

City of Delray Beach

*100 NW 1st Avenue - Delray Beach, Florida 33444
Phone: (561) 243-7000 - Fax: (561) 243-3774
www.mydelraybeach.com*



Minutes - Final

Tuesday, October 20, 2020

4:00 PM

Regular Meeting at 4:00 PM

Delray Beach City Hall

City Commission

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

0. ROLL CALL

The City Commission Meeting was called to order at 4:00 p.m.
The roll call was taken by Katerri Johnson City Clerk. The following were present:

Present: 5 - Mayor Shelly Petrolia, Deputy Vice Mayor Shirley Ervin Johnson, Commissioner Adam Frankel, Vice-Mayor Ryan Boylston, and Commissioner Juli Casale

1. PLEDGE OF ALLEGIANCE TO THE FLAG

Others present were:
Jennifer Alvarez, Interim City Manager
Lynn Gelin, City Attorney
Katerri Johnson, City Clerk

2. CITY COMMISSION MEETING PROCEDURES DURING COVID-19

2.A. REVIEW AND ADOPTION OF DELRAY BEACH CITY COMMISSION MEETING PROCEDURES DURING COVID-19 STATE OF EMERGENCY DATED OCTOBER 20, 2020

Body: **Recommended Action:**

Recommendation: Motion to Approve and Adopt the Delray Beach City Commission Meeting Procedures During Covid-19 State of Emergency dated October 20, 2020.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[ADDITIONAL MEETING PROCEDURES DURING COVID](#)
[InPerson Meetings Memo to Commission 10.15.20](#)

3. AGENDA APPROVAL

Due to technical difficulties the vote was unclear.

4. PRESENTATIONS:

4.A. RESOLUTION NO. 169-20 RECOGNIZING SGT. RICHARD JACOBSON FOR 30 YEARS OF SERVICE

Body: **Recommended Action:**

Recommendation: Motion to Approve Resolution No. 169-20 honoring Sgt. Richard Jacobson for 30 years of service.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Resolution 169.20 Richard Jacobson 10.20.20](#)

Mayor Petrolia read Resolution No. 169-20 into the record. The Commissioners and members of the police department recognized and commended Sergeant Richard Jacobson for his 30 years of service. Chief Sims gave a few words about Sergeant Richardson's character and impact on the department.

4.B. PRESENTING MIGLENA HOOKS, INFRASTRUCTURE ENGINEER, WITH EMPLOYEE OF THE MONTH FOR APRIL 2020.

Body: **Recommended Action:**

Recommendation: Motion to present MIGLENA HOOKS, INFRASTRUCTURE ENGINEER, WITH EMPLOYEE OF THE MONTH FOR APRIL 2020.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)

[Employee of The Month Nomination Form .pdf](#)

Duane D'Andrea, Human Resources Director recognized Miglena Hooks as employee of the month. Jay Stacy Chief Technical Director commended Ms. Hooks for her behind the scenes efforts to help the City adapt to virtual meetings during the pandemic. Ms. Hooks accepted her award and received eight hours off with pay.

4.C. RECOGNITION OF ROY M. SIMON

Body: **Recommended Action:**

Recommendation: Motion to recognize Roy M. Simon for years of dedicated service in the City of Delray Beach.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Roy Simon Proclamation](#)

Mayor Petrolia read the proclamation into the record. She recognized Roy Simon's dedication to the City of Delray Beach and wished him a wonderful 90th birthday. The Commissioners presented Mr. Simon with a key to the City.

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

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

Jennifer Alvarez, Interim City Manager, Informed the Commissioners that

the beaches are closed for swimming due to bacterial levels. The beaches will reopen for swimming on Thursday, October 22, 2020.

B. From the Public

Wesley Schuller, residing at 618 NW 2nd Street, expressed his concerns regarding Mayor Petrolia's ethics investigation, Mr. Gretsas, utility bills, and water quality.

Laura Simon, Executive Director of Delray Beach Downtown Development Authority, residing at 85 SE 4th Avenue congratulated the Commissioners for their efforts in the City of Delray Beach and for recognizing her father, Roy Simon's achievements.

6. CONSENT AGENDA: City Manager Recommends Approval

Deputy Vice Mayor Johnson requested to pull item 6.C. from the Consent Agenda for discussion. Item 6.C. became item 7.A.A. on the Regular Agenda.

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

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Casale

6.A.

RESOLUTION NO. 173-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION TO HIDEAWAY BY THE SEA, LLC, FOR THE HISTORIC REHABILITATION OF THE PROPERTY LOCATED AT 126 SE 7TH AVENUE, AS FURTHER DESCRIBED HEREIN; DETERMINING THAT THE COMPLETED IMPROVEMENTS ARE CONSISTENT WITH LAND DEVELOPMENT REGULATION (LDR) SECTION 4.5.1(J), TAX EXEMPTION FOR HISTORIC PROPERTIES; AND PROVIDING AN EFFECTIVE DATE.

Body: Recommended Action:

Recommendation: Review and consider Resolution No. 173-20; approving a Historic Property Ad Valorem Tax Exemption request for improvements to the contributing structure and property located at 126 SE 7th Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)[Ad Valorem Tax Exemption Application- 126 SE 7th Ave-2020-08-05](#)[Warranty Deed & Tax Bill- 126 SE 7th Ave-2020-08-05](#)[Certificate of Occupancy- 126 SE 7th Ave-2020-08-05](#)[Site Plan Elevations-126 SE 7th Ave-2020-08-05](#)[Photographs- 126 SE 7th Ave-2020-08-05](#)[City Approval Letter-126 SE 7th Avenue-2020-08-05](#)[HPB Staff Report-126 SE 7th Ave-2020-08-05](#)[Simple Legal Review Approval 173-20.pdf](#)[Resolution 173-20-126 SE 7th Avenue](#)**6.B.**

RESOLUTION NO. 174-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION TO HIDEAWAY BY THE SEA, LLC, FOR THE HISTORIC REHABILITATION OF THE PROPERTY LOCATED AT 128 SE 7TH AVENUE, AS FURTHER DESCRIBED HEREIN; DETERMINING THAT THE COMPLETED IMPROVEMENTS ARE CONSISTENT WITH LAND DEVELOPMENT REGULATION (LDR) SECTION 4.5.1(J), TAX EXEMPTION FOR HISTORIC PROPERTIES; AND PROVIDING AN EFFECTIVE DATE.

Body: **Recommended Action:**

Recommendation: Review and consider Resolution No. 174-20; approving a Historic Property Ad Valorem Tax Exemption request for improvements to the contributing structure and property located at 128 SE 7th Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)[Resolution 174-20-128 SE 7th Avenue](#)[Ad Valorem Tax Exemption Application- 128 SE 7th Ave- 2020-08-05](#)[Warranty Deed & Tax Bill- 128 SE 7th Ave-2020-08-05](#)[Certificate of Occupancy- 128 SE 7th Ave- 2020-08-05](#)[Site Plan Elevations-128 SE 7th Ave-2020-08-05](#)[Photographs- 128 SE 7th Ave-2020-08-05](#)[City Approval Letter-128 SE 7th Avenue-2020-08-05](#)[HPB Staff Report-128 SE 7th Ave-2020-08-05](#)[Simple Legal Review Approval 174-20.pdf](#)**6.C.**

APPROVAL FOR AN INCREASED AMOUNT OF \$258,324 TO THE INITIAL CONTRACT TERM FOR A MODIFIED NEW INITIAL TERM VALUE OF \$749,157 WITH PROLIME CORPORATION FOR WET LIME SLUDGE HAULING FROM THE WATER TREATMENT PROCESS FOR THE UTILITIES DEPARTMENT.

Body: Recommended Action:

Recommendation: Motion to approve an increased amount of \$258,324 to the initial contract term with Prolime Corporation for an overall revised initial term total of \$749,157 and for a total estimated amount of \$1,679,157 over the extended term if all renewal options are exercised within the contract, for wet lime sludge hauling from the water treatment process for the Utilities Department.

Sponsors: Purchasing Department

Attachments: [Agenda Cover Report](#)

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

[Correct Prolime Agenda Memo](#)

Jennifer Alvarez, Interim City Manager, and Hassan Hadjimiry, Utilities Director explained there was a miscalculation of the monthly cost in the Prolime Corporation contract; the contract value would need to be corrected to continue wet lime sludge hauling services.

Interim City Manager Alvarez informed the Commissioners that the finance department has appropriated funds for this item without reevaluating the approved 2021 budget.

Vice Mayor Boylston made a motion to approve the increased amount of \$258,324 to the initial contract term with Prolime Corporation. It was seconded by Commissioner Frankel. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Casale

6.D. PROCLAMATIONS:

6.D.1. PROCLAMATION FOR FLORIDA CITY GOVERNMENT WEEK

Body: Recommended Action:

Recommendation: Motion to proclaim October 19-25, 2020 as Florida City Government Week.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Proclamation FLORIDA CITY GOVERNMENT WEEK 2019](#)

6.D.2. DELRAY READS DAY - PROCLAMATION

Body: **Recommended Action:**

Recommendation: Motion to approve the Delray Reads Day Proclamation.

Sponsors: Neighborhood & Community Services

Attachments: [Agenda Cover Report](#)

[Delray Reads Day Proclamation](#)

6.E. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**6.E.1. REPORT OF APPEALABLE LAND USE ITEMS FROM SEPTEMBER 14, THROUGH SEPTEMBER 25, 2020.**

Body: **Recommended Action:**

Recommendation: By motion, receive and file this report.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Appealable Items Map](#)

[A - Appealable Report - Spice Office Building](#)

[B - Appealable Item - 415, 417 and 419 E Atlantic Ave](#)

[C- Appealable Item - Amar Restaurant](#)

[D- Appealable Item - Verano at Delray Condominium](#)

[E - Appealable Report - Lionfish Restaurant](#)

[F - Appealable Report - Delray City Market](#)

6.F. AWARD OF BIDS AND CONTRACTS:**6.F.1. APPROVAL OF RESOLUTION NO. 165-20 TO AWARD AN AGREEMENT WITH ENTERPRISE LEASING COMPANY OF FLORIDA, LLC FOR UNDERCOVER VEHICLE RENTAL SERVICES UTILIZING THE CITY OF CORAL SPRINGS SOLICITATION RFP NO. 17-C-053 - \$105,000**

Body: **Recommended Action:**

Recommendation: Motion to Approve Resolution No. 165-20 to award an Agreement to Enterprise Leasing Company of Florida, LLC, for undercover vehicle rental services in the estimated amount of \$105,000 utilizing the City of Coral Springs RFP No. 17-C-053 and authorize the City Manager to exercise renewal options, in the amounts below, contingent upon appropriation of funds.

Sponsors: Police Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist Enterprise Undercover Iw 9.24](#)

[Resolution 165-20 Award of Agreement Iw rev](#)

[PD Undercover Vehicles - Agreement Gov Contract Iw rev 10.13](#)

7. REGULAR AGENDA:

7.A. RESOLUTION NO. 105-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING THE WEST ATLANTIC MASTER PLAN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Body: **Recommended Action:**

Recommendation: Review and consider Resolution No. 105-20, adopting the West Atlantic Master Plan.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Resolution 105-20 W Atlantic Master Plan](#)

[West Atlantic Master Plan](#)

[West Atlantic Master Plan PZB Staff Report](#)

Anthea Giannotes, Development Services Director, asked if there were questions regarding Resolution No. 105-20 based on her previous presentation.

Vice Mayor Boylston made a motion to approve Resolution No. 105-20. It was seconded by Commissioner Frankel. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Casale

7.B. NOMINATION FOR APPOINTMENT TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE

Body: **Recommended Action:**

Recommendation: Motion to approve the nomination for appointment for one (1) regular member to serve on the Affordable Housing Advisory Committee for a two (2) year term ending July 31, 2022.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Exhibit A](#)

[Affordable Housing Advisory Committee 2020](#)

[Byrns](#)

[Cherelus](#)

[Donohue](#)

[McGinnis](#)

[Nesi](#)

[Parsons](#)

[Pasquale](#)

[Sefer](#)

Commissioner Frankel nominated Joanne McGinnis to the Affordable Housing Advisory Committee. It was seconded by Vice Mayor Boylston. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Casale

7.C.

RATIFICATION OF EMERGENCY REGULATIONS RELATED TO COVID-19 ACTIVATED UNDER CHAPTER 95 OF THE DELRAY BEACH CODE OF ORDINANCES

Body: **Recommended Action:**

Recommendation: Motion to Ratify the 29th and 30th Extensions of the State of Emergency for COVID -19 and Resolution Number 186-20.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[29th Extension Emergency Declaration - COVID -19](#)

[30th Extension Emergency Declaration - COVID -19](#)

[Reso No. 186-20](#)

Commissioner Frankel motioned to approve the ratification of the State of Emergency Extensions for COVID-19 Resolutions. It was seconded by Deputy Vice Mayor Johnson. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Casale

7.D.

ACCEPTANCE OF INVESTIGATIVE REPORT

Body: Recommended Action:

Recommendation: Motion to accept the Investigative Report completed by the Internal Auditor, Dr. Julia Davidyan, dated October 12, 2020.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[City of Delray Beach Investigative Report 101220](#)

Vice Mayor Boylston motioned to approve Dr. Davidyan's report on the George Gretsas' investigation. It was seconded by Deputy Vice Mayor Johnson. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Casale

7.E. HEARING PROCEDURE FOR PUBLIC HEARING CONCERNING GEORGE GRETASAS

Body: Recommended Action:

Recommendation:

1. The attorney shall read the Written Charges adopted by the Commission on August 24, 2020.
2. The public shall have an opportunity for comments (3 minutes per speaker).
3. Mr. Gretsas shall have an opportunity to present evidence and/or testimony, including the testimony of third parties, to rebut the Written Charges.
4. The attorney for the City shall have the opportunity to question Mr. Gretsas and any witnesses presented by Mr. Gretsas.
5. The public hearing shall be closed and a motion to terminate Mr. Gretsas with or without cause should be made and discussed by the Mayor and Commissioners. In the alternative, the Commission can move to reinstate Mr. Gretsas as the City Manager or make a motion to direct staff to negotiate a severance agreement with Mr. Gretsas.
6. The Mayor shall then call for a roll call.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[Gretsas FINAL 10-2019](#)

Lynn Gelin, City Attorney, reviewed the proposed public hearing procedures with the Commissioners.

Commissioner Frankel motioned to approve the procedures for the public hearing. It was seconded by Vice Mayor Boylston. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Casale

8. PUBLIC HEARINGS:

8.A. ORDINANCE NO. 12-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES BY AMENDING SECTION 4.4.13 "CENTRAL BUSINESS DISTRICT", SUBSECTION 4.4.13(C)(3)(b) "CENTRAL CORE AND BEACH SUB-DISTRICTS", TO AMEND THE BASIS FOR GROUND FLOOR RETAIL REQUIREMENTS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (SECOND READING).

Body: Recommended Action:

Recommendation: Review and consider Ordinance No. 12-20, a City-initiated amendment to the Land Development Regulations, Section 4.4.13 "Central Business District," subsection 4.4.13(C)(3)(b), to provide exception to the retail requirement within the Central Core and Beach Sub-districts for properties that have 80 percent or more of frontage at a setback of 25 feet or greater.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ord. 12-20 - Required Retail Frontage](#)

[Ord. No. 12-20 - PZB Staff Report](#)

[Ord. No. 12-20 - Map of Area Impacted by the Amendment](#)

[Legal Review - Ord. 12-20 Required Retail Frontage](#)

City Attorney Gelin read Ordinance No. 12-20 into the record.

Mayor Petrolia opened the corridor for public comments.

Christina Morrison, residing at 2809 Florida Blvd, distributed a list of properties in the City's downtown core. She expressed her concern for the 85 properties that are up for lease or sale. She asked the Commissioners to vote to leave the use in place to protect the businesses in that area.

Vice Mayor Boylston motioned to approve Ordinance No. 12-20 on Second Reading. It was seconded by Deputy Vice Mayor Johnson. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Casale

8.B.

ORDINANCE NO. 50-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 7, "BUILDING REGULATIONS," ARTICLE 7.1, "BUILDING REGULATIONS," OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, BY AMENDING SECTION 7.1.8, "CONSTRUCTION PARKING," AMENDING THE TITLE TO INCLUDE CONSTRUCTION STAGING; BY AMENDING SECTION 7.1.8(A), "CONSTRUCTION PARKING," TO CLARIFY OFFSITE PARKING REQUIREMENTS DURING CONSTRUCTION; BY AMENDING SECTION 7.1.8(B), "ENFORCEMENT," BY DELETING THE EXISTING SECTION AND ENACTING A NEW SECTION 7.1.8(B), "CONSTRUCTION STAGING," TO PROVIDE PROCEDURES AND STANDARDS FOR STAGING MATERIALS AND EQUIPMENT AT CONSTRUCTION SITES; BY ENACTING A NEW SECTION 7.1.8(C), "MAINTENANCE OF TRAFFIC (MOT) PLAN," TO PROVIDE SUBMISSION REQUIREMENTS FOR CONSTRUCTION PARKING AND STAGING THAT INVOLVES A TRAVEL LANE, BIKE LANE, OR SIDEWALK CLOSURE; BY ENACTING A NEW SECTION 7.1.8(D), "ENFORCEMENT," TO ESTABLISH PENALTIES FOR VIOLATIONS OF APPROVED CONSTRUCTION PARKING MANAGEMENT PLANS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (SECOND READING)

Body: Recommended Action:

Recommendation: Review and consider a request to approve Ordinance No. 50-20, a City-initiated amendment to Section 7.1.8 "Construction parking" of the Land Development Regulations to modify existing language governing construction parking and provide new regulations for construction staging.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ordinance No. 50-20: Construction Parking and Staging](#)

[Ordinance No. 50-20: PZB Staff Report](#)

[Ordinance No. 50-20 Legal Review](#)

Lynn Gelin, City Attorney, read Ordinance No. 50-20 into the record.

Anthea Giannotes, Development Services Director, presented updates on the staff-initiated project.

Mayor Petrolia opened the floor to allow public comments.

Laura Simon, Executive Director of Delray Beach Downtown Development Authority, residing at 85 SE 4th Avenue, expressed her support of the new proposed regulations.

The Commissioners discussed concerns regarding the amendment.

City Attorney Gelin further explained the enforcement measures that staff proposed to implement. Ms. Gelin recommended changing the wording in section one of the request.

Further discussion ensued between the Commissioners and Ms. Gianniotis about the construction guidelines.

Commissioner Frankel felt that the City should research what other municipalities are doing before making a decision on the matter.

Commissioner Casale motioned to approve Ordinance 50-20 on Second Reading with the condition of removing the word waiver from section one. It was seconded by Vice Mayor Boylston. The motion carried by the following vote:

Yes: 4 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Vice-Mayor Boylston, and Commissioner Casale

No: 1 - Commissioner Frankel

8.C.

ORDINANCE NO. 41-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES BY AMENDING CHAPTER 2, "ADMINISTRATIVE PROVISIONS," ARTICLE 2.4, "GENERAL PROCEDURES," SECTION 2.4.3, "SUBMISSION REQUIREMENTS," TO REMOVE THE DEVELOPMENT SERVICES FEE SCHEDULE FROM THE LAND DEVELOPMENT REGULATIONS AND TO UPDATE THE PROCEDURES FOR ESTABLISHING AND AMENDING DEVELOPMENT APPLICATION PROCESSING FEES; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE (SECOND READING).

Body: Recommended Action:

Recommendation: Review and consider a request to approve Ordinance No. 41-20, a City-initiated amendment to LDR Section 2.4.3(K), Fees, to remove the Delray Beach Development Services Fee Schedule from the Land

Development Regulations (LDRs) and establish procedures for adopting Development Services Fees.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ordinance No. 41-20, Fees](#)

[P&Z Board Report Ordinance No. 41-20, Fees](#)

[Legal Review Ordinance No. 41-20, Fees](#)

Items 8.C. and 8.C.1. are interrelated and would be presented together. City Attorney Gelin read Ordinance No. 41-20 and Resolution No. 133-20 into the record.

Anthea Giannotes, Development Services Director, gave a presentation on the staff-initiated project. The proposed project would create a resolution to allow the Development Services department to adjust their fee schedule. Ms. Giannotes informed the Commission that the Planning and Zoning Board unanimously voted in support of the project on September 22, 2020.

Mayor Petrolia opened the floor for public hearing; no one wished to speak on this item.

Vice Mayor Boylston motioned to approve Ordinance No. 41-20. on Second Reading. It was seconded by Commissioner Frankel. The motion carried by the following vote.

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Casale

8.C.1. RESOLUTION NO. 133-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ESTABLISHING A SCHEDULE OF FEES FOR DEVELOPMENT APPLICATIONS, PURSUANT TO THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH, FLORIDA SECTION 2.4.5, "PROCEDURES FOR OBTAINING DEVELOPMENT APPROVALS, ADOPTING DEVELOPMENT APPLICATION FEES FOR THE DEVELOPMENT SERVICES DEPARTMENT; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Body: Recommended Action:

Recommendation: Review and consider a request to approve Resolution No. 133-20, adopting a Development Services Fee Schedule.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Resolution 133-20, Adopting Fees](#)
[P&Z Board Report - Fees](#)
[P&Z Board Report - Exhibit A, Fee Comparison](#)
[P&Z Board Report - Exhibit B, Fee Proposal](#)
[Legal Review Resolution No. 133-20, Adopting Fees](#)

Vice Mayor Boylston made a motion to approve Resolution No. 133-20. It was seconded by Commissioner Casale. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Casale

9. FIRST READINGS:

9.A.

ORDINANCE NO. 29-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, BY AMENDING CHAPTER 4, "ZONING REGULATIONS", ARTICLE 4.4, "BASE ZONING DISTRICT"; SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT", SUBSECTION (G), "CIVIC OPEN SPACES" AND SUBSECTION (I), "CBD PARKING SPACES", TO AMEND REQUIREMENTS FOR BICYCLE PARKING IN CIVIC OPEN SPACES, TO AMEND THE MINIMUM NUMBER OF BICYCLE PARKING SPACES, TO PROVIDE SPACE LOCATION AND STREETSCAPE, AND TO PROVIDE FOR SPACING REQUIREMENTS TO MEET SECTION 4.6.9 FOR LOCATION OF BICYCLE PARKING; AMENDING SECTION 4.6.9, "OFF-STREET PARKING REGULATIONS," SUBSECTION (C), "NUMBER OF PARKING SPACES REQUIRED," SUBSECTION (D), "DESIGN STANDARDS," AND SUBSECTION (E), "LOCATION OF PARKING SPACES", TO AMEND REQUIREMENTS FOR THE NUMBER OF BICYCLE PARKING SPACES REQUIRED, CREATE BICYCLE PARKING TYPOLOGIES FOR SHORT AND LONG TERM PARKING, AND PROVIDE LOCATION AND SPACING REQUIREMENTS FOR BICYCLE PARKING; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

Body: Recommended Action:

Recommendation: Review and consider Ordinance No. 29-20 on first reading, a City-initiated request to amend and update the Land Development Regulations (LDR) regarding the citywide requirements for bicycle parking and accompanying facilities.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ordinance No. 29-20: Bicycle Racks and Facilities](#)

[PZB STAFF REPORT - Bike Racks and Facilities](#)

[Ordinance No. 29-20: Legal Review Approval](#)

City Attorney Gelin read Ordinance 29-20 into the record.

Anthea Gianniotis, Development Services Director, presented the amendment. She explained the current regulations in place and how the amendment would provide additional bicycle parking. Ms. Gianniotis informed the Commissioners that the Planning and Zoning Board voted unanimously in support of the project on September 21, 2020.

The Commissioners asked Ms. Gianniotis and Brian Ruscher, Transportation Planner, questions about the design of the bike racks and showers.

Vice Mayor Boylston motioned to approve Ordinance No. 29-20 on First Reading. It was seconded by Commissioner Frankel. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Casale

9.B.

ORDINANCE NO. 46-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ANNEXING INTO THE CITY OF DELRAY BEACH, ONE PARCEL OF LAND LOCATED IMMEDIATELY WEST OF BARWICK ROAD AND IMMEDIATELY SOUTH OF CANAL L-30 AT 13029 BARWICK ROAD, WITH THE SAME BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS HEREIN; COMPRISING APPROXIMATELY ONE ACRE IN SIZE AND SITUATED CONTIGUOUS TO THE EXISTING MUNICIPAL LIMITS OF THE CITY OF DELRAY BEACH; PROVIDING FOR INCLUSION OF THIS ONE (1) PARCEL INTO THE CITY AND A REDEFINITION OF THE CITY BOUNDARIES PURSUANT TO SUB-SECTION 171.044(2), FLORIDA STATUTES; PROVIDING FOR CONFORMANCE WITH ALL VOLUNTARY ANNEXATION PROCEDURES AS SET FORTH IN SECTION 171.044, FLORIDA STATUTES; PROVIDING FOR FILING WITH PALM BEACH COUNTY AND THE DEPARTMENT OF STATE; PROVIDING A CONFLICTS CLAUSE; AND A SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Body: Recommended Action:

Recommendation: Review and consider Ordinance No. 46-20 on first reading, a privately initiated request for annexation of a parcel of land located at 13029 Barwick Road, subject to Florida Statutes Section 171 and the City of Delray Beach Land Development Regulations Section 2.4.5(C)(1).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ordinance 46-20 - Annexation 13029 Barwick Road](#)

[Ordinance 46-20 -PZB Staff Report](#)

[Ordinance 46-20 - Applicant's Justification Statement](#)

[Ordinance 46-20 - Property Survey](#)

[Ordinance 46-20 - Comprehensive Plan Maps](#)

[Legal Review Ord 46-20 47-20 and 48-20](#)

Items 9.B, 9.C, and 9.D. are interrelated and would be presented together. Lynn Gelin, City Attorney, read Ordinance numbers 46-20, 47-20, and 48-20 into the record.

Andrea Keiser, Attorney of Keiser Legal, gave a presentation on the annexation request for the Barwick Road project.

Anthea Giannotes, Development Services Director, provided a staff analysis on the proposed project.

Vice Mayor Boylston motioned to approve Ordinance No. 46-20 on First Reading. It was seconded by Commissioner Frankel. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Casale

9.C.

ORDINANCE NO. 47-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL SCALE LAND USE MAP AMENDMENT FOR ONE PARCEL OF LAND RE-DESIGNATING LAND APPROXIMATELY ONE ACRE IN SIZE FROM PALM BEACH COUNTY MEDIUM RESIDENTIAL (MR-5) TO CITY OF DELRAY BEACH LOW DENSITY (LD), PURSUANT TO SECTION 163.3187 FOR THE PROPERTY LOCATED AT 13029 BARWICK ROAD, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Body: Recommended Action:

Recommendation: Review and consider Ordinance No. 47-20 on First Reading, a privately initiated land use map amendment redesignating the property located at 13029 Barwick Road from Palm Beach County Medium Residential

(MR-5) to Delray Beach Low Density (LD).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ord. No. 47-20 - Proposed Ordinance](#)

[Ord. No. 47-20 - PZB Staff Report](#)

[Ord. No. 47-20 - Survey](#)

[Ord. No. 47-20 - Applicant's Justification Statement](#)

[Ordinance 47-20 - Comprehensive Plan Maps](#)

[Legal Review Ord 46-20 47-20 and 48-20](#)

Vice Mayor Boylston motioned to approve Ordinance No. 47-20 on First Reading. It was seconded by Commissioner Casale. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Casale

9.D.

ORDINANCE NO. 48-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND RE-DESIGNATING PORTIONS OF LAND PRESENTLY ZONED PALM BEACH COUNTY AGRICULTURAL RESIDENTIAL (AR) TO CITY OF DELRAY BEACH SINGLE FAMILY RESIDENTIAL (R-1-AA); FOR A PARCEL OF LAND LOCATED AT 13029 BARWICK ROAD, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Body: Recommended Action:

Recommendation: Review and consider Ordinance No. 48-20 on First Reading, a privately initiated rezoning request for the property located at 13029 Barwick Road from Palm Beach County Agricultural Residential (AR) to Delray Beach Single Family Residential (R-1-AA).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ord. No. 48-20 - Proposed Ordinance](#)

[Ord. No. 48-20 - PZB Staff Report](#)

[Ord. No. 48-20 - Applicant's Justification Statement](#)

[Ordinance 48-20 - Survey](#)

[Legal Review Ord 46-20 47-20 and 48-20](#)

Vice Mayor Boylston motioned to approve Ordinance No. 48-20 on First Reading. It was seconded by Commissioner Frankel. The motion carried by the following vote:

Yes: 5 - Mayor Petrolia, Deputy Vice Mayor Ervin Johnson, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Casale

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

Jennifer Alvarez, Interim City Manager, thanked staff for their efforts to bring in-person meetings back to the Commission Chambers.

B. City Attorney

Lynn Gelin, City Attorney, recognized Interim City Manager Alvarez for her first time sitting in the Commission Chambers.

Ms. Gelin informed the Commissioners that Mr. Lauzier's case is scheduled for trial in February 2021. The City is also finishing up depositions on the Stewart and Coleman cases. Additionally, she notified the Commissioners that the zoning maps are being finalized.

C. City Commission

Vice Mayor Boylston presented photos of the City of Delray Beach's bus shelter pilot program.

There was consensus to expand the City of Delray Beach's bus shelter program and allow the Chamber of Commerce to raise money for local schools.

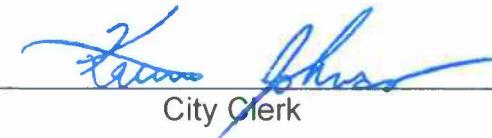
Vice Mayor Boylston informed his colleagues that he is working with School Board Member Dr. Robinson to expand the Collier Car Club program for students.

Deputy Vice Mayor Johnson welcomed Commissioner Casale and Interim City Manager Alvarez to their first in-person meeting.

Mayor Petrolia requested to have a conversation about the Cory Jones Memorial at the next workshop meeting. She asked for clarification regarding the timeline on bringing back in-person events. Mayor Petrolia also suggested that the City work with community members to improve the City's seawall to prevent king tide and flooding issues. Mayor Petrolia requested staff to send the Commission meeting presentations to Commissioner's laptops.

She then asked her colleagues to send her nonprofits that are helping the City through COVID-19. Lastly, she reported that she will remain in her position.

With no further business to discuss, the meeting was adjourned at 6:13 p.m.



Karen Phiss
City Clerk

ATTEST:



Shelley Pebern
MAYOR

The undersigned is the City Clerk of the City of Delray Beach, Florida, and the information provided herein is the Minutes of the October 20, 2020 City Commission Meeting held on October 20, 2020, which Minutes were formally approved and adopted by the City Commission on January 19, 2021.



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.