

# City of Delray Beach

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[www.delraybeachfl.gov](http://www.delraybeachfl.gov)



## Minutes - Draft

Tuesday, November 7, 2023

5:00 PM

Regular Meeting at 5:00 PM

Delray Beach City Hall or Watch on YouTube:

<https://www.youtube.com/channel/UCc2j0JhnR8Hx0Hj13RhCJag/s>  
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## City Commission

*Mayor Shelly Petrolia*

*Vice Mayor Ryan Boylston*

*Deputy Vice Mayor Rob Long*

*Commissioner Adam Frankel*

*Commissioner Angela Burns*

## 1. ROLL CALL

The November 7, 2023, Regular City Commission Meeting was called to order at 5:02 p.m. City Clerk, Katerri Johnson, called the roll, and the following were present:

Terrence Moore - City Manager  
Lynn Gelin - City Attorney

Commissioner Frankel motioned to allow Vice Mayor Boylston to participate via Zoom, seconded by Deputy Vice Mayor Long. The motion carried by the following vote:

**Yes: 4** Mayor Petrolia, Deputy Vice Mayor Long, Commissioner Frankel, Commissioner Burns

**Present:** 5 - Mayor Shelly Petrolia, Commissioner Adam Frankel, Vice-Mayor Ryan Boylston, Deputy Vice Mayor Rob Long, and Commissioner Angela Burns

## 2. PLEDGE OF ALLEGIANCE TO THE FLAG

## 3. AGENDA APPROVAL

**A motion was made by Commissioner Frankel, seconded by Deputy Vice Mayor Long, that this was approved.. The motion carried by the following vote:**

**Yes:** 5 - Mayor Petrolia, Commissioner Frankel, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns

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

None.

## 4. PRESENTATIONS:

### 4.A. PRESENTATION OF DELRAY BEACH YOUTH TENNIS FOUNDATION CENTER COURT UNDER THE STARS CHAMPIONSHIP CUP

**Sponsors:** City Manager Department

Stefan Konowalskj, Director for the Delray Beach Youth Tennis Foundation, presented Mr. Moore and Officer Brett Gordon with this year's championship award match with Boca Raton on October 12th. He thanked them on behalf of the foundation and the children that it serves.

Police Chief Russ Mager introduced Leo, the City's new therapy dog.

**4.B. PRESENTING MICHAEL GARCIA, FIRE TECHNOLOGY MANAGER,  
WITH EMPLOYEE OF THE MONTH FOR SEPTEMBER 2023.**

**Sponsors:** Human Resources Department

**Attachments:** [Agenda Cover Report](#)  
[Michael Garcia\\_EOM](#)

LeShay King, Human Resources Generalist, announced that Fire Technology Manager, Michael Garcia, was the Employee of the Month for September 2023. He was presented with a plaque and a certificate for eight hours of paid time off.

**4.C. REVIEW OF VETERAN'S PARK'S PROPOSED PARKING AREA AND  
EXPANDED PARK AREA IN CONJUNCTION WITH CONSTRUCTION OF  
ATLANTIC CROSSING, SEQUENCE II**

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Veteran's Park: Applicant Request Letter](#)  
[Veteran's Park: Applicant Presentation](#)  
[Veteran's Park: Proposed Plan](#)  
[Veteran's Park: Rendering, Proposed Plan](#)  
[Atlantic Crossing Sequence Plan](#)

Anthea Gianniotis, Development Services Director, provided a staff report on the proposed parking configuration at Veteran's Park for the construction access and staging of Sequence II of the Atlantic Crossing development.

Upon completion, she stated there would be 92 parking spaces, including golf cart parking.

The Commission engaged in a discussion and favored the proposed parking sequencing. There was a consensus to move forward with the proposed parking plan.

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

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

Mr. Moore introduced Mr. Kirk Buffington, who was selected as a consultant to the City's Purchasing Department, based on his extensive career in government procurement and contracting.

Mr. Moore advised that a letter of interest for solicitation was being finalized for the Delray Beach Municipal Golf Course.

5.B. From the Public

Rector Paul Kane, with St. Paul's Episcopal Church, and Rabbi Steve Moss, with Temple Siani, Delray Beach,  
Discussed the creation of an anti-bias collation task force to help stop hate in the community.

Nick Magnus, 3120 E. Latitude Circle, Delray Beach  
Requested the Commission investigate the City's Parking Management Company (One Parking LLC.) that monitors the City's meters.

Montre Bennett, 323 NW 2nd Avenue, Delray Beach  
Discussed various topics.

Alexius Burns, 2578 Lake Ida Road, Delray Beach  
Invited everyone to attend The Roots Culture Festival Parade on February 3, 2024.

Cynthia Ridley, 210 NW 2nd Avenue, Delray Beach  
Requested an impartial evaluation of the vetting process for new hires.

Adelia Palmer, 708 SW 8th Court, Delray Beach  
Requested the streetlight on 8th Court be repaired.

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

## 6. CONSENT AGENDA: City Manager Recommends Approval

**A motion was made by Commissioner Frankel, seconded by Commissioner Burns, that this be approved. The motion carried by the following vote:**

**Yes:** 5 - Mayor Petrolia, Commissioner Frankel, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns

### 6.A. CITY COMMISSION MEETING MINUTES

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[September 18, 2023 Regular Meeting 2nd Public Budget Hearing - DRAFT](#)  
[October 10, 2023 Regular Meeting Minutes - DRAFT](#)  
[October 17, 2023 Workshop and Joint Workshop Meeting with CRA Board - DRAFT](#)

**The Minutes were approved.**

- 6.B.** APPROVAL OF ADDITIONAL SPENDING ON AGREEMENT P2018-017 WITH GRAYBAR ELECTRIC COMPANY, INC., FOR MAINTENANCE, REPAIR AND OPERATING SUPPLIES IN THE AMOUNT NOT TO EXCEED \$60,000 PER YEAR FOR A REVISED CONTRACT VALUE OF \$524,000.

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

**Attachments:** [Agenda Cover Report](#)  
[Agreement P2018-017](#)  
[Resolution No. 27-18](#)  
[EV2370](#)  
[EV2370 Renewal](#)

**This Request was approved.**

- 6.C.** RESOLUTION NO. 201-23, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ENDORSING THE SOUTHEAST FLORIDA CLIMATE ACTION PLEDGE; AGREEING TO JOINTLY ADVANCE STRATEGIC CLIMATE ADAPTATION AND MITIGATION PLANNING, PROGRAMS, POLICIES AND PROJECTS; AND ADVANCING THE IMPLEMENTATION OF THE REGIONAL CLIMATE ACTION PLAN AS APPROPRIATE FOR EACH GOVERNMENT.

**Sponsors:** City Manager Department

**Attachments:** [Agenda Cover Report](#)  
[SEFL-Climate-Action-Pledge Reso 10.4.23](#)  
[Simple Legal Review Approval Climate Action Resolution](#)

**This Resolution was approved.**

- 6.D.** RESOLUTION NO. 214-23 OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA APPROVING A UTILITY WORK BY HIGHWAY CONTRACTOR AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION, FOR DESIGN AND CONSTRUCTION SERVICES FOR THE RELOCATION OF CITY UTILITY INFRASTRUCTURE TO BE PERFORMED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION CONTRACTORS; FOR PROJECT SR5-US1 FROM BAILEY STREET TO SOUTH OF EVE STREET; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AMENDMENTS AND/OR RENEWALS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES OF UTILITY RELOCATIONS.

**Sponsors:** Utilities Department

**Attachments:** [Agenda Cover Report](#)  
[City of Delray Beach Cost Estimate 447658-1-52-01.pdf](#)  
[447658-1 UWHCA - City of Delray Beach SR5-US1 from Bailey St to Eve St.pdf](#)  
[Legal Review Utility Work by Highway Contractor Agreement with FDOT UWHCA - US1 from Bailey St to Eve St.docx](#)  
[Reso 214-23 lg rev 10-23-23 \(clean\).docx](#)

**This Resolution was approved.**

- 6.E.** RESOLUTION NO. 215-23: APPROVAL OF STATE HOMELAND SECURITY GRANT PROGRAM AGREEMENT RENEWAL WITH THE STATE OF FLORIDA, WHICH HAS THE STATUTORY AUTHORITY TO DISBURSE FEDERAL HOMELAND SECURITY FUNDS TO PARTICIPATING MUNICIPALITIES OF A REGIONAL DOMESTIC SECURITY TASK FORCE (RDSTF) R0518.

**Sponsors:** Fire Rescue Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review FY2021 SHSGP City of Delray Beach Modification #1 R0518](#)  
[FY2021 SHSGP City of Delray Beach Modification #1 R0518 \(002\)](#)  
[Resolution 215-23 Grant Agreement R0518 \(002\)](#)

**This Resolution was approved.**

- 6.F.** RESOLUTION NO. 213-23 AMENDING THE FISCAL YEAR 2022-23 BUDGET ADOPTED BY RESOLUTION NO.157-22 ON SEPTEMBER 19, 2022

**Sponsors:** Finance Department

**Attachments:** [Agenda Cover Report](#)  
[Exhibit A - Resolution 213-23 Budget Amendment 11.7.23](#)  
[Resolution 213-23 Budget Amendment](#)  
[Simple Legal Review Approval Budget Amendment Resolution 213-23](#)

**This Resolution was approved.**

- 6.G.** RESOLUTION NO. 222-23 AMENDING THE FISCAL YEAR 2023-24 BUDGET ADOPTED BY RESOLUTION NO.145-23 ON SEPTEMBER 18, 2023.

**Sponsors:** Finance Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution 222-23 Budget Amendment FY 2023-24 11.7.2023](#)  
[Exhibit A - Resolution 222-23 Budget Amendment 11.7.23 FY 2023-24 - Final](#)  
[Simple Legal Review Approval Budget Amendment Resolution 222-23](#)

**This Resolution was approved.**

- 6.H.** AMEND AND RENEW AGREEMENT WITH THE STANDARD FOR EMPLOYEE BASIC LIFE, SUPPLEMENTAL, SPOUSE AND DEPENDENT LIFE INSURANCE, EMPLOYEE ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE AND RETIREE LIFE EFFECTIVE OCTOBER 1, 2023.

**Sponsors:** Human Resources Department

**Attachments:** [Agenda Cover Report](#)  
[Simple Legal Review Approval standard ins amendment 10-25-23](#)  
[2023-10-01 - Delray Beach - Standard - Amendment Request \(Combined Rate\)](#)

**This Request was approved.**

- 6.I.** APPROVAL OF GRANT APPLICATION AND AWARD/FDOT/SPEED/AGGRESSIVE DRIVING ENFORCEMENT PROGRAM

**Sponsors:** Police Department

**Attachments:** [Agenda Cover Report](#)  
[FDOTSubgrantAgreement-2024 with signature blocks added - Aggressive grant 2024](#)  
[Simple Legal Review Approval FDOT Subgrant Agreement Speed and Aggressive Driving Program 2024](#)

**This Request was approved.**

- 6.J.** RESOLUTION NO. 206-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION TO GAIL B. TIFFORD, FOR THE HISTORIC REHABILITATION OF THE PROPERTY LOCATED AT 125 N. DIXIE BOULEVARD, AS FURTHER DESCRIBED HEREIN; DETERMINING THAT THE COMPLETED IMPROVEMENTS ARE CONSISTENT WITH LAND DEVELOPMENT REGULATION (LDR) SECTION 4.5.1(J), TAX EXEMPTION FOR HISTORIC PROPERTIES; AND PROVIDING AN EFFECTIVE DATE.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)[1-Res No. 206-23-125 N. Dixie Boulevard](#)[2-HPB Staff Report-2023-10-04-125 N. Dixie Boulevard](#)[3-HPB Staff Report -2020-10-07-125 N. Dixie Boulevard](#)[4-Application Tax Exemption-125 N. Dixie Boulevard](#)[5-Certificate of Occupancy-125 N. Dixie Boulevard](#)[6-Architectural Drawings-125 N. Dixie Boulevard](#)[7-Survey Old-125 N. Dixie Boulevard](#)[8-Survey New-125 N. Dixie Boulevard](#)[9-Photographs Before and After-125 N. Dixie Boulevard](#)[10-Property Tax Information-125 N. Dixie Boulevard](#)[11-Tax Bill and Warranty Deed-125 N. Dixie Boulevard](#)[Simple Legal Review Approval Tax Exemption 206-23 125 n dixie blvd](#)

**This Resolution was approved.**

**6.K. PROCLAMATIONS:****6.K.1. OBSERVANCE OF VETERANS DAY PROCLAMATION**

**Sponsors:** City Clerk Department

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

[Veteran's Day Proclamation 2023](#)

**This Proclamation was approved.**

**6.K.2. NATIONAL HUNGER & HOMELESSNESS AWARENESS WEEK PROCLAMATION**

**Sponsors:** City Clerk Department

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

[National Hunger & Homelessness Awareness Week 2023](#)

**This Proclamation was approved.**

**6.K.3. FAMILY COURT AWARENESS MONTH**

**Sponsors:** City Clerk Department

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

[Family Court Awareness Month 2023](#)

**This Proclamation was approved.**

**6.K.4. PROCLAMATION TO PROMOTE RECYCLING IN PALM BEACH COUNTY AND TO DECLARE NOVEMBER 15, 2023 AS AMERICA**



**RECYCLES DAY.**

**Sponsors:** City Manager Department

**Attachments:** [Agenda Cover Report](#)  
[America Recycles Day 2023](#)

This Proclamation was approved.

**6.L. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**

6.L.1. None

**6.M. AWARD OF BIDS AND CONTRACTS:**

6.M.1. None

**7. REGULAR AGENDA:**

**7.A.** CITY STAFF HAS TENTATIVELY AGREED TO A COLLECTIVE BARGAINING AGREEMENT (CBA) BETWEEN THE CITY OF DELRAY BEACH AND THE PROFESSIONAL FIRE FIGHTERS OF DELRAY BEACH, LOCAL 1842, IAFF, INC. (DELRAY BEACH RANK AND FILE). THIS CBA WILL BE IN EFFECT FROM OCTOBER 1, 2023 TO SEPTEMBER 30, 2026.

**Sponsors:** Human Resources Department

**Attachments:** [Agenda Cover Report](#)  
[Memo to CM Approval of Collective Bargaining Agreement IAFF Rank and File \(003\)](#)  
[Simple Legal Review Approval IAFF Rank & File..](#)  
[Delray Rank and File TA 10312023...](#)  
[Delray Rank and File...](#)

Duane D' Andrea, Director of Human Resources, provided the Commission with the results of the collective bargaining agreement between the City of Delray Beach and the Professional Fire Fighters of Delray Beach, Local 1842. He stated that the City and Union had negotiated a three-year agreement that provided the Fire Fighters with a comprehensive, fair, and equitable salary step plan from October 1, 2023, through September 30, 2026.

Mayor Petrolia expressed concern about the importance of having a highly skilled Fire Department and mentioned the residents' high tax contributions help fund their salaries.

Mr. D' Andrea remarked that the salaries were compatible with other municipalities in Palm Beach County.

**A motion was made that this Request be approved. The motion carried by the following vote:**

**Yes:** 4 - Commissioner Frankel, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns

**Abstain:** 1 - Mayor Petrolia

**7.B.**

CITY STAFF HAS TENTATIVELY AGREED TO A COLLECTIVE BARGAINING AGREEMENT (CBA) BETWEEN THE CITY OF DELRAY BEACH AND THE PROFESSIONAL FIRE FIGHTERS OF DELRAY BEACH, LOCAL 1842, IAFF, INC. (DELRAY BEACH SUPERVISORY). THIS CBA WILL BE IN EFFECT FROM OCTOBER 1, 2023 TO SEPTEMBER 30, 2026.

**Sponsors:** Human Resources Department

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

[Memo to CM Approval of Collective Bargaining Agreement IAFF](#)

[Supervisory \(003\)](#)

[Simple Legal Review Approval IAFF Supervisory](#)

[Delray Supervisory TA 10272023-..](#)

[Delray Supervisory...](#)

There was no presentation for Item No. 7. B, since Item No.7.A was approved.

**A motion was made by Commissioner Frankel, seconded by Commissioner Burns, that this Request be approved. The motion carried by the following vote:**

**Yes:** 4 - Commissioner Frankel, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns

**Abstain:** 1 - Mayor Petrolia

**7.C.**

APPROVAL OF RESOLUTION NO. 220-23 APPROVING THE RECOMMENDATION OF RANKING AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO NEGOTIATE AN AGREEMENT WITH THE HIGHEST RANKED FIRM FOR THE CITY OF DELRAY BEACH WATER TREATMENT PLANT PROGRESSIVE DESIGN-BUILD PROJECT PURSUANT TO RFQ 2023-066 (PROJECT NO. 22-019U).

**Sponsors:** Utilities Department

**Attachments:** [Agenda Cover Report](#)  
[Res 220-23 for RFQ 2023-066](#)  
[Simple Legal Review Resolution 220-23](#)  
[Tabulation Packet for RFQ 2023-066 CDM Smith](#)  
[RFQ 2023-066-Final Evaluation Scoring Sheet](#)  
[Packet for Bid RFQ 2023-066 Final](#)

Mr. Hadjimiry, Director of Utilities, introduced Monica Pazahnick, Senior Associate with Hazen and Sawyer, whose firm was selected to act as the owner's representative for the City to oversee the building design of the Water Treatment Plant Project. Ms. Pazahnick stated through a City-advertised Request for Qualification (RFQ) No. 2023-066 that her firm had selected CDM Smith Contractors, the highest-ranked company of the one hundred and sixty proposers that applied.

**A motion was made by Commissioner Frankel, seconded by Deputy Vice Mayor Long, that this Request be approved. The motion carried by the following vote:**

**Yes:** 5 - Mayor Petrolia, Commissioner Frankel, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns

**7.D.**

RESOLUTION 221-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING AN IMPACT EVENT KNOWN AS THE 62ND ANNUAL DELRAY AFFAIR TO BE HELD APRIL 12 THROUGH 14, 2024; AUTHORIZING THE CLOSURE OF ATLANTIC AVENUE AS MORE SPECIFICALLY DESCRIBED HEREIN; AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

**Sponsors:** City Manager Department

**Attachments:** [Agenda Cover Report](#)  
[Impact Event Resolution \(Delray Affair\) Ig rev](#)  
[2024 DA SITE PLAN - FINAL](#)  
[2024 DELRAY AFFAIR - CITY OF DELRAY SPECIAL EVENTS APPLICATION](#)  
[Simple Legal Review Approval delray affair 2024](#)

Jeff Oris, Assistant City Manager, advised the Delray Beach Chamber of Commerce submitted an application for the 62nd Annual Delray Beach Affair to be held April 12th through April 14, 2024. He stated the City's Special Event Technical Advisory Committee (SETAC) approved the event on May 11, 2023, defining it as an "Impact Event."

The Commission thanked the Chamber of Commerce for their responsiveness in working together on this event.

**A motion was made by Commissioner Frankel, seconded by Deputy Vice Mayor Long, that this Resolution be approved. The motion carried by the following vote:**

**Yes:** 5 - Mayor Petrolia, Commissioner Frankel, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns

**7.E. NOMINATION FOR AN APPOINTMENT TO THE SITE PLAN REVIEW AND APPEARANCE BOARD**

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Exhibit A - SPRAB \(rev\)](#)  
[Adler](#)  
[Alvarez](#)  
[Baffer](#)  
[Beal](#)  
[Cohen R.](#)  
[Cohen S.](#)  
[DeLacio](#)  
[Dumitrescu](#)  
[Gray](#)  
[Kapustein](#)  
[Kiser](#)  
[Morrison](#)  
[Nelson](#)  
[O'Conner](#)  
[Olieberg](#)  
[Perez](#)  
[Purdo](#)  
[Ramirez](#)  
[Rindos](#)  
[Thomas](#)

A motion was made by Commissioner Frankel to reappoint Gray, seconded by Commissioner Burns. The motion carried by the following vote:

**Yes: 5** - Mayor Petrolia, Vice Mayor Boylston, Deputy Vice Mayor Long, Commissioner Frankel and Commissioner Burns.

**approved**

A motion was made by Deputy Vice Mayor Long to nominate Purdo,

seconded by Commissioner Frankel. The motion carried by the following vote:

**Yes: 5** - Mayor Petrolia, Vice Mayor Boylston, Deputy Vice Mayor Long, Commissioner Frankel and Commissioner Burns.

**approved**

A motion was made by Vice Mayor Boylston to nominate Alvarez, seconded by Commissioner Frankel. The motion carried by the following vote:

**Yes: 5** - Mayor Petrolia, Vice Mayor Boylston, Deputy Vice Mayor Long, Commissioner Frankel and Commissioner Burns.

**approved**

A motion was made by Commissioner Burns to nominate Beal, seconded by Commissioner Frankel. The motion carried by the following vote:

**Yes: 5** - Mayor Petrolia, Vice Mayor Boylston, Deputy Vice Mayor Long, Commissioner Frankel and Commissioner Burns.

**approved**

A motion was made by Mayor Petrolia to nominate Adler, seconded by Commissioner Frankel. the motion carried by the following vote:

**Yes: 5** - Mayor Petrolia, Vice Mayor Boylston, Deputy Vice Mayor Long, Commissioner Frankel and Commissioner Burns.

**approved**

NOMINATION FOR APPOINTMENT TO THE PLANNING AND ZONING BOARD

7.F.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Exhibit A 11072023 P&Z](#)  
[Adler](#)  
[Baffer](#)  
[Beal](#)  
[Blankenship](#)  
[Blumenfeld](#)  
[Brown](#)  
[Carstarphen](#)  
[Cohen R.](#)  
[Cohen S.](#)  
[Cohn](#)  
[Davey](#)  
[DeLacio](#)  
[Dockerty](#)  
[Dumitrescu](#)  
[Gray](#)  
[Kapustein](#)  
[Kiser](#)  
[Morrison](#)  
[Nelson](#)  
[Petillo](#)  
[Sylvester](#)  
[Rindos](#)  
[Savitch](#)  
[Snyder](#)  
[Thomas](#)

A motion was made by Commissioner Frankel to nominate Thomas, seconded by Deputy Vice Mayor Long. The motion carried by the following vote:

**Yes: 5** - Mayor Petrolia, Vice Mayor Boylston, Deputy Vice Mayor Long, Commissioner Frankel and Commissioner Burns.

**approved**

A motion was made by Deputy Vice Mayor Long to nominate Morrison, seconded by Commissioner Frankel. The motion carried by the following vote:

**Yes: 5** - Mayor Petrolia, Vice Mayor Boylston, Deputy Vice Mayor Long, Commissioner Frankel and Commissioner Burns

**approved**

A motion was made by Vice Mayor Boylston to reappoint Brown, seconded by Commissioner Frankel. The motion carried by the following vote:

**Yes: 5** - Mayor Petrolia, Vice Mayor Boylston, Deputy Vice Mayor Long, Commissioner Frankel and Commissioner Burns.

**approved**

A motion was made by Commissioner Burns to nominate Carstarphen, seconded by Commissioner Frankel. The motion carried by the following vote:

**Yes: 5** - Mayor Petrolia, Vice Mayor Boylston, Deputy Vice Mayor Long, Commissioner Frankel and Commissioner Burns.

**approved**

A motion was made by Mayor Petrolia to reappoint Snyder, seconded by Vice Mayor Boylston. The motion carried by the following vote:

**Yes: 5** - Mayor Petrolia, Vice Mayor Boylston, Deputy Vice Mayor Long, Commissioner Frankel and Commissioner Burns.

**approved**

A motion was made by Commissioner Frankel to nominate Savitch, seconded by Deputy Vice Mayor Long. The motion carried by the following vote:

**Yes: 5** - Mayor Petrolia, Vice Mayor Boylston, Deputy Vice Mayor Long, Commissioner Frankel and Commissioner Burns.

**approved**

A motion was made by Deputy Vice Mayor Long to reappoint Blankenship, seconded by Commissioner Frankel. The motion carried by the following vote:

**Yes: 5** - Mayor Petrolia, Vice Mayor Boylston, Deputy Vice Mayor Long,

Commissioner Frankel and Commissioner Burns.

**approved**

The Appointments were approved.

**7.G. NOMINATION FOR APPOINTMENT TO THE BOARD OF ADJUSTMENT**

**Sponsors:** City Clerk Department

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

[Exhibit A](#)

[Board of Adjustment](#)

[BOA ATTENDANCE](#)

[DeLacio](#)

[Ramirez](#)

Ramirez was appointed.

**A motion was made by Commissioner Frankel, seconded by Commissioner Burns, that this Appointment be approved. The motion carried by the following vote:**

**Yes:** 5 - Mayor Petrolia, Commissioner Frankel, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns

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

**8.A. ORDINANCE NO. 21-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ANNEXING INTO THE CITY OF DELRAY BEACH A PARCEL OF LAND LOCATED WEST OF BARWICK ROAD, IMMEDIATELY NORTH OF LAKE WORTH DRAINAGE DISTRICT L-31 CANAL, AND IMMEDIATELY SOUTH OF 133RD ROAD SOUTH, WHICH MEASURES APPROXIMATELY 5.08 ACRES, AS MORE PARTICULARLY DESCRIBED HEREIN, AND IS SITUATED CONTIGUOUS TO THE EXISTING MUNICIPAL LIMITS OF THE CITY OF DELRAY BEACH; PROVIDING FOR INCLUSION OF THIS PARCEL INTO THE CITY BOUNDARIES AND A REDEFINITION OF THE CITY BOUNDARIES PURSUANT TO SECTION 171.044(2), FLORIDA STATUTES; PROVIDING FOR CONFORMANCE WITH ALL VOLUNTARY ANNEXATION PROCEDURES AS SET FORTH IN SECTION 171.044, FLORIDA STATUTES; PROVIDING FOR FILING WITH PALM BEACH COUNTY AND THE DEPARTMENT OF STATE; PROVIDING A CONFLICTS 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](#)  
[PZB Staff Report](#)  
[Ordinance No. 21-23, 4594 133rd Road South Annexation](#)  
[Map AD-23 - Annexation Areas](#)  
[Map AD-1 Planning Area](#)  
[Applicant Project Narrative, 4594 133rd Road South](#)  
[Traffic Study, 4594 133rd Road South](#)  
[TPS Review Letter, 4594 133rd Road South](#)  
[SCAD Letter, 4594 133rd Road South](#)  
[Palm Beach County Letter of No Objection](#)  
[Map - Proposed Land Use](#)  
[Map - Proposed Zoning](#)  
[Legal Review, Ordinance No. 21-23](#)  
[Proof of Legal Notice No. 1](#)  
[Proof of Legal Notice No. 2](#)

Lynn Gelin stated the applicant for Item No's 8.A - 8.C., requested a postponement until the November 14, 2023, Commission Meeting. She informed those who were present and wished to provide testimony may do so but would not be allowed to speak at the November 14th meeting.

Ms. Gelin entered Ordinance No. 21-23 into the record.

**8.B.**

ORDINANCE NO. 22-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT REDESIGNATING A PARCEL OF LAND MEASURING APPROXIMATELY 5.08 ACRES LOCATED WEST OF BARWICK ROAD, IMMEDIATELY NORTH OF LAKE WORTH DRAINAGE DISTRICT L-31 CANAL, AND IMMEDIATELY SOUTH OF 133RD ROAD SOUTH, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM PALM BEACH COUNTY MEDIUM RESIDENTIAL TO LOW DENSITY RESIDENTIAL, 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. (SECOND READING/PUBLIC HEARING)

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Ord. No. 22-23, 4594 133 Road South LUMA](#)  
[PZB Staff Report](#)  
[Map AD-1 Planning Area](#)  
[Map AD-23 Annexation Areas](#)  
[Map - Proposed Land Use 4594 133rd Road South](#)  
[Applicant Project Narrative, 4594 133rd Road South](#)  
[Traffic Study, 4594 133rd Road South](#)  
[TPS Letter, 4594 133rd Road South](#)  
[Legal Review, Ordinance No. 22-23](#)  
[Proof of Legal Notice](#)

Ms. Gelin entered Ordinance No. 22-23 into the record.

**8.C.**

ORDINANCE NO. 23-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING A PARCEL OF LAND MEASURING APPROXIMATELY 5.08 ACRES LOCATED WEST OF BARWICK ROAD, IMMEDIATELY NORTH OF LAKE WORTH DRAINAGE DISTRICT L-31 CANAL, AND IMMEDIATELY SOUTH OF 133RD ROAD SOUTH, FROM PALM BEACH COUNTY AGRICULTURE RESIDENTIAL TO SINGLE FAMILY R-1-A, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE "CITY OF DELRAY BEACH, ZONING MAP, JULY 6, 2021"; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING/PUBLIC HEARING)

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[PZB Staff Report](#)  
[Ordinance No. 23-23, 4594 133 Road South Rezoning](#)  
[Map AD-1, Planning Area](#)  
[Map AD-23, Annexation Areas](#)  
[Map - Proposed Zoning, 4594 133rd Road South](#)  
[Traffic Study, 4594 133rd Road South](#)  
[TPS Letter, 4594 133rd Road South](#)  
[Applicant Project Narrative, 4594 133rd Road South](#)  
[Legal Review, Ordinance No. 23-23](#)  
[Proof of Legal Notice](#)

Ms. Gelin entered Ordinance No. 23-23 into the record.

Katerri Johnson swore in those individuals who wished to provide testimony on Item No.8.A, 8.B, or 8.C.

William Levy, 3715 Lancewood Place, Delray Beach

Stated the Sable Lakes Community Homeowners Association was concerned about the new development's safety issues. He shared a video highlighting the dangerous traffic congestion along Barwick Road.

Jackie Bronkie, 1310 Laurelwood Lane, Delray Beach

Requested the Commission to consider the residents' safety concerns before approving the new development.

Wayne Carrels, 4021 Satin Leaf Court, Delray Beach

Discussed the safety issues with the school buses around Barwick Road.

Commissioner Frankel motioned to postpone item No's. 8.A - 8.C. to a date certain of November 14, 2023, at 5:00 p.m., seconded by Commissioner Burns. The motion carried by the following vote:

**Yes: 5** - Mayor Petrolia, Vice Mayor Boylston, Deputy Vice Mayor Long, Commissioner Frankel and Commissioner Burns.

**approved**

**8.D.**

ORDINANCE NO. 30-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING 0.4 ACRES OF LAND LOCATED AT 1201 GEORGE BUSH BOULEVARD FROM RESIDENTIAL OFFICE TO MEDIUM DENSITY RESIDENTIAL, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE "CITY OF DELRAY BEACH, ZONING MAP, JULY 6, 2021"; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING / QUASI-JUDICIAL)

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Ordinance No. 30-23](#)  
[PZB Staff Report, 1201 George Bush Blvd.](#)  
[Applicant Justification Statement](#)  
[Map - Existing Zoning](#)  
[Map - Proposed Zoning](#)  
[Traffic Statement](#)  
[TPS Letter](#)  
[School Capacity Availability Determination \(SCAD\) Letter](#)  
[Legal Review, Ordinance No. 30-23](#)  
[Proof of notice - legal advertising](#)

Mayor Petrolia read the quasi-judicial rules into the record for Item No. 8.D.

Katerri Johnson, City Clerk, swore in those who wished to provide testimony on any quasi-judicial item.

Mayor Petrolia asked her colleagues to disclose any ex-parte communications:

Mayor Petrolia: None.

Commissioner Frankel: Spoke with Mr. Schiller.

Commissioner Burns: None.

Deputy Vice Mayor: Long: None.

Vice Mayor Boylston: No

Anthea Gianniotis, Development Services Director, entered File No. 2023-60 RAZ into the record.

Neil Schiller was present on behalf of his client, Stamm Development Group, to approve a privately initiated rezoning request from Residential Office to Medium Density Residential for the property located at 1201 George Bush Blvd, to construct three townhomes. He stated on August 21, 2023, the Planning and Zoning Board unanimously recommended approval.

Anthea Gianniotis provided a staff report on this item. She stated the proposed zoning was identical to the surrounding adjacent properties to the North, South, and East.

Mayor Petrolia opened the floor to public comments.

Christina Morrison, 1000 Lowery Street, Delray Beach  
Stated she favored approving this Ordinance because it would help keep traffic off the island.

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

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

**A motion was made by Commissioner Frankel, seconded by Deputy Vice Mayor Long, that this Ordinance be approved. The motion carried by the following vote:**

**Yes:** 5 - Mayor Petrolia, Commissioner Frankel, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns

## **8.E.**

ORDINANCE NO. 40-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, CHAPTER 96, "FIRE SAFETY AND EMERGENCY SERVICES,"

SECTION 96.16, "CERTAIN CODES ADOPTED BY REFERENCE," TO COMPLY WITH CHANGES TO THE FLORIDA FIRE PREVENTION CODE STANDARDS: PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES. (SECOND READING)

**Sponsors:** Fire Rescue Department

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

[Legal Review Ord 40-23 amending Fire Code](#)

[Ord 40-23 Amending Ch 96 Fire Safety lg rev 9-26-23 final lg rev 10-23-23 \(002\)](#)

Lynn Gelin entered Ordinance No. 40-23 into the record.

There was no presentation.

Approval of this amendment to the existing Ordinance would keep the City Ordinance updated with the Florida Fire Prevention Code.

Mayor Petrolia opened the floor to public comments.

Seeing no one present, Mayor Petrolia closed the public comments.

**A motion was made by Commissioner Burns, seconded by Deputy Vice Mayor Long, that this Ordinance be approved. The motion carried by the following vote:**

**Yes:** 5 - Mayor Petrolia, Commissioner Frankel, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns

**8.F.**

ORDINANCE NO. 41-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 33, "POLICE AND FIRE-RESCUE DEPARTMENTS", OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING SECTION 33.76, "BENEFIT AMOUNTS AND ELIGIBILITY", TO PROVIDE FOR COMPLIANCE WITH CHAPTER 2019-21, LAWS OF FLORIDA; AMENDING SECTION 33.88, "DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS" BY DELETING THE CURRENT LANGUAGE AND REPLACING IT WITH "INTERNAL REVENUE CODE COMPLIANCE", TO PROVIDE COMPLIANCE WITH THE INTERNAL REVENUE CODE AND THE SECURE 2.0 ACT; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE FOR OTHER PURPOSES. (SECOND READING)

**Sponsors:** Finance Department

**Attachments:** [Agenda Cover Report](#)[Aug 2023 AIS for cancer assump & SECURE 2.0](#)[Simple Legal Review Approval FF Retirement System Ordinance 9-19-23](#)[FF Cancer Bill-IRC and SECURE 2.0 Ordinance Amendment \(26July2023\) Ig rev 9-19-23](#)

Lynn Gelin entered Ordinance No. 41-23 into the record.

Hugh Dunkley, Director of Finance, stated the proposed amendment was intended to comply with the State required Cancer provisions and Federal required SECURE 2.0 Act to bring the Firefighter's Retirement System into compliance with the State Law.

Mayor Petrolia opened the floor to public comments.

Seeing no one present, Mayor Petrolia closed the public comments.

**A motion was made by Commissioner Burns, seconded by Deputy Vice Mayor Long, that this Ordinance be approved. The motion carried by the following vote:**

**Yes:** 5 - Mayor Petrolia, Commissioner Frankel, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns

## **9. FIRST READINGS:**

**9.A.** ORDINANCE NO. 46-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, CHAPTER 50 "UTILITIES GENERALLY; PUBLIC SERVICE TAX", SUBHEADING "GENERAL PROVISIONS", BY CREATING A NEW SECTION 50.04, "REVIEW AND ADJUSTMENT OF USER CHARGES," TO ESTABLISH PROVISIONS FOR ADJUSTMENTS TO WATER CHARGES DUE TO LEAKS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES. (FIRST READING)

**Sponsors:** Finance Department

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

[Ord 46-23 leak adjustment for utility bills Ig rev 10-20-23 \(003\) hd \(002\)-ag FINAL hd 10.26.2023](#)[Simple Legal Review Approval leak adjustment ordinance](#)[Proposed Leak Adjustment Table](#)

Lynn Gelin entered Ordinance No. 46-23 into the record.

Mayor Petrolia suggested giving a resident a one-time monetary benefit when filling their pool up for the first time.

Lynn Gelin stated she would investigate the Mayor's suggestion.

**A motion was made by Commissioner Frankel, seconded by Deputy Vice Mayor Long, that this Ordinance be approved on first reading. The motion carried by the following vote:**

**Yes:** 5 - Mayor Petrolia, Commissioner Frankel, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns

**9.B.**

ORDINANCE NO. 48-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 32, "DEPARTMENTS, BOARDS AND COMMISSIONS", BY AMENDING SECTION 32.62, "COMPOSITION; APPOINTMENT; TERMS", TO REDUCE THE NUMBER OF POLICE ADVISORY BOARD MEMBERS FROM 13 REGULAR MEMBERS TO 5; BY AMENDING SECTION 32.65, "DUTIES AND RESPONSIBILITIES", TO UPDATE THE DUTIES AND RESPONSIBILITIES OF THE POLICE ADVISORY BOARD; PROVIDING A SAVINGS CLAUSE; GENERAL REPEALER CLAUSE; AND AN EFFECTIVE DATE. (FIRST READING)

**Sponsors:** Police Department

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

[Simple Legal Review Approval Amendment to Police Advisory Board](#)

[Ord 48-23 Amending Police Advisory Board lg rev 10-23-23](#)

Lynn Gelin entered Ordinance No. 48-23 into the record.

**A motion was made by Commissioner Frankel, seconded by Commissioner Burns, that this Ordinance be approved on first reading. The motion carried by the following vote:**

**Yes:** 5 - Mayor Petrolia, Commissioner Frankel, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns

**9.C.**

ORDINANCE NO. 49-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REPEALING CHAPTER 32, "DEPARTMENTS, BOARDS AND COMMISSIONS", SECTIONS 32.40 - 32.44, "KIDS AND COPS COMMITTEE", PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 32 SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

**Sponsors:** Police Department

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

[Simple Legal Review Approval Repeal of Kids and Cops](#)

[Ordinance 49-23 Kids and Cops Repeal](#)

**10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:****A. City Manager**

None.

**B. City Attorney**

Ms. Gelin advised the Commission that moving forward, the Commission paperwork would include a backup document titled "Business Impact Estimate" per Florida Law.

**C. City Commission****Deputy Vice Mayor Long:**

Enjoyed the ribbon cutting for Popstroke.

Requested an update on the solicitation for the Crest Theatre.

Read a letter of appreciation from a resident thanking him for refurbishing the divider on Palm Trail, North of George Bush Blvd and that he would pass this letter on to Missie Barletto, Public Works Director.

Discussed the Tree Planting Program.

Kent Edwards, Sustainability Officer, stated a tree maintenance program would help preserve the City's tree inventory.

Mr. Moore stated the Workshop on December 12, 2023, would be discussing Community Greening.

**Vice Mayor Boylston:**

Mentioned he went to the Historical Society annual Meeting.

Stated he was happy to have to have Popstroke in Delray Beach.

Stated Mr. Moore was pursuing discussion items for the next Town Hall Meeting.

**Commissioner Frankel:**

Congratulated Mr. Moore on his upcoming wedding.

Recognized the Guns and Hoses Event.

Stated he received an email about the parking meter changes.



**Commissioner Burns:**

Praised the Police Department for ticketing large trucks on the Avenue.

Inquired if minority businesses may respond to solicitations during Phase II of the Disparity Study?

Stated residents were interested in knowing the status of the Delray Full Service Center.

Mentioned she would be conducting Town Hall Meetings throughout the Communities and would call them "Burning Conversations by Angela Burns."

**Mayor Petrolia :**

Mentioned there would be a Veterans Day tribute on November 11th at the Old School Square Field House from 9:00 a.m. - 11:00 a.m.

Stated the Overlay for the Downtown area was scheduled for a Workshop in January.

Suggested scheduling a meeting to discuss predatory practices in the parking lot.

Stated the Children's Garden is looking for another site.

Mentioned the upcoming League of Cities BBQ located in Pahokee.

Requested more scooter parking closer to the Beach and Downtown.

**11. ADJOURNMENT**

There being no further business to discuss, Mayor Petrolia adjourned the Commission Meeting at 7:13 p.m.