

City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

Phone: (561) 243-7000

www.delraybeachfl.gov



Minutes - Draft

Tuesday, October 10, 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>
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 October 10, 2023, Regular City Commission Meeting was called to order at 5:00 p.m. City Clerk, Katerri Johnson, called the roll, and the following were present:

Terrence Moore - City Manager
Lynn Gelin - City Attorney

This was approved as amended.

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

Mayor Petrolia requested to pull Item No. 6.F. for discussion and have it become Item No. 7.A.A. on the Regular Agenda.

A motion was made by Vice-Mayor Boylston, seconded by Commissioner Frankel, that this be approved as amended. 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

4. PRESENTATIONS:

4.A. PRESENTATION BY THE PALM BEACH COUNTY MUNICIPAL CLERKS ASSOCIATION TO RECOGNIZE DEPUTY CITY CLERK, ALEXIS GIVINGS, FOR RECEIVING HER CERTIFIED MUNICIPAL CLERK (CMC) DESIGNATION.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

Renee Basel, Southeast Director of the Florida Association of City Clerks, recognized Alexis Givings, Deputy City Clerk, for earning her Certified Municipal Clerk Designation. The Commission congratulated Alexis on her hard-earned accomplishment.

4.B. RESOLUTION NO. 195-23 TONYA SMITH 30 YEARS OF SERVICE

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[195-23 Resolution Tonya Smith 30 years of service-](#)

Mayor Petrolia read Resolution No. 195-23 into the record, recognizing Tonya Smith for her thirty years of service to the City of Delray Beach.

4.C.**PRESENTATION BY PALM BEACH COUNTY FACILITIES DEVELOPMENT & OPERATIONS DIVISION REGARDING REDEVELOPMENT OF THE SOUTH COUNTY ADMINISTRATIVE COMPLEX**

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

Staff from the County's Facilities Development & Operations Division presented the Board of the County Commissioner's Redevelopment Options for the South County Administrative Complex located at 300 South Congress Avenue.

The Commission engaged in a discussion.

Vice Mayor Boylston supported having the Tri-Rail Station connected to the nearby residential areas, making it a transit-oriented development.

Mayor Petrolia stressed the importance of providing parking spaces for the Palm Tran commuters.

4.D.**PRESENTATION BY KEEN INDEPENDENT RESEARCH OF PHASE I REPORT OF THE CITY OF DELRAY BEACH DISPARITY STUDY**

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

[DelrayBeach_FinalSummaryReport_10022023](#)

[DelrayBeach_FinalReport_10022023](#)

[Agreement - Keen Independent Research, LLC. \(RFP No. 2022-029\)](#)

David Keen from Keen Independent Research provided his firms analysis of the City's Disparity Study, Phase I. He provided the preliminary findings of ready and available women and minority contractors in the City's market and the percentages of contract dollars awarded to such firms by the City.

The Commission engaged in a discussion on the presentation.

Deputy Vice Mayor Long recognized that Phase II of the study would provide a comprehensive recommendations for minority-owned and small businesses to participate in the City's procurement process.

Mayor Petrolia recognized the importance of everyone having equal

business opportunities.

There was a consensus with the Commission to proceed with Phase II of the study.

4.E. Quarterly Financial Review Through June 30, 2023 and Flash Report Through August 31, 2023

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

[rev and exp all funds detailed 08.31.2023](#)

[rev and exp all funds summary 06.30.2023](#)

[rev and exp all funds summary 08.31.2023](#)

Hugh Dunkley, Finance Director, provided the Quarterly Financial Review through June 30, 2023, and a Flash Report through August 31, 2023, reporting the Total Citywide Budget by Fund Type was \$398,892,51. He stated the total expenditures to date (\$266,326,888) for all the City's budgeted funds increased by \$14.2 million from the previous year, due primarily to increases in ad valorem tax revenue, increased water and sewer utility, and sanitation revenue due to rate adjustments; as well as increased user charges to participating departments by the internal service funds (Insurance and Central Garage).

Mayor Petrolia thanked Mr. Dunkley for his report.

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 discussed the feedback he received from the past weekend's Miracle League Event.

Sam Metott, Director of Parks and Recreation, apologized for the mishaps at the past weekend's event.

Vice Mayor Boylston discussed updating contracts to clarify who will be responsible for ensuring facilities are game day ready.

5.A.1. CLARITY REGARDING THE ROLE AND FUNCTION OF THE EDUCATION BOARD

Sponsors: City Manager Department

Mr. Moore stated the Education Board is an Advisory Board that reports to the City Commission and is a function of the City's agreement with the School District of Palm Beach County, and recognized the need to connect

with new board members.

5.B. From the Public

Sarah Laudén, 90295 Dundee Drive, Lake Worth
Read a letter from Kevin Pillar, Vice President of West Way Towing,
concerning Request for Qualification No.2023-007.

Kevin Pillar, 164 SE 18th Avenue, Deerfield Beach
Provided the Commission with a letter alleging that Kauff's Towing was not
licensed.

James McCray, Founder of James Chess Club, Delray Beach
Thanked the Commission for their support.

Jeff Halpern, President of the Board of the Seagate Complex, Delray
Beach
Requested the City re-evaluate the permit classification for the scope and
purpose of the Seawall building built in the section where he lives.

Kyle Holder, 102 SW 9th Avenue, Delray Beach
Discussed the situation of the VFW/Sherwin Williams American Legion
Post 188C.

Casandra Davis, 231 SW 10th Avenue, Delray Beach
Requested the Commission re-negotiate a lease to allow the Veterans of
Post 188C to continue remaining in the building.

Reggie Cox, 715 NW 2nd Street, Delray Beach
Discussed allowing the Set Neighborhood Alliance Committee to remain at
the Sherwin Williams American Legion Post 188C

Andrea Bruton, 703 Place Tavant, Delray Beach
Requested the Commission construct improvements to the American
Legion Post 188C Building and allow the Veterans to continue to occupy
the building.

Dedrick Straughn, 203 SW 13th Avenue, Delray Beach
Discussed the City taking over the American Legion Post 188C Building.

Yvonne Odom, 3905 Lawson Blvd, Delray Beach
Requested the City sell the American Legion Building to the Veterans.

Chuck Ridley, 210 NW 2nd Avenue, Delray Beach
Discussed the proposed land agreement for the American Legion
Post 188C Building.

James Bassett, Jr. 102 NW14th Avenue, Delray Beach
Shared the history of the American Legion Post 188C Building.

Mary Ellen Nazorko, 2320 Del Aire Blvd., Delray Beach
Discussed the Lawson Street Project.

Ezra Krieg , 2984 Needham Court, Delray Beach
Discussed the challenges the City faces with its homeless population and thanked Vice Mayor Boylston for his responsiveness to an email sent by him.

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 Vice-Mayor Boylston, that this be approved as amended. 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 5, 2023 - Regular Meeting - 1st Public Budget Hearing - DRAFT](#)

[September 7, 2023 - Special Meeting \(Closed Atty. Client Session\) - DRAFT](#)

[September 7, 2023 - Workshop Meeting Arts Garage - DRAFT](#)

This Minutes was approved.

6.B. RESOLUTION NO. 198-23 AMENDING THE FISCAL YEAR 2023-24 BUDGET ADOPTED BY RESOLUTION NO.145-23 ON SEPTEMBER 18, 2023.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

[Exhibit A - Resolution 198-23 Budget Amendment 10.10.2023- Budget](#)

[Resolution 198-23 Budget Amendment](#)

[Simple Legal Review Approval Budget Amendment Resolution 198-23](#)

This Resolution was approved.

6.C. RESOLUTION NO. 200-23, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ESTABLISHING A

DEFERRED COMPENSATION PLANS COMMITTEE FOR THE CITY OF DELRAY BEACH, CONSISTING OF FIVE MEMBERS, TO EXERCISE DISCRETIONARY AUTHORITY OVER THE CITY OF DELRAY BEACH DEFERRED COMPENSATION PLANS' ASSETS, INVESTMENT OPTIONS, GENERAL OPERATION, AND GENERAL ADMINISTRATION; ESTABLISHING THE COMMITTEE'S MEETINGS FREQUENCY; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO OVERSEE THE COMMITTEE AND ADOPT ITS ADMINISTRATIVE POLICIES; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO BE THE COORDINATOR FOR THE PLANS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

[Legal Review Approval from LGelin for 457 Plan Committee 9-26-23](#)

[Resolution 200-23 Establishing 457 Plan Committee 9-26-23](#)

This Resolution was approved.

6.D. APPROVAL OF AMENDMENT NO. 1 TO SOLICITATION NO. 2023-002 WITH DECO INTERNATIONAL SECURITY CORPORATION FOR UNARMED SECURITY GUARD SERVICES

Sponsors: Parks & Recreation Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[LegalReview DECO Amend1 5.9.23](#)

[PE Amend No. 1 Unarmed Sec Guard](#)

[RFP 2023-002 Unarmed Security Guard Services FINAL](#)

[EXECUTED RFP 2023-002 Unarmed Security Guard Services FINAL](#)

This Request was approved.

6.E. ITEM(S) A1 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 311 SE 3rd ST.

ITEM(S) A2 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 502 GARDENIA TER.

ITEM(S) B1- ACCEPTANCE OF A GENERAL UTILITY EASEMENT AGREEMENT BY 1001WHITE DR.

ITEM(S) C1- ACCEPTANCE OF A HOLD HARMLESS AGREEMENT BY 245 NE 7th AVE.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[A1a - Right of Way Deed - 311 SE 3rd Street - James and Linda
Sandwick](#)
[A1b - Exhibit A Sketch - 311 SE 3rd Street - James and Linda
Sandwick](#)
[A1c - Legal Review Right of Way Deed 311 SE 3rd Street James and
Linda Sandwick](#)
[A2a - Right of Way Deed - 502 Gardenia Ter - Vernon E Torney and
Julie A Phillips](#)
[A2b - Exhibit A - 502 Gardenia Ter - Vernon E Torney and Julie A
Phillips](#)
[A2c - Legal Review Right of Way Deed 502 Gardenia Terrace - Torney
and Phillips](#)
[B1a - Easement Agreement 1001 White Drive - White Drive Delray
1001 LLC](#)
[B1b - Exhibit A Sketch 1001 White Drive - White Drive Delray 1001
LLC](#)
[B1c - Legal Review Corrective Right of Way Deed 1001 White Drive -
White Drive Delray 1001 LLC](#)
[C1a - Hold Harmless Agreement 245 NE 7th Ave. Kathleen Yeakle](#)
[C1b - Exhibit A Sketch for Wall Hold Harmless 245 NE 7th Ave.
Kathleen Yeakle](#)
[C1c - Exhibit B Site Plan - 245 NE 7th Ave - Kathleen Yeakle](#)
[C1d - Legal Review Wall Hold Harmless - 245 NE 7th Ave - Kathleen
Yeakle](#)

This Request was approved.

6.F.

MOTION TO APPROVE ADDITIONAL SPENDING TO THE CONTRACT WITH SYNERGY NDS, INC. IN THE AMOUNT OF \$800,000. FOR DESIGN, CONSTRUCTION, AND MANAGEMENT SERVICES RELATED TO THE RECONSTRUCTION OF THE DELRAY BEACH SEABOARD AIR LINE RAILWAY STATION, FOR A REVISED CONTRACT TOTAL OF \$2,267,510.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 153-21 - Synergy NDS, Inc.](#)
[Fully Executed Agreement - Synergy NDS Inc](#)

Mayor Petrolia requested to pull Item No. 6.F. for discussion from the consent agenda and have it become Item No.7.A.A. on the regular agenda.

Missie Barletto, Director of Public Works, discussed the funding of this project and stated building materials had increased by thirty percent more than initially anticipated for the reconstruction of the Delray Beach Seaboard Air Line Railway Station.

Mayor Petrolia suggested the Commission engage in further discussions

about which city department would be a financially sound decision to relocate their department to the restored Seaboard Air Line Railway Station.

This Request was approved.

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

6.G. APPROVAL TO RETROACTIVELY APPROVE AN INCREASE IN CONTRACT VALUE EFFECTIVE 10/1/2023 UNDER RESOLUTION NO. 181-20 WITH LHOIST NORTH AMERICA OF ALABAMA, LLC., FOR THE PURCHASE AND DELIVERY OF QUICKLIME FOR WATER TREATMENT, UTILIZING THE CITY OF TAMARAC COOPERATIVE AGREEMENT BID NO. 20-21B IN THE AMOUNT OF \$200,000.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)
[lhoist-executed-agreement-20-21b.pdf](#)
[20-1120_Agreement_P2020-049_Lhoist North America of Alabama LLC.pdf](#)

This Request was approved.

6.H. PROCLAMATIONS:

6.H.1. PROCLAMATION FOR FLORIDA CITY GOVERNMENT WEEK - OCTOBER 16-22, 2023

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[FLORIDA CITY GOVERNMENT WEEK 2023](#)

This Proclamation was approved.

6.H.2. PEDESTRIAN SAFETY MONTH PROCLAMATION

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Pedestrian Safety Month](#)

This Proclamation was approved.

6.H.3. PROCLAMATION FOR FIRE PREVENTION MONTH 2023

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)
[2023 Fire Prevention Month Proclamation](#)

This Proclamation was approved.

6.H.4. PROCLAMATION DESIGNATING THE MONTH OF OCTOBER AS NATIONAL COMMUNITY PLANNING MONTH

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[National Community Planning Month](#)

This Proclamation was approved.

6.H.5. RECOGNITION OF THE 50TH ANNIVERSARY OF THE KIWANIS CLUB OF DELRAY BEACH

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Kiwans Club History](#)

This Proclamation was approved.

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

6.I.1. None

6.J. AWARD OF BIDS AND CONTRACTS:

6.J.1. APPROVAL OF RESOLUTION NO. 181-23 TO AWARD AN AGREEMENT TO SALGADO TREE TRIMMING, LLC. FOR TREE AND STUMP REMOVAL SERVICES IN A TOTAL AGREEMENT VALUE OF \$292,075 (\$58,415 ANNUALLY) FOR FIVE (5) YEAR PERIOD.

Sponsors: City Manager Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist ITB 2023-028 Salgado Tree Trimming](#)
[Packet for Bid ITB 2023-028 Advertised](#)
[Res 181-23 ITB 2023-028 Tree and Stump Removal](#)
[Agreement ITB 2023-028 Tree and Stump Removal - Salgado Tree Trimming Amended](#)
[Exhibit B](#)

This Resolution was approved.

6.J.2. APPROVAL OF RESOLUTION NO. 149-23 TO AWARD AN AGREEMENT WITH ODUMS SOD, INC. FOR THE PURCHASE OF SOD

UTILIZING THE VILLAGE OF WELLINGTON CONTRACT NO. 202312 IN
A NOT TO EXCEED AMOUNT OF \$270,000

Sponsors: Parks & Recreation Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist Odums Sod](#)
[Reso 149-23 SOD Iq rev](#)
[P2023-052_MSA_OdumsSod_2023](#)
[P2023-052_Exhibit A_Odums Sod](#)

This Resolution was approved.

6.J.3.

APPROVAL OF RESOLUTION NO. 176-23 TO AWARD AN AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR DESIGN SERVICES OF THE LINDELL BOULEVARD LOOP CONNECTION TO BRANT BRIDGE (ALONG BLUE JAY TURN, CARL BOLTER DRIVE & AVOCET ROAD) PROJECT PURSUANT TO RFQ NO. 2023-001, IN THE AMOUNT OF \$319,889.00 (PUBLIC WORKS PROJECT NUMBER 20-015).

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Agreement RFQ 2023-001](#)
[Exhibit A - Scope of Work](#)
[Exhibit B - Fee Proposal](#)
[Res 176-23 RFQ 2023-001 - Kimley Horn - Lindell Blvd Loop](#)
[Legal Review Checklist Agmt with Kimley Horn for Eng Design Services RFQ 2023-001](#)
[RFQ 2023-001 Kimley Horn Proposal](#)
[2023-001 Notice of Recommended Ranking](#)

This Resolution was approved.

6.J.4.

APPROVAL OF RESOLUTION NO. 182-23 TO AWARD AN AGREEMENT WITH THE SHYFT GROUP UPFIT SERVICES, INC. DBA STROBES-R-US FOR THE PURCHASE OF EMERGENCY EQUIPMENT FOR VEHICLES PURSUANT TO BROWARD COUNTY SHERIFF'S OFFICE RLI #23004AP - \$1,050,000.

Sponsors: Public Works Department and Purchasing Department

- Attachments:** [Agenda Cover Report](#)
[Vendor Signed](#)
[Exhibit A 9.6.23](#)
[Resolution No. 182-23](#)
[Legal Review Checklist Strobes-R-Us](#)
[RLI #23004AP](#)
[Bid Packet RLI #23004AP - 1](#)
[Bid Packet RLI #2300AP - 2](#)

This Resolution was approved.

7. REGULAR AGENDA:

7.A. RESOLUTION NO. 136-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.4.19(H)(3) OF THE LAND DEVELOPMENT REGULATIONS APPROVING OVERHEAD DOORS FACING A PUBLIC RIGHT-OF-WAY FOR THE PROPERTY LOCATED AT 1215 MILFRED STREET, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

Sponsors: Development Services Department

- Attachments:** Agenda Cover Report
 Res. No. 136-23 Waiver Overhead Doors 1215 Milfred ST
 1215 Milfred ST Overhead Door Justification Statement
 1215 Milfred ST Architectural Renderings
 1215 Milfred ST Site Plan
 Legal Review Res 136-23 Waiver

Lynn Gelin, City Attorney, stated Item No. 7.A. was deleted from the agenda.

This Resolution was removed.

7.B. RESOLUTION NO. 171-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.4.13(D)(2)(a)(1) OF THE LAND DEVELOPMENT REGULATIONS APPROVING A FRONT SETBACK FOR THE FIRST, SECOND, AND THIRD STORIES FACING SE 2ND AVENUE TO RANGE FROM ZERO FEET TO 30 FEET FOR A PROJECT KNOWN AS DELRAY SWAN, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI JUDICIAL).

RESOLUTION NO. 172-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A WAIVER REQUEST TO SECTION 4.4.13(D)(2)(a)(3)(a) OF THE LAND DEVELOPMENT REGULATIONS APPROVING A SETBACK OF ZERO FEET TO 20 FEET ABOVE THE THIRD STORY FOR THE PROJECT KNOWN AS DELRAY SWAN, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI JUDICIAL).

RESOLUTION NO. 173-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.4.13(D)(2)(a)(6) OF THE LAND DEVELOPMENT REGULATIONS, TO NO LONGER REQUIRE A PEDESTRIAN/BICYCLE PASSAGEWAY FOR THE PROJECT KNOWN AS DELRAY SWAN, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI JUDICIAL).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Delray Swan - SPRAB Report](#)

[Delray Swan - Applicant Justification Statement](#)

[Resolution No. 171-23](#)

[Resolution No. 172-23](#)

[Resolution No. 173-23](#)

[Delray Swan - Floor Plan and Building Section](#)

[Delray Swan - Site Plan and Encroachment Diagram](#)

[Legal Review Resolution No. 171-23](#)

[Legal Review Resolution No. 172-23](#)

[Legal Review Resolution No. 173-23](#)

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

Mayor Petrolia asked her colleagues to disclose any ex-parte communications. The following was disclosed:

Vice Mayor Boylston - spoke with Mr. Schiller.

Deputy Vice Mayor Long - spoke with Mr. Schiller.

Commissioner Frankel - spoke with Mr. Shiller and Mr. Rosen.

Commissioner Burns - spoke with Mr. Schiller.

Mayor Petrolia - emails on the city server.

Anthea Gianniotis, Director of Development Services, entered File No.

2022-063 into the record.

Mr. Schiller, Attorney with The Government Law Group, was present on behalf of the applicant to approve Resolution No's. 171-23, 172-23, and 173-23 for the Delray Swan Project.

He presented the three waiver requests, and stated the waivers met the criteria for the Land Development Regulations.

Anthea Gianniotis provided a staff report on this item.

Waiver 1: Front Setback 1st - 3rd Story (Resolution No.171-23)
Waiver 2: Front Setback Above 3rd Story (Resolution No. 172-23)
Waiver 3: Pedestrian Pathway (Resolution No.173-23)

Mayor Petrolia opened the floor to public comments on this item.

James Quillian, 925 SE 2nd Avenue, Delray Beach
Stated he favored approving this project.

Alice Finst, 707 Place Tavant, Delray Beach
Stated this project would be overwhelming for the town.

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

Mr. Schiller provided his rebuttal, reminding the Commission that this project would give a beautiful pedestrian passageway and generate business.

The Commission engaged in a discussion on the presentation. They favored adopting the first two waivers but expressed concern about adopting the third waiver.

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

7.C.

RESOLUTION NO. 185-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, DESIGNATING AN UNNAMED, PARTIALLY IMPROVED PUBLIC ALLEY BORDERED BY NE 6TH STREET ON THE NORTH AND NE 1ST STREET ON THE SOUTH, AND LOCATED BETWEEN NE 6TH AVENUE AND NE 7TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, AS HOFMAN LANE; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 185-23](#)
[PZB Staff Report, Hofman Lane](#)
[Legal Review, Resolution No. 185-23](#)

Anthea Gianniotis stated this item was a request to consider naming the city-owned unnamed, partially improved public alley South of NE 6th Avenue and NE 7th Avenue as Hoffman Lane. She stated on September 26, 2023, the Planning and Zoning Board voted 4-2 to recommend approval.

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

No: 1 - Mayor Petrolia

- 7.D.** CONSIDERATION OF THE FINAL PLAT, "ASEA 4", A REPLAT OF LOTS 11 AND 12, Block 115, TOWN OF LINTON, RECORDED IN PLAT BOOK 1, Page 3, TO CREATE FOUR FEE-SIMPLE LOTS ON THE 0.378-ACRE PROPERTY CURRENTLY ADDRESSED AS 142 NE 7th AVENUE.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Proposed ASEA 4 Plat](#)
[PZB Staff Report, ASEA 4 Plat](#)

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

No: 1 - Mayor Petrolia

8. PUBLIC HEARINGS/SECOND READINGS:

- 8.A.** ORDINANCE NO. 24-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT REDESIGNATING A 1.07 ACRE PORTION OF A PARCEL OF LAND LOCATED AT 3900 SHERWOOD BOULEVARD, SOUTH OF SHERWOOD BOULEVARD AND EAST OF SOUTH MILITARY TRAIL, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM LOW DENSITY RESIDENTIAL TO COMMUNITY FACILITIES, 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](#)
[Ordinance No. 24-23, 3900 Sherwood Corrective LUMA](#)
[PZB Staff Report, 3900 Sherwood Corrective LUMA](#)
[Proposed Land Use Map, 3900 Sherwood](#)
[Legal Review, Ordinance No. 24-23](#)
[Proof of Legal Ad](#)

Lynn Gelin entered Ordinance No. 24-23 into the record.

Anthea Gianniotis advised staff was requesting a Land Use Map Amendment (LUMA) from Low Density (LD) to Community Facilities (CF) for a 1.07- acre portion of the 10.97-acre parcel located at 3900 Sherwood Boulevard in correction of a mapping error.

Mayor Petrolia opened the floor to public comments. Seeing no one present, she 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

8.B.

ORDINANCE NO. 27-23: 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 0.45 ACRES, GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF OLD DIXIE HIGHWAY AND NORTHEAST 14TH STREET, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM LOW DENSITY (LD) TO OPEN SPACE (OS), 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](#)
[Ordinance No. 27-23, NE 14th Street Corrective LUMA](#)
[PZB Staff Report, NE 14th Street Corrective LUMA](#)
[Legal Review, Ordinance No. 27-23](#)
[Proof of Legal Ad](#)

Lynn Gelin entered Ordinance No. 27-23 into the record.

Anthea Gianniotis stated this Ordinance was intended to correct a data conversion error for a parcel located west of Dixie Highway and east of the intersection of NE 3rd Avenue and NE14th Street from Low Density (LD) to Open Space (OS) land use in correction of a data conversion error.

Mayor Petrolia opened the floor to public comments. Seeing no one present, she closed public comments.

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

9. FIRST READINGS:

9.A. 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.(FIRST 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](#)

Lynn Gelin entered Ordinance No. 40-23 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: 5 - Mayor Petrolia, Commissioner Frankel, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns

9.B. 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. (FIRST READING)

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

[Simple Legal Review Approval FF Retirement System Ordinance 9-19-23](#)

[FF Cancer Bill-IRC and SECURE 2.0 Ordinance Amendment \(26July2023\)_lg rev 9-19-23](#)

Lynn Gelin entered Ordinance No. 40-23 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

Mr. Moore stated he would investigate the public comments about the Lawson Street Project.

Missie Barletto assured the Mayor that staff would investigate the swale located at the Lawson Street Project.

B. City Attorney

Made clear she was the designated representative for the American Legion Building mediations.

C. City Commission

Deputy Vice Mayor Long:

Thanked staff for their hard work on the Adaptability Study/Survey Index that he presented at a meeting with other city leaders.

Commissioner Frankel:

Discussed his meeting with the Parking Management Board.

Requested to create a Resolution acknowledging the City's support for Israel.

Commissioner Burns:

Requested a timeline for the historic designation of Frog Alley. She also inquired about the Set Plan and the Police Advisory Board.

Vice Mayor Boylston:

Discussed incentivizing aid to residents who install seawalls.

Discussed the development of the Plumosa Land.

Mayor Petrolia:

Provided the Commission with a handout of the annual report from the Third-Party Administrator (TPA).

Thanked Police Chief Mager for taking a proactive response in securing the city's Synagogues.

Acknowledged upcoming birthdays.

11. ADJOURNMENT

With no further business to discuss, Mayor Petrolia adjourned the Regular City Commission Meeting at 8:45 p.m.