

# City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

Phone: (561) 243-7000

[www.delraybeachfl.gov](http://www.delraybeachfl.gov)



## Minutes - Final

Tuesday, September 5, 2023

4:00 PM

Regular Meeting at 4:00 PM / 1st Public Budget Hearing at 5:01

PM

Delray Beach City Hall or Watch on YouTube:

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

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## City Commission

*Mayor Shelly Petrolia*

*Vice Mayor Ryan Boylston*

*Deputy Vice Mayor Rob Long*

*Commissioner Adam Frankel*

*Commissioner Angela Burns*

## 1. ROLL CALL

The September 5, 2023, Regular City Commission Meeting was called to order at 4:00 p.m. City Clerk, Katerri Johnson, called the roll, and the following were present:

Terrence Moore - City Manager

Lynn Gelin - City Attorney

**Present:** 5 - Mayor Shelly Petrolia, Commissioner Adam Frankel, Vice-Mayor Ryan Boylston, Deputy Vice Mayor Rob Long, and Commissioner Angela Burns

## 2. PLEDGE OF ALLEGIANCE TO THE FLAG

## 3. AGENDA APPROVAL

**A motion was made by Commissioner Frankel, seconded by Commissioner Burns, that this be approved. The motion carried by the following vote:**

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

### 3.A. Additions, Deletions, Substitutions

None.

## 4. PRESENTATIONS:

### 4.A. CITY ADAPTABILITY INDEX SURVEY

**Sponsors:** City Manager Department

**Attachments:** [Agenda Cover Report](#)

Kent Edwards, Sustainability Officer, briefly explained what a City Adaptability Index (CAI) study is and how performing one would positively impact the city.

Michael Davis, with WDI, shared that a CAI would allow the City to analyze and act to address the changing economic and social environment happening within the city.

Vice Mayor Boylston suggested engaging in this conversation at the next Annual Strategic Plan Meeting.

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

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

## 5.B. From the Public

Montre Bennett, 323 NW 2nd Avenue, Delray Beach

Asked the Commission to refrain from expanding development on Atlantic Avenue's 6th, 7th, and 800 blocks.

Anastasia Wright, 225 SW 7th Avenue, Delray Beach

Asked the Commission to help stop people who feed feral cats on city properties.

Diane Bolt, Server at Luna Rosa, Delray Beach

Discussed the homeless population and the adverse effects it has on businesses.

Hailey Dayton, Server at Luna Rosa, Delray Beach

Requested more security near the restaurant for the homeless people who harass the staff and the patrons.

Alex Korlano, Bartender at Luna Rosa Restaurant, Delray Beach

Stated that the police have been called numerous times for the homeless disturbances.

Delores Rangel, 619 NE 45th Drive, Delray Beach

Requested the Commission to allow for a Cost-of-Living Adjustment (COLA) to the white-collar workers.

Ernestine Holiday, 40 NW 9th Avenue, Delray Beach

Requested the Commission consider what was being built on Atlantic Avenue from 6th through 10th Avenue. She also mentioned the feral cat problems.

Shirley Johnson, 455 NE 5th Avenue, Delray Beach

Clarified the acquisition made against her at the last Commission meeting by a retired employee.

Linda Simmons Benarcik, 2510 Angela Drive, Delray Beach

Requested the city to take orders to ask her neighbor to remove the junk from his driveway.

Robert Guacini, 36 South Ocean Blvd, Delray Beach

Stated he lived above Luna Rosa Restaurant and had to call the police every night for the noise the homeless people created.

Rick Klosky, 36 South Ocean Blvd. Delray Beach

Supported having a more substantial security presence to help make the

area safer.

Charles Ridley, 210 NW 2nd Avenue, Delray Beach

Proposed retaining a consultant to work with the Set Community to update the Set Transformation Master Plan before any development decisions are decided.

Willie Potts

Stated that he would like to see the Police Advisory Board meet again.

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

## **6. CONSENT AGENDA: City Manager Recommends Approval**

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

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

### **6.A. CITY COMMISSION MEETING MINUTES**

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)

[July 18, 2023 Regular Meeting Minutes - DRAFT](#)

[August 7, 2023 Closed Atty Client Session Meeting Minutes - DRAFT](#)

[August 8, 2023 Workshop Meeting Minutes - DRAFT](#)

[August 8, 2023 Regular Meeting Minutes - DRAFT](#)

**This Minutes was approved.**

### **6.B. APPROVAL OF A MINOR SUBDIVISION PLAT FOR A TWO-LOT SUBDIVISION KNOWN AS "ANDREWS AVENUE TOWNHOMES," WHICH CONSISTS OF A REPLAT OF PARCEL 1, OF MOORE'S LANDING, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 42, PAGE 72 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 9, TOWNSHIP 46 SOUTH, RANGE 43 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA, AND CURRENTLY ADDRESSED AS 810 NORTH ANDREWS AVENUE.**

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)

[Proposed Plat](#)

[Location Map - 810 N Andrews](#)

[Request Letter - 810 Andrews](#)

This Request was approved.

**6.C.** PROPOSED OFFER OF SETTLEMENT IN THE CASE OF ROSELAURE SENARD V. DARREN JAY MCMORROW AND CITY OF DELRAY BEACH

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)

This Request was approved.

**6.D.** MOTION TO APPROVE AMENDMENT NO. 7 to RFP NO. 2016-069L WITH TYLER TECHNOLOGIES INC. FOR ENTERPRISE RESOURCE PLANNING SOLUTIONS SERVICES IN THE AMOUNT OF \$113,820 PER YEAR FOR THREE YEARS TOTALING \$341,460.00.

**Sponsors:** IT Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Amd #7 Tyler adding licenses](#)  
[Amendment 7](#)  
[Amd 6 Tyler - Complete Ex A](#)  
[Amendment No 5](#)  
[Amendment No 4](#)  
[Amendment No 3](#)  
[Amendment No 2](#)  
[Amendment No 1](#)  
[Tyler Executed](#)

This Purchasing was approved.

**6.E.** ITEM(S) A1, A2, A3, A4, A5, A6, A7, A8, A9, A10, A11, A12, A13 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 509 PALM TRAIL; A RIGHT-OF-WAY DEDICATION BY 234 PALM TRAIL; A RIGHT-OF-WAY DEDICATION BY 125 SW 13TH AVE.; A RIGHT-OF-WAY DEDICATION BY 904 SE 4TH ST.; A RIGHT-OF-WAY DEDICATION BY 102 BASIN DR.; A RIGHT-OF-WAY DEDICATION BY 303 SE 7th AVE.; A RIGHT-OF-WAY DEDICATION BY 102 NE 13th AVE.; A RIGHT-OF-WAY DEDICATION BY 318 SE 5th ST.; A RIGHT-OF-WAY DEDICATION BY 317 SW 7th AVE.; A RIGHT-OF-WAY DEDICATION BY PCN 12-43-46-17-16-006-0060; AND A RIGHT-OF-WAY DEDICATION BY PCN 12-43-46-17-22-002-0100 AND A RIGHT-OF-WAY DEDICATION BY 324 NW 3rd AVE. AND A RIGHT-OF-WAY DEDICATION BY 805 W ATLANTIC AVE.

ITEM(S) B1- ACCEPTANCE OF A GENERAL UTILITY EASEMENT  
AGREEMENT BY 1158 LOWRY ST.

Sponsors: Public Works Department

**Attachments:** [Agenda Cover Report](#)[A1a - Right of Way Deed - 509 Palm Trail - Justin and Jennifer Dye](#)[A1b - Sketch and Legal for Right of Way Deed - 509 Palm Trail - Justin and Jennifer Dye](#)[A1c - Legal Review Right of Way Deed 509 Palm Trail Justin and Jennifer Dye](#)[A2a - Right of Way Deed - 234 Palm Trail - Stephen MacDonald and Nicolette McDougall](#)[A2b - Sketch and Legal for Right of Way Deed - 234 Palm Trail - Stephen MacDonald and Nicolette McDougall](#)[A2c - Legal Review Right of Way Deed 234 Palm Trail - Stephen MacDonald and Nicolette McDougall](#)[A3a - Right of Way Deed - 125 SW 13th Ave - Strong Island Real Estate Holdings](#)[A3b - Sketch and Legal for Right of Way Deed -125 SW 13th Ave - Strong Island Real Estate Holdings](#)[A3c - Legal Review Right of Way Deed 125 SW 13th Ave Strong Island Real Estate Holdings](#)[A4a - Right of Way Deed - 904 NE 4th St - William and Annmarie Cimosky](#)[A4b - Sketch and Legal for Right of Way Deed - 904 NE 4th St - William and Annmarie Cimosky](#)[A4c - Legal Review Right of Way Deed 904 NE 4th Street William and Marianne Cimosky](#)[A5a - Right of Way Deed - 102 Basin Drive - Robert Fishel personally and trustee and Beth Fishel](#)[A5b - Sketch and Legal for Right of Way Deed - 102 Basin Drive - Robert Fishel personally and trustee and Beth Fishel](#)[A5c - Legal Review Right of Way Deed 102 Basin Drive - Robert Fishel, personally and as trustee, and Beth Fishel](#)[A6a - Right of Way Deed - 303 SE 7th Ave -Bianca and Donald Pucci Trust](#)[A6b - Sketch and Legal for Right of Way Deed - 303 SE 7th Ave - Bianca and Donald Pucci Trust](#)[A6c - Legal Review Right of Way Deed 303 SE 7th Avenue Bianca and Donald Pucci](#)[A7a - Right of Way Deed - 102 NW 13th Ave - Delray Beach Land Trust](#)[A7b - Sketch and Legal for Right of Way Deed - 102 NW 13th Ave -Delray Beach Land Trust](#)[A7c - Sketch and Legal for Right of Way Deed - 102 NW 13th Ave -Delray Beach Land Trust](#)[A7d - Legal Review Right of Way Deed 102 NW 13th Avenue DBCLT](#)[A8a - Right of Way Deed - 318 SE 5th St - PJB Real Estate LLC](#)[A8b -Sketch and Legal for Right of Way Deed - 318 SE 5th St PJB Real Estate LLC](#)[A8c - Legal Review Right of Way Deed 318 SE 5th Street PJB Real Estate LLC2](#)[A9a - Right of Way Deed - 317 SW 7th Ave - Jessica Stragn](#)[A9b - Sketch and Legal for Right of Way Deed - 317 SW 7th Ave - Jessica Stragn](#)

[A9c - Legal Review Right of Way Deed 317 SW 7th Avenue Jessica Straghn](#)

[A10a -Review Right of Way Deed PCN 12-43-46-17-16-006-0060](#)

[A10b - Sketch and Legal for Right of Way Deed PCN](#)

[12-43-46-17-16-006-0060](#)

[A10c - Legal Review Right of Way Deed PCN](#)

[12-43-46-17-16-006-0060](#)

[A11a - Right of Way Deed - PCN 12-43-46-17-22-002-0100](#)

[A11b - Sketch and Legal for Right of Way Deed - PCN](#)

[12-43-46-17-22-002-0100](#)

[A11c - Legal Review Right of Way Deed PCN](#)

[12-43-46-17-22-002-0100](#)

[A12a - Right of Way Deed - 324 NW 3rd Ave. - Mercedes and Manual Ramirez](#)

[A12b - Sketch and Legal for Right of Way Deed - 324 NW 3rd Ave. - Mercedes and Manual Ramirez](#)

[A12c - Legal Review Right of Way Deed 324 NW 3rd Ave - Manuel and Mercedes Ramirez](#)

[A13a - Right of Way Deed - 805 W Atl Ave - CRA](#)

[A13b - Sketch and Legal for Right of Way Deed 805 W Atl Ave - CRA](#)

[A13c - Legal Review Right of Way Deed 805 W Atl Ave - CRA](#)

[B1a - Utility Easement - 1158 Lowry St - Sean Thaomas Walsh](#)

[B1b- Sketch and Legal for Utility Easement - 1158 Lowry St - Sean Thaomas Walsh](#)

[B1c - Legal Review General Utility Easement 1158 Lowry Street Sean Thomas Walsh](#)

**This Request was approved.**

## 6.F.

APPROVAL OF AMENDMENT NO. 1 TO ITB 2022-054 WITH MANSFIELD OIL COMPANY OF GAINSVILLE, INC. FOR ADDITIONAL UNLEADED GASOLINE AND DIESEL FUEL IN THE AMOUNT OF \$446,500 FOR A REVISED CONTRACT VALUE OF \$6,300,200

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)

[Legal Review Checklist Amendment No. 1 to ITB 2022-054](#)

[2022-054 Amendment No.1 Unleaded Gas and Diesel](#)

[2022-054 Exhibit A - Pricing Schedule.doc](#)

[Exhibit B - Fee Schedule](#)

[Exhibit C-Revised Gas Tank Locations](#)

[ITB 2022-054 Mansfield Oil Co. of Gainesville Inc](#)

[Executed Resolution 169-22](#)

[Vendor Signed 2022-054 Amendment No. 1 Unleaded Gas and Diesel](#)

**This Request was approved.**



- 6.G.** APPROVAL OF AMENDMENT NO. 1 TO RFQ NO. 2021-005 WITH CHA CONSULTING INC., FORMALLY KNOWN AS A&P CONSULTING TRANSPORTATION ENGINEERS CORP. FOR ADDITIONAL CONSTRUCTION ENGINEERING AND INSPECTION SERVICES FOR THE RECLAIMED WATER MAIN AREA 10 PROJECT IN THE AMOUNT OF \$18,464, FOR A REVISED CONTRACT VALUE OF \$201,814.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist A & P Consulting Amendment](#)  
[Amendment No. 1 to 2021-005 Reclaimed Watermain Area 10](#)  
[Proposal for Amendment No. 1 to RFQ 2021-004](#)  
[Contract Increase to RFQ 2021-005](#)  
[Agreement - A&P Consulting Transportation Engineers Corp. Servic. 052722](#)

**This Request was approved.**

- 6.H.** APPROVAL TO INCREASE THE VALUE OF SOLE SOURCE NO. SS2023-009 WITH LOU BACHRODT FREIGHTLINER FOR ORIGINAL EQUIPMENT MANUFACTURER (OEM) PARTS AND RELATED SERVICE FOR FREIGHTLINER VEHICLES BY \$20,000, FOR A FY23 TOTAL OF \$80,000.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[Sole Source Memo - Lou Bachrodt 4.3.2023](#)

**This Request was approved.**

- 6.I.** APPROVAL TO INCREASE THE CONTRACT VALUE OF P2021- 012 WITH MILLENNIUM PRODUCTS, INC. FOR PURCHASES OF LICENSE PLATE RECOGNITION CAMERAS, CCTV CAMERAS, ACCESSORIES, AND RELATED SERVICES IN THE AMOUNT OF \$126,557.91, FOR A REVISED CONTRACT TOTAL OF \$401,557.91

**Sponsors:** Police Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist\\_millenium LPR](#)  
[Executed Agreement - Millennium Products Inc.](#)  
[GSA GS-07F-0031W Millenium Products Inc 2023](#)  
[Q-08785 Delray Beach Police Department \(FL\) - Fixed LPR](#)  
[MSI Vigilant Online Terms Acknowledgement v2 \(1\) \(3\)](#)  
[Offer Addenda – LinC Non-MSI Camera LPR Hosting \(3\)](#)  
[Legal Review Form\\_Millenium 2023](#)

This Request was approved.

**6.J. CITY ADAPTABILITY INDEX SURVEY**

**Sponsors:** City Manager Department

**Attachments:** [Agenda Cover Report](#)

This Request was approved.

**6.K. PROCLAMATIONS:**

**6.K.1. HISPANIC HERITAGE MONTH PROCLAMATION**

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[National Hispanic Heritage Month Proclamation 2023](#)

This Proclamation was approved.

**6.K.2. PROCLAMATION TO PROCLAIM SEPTEMBER 16, 2023 AS NATIONAL CLEAN UP DAY.**

**Sponsors:** Neighborhood & Community Services

**Attachments:** [Agenda Cover Report](#)  
[National Cleanup Day Proclamation](#)

This Proclamation was approved.

**6.L. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**

6.L.1. None

**6.M. AWARD OF BIDS AND CONTRACTS:**

**6.M.1. APPROVAL OF RESOLUTION NO. 132-23 TO AWARD AN AGREEMENT WITH SELECTRON TECHNOLOGIES INC. FOR THE PROCUREMENT OF PERMIT AND UTILITIES MANAGED SERVICES IN THE SELECTRON CLOUD ENVIRONMENT FOR BILLING AND INSPECTIONS**

**Sponsors:** IT Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Res 132-23](#)  
[Legal Review Checklist Selectron](#)  
[Vendor Signed](#)  
[City Standard Approval](#)

**This Resolution was approved.**

- 6.M.2.** APPROVAL OF RESOLUTION NO. 160-23 TO AWARD AN AGREEMENT WITH UNIVERSAL BEACH SERVICE CORP., FOR BEACH CLEANING, MAINTENANCE, AND BEAUTIFICATION SERVICES - \$408,600 FOR THE INITIAL THREE-YEAR TERM

**Sponsors:** Parks & Recreation Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist](#)  
[Resolution No. 160-23](#)  
[Request For Proposal \(RFP\) 2023-030](#)  
[Universal Beach Services Corp. Submittal](#)  
[Vendor Signed Agreement](#)

**This Resolution was approved.**

- 6.M.3.** APPROVAL OF RESOLUTION NO. 152-23 TO AWARD AN AGREEMENT WITH CRAIG A. SMITH & ASSOCIATES, INC., FOR UNDERGROUND UTILITY LOCATION SERVICES, UTILIZING THE TOWN OF PEMBROKE PARK SOLICITATION NO. ITB 22-04, IN A TOTAL AMOUNT NOT TO EXCEED \$900,000.

**Sponsors:** Utilities Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist Craig A. Smith.pdf](#)  
[Resolution No. 152-23 Craig A. Smith LLC](#)  
[P2023-048 Craig A Smith Agreement.pdf](#)  
[Pricing Sheet.pdf](#)  
[Utility locates agreement.pdf](#)

**This Request was approved.**

- 6.M.4.** APPROVAL OF RESOLUTION NO. 183-23 AND TO RETROACTIVELY APPROVE AN AGREEMENT WITH ALLIED UNIVERSAL CORP., FOR THE PURCHASE AND DELIVERY OF SODIUM HYPOCHLORITE; UTILIZING THE CITY OF FORT LAUDERDALE COOPERATIVE SOLICITATION ITB EVENT NO. 139, IN A TOTAL AMOUNT NOT

EXCEED \$1,120,000.

**Sponsors:** Utilities Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Contract Award Event 139\\_Sodium Hypochlorite \(Co-Op\).pdf](#)  
[Exhibit 2 - Bid Tabulation.pdf](#)  
[Legal Review Checklist Allied Universal.pdf](#)  
[P2023-058 Allied Universal Corp Agreement.pdf](#)  
[Resolution Allied Universal.pdf](#)

This Request was approved.

## 7. REGULAR AGENDA:

**7.A.** RESOLUTION NO. 180-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, OVERRULING THE RECOMMENDATION OF DENIAL OF THE PLANNING AND ZONING BOARD, SERVING AS THE LOCAL PLANNING AGENCY FOR THE CITY, OF THE REZONING OF APPROXIMATELY 5.08 ACRES LOCATED AT 4594 133rd ROAD SOUTH FROM AGRICULTURE RESIDENTIAL TO SINGLE FAMILY RESIDENTIAL (R-1-A); PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.  
(QUASI-JUDICIAL)

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution. No.180-23](#)  
[Appeal Letter, 4594 133rd Road South](#)  
[PZB Staff Report, 4594 133rd Road South](#)  
[Applicant Project Narrative, 4594 133rd Road South](#)  
[Ordinance No. 23-23](#)  
[Map AD-1 Planning Area](#)  
[Map AD-23 Annexation Areas](#)  
[Map - Proposed Zoning 4594 133rd Road South](#)  
[Traffic Study, 4594 133rd Road South](#)  
[TPS Review Letter, 4594 133rd Road South](#)  
[Proof of Legal Notice](#)  
[Legal Review, Resolution No. 180-23](#)

Mayor Petrolia read the quasi-judicial rules into the record for Item 7.A. and Katerri Johnson swore in those who wished to testify on this item.

Mayor Petrolia asked her colleagues if they had ex-parte communications to disclose.

Mayor Petrolia: None.

Deputy Vice Mayor Long: Spoke with the applicant and Mr. Schiller.

Vice Mayor Boylston: Spoke with Mr. Schiller.

Commissioner Burns: Spoke with the attorney and Mr. Schiller.

Commissioner Frankel: Spoke with the applicant and Mr. Schiller.

Anthea Gianniotis, Development Services Director, entered File No's. 2023-107, 2023-109, and 2023-108 into the record.

Neil Schiller was present and requested the Commission to overrule the recommendation of denial from the Planning and Zoning Board, serving as the local planning agency for the city, of the rezoning of approximately 5.08 acres located at 4594 133rd Road South, from agriculture residential to single family residential.

Ms. Gianniotis provided a staff report on this item. She highlighted the regulations governing annexation and stated the applicant had agreed to build to standards.

Mayor Petrolia opened the floor to public comments.

Carol Anderson, 4812 Bexley Park Drive, Delray Beach  
Expressed concern that there wasn't enough room for a sidewalk, which posed a danger to pedestrians.

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

The Commission discussed the sizing of the proposed units and road safety.

**This Resolution was approved.**

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

**Abstain:** 1 - Mayor Petrolia

## **7.B.**

### **NOMINATION FOR APPOINTMENT TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE**

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)  
[Exhibit A](#)  
[Affordable Housing Advisory Committee](#)  
[Quarterly Attendance AHAC](#)  
[Cantwell](#)  
[Cohn](#)  
[Hale](#)  
[Land](#)  
[Olieberg](#)  
[Petillo](#)  
[Thompson](#)

Hale was appointed.

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

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

**7.C. NOMINATION FOR APPOINTMENT TO THE CODE ENFORCEMENT BOARD**

**Sponsors:** City Clerk Department

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

Canton was appointed.

Commissioner Burns deferred her nomination.

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

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

**7.D. NOMINATION FOR APPOINTMENT TO THE EDUCATION BOARD**

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)

[Exhibit A](#)

[Education Board](#)

[Ed Board Quarterly Attendance](#)

[Augustin Badet](#)

[Barthelemy](#)

[Bennett](#)

[Biro](#)

[Burstein](#)

[Campbell](#)

[Carstarphen](#)

[Fannon](#)

[Lora](#)

[Stark](#)

[Williams](#)

Commissioner Burns nominated Barthelemy to the Education Board, seconded by Commissioner Frankel that this Appointment be approved. The motion carried by the following vote:

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

**approved**

Mayor Petrolia nominated Stark to the Education Board, seconded by Vice Mayor Boylston that this Appointment be approved. The motion carried by the following vote:

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

**approved**

Vice Mayor Boylston nominated Williams to the Education Board, second by Commissioner Frankel that this Appointment be approved. The motion carried by the following vote:

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

**approved**

**These Appointment were approved.**

- 7.E.** RESOLUTION NO. 184-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AUTHORIZING A SPECIAL EVENT SPONSORSHIP IN AN AMOUNT NOT TO EXCEED \$10,000 FOR THE SPECIAL EVENT KNOWN AS THE MUSCLE ON THE BEACH CAR SHOW; AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

**Sponsors:** City Manager Department

**Attachments:** [Agenda Cover Report](#)

[Resolution No 184-23 Muscle on the Beach sponsorship final lg rev 8-24-24](#)

[Muscle On The Beach 2024 Request for City Special Event](#)

[Sponsorship with Attachments](#)

[Muscle on the Beach 2024 special event application](#)

[Muscle on the Beach Car Show - Mar 2, 2024 costs](#)

[Simple Legal Review Approval sponsorship muscle on the beach](#)

Jeff Oris, Assistant City Manager, introduced George Walden, DBA Muscles on the Beach Car Show. Mr. Oris acknowledged that Mr. Walden was the first sponsorship applicant utilizing the new Special Events Procedures. Mr. Walden appeared before the Special Events Technical Advisory Committee (SETAC), where he received conditional approval for a one-day car show on the grounds of the Old School Square Campus. Mr. Walden stated the anticipated profits from the event would be \$25,000 and would be donated to the Sandoway Discovery Center for needed repairs.

**This Resolution was approved.**

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

**Abstain:** 1 - Commissioner Frankel

- 7.F.** APPOINTMENT OF STAFF ASSISTANT CITY ATTORNEY

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)

[Daniela Vega resume](#)

Lynn Gelin, City Attorney, stated her office had received numerous applications for the position of Staff Assistant and recognized Daniela



Vega as the most qualified for the job.

**A motion was made by Commissioner Frankel, seconded by Vice-Mayor Boylston, that this Request be approved. The motion carried by the following vote:**

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

## **8. PUBLIC HEARINGS/SECOND READINGS:**

### **8.A.**

ORDINANCE NO. 10-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.6, "SUPPLEMENTAL DISTRICT REGULATIONS," SECTION 4.6.19, "TREE PRESERVATION, PROTECTION, ENFORCEMENT, AND MAINTENANCE," TO REMOVE THE FEE SCHEDULE FOR IN LIEU FEES, VEGETATION REMOVAL PERMITS AND EXCEPTIONAL SPECIMEN TREE PENALTIES FROM THE LAND DEVELOPMENT REGULATIONS IN ORDER TO BE APPROVED BY RESOLUTION TO ESTABLISH MITIGATION REQUIREMENTS FOR PALM TREES, TO REQUIRE MITIGATION FOR TREES AND PALMS WITH LESS THAN 50 PERCENT CONDITION RATING, TO MODIFY THE LIST OF NUISANCE PLANT SPECIES, AND TO UPDATE THE LANGUAGE FOR CLARITY; AND AMENDING APPENDIX A, "DEFINITIONS," TO MODIFY THE DEFINITION OF EXCEPTIONAL SPECIMEN TREE TO REQUIRE A DIAMETER AT BREAST HEIGHT OF 18 INCHES OR MORE AND TO DELETE IN ITS ENTIRETY THE DEFINITION OF SPECIMEN TREE AS DUPLICATIVE; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (SECOND READING/PUBLIC HEARING)

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[PZB Staff Report](#)  
[Ordinance No. 10-23](#)  
[Resolution No. 39-23, For Reference Only](#)  
[Legal Review, Ordinance No. 10-23](#)  
[Proof of Legal Ad](#)

Lynn Gelin entered Ordinance No. 10-23 into the record.

Anthea Gianniotis. Development Services Director stated Ordinance No.10-23 was a city-initiated amendment. She noted this resolution would not change or reduce the tree preservation ordinance and would not increase the ability to remove trees.

Mayor Petrolia opened the floor to public comments on Ordinance No.10-23.

Seeing no one present, Mayor Petrolia closed public comments.

The Commission provided feedback on this item. They recognized the significance of maintaining the city's tree canopy.

Ms. Gianniotis clarified Ordinance No.10-23 was about moving fees from a Land Development Regulation into a Resolution and treating Palm Trees appropriately.

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

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

**8.A.1.**

RESOLUTION NO. 39-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ESTABLISHING A SCHEDULE OF FEES, PURSUANT TO THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH, FLORIDA, SECTION 2.4.3(K), "FEES," ADOPTING A SCHEDULE OF IN-LIEU FEES FOR MITIGATION OF TREE AND PALM REMOVAL, FOR THE DEVELOPMENT SERVICES DEPARTMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution No. 39-23](#)  
[PZB Staff Report](#)  
[Legal Review, Resolution No. 39-23](#)

Anthea Gianniotis provided a staff report on this item and stated that it was intended to establish a fee schedule for mitigating tree and palm removal.

The Commission engaged in a discussion and noted the importance of keeping the city's canopy.

**This Resolution was approved.**

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

**8.B.**

ORDINANCE NO. 11-23: 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 4.6, "SUPPLEMENTAL DISTRICT REGULATIONS", SECTION 4.6.16. "LANDSCAPE REGULATIONS," SUBSECTION (E), "LANDSCAPE DESIGN STANDARDS" TO CLARIFY THE STANDARDS FOR THE DESIGN AND INSTALLATION OF PLANT MATERIALS AND TO ADOPT REGULATIONS GOVERNING THE USE OF ARTIFICIAL TURF; AMENDING SUBSECTION (H), "MINIMUM LANDSCAPE REQUIREMENTS" TO AMEND THE MINIMUM LANDSCAPE REQUIREMENTS FOR SINGLE FAMILY DETACHED RESIDENCES BY PROHIBITING THE USE OF ARTIFICIAL TURF IN THE RIGHT OF WAY; AND AMENDING APPENDIX A - "DEFINITIONS" TO PROVIDE A NEW DEFINITION FOR ARTIFICIAL TURF AND TO AMEND THE DEFINITION OF OPEN SPACE TO PROHIBIT THE USE OF ARTIFICIAL TURF IN THE CALCULATION OF OPEN SPACE AREAS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES. (SECOND READING/PUBLIC HEARING)

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[PZB Staff Report, Artificial Turf](#)  
[Ordinance No. 11-23, Artificial Turf](#)  
[Table - Artificial Turf CLG Research](#)  
[Synthetic Turfgrass and the Nine Principles of Florida Friendly Landscaping](#)  
[Why We Don't Recommend Artificial Grass for Most People](#)  
[Synthetic Sports Fields and the Heat Island Effect](#)  
[Proof of Legal Ad](#)  
[Legal Review, Ordinance No. 11-23](#)

Lynn Gelin entered Ordinance No. 11-23 into the record.

Anthea Gianniotis described the proposed amendment and definitions when utilizing artificial turf/grass. She stated that the staff sought the Commission's direction on moving forward.

Mayor Petrolia opened the floor to public comments on Ordinance No.11-23.

Seeing no one present, Mayor Petrolia closed public comments.

**This Ordinance was approved on the Second Reading. The City Attorney will modify the language to clarify where it is acceptable**

to place artificial turf.

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

**Yes:** 4 - Mayor Petrolia, Commissioner Frankel, Vice-Mayor Boylston, and Commissioner Burns

**Abstain:** 1 - Deputy Vice Mayor Long

**8.C.**

**APPROVAL OF RESOLUTION 119-23: STORMWATER UTILITY ASSESSMENT (PUBLIC HEARING)**

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)

[1. Updated-Res 119-23 for Stormwater Utility Assessment](#)

[2. Certificate to Non-Ad Valorem Assesment Roll](#)

[3. Exhibit A- Resolution 119-23 for Stormwater Utility Assessment FY23-24](#)

[4. Delray 2023 TRIM -Res 119-23 Stormwater Utility Assessment](#)

[5. Simple Legal Review Approval Stormwater Utility Assessment 119-23](#)

[6. Proof of Advertisement](#)

Missie Barletto, Public Works Director, was present to seek the Commission's approval to allow staff to proceed with the new Stormwater Utility Rate Structure. She gave a brief presentation on the change in the Assessment Rate Structure.

Mayor Petrolia opened the floor to public comments on Resolution No.119-23.

James Beckley, 3919 Arelia Drive, Delray Beach  
Requested the Commission not discontinue the religious tax exemption.

Betti Adams, 4260 NW 10th Street, Delray Beach  
Asked the Commission to reconsider taxing/assessing houses of worship.

Eric Adams, 4260 NW 10th Street, Delray Beach  
Asked the Commission why religious organizations were now being taxed.

Carol Anderson, 4812 W. Bexley Park Drive, Delray Beach  
Stated religious organizations were at a disadvantage for the fee structure due to their large parking lots that were utilized 2-3 times a year.

David Redlefsen, 777-D South Drive, Delray Beach  
Stated he disagreed with how the assessment was computed.

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

The Commission discussed the financial impact if religious organizations continued to be exempt from the assessment.

Ms. Gelin suggested delaying taxing religious organizations for another year until more information was gathered.

Vice Mayor Boylston motioned to approve Resolution No.119-23 with the inclusion of the religious exemption that exists today.

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

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

**8.D. RESOLUTION NO. 143-23: GENERAL FUND OPERATING AND DEBT SERVICE PROPOSED MILLAGE RATES**

**Sponsors:** Finance Department

**Attachments:** [Agenda Cover Report](#)  
[Resolution 143-23 FY 2024](#)  
[2024 Certified Taxable Value - Year 2023](#)  
[Simple Legal Review Approval 143-23](#)

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

Hugh Dunkley, Finance Director, provided a comprehensive overview of the proposed millage rates.

Mayor Petrolia opened the floor to public comments on Resolution No.143-23.

Seeing no one present, Mayor Petrolia closed public comments.

Vice Mayor Boylston motioned to approve the total millage rate of 6.4982 mills for the fiscal year beginning October 1, 2023.

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

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

**8.E. RESOLUTION NO. 144-23: DOWNTOWN DEVELOPMENT AUTHORITY PROPOSED MILLAGE RATE**

**Sponsors:** Finance Department

**Attachments:** [Agenda Cover Report](#)

[Resolution 144-23 DOWNTOWN DEVELOPMENT AUTHORITY  
MILLAGE 9.5.2023](#)  
[DDA FY23-24 Proposed Budget Memo for City Commission 9.5.23](#)  
[Mtg Final \(002\)](#)  
[FY23-24 DDA BUDGET Presentation](#)  
[Simple Legal Review Approval 144-23](#)

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

Laura Simon, Executive Director of the Downtown Development Authority, was present to discuss the proposed millage rates to be levied by the Downtown Development Authority for the fiscal year beginning October 1, 2023.

The Commission engaged in a discussion regarding the Downtown Development Authorities' marketing strategies.

Commissioner Frankel reminded the Commission about the homeless problem that plagues the city.

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

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

**8.F.****RESOLUTION NO. 145-23: ADOPTION OF THE FISCAL YEAR  
TENTATIVE BUDGET BEGINNING OCTOBER 1, 2023**

**Sponsors:** Finance Department

**Attachments:** [Agenda Cover Report](#)

[Resolution 145-23 Budget FY 2024](#)  
[Exhibit A - RESOLUTION 145-23 Budget Hearing 9.5.2023](#)  
[2023-24 Proposed Budget Worksheet 9.5.2023](#)  
[Simple Legal Review Approval 145-23](#)

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

Mayor Petrolia opened the floor to public comments on Resolution No.145-23.

Seeing no one present, Mayor Petrolia closed public comments.

The Commission discussed engaging with the community more regularly in the future.

**A motion was made by Vice-Mayor Boylston, seconded by Commissioner Frankel, that this Request be approved. The motion carried by the following vote:**

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

**Abstain:** 1 - Mayor Petrolia

**8.G. APPROVAL OF THE 2024 THROUGH 2028 CAPITAL IMPROVEMENT PROGRAM BUDGET**

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)  
[~DRAFT FY24 CIP BOOK FOR 9.5.2023](#)

Missie Barletto provided the revised changes from the August 15th Budget Workshop. She stated the total Capital Improvement Budget was \$111,241,893.

Mayor Petrolia opened the floor to public comment on the Capital Improvement Program Budget.

Seeing no one present, Mayor Petrolia closed public comment

**This Request was approved.**

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

**9. FIRST READINGS:**

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

**Sponsors:** Development Services Department

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

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

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

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

## 10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

### A. City Manager

Mr. Moore requested Police Chief Mager speak on the homeless crisis within the city.

Chief Mager reported that the Police Department would collaborate with other city departments to help manage the homeless issues more efficiently.

### B. City Attorney

Requested a Shade Meeting at City Hall on September 7, 2023, at 5:00 p.m.

Vice Mayor Boylston motioned to approve the above Shade Meeting, seconded by Commissioner Frankel. The motion carried by the following vote:

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

### C. City Commission

#### **Vice Mayor Boylston:**

Acknowledged the fire earlier that day at the Old Plumosa Elementary School.

The Commission discussed speaking with the County about knocking down the other two existing buildings on the property.

Discussed the County's plans for the 24-acre development. He suggested collaborating with the County about the unused land for the Congress Avenue Corridor.

Stated the importance of engaging with the community before rebuilding West Atlantic and the Set Transformation.

#### **Commissioner Burns:**

Looking forward to finding strategies for the feral cat problem. Sam Walthour discussed the city's feral cat problem.



**Commissioner Frankel:**

Acknowledged Coco Gauff's tennis win and Jimmy Buffet's passing.

**Mayor Petrolia:**

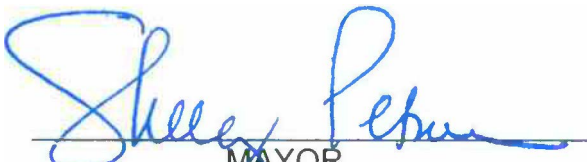
Stated she supported groups asking for city sponsorship and donating twice their profits to the city.

**11. ADJOURNMENT**

There being no further business to discuss, Mayor Petrolia adjourned the Commission Meeting at 8:30 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 September 5, 2023 City Commission Regular Meeting / 1st Public Budget Hearing held on September 5, 2023, which minutes were formally approved and adopted by the City on October 10, 2023.

  
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.