

City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

Phone: (561) 243-7000

www.delraybeachfl.gov



Minutes - Final

Tuesday, November 14, 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 November 14, 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:

Jeff Oris - Assistant City Manager
Lynn Gelin - City Attorney

Commissioner Adam Frankel arrived at 7:05 p.m.

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 Consent Item No. 6. N.2. for discussion.

A motion was made by Vice-Mayor Boylston, seconded by Commissioner Burns, that this be approved as amended. The motion carried by the following vote:

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

Absent: 1 - Commissioner Frankel

3.A. Additions, Deletions, Substitutions

4. PRESENTATIONS:

4.A. PRESENTATION OF THE TOP 10 DIGITAL CITIES AWARD

Sponsors: IT Department

Attachments: [Agenda Cover Report](#)

Jay Stacy, Chief Technical Director, stated he was pleased the City was recognized for this award and acknowledged his team for their hard work.

Gina Carter, Public Information Officer, discussed the newly created features on the City's website. She stated that the City's app (www.delraybeach.gov <<http://www.delraybeach.gov>>) focuses on citizen engagement and receives over ten thousand monthly visitors. She spoke about the media publications the City shares with its partners.

The Commission congratulated them for their hard work.

4.B. RESOLUTION NO. 218-23 WILLIAM MARINO 30 YEARS OF SERVICE

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Resolution 218.23 William Marino 11.07.23](#)

Mayor Petrolia read Resolution No. 218-23 into the record.

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 - Mayor Petrolia, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns

Absent: 1 - Commissioner Frankel

4.C. PRESENTING JERROD FERGUSON, COMMUNITY SERVICE OFFICER, WITH EMPLOYEE OF THE MONTH FOR OCTOBER 2023.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Jerrod Ferguson EOM](#)

Le Shay King, Human Resources Generalist, acknowledged Mr. Ferguson's accomplishments while serving the city as a Community Service Officer. He was presented with a plaque and a certificate for eight hours of paid time off.

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

None.

5.B. From the Public

Alicia Banks, 7182 Highland Avenue, Lake Worth
Discussed the second annual Delray Roots Cultural Event on February 23, 2024.

Taniel Koushakjian, 441 32nd Street, West Plam Beach
Discussed the upcoming Commission Workshop in January presented by the Jetta Investment Company.

Juli Casale, 3717 Satin Leaf Court, Delray Beach
Requested the Commission adhere to the Rules of Procedure by allowing only one postponement of an agenda item.

Rick Kolinsky, 36 South Ocean Blvd, Delray Beach
Thanked the Commission and the Police Department for their help in

cleaning up the Beach Pavilion from criminal behavior.

Alex Koulianus, 618 Gardenia Terrace, Delray Beach

Thanked the Commission for assigning additional Police Officers to the area by Luna Rosa Restaurant.

Haley Dayton, 1717 NE 3rd Avenue, Delray Beach

Thanked the Police Department for their additional presence at Luna Rosa Restaurant.

Karen Atweil, 710 East Atlantic Avenue, Delray Beach

Owner of Stitches by the Sea discussed the lack of accessible nearby parking for customers and employees.

Sharon Boroian, 339 and 332 East Atlantic Avenue, Delray Beach

Requested the Commission consult with the local merchants before finalizing their parking decisions.

Rob Lorento, Owner of the Silver Ball Arcade and Restaurant, Delray Beach

Stated the parking downtown should accommodate the merchants and their patrons.

Debra Walker, 1312 NW 2nd Street, Delray Beach

Stated she supported the Black History Parade scheduled in February 2024.

Reginald Cox, 715 NW 2nd Street, Delray Beach

Discussed various City topics.

Kyle Holder, 102 SW 9th Avenue, Delray Beach

Discussed the American Legion Post 188C Building.

David Earl Randolph, 105 NW 11th Avenue, Delray Beach

Shared his thoughts on the American Legion Post 188C Building.

Yvonne Odom, 3905 Lowson Blvd, Delray Beach

Asked the Commission to allow the Veterans to remain in the American Legion Post 188C Building.

Arturo Ayala, 321 East Atlantic, Delray Beach (Huber Drugstore), asked the Commission to find an equitable balance for the customers, merchants, and employees regarding parking.

Christina Morrison, 1000 Lowery Street, Delray Beach

Asked the Commission to give the land to the American Legion Post 188C Building and shared her suggestions for managing the downtown parking.

Mavis Benson, 800 Greensward Court, Delray Beach

Requested the Commission engage with the merchants about the parking downtown.

Deddrick Straughn, 206 SW 13th Avenue, Delray Beach

Asked the Commission to return the American Legion Building Post 188C land to the Veterans.

Mayor Petrolia and Vice Mayor Boylston advised the public that City Attorney Gelin serves as the City's representative during closed-door sessions with the American Legion Post 188C Building. The City engaged with an outside counsel for legal representation on this matter.

Aaron Hallyburton, 9967 Calendra Blvd, Boynton Beach

Thanked the Police and Commission for their help at the Pavilion with the homeless people. Discussed the downtown issues.

Michael Brown, 721 US Highway 1, North Palm Beach

Stated he was the attorney representing the American Legion Post 188C Building and requested the Commission to return the building to the Black Veterans.

Nancy Chanin, 200 NE 2nd Avenue, Delray Beach

Was present on behalf of the EJS Project (Emanuel Jackson Sr.) and stated that the EJS Project fully supports the Black Veterans being allowed to remain in the American Legion Post 188C Building and is willing to help in any way.

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 Burns, that this be approved as amended. The motion carried by the following vote:

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

Absent: 1 - Commissioner Frankel

6.A. CITY COMMISSION MEETING MINUTES

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[October 17, 2023 Regular Meeting Minutes - DRAFT](#)

- 6.B.** APPROVAL OF REVOCABLE LICENSE AGREEMENT WITH THE DELRAY BEACH PICKLEBALL CLUB, INC. TO HOST AN ANNUAL COMPETITIVE PICKLEBALL TOURNAMENT KNOWN AS THE, "DELRAY BEACH PICKLEBALL CLUB TOURNAMENT" AT THE DELRAY BEACH TENNIS CENTER

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist Revocable License Agreement with Delray Beach Pickleball Club 2023-2025](#)
[Pickleball Club Delray Beach Pickleball Club Tournament 2023 10 24](#)

This Request was approved.

- 6.C.** APPROVAL OF GRANT APPLICATION AND AWARD/FDOT/OCCUPANT PROTECTION/CHILD PASSENGER SAFETY

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)

[Legal Review Form FDOT grant application Occupant Protection and Child Passenger Safety 23](#)
[FDOTSubgrantAgreement-2024 - Occupant](#)

This Request was approved.

- 6.D.** APPROVAL TO SUBMIT APPLICATION FOR FLORIDA DEPARTMENT OF LAW ENFORCEMENT FY 2023/2024 DRONE REPLACEMENT PROGRAM

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)

[FY-23-24-Drone-Replacement-Contract-Template-FINAL-\(Award-ID\)_lw rev](#)
[Legal Review Form FDLE Drone Replacment Program](#)

This Request was approved.

- 6.E.** ITEM(S) A1 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 1122 OCEAN TER.

ITEM(S) A2 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 102 NW 7th ST.

ITEM(S) A3 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 4760 W. ATLANTIC AVE.

ITEM(S) A4 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 13 EASTVIEW AVE.

ITEM(S) A5 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 321 NW 7th ST.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[A1a - Right of Way Deed - 1122 Ocean Terrace - Sea to Seaside Development LLC](#)

[A1b - Legal Review Right of Way Deed 1122 Ocean Terrace Sea to Seaside Development LLC](#)

[A2a - Right of Way Deed - 102 NW 7th St - Melissa L Cohn](#)

[A2b - Legal Review Right of Way Deed 102 NW 7th Street - Melissa L Cohn](#)

[A3a - Right of Way Deed - 4760 W Atlantic Ave - WPG ATLANTIC LLC](#)

[A3b - Legal Review Right of Way Deed 4760 W Atlantic - WPG Atlantic LLC](#)

[A4a - Right of Way Deed 13 EastView Ave - Connect Developers LLC](#)

[A4b - Legal Review Right of Way Deed 13 Eastview Avenue Connect Developers](#)

[A5a - Right of Way Deed 321 NW 7th St - 321 NW 7TH LLC](#)

[A5b - Legal Review Right of Way Deed 321 NW 7th Street - 321 NW 7th LLC](#)

This Request was approved.

6.F. APPROVAL OF RESOLUTION NO. 224-23 FOR THE ISSUANCE OF A PURCHASE ORDER TO TAMPA CRANE & BODY ACQUISITION, LLC. DBA TAMPA CRANE, FOR THE PURCHASE OF A SCHWARZE STREET SWEEPER UTILIZING SOURCEWELL CONTRACT NO. 093021-SWZ, IN THE AMOUNT OF \$354,612.00.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Quote - Schwarze Street Sweeper](#)

[Tampa Crane Authorized Dealer Letter](#)

[Res No. 224-23 Sourcewell PO for Street Sweeper Tampa Crane](#)

[Legal Review Res 224-32 PO for Street Sweeper under Sourcewell Agmt](#)

[Sourcewell Contract 093021-SWZ](#)

[Sourcewell Price Letter 090321-SWZ](#)

[Sourcewell RFP 093021](#)

This Resolution was approved.

6.G. APPROVAL OF RESOLUTION NO. 230-23 FOR THE ISSUANCE OF A

PURCHASE ORDER TO BOZARD FORD CO. FOR THE PURCHASE OF FIFTEEN (15) NEW FORD POLICE INTERCEPTORS, UTILIZING FLORIDA SHERIFF'S ASSOCIATION CONTRACT NO. FSA23-VEL31.0, IN THE AMOUNT OF \$670,620.00

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Quote Bozard - Ford Interceptors x15](#)
[Simple Legal Review Approval for Resolution 230-23 Police Interceptors per FSA](#)
[Res No. 230-23](#)
[FSA23-VEL.310 Contract Packet](#)
[FSA Award Letter FSA23-VEL31.0 - Ford Interceptor K8A](#)

This Resolution was approved.

6.H. APPROVAL OF A PRICE INCREASE TO RFQ 2017-048 WITH BAXTER AND WOODMAN, INC. FOR CONTINUING ENGINEERING, SURVEYING, AND LANDSCAPE ARCHITECTURAL CONSULTING SERVICES.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Amendment No. 4 - 2017-048 Baxter Woodman](#)
[Exhibit B - Rate Increase Amendment No. 3](#)
[Legal Review Checklist Amendment Baxter Woodman](#)
[Amendment No. 3 - 2017-048 Baxter & Woodman](#)
[Amendment No. 2 - 2017-048 Baxter & Woodman](#)
[Amendment No. 1 - 2017-048 Baxter & Woodman](#)
[RFQ 2017-048](#)

This Request was approved.

6.I. APPROVAL OF ADDITIONAL SPENDING ON RFP 2022-038 WITH ONE PARKING, INC., FOR COMPREHENSIVE PARKING MANAGEMENT SERVICES IN THE AMOUNT OF \$644,934 FOR A REVISED TOTAL OF \$3,278,845

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Proposal for Parking Technology Improvements](#)
[Amendment No. 1 - RFP No. 2022-038](#)
[Agreement RFP 2022-038](#)
[Resolution No. 57-23](#)

This Request was approved.

- 6.J.** CONSIDER APPROVAL OF A LICENSE AGREEMENT BETWEEN PALM BEACH COUNTY AND THE CITY OF DELRAY BEACH TO ALLOW THE CITY TO UTILIZE COUNTY OWNED PARKING FACILITIES AT THE SOUTH COUNTY COURTHOUSE DURING SPECIAL EVENTS.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[License Agreement 112823-082824_Final rev. 11.08.23.pdf](#)
[Simple Legal Review Approval License Agreement for County Parking Lot.pdf](#)
[Agenda Memo - PBC Parking Garage License Agreement.docx](#)

This Request was approved.

- 6.K.** HOLD HARMLESS AGREEMENT IN FAVOR OF THE CITY TO INSTALL A 3-INCH POTABLE WATER SERVICE, WITHIN THE STATE RIGHT-OF-WAY FOR PROPERTY LOCATED AT 611 S OCEAN BOULEVARD

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)
[Hold Harmless 611 S. Ocean legal Review.docx](#)
[Water Sewer plan OCT 2023 21 00198923 \(002\).pdf](#)
[Hold Harmless Agreement Owner signed 10 2023 \(002\).pdf](#)

This Request was approved.

6.L. PROCLAMATIONS:

- 6.L.1.** 2023 SMALL BUSINESS SATURDAY - NOVEMBER 25, 2023 - PROCLAMATION

Sponsors: Economic Development Department

Attachments: [Agenda Cover Report](#)
[Small Business Saturday Proclamation 2023](#)

This Proclamation was approved.

- 6.L.2.** PICKLEBALL MONTH PROCLAMATION

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[Pickleball Proclamation](#)

This Proclamation was approved.

6.L.3. WORLD AIDS DAY PROCLAMATION - DECEMBER 1, 2023

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[World AIDS Day 2023](#)

This Proclamation was approved.

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

6.M.1. REPORT OF APPEALABLE DEVELOPMENT APPLICATION ACTIONS FROM OCTOBER 9, 2023 THROUGH NOVEMBER 3, 2023.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[PAAB \(10-24\)-75 SE 4th Avenue](#)
[SPRAB \(10-25\)-Fifth Third](#)
[HPB \(11-1\)-143 S Swinton Avenue](#)
[HPB \(11-1\)-525 E. Atlantic Avenue \(The Colony Hotel\)](#)
[HPB \(11-1\)-The Cathcart House](#)
[Admin Approval - Tint World Level 2 - 3416 S Federal Highway](#)

This Request was approved.

6.N. AWARD OF BIDS AND CONTRACTS:

6.N.1 APPROVAL OF RESOLUTION NO. 210-23 TO AWARD AN AGREEMENT WITH LHOIST NORTH AMERICA OF ALABAMA, LLC., FOR THE PURCHASE AND DELIVERY OF BULK QUICKLIME FOR WATER TREATMENT; UTILIZING THE CITY OF TAMARAC COOPERATIVE AGREEMENT BID NO. 23-36B, IN A TOTAL ESTIMATED AMOUNT NOT TO EXCEED \$12,766,632.

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist LHOIST.pdf](#)
[P2024-003 CO-OP LHOIST Resolution 210-23.pdf](#)
[P2024-003 CO-OP Lhoist Agreement.pdf](#)
[Exhibit A.pdf](#)
[23-36B - Furnish Deliver and Discharge of Quicklime - Final](#)
[Quicklime Contract Award for Co-op Web-site 2023 2051394342](#)

This Resolution was approved.

- 6.N.2.** APPROVAL OF RESOLUTION NO. 231-23 TO AWARD AN AGREEMENT WITH TEN-8 FIRE & SAFETY LLC., FOR THE PURCHASE OF A PUMPER TRUCK AND A LADDER TRUCK, UTILIZING SOURCEWELL RFP 113021, IN THE AMOUNT OF \$2,765,420.58.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Vendor signed Agreement](#)
[P2024-009 Ten-8 Fire Safety LLC lg rev](#)
[Exhibit A- Delray Beach Ladder and Pumper Proposal](#)
[Reso. No. 231-23 lg rev](#)
[Legal Review Checklist form v. 8 WMB 2023 10 03](#)
[Sourcewell Contract 113021-OKC](#)
[Sourcewell Price Letter 113021-OKC](#)
[Sourcewell RFP 113021](#)
[Ten-8 Dealer-Sole Source](#)

Mayor Petrolia requested to pull Item No. 6.N.2 for discussion. It became Item No. 7. A. A on the Regular Agenda.

Mayor Petrolia stated she wasn't in favor of moving this item forward at this time.

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: 3 - Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns

No: 1 - Mayor Petrolia

Absent: 1 - Commissioner Frankel

7. REGULAR AGENDA:

- 7.A.** RESOLUTION NO. 235-23, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AGREEMENT WITH EMANUEL JACKSON, SR. PROJECT, INC., FOR THE LONG-TERM LEASE AND REDEVELOPMENT OF THE AMERICAN LEGION BUILDING PURSUANT TO THE CITY'S PUBLIC/PRIVATE PARTNERSHIPS, SOLICITED AND UNSOLICITED PROPOSALS AND EVALUATION PROCESS POLICY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Sponsors: Purchasing Department

Attachments: [Agenda Cover Report](#)

[Res. 2023-078 Unsolicited Proposal EJS commence negotiations](#)

[Emanuel Jackson Sr. Project, Inc Proposal](#)

[Simple Legal Review EJS Unsolicited Proposal](#)

Emanuel Jackson Sr. (Director of the EJS Project) shared his organization's efforts to lease and renovate the American Legion 188C Building from the City to benefit the veterans.

Vice Mayor Boylston requested to schedule a Shade Meeting to help resolve the issues between the City and the Veterans before the Commission moves forward with a decision.

There was a consensus to schedule a Shade Meeting on December 6, 2023 @ 3:30 p.m. to discuss this matter before the December 12th Commission Meeting.

Mayor Petrolia recognized Mr. Jackson as the first person to have a solid plan in place for the building.

There was a consensus to direct the City to reimburse Mr. Jackson for the twenty-five thousand dollars he submitted with his proposal per the City's Purchasing Department's policy.

A motion was made by Vice-Mayor Boylston, seconded by Commissioner Burns, that this Resolution be tabled. The motion carried by the following vote:

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

Absent: 1 - Commissioner Frankel

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

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)[Exhibit A](#)[Baffer](#)[Cohen R.](#)[DeLacio](#)[Dumitrescu](#)[Kapustein](#)[Kiser](#)[Nelson](#)[O'Conner](#)[Olieberg](#)[Rindos](#)

Nelson was appointed.

A motion was made by Deputy Vice Mayor Long, seconded by Vice-Mayor Boylston, that this Appointment be approved. The motion carried by the following vote:

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

Absent: 1 - Commissioner Frankel

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 entered Ordinance No's. 21-23, 22-23, and 23-23 into the record since they were together. She stated Ordinance No. 23-23 was a quasi-judicial item.

Mayor Petrolia read the quasi-judicial rules into the record, and Katerri Johnson swore in those individuals who wished to provide testimony on Ordinance No. 23-23.

Mayor Petrolia asked her colleagues to disclose ex-parte communications for Ordinance No. 23-23.

Mayor Petrolia : Emails on the server.

Vice Mayor Boylston: Spoke with Mr. Schiller and the neighbors.

Deputy Vice Mayor Long: Spoke with Mr. Schiller.

Commissioner Frankel: Spoke with Mr. Schiller and the neighbors and emails on the server.

Commissioner Burns: Spoke with Mr. Schiller and emails on the server.

Senior Planner Rebekah Dasari entered File No's. 2023 -109, 2023 -108 and 2023 -107 into the record.

Neil Schiller was present on behalf of the applicant for the proposed annexation, land use map amendment, and rezoning of The Chateaus

4594 133rd Road South, consisting of sixteen homes. He stated this project would not adversely impact public services and would have adequate access for Fire trucks and emergency vehicles to pass through and turn.

Rebekah Dasari provided a staff report on this project and showed a chart comparison of the existing Palm Beach County land use and zoning map vs. the proposed City of Delray Beach land use and zoning map. She stated the project meets the consistency, annexation, and concurrency requirements.

Mayor Petrolia noted she would like to see the road made safer before any modifications begin.

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

No: 1 - Mayor Petrolia

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](#)

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: 4 - Commissioner Frankel, Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns
No: 1 - Mayor Petrolia

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](#)

Vice Mayor Boylston motioned to approve Ordinance No. 23-23, seconded by Commissioner Frankel. The motion carried by the following vote:

Yes: 2 - Commissioner Frankel and Deputy Vice Mayor Long

No : 3 - Mayor Petrolia, Vice Mayor Boylston, Commissioner Burns

failed

Lynn Gelin informed the Commission this item required an assigned land use and zoning designation. Based on the information provided by Ms. Gelin, the Commission reconsidered its previous vote; another vote was performed.

Vice Mayor Boylston motioned to approve Ordinance No. 23-23 as amended to include a zoning designation of R1-AAA.

A motion was made by Vice-Mayor Boylston, seconded by Commissioner Burns, that this Ordinance be approved as amended. The motion carried by the following vote:

Yes: 3 - Vice-Mayor Boylston, Deputy Vice Mayor Long, and Commissioner Burns

No: 2 - Mayor Petrolia, and Commissioner Frankel

9. FIRST READINGS:

9.A.

ORDINANCE NO. 36-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ANNEXING INTO THE CITY OF DELRAY BEACH A PARCEL OF LAND MEASURING APPROXIMATELY 4.87 ACRES LOCATED AT 5185 ATLANTIC AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, SITUATED CONTIGUOUS TO THE EXISTING MUNICIPAL LIMITS OF THE CITY OF DELRAY BEACH, PROVIDING FOR INCLUSION OF THE PARCEL INTO AND REDEFINITION OF THE CITY BOUNDARIES PURSUANT TO SUBSECTION 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. 36-23](#)
[5185 Atlantic PZ Staff Report](#)
[Existing and Proposed Land Use](#)
[Existing and Proposed Zoning](#)
[Map AD-1, Future Land Use Designations](#)
[Map AD-23, Annexation Areas](#)
[5185 Atlantic Avenue Conceptual Site Plan](#)
[Survey - 5185 Atlantic Avenue](#)
[5185 Atlantic Avenue Project Narrative - Annex-LUMA-Rez](#)
[TPS Letter 8-14-23](#)
[Traffic Statement](#)
[Legal Review Ord 36-23 Annexation 5185 W Atlantic Ave](#)

Lynn Gelin entered Ordinance No's. 36-23, 37-23, 38-23 and 39-23 into the record since they were together. She stated Ordinance No. 38-23 was a quasi-judicial item.

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. 37-23: 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 4.87 ACRES LOCATED AT 5185 ATLANTIC AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM PALM BEACH COUNTY RESIDENTIAL HIGH TO CITY OF DELRAY BEACH MEDIUM 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](#)
[Ordinance No. 37-23](#)
[5185 Atlantic Ave PZ Staff Report](#)
[Existing and Proposed Land Use](#)
[Existing and Proposed Zoning](#)
[Map AD-1, Future Land Use Designations](#)
[Map AD-23, Annexation Areas](#)
[5185 Atlantic Ave Conceptual Site Plan](#)
[5185 Atlantic Ave Survey - Site](#)
[5185 Atlantic Ave Flo Project Narrative - Annex-LUMA-Rez](#)
[TPS Letter 8-14-23](#)
[Traffic Statement](#)
[Legal Review Ord 37-23 LUM 5185 W Atlantic Ave](#)

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.C.

ORDINANCE NO. 38-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING A PARCEL OF LAND MEASURING APPROXIMATELY 4.87 ACRES LOCATED AT 5185 ATLANTIC AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM PALM BEACH COUNTY AGRICULTURE RESIDENTIAL TO CITY OF DELRAY BEACH MEDIUM DENSITY RESIDENTIAL; 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. 38-23](#)
[5185 Atlantic Avenue PZ Staff Report](#)
[Existing and Proposed Land Use](#)
[Existing and Proposed Zoning](#)
[Map AD-1, Future Land Use Designations](#)
[Map AD-23, Annexation Areas](#)
[5185 Atlantic Avenue Conceptual Site Plan](#)
[5185 Atlantic Avenue Survey - Site](#)
[5185 Atlantic Avenue Flo Project Narrative - Annex-LUMA-Rez](#)
[TPS Letter 8-14-23](#)
[Traffic Statement](#)
[Legal Review Ord 38-23 Rezoning 5185 W Atlantic Ave](#)

Mayor Petrolia asked her colleagues for any ex-parte communications to disclose for Ordinance No. 38-23.

There were no ex-parte communications on behalf of the Commission.

Mr. Shiller, who was also present on behalf of the applicant for this item, waived his right to give a presentation.

Mayor Petrolia opened the floor for comment on Ordinance No. 38-23. No individuals wished to provide testimony for Ordinance No. 38-23.

Seeing no one present, Mayor Petrolia closed public comment.

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.D.

ORDINANCE NO. 39-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 4, "ZONING REGULATIONS," OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES, BY AMENDING ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.6, "MEDIUM DENSITY RESIDENTIAL (RM) DISTRICT," SUBSECTION (F), "DEVELOPMENT STANDARDS," SUBSECTION (G), "SUPPLEMENTAL DISTRICT REGULATIONS," AND SUBSECTION (H), "SPECIAL REGULATIONS" TO PROVIDE REGULATIONS FOR THE FLO DELRAY OVERLAY DISTRICT; AMENDING ARTICLE 4.5, "OVERLAY AND ENVIRONMENTAL MANAGEMENT DISTRICTS," BY ENACTING A NEW SECTION 4.5.22,

"THE FLO DELRAY OVERLAY DISTRICT;" AMENDING ARTICLE 4.7, "FAMILY/WORKFORCE HOUSING," SUBSECTIONS 4.7, "DEFINITIONS," 4.7.2, "APPLICABILITY," SUBSECTION (B), "WORKFORCE HOUSING INCENTIVE AREAS" TO ALLOW FOR APPLICABILITY OF WORKFORCE HOUSING INCENTIVES IN THE FLO DELRAY OVERLAY DISTRICT, AND AMENDING 4.7.4, "DENSITY BONUS AREAS" TO OUTLINE REQUIREMENTS FOR INCREASED DENSITY FOR THE FLO DELRAY OVERLAY DISTRICT; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING / PUBLIC HEARING)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ord No. 39-23 - The Flo Overlay District_rev. kwb](#)

[5185 Atlantic Avenue PZB Staff Report](#)

[Existing and Proposed Land Use](#)

[Existing and Proposed Zoning](#)

[Map AD-1, Future Land Use Designations](#)

[Map AD-23, Annexation Areas](#)

[5185 Atlantic Avenue Conceptual Site Plan](#)

[5185 Atlantic Avenue Survey - Site](#)

[Project Narrative - Annex-LUMA-Rez](#)

[Summary of Incentive Areas](#)

[TPS Letter 8-14-23](#)

[Traffic Statement](#)

[Legal Review Approval](#)

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.E.

ORDINANCE NO. 43-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING POLICE OFFICERS' RETIREMENT SYSTEM OF CHAPTER 33, "POLICE AND FIRE-RESCUE DEPARTMENTS", OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, BY AMENDING SECTION 33.62, "BENEFIT AMOUNTS AND ELIGIBILITY"; AMENDING SECTION 33.70, "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; REPEALING ALL ORDINANCES IN CONFLICT HERewith, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE. (FIRST READING)

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

[Simple Legal Review Approval- Ordinance 43-23 10-31-23](#)

[SECURE 2.0 Ordinance Amendment .01 10-31-23](#)

[BIE--Ordinance 43-23 Police Pension Secure Act 2.0](#)

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.F.

ORDINANCE NO. 50-23: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 35 "EMPLOYEE POLICIES AND BENEFITS", SUBHEADING "RETIREMENT PLAN", BY AMENDING SECTION 35.089, "DEFINITIONS"; AMENDING SECTION 35.091, "VESTING"; AMENDING SECTION 35.097, "RETIREMENT INCOME; BASIS, AMOUNT AND PAYMENT"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

[Ordinance 50-23 CM CA Pension Ord lg rev final for 1st reading](#)

[Legal Review Ordinance 50-23 CM CA pension](#)

[BIE--Ordinance 50-23 CM and CA pension benefits](#)

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. 42-23: 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 35 "EMPLOYEE POLICIES AND BENEFITS", SUBHEADING "RETIREMENT PLAN", BY CREATING A NEW SECTION 35.111, "BIENNIAL REVIEW," TO PROVIDE AN OPPORTUNITY FOR THE CITY COMMISSION TO REVIEW THE RETIREMENT AND DISABILITY BENEFITS PROVIDED TO RETIRED AND CURRENT EMPLOYEES EVERY ODD-NUMBERED YEAR; PROVIDING A

CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES. (FIRST READING)

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[Ord 42-23 GE Pension Ordinance - Biennial Review 9.27.23 draft lg rev.docx \(002\)](#)

[BIE--Ordinance 42-23 biennial COLA final](#)

[Simple Legal Review Approval 42-23 Biennial COLA review](#)

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.H.

ORDINANCE NO. 51-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR CHARTER REVISIONS BY REPEALING SECTION 3.14, "PLANNING AND ZONING BOARD AND BOARD OF ADJUSTMENT," SUBSECTION (B), "BOARD OF ADJUSTMENT"; PROVIDING FOR A REFERENDUM ON MARCH 19, 2024; PROVIDING A GENERAL REPEALER CLAUSE; PROVIDING A SAVING CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[Ord 51-23 BOA repeal referendum](#)

[BIE--Ordinance 51-23 BOA repeal](#)

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

Assistant City Manager Jeff Oris - No comments.

B. City Attorney

Ms. Gelin requested a Shade Meeting pursuant to Sherwin Williams American Legion Post 188C Building vs. the City of Delray Beach on November 16, 2023, at 3:30 p.m.

A motion was made by Commissioner Frankel to approve the Shade Meeting, 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 Burns and Commissioner Frankel

C. City Commission

Deputy Vice Mayor Long:

Expressed his gratitude to the Police Department for helping to improve the issues at the Beach Pavilion.

Commissioner Burns:

Enjoyed the Veterans Program over the past weekend.

Vice Mayor Boylston:

Requested a meeting to discuss the parking. There was a consensus to schedule a workshop on December 12th.

Vice Mayor Boylston motioned to schedule a workshop on December 12th at 4:00 p.m. concerning the parking issues, 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 Burns and Commissioner Frankel.

Discussed the route for the Black History Parade.

Mayor Petrolia:

Reminded her colleagues to stay up to date on their ethics training.

Stated St. Paul's requested a proclamation in honor of their 126th year.


Suggested there should be rules in place prohibiting propaganda at City-sponsored events. Ms. Gelin stated she would research the matter.

11. ADJOURNMENT

There being no further business to discuss, the Regular City Commission meeting was adjourned at 8:36 p.m.


City Clerk

ATTEST:


MAYOR

The undersigned is the City Clerk of the City of Delray Beach, Florida, and the information provided herein is the Minutes of the November 14, 2023 City Commission Regular Meeting held on November 14, 2023, which minutes were formally approved and adopted by the City on January 4, 2024.


City Clerk

NOTE TO READER:

If the Minutes you have received are not completed as indicated above, this means they are not the official Minutes of the City Commission. They will become the official Minutes only after review and approval which may involve some amendments, additions or deletions as set forth above.