

City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

Phone: (561) 243-7000

www.delraybeachfl.gov



Minutes - Draft

Monday, September 18, 2023

4:00 PM

Regular Meeting at 4:00 PM / 2nd Public Budget Hearing at 5:01

PM

Delray Beach City Hall or Watch on YouTube:

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

treams

City Commission

Mayor Shelly Petrolia

Vice Mayor Ryan Boylston

Deputy Vice Mayor Rob Long

Commissioner Adam Frankel

Commissioner Angela Burns

1. ROLL CALL

The September 18, 2023, Regular City Commission Meeting was called to order at 4:00 p.m. City Clerk, Katerri Johnson, called the roll and the following were present:

Terrence Moore - City Manager

Lynn Gelin - City Attorney

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 Vice-Mayor Boylston, seconded by Commissioner Burns, 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. PRESENTING OLIVIA SALVIO, CUSTOMER SERVICE REP, WITH EMPLOYEE OF THE MONTH FOR JULY 2023.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[EOM Olivia Salvio](#)

LeShay King, Human Resource Generalist, introduced Customer Service Representative, Olivia Salvio, as the Employee of the Month for July 2023.

Andrea Guerrero, Utilities Financial Manager, acknowledged Olivia for her dedication and consistent willingness to help her team. Olivia was presented with a plaque and a certificate for eight hours of paid time off.

4.B. GREENHOUSE GAS REDUCTION AND CLIMATE ACTION PLAN

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

Kent Edwards, Sustainability Officer, advised that the Green Implementation Advancement Board recommended developing a Climate

Action Plan (CAP) for the city. A CAP is a document that organizes eight categories a municipality would take to address the effects of climate change.

Michael Davis from WGI recognized the importance of the City performing a CAP study to help guide city leaders when preparing the Strategic Plan.

Vice Mayor Boylston proposed revisiting this topic at the next Goal Setting Meeting.

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

5.A.1. INTRODUCTION OF ROB EVANS, ECONOMIC DEVELOPMENT MANAGER

Sponsors: City Manager Department

Mr. Moore shared Rob Evans's background and the expertise he brings to the city as the new Economic Development Manager.

5.A.2. CITY OF DELRAY BEACH WATER TREATMENT PLANT, DESIGN BUILD PROJECT STATUS UPDATE.

Sponsors: Utilities Department

Representatives from Hazen and Sawyer Engineering Firm provided a quarterly report on the new Water Treatment Plant Project. They stated in January 2024, they would return to the Commission to share the negotiated Phase 1 contract for the design and development of the Maximum Guaranteed Price (MGP) for the project.

5.A.3. FOLLOW-UP REVIEW AND ANALYSIS REGARDING PREVIOUS EMPLOYEE COLA AND OTHER FINANCIAL RELATED CONSIDERATIONS

Sponsors: City Manager Department

Mr. Moore advised a National Impact Study would be needed to assess prospective considerations for implementing a bi-annual COLA review.

There was a consensus among the Commission to model the City of Boca Raton's COLA Ordinance upon the Commission's acceptance.

5.B. From the Public

Montray Bennett, 323 NW 2nd Avenue, Delray Beach
Played a recording of the loud noise emanating from the Tin Rood after midnight

every weekend.

Bob Cantwell, 1007E. Heritage Club, Delray Beach

Recommended everyone use the Delray Beach application on their mobile device.

He also encouraged the City to contribute to the Delray Beach Bed Races once again.

Sarah Lowden, Westway Towing representative,

Read a letter on behalf of Kevin Pillar from Westway Towing concerning a bid appeal.

Kevin Pillar, Vice President of Westway Towing,

Provided the Commission with the information he obtained referencing bid solicitation 2023-007 for towing services.

Kiki Casale, 3717 Satin Leaf Court, Delray Beach

Asked the Commission to continue funding the Trap, Neuter, Vaccinate, and Release (TNVR) Program for the homeless cats in the city.

Erica Beroza, 3913 Sherwood Blvd, Delray Beach

Discussed the multitude number of feral cats in lower-income neighborhoods.

Ben Protano, an attorney representing Priority Towing

Requested the Commission to remove Resolution No. 188-23 (Item No. 7-E) from the agenda pending their appeal to the Circuit Court.

Ann Stacey-Wright, 2255 SW 7th Avenue, Delray Beach

Asked the Commission to aid in relocating the feral cat colonies from her neighborhood.

Jackie Bronkie, 1310 Laurelwood Drive, Delray Beach

Requested the Commission (excluding Mayor Petrolia who voted to deny) to revisit their decision to approve the 133rd Southland Parcel as a through road.

Doreen Zic Hock, 226 NE 1st Avenue, Delray Beach

Advocated for the city to continue to fund the TNVR Program for feral cats within the city.

Juli Casale, 3717 Satin Leaf Court, Delray Beach

Thanked the Commission for allocating funds to the TNVR Program.

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

6. CONSENT AGENDA: City Manager Recommends Approval

A motion was made by Vice-Mayor Boylston, seconded by Commissioner Frankel, 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

6.A. CITY COMMISSION MEETING MINUTES

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[August 15, 2023 Workshop Meeting Minutes](#)
[August 15, 2023 Regular Meeting Minutes](#)

This Minutes was approved.

6.B. ACCEPTANCE OF A LANDSCAPE MAINTENANCE AGREEMENT FOR THE PROPERTY LOCATED AT 2800 - 2812 FLORIDA BLVD

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Landscape Maintenance Agreement](#)
[Landscape Plan](#)
[Legal Review Approval](#)

This Request was approved.

6.C. RESOLUTION NO. 178-23 AMENDING THE FISCAL YEAR 2022-23 BUDGET ADOPTED BY RESOLUTION NO.157-22 ON SEPTEMBER 19, 2022

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[Resolution 178-23 Budget Amendment](#)
[Exhibit A - Resolution 178-23 Budget Amendment 9.18.2023](#)
[Simple Legal Review Approval Budget Amendment 178-23](#)

This Request was approved.

6.D. 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 the Standard.](#)
[Amendment Request Form - 163645 - AMND-39789 - V1.](#)
[The Standard Agreement 10-1-2017.](#)
[2020-06-10 - Delray Beach - Standard - 2020-21 Renewal.](#)
[2021-10-01 - Delray Beach - Standard - Life Policy Amendment 4.](#)
[2023-05-23 - Delray Beach - 2023-2024 Lfe-AD&D RFP.](#)
[2023-10-01 - Delray Beach - Basic Life Renewal Evaluation
2023-2024.](#)
[Gehring Group - Christian Bergstrom - Life Insurance Renewal Recap.](#)

This Contract was approved.

6.E. RENEW AGREEMENT WITH SOLSTICE HEALTHPLANS, INC FOR DENTAL INSURANCE EFFECTIVE OCTOBER 1, 2023 AND RETROACTIVE APPROVAL TO OCTOBER 1, 2019.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[City of Delray Beach - Solstice Proposal V3.](#)
[Group Application - City of Delray Beach - Eff 10-1-19.](#)
[14058 City of Delray Beach Dental Contract - PPO.](#)
[City of Delray Beach 2023 Renewal Group Auth form.](#)
[City of Delray Beach - Dental RFQ 2019.](#)
[14058 City of Delray Beach Dental Contract -- B Plans.](#)
[Simple Legal Review Approval Solstice.](#)

This Request was approved.

6.F. APPROVE RESOLUTION NO.179-23 FOR RENEWAL OF PROPERTY INSURANCE POLICY FLORIDA MUNICIPAL INSURANCE TRUST (FMIT)

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Resolution for FMIT Renewal 23 24](#)
[FMIT Quote Comparison..](#)
[FMIT Market Summary.](#)
[Legal Review Res 179-23..](#)

This Resolution was approved.

- 6.G.** APPROVE RESOLUTION NO.128-23 TO AWARD AN AGREEMENT WITH TARGET SOLUTIONS, LLC FOR LEARNING MANAGEMENT SYSTEM IN A TOTAL NOT TO EXCEED AMOUNT OF \$217,575 FOR A FIVE YEAR PERIOD.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist TargetSolutions.](#)
[Res 128-23..](#)
[Vendor Signed CS2023-010 Targret Solutions](#)
[City Standard Memo Signed and Agreement 7.3.23](#)

This Resolution was approved.

- 6.H.** APPROVAL TO INSTALL POCKET REFUGES AT SPADY CULTURAL HERITAGE MUSEUM, DELRAY SWIM AND TENNIS CLUB, LAKE VIEW PARK, OLD SCHOOL SQUARE PARK, ORCHARD VIEW PARK, AND PINE GROVE PARK IN PARTNERSHIP WITH THE NATIONAL WILDLIFE REFUGE ASSOCIATION AND THE US FISH AND WILDLIFE ASSOCIATION.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[Pocket Refuge Proposal Letter 2023](#)

This Request was approved.

- 6.I.** APPROVAL OF A BID WAIVER WITH SOUTHEAST TRUCK SPECIALISTS, INC., FOR SUPPLEMENTAL COLLISION REPAIRS TO FIRE TRUCK 201733 IN THE AMOUNT OF \$41,484.40, FOR A FY23 TOTAL OF \$84,905.16.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[BW2023-006 No. 2](#)

This Request was approved.

- 6.J.** APPROVAL OF RESOLUTION 174-23 AND A GRANT AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP GRANT 22FRP134), FOR SUPPLEMENTARY FUNDING UNDER THE RESILIENT FLORIDA PROGRAM FOR THE THOMAS STREET PUMP STATION IMPROVEMENT PROJECT IN THE AMOUNT OF \$2,500,000.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Simple Legal Review Thomas Street Grant Agreement](#)
[Reso No. 174-23 Thomas Street Grant Agreement](#)
[22FRP134 - City of Delray Beach Thomas Street Pump Station Improvement- For Execution 8.30.23](#)

This Resolution was approved.

6.K. APPROVAL OF RESOLUTION 175-23 AND A GRANT AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP GRANT 23FRP42), FOR PROVIDING SUPPLEMENTARY FUNDING UNDER THE RESILIENT FLORIDA PROGRAM, FOR THE MARINE WAY DRAINAGE IMPROVEMENT PROJECT IN THE AMOUNT OF \$10,000,000.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Simple Legal Review Marine Way Grant Agreement](#)
[Reso No. 175-23 Marine Way Grant](#)
[22FRP42 - City of Delray Beach Marine Way Drainage Improvements - For Execution 8.30.23](#)

This Request was approved.

6.L. ITEM(S) A1, MAINTENANCE OF TRAFFIC PLAN/ ROAD CLOSURE PLAN FOR 925 SW 13th Ave.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Item A1 STANFORD CONSTRUCTION - SW 8TH ST & SW 12TH AVE DELRAY BEACH](#)

This Request was approved.

6.M. APPROVAL TO INCREASE THE CONTRACT VALUE OF ITBC NO. 2020-004 WITH RIC-MAN CONSTRUCTION, INC. FOR PHASE I OF THE OSCEOLA PARK NEIGHBORHOOD IMPROVEMENT PROJECT IN AN AMOUNT NOT-TO-EXCEED \$67,971.43, FOR A REVISED CONTRACT TOTAL OF \$4,124,298.43.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Fully Executed Agreement 2020-004](#)
[Legal Review Checklist 2020-004](#)
[Resolution 41-20](#)

This Request was approved.

6.N. APPROVAL OF AMENDMENT NO. 1 TO RFQ NO. 2020-040 WITH E&M EQUIPMENT CORP., FOR THE ADDITION OF A CONTINGENCY LINE ITEM FOR THE LOWSON BOULEVARD FROM DOVER ROAD TO SOUTHEAST 5TH AVENUE (US-1/FEDERAL HIGHWAY) PROJECT, IN THE AMOUNT OF \$210,902 FOR A REVISED CONTRACT AMOUNT OF \$6,357,339.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[2020-040 Amendment No. 1](#)
[Exhibit A - Price Schedule](#)
[Legal Review Checklist Amendment to Construction Services for Lawson Blvd. to Dover Road Agreement 2020-040](#)

This Request was approved.

6.O. APPROVAL OF A LETTER OF AGREEMENT (LOA) WITH THE FLORIDA AGENCY FOR HEALTHCARE ADMINISTRATION (AHCA) FOR PARTICIPATION IN THE MANAGED CARE ORGANIZATION (MCO) PORTION OF THE PUBLIC EMERGENCY MEDICAL TRANSPORTATION (PEMT) PROGRAM.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)
[SFY 2023-24 PEMT LOA - Delray Beach Fire Rescue.pdf](#)
[Year 5 MCO SFY 2023-23 Model-Draft.pdf](#)
[Legal Review Public Emergency Medical Transportation Letter of Agreement.pdf](#)

This Request was approved.

6.P. PROCLAMATIONS:

6.P.1. CONSTITUTION WEEK PROCLAMATION - SEPTEMBER 17-23, 2023

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Constitution Week Proclamation](#)

This Proclamation was approved.

6.P.2. NATIONAL WALK YOUR CHILD TO SCHOOL DAY PROCLAMATION - OCTOBER 4, 2023

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Walk and Bike to School Day](#)

This Proclamation was approved.

6.P.3. ENERGY EFFICIENCY DAY PROCLAMATION

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[EEDay-2023 Proclamation](#)

This Proclamation was approved.

6.P.4. INDIGENOUS PEOPLES DAY - OCTOBER 9, 2023

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Indigenous People's Day Proclamation 2023](#)

This Proclamation was approved.

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

This was approved.

6.Q.1. REPORT OF APPEALABLE DEVELOPMENT APPLICATION ACTIONS FROM AUGUST 21, 2023 THROUGH SEPTEMBER 8, 2023.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[SPRAB \(8-23\) 9.A Virginia Philip Wine](#)
[SPRAB \(8-23\) 9.B Ciao](#)
[SPRAB \(8-23\) 9.D Valhalla Condominiums](#)
[HPB \(9-6\) 8.A. 80 Depot Ave.](#)

This Request was approved.

6.R. AWARD OF BIDS AND CONTRACTS:

6.R.1. APPROVAL OF RESOLUTION NO. 135-23 TO AWARD AN AGREEMENT WITH BENNETT FIRE PRODUCTS COMPANY, INC., FOR THE PURCHASE OF FIRE FIGHTER PERSONAL PROTECTIVE EQUIPMENT, SUPPLIES AND SERVICES UTILIZING LAKE COUNTY SOLICITATION NO. 22-730B - \$900,000.

Sponsors: Fire Rescue Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist_Bennett Fire Products.pdf](#)
[Resolution No. 135-23 for Bennett Fire Products Company, Inc.pdf](#)
[Master Contractor Agreement 2023-047 Bennett Fire Products Company Inc. _legal review 8-11.pdf](#)
[Exhibit A - Delray Beach PPE Quote 7142023.pdf](#)
[Lake Co 22-730B Bennett thru 07-31-25.pdf](#)

This Resolution was approved.

6.R.2. APPROVAL OF RESOLUTION NO. 158-23 TO AWARD AN AGREEMENT TO DELL MARKETING LP, FOR PURCHASE OF TECHNOLOGY PRODUCTS, SERVICES AND SOLUTIONS; UTILIZING REGION 14 EDUCATION SERVICE CENTER, AVAILABLE THROUGH NATIONAL COOPERATIVE PURCHASING ALLIANCE PURSUANT TO RFP NUMBER 45-42. - \$200,000 ANNUAL.

Sponsors: IT Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist MSA with Dell Marketing - Piggyback Region 14 Education Service Center](#)
[Res 158-23 MSA with Dell Marketing - Piggyback from Region 14 Education Service Center](#)
[Agreement with Dell Marketing LP - piggyback Region 14 Education Service Center](#)
[Agreement - Final](#)
[Dell_Award_Letter](#)

This Resolution was approved.

6.R.3. APPROVAL OF RESOLUTION NO. 162-23 FOR THE PURCHASE OF TECHNOLOGY PRODUCTS, SERVICES AND SOLUTIONS THROUGH INSIGHT PUBLIC SECTOR, INC.; UTILIZING COBB COUNTY GEORGIA SOLICITATION NO. 23-6692-03, - \$1,500,000 ANNUAL

Sponsors: IT Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist Insight](#)
[Resolution 162-23](#)
[P2023-045 Technology Product Solution and Related Services](#)
[Cobb County Contract](#)
[Omnia Partner Executive Summary](#)
[Annual purchases through Insight](#)

This Resolution was approved.

- 6.R.4.** MOTION TO APPROVE RESOLUTION NO. 155-23 TO AWARD AN AGREEMENT WITH RENOSYS CORP. TO PERFORM POOL LINER REPAIR AND REPLACEMENT AT POMPEY PARK POOL PURSUANT TO INVITATION TO BID NO. 2023-056 IN THE AMOUNT OF \$82,688

Sponsors: Parks & Recreation Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist Renosys Corp](#)
[Res No. 155-23 RenoSys](#)
[ITB2023-056 Pool Liner Repair and Replacement 2023](#)
[Vendor Executed-City of Delray Beach - Reno Signed](#)

This Resolution was approved.

- 6.R.5.** APPROVAL OF RESOLUTION NO. #169-23 APPROVING A BID WAIVER AND AWARDED AGREEMENT WITH FUSUS, INC. FOR PUBLIC AND COMMUNITY VIDEO SOURCES VIEWING PLATFORM

Sponsors: Police Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Resolution 169-23 FUSUS 2023 - Bid Waiver](#)
[Template - Memo Bid Waiver Approval - FUSUS Inc](#)
[Delray Beach PD FL Sole Source Letter 101022](#)
[Fusus Purchase Packet 8.1.2023 Delray Beach PD FL](#)
[Fusus Terms & Conditions - June 2023.docx \(1\)](#)
[Fully Executed-BW 2023-011 FUSUS, Inc. - signed](#)
[FUSUS Vendor Executed Agreement 2023](#)
[Legal Review Checklist Fusus](#)

This Resolution was approved.

- 6.R.6.** APPROVAL OF RESOLUTION NO. 170-23 TO APPROVE AN AGREEMENT WITH DON BELL SIGNS, LLC. FOR THE FABRICATION, CONSTRUCTION, AND INSTALLATION OF THE WAYFINDING AND GATEWAY SIGNAGE PROJECT, PURSUANT TO ITBC NO. 2023-014 (PROJECT NO. 21-007) - \$ 1,219,611.00.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Agreement 2023-014](#)
[Resolution 170-23](#)
[Legal Review Checklist wayfinding](#)
[Recommendation of Award EOR](#)

This Resolution was approved.

6.R.7. RESOLUTION NO. 187-23 TO APPROVE UTILIZING SOURCEWELL EZIQC CONTRACT NO. FL-R10-GC04-111821-DMS WITH DAVID MANCINI & SONS, INC. FOR THE SW ALLEYWAYS AND OSCEOLA PARK NEIGHBORHOOD (SE 1ST AVENUE) PROJECTS IN AN AMOUNT NOT-TO-EXCEED \$2,440,000.00 (PROJECT NOS. 2017-103 AND 2016-095).

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[MSA David Mancini & Sons - Sourcewell Piggyback - SW Alleyways & Osceola Park SE 1st Avenue](#)
[Res 187-23 MSA David Mancini & Sons - Sourcewell Piggyback - SW Alleyways & Osceola Park SE 1st Avenue](#)
[Legal Review Checklist MSA David Mancini & Sons - Sourcewell Piggyback - SW Alleyways & Osceola Park SE 1st Avenue](#)
[Contract FL-R10-GC04-111821-DMS](#)
[Contract Extension FL-R10-GC04-111821-DMS](#)

This Resolution was approved.

6.R.8. APPROVAL OF RESOLUTION NO. 88-23 TO AWARD AN AGREEMENT TO ADT COMMERCIAL, LLC., FOR FACILITY TECHNOLOGY INTEGRATION & SECURITY SYSTEM SERVICES UTILIZING RFP 22-07 ISSUED BY REGION 4 EDUCATION SERVICE CENTER FOR AN INITIAL TERM AMOUNT OF \$454,706.24.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[P2023-023 ADT](#)
[Resolution 88-23](#)
[Legal Review Checklist form ADT](#)
[RFP 22-07](#)

This Request was approved.

7. REGULAR AGENDA:

7.A. CITY OF DELRAY BEACH AND SERVICE EMPLOYEES

INTERNATIONAL UNION, FLORIDA PUBLIC SERVICES UNION, CTW,
CLC. MEMO OF UNDERSTANDING (MID AGREEMENT SALARY
CONSIDERATION)

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[MOU SEIU_2023](#)
[APPENDIX A Revised 10.02.23.](#)
[MOU with SEIU](#)

Duane D' Andrea, Human Resources Manager, shared the results of the negotiations between the City and the Service Employees International Union (SEIU). The minimum starting pay rate increased to \$15.32 per hour. He added the financial impact would be \$212,000 in salary adjustments, which had been budgeted in the departments that have SEIU-represented employees.

Mayor Petrolia voiced her concern about negotiating pay structures out of their time frame.

A motion was made by Vice-Mayor Boylston, seconded by Deputy Vice Mayor Long, 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.

RESOLUTION NO. 186-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING AN APPEAL AND APPROVING A WAIVER TO SECTION 5.3.1(A) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW FOR A REDUCTION OF THE REQUIRED RIGHT OF WAY DEDICATION FOR SE 1ST AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.(QUASI JUDICIAL)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Res. No. 186-23 ROW Reduction Downtown Delray Villas](#)
[DSMG Memo-Downtown Delray Villas](#)
[130 SE 1ST AVE \(8.17.23\) DSMG MEETING](#)
[Applicant Appeal Letter-Downtown Delray Villas-2023-10-17](#)
[Survey-Downtown Delray Villas-2023-09-18](#)
[Plans-Downtown Delray Villas-2023-09-18](#)
[Simple Legal Review Approval Downtown Delray Villas 186-23](#)

Mayor Petrolia read the quasi-judicial rules into the record and asked her colleagues if they had any ex-parte communications to disclose.

Mayor Petrolia spoke with the developer.

There were no further ex-parte communications from the Commission.

Anthea Gianniotis, Development Services Director, entered File No.2023-132 into the record.

Christopher Bernando, counsel for the applicant, was present to appeal a waiver to section 5.3.1 (A) of the Land Development Regulations to allow for a reduction of the required right of way dedication for SE 1st Avenue.

Jeff Costello, with JC Planning Solutions, proposed that alternative provisions would be made to accommodate features which would otherwise be accommodated within the right-of-way.

The Commission engaged in a discussion recognizing that visually, the public would not notice any difference if this Resolution was approved.

A motion was made by Vice-Mayor Boylston, 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.C.

RESOLUTION NO. 177-23, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE SERVICE AUTHORIZATIONS RELATED TO CONTINUING CONTRACTS FOR ENGINEERING, SURVEYING, LANDSCAPING, AND ARCHITECTURAL CONSULTING SERVICES, PURSUANT TO SECTION 287.055, FLORIDA STATUTES, THE CONSULTANTS' COMPETITIVE NEGOTIATION ACT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

[Legal Review Res 177-23 Increase CM authority to execute SA under CCNA Agmt](#)

[Res 177-23 - CCNA Continuing Contracts Increased Limits WMB](#)

[RFQ 2017-048 Final](#)

[2017-048 Agreement with A.D.A. Engineering](#)

[2017-048 Agreement with Avirom & Associates, Inc.](#)

[2017-048 Agreement with Baxter & Woodman, Inc DBA Mathews Consulting](#)

[2017-048 Agreement with BERMELO, AJAMIL & PARTNERS, INC.](#)

[2017-048 Agreement with BISCAYNE ENGINEERING COMPANY, INC.](#)

[2017-048 Agreement with Calvin, Giordano and Associates Inc.](#)

[2017-048 Agreement with Carnahan, Proctor and Cross, Inc.](#)

[2017-048 Agreement with Carollo Engineers, Inc.](#)

[2017-048 Agreement with Calvin, Giordano and Associates Inc.](#)

[2017-048 Agreement with CB&I ENVIRONMENTAL & INFRASTRUCTURE, INC.](#)

[2017-048 Agreement with Chen Moore and Associates, Inc.](#)

[2017-048 Agreement with Coastal Systems International, Inc.](#)

[2017-048 Agreement with Craven Thompson & Associates](#)

[2017-048 Agreement with Edsa, Inc.](#)

[2017-048 Agreement with ENGENUITY GROUP, INC.](#)

[2017-048 Agreement with Erdman Anthony of Florida Inc.](#)

[2017-048 Agreement with Gartek Engineering Corporation](#)

[2017-048 Agreement with GLE ASSOCIATES, INC.](#)

[2017-048 Agreement with Keith and Schnars, P.A.](#)

[2017-048 Agreement with Kimley-Horn](#)

[2017-048 Agreement with MARLIN ENGINEERING, INC.](#)

[2017-048 Agreement with MASTER CONSULTING ENGINEERS, INC.](#)

[2017-048 Agreement with MICHAEL B. SCHORAH AND ASSOCIATES, INC.](#)

[2017-048 Agreement with Pinnacle Ecological, Inc.](#)

[2017-048 Agreement with SGM ENGINEERING, INC.](#)

[2017-048 Agreement with T.Y. Lin International](#)

[2017-048 Agreement with Wantman Group](#)

Peggy Cadeaux, Purchasing Manager, was present to request the Commission adopt Florida House Bill 441. The bill allows for the revision of the term “continuing contract” and increases maximum dollar amounts for professional architectural, engineering, landscape architectural surveying, and mapping services.

A motion was made by Vice-Mayor Boylston, seconded by Commissioner Burns,

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.D. APPROVAL OF AMENDMENT NO. 1 TO THE AGREEMENT FOR THE NEW CONSTRUCTION OF FIRE STATION NO. 113 IN A GUARANTEED MAXIMUM PRICE (GMP) OF \$10,107,866; ALONG WITH THE PALM BEACH COUNTY (PBC) REQUIRED OFF-SITE EMERGENCY TRAFFIC SIGNALIZATION IN THE AMOUNT NOT TO EXCEED \$870,280; PLUS, THE OWNER'S CONTINGENCY LINE ITEM IN THE AMOUNT OF \$500,000 FOR A GRAND TOTAL AMOUNT OF \$11,478,146 WITH GULF BUILDING, LLC. PURSUANT TO RFP NO. 2019-008.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[AIA Document A141 2014 Exhibit A Amendment No. 1 FS 113 091523](#)

[A141 Amd to Fire Station - Attachment A Itemized Statement of GMP](#)

[A141 Amd to Fire Station - Attachment B Add Alternatives](#)

[ATTACHMENT C-QUALIFICATIONS AND CLARIFICATIONS 091423](#)

[ATTACHMENT D-SCHEDULE](#)

[A141 Amd to Fire Station - Attachment E Drawing Log](#)

[Legal Review A141 Amd to Fire Station 091523](#)

[Delray Beach FS 113 - City Commission GMP Presentation_FINAL 091523](#)

Missie Barletto, Director of Public Works, and her team provided a project timeline for the new construction of Fire Station 113. She shared that the Public Works Department was requesting approval to allow Gulf Building, LLC to proceed with Phase 2 of RFP No. 2019-008 and begin construction of the Fire Station.

A motion was made by Vice-Mayor Boylston, seconded by Commissioner Frankel, 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.E. APPROVAL OF RESOLUTION NO. 188-23 TO AWARD AN AGREEMENT WITH KAUFFS OF PALM BEACH, INC., FOR VEHICLE TOWING AND STORAGE SERVICES - \$156,712.50 FOR THE INITIAL THREE-YEAR TERM

Sponsors: Purchasing Department

- Attachments:** [Agenda Cover Report](#)
[Packet for Bid RFQ 2023-007 Final](#)
[0. Submitted Bid 04.12.23](#)
[Resolution No. 188-23 Iq rev final](#)
[Vendor Signed 2023-007 Agreement](#)
[Legal Review Checklist form v. 7 WMB 3 5 2021](#)

Ms. Gelin provided a timeline of the Request for Qualifications (RFQ) 2023-00, issued on February 24, 2023, and the circumstances leading up to the Commission’s decision to approve Resolution No.188-23 that evening.

A motion was made by Vice-Mayor Boylston, seconded by Deputy Vice Mayor Long, 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.F. NOMINATION FOR APPOINTMENT TO THE CODE ENFORCEMENT BOARD

Sponsors: City Clerk Department

- Attachments:** [Agenda Cover Report](#)
[Exhibit A](#)
[Code Enforcement Board](#)
[Code Enforcement Attendance](#)
[Bowens](#)
[Delehanty](#)
[Kiser](#)
[Land](#)
[Rudowitz](#)

Delehanty was nominated.

A motion was made by Commissioner Burns, seconded by Commissioner Frankel, 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

7.G. RESOLUTION NO. 191-23: A RESOLUTION OF THE CITY OF DELRAY BEACH, FLORIDA, AUTHORIZING A SPECIAL EVENT SPONSORSHIP IN AN AMOUNT NOT TO EXCEED \$3,000 FOR THE SPECIAL EVENT KNOWN AS THE DELRAY BEACH BED RACE; AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO

EFFECTUATE THE INTENT OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

[Resolution No 191-23 Delray Beach Bed Race sponsorship_lg rev 9-12-23](#)

[Simple Legal Review Approval DB Bed Race Sponsorship](#)

[DBC Bed Race 2023 Request Form for City Special Event Sponsorship - 072423 v2](#)

[DBC Bed Race Oct 7 City Sponsorship Statement](#)

[2023 Bed Race Site Plan](#)

[DBC Bed Race 2023 Invoice](#)

[Fire Benevolent Bed Race letter](#)

[Fire Benevolent IRS letter](#)

[ACCF bed race letter](#)

[ACCF Tax Exempt Form](#)

[SETAC Original DBC Bed Races Application](#)

Max Zengage, sponsor of this event, was present to answer any questions.

The Commission engaged in a discussion and acknowledged their support of the event.

A motion was made by Vice-Mayor Boylston, seconded by Commissioner Burns, 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

8. PUBLIC HEARINGS/SECOND READINGS:

8.A. RESOLUTION NO. 143-23: GENERAL FUND OPERATING AND DEBT SERVICE FINAL MILLAGE RATES

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

[Resolution 143-23 FY 2024 City Final Millage Rate - Final Budget Hearing 9.18](#)

[FY 2023-24 TRIM Files 9.18.2023](#)

[Simple Legal Review Approval 143-23](#)

Lynn Gelin, City Attorney entered Resolution No.143-23 into the record.

Hugh Dunkley, Finance Director, stated this was the second of two required public hearings for the adoption of the final rates of millage to be levied by the City of Delray Beach for fiscal year beginning October 1, 2023

through September 30, 2024.

Mayor Petrolia opened the floor to public comments on Resolution No. 143.23.

Seeing no one present, Mayor Petrolia closed public comments.

A motion was made by Vice-Mayor Boylston, seconded by Commissioner Burns, 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

8.B. RESOLUTION NO. 144-23: DOWNTOWN DEVELOPMENT AUTHORITY FINAL MILLAGE RATE

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

[Resolution 144-23 FY 2024 DDA Final Millage Rate - Final Budget Hearing 9.18](#)
[DDA FY23-24 Proposed Budget Memo for City Commission 9.5.23 Mtg Final \(002\)](#)
[Simple Legal Review Approval 144-23](#)

Lynn Gelin entered Resolution No.144-23 into the record.

Mayor Petrolia opened the floor to public comments on Resolution No. 144.23.

Seeing no one present, Mayor Petrolia closed public comments.

A motion was made by Vice-Mayor Boylston, 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

8.C. RESOLUTION NO. 145-23: ADOPTION OF THE FISCAL YEAR FINAL BUDGET BEGINNING OCTOBER 1, 2023

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

[Resolution 145-23 FY 2024 City Final Budget - Final Budget Hearing 9.18](#)
[Exhibit A- City of Delray Beach - Final Budget 9.18.2023](#)
[FY 2023-24 Proposed Budget Delray Beach](#)
[Simple Legal Review Approval 145-23](#)

Lynn Gelin entered Resolution No.145-23 into the record.

Hugh Dunkley, Finance Director, presented the second of two required

public hearings to adopt the final budget for October 1, 2023, through September 30, 2024.

Mayor Petrolia opened the floor to public comments on Resolution No. 145.23.

Seeing no one present, Mayor Petrolia closed public comments.

A motion was made by Vice-Mayor Boylston, seconded by Commissioner Frankel, that this Resolution 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

8.D.

ORDINANCE NO. 29-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, UPDATING THE CAPITAL IMPROVEMENT PLAN SCHEDULE IN THE COMPREHENSIVE PLAN OF THE CITY OF DELRAY BEACH FOR FY 2023-24 TO FY 2027-28 IN ACCORDANCE WITH THE REQUIREMENTS OF POLICIES CIE 1.2.1. AND CIE 1.2.6 OF THE CAPITAL IMPROVEMENT ELEMENT; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING/PUBLIC HEARING)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[PZB Staff Report, FY 23-24 CIP](#)
[Ordinance No. 29-23](#)
[Exhibit A - Ordinance No. 29-23](#)
[Legal Review](#)
[Proof of Legal Ad](#)

Lynn Gelin entered Ordinance No. 29-23 into the record.

Mayor Petrolia opened the floor to public comments on Ordinance No. 29-23.

Seeing no one present, Mayor Petrolia closed the floor.

A motion was made by Vice-Mayor Boylston, seconded by Commissioner Frankel, 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. 28-23: 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; AMENDING CHAPTER 101, "PARKS, BEACHES AND RECREATION," SECTION 101.32, "ASSEMBLIES"; TO PROHIBIT THE CLOSURE OF THE ATLANTIC AVENUE BRIDGE, THE GEORGE BUSH BOULEVARD BRIDGE, AND THE LINTON BOULEVARD BRIDGE DURING A SPECIAL EVENT; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES. (SECOND READING)

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Ordinance 28-23](#)

Lynn Gelin entered Ordinance No. 28-23 into the record.

Mayor Petrolia opened the floor to public comments on Ordinance No. 29-23.

Seeing no one present, Mayor Petrolia closed the floor.

A motion was made by Commissioner Frankel, seconded by Vice-Mayor Boylston, 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. 35-23: 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; AMENDING CHAPTER 101, "PARKS, BEACHES AND RECREATION," SECTION 101.36, "ADDITIONAL RULES APPLYING TO PARKS, RECREATIONAL FACILITIES AND THE MUNICIPAL BEACH"; SUBSECTION (B), "HOURS OF OPERATION," TO CLARIFY THE HOURS OF OPERATION FOR THE MUNICIPAL BEACH; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES. (SECOND READING)

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Ordinance 35-23 Amending Sec 101.36 Additional Rules Applying to Parks Recreational Facilities and the Municipal Beach -7-28-23](#)

Lynn Gelin entered Ordinance No. 35-23 into the record.

Mayor Petrolia opened the floor to public comments on Ordinance No. 35-23.

Seeing no one present, Mayor Petrolia closed the floor.

A motion was made by Vice-Mayor Boylston, seconded by Commissioner Burns, 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.G.

ORDINANCE NO. 34-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, CREATING AN ENTIRELY NEW TITLE 12, "TAXATION", OF THE CODE OF ORDINANCES BY ENACTING A NEW CHAPTER 122, "ADDITIONAL HOMESTEAD EXEMPTION FOR PERSONS 65 YEARS OR OLDER," AUTHORIZING AN ADDITIONAL \$25,000 HOMESTEAD EXEMPTION FOR ELIGIBLE PERSONS, PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (SECOND READING)

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

[household income sworn statement dr501sc](#)

[Limited Income Senior Exemption for Persons 65 and Older](#)

[Ord 34-23 creating new Title 12 Add'l homestead exemption - Finance](#)

[Simple Legal Review Approval Ord 34-23](#)

Lynn Gelin entered Ordinance No. 34-23 into the record.

Mayor Petrolia opened the floor to public comments on Ordinance No. 34-23.

Seeing no one present, Mayor Petrolia closed public comments.

A motion was made by Vice-Mayor Boylston, seconded by Commissioner Burns, 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. 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. (FIRST READING)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ordinance No. 21-23](#)
[PZB Staff Report](#)
[Map AD-1 Planning Area](#)
[Map AD-23 Annexation Areas](#)
[Traffic Study, 4594 133rd Road South](#)
[TPS Review Letter, 4594 133rd Road South](#)
[Applicant Project Narrative, 4594 133rd Road South](#)
[Legal Review, Ordinance No. 21-23](#)

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

A motion was made by Vice-Mayor Boylston, seconded by Commissioner Frankel, that this Ordinance be approved on first reading. 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

9.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. (FIRST READING)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ord 22-23 LUMA 4594 133 Road South](#)
[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](#)

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

A motion was made by Vice-Mayor Boylston, seconded by Commissioner Burns, that this Ordinance be approved on first reading. 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

9.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. (FIRST READING/QUASI-JUDICIAL)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ord 23-23 Rezoning 4594 133 Road South](#)
[PZB Staff Report](#)
[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](#)

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

Mayor Petrolia read the quasi-judicial rules into the record for Ordinance No. 23-33.

Katerri Johnson, City Clerk, swore in those individuals who wished to provide testimony on this item.

Jackie Bronkie, 1310 Laurelwood Lane, Delray Beach
Stated she didn't favor passing this Ordinance since there was no road to the entrance.

Mike Teng, 3865 Sale Lakes Drive, Delray Beach
Expressed his concern that the neighborhood was already crowded.

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

Lynn Gelin reminded the Mayor she did not ask her colleagues about any ex-parte communications.

Mayor Petrolia asked her colleagues for any ex-parte communications with the applicant.

Commissioner Frankel, disclosed he had ex-parte communications with Neil Schiller and the applicant.

Deputy Vice Mayor Long, disclosed he had ex-parte communications with Neil Schiller.

Vice Mayor Boylston, spoke with several residents and the property owner client.

Mayor Petrolia, spoke with several residents and the property owner client.

Commissioner Burns, nothing since the last meeting.

A motion was made by Vice-Mayor Boylston, seconded by Commissioner Frankel, that this Ordinance be approved on first reading. 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

9.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. (FIRST 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](#)

Lynn Gelin entered Ordinance No. 30-23 into the record.

Mayor Petrolia asked her colleagues to disclose any ex-parte communications for this item. There were no ex-parte communications to disclose.

Mayor Petrolia opened the floor to public comments on Ordinance No. 30-23.

Seeing no one present, Mayor Petrolia closed public comments.

A motion was made by Vice-Mayor Boylston, 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.E.** ORDINANCE NO. 31-23: 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 2, "ADMINISTRATIVE PROVISIONS," BY REPEALING THE ADOPTED CHAPTER 2 AND REPLACING IT IN ITS ENTIRETY TO UPDATE THE EXISTING REGULATIONS TO REMOVE DUPLICATIVE PROVISIONS; TO PROVIDE A MORE EFFICIENT DEVELOPMENT APPROVAL PROCESS BY ESTABLISHING REVIEW THRESHOLDS FOR SITE PLAN REVIEW; TO UPDATE THE RESPONSIBILITIES OF REVIEWING OFFICIALS AND AUTHORITIES TO BE CONSISTENT WITH THE REVIEW THRESHOLDS FOR THE SITE PLAN REVIEW PROCESS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ordinance No. 31-23: PZB Staff Report](#)

[Ordinance No. 31-23: Chapter 2 LDR Amendments](#)

[Ordinance No. 31-23: Exhibit A, Repeal Chapter 2](#)

[Ordinance No. 31-23: Exhibit B, Replaced Chapter 2](#)

Lynn Gelin entered Ordinance No. 31-23 into the record.

A motion was made by Vice-Mayor Boylston, 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.F.** ORDINANCE NO. 32-23: 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 4.1, SECTION 4.1.4, "USE OF LOTS OF RECORD," TO UPDATE PROVIDING UPDATED LANGUAGE FOR CLARITY AND CONSISTENCY WITH CHAPTER 2, "ADMINISTRATIVE PROVISIONS"; AMENDING ARTICLE 4.2, "ANNEXATION AND INITIAL ZONING" BY REPEALING AND RESERVING ARTICLE 4.2 IN ITS ENTIRETY TO ELIMINATE DUPLICATION WITH CHAPTER 2, "ADMINISTRATIVE PROVISIONS;" AMENDING ARTICLE 4.3, "DISTRICT REGULATIONS,

GENERAL PROVISIONS,” SECTION 4.3.3, “SPECIAL REQUIREMENTS FOR SPECIFIC USES,” BY ADOPTING A NEW SUBSECTION 4.3.3(BB), “PERFORMANCE STANDARDS FOR MULTI-FAMILY DEVELOPMENT,” FOR CONSISTENCY WITH CHAPTER 2, “ADMINISTRATIVE PROVISIONS,” AMENDING SECTION 4.3.4, “BASE DISTRICT DEVELOPMENT STANDARDS,” SUBSECTION (J), “HEIGHT” PROVIDING UPDATED LANGUAGE FOR CLARITY AND CONSISTENCY WITH CHAPTER 2; AMENDING ARTICLE 4.4, “BASE ZONING DISTRICT,” SECTION 4.4.1, “AGRICULTURE ZONE DISTRICT (A),” SECTION 4.4.2, “RURAL RESIDENTIAL (RR) ZONE DISTRICT,” SECTION 4.4.3, “SINGLE FAMILY RESIDENTIAL (R-1) DISTRICTS,” SECTION 4.4.4, “MOBILE HOME (MH) DISTRICT,” SECTION 4.4.5, “LOW DENSITY RESIDENTIAL (RL) DISTRICT,” SECTION 4.4.6, “MEDIUM DENSITY RESIDENTIAL (RM) DISTRICT,” SECTION 4.4.7, “PLANNED RESIDENTIAL DEVELOPMENT (PRD) DISTRICT,” SECTION 4.4.9, “GENERAL COMMERCIAL (GC) DISTRICT,” SECTION 4.4.10, “AUTOMOTIVE COMMERCIAL (AC) DISTRICT,” SECTION 4.4.11, “NEIGHBORHOOD COMMERCIAL (NC) DISTRICT,” SECTION 4.4.12, “PLANNED COMMERCIAL (PC) DISTRICT,” SECTION 4.4.13, “CENTRAL BUSINESS (CBD) DISTRICT,” SECTION 4.4.14, “RESORT/TOURISM (RT) DISTRICT,” SECTION 4.4.15, “PLANNED OFFICE CENTER (POC) DISTRICT,” SECTION 4.4.16, “PROFESSIONAL AND OFFICE (POD) DISTRICT,” SECTION 4.4.17, “RESIDENTIAL OFFICE (RO) DISTRICT,” SECTION 4.4.19, “MIXED INDUSTRIAL AND COMMERCIAL (MIC) DISTRICT,” SECTION 4.4.20, “INDUSTRIAL (I) DISTRICT,” SECTION 4.4.21, “COMMUNITY FACILITIES (CF) DISTRICT,” SECTION 4.4.22, “OPEN SPACE (OS) DISTRICT,” SECTION 4.4.23, “CONSERVATION (CD) DISTRICT,” SECTION 4.4.24, “OLD SCHOOL SQUARE HISTORIC DISTRICT (OSSHAD),” SECTION 4.4.25, “SPECIAL ACTIVITIES DISTRICT (SAD),” SECTION 4.4.26, “LIGHT INDUSTRIAL (LI) DISTRICT,” SECTION 4.4.27, “OPEN SPACE AND RECREATION (OSR) DISTRICT,” SECTION 4.4.29, “MIXED RESIDENTIAL, OFFICE AND COMMERCIAL (MROC) DISTRICT” PROVIDING UPDATED LANGUAGE FOR CLARITY AND CONSISTENCY WITH CHAPTER 2; AMENDING ARTICLE 4.7, “FAMILY/WORKFORCE HOUSING,” FOR CONSISTENCY WITH CHAPTER 2 AND PROVIDING UPDATED LANGUAGE FOR CLARITY AND CONSISTENCY WITH CHAPTER 2; 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](#)

[Ordinance No. 32-23: PZB Staff Report](#)

[Ordinance No. 32-23: Chapter 4 LDR Amendments](#)

Lynn Gelin entered Ordinance No. 32-23 into the record.
Mayor Petrolia opened the floor to public comments on Ordinance No. 32-23.

Seeing no one present, Mayor Petrolia closed public comments.

A motion was made by Vice-Mayor Boylston, seconded by Commissioner Frankel, 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.G.

ORDINANCE NO. 33-23: 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 BY AMENDING CHAPTER 3, "PERFORMANCE STANDARDS," ARTICLE 3.2, "PERFORMANCE STANDARDS," SECTION 3.2.4, "STANDARDS FOR SPECIFIC AREAS OR PURPOSES," TO INCLUDE STANDARDS FOR TRANSPORTATION DEMAND MANAGEMENT; AMENDING CHAPTER 6, "INFRASTRUCTURE AND PUBLIC PROPERTY," ARTICLE 6.1, "DESIGN STANDARDS AND REQUIREMENTS," SECTION 6.1.14, "TRANSIT," TO REQUIRE PROVISIONS FOR BUS SHELTERS FOR QUALIFYING DEVELOPMENTS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ord. No. 33-23 Chapters 3 and 6 LDR Amendments](#)

Lynn Gelin entered Ordinance No. 33-23 into the record.

A motion was made by Vice-Mayor Boylston, 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

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

None.

B. City Attorney

10.B.1. ADOPTION OF CITY COMMISSION POLICY CONCERNING

REIMBURSEMENT AND RECOVERY OF ATTORNEY'S FEES AND COSTS FOR ETHICS COMPLAINTS THAT HAVE BEEN DISMISSED.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Ethics Complaint Atty Fees Policy](#)
[FS 112.317 Penalties](#)

Ms. Gelin recognized there would be a symposium on October 26th and 27th regarding the Atlantic Avenue Historic District.

A motion was made by Commissioner Frankel, seconded by Vice-Mayor Boylston, 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

C. City Commission

Vice Mayor Boylston:

Mentioned reassigning a Police Officer at Barwick Road/Sable Lakes.

Favored using all the funds allocated towards the Trap, Neuter, Vaccinate, Release Program (TNVR) for the feral cats.

Commissioner Burns:

Requested the November Commission Meeting be rescheduled to November 14, 2023.

Commissioner Frankel:

Stated further conversations are needed to discuss the issues from I-95 to the beaches.

Wished the Jewish people a Happy New Year.

Deputy Vice Mayor Long:

Discussed the City Commission meeting with the Downtown Development Authority and Old School Square Campus.

Discussed the Pompey Park Solicitation to pick local hires.

Mayor Petrolia

Expressed her pleasure in hosting the Coco Gauff Parade.

11. ADJOURNMENT

There being no further business to discuss, the City Commission Meeting was adjourned at 7:00 p.m.