

**10.C. ITEM(S) A1- ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENT BY 189 W. LINTON BLVD. AND ITEM B1- ACCEPTANCE OF A RIGHT OF WAY DEDICATION 8 EASTVIEW AVE.**

**Sponsors:**Public Works Department

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

[Legal Review PSE 189 W Linton Blvd SST II](#)

[Item \(A1a\) Perpetual Sidewalk Easement - 189 W. Linton Blvd.](#)

[Item \(A1b\) - Exhibit A & Sketch- 189 W. Linton Blvd.](#)

[Legal Review Right of Way Deed 8 Eastview Ave Elite Property Development LLC](#)

[Item \(B1a\) ROW - 8 Eastview Ave](#)

[Item \(B1b\) Exhibit A Sketch & Legal - 8 Eastview Ave](#)

**APPROVED**

**10.D. RESOLUTION NO. 51-22 RETROACTIVELY AUTHORIZING AND DIRECTING THE CITY MANAGER TO COMPLETE AN APPLICATION FOR FINANCIAL ASSISTANCE PURSUANT TO THE PALM BEACH TRANSPORTATION PLANNING AGENCY (TPA) LOCAL INITIATIVES PROGRAM FOR FUNDING FOR A PROPOSED COMPLETE STREETS TRANSPORTATION PROJECT ON BARWICK ROAD FROM LAKE IDA ROAD TO SABAL LAKES ROAD (NORTH) ; AGREEING TO FUND THE LOCAL SHARE OF PROJECT AND THE ONGOING MAINTENANCE AND OPERATIONS EXPENSES ASSOCIATED WITH THE PROJECT; AND PROVIDING FOR AN**

**EFFECTIVE DATE.**

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution 51-22 TI GrantApplication DelrayBeach BarwickRoad Rev. KWB](#)  
[Simple Legal Review Approval Resolution 51-22 Grant Application](#)  
[LI Application Form 2022 TRM](#)  
[BarwickGrant CombinedTypicalSections VERS 2022-01-26](#)

Commissioner Johnson requested to discuss Consent Agenda Item No. 10.D.

Commissioner Johnson expressed her reservations about entering into a retroactive agreement with the Transportation Planning Agency (TPA) that wasn't fully vetted.

Ms. Barletto explained that her staff mistakenly assumed this item was part of a previous resolution and grant for Barwick Road. Ms. Barletto said she discussed this item during the past year's Goal-Setting Meeting and budget process. Ms. Barletto humbly apologized on behalf of her staff.

**10.E. PROCLAMATIONS:**

**10.E. ALFRED "ZACK" STRAGHN DAY PROCLAMATION**

**1.**

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Alfred Straghn Proclamation](#)

**APPROVED**

**10.E. PROCLAMATION TO DESIGNATE APRIL 22, 2022 AS EARTH DAY**

**2.**

**Sponsors:** City Manager Department

**Attachments:** [Agenda Cover Report](#)  
[Earth Day 2022](#)

**APPROVED**

**10.E.3. PROCLAMATION TO DESIGNATE THE MONTH OF APRIL AS AUTISM AWARENESS MONTH**

**Sponsors:** Parks & Recreation Department

**Attachments:** [Agenda Cover Report](#)  
[Autism Awareness Month Proc. 2022](#)

**APPROVED**

**10.E.4. PROCLAMATION TO DESIGNATE THE MONTH OF APRIL AS WATER CONSERVATION MONTH**

**Sponsors:** Utilities Department

**Attachments:** [Agenda Cover Report](#)  
[2022-Water Conservation Proclamation.doc](#)



APPROVED

**10.E.5. SEXUALLY TRANSMITTED DISEASE AWARENESS MONTH**

**Sponsors:** City Clerk Department

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

APPROVED

**10.F. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**

**10.F.1. REPORT OF APPEALABLE LAND USE ITEMS FROM MARCH 7, THROUGH MARCH 18, 2022.**

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Appealable Items Map](#)  
[A - 912 Palm Trail Townhomes](#)

APPROVED

**10.G. AWARD OF BIDS AND CONTRACTS:**

**10.G.1. APPROVAL OF RESOLUTION NO. 34-22 TO AWARD AN AGREEMENT TO VALLEY COLLECTION SERVICE, LLC, FOR DEBT COLLECTION SERVICES UTILIZING THE CITY OF FORT LAUDERDALE SOLICITATION NO. 12315-095 - \$7,500**

**Sponsors:** Finance Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist MSA Valley Collection Service Fort Lauderdale Piggyback Debt Collection Services \(004\)](#)  
[Res 34-22 Valley Collection Services Fort Lauderdale Piggyback Debt Collection Valley Collection Services Agreement. Redacted](#)

APPROVED

**10.G.2. APPROVAL OF RESOLUTION NO. 35-22 FOR THE PURCHASE OF 3 NEW VEHICLES FROM BOZARD FORD UTILIZING THE FLORIDA SHERIFFS ASSOCIATION CONTRACT NO. FSA 20-VEL28.0 IN THE ESTIMATED AMOUNT OF - \$87,093**

**Sponsors:** Utilities Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Simple Legal Review Approval for Resolution 35-22](#)  
[RESOLUTION NO. 35-22](#)  
[F-150 Quote-Bozard Ford 2-7-22](#)

APPROVED

**10.G. APPROVAL OF RESOLUTION NO. 36-22 TO AWARD AN AGREEMENT WITH PVS 3. TECHNOLOGIES, INC. FOR THE SUPPLY AND DELIVERY OF FERRIC CHLORIDE FOR THE UTILITIES DEPARTMENT (ITB 2022-009) - \$478,080**

**Sponsors:** Utilities Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist PVS Technologies, Inc.](#)  
[RESOLUTION NO. 36-22](#)  
[PVS Technologies, Inc. Agreement](#)

APPROVED

**10.G.** APPROVAL OF RESOLUTION NO. 44-22 FOR THE PURCHASE OF AN  
**4.** AGREEMENT WITH ADT COMMERCIAL, LLC FOR SECURITY AND FIRE PROTECTION PRODUCTS AND SERVICES: SPECIFICALLY CONVERTING ELECTRONIC DOOR LOCKS TO WIRELESS CONTROL, UTILIZING EXISTING AGREEMENT WITH THE STATE OF NEVADA THROUGH THE NASPO VALUE POINT COOPERATIVE CONTRACTS- \$250,000.

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

**Attachments:** [Agenda Cover Report](#)  
[State of Nevada Master Agreement](#)  
[Florida Director of State Approval NASPO Value Point Master Agreement No. 3407 \(Delray Beach FL\)](#)  
[Master Service Agreement \(Participating Addendum ADT\)](#)  
[Participating Addendum ADT NASPO](#)  
[Res 44-22 - ADT Commercial LLC piggyback of Nevada Agreement](#)  
[Legal Review Checklist Participating Addendum and MSA for ADT piggyback off Nevada](#)

[Agmt](#)

APPROVED

**10.G.** APPROVAL OF CHANGE ORDER NO. 2 TO RESOLUTION NO. 31-21 AND THE  
**5.** AGREEMENT WITH CONSTRUCT CO, INC. (ITBC NO. 2021-004) IN A NOT-TO-EXCEED AMOUNT OF \$150,000 WITH 19 ADDITIONAL CALENDAR DAYS FOR THE ATLANTIC DUNES PARK SEAWALL REPLACEMENT PROJECT.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[Amd #1 to ITBC 2021-004 - Construct Co. Inc. Seawall Replacement Atlantic Dunes Park](#)

[FINAL](#)

[Amd #1 to ITBC 2021-004 Construct Co Inc Atlantic Dunes Seawall Ex A](#)  
[Legal Review Checklist Amd #1 ITBC 2021-004 Construct Co Inc Atlantic Dunes Seawall](#)

[Replacement](#)

[Agreement - Construct Co. Inc. Construction Services at Atlantic Dunes Seawall](#)

APPROVED

**10.G.** MOTION TO INCREASE PURCHASE ORDER NO. 2022-004 IN THE NOT TO  
**6.** EXCEED AMOUNT OF \$285,000 FOR INFORMATION TECHNOLOGY THE PURPOSE OF STAFF AUGMENTATION SERVICES

**Sponsors:** IT Department and Purchasing Department

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

[Florida Dept of Management Services Contract No 80101507-SA-19-1](#)

APPROVED

7. \$1,000,000 FOR THE PURCHASE OF ADDITIONAL SERVER AND STORAGE EQUIPMENT FROM INSIGHT PUBLIC SECTOR, INC. FOR THE INFORMATION TECHNOLOGY DEPARTMENT FOR THE TERM OF THE AGREEMENT THROUGH APRIL 30, 2023.

**Sponsors:** IT Department and Purchasing Department

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

[County of Fairfax Virginia - Acceptance Agreement No 4400006644](#)

[City of Delray Beach Agreement 2020-022](#)

Commissioner Johnson requested to discuss Consent Agenda Item No. 10.G.7.

Commissioner Johnson expressed her concern about having large sums of money as part of the Consent Agenda.

Mr. Jay Stacy, IT Director, remarked that Item No. 10.G.7. increased due to other departments' requests that initially weren't included in the Capital Improvement Plan. Mr. Stacy advised that he bundled all requests resulting in increased expenditures.

APPROVED

## **11. REGULAR AGENDA:**

11. A. RESOLUTION NO. 31-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE TO ALLOW A NEIGHBORHOOD AUTOMOTIVE RENTAL FACILITY AT 14530 SOUTH TRAIL, AS MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT TO THE 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 PURPOSES. (QUASI-JUDICIAL HEARING)

**Sponsors:** Development Services Department

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

[Res. No. 31-22 Conditional Use - Avis Car Rental 14530 S Military Trail](#)

[PZB Staff Report Conditional Use - Avis Car Rental](#)

[Avis Car Rental Justification Statement](#)

[Avis Car Rental Site Plan](#)

[Legal Review Res 31-22 Conditional Use - Avis Car Rental 14530 S Military Trail](#)

Mayor Petrolia read the Quasi-Judicial Rules into the record.

Ms. Katerri Johnson, City Clerk swore in all those who wished to provide testimony on Resolution No. 31-22.

Mayor Petrolia asked if her colleagues had any ex-parte communications to disclose.

The following was disclosed:

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

Ms. Anthea Gianniotis, Director of Development Services, entered File No. 2022-051 into the record.

Mr. Liam Sargent, a land planner with Kimley Horn, located at 1615 South Congress Avenue, Delray Beach, was present on behalf of Avis Car Rental. Mr. Sargent stated the conditional use request he was seeking is within a Planned Commercial Use District in the Delray Square Shopping Center. He provided a site plan analysis and advised that the site is currently a vacant retail building. Mr. Sargent stated the traffic analysis reports there would be no impact on mobility.

Ms. Gianniotis provided a staff report and a complete analysis of the required findings and stated that this item met the Planning and Zoning Boards requirements. She commented that the use would not fundamentally alter the retail nature of the shopping center and was compliant with the Land Development Regulations. She concluded her presentation by saying that Avis Car Rental would simply be occupying the existing space while utilizing ten parking spaces.

There were no public comments.

There was no cross-examination or rebuttal.

Deputy Vice Mayor Casale motioned to approve Resolution No. 31-22. Commissioner Boylston seconded the motion. The motion was carried by the following vote:

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

**APPROVED**

**11.B. RECOMMENDATION FOR APPOINTMENT TO THE CODE ENFORCEMENT BOARD**

**Sponsors:** City Clerk Department  
**Attachments:** [Agenda Cover Report](#)  
[Code Enforcement Board](#)  
[Code Enforcement Attendance 2022](#)  
[Anderson](#)  
[Hecht](#)  
[Lubin](#)

Vice Mayor Frankel motioned to nominate Mr. Max Lubin to the Code Enforcement Board. 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**

**11. C. DESIGNATION OF VOTING DELEGATE AND ALTERNATE(S) TO THE PALM BEACH COUNTY LEAGUE OF CITIES.**

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Voting Delegate Form 2022 fillable](#)

Vice Mayor Frankel nominated Commissioner Johnson to continue serving as a delegate on the Palm Beach County League of Cities. 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**

Deputy Vice Mayor Casale motioned to nominate Vice Mayor Frankel as the alternate to the Palm Beach County League of Cities. Commissioner Boylston seconded to 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**

**11.D. APPROVAL TO ATTEND THE FCCMA 2022 ANNUAL CONFERENCE**

**Sponsors:** City Manager Department

**Attachments:** [Agenda Cover Report](#)  
[2022-FCCMA-Conference-Mini-Announcement](#)

Commissioner Johnson expressed her concern about the City Manager's annual conference cost.

Ms. Gelin explained that Mr. Moore would need to budget for the conference in the coming year.

Vice Mayor Frankel motioned to approve this request. Commissioner Johnson seconded the motion. The motion was carried by the following vote:

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

**APPROVED**

**11.E. OPERATIONAL AND MANAGEMENT AGREEMENT INVOLVING THE BOCA RATON MUSEUM OF ART TO SUPPORT ACTIVITIES AT THE CORNELL ART MUSEUM**

**Sponsors:** City Manager Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution 54-22](#)  
[Legal Review Checklist form v. 7 WMB 3 5 2021 BRMA Agreement](#)  
[Management and Operating Agreement](#)

Mr. Irvin Lippman, Executive Director of the Boca Raton Museum of Art, was present to discuss the pending collaboration with the Boca Raton Museum of Art and the Delray Beach Cornell Museum of Art. Mr. Lippman explained that the partnership between the two museums was intended to highlight the diversity of people throughout Delray Beach. Mr. Lippman noted that the Delray Beach Cornell Museum's in-kind contributions totaling over one hundred thousand dollars would be matched by the in-kind funds from the Boca Raton Museum of Art for the first six months. Mr. Lippman discussed collaborating with local entities to showcase their art. He suggested hiring a family and youth educator.

Commissioner Boylston acknowledged that there hadn't been any time to schedule a workshop about Old School Square. A discussion ensued about the pros and cons of allowing the Boca Raton Museum of Art to run the Cornell Museum of Art.

Commissioner Boylston motioned to deny Item No.11-D. Vice Mayor Frankel seconded the motion. The motion was carried by the following vote:

**NO:** 2 Mayor Petrolia, Deputy Vice Mayor Casale

**YES:** 3 Vice Mayor Frankel, Commissioner Boylston, Commissioner Johnson

#### **MOTION TO DENY**

***11. F. APPROVAL OF RESOLUTION NO. 38-22, AMENDING RESOLUTION 161-19 TO REMOVE ANY REFERENCES TO THE CONSTRUCTION OF AN EMERGENCY OPERATIONS CENTER; APPROVING AN AGREEMENT WITH GULF BUILDING, LLC; FOR DESIGN/BUILD SERVICES FOR FIRE STATION 113; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AMENDMENTS AND TO EFFECTUATE THIS AGREEMENT.***

**Sponsors:** Public Works Department, Purchasing Department, and Fire Rescue Department

**Attachments:** [Agenda Cover Report](#)  
[Reso 38-22 for FS 113 Design Build](#)  
[Legal Review Checklist form v. 7 WMB 3 5 2021 Gulf Building Design Build FS 113](#)  
[310737902-AIA A141 Design Build Agreement - Fire Station final draft all updates 2.24.22](#)  
[GULF-PGAL RFP NO. 2019-008](#)  
[Executed Res No. 161-19](#)

Fire Chief Keith Tomey provided the timeline for Fire Station 113 renovations. He reported that negotiations were completed and waiting for the Commission's approval. He said that when complete, the new fire station would accommodate the growth for the next thirty years.

Ms. Barletto explained that the proposed fire station would be a Progress Design-Build Concept, which allows for modifications based on budgetary needs. She explained that under this agreement, the Commission would maintain the right to cease construction under phase one or continue onto phase two.

Commissioner Johnson supported issuing a new RFP. The Commission brought forward a discussion.

Ms. Gelin explained that by approving Resolution No. 16-19, Fire Station 113 would no longer house the Emergency Operations Center. She advised that the Commission's responsibility now was to vote on whether to support moving forward with Gulf Building Corporation or not.

Commissioner Boylston said that not moving forward that evening would be irresponsible. Commissioner Boylston motioned to approve Item No. Vice Mayor Frankel seconded the motion. The motion was carried by the following vote:

**YES: 3** Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Boylston

**NO: 2** Mayor Petrolia, Commissioner Johnson

**APPROVED AS AMENDED**

## **12. FIRST READINGS:**

**12.A. ORDINANCE NO. 12-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING THE FISCAL YEAR 2021/2022 5-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS INTO THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN, PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT", FLORIDA STATUTES SECTION 163.3184; AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)**

**Sponsors:** Development Services Department

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

[Ordinance No. 12-22](#)

[Ordinance No. 12-22, Exhibit A](#)

[PZB Staff Report](#)

[The fiscal](#)

[Legal Review, Ordinance No. 12-22](#)

Ms. Gelin read Ordinance No.12-22 into the record.

Vice Mayor Frankel motioned to approve Ordinance No. 12-22 on First Reading. Commissioner Boylston 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: 0** Commissioner Johnson left the dais at 7:24 p.m.

**APPROVED ON FIRST READING**



**12.B.** ORDINANCE NO. 02-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT FOR AN UNADDRESSED PARCEL OF LAND LOCATED ON THE WEST SIDE OF SOUTHEAST 3RD AVENUE BETWEEN EAST ATLANTIC AVENUE AND SOUTHEAST 1ST STREET WITH A PARCEL CONTROL NUMBER OF 12-43-46-16-01-085-0050, THAT MEASURES APPROXIMATELY 0.1109 ACRES AS MORE PARTICULARLY DESCRIBED HEREIN; RE-DESIGNATING SAID LAND FROM COMMUNITY FACILITIES TO COMMERCIAL CORE, PURSUANT TO THE PROVISIONS OF THE “COMMUNITY PLANNING ACT”, FLORIDA STATUTES SECTION 163.3187; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE: PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

**Sponsors:** Development Services Department

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

[SE 3rd Avenue - Ord 02-22](#)

[SE 3rd Avenue - PZB Staff Report](#)

[SE 3rd Avenue - Existing and Proposed Land Use and Zoning](#)

[SE 3rd Avenue - Applicant LUMA Justification Statement](#)

[SE 3rd Avenue - Traffic Analysis - Existing to Proposed Land Use and Zoning](#)

[SE 3rd Avenue - Traffic Analysis - Including Future Project](#)

[SE 3rd Avenue - Legal Review Ordinance 02-22](#)

Ms. Gelin read Ordinance No. 02-22 and Ordinance No. 03-22 into the record.

Vice Mayor Frankel motioned to approve Ordinance No. 02-22 on First Reading. Commissioner Boylston seconded the motion. The motion was carried by the following vote:

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

**APPROVED ON FIRST READING**

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

**13. A.** ORDINANCE NO. 03-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND RE-DESIGNATING LAND APPROXIMATELY 0.1109 ACRES IN SIZE PRESENTLY ZONED COMMUNITY FACILITIES TO CENTRAL BUSINESS DISTRICT WITHIN THE CENTRAL CORE SUB-DISTRICT FOR AN UNADDRESSED PARCEL LOCATED ON THE WEST SIDE OF SOUTHEAST 3RD AVENUE BETWEEN EAST ATLANTIC AVENUE AND SOUTHEAST 1ST STREET WITH A PARCEL CONTROL NUMBER OF 12-43-46-16-01-085-0050, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE “CITY OF DELRAY BEACH, ZONING MAP, JULY 6, 2021”; CORRECTING THE SCRIVENER’S ERROR IN FIGURE 4.4.13-B-1, “CENTRAL CORE AND BEACH SUB-DISTRICTS REGULATING PLAN,” OF THE LAND DEVELOPMENT



REGULATIONS TO MAINTAIN THE PARCEL AS PART OF THE CENTRAL CORE SUB-DISTRICT; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING/PUBLIC HEARING)

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[SE 3rd Avenue - Ord 03-22](#)  
[SE 3rd Avenue - PZB Staff Report](#)  
[SE 3rd Avenue - Existing and Proposed Land Use and Zoning](#)  
[SE 3rd Avenue - Central Core Sub-district Regulating Plan](#)  
[SE 3rd Avenue - Applicant Rezoning Justification Statement](#)  
[SE 3rd Avenue - Traffic Analysis - Existing to Proposed Land Use and Zoning](#)  
[SE 3rd Avenue - Traffic Analysis - Including Future Project](#)  
[SE 3rd Avenue - Legal Review Ordinance 03-22\]](#)

Ms. Gelin read Ordinance No. 03-22 into the record.

There were no public comments.

Commissioner Boylston motioned to approve Ordinance No. 03-22 on First Reading. 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 ON FIRST READING**

**13.B. ORDINANCE NO. 01-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING APPROXIMATELY 1.78± ACRES OF LAND LOCATED SOUTH OF WEST ATLANTIC AVENUE AND WEST OF SOUTH MILITARY TRAIL FROM PLANNED OFFICE CENTER (POC) DISTRICT TO GENERAL COMMERCIAL (GC) DISTRICT, ATLANTIC AVENUE, AS MORE FOR THE PROPERTY LOCATED AT 5200 WEST PARTICULARLY DESCRIBED HEREIN; AMENDING "CITY OF DELRAY BEACH ZONING MAP, JULY 6, 2021"; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (SECOND READING/PUBLIC HEARING).**

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[5200 West Atlantic Ave - Ordinance No. 01-22](#)  
[5200 West Atlantic Ave - PZB Staff Report](#)  
[5200 West Atlantic Ave - Applicant Justification Statement](#)  
[5200 West Atlantic Ave - Traffic Study](#)

Ms. Gelin read Ordinance No. 01-22 into the record.

Ms. Christina Bilenki, an attorney with Dunay, Miskel, and Backman, located at 14 Southeast 4<sup>th</sup> Street, Boca Raton, was present on behalf of the applicant to discuss the property located at 5200 West Atlantic Avenue, which has been inactive for several years. She said that the future land use designation for the property was general commercial, and the zoning was designated for a planned office center. Ms. Bilenki reported that the petitioner was proposing to rezone the property to the general commercial district consistent with the other business along West Atlantic Avenue. Ms. Bilenki concluded her presentation by reporting that the property meets public and commercial use criteria.

Ms. Gianniotis provided a staff overview of the property. She mentioned that the zoning had been changed or was initially established in error, which would make the current zoning inappropriate.

There were no questions or rebuttals.

Commissioner Boylston motioned to approve Ordinance No. 01-22. Commissioner Johnson seconded the motion. The motion was carried by the following vote:

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

**APPROVED ON SECOND READING**

**14. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:**

**A. City Manager**

- Provided clarification on the Barwick Road/TPA agreement
- Reported that in the April 1<sup>st</sup> information letter, the city submitted a notice of renewal of services with Waste Management until September 30, 2023.
- Noted that the April 8<sup>th</sup> information letter would provide a rate analysis for consideration.
- Emphasized that he hoped to align everyone's objectives at the May 13<sup>th</sup> Goal Setting.

*Mayor Petrolia stressed that moving forward, Mr. Moore must provide enough time to engage in an RFP*

**B. City Attorney**

- Announced there would be a Shade Meeting on Tuesday, April 19<sup>th</sup> at 3:00 p.m. to discuss the Coleman/Stewart lawsuit.
- Reminded everyone that the Town Hall Meeting with the League Cities was scheduled on Wednesday, April 13<sup>th</sup>, at 6:00 p.m. in the City Chambers.

- Reminded everyone that a Noise Ordinance Workshop is scheduled on April 21<sup>st</sup> at 6:00 p.m. in the Commission Chamber and the public is welcome to attend.

*Commissioner Boylston motioned to approve the meeting. 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**

## ***City Commission***

### Commissioner Boylston:

- Commented that the School District meeting on April 4<sup>th</sup> was productive.
- Suggested scheduling a Green Implementation Workshop.
- Reminded everyone about appointing individuals to monitor their city's bicycle/pedestrian lanes.
- Acknowledged that Delray Beach schools were terrific, but some schools needed more work.
- Implored the Mayor and Deputy Vice Mayor to slow down and work together with the community before bringing in any new partners to run the Cornell Museum of Art for the summer.

*Commissioner Johnson announced that she was in favor of doing everything locally.*

### Commissioner Johnson:

- Mentioned her disappointment in the School District meeting the prior evening
- Mentioned that there would be sticker shock when viewing the Waste Management contract

*Mayor Petrolia announced that it was the Commission's responsibility to bid rather than to resign up with a company.*

### Vice Mayor Frankel:

- Requested an update on the Police negotiations.

*Mr. Moore commented that he provided a comprehensive email to the Commission yesterday.*

### Deputy Vice Mayor Casale:

- Remarked that she hoped Mr. Moore accepted her suggestions in the spirit it was given.
- Mayor Petrolia:

- Confirmed with Mr. Moore that the city is not defending the Police Department concerning their contract negotiations.
- Noted how lovely Savor the Avenue was.
- Commented on the School Districts' discussions the prior evening.
- Acknowledged Delray Beach and surrounding schools were terrific, but mentioned some needed to do a better job.
- Recommended rescheduling the Zack Straghn Proclamation to another date

### ***15. ADJOURNMENT***

There being no further business to discuss, Mayor Petrolia adjourned the Organizational and Regular City Commission Meeting at 8:13 p.m.