



City of Delray Beach

Regular Commission Meeting

City Commission

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Delray Beach, Florida
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Mayor Shelly Petrolia
Vice Mayor Adam Frankel
Deputy Vice Mayor Juli Casale
Commissioner Ryan Boylston
Commissioner Shirley Ervin Johnson

Tuesday, June 14, 2022,

Delray Beach City Hall or Watch on YouTube:

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

Regular Meeting at 4:00 PM

1.ROLL CALL

The Regular City Commission Meeting was called to order at 4:05 p.m.

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

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

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 to pull Item No.6.I.4 from the Consent Agenda for discussion. Item No. 6.I.4. became Item 7. A.A. on the Regular Agenda.

City Attorney Gelin requested to postpone Item No.8.A. on the Regular Agenda.

Commissioner Boylston motioned to approve the agenda as amended. Deputy Vice Mayor

Casale seconded the motion. The motion was carried by the following vote:

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

APPROVED

4. PRESENTATIONS:

**4.A. PRESENTING RAFAEL RODRIGUES, TECHNICAL SUPPORT ANALYST I, WITH
EMPLOYEE OF THE MONTH FOR MAY 2022**

Recommendation: Motion to present Rafael Rodrigues, Technical Support Analyst, with
The employee of the Month for May 2022.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Rafael Rodrigues - Nomination Form](#)

Director of IT, Jay Stacey recognized Rafael Rodriguez for his rock-solid dependability and commitment to his job. Mr. Rodriguez thanked the entire IT team for believing in him and acknowledged his co-workers. Mr. Rodriguez was presented with a plaque and a certificate for eight hours of paid time off. Mayor Petrolia thanked him for his hard work.

**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

City Manager, Terrence Moore, reported that based on the Commission's direction via the June 7, 2022, Commission meeting, he reached out to Michelle Lawrence and Trey Stinson with Visual Adjectives and the Boca Museum to ascertain their desire to work with Old School Square complex. Mr. Moore reported that the Boca Museum was interested in collaborating with the city long-term. Ms. Lawrence and Mr. Stinson were present to discuss the cultural programs their organization could bring to the Cornell Museum.

The Commission made suggestions on how to proceed with the Old School Square Complex.

City Attorney Gelin suggested moving forward with the public charette and creating a plan that may or may not include Visual Adjectives and other non-profits.

Deputy Vice Mayor Casale motioned to have the charette and continue discussions with the Boca Museum of Art and Visual Adjectives. Commissioner Johnson seconded the motion.

Deputy Vice Mayor Casale and Commissioner Johnson amended their motions as directed.

Ms. Gelin suggested issuing a Request for Proposal (RFP) so as not to discourage other non-profits from coming forward.

Deputy Vice Mayor Casale motioned to allow Ms. Gelin and Mr. Moore to move forward and negotiate with the Boca Museum for a long-term agreement factoring in the necessity that Visual Adjectives and other non-profit organizations be factored in the negotiations.

Commissioner Johnson seconded the motion. The motion was carried by the following vote:

YES: 3 Mayor Petrolia, Deputy Vice Mayor Juli Casale, Commissioner Johnson
NO: 2 Vice Mayor Frankel, Commissioner Boylston

APPROVED

Mr. Moore stated that he would provide a comprehensive update at the July Commission meeting.

5.A.1. DISCUSSION AND DIRECTION CONCERNING COLLABORATION BETWEEN THE CITY OF DELRAY BEACH, BOCA MUSEUM OF ART, AND VISUAL ADJECTIVES FOR ADDITIONAL ACTIVATION OF THE OLD SCHOOL SQUARE CAMPUS.

Recommendation: Commission discussion and direction concerning moving forward with a collaborative effort between the City of Delray Beach (City), Boca Museum of Art (BMOA), and Visual Adjectives for additional activation of The Old School Square (OSS) Campus.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

5. B. From the Public

Lori Durante, residing at 4165 NW 10th Street, Delray Beach, expressed her support for the Boca Raton Museum of Art running the Old School Square complex. Ms. Durante recognized that the Boca Raton Museum had a successful track record. She also complimented the Parks and Recreation Department for their responsive actions.

BJ Sklar, the Visitor Information Center Coordinator with the Downtown Development Authority, shared that the Information Centers' mission was to provide residents and visitors with information and tours to sell them what the city offers.

Price Patton, residing at 1020 Tamarind Road, Delray Beach, stated that he was present on behalf of the Preservation Trust. He reported that they favored having the Boca Raton Museum of Art run Old School Square.

Laura Simon, Director of the Downtown Development Authority, emphasized the importance of activating the Old School Square Campus immediately since it is an interictal part of the community. She reported that the museum and the grounds required many repairs before opening their doors.

Mayor Petrolia suggested having a sign redirecting people to other areas.

Pamela Williams, residing at 245 NW 8th Avenue, Delray Beach, stated that she supported the city's recognizing Juneteenth.

Mr. Moore noted that he would consider the matter and offer appropriate considerations.

George Long, residing at 46 North Swinton Avenue, Delray Beach, reported there weren't any sidewalks in the alleyways by Osceola Park and the N/W S/W communities.

James Quillian, residing at 925 SE 2nd Avenue, Delray Beach, stated that he believed the Commission was divided on issues facing the city. He asked if the Police and Code

Enforcement were allowed to respond to calls about the noise emanating from the Doggie Day Care Center.

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

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

6.A. *APPROVAL OF A MINOR SUBDIVISION PLAT FOR A TWO-LOT SUBDIVISION KNOWN AS "NORTHWEST 6TH AVENUE ESTATES," WHICH CONSISTS OF A REPLAT OF THE SOUTH 90 FEET OF THE NORTH 150 FEET OF THE EAST 135 FEET OF BLOCK 10, MAP OF THE TOWN OF LINTON N/K/A DELRAY BEACH, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 3 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND CURRENTLY ADDRESSED AS 242 NW 6TH AVENUE.*

Recommendation: Consider the minor subdivision plat for the property located at 242 NW 6th Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[242 NW 6th Avenue: Proposed 6th Avenue Estates Plat](#)

[242 NW 6th Avenue: Request Letter](#)

[242 NW 6th Ave: Location Map](#)

APPROVED

6.B. *APPROVING THE FINAL (MAJOR) SUBDIVISION REPLAT OF A PORTION OF LOT 4, SECTION 9, MAP SHOWING SUBDIVISIONS OF PORTIONS OF TOWNSHIPS 45 AND 46 SOUTH, RANGE 43 EAST, RECORDED IN PLAT BOOK 1, PAGE 4, AND A REPLAT OF A PORTION OF CORRECTION MAP SHOWING SUBDIVISION OF PROPERTY OF HARRY SEEMILLER, RECORDED IN PLAT BOOK 9, PAGE 72, AND A REPLAT OF A PORTION OF LA-HACIENDA, RECORDED IN PLAT BOOK 15, PAGE 6, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 9, TOWNSHIP 46 SOUTH, RANGE 43 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA, ALSO KNOWN AS POPSTROKE DELRAY.*

Recommendation Review and consider the Final (Major) Plat for Popstroke Delray, at 1314 North Federal Highway and the associated parcels with PCN numbers 12-43-46-0912-000-0052, 12-43-46-0912-000-0061, 12-43-46-0912-000-0062, 12-43-46-0939-000-0045, by adopting that the request and approval thereof is consistent with the criteria set forth in the

Land Development Regulations Section 2.4.5(J)(Major Subdivisions).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Popstroke Delray Plat](#)
[PopStroke Plat PZ Board Staff Report](#)
[Popstroke Location Map](#)
[Popstroke Site Plan](#)

APPROVED

6.C. *MOTION TO APPROVE EXPENDITURE OF FUNDS IN AN AMOUNT NOT TO EXCEED \$1,178,505 IN ACCORDANCE WITH AN APPROVED AGREEMENT WITH GULF BUILDING, LLC. FOR PROFESSIONAL DESIGN-BUILD ENGINEERING SERVICES FOR (PHASE I) FIRE STATION 113 PURSUANT TO RFP NO. 2019-008*

Recommendation: Motion to approve the expenditure of funds in an amount not to exceed \$1,178,505 in accordance with an approved agreement with Gulf Building LLC. for Design-Build Engineering Services for (Phase 1) Fire Station 11 pursuant to RFP No. 2019-008 (Project No. 16-012).

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[256197 Phase 1 Acceptance 051222](#)
[Gulf Building FS 113 Phase I Proposal Revised](#)
[Agreement - Gulf Building, LLC. \(Fire Station 113 Design Build Agreement\)](#)
[Resolution 161-19](#)

APPROVED

6.D. *ITEM(S) A1, A2, MAINTENANCE OF TRAFFIC PLAN FOR 40 N CONGRESS AVE AND MAINTENANCE OF TRAFFIC PLAN FOR 601 E ATLANTIC AVE*

Recommendation: Recommended approval of Maintenance of Traffic / Road Closure plan for 40 N Congress Ave and 601 E Atlantic Ave.

Consideration of the following items:

MAINTENANCE OF TRAFFIC PLAN/ ROAD & LANE CLOSURES

Item(S) A

Item A1 - Motion to approve and accept a Maintenance of Traffic/ Road closure Plan for 40 N Congress Av

Item A2 - Motion to approve and accept a Maintenance of Traffic/ Road closure Plan for 601 E Atlantic Ave.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Item A1 Aura Delray](#)

[Item A2 N FEDERAL HWY RLC. ATLANTIC AVE - NE 1ST ST. DELRAY BEACH, FL](#)

APPROVED

6.E. APPROVE A NO COST TIME EXTENSION AMENDMENT NO. 02 TO THE GRANT AGREEMENT 4600004144 (CONSIDERED PHASE 1 OF RECLAIMED AREA 10), WITH SOUTH FLORIDA WATER MANAGEMENT DISTRICT FOR PROVIDING SUPPLEMENTARY FUNDING FOR CONSTRUCTION OF RECLAIMED WATER MAIN WITHIN THE SW NEIGHBORHOOD IMPROVEMENTS PROJECT AND AS PART OF THEIR COOPERATIVE FUNDING PROGRAM FOR ALTERNATIVE WATER SUPPLY.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)

[Amd #2 to Agreement No. 4600004144 with SFWMD for grant funds.pdf](#)

[Legal Review Amd. #2 to grant Agreement with SFWMD.docx](#)

APPROVED

6.F. APPROVAL TO INCREASE THE CONTRACT VALUE IN THE AMOUNT OF \$195,000 (\$65,000 PER YEAR) WITH FORTILINE WATERWORKS, FERGUSON ENTERPRISES, INC., CORE & MAIN LP, LEHMAN PIPE & PLUMBING SUPPLY CO., AND SUPPLY COMPANY, INC. FOR FITTINGS, PARTS, AND ACCESSORIES RELATED TO THE REPAIR AND MAINTENANCE OF WATER DISTRIBUTION AND WASTEWATER COLLECTION PIPELINES AND SERVICES. UTILIZING THE SOUTHEAST FLORIDA GOVERNMENTAL PURCHASING COOPERATIVE GROUP BID #2018-19/12.

Recommendation: *Motion to approve an increase in the amount of \$195,000 (\$65,000 per year) to the contract value to Fortiline Waterworks, Ferguson Enterprises, Inc., Core & Main LP, Lehman Pipe & Plumbing Supply Co., Empire Pipe, and Supply Company, Inc. for fittings, Parts and accessories related to the repair and maintenance of for fittings, parts, and accessories related to the Water Distribution and Wastewater Collection Pipelines and Services and authorizing the City Manager to approval renewal options, in the amount renewal options, in the amount below contingent upon the appropriation of funds.*

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Agreement - Fortiline, Inc.](#)

APPROVED

6.G. PROCLAMATIONS:

6.G.1. OBSERVANCE OF JUNETEENTH

Recommendation: Motion to observe Juneteenth on June 19th as the celebration commemorating the ending of slavery in the United States.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Juneteenth Proclamation](#)

APPROVED

6.G.2. NATIONAL HIV TESTING DAY PROCLAMATION - JUNE 27, 2022

Recommendation: Motion to observe June 27, 2022, as National HIV Testing Day.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[National HIV Testing Day](#)

APPROVED

6.G.3. OBSERVANCE OF INDEPENDENCE DAY

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Observance of Independence Day](#)

APPROVED

6.G.4. PROCLAMATION - NATIONAL CLEAN BEACHES WEEK - JULY 1 - 7, 2022

Recommendation: Motion to declare National Clean Beaches Week July 1,-7, 2022.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Clean Beaches Week 2022](#)

APPROVED

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

6.H.1. REPORT OF APPEALABLE LAND USE ITEMS FROM MAY 30 THROUGH JUNE 03, 2022.

Recommendation: By motion, receive and file this report.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Property Location Map](#)
[A. 249 Royal Court](#)
[B. 231 Venetian Drive](#)

APPROVED

6.I. AWARD OF BIDS AND CONTRACTS:

6.I.1. APPROVAL OF RESOLUTION NO. 14-22 TO AWARD AN AGREEMENT WITH GRANICUS, LLC FOR AGENDA MANAGEMENT AND WEBSITE HOSTING SERVICES UTILIZING REGION 14 EDUCATION SERVICE CENTER, ON BEHALF OF THE NATIONAL COOPERATIVE PURCHASING ALLIANCE (NCPA) SOLICITATION NO. 39-20 IN THE AMOUNT OF \$45,232 FOR AN INITIAL RENEWAL TERM OF DECEMBER 19, 2021, - JANUARY 15, 2023.

Recommendation: Motion to approve Resolution No. 14-22 and to award an Agreement with Granicus, LLC for Agenda Management and Website Hosting Services utilizing Region 14 Education Service Center, on behalf of the National Cooperative Purchasing Alliance (NCPA) Solicitation No. 39-20 in the amount of \$45,232 and authorize the City Manager to exercise renewal options, in the amounts below, contingent upon the appropriation of funds.

Sponsors: City Clerk Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist Granicus](#)
[P2022-011 Granicus Master Service Agreement - Vendor Executed](#)
[Res 14-22 Granicus P2022-011](#)

APPROVED

6.I.2. APPROVAL OF RESOLUTION NO. 83-22 TO APPROVE AN AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING DESIGN SERVICES FOR THE PHASE II TROPIC ISLES ROADWAY UNDERGROUND UTILITY IMPROVEMENTS PURSUANT TO RFQ NO. 2019-040 IN AN AMOUNT NOT TO EXCEED \$2,925,784 (PROJECT NO. 19-015).

Recommendation: Motion to Approve Resolution No. 83-22 to award an Agreement with Kimley-Horn and Associates, Inc. for Professional Engineering Design Services for the Phase II Tropic Isles Roadway Underground Utility Improvements pursuant to RFQ No. 2019-040 (Project No. 19-015) in an amount not to exceed \$2,925,784.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[BidSnyc Solicitation TRFQ 2019-040](#)
[Fully Executed Tropic Isle Phase 1 - Agreement](#)
[Vendor Executed Agreement Phase 2](#)
[Exhibit A - Scope of Services-Phase 2 Tropic Isle](#)
[Exhibit B - Fee Schedule Tropic Isle Phase 2](#)
[Resolution 83-22 kwb](#)
[Legal Review Checklist Tropic Isles kwb](#)

APPROVED

6.I.3. APPROVAL OF RESOLUTION NO. 84-22 FOR THE PURCHASE OF A TREE TRIMMING TRUCK UTILIZING THE SOURCEWELL CONTRACT NO. 012418-ALT

Recommendation: Motion to approve Resolution No. 84-22 to purchase a Tree Trimming Truck from Altec Industries, Inc. in an amount not-to-exceed \$240,945. utilizing Sourcewell Contract No. 012418-ALT.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Altec Contract 012418](#)

[Altec Pricing](#)

[Altec 012418-5th Yr. Extension](#)

[Altec Quote 5-16-22](#)

[ALTEC Acquisition Memo-Signed 5-12-22](#)

[Res No 84-22 Purchase Order to Altec for Bucket Truck Sourcewell Piggyback \(003\)](#)

[Legal Review Res 84-22 Purchase Order to Altec for Bucket Truck using Sourcewell Agmt](#)

APPROVED

6.I.4. APPROVAL OF RESOLUTION NO. 92-22 TO AWARD A 3 YEAR AGREEMENT TO DESIGN LAB, INC, FOR SUPPLY, SIZING, AND CUSTOMIZATION OF WORK AND DRESS UNIFORMS FOR THE FIRE DEPARTMENT UTILIZING PASCO COUNTY SOLICITATION NO. SS-19-125 IN THE AMOUNT NOT TO EXCEED \$555,000.

Recommendation: Motion to approve Resolution No. 92-22 and to award a 3-year t Agreement with Design Lab, Inc. for supply, sizing, and customization of Work and dress uniforms for the Fire Department utilizing Pasco County Solicitation No. SS-19-125 in the amount not to exceed \$555,000.

Sponsors: Purchasing Department and Fire Rescue Department

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist Design Lab, Inc.](#)

[P2022-040- Master Service Agreement Design Lab Inc](#)

[Resolution No. 92-22](#)

Deputy Vice Mayor Casale, requested to pull Item 6.I.4 for discussion.

Deputy Vice Mayor Casale addressed the price increase of the Fire Department's uniforms.

Discussion ensued regarding the price increase and what neighboring municipalities were paying.

City Attorney Gelin, suggested deferring Resolution No. 92-22 until the next Commission Meeting on July 12, 2022, to allow City Manager, Terrence Moore, time to perform a market analysis.

Vice Mayor Frankel, motioned to defer Resolution No. 92-22 to the next Regular City Commission Meeting scheduled on July 12, 2022. 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

There was a consensus to reschedule Resolution No. 92-22 until July 12, 2022.

7. REGULAR AGENDA:

7. A. RESOLUTION NO. 74-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A WAIVER REQUEST TO SECTION 4.4.13(J)(1)(C) OF THE LAND DEVELOPMENT REGULATIONS, ALLOWING THE SUBMISSION OF A REQUEST TO ABANDON THE RIGHT-OF-WAY LOCATED IN THE 200 BLOCK OF SOUTHEAST SECOND AVENUE IN THE

CENTRAL BUSINESS DISTRICT, AS MORE PARTICULARLY DESCRIBED HEREIN, TO ACCOMMODATE NEW DEVELOPMENT; PROVIDING FOR AN EFFECTIVE DATE FOR AN EFFECTIVE DATE; AND OTHER PURPOSES (QUASI-JUDICIAL).

Recommendation: Review and consider Resolution No. 74-22.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Reso 74-22](#)

[SE 2nd Ave - SPRAB Staff Report](#)

[SE 2nd Ave - Abandonment Justification Statement REV - 2-23-22](#)

[Legal Review Res 74-22 Waiver to allow app for Abandonment of ROW in CBD for](#)

Dvlpment

Mayor Petrolia, read the Quasi-Judicial rules into the record.

Katerri Johnson, City Clerk, swore in individuals that provided testimony.

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

The following was disclosed:

Mayor Petrolia - Did not speak with anybody personally.

Vice Mayor Frankel - Spoke with Mr. Schiller and Mr. Costello.

Deputy Vice Mayor Casale - Spoke with Mr. Schiller.

Commissioner Boylston - Spoke with the applicant and representation.

Commissioner Johnson - Met with the attorney.

Director of Development Services, Anthea Gianniotis entered File No. 2022-062 into the record.

Neil Schiller, an attorney with the Government Law Group located at 137 NW 1st Avenue, Delray Beach, was present on behalf of his client (Delray Swan), who wished to submit an application to abandon the Right-of-Way Street located in the 200 block of Southeast 2nd Avenue to accommodate development. Mr. Schiller discussed the benefits of granting the waiver request to the city at no cost. He mentioned that approval of the waiver would not result in a special privilege and would not adversely affect the neighboring area. He reported that the findings met the criteria for the Central Business District and the Osceola Park Master Plan.

City Attorney Gelin cautioned the Commission only to consider the submitted request to abandon the right-of-way located in the 200 block of Southeast Second Avenue in the Central Business District.

Director of Development Services, Anthea Gianniotis provided a staff report and a complete analysis of the required findings. Ms. Gianniotis stated that in 2015 the Central Business District Land Development Regulation, Section 4.4.13 (j), was rewritten to include that streets and alleys may not be abandoned, vacated, or closed to accommodate new development. Ms. Gianniotis advised that this item could only go before the Site Plan and Review Appearance Board once the Commission approves the waiver. She stated that abandonments were not necessary to facilitate redevelopment. Ms. Gianniotis provided the pros and cons of granting the waiver and reminded the Commission that based on what was being offered the Commission must do what is being asked based on Chapter 5 of the Land Development Regulations.

Ms. Gelin cautioned the Commission that their decision should be based on whether the applicant could apply for a waiver.

Each Commissioner provided their input on this matter.

Mayor Petrolia opened the floor for public comments on Resolution No. 74-22.

James Quillian, residing at 925 SE 2nd Avenue, Delray Beach, said that they favored granting the abandonment if it benefitted the city.

Ryan Jaffe, residing at 118 SE 2nd Street, Delray Beach, expressed his that granting the waiver would aesthetically enhance the area and bring workforce housing units to the site.

John Miller, residing at 1502 Fenton Drive, Delray Beach, requested the Commission deny the waiver. He stated that granting the release would give a public street to a private for-profit company and would go against the Comprehensive Plan and the Land Development Regulations.

Commissioner, Boylston, made a motion to deny Resolution No. 74-22. Deputy Vice Mayor Casale Juli Casale seconded the motion. The motion was carried by the following vote:

NO: 5 Mayor Petrolia, Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Boylston, Commissioner Johnson

DENIED

7.B. RESOLUTION NO. 89-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.3.4(H)(6)(B)4 OF THE LAND DEVELOPMENT REGULATIONS, APPROVING A 9.9-FOOT SPECIAL LANDSCAPE BUFFER WHERE A 20-FOOT BUFFER IS REQUIRED FOR THE PROPERTY DESCRIBED LOCATED AT 1800 SOUTH FEDERAL HIGHWAY, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
(QUASI-JUDICIAL)

Recommendation: Review and consider Resolution No. 89-22.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Resolution No. 89-22](#)

[Chick-fil-A Site Plan](#)

[Chick-fil-A Landscape Plan](#)

[Applicant Justification Statement](#)

[Legal Review Resolution No. 89-22](#)

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

The following was disclosed:

Mayor Petrolia - Did not speak with anyone.

Vice Mayor Frankel - Did not speak with anyone.

Deputy Vice Mayor Casale - Did not speak with anyone.

Commissioner Boylston - Did not speak with anyone.

Commissioner Johnson - Spoke with Bonnie Miskel

Director of Development Services, Anthea Gianniotis entered File No. 2022-036 into the record.

Christina Bilenki, attorney with Dunay, Miskel, and Backman, located at 14 SE 4th Street, Boca Raton, provided an illustration showing the traffic difficulties of accessing the Chick-fil-A restaurant at 1800 South Federal Highway. Ms. Bilenki explained that during peak hours the drive-thru lines cause stacking and bottlenecks onto Federal Highway. She stated that her firm proposed a site improvement plan to expedite queuing by installing a more efficient vehicular circulation plan during peak hours that would shift the entry to the drive-thru closer to Federal Highway; however, vehicles would be required to circulate the driveway throat to ensure that cars properly circulate the site and cannot attempt to bypass the stacked vehicles. Ms. Bilenki noted that the applicant would not receive a special privilege as accommodations, such as reduced landscape islands, have been approved by the city when necessary to create safer situations.

Ms. Gianniotis gave a staff report on the proposed reconfiguration of the Chick-fil-A site. She stated that the modification would require a landscaping waiver and acknowledged that the new configuration would benefit the restaurant and the neighboring Sun Trust Bank.

Mayor Petrolia opened the floor for public comments.

Christina Morrison, residing at 1000 Lowery Drive, Delray Beach, stated that it immediately became a traffic mess when Trader Joe's and Chick-fil-A came in. She asked the Commission to approve Resolution No. 89-22.

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

There was no cross-examination or rebuttal from either side.

Mayor Petrolia thanked Ms. Bilenki and her team.

Deputy Vice Mayor Casale motioned to approve Resolution No. 89-22. 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

7. C. DIRECTION CONCERNING CITY-OWNED PARCELS LOCATED ON SW 12TH AVENUE

Recommendation: Discussion and Direction to Consider Accordingly.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

[Community Land Trust Letter March 16, 2022](#)

[City Owned Properties Hatched Zoomed View](#)

[City Owned Properties SW 12th Ave Hatched](#)

[City Owned Properties Zoomed View\(2\) Hatched](#)

City Manager Moore that via the Information Letter, dated March 18, 2022, he received a letter of interest from the Delray Beach Community Land Trust, expressing their desire to acquire the properties on 12th Avenue. Mr. Moore advised that during the May 24 joint City Commission / Community Redevelopment Agency Workshop, he clarified that the City Manager's office does not have the authority to make properties available unless the Commission directed him to do so in a public fashion.

A discussion ensued regarding how to move forward with the properties ownership and who would take over the leases.

Commissioner Boylston, advised that the letter of intent from the Community Land Trust did not meet the City's new policies that Mr. Moore authored and should not have been on the agenda.

City Attorney Gelin, mentioned that the Community Redevelopment Agency would take over the occupants' licenses and the Neighborhood Resource Center if they were to acquire the properties.

Mayor Petrolia, stated that giving the land away would not meet the land's disposition criteria.

There was a consensus for staff to move forward with the entire block, including the Neighborhood Resource Center.

7.D. NOMINATIONS FOR APPOINTMENT TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE

Recommendation: Motion to approve the appointment for six (6) regular members to serve a

Two (2) year term ending July 31, 2024.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Exhibit A](#)

[Affordable Housing Advisory Committee](#)

[AHAC Attendance 2022](#)

[Burns](#)

[Catania](#)

[Levin](#)

[Morin](#)

[Spates](#)

[Walker](#)

Vice Mayor Frankel motioned to nominate Edmee Morin to serve on the Affordable Housing Advisory Committee for a term ending July 31, 2024. 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

Deputy Vice Mayor Casale motioned to nominate Ali Levin to serve on the Affordable Housing Advisory Committee for a term ending July 31, 2024. Vice Mayor, Adam 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 reappoint Angela Burns to serve on the Affordable Housing Advisory Committee for a term ending July 31, 2024. 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 Johnson, motioned to nominate Pasquale Catania to serve on the Affordable Housing Advisory Committee for a term ending July 31, 2024. 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, motioned to nominate Serena Spates to serve on the Affordable Housing Advisory Committee for a term ending July 31, 2024. 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

Vice Mayor Frankel, motioned to nominate Debra Walker to serve on the Affordable Housing Advisory Committee for a term ending July 31, 2024. 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.E. NOMINATION FOR APPOINTMENT TO THE EDUCATION BOARD

Recommendation: Motion to approve the appointment for six (6) regular members to serve
On the Education Board for a two (2) year term ending July 31, 2024.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Exhibit A](#)

[Education Board](#)

[EB Attendance 2022](#)

[Augustin Badet](#)

[Berlanga](#)

[Cannon](#)

[Dickerson](#)

[Jonsons](#)

[Knight](#)

[Nevin](#)

[Tallev](#)

[Torres](#)

[Van Horn](#)

Mayor Petrolia, motioned to nominate Kae Jonsons to serve on the Education Board for a term ending July 31, 2024. 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

Vice Mayor, Frankel, motioned to reappoint Donna Van Horn to serve on the Education Board for a term ending July 31, 2024. 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

Deputy Vice Mayor Casale, motioned to nominate Julie Berlanga to serve on the Education Board for a term ending July 31, 2024. 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 nominate Riako Knight to serve on the Education Board for a term ending July 31, 2024. 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 Johnson motioned to nominate Laura Dickerson to serve on the Education Board for a two-year term ending July 31, 2022. Vice Mayor Frankel seconded the motion.

Commissioner Johnson retracted her nomination and motioned to reinstate Angela Nivens to serve on the Education Board for a term ending July 31, 2022. 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, motioned to nominate Laura Dickerson to serve on the Education Board for a term ending July 31, 2024. 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. F. NOMINATION FOR APPOINTMENT TO THE GREEN IMPLEMENTATION
ADVANCEMENT BOARD**

Recommendation: Motion to approve the appointment of three (3) regular members for an

appointment to the Green Implementation Advancement Board for a two (2) year term ending July 31, 2024.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Exhibit A](#)

[Green Implementation Advancement Board 2021](#)

[GIAB 2022 Quarterly Attendance](#)

[Orellana](#)

[Stepner](#)

[Zukerburg](#)

Vice Mayor Frankel, motioned to nominate Lindsay Zuckerberg to serve on the Green Implementation Advancement Board for a term ending July 31, 2024. 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

Deputy Vice Mayor Casale motioned to nominate Daniel Stepner to serve on the Green Implementation Advancement Board for a term ending July 31, 2024. 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 nominate Evan Orellana to serve on the Green Implementation Advancement Board for a term ending July 31, 2024. 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.G. NOMINATION FOR APPOINTMENT TO THE PARKING MANAGEMENT ADVISORY BOARD

Recommendation: Motion to approve the nomination for an appointment for two (2) regular members to serve on the Parking Management Advisory Board for a two (2) year term ending July 31, 2024.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Exhibit A](#)

[Parking Management Advisory Board](#)

[PMAB 2022 Quarterly Attendance](#)

[Anderson](#)

[Burgess](#)

[Cascone](#)

[Cullinan](#)

[Gergen](#)

[Torres](#)

[Warner](#)

Commissioner Johnson motioned to nominate Carol A. Anderson to serve on the Parking Management Advisory Board for a term ending July 31, 2024. 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

Mayor Petrolia, motioned to nominate John Gergen to serve on the Parking Management Advisory Board for a term ending July 31, 2024. 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. H. NOMINATION FOR APPOINTMENT TO THE POLICE ADVISORY BOARD

Recommendation: Motion to approve the nomination for an appointment for five (5) regular members to serve on the Police Advisory Board for a two (2) year term ending July 31, 2024.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Exhibit A](#)

[Police Advisory Board 2022](#)

[PAB Attendance 2022](#)

[Augustin Badet](#)

[Cannon](#)

[Carkhuff](#)

[L'Herrou](#)

[Hecht](#)

[McCarthy](#)

[McNally](#)

[Potts](#)

[Torres](#)

Commissioner Boylston, motioned to nominate Paul Cannon to serve on the Police Advisory Board for a term ending July 31, 2024. 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

Commission Johnson motioned to nominate Todd L'Herrou to serve on the Police Advisory Board for a term ending July 31, 2024. 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, motioned to nominate Karen McCarthy to serve on the Police Advisory Board for a term ending July 31, 2024. 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

Vice Mayor Frankel motioned to nominate Willie Potts to serve on the Police Advisory Board for a term ending July 31, 2024. 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 Luis Torres to serve on the Police Advisory Board for a term ending July 31, 2022. 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. I. NOMINATION FOR APPOINTMENT TO THE PUBLIC ART ADVISORY BOARD

Recommendation: Motion to approve the appointment for four (4) regular members to serve on the Public Art Advisory Board to serve a term ending July 31, 2024.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Exhibit A](#)
[Public Art Advisory Board 2022](#)
[PAAB 2022 Attendance](#)
[Aronstein](#)
[Berlanga](#)
[Hecht](#)
[Horning](#)
[Kaulina-Feldmanis](#)
[Sherman](#)
[Spear](#)
[Talley](#)
[Torres](#)

Vice Mayor Frankel motioned to nominate Samuel Spear to serve on the Public Art Advisory Board for a term ending July 31, 2024. 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

Deputy Vice Mayor Casale, motioned to nominate Robert Hecht to serve on the Public Art Advisory Board for a term ending July 31, 2024. 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 reappoint Joseph Aronstein to serve on the Public Art Advisory Board for a term ending July 31, 2024. 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 Johnson motioned to nominate Andrea Sherman to serve on the Public Art Advisory Board for a term ending July 31, 2024. The second vote was not heard. 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.J. NOMINATION FOR APPOINTMENT TO THE COMMUNITY REDEVELOPMENT AGENCY BOARD

Recommendation: Motion to approve the nomination for appointment of one (1) regular member to serve on the Community Redevelopment Agency Board for a four (4) year term ending July 01, 2026.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Exhibit A](#)

[Community Redevelopment Agency](#)

[CRA 2022 Attendance](#)

[Arts](#)

[Augustin Badet](#)

[Brinson](#)

[Catania](#)

[Gray](#)

[Knight](#)

[Windows](#)

[Torres](#)

[Warner](#)

Deputy Vice Mayor Casale motioned to nominate Angeleta Gray to serve on the Community Redevelopment Agency Board for a term ending July 01, 2026. 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. APPROVAL OF RESOLUTION NO. 73-22 TO AWARD AN AGREEMENT TO COMMUNITY GREENING CORP. FOR TREE PLANTING SERVICES - \$325,808.

Recommendation: Motion to approve Resolution No. 73-22 to AWARD AN Agreement to Community Greening Corp for tree planting services in the estimated the annual amount of \$325,808. and authorize the City Manager to exercise renewal options, in the amounts below, contingent upon the appropriation of funds.

Sponsors: Purchasing Department and City Manager Department

Attachments: [Agenda Cover Report](#)

[Solicitation](#)

[Tabulation Report](#)

[Community Greening Proposal](#)

[Community Greening Initial Price Proposal](#)

[Exhibit A - Annual Fee Schedule](#)

[Agreement Community Greening Group](#)

[Resolution 73-22 Tree Planting Program](#)

[Legal Review Checklist Community Greening Corp](#)

Sustainability Officer, Kent Edwards, provided an outline of the Tree Planting Project intended to enhance the City's tree canopy by 28 percent by 2035. He reminded the Commission that the top-scoring respondent was Community Greening Corp., which met the City's Purchasing Policy and Procedures manual requirements. Mr. Edwards summarized his presentation by stating that the City would implement a one-year tree planting program, with three subsequent yearly renewal options, until the city's goals were met. He discussed partnering with other entities and engaging with the community to identify potential planting sites.

A discussion ensued regarding the best practices to move forward.

Commissioner Boylston motioned to approve Resolution No. 73-22. 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

8. PUBLIC HEARINGS/SECOND READINGS:

8.A. ORDINANCE NO. 08-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT," TABLE 4.4.13(A), "ALLOWABLE USES AND STRUCTURES IN THE CBD SUB-DISTRICTS," TO ADD OUTDOOR USE AREAS AT STAND ALONE BARS AS A CONDITIONAL USE AND ACCESSORY USE; AMENDING ARTICLE 4.6, "SUPPLEMENTAL DISTRICT REGULATIONS," SECTION 4.6.6, "COMMERCIAL AND INDUSTRIAL USES TO OPERATE WITHIN A BUILDING," SUBSECTION (B), "ALLOWABLE OUTSIDE USAGE," TO INCLUDE PERMANENT SEATING AT STAND-ALONE BARS AS AN ALLOWABLE OUTSIDE USE, AND SUBSECTION (C), "RESTRICTIONS ON OUTSIDE USAGE," TO ESTABLISH REGULATIONS GOVERNING OUTSIDE USAGE AT STAND ALONE BARS; PROVIDING A CONFLICTS CLAUSE; BARS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING/PUBLIC HEARING)

Recommendation Review and consider Ordinance No. 08-22, a privately initiated amendment to Section 4.4.13, Table 4.4.13(A), "Allowable Uses and Structures in the CBD Sub-Districts" and Section 4.6.6, "Commercial and industrial uses to operate within a building" of the Land Development Regulations (LDR) to allow outdoor consumption of alcohol standalone bars serving only beer and wine north of Lake Ida Road within the Central Core Sub-District of the Central Business District and to provide the public

Regulations that support health, safety, and the general welfare of the public

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ordinance No. 08-22](#)

[Ordinance No. 08-22: Staff Report, Outdoor Use Areas at Standalone Bars](#)

[Ordinance No. 08-22: Justification Statement](#)

[Ordinance No. 08-22: Stand Alone Bars Map, CBD & Residential Zoning](#)

[Ordinance No. 08-22: DDA Recommendation](#)

[Legal Review, Ord. No. 08-22](#)

City Attorney Gelin read Ordinance No. 08-22 into the record. She requested a postponement to hear this item until July 12, 2022. She stated that public comments on Ordinance No. 08-22 would be allowed that evening.

Mayor Petrolia opened the floor to public comments on Ordinance No. 08-22.

Seeing no one present, public comments were closed.

Vice Mayor Frankel motioned to postpone hearing Ordinance No. 08-22 until July 12, 2022. 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

POSTPONED UNTIL JULY 12, 2022 COMMISSION MEETING

8.B. ORDINANCE NO. 11-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING TITLE 5, "PUBLIC WORKS," CHAPTER 52, "WATER," BY ENACTING A NEW SECTION 52.07, "LANDSCAPE IRRIGATION," TO IMPLEMENT THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT MANDATORY YEAR-ROUND LANDSCAPE IRRIGATION CONSERVATION MEASURES RULE, ESTABLISH A LANDSCAPE IRRIGATION SCHEDULE AND EXCEPTIONS THERETO, REQUIRE IRRIGATION SYSTEMS TO UTILIZE TECHNOLOGY THAT INHIBITS OR INTERRUPTS WATERING DURING PERIODS OF SUFFICIENT MOISTURE, PROVIDE FOR VARIANCES FROM THE LANDSCAPE IRRIGATION SCHEDULE, AND PROVIDE ENFORCEMENT OF THIS ORDINANCE; AMENDING SECTION 52.99, THIS ORDINANCE AND TO REMOVE "PENALTY," TO ESTABLISH FINANCIAL PENALTIES FOR VIOLATIONS OF CRIMINAL SANCTIONS BUT INCREASE THE PENALTY FOR VIOLATIONS OF SECTIONS 52.65 THROUGH 52.70, WHICH PLACES RESTRICTIONS ON WATER USE DURING WATER SHORTAGE EMERGENCIES AND INCREASED FINANCIAL EMERGENCIES, AND INCREASE THE FINANCIAL PENALTY FOR VIOLATIONS OF SECTIONS 52.80 THROUGH 52.85, REQUIRING THE INSTALLATION AND MAINTENANCE OF BACKFLOW PREVENTION DEVICES; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (SECOND READING)

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)

[Ord 11-22 KB rev. Amended after 2nd reading](#)

City Attorney Gelin, read Ordinance No. 11-22 into the record.

Mayor Petrolia opened the floor to public comments on Ordinance No. 11-22.

Seeing no one present, public comments were closed.

Director of Utilities, Hassan Hadjimiry, stated that back flow devices would be required in homes using reclaimed water.

Commissioner Boylston motioned to approve Ordinance No.11-22. Deputy Vice Mayor Casale seconded the motion. The motion was carried by the following vote:

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

NO: 1 Commissioner Johnson dissented

APPROVED BY A 4-1 VOTE

9. FIRST READINGS:

9. A. *None*

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

- Wished everyone a Happy Juneteenth and Happy Father's Day.

B. City Attorney

- Nothing to report.

C. City Commission

Vice Mayor Frankel:

- Thanked Sam Walthour and everyone from the Parks and Recreation Department for the Pride Fest.
- Stated that he would like to review the power points earlier than the day of the meeting.
- Would like to see the city streets cleaned every day.

- Deputy Vice Mayor Casale:

- Thanked Sam Walthour and his team for all of their hard work.

- Stated that Beach Dog has not complied with their agreement not to board dogs overnight. A discussion ensued regarding this matter.
- Asked the City Manager if the City was recycling 100 percent on the beach?
- Inquired if purchasing and finance were a good idea to meld together?

Commissioner Johnson:

- Thanked City staff for all they do, especially Samuel Metott for the improvements at Barwick Park.
- Mentioned that the City Garage garbage cans smell.
- Requested the partitions on the dais be taken down.
- Invited everyone to show up Saturday , June 18. 2022 at 10"30 a.m. at Pompey Park to memorialize Mr. Samuel Nelson, who was presumed to have lost his life there.

Commissioner Boylston:

- Mentioned that chain link fences are unsightly and unsafe.
- Would like to see the City recognize Juneteenth as a Federal Holiday.

Mayor Petrolia:

- Wished everyone a Happy 4th of July.
- Thanked Mr. Metott for all his departments hard work.
- Requested the City Manager look into business owners working July 4th allowed to park at the Sandoway Lot.
- Mentioned that the Fire Department requested more access.
- Stated that she would like to see the entire months proclamations, recognitions, etc. condensed into one meeting per month.

11. ADJOURNMENT

With no further business to discuss, Mayor Petrolia adjourned the Regular City Commission Meeting at 8:55 p.m.