

City of Delray Beach

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Minutes - Final

Tuesday, December 7, 2021

Regular Meeting at 4:00 PM

Delray Beach City Hall

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

City Commission

*Mayor Shelly Petrolia
Vice Mayor Shirley Ervin Johnson
Deputy Vice Mayor Adam Frankel
Commissioner Juli Casale
Commissioner Ryan Boylston*

1.ROLL CALL

The Regular City Commission Meeting was called to order at 4:02 p.m.

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

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

Commissioner Ryan Boylston arrived at 4:09 p.m.

Others Present Were:

Terrence Moore – City Manager

Lynn Gelin – City Attorney

2.PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Petrolia requested a moment of silence to honor Former State Senator Bob Doyle.

3. AGENDA APPROVAL

3.A. Additions, Deletions, Substitutions

Commissioner Casale requested to pull Item No. 6.H. from the Consent Agenda for discussion. Consent Item No. 6.H. became Item No. 7.A.A. on the Regular Agenda.

4. PRESENTATIONS:

4.A. 21-1145 LEGISLATIVE UPDATE BY STATE REPRESENTATIVE CARUSO ON STATE APPROPRIATIONS

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

State Representative Mike Caruso provided the Commission with an update from the October 2021 Six Pre-Session Community Weeks in Tallahassee. He informed the Commission that the legislators signed House Bill's No's. 1,3, 5, and 7 into legislation.

4.B. 21-1416 LEGISLATIVE UPDATE BY MAT FORREST FROM BALLARD PARTNERS, INC.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

Mr. Matt Forrest, of Ballard Partners, Inc., representing the City of Delray Beach, presented a legislative update on some of the bills that will go before the Senate in 2022. He mentioned the

most critical item was the Senate's House Party Lines Redistricting of Delray Beach. Mr. Forrest commended city staff for their help identifying the most vital items for the coming year. The Commission thanked Mr. Forrest for his efforts.

4.C. 21-1256 STATE OF EDUCATION REPORT SY21/22 BY PALM BEACH COUNTY SCHOOL BOARD MEMBER ERICA WHITFIELD

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

Ms. Erica Whitfield, from the Palm Beach County School Board, provided the Commission with a statistical analysis of how the local schools had performed since the COVID-19 pandemic. She discussed the hardship parents and teachers face in integrating the children back into the classroom. Ms. Whitfield advised that mental health professionals are now available in the schools. She thanked the Commissioner for the Wi-Fi installation. The Commission thanked her for her time.

4.D. 21-1379 NATIONAL OPIOID LITIGATION UPDATE PRESENTATION BY MARK DEARMAN

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

Mr. Dearman, attorney with the law firm of Dearman Robbins Geller Rudman and Dowd LLP, communicated that the city's decision to file suit against the three largest drug distributors had played a critical role in bringing about a global settlement. He recognized City Attorney Lynn Gelin for her hard work on this case. Mr. Dearman provided the Commission with the preliminary dollar amounts for the city's settlements. He stated that there are still pending litigation against other manufacturers and pharmaceutical companies.

Mayor Petrolia expressed her disappointment that neighboring towns would be awarded more money as Delray Beach was the epicenter of the opioid crisis for years. Mr. Dearman remarked that the city is receiving the third highest allocation in the county. The Commission thanked Mr. Dearman for the update and his presentation.

4.E. 21-1411 PRESENTATION OF THE AMERICAN CONCRETE PAVEMENT ASSOCIATION 2021 SUSTAINABLE PRACTICES RECOGNITION AWARD TO THE CITY OF DELRAY BEACH FOR OUR INVESTMENT IN PERVIOUS PAVEMENT IN THE OSCEOLA PARK AND SW 4TH ST, SW 6TH ST, SW 7TH AVE AND SW 3RD CT NEIGHBORHOOD

IMPROVEMENT PROJECTS.

Recommendation: Recognize the City's receipt of the American Concrete Pavement Association 2021 Sustainable Practices Recognition Award, which was announced at the National Conference in Huntington Beach, CA on December 2, 2021.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

Ms. Missie Barletto, Public Works Director, told the Commission that the city was the recipient of the 2021 Sustainable Practices Recognition Award from the American Concrete Pavement Association, for its use of pervious concrete. Ms. Barletto recognized Ms. Begona Krane, Project Manager II, and Ms. Cynthia Buisson, Assistant Public Works Director. Ms. Amy Wedel, Director of the American Concrete and Pavement Association, presented the Commission with their award.

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. Terrence Moore, City Manager, provided the Commission with a handout outlining the newly adopted Purchasing Policies and Procedures, which included the opportunity to consider public-private partnerships (PPP), to bid on unsolicited projects. Mr. Moore stated that Ms. Gina Carter, Director of Communications, would be issuing a press release regarding the process, so all concerned or interested parties may apply online through the city's website.

5.A.1. Current construction projects and resulting inconveniences

Ms. Barletto, Director of Public Works, provided a list of the current construction projects throughout the city.

5.B. From the Public

James McCray, resident of Delray Beach thanked everyone for the work they do. He told the Commission that he leads a local chess club.

Vice Mayor Johnson presented Mr. Moore and Ms. Janet Meeks, Education Coordinator, with an honorable mention from the Palm Beach County Literacy Collation for 2021.

Laura Simon, Downtown Development Authority Executive Director, thanked the Commission and the Police Department for a successful Christmas Tree Lighting Celebration. Ms. Simon reminded everyone to visit the [DowntownDelrayBeach.com](#) website to learn about what was happening around the city.

Mayor Petrolia gave thanks to all city employees who volunteered to work the event.

Mayor Petrolia closed public comments.

6. CONSENT AGENDA: *City Manager Recommends Approval*

Deputy Vice Mayor Frankel motioned to approve the Consent Agenda as amended. Commissioner Boylston seconded the motion. The motion was carried by the following vote:

YES: 5 Mayor Petrolia, Vice Mayor Johnson, Deputy Vice Mayor Frankel, Commissioner Boylston, Commissioner Casale

APPROVED

6.A. 21-1353 CITY COMMISSION MEETING MINUTES

Recommendation: Motion to approve meeting minutes as listed below:

September 13, 2021 - 1st Budget Public Hearing / Regular Meeting

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[September 13, 2021 1st Budget Public Hearing w-rev. 12-1-21](#)

Approved.

6.B. 21-1309 APPROVAL OF THE BOARD'S BYLAWS ESTABLISHING THE RULE OF PROCEDURE

Recommendation: Motion to approve the Board's Bylaws adopted by the Affordable Housing Advisory Committee.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[AHAC BYLAWS](#)

Approved.

6.C. 21-1375 APPROVAL OF ALLOCATION AGREEMENT AND PARTICIPATION AGREEMENT RELATED TO IN RE: NATIONAL PRESCRIPTION OPIOID LITIGATION

Recommendation: Motion to approve of Allocation Agreement and Participation Agreement in the matter of In Re: National Prescription Opioid Litigation

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[#21-1375 FL Opioids Allocation +SW Resp Agreement with Exhibits](#)

[#21-1375 FL.PA.Distributor \(11.15.21\)](#)

[#21-1375 FL.PA.Janssen\(11.15.21\)](#)

Approved.

6.D. 21-1344 TRIPARTY AGREEMENT BETWEEN THE CITY OF DELRAY BEACH, THE SCHOOL BOARD OF PALM BEACH COUNTY AND THE COMMUNITY CHILD CARE CENTER FOR FUNDING AND OPERATION OF AFTER SCHOOL PROGRAMS AT PINE GROVE ELEMENTARY AND VILLAGE ACADEMY

Recommendation: Motion to approve the Triparty Agreement between the City of Delray Beach, the School Board of Palm Beach County and the Community Child Care Center of Delray Beach, Inc. for funding and operation of after-school programs at Pine Grove Elementary and Village Academy.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

[Simple Legal Review Approval Tri-Party ACCF and Palm Beach](#)

[County](#)

[Tri-Party final KWB. rev. 11.12.21](#)

Approved.

6.E. 21-1346 RESOLUTION NO. 174-21 OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING AN AGREEMENT WITH COMMUNITY CHILD CARE CENTER OF DELRAY BEACH, INC., D/B/A ACHIEVEMENT CENTERS FOR CHILDREN AND FAMILIES ("ACCF") TO PROVIDE FUNDING TO SUPPORT OUT OF SCHOOL SERVICES AT PINE GROVE ELEMENTARY AND VILLAGE ACADEMY; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AMENDMENTS AND/OR RENEWALS THERETO AND TO TAKE ANY AND ALL ACTIONS NECESSARY TO EFFECTUATE THIS AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommendation: Motion to approve Resolution No. 174-21 and Funding Agreement with the Community Child Care Center (d.b.a Achievement Center for Children and Families) ("ACCF") for the amount of \$62,000 per year for five (5) years.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist ACCF Pine Grove and Village](#)

[Funding Agreement \[Pine Grove and Village Academy\] 2021 kwb rev](#)

[Resolution No. 174-21 ACCF Pine Grove Elementary and Village](#)

[Exhibit A to ACCF Pine Grove and Village Agreement](#)

Approved.

6.F. 21-1349 *RESOLUTION NO. 175-21 OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING AN AGREEMENT WITH COMMUNITY CHILD CARE CENTER OF DELRAY BEACH, INC., D/B/A ACHIEVEMENT CENTERS FOR CHILDREN AND FAMILIES ("ACCF") TO PROVIDE FUNDING TO SUPPORT IT'S PROGRAMMING; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AMENDMENTS AND/OR RENEWALS THERETO AND TO TAKE ANY AND ALL ACTIONS NECESSARY TO EFFECTUATE THIS AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.*

Recommendation: Motion to Approve Resolution No. 175-21 and Funding Agreement with the Achievement Center for Children and Families ("ACCF") in the amount of \$81,000 per year for five years.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist ACCF](#)

[Resolution No. 175-21 ACCF](#)

[ACCF funding agreement KWB. rev. 10.26.21](#)

[ACCF Funding Agreement Exhibit A](#)

Approved.

6.G. 21-1342 *ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION ALONG 98 NW 5th AVENUE, ACCEPTANCE OF RIGHT-OF-WAY DEDICATION OF CORNER CLIPS ALONG NW 1ST STREET, AND ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION ALONG REAR ALLEYWAY.*

Recommendation: Review and consider acceptance of a right-of-way dedication along NW 5th avenue, two right-of-way corner clip dedications along NW 1st street, and a right-of-way dedication along the rear alley of the property located at 98 NW 5th avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[ROW Deed - 98 NW 5th Avenue](#)

[Exhibit A1-ROW Sketch and Legal-98 NW 5th Ave](#)

[Exhibit A2-ROW Alley Sketch and Legal- 98 NW 5th Avenue](#)

[Exhibit A3-Corner Clip ROW Sketch and Legal- 98 NW 5th Avenue](#)

[Legal Review-ROW Deed 98 NW 5th Ave](#)

[2020-10-07-HPB Staff Report-98 NW 5th Avenue](#)

[Plans-98 NW 5th Ave](#)

Color Rendering-98 NW 5th Ave

Approved.

Commissioner Casale requested to pull Item No. 6.H. (Resolution No. 132-21) from the Consent Agenda for discussion.

6.H. 21-1273 *RESOLUTION NO. 132-21: APPROVING A REVOCABLE LICENSE AGREEMENT WITH MAE VOLEN SENIOR CENTER, INC. FOR PROVIDING CONGREGATE MEALS FOR SENIOR CITIZENS AT POMPEY PARK RECREATION CENTER*

Recommendation: Motion to approve Resolution No.132-21 approving a revocable license agreement with Mae Volen Senior Center, Inc. (Mae Volen) for the use of the auditorium and kitchen facilities to provide congregate meals to senior citizens at Pompey Park Recreation Center and authorizing the City Manager to execute any amendments and/or renewals and to take any and all actions necessary to effectuate this agreement.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist Mae Volen CongregateMeals](#)

[Res 132-21 Volen Center food service](#)

[RLA CongregateMeals signed2021](#)

Commissioner Casale expressed her concern to Mr. Sam Metott, Parks and Recreation Director, regarding the meals served at the Mae Volen Senior Center at Pompey Park. Mr. Metott reported that the center's staff would be returning to work and will resume serving hot meals.

Commissioner Casale motioned to approve Resolution No. 132-21. Deputy Vice Mayor Frankel seconded the motion. The motion was carried by the following vote:

YES: 5 Mayor Petrolia, Vice Mayor Johnson, Deputy Vice Mayor Frankel, Commissioner Boylston, Commissioner Casale.

APPROVED

6.I. 21-1281 *APPROVAL OF THE REQUEST FOR FUNDING FROM 4 KNOWLEDGE IS POWER, INC. FROM THE LAW ENFORCEMENT TRUST FUND (LETF) IN THE AMOUNT OF \$10,000.*

Recommendation: Motion to approve request for funding from the Law Enforcement Trust Fund (LETF) pursuant to Florida Statute 932.7055, Disposition of Liens and Forfeited Property, to 4 Knowledge is Power, Inc. in the amount of \$10,000.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)

[Legal Review Form 4 knowledge](#)

[4 Knowledge Is Power, Inc LETF Application](#)

Approved.

6.J. 21-1338 *ITEM(S) A1- RESOLUTION NO. 156-21 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING AN UPDATED ENGINEERING STANDARDS MANUAL; AUTHORIZING THE CITY MANAGER TO MAKE ADDITIONAL REVISIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.*

Recommendation: **Consideration of the following items:** Motion to approve Resolution No. 156-21, a City initiated request to adopt an updated engineering standards manual and authorizing the City Manager to adopt future revisions.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Legal Review Res 156-21 Updated Enginnering Standards Manual](#)

[Item \(1a\) Resolution 156-21 Egineering Standards Manual](#)

[Item \(1b\) Engineering Standards Manual 2021](#)

Approved.

6.K. 21-1304 *RESOLUTION NO. 171-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING THREE AGREEMENTS WITH FLORIDA POWER & LIGHT COMPANY (FPL) FOR THE INSTALLATION AND MAINTENANCE OF DECORATIVE LIGHTS AND POLES FOR THE GEORGE BUSH BOULEVARD PROJECT; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AMENDMENTS THERETO AND TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THESE AGREEMENTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES*

Recommendation: Motion to approve Resolution No. 171-21 authorizing the City Manager to execute three agreements with Florida Power & Light Company (FPL), any amendments to the agreements and take any actions necessary to effectuate these agreements.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Res 171-21 FPL Lighting Agreements for George Bush Blvd Project](#)

[Legal Review Checklist JPA for School Speed Zone Signs](#)

[FPL LED Lighting Agreement for George Bush Blvd Phase 1](#)

[FPL LED Lighting Agreement for George Bush Blvd Phase 2](#)

[FPL LED Lighting Agreement for George Bush Blvd Phase 3](#)

[City of Delray Beach - George Bush Blvd. FPL LED Monthly Cost](#)
[Proposal 10.20.21](#)

Approved.

6.L. 21-1347 [ITEM\(S\) A1 AND B1- ACCEPTANCE OF A RIGHT- OF-WAY DEDICATION BY 242 NW 6th AVE., AND ACCEPTANCE OF A GENERAL UTILITY EASEMENT FOR 920 GREENSWARD LN.](#)

Recommendation: Consideration of the following items:

RIGHT OF WAY DEED(S)

Items A

Item A1 - Motion to approve and accept a Right of Way Dedication by the owner(s) of 242 NW 6th Ave. to the City of Delray Beach.

GENERAL UTILITY EASEMENT(S)

Items B

Item B1 - Motion to approve and accept a General Utility Easement Dedication by the owner(s) of 920 Greensward Ln. to the City of Delray Beach.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Item \(1\) Legal Reviews \(2\)](#)

[Item \(A1a\) ROW - 242 NW 6th Ave.](#)

[Item \(A1b\) Exhibit A & Sketch - 242 NW 6th Ave.](#)

[Item \(B1a\) 920 Greensward General Utility Easement](#)

[Item \(B1b\) 920 Greensward Exhibit A](#)

Approved.

6.M. 21-1355 APPROVAL OF AMENDMENT NO. 1 AUTHORIZING A PRICE ADJUSTMENT AND RENEWING THE CITY'S AGREEMENT WITH PROLIME CORPORATION FOR WET LIME SLUDGE HAULING IN THE TOTAL ESTIMATED RENEWAL VALUE OF \$600,000 THROUGH SEPTEMBER 24, 2024, UTILIZING COLLIER COUNTY SOLICITATION NO. 18-7416.

Recommendation: Motion to approve Amendment No. 1 to authorize a price adjustment and to

approve the renewal of the City's Agreement with Prolime Corporation for Wet Lime Sludge Hauling in the total estimated renewal value of \$600,000 through September 24, 2024, utilizing Collier County Solicitation No.

18-7416.

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[P2019-025 Amendment No. 1 - vendor executed](#)

[Legal Review Checklist Prolime Amendment kwb rev. 11.4.21](#)

[Res No. 95-19 and Executed Agreement](#)

Approved.

6.N. PROCLAMATIONS:

6.N.1. 21-1272 PICKLEBALL MONTH PROCLAMATION

Recommendation: Motion to proclaim December 2021 as Pickleball Month in recognition of the 2021 Delray Beach Pickleball Classic.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)

[Pickleball Proclamation](#)

Approved.

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

6.O.1. None

6.P. AWARD OF BIDS AND CONTRACTS:

6.P.1. 21-1236 APPROVAL OF RESOLUTION NO. 161-21 TO AWARD AN AGREEMENT TO BALLARD PARTNERS, INC. FOR STATE LEGISLATIVE LOBBYING SERVICES - \$180,000 FOR THE INITIAL THREE-YEAR TERM

Recommendation: Motion to approve Resolution No. 161-21 to award an Agreement to Ballard Partners, Inc. for State Legislative Lobbying Services in the estimated amount of \$180,000 through January 5, 2025, and authorize the City Manager to approve renewal options, in the amounts below, contingent on appropriations of funds.

Sponsors: City Manager Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist Ballard Partners State Lobbying Services](#)

[City of Delray Beach - Ballard Partners Agreement FY2022-25 Vendor Executed](#)

[City of Delray Beach Ballard Partners Proposal 10 1 2021 - Exhibit A](#)

[Resolution No. 161-21](#)

Approved.

6.P.2. 21-1334 APPROVAL OF RESOLUTION NO. 178-21 TO APPROVE THE ISSUANCE OF A PURCHASE ORDER TO REP SERVICES, LLC. FOR THE PURCHASE AND INSTALLATION OF A SHADE STRUCTURE AT BARWICK PARK - \$100,170

Recommendation: Motion to approve Resolution No. 178-21 to approve the issuance of a Purchase Order to Rep Services, Inc. for the purchase and installation of a shade structure at Barwick Park, in the amount of \$100,170.

Sponsors: Parks & Recreation Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist for Resolution 178-21 for Barwick Shade Structure](#)
[Resolution No. 178-21](#)

[Exhibit A - Quotation](#)

[Agreement - Master Contractor Services - REP Services, Inc.](#)
[Executed](#)
[Agenda Cover Memo](#)

Approved.

7. REGULAR AGENDA:

7.A. 21-1356 RATIFICATION OF EMERGENCY REGULATIONS RELATED TO COVID-19 ACTIVATED UNDER CHAPTER 95 OF THE DELRAY BEACH CODE OF ORDINANCES

Recommendation: Motion to Ratify the 88th, 89th and 90th Extensions of the State of Emergency for COVID -19.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[88th Extension of State of Emergency - COVID -19 - signed 11-17-2021](#)
[89th extension of state of emergency 11-24-2021 - signed](#)
[90th extension of state of emergency 12-1-2021 - signed](#)

Deputy Vice Mayor Frankel motioned to approve the Ratification of the 88th, 89th, and 90th Extensions of the State of Emergency for COVID-19. Commissioner Casale seconded the motion. The motion was carried by the following vote:

YES: 5 Mayor Petrolia, Vice Mayor Johnson, Deputy Vice Mayor Frankel, Commissioner Boylston, Commissioner Casale

APPROVED

7.B. 21-1248 NOMINATION FOR APPOINTMENT TO THE CODE ENFORCEMENT BOARD

Recommendation: Motion to approve the nomination for an appointment of one (1) regular member to serve on the Code Enforcement Board for an unexpired term ending January 14, 2024.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Exhibit A](#)

[Code Enforcement Board 2021](#)

[Code Enforcement Attendance form 2021](#)

[Jonas](#)

[Lubin](#)

[Pasik](#)

[Rose](#)

Mayor Petrolia motioned to appoint Mr. Wayne Pasik to the Code Enforcement Board. Deputy Vice Mayor Frankel seconded the motion. The motion was carried by the following vote:

YES: 5 Mayor Petrolia, Vice Mayor Johnson, Deputy Vice Mayor Frankel, Commissioner Boylston, Commissioner Casale

APPROVED

7.C. 21-1264 RECOMMENDATION FOR APPOINTMENT TO THE DELRAY BEACH HOUSING AUTHORITY BOARD

Recommendation: Recommendation for an appointment of one (1) regular member to serve on the Delray Beach Housing Authority Board for a term ending March 6, 2025.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Exhibit A](#)

[Delray Beach Housing Authority 2021](#)

[Board Attendance Record 2021](#)

[Cortezi](#)

[Macatangay](#)

[Shirley](#)

[Torres](#)

Commissioner Boylston motioned to appoint Mr. John Macatangay to the Delray Beach Housing Authority Board. Deputy Vice Mayor Frankel seconded the motion. The motion was carried by the following vote:

YES: 5 Mayor Petrolia, Vice Mayor Johnson, Deputy Vice Mayor Frankel, Commissioner Boylston, Commissioner Casale

APPROVED

7.D. 21-1308 NOMINATION FOR APPOINTMENT TO THE EDUCATION BOARD

Recommendation: Motion to approve the nomination for an appointment for one (1) regular member to serve an unexpired term ending July 31, 2022.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Exhibit A](#)

[Education Board 2021](#)

[ATTENDANCE RECORD](#)

[Dickerson](#)

[Knight](#)

[Nevin 2](#)

[Redding](#)

[Shirley](#)

[Torres](#)

Vice Mayor Johnson motioned to appoint Ms. Angelica Nevin to the Education Board. Deputy Vice Mayor Frankel seconded the motion. The motion was carried by the following vote:

YES: 5 Mayor Petrolia, Vice Mayor Johnson, Deputy Vice Mayor Frankel, Commissioner Boylston, Commissioner Casale

APPROVED

7.E. 21-1352 NOMINATION FOR APPOINTMENT TO THE PUBLIC ART ADVISORY BOARD

Recommendation: Motion to approve the nomination for an appointment for one (1) regular member to serve on the Public Art Advisory Board for an unexpired term ending July 31, 2022.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Exhibit A](#)

[Public Art Advisory Board 2021](#)

[2021 Quarterly Attendance](#)

[Hotchkiss](#)

Kaulina-Feldmanis

Torres

Mayor Petrolia motioned to appoint Ms. Jill Hotchkiss to the Public Art Advisory Board. Deputy Vice Mayor Frankel seconded the motion. The motion was carried by the following vote:

YES: 5 Mayor Petrolia, Vice Mayor Johnson, Deputy Vice Mayor Frankel, Commissioner Boylston, Commissioner Casale

APPROVED

7.F. 21-1297 *Direction and strategies for improving the level of service in the Development Services Department*

Recommendation: Provide direction.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Gulfstream Interlocal Agreement 09302009](#)

Ms. Anthea Giannotes, Development Services Director, shared that the Development Services Division is comprised of the Building Division and the Planning Division. She provided the Commission with an overview of the department's plans to work through their challenges to improve the level of service to the community.

She told the Commission that the current budget allowed for a \$1.1 million-dollar electronic plan submittal and review program. Ms. Giannotes told the Commission that she is requesting the addition of two more positions to her department to help with the new electronic program.

Mr. Moore acknowledged it would be financially sound to move forward with the two new positions.

The Commission emphasized its commitment to support the Development Services Department.

Deputy Vice Mayor Frankel motioned to approve hiring additional staff to facilitate running the Development Services Departments more efficiently. Vice Mayor Johnson seconded the motion. The motion was carried by the following vote:

YES: 5 Mayor Petrolia, Vice Mayor Johnson, Deputy Vice Mayor Frankel, Commissioner Boylston, Commissioner Casale

APPROVED

7.G. 21-1418 *POSTPONEMENT REQUEST OF APPEAL OF THE CONDITION OF APPROVAL IMPOSED BY THE PLANNING AND ZONING BOARD ON OCTOBER 18, 2021 FOR ISLAND COVE, LLC.*

Recommendation: Motion to consider postponement request of appeal on condition of approval imposed by P&Z Board on October 18, 2021 regarding Island Cove, LLC.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Island Cove - Postponement of Appeal of PZB v1](#)

[Appeal of Condition of Approval \(002\)](#)

Ms. Gelin recommended a 60-day postponement until February 1, 2022, to hear this item. Deputy Vice Mayor Frankel motioned to postpone the appeal. Commissioner Boylston seconded the motion. The motion was carried by the following vote:

YES: 5 Mayor Petrolia, Vice Mayor Johnson, Deputy Vice Mayor Frankel, Commissioner Boylston, Commissioner Casale

APPROVED

8. PUBLIC HEARINGS/SECOND READINGS:

8.A. 21-796 *ORDINANCE NO. 18-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A LAND USE MAP AMENDMENT RE-DESIGNATING THE FUTURE LAND USE FOR 39.42 ACRES OF LAND FROM GENERAL COMMERCIAL (GC) IN PART, AND TRANSITIONAL (TRN) IN PART, TO COMMERCIAL CORE (CC), PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, FOR PROPERTIES GENERALLY LOCATED WITHIN THE AREA BOUNDED ON THE NORTH BY SE 4TH STREET, ON THE SOUTH BY SE 10TH STREET, ON THE EAST BY SE 7TH AVENUE, AND ON THE WEST BY THE ALLEY BETWEEN SE 4TH AVENUE AND SE 5TH AVENUE, ALL OF WHICH ARE ADJACENT TO EITHER SE 5TH AVENUE OR SE 6TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.*

(SECOND READING/PUBLIC HEARING)

Recommendation: Review and consider Ordinance No. 18-21 on Second Reading, a Land Use Map amendment to redesignate approximately 39.42 acres of land from General Commercial in part and Transitional in part, to Commercial Core, generally located within the area bounded on the north by SE 4th Street, on the south by SE 10th Street, on the east by SE 7th Street, and on the west by the alley between SE 4th Avenue and SE 5th Avenue, all of which are adjacent to either SE 5th Avenue or SE 6th Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ord. No. 18-21: Land Use Map Designation to CC](#)

[Ord. No. 18-21: PZB Staff Report](#)

[Ord. No. 18-21: Location Map of CBD Expansion](#)

[Ord. No. 18-21: Proposed Land Use Map](#)

[Ord. No. 18-21: Legal Review](#)

Ms. Gelin read Ordinance No.'s, 18-21, 19-21, and 20-21 into the record. Ms. Anthea Giannotes provided the Commission with a brief presentation on the proposed New Central Business District South Pairs Subdistrict and summarized what actions were taken on these ordinances.

Ms. Giannotes requested to add the Workshop Discussion and Presentation from October 12, 2021, into the record.

If approved, Ms. Giannotes discussed the changes these ordinances would bring to the New Central Business District Subdistrict.

Mayor Petrolia opened the floor to public comments on Ordinance No.'s 18-21, 19-21 and 20-21.

Mike Strickler, residing at 713 SE 4th Avenue, Delray Beach, expressed his concern that the west side would getting more traffic than the east side.

Carolina Calderon, residing at 813 SE 4th Avenue, Delray Beach, said that she disapproved of the changes because other homes and businesses would be too close to her.

Mayor Petrolia closed public comments.

A discussion ensued.

Deputy Vice Mayor Frankel motioned to approve Ordinance No. 18-21. Commissioner Casale seconded the motion. The motion was carried by the following vote:

YES: 5 Mayor Petrolia, Vice Mayor Johnson, Deputy Vice Mayor Frankel, Commissioner Boylston, Commissioner Casale

APPROVED

8.B. 21-800 *ORDINANCE NO. 19-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING LAND PRESENTLY ZONED GENERAL COMMERCIAL IN PART, NEIGHBORHOOD COMMERCIAL IN PART, AND PROFESSIONAL OFFICE DISTRICT IN PART, TO CENTRAL BUSINESS DISTRICT; SAID LAND CONTAINING APPROXIMATELY 39.42 ACRES, AND GENERALLY LOCATED WITHIN THE AREA BOUNDED ON THE NORTH BY SE 4TH STREET, ON THE SOUTH BY SE 10TH STREET,*

ON THE EAST BY SE 7TH AVENUE, AND ON THE WEST BY THE ALLEY BETWEEN SE 4TH AVENUE AND SE 5TH AVENUE, ALL OF WHICH ARE ADJACENT TO EITHER SE 5TH AVENUE OR SE 6TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE “CITY OF DELRAY BEACH, ZONING MAP, MAY 4, 2021”; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.(SECOND READING/PUBLIC HEARING)

Recommendation: Review and consider Ordinance No. 19-21 on Second Reading, a rezoning of approximately 39.42 acres of land from General Commercial in part, Neighborhood Commercial in part, and Professional Office District in part, to Central Business District for the properties generally located within the area bounded on the north by SE 4th Street, on the south by SE 10th Street, on the east by SE 7th Street, and on the west by SE 4th Avenue, all of which are adjacent to either SE 5th Avenue or SE 6th Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ord No 19-21: Rezoning to CBD](#)

[Ord No 19-21: Location Map](#)

[Ord No 19-21: Proposed Zoning Map](#)

[Ord No 19-21: Legal Review](#)

Deputy Vice Mayor Frankel motioned to approve Ordinance No. 19-21. Commissioner Casale seconded the motion. The motion was carried by the following vote:

YES: 5 Mayor Petrolia, Vice Mayor Johnson, Deputy Vice Mayor Frankel, Commissioner Boylston, Commissioner Casale

APPROVED

8.C. 21-801 *ORDINANCE NO. 20-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH BY AMENDING CHAPTER 4, “ZONING REGULATIONS”, ARTICLE 4.4, “BASE ZONING DISTRICT”, SECTION 4.4.13. “CENTRAL BUSINESS DISTRICT (CBD)”, SUBSECTION (A), “PURPOSE AND INTENT”; SUBSECTION (B), “REGULATING PLANS”; SUBSECTION (C), “ALLOWABLE USES”; SUBSECTION (D), “CONFIGURATION OF BUILDINGS”; SUBSECTION (E), “FRONTAGE STANDARDS”; SUBSECTION (F), “ARCHITECTURAL STANDARDS”; SUBSECTION (G), “CIVIC OPEN SPACES”; SUBSECTION (H), “INCENTIVE PROGRAM”; AND, SUBSECTION (I), “CBD PARKING STANDARDS”; TO CREATE THE “SOUTH PAIRS NEIGHBORHOOD*

SUB-DISTRICT" IN THE CBD AND INCLUDE REGULATIONS SPECIFIC TO THE NEW SUB-DISTRICT, INCLUDING BUT NOT LIMITED TO, ALLOWABLE USES, PARKING, BUILDING CONFIGURATION, FRONTEAGE STANDARDS, ARCHITECTURAL STANDARDS, CIVIC OPEN SPACES, PROVIDING FOR NEW FIGURES, PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (SECOND READING/PUBLIC HEARING)

Recommendation: Review and consider Ordinance No. 20-21 on Second Reading, amendments to the Land Development Regulations (LDR) Sections 4.4.13, Central Business District (CBD), associated with the expansion of the CBD to create a new Sub-district in the area on the north by SE 4th Street, on the south by SE 10th Street, on the east by SE 7th Street, and on the west by the alley between SE 4th Avenue and SE 5th Avenue, all of which are adjacent to either SE 5th Avenue or SE 6th Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ord No. 20-21: LDR Amendments](#)

[Ord No. 20-21: PZB Staff Report](#)

[Ord No. 20-21: Legal Review](#)

Deputy Vice Mayor Frankel motioned to approve Ordinance No. 20-21. Commissioner Casale seconded the motion. The motion was carried by the following vote:

YES: 5 Mayor Petrolia, Vice Mayor Johnson, Deputy Vice Mayor Frankel, Commissioner Boylston, Commissioner Casale

APPROVED

9. FIRST READINGS:

9.A. None

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

Thanked the Commission and residents for welcoming him to Delray Beach.

B. City Attorney

Reported the Lauzier vs City of Delray trial is scheduled to start the next day.

C.City Commission

Commissioner Casale:

- Thanked the Parks and Recreation Department for a wonderful Christmas Tree Lighting Celebration and mentioned that she was a tree greeter.
- Enjoyed the Menorah Lighting.
- Ask for a Proclamation recognizing Mr. Eric Davis, who runs Delray Rocks Youth Football Team.

Deputy Vice Mayor Frankel:

- Expressed the Menorah Lighting was great.
- Project Holiday was a great event and Delores Rangel did a wonderful job.
- Thanked Chris Bell and Chief Tomey for administrating COVID-19 vaccines at the Delray Lakes Apartments.

Commission Boylston:

- Thanked his colleagues for attending at least one city event.
- He announced he will not be in attendance at the December 14, 2021 Regular Commission Meeting.
- Commended Ms. Jennifer Alvarez for her role as Interim City Manager.

Vice Mayor Johnson:

- Commented the turkey giveaway was a success.
- Discussed the Florida League of Cities proposal for emergency calls.
- Talked about the Health Department's presentation about septic tanks and city water. She mentioned that new rates would be proposed.
- Provided a handout about the Florida League of Cities insurance.

Mayor Petrolia:

- Mentioned giving incentives or obtaining grants for converting from septic tanks to city water.

- Expressed that the turkey giveaway to all employees was a success.
- Complimented the Parks and Recreation Department on the pickle ball tournament.
- Acknowledged the Police Department for solving its first cold case.
- Mentioned the record number of attendees for the Christmas Tree Lighting Celebration.
- Promoted the Holiday Boat Parade on Friday and Holiday Float Parade on Saturday, both starting at 6:00 p.m.
 - Project Holiday was a success and offered kudos to Delores Rangel.
 - Commented to Mr. Moore that the presentations were too long.

11. ADJOURNMENT

There being no further business to discuss, Mayor Petrolia adjourned the Regular City Commission Meeting at 7:18 p.m.



Karen Phiss
City Clerk

ATTEST:



Shelley Peters
MAYOR

The undersigned is the City Clerk of the City of Delray Beach, Florida, and the information provided herein is the Minutes of the December 7, 2021 City Commission Regular Meeting held on December 7, 2021, which minutes were formally approved and adopted by the City on April 5, 2022.



Karen Phiss
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.