

City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

Phone: (561) 243-7000

www.delraybeachfl.gov



Minutes - Draft

Tuesday, March 5, 2024

5:00 PM

Regular Meeting at 5:00 PM

Delray Beach City Hall or Watch on YouTube:

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

City Commission

Mayor Shelly Petrolia

Vice Mayor Ryan Boylston

Deputy Vice Mayor Rob Long

Commissioner Adam Frankel

Commissioner Angela Burns

1. ROLL CALL

The March 5, 2024, Regular City Commission Meeting was called to order at 5:00 p.m. City Clerk, Katerri Johnson, called the roll, and the following were present:

Terrence Moore - City Manager
Lynn Gelin - City Attorney

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

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

Mayor Petrolia requested to pull consent Item No. 6.S.2 and 6.S.3 for discussion. They became Item No. 7. A.A. and 7.B.B. on the regular agenda.

A motion was made by Vice-Mayor Boylston, seconded by Commissioner Frankel, 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

4. PRESENTATIONS:

4.A. None

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

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

Mr. Moore recognized Missie Barletto, Public Works Director, who provided an update on the Marine Way Generator.

5.A.1. UPDATE REGARDING MARINE WAY GENERATOR PLACEMENT

Sponsors: City Manager Department

Ms. Barletto assured the Commission that the generator's placement would not obstruct the residents' view of the water. She stated the Historic Preservation Board had approved the roof design.

5.B. From the Public

Montre Bennett, 323 NW 2 Avenue, Delray Beach

Stated everyone should have freedom.

Winnie Edwards, 60 Venetian Drive, Delray Beach
Thanked the Commission for completing the Historical Society's Capital Improvement Projects.

Bob Cantwell, 107 E. Heritage Club, Delray Beach
Thanked Mr. Moore, Mr. Oris, and Sam Metott for cleaning up the beach restrooms.

Susan Lubin, 555 SE 6 Avenue, Delray Beach
Discussed the inadequate parking situation for the city's stores.

Robert Manford, 3712 S. Lansford Place, Delray Beach
Suggested installing signs to allow motorcycle parking.

Chuck Ridley, 210 NW 2 Avenue, Delray Beach
Requested the Commission help raise awareness of segregation in Delray Beach.

Christian Cox, 34 SW 5 Avenue, Delray Beach
Discussed the preservation of the Set Community.

Pablo Valbrun, with Soil and Soil
Discussed Resolution 146-35, the Race Resolution.

Sara Selnick, 1700 NW 2 Avenue, Delray Beach
Discussed suggestions for the repeal of Resolution No. 146-35.

Debra Walker, 1312 NW 2 Street, Delray Beach
Discussed healing the community by first repealing Resolution No 146-35.

Pauline Moody, no address was given.
Shared her thoughts on City issues.

George Neary, Sober House Resident, Delray Beach
Discussed crosswalk buttons not working and a new screen by the Tin Roof Restaurant.

George Long, 46 N. Swinton Avenue, Delray Beach
Gave Mayor Petrolia a picture to autograph.

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

6. CONSENT AGENDA: City Manager Recommends Approval

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

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

6.A. CITY COMMISSION MEETING MINUTES

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[January 16, 2024 Special Meeting Minutes - DRAFT](#)

[January 16, 2024 Regular Meeting Minutes - DRAFT](#)

[February 6, 2024 Workshop Meeting Minutes - DRAFT](#)

The Minutes were approved.

6.B. APPROVAL OF THE BOARD BYLAWS ESTABLISHING THE RULES OF PROCEDURE

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[BOA](#)

[EB](#)

[GIAB](#)

[HPB](#)

[PAB Bylaws](#)

[PMAB](#)

[PZB](#)

[SPRAB](#)

This Request was approved.

6.C. MOTION TO ACCEPT THE 2023 DELRAY BEACH CONGRESS AVENUE STRATEGIES STUDY PREPARED BY STREETSENSE AND CBRE

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

[Congress Avenue Strategies Report_FINALDRAFT](#)

This Request was approved.

6.D. ACCEPTANCE OF A PEDESTRIAN CLEAR ZONE EASEMENT FOR THE PROPERTY LOCATED AT 235 SE 5TH AVENUE.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[235 SE 5th Avenue - Pedestrian Clear Zone Easement Agreement](#)

[235 SE 5th Avenue - Legal Review Pedestrian Clear Zone](#)

[235 SE 5th Avenue - SPRAB Report](#)

This Request was approved.

6.E.

RESOLUTION NO. 56-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AUTHORIZING THE ISSUANCE OF A SERIES OF BONDS IN THE INITIAL AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$20,000,000 AND DESIGNATED CITY OF DELRAY BEACH, FLORIDA, GENERAL OBLIGATION BONDS, SERIES 2024 (PARKS PROJECTS) (THE "BONDS") TO FINANCE ALL OR A PORTION OF IMPROVEMENTS TO THE CATHERINE STRONG PARK, MILLER PARK AND OTHER CITY OWNED PARKS DESCRIBED IN THIS RESOLUTION; AUTHORIZING THE PUBLIC SALE OF THE BONDS BY COMPETITIVE BID SUBJECT TO CERTAIN PARAMETERS SET FORTH IN THIS RESOLUTION; APPROVING THE FORMS OF AN OFFICIAL NOTICE OF SALE AND AUTHORIZING THE PUBLICATION OF A SUMMARY THEREOF; APPROVING THE FORM AND ELECTRONIC DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT; AUTHORIZING THE EXECUTION AND ELECTRONIC DISTRIBUTION OF AN OFFICIAL STATEMENT; AUTHORIZING THE CHIEF FINANCIAL OFFICER AND/OR OTHER CITY OFFICIALS TO MAKE CERTAIN DETERMINATIONS WITH RESPECT TO THE BONDS SUBJECT TO THE PARAMETERS SET FORTH IN THIS RESOLUTION; APPOINTING A PAYING AGENT AND REGISTRAR; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A REGISTRAR/PAYING AGENT AGREEMENT; AUTHORIZING THE REGISTRATION OF THE BONDS UNDER A BOOK-ENTRY ONLY SYSTEM; PROVIDING FOR THE UNDERTAKING BY THE CITY REQUIRED BY RULE 15c2-12 OF THE SECURITIES AND EXCHANGE COMMISSION; PROVIDING FOR THE TERMS AND PAYMENT OF SUCH BONDS; PROVIDING FOR THE RIGHTS, SECURITY AND REMEDIES OF THE OWNERS THEREOF; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; PROVIDING FOR CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

[Bond Resolution GO Bonds 2024--v8](#)

[Official Notice of Sale - General Obligation Bonds Series 2024](#)

[Summary Notice of Sale - Series 2024](#)

[Preliminary Official Statement - City of Delray](#)

[Registrar_Paying Agent Agreement - Delray GO Bonds](#)

[Resolution 56-24 Legal Review](#)

This Resolution was approved.

6.F. RESOLUTION NO. 47-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE SCHEDULE OF FEES FOR FIRE SAFETY INSPECTIONS, UPDATING FEES FOR FIRE SAFETY INSPECTIONS, PURSUANT TO SECTION 96.02, "INSPECTIONS REQUIRED"; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)

[Simple Legal Review Approval Reso 47-24](#)

[Copy of Fee Schedule 2024 update](#)

[Reso 47-24 Update Fire Inspection Fee Schedule](#)

This Resolution was approved.

6.G. AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND FLORIDA ATLANTIC UNIVERSITY FOR AN EMS FELLOWSHIP PROGRAM HOSTED BY THE FIRE RESCUE DEPARTMENT.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist FAU Program Letter Agreement EMS](#)

[EMS PLA Final_lw revakl_lw rev_2.8.24_final](#)

[FAU Students FY23.24](#)

[FAUCOM FY23.24](#)

[Hold Harmless Agreement FAU EMS programakl_lw 2.7.24](#)

This Request was approved.

6.H. APPROVAL OF ADDITIONAL SPENDING ON CS2020-004 WITH OPERATIVE IQ, FOR SOFTWARE AS A SERVICE IN THE AMOUNT OF \$57,000 FOR A REVISED TOTAL OF \$107,000.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)

[City of Delray Beach - 3-Year Service Agreement](#)

[Operative IQ Catalog Parts Price-2024-01-17-12-05-55](#)

[Approved City Standard Memo Operative IQ \(1\)](#)

This Request was approved.

6.I. RESOLUTION NO. 66-24: STATE HOUSING INITIATIVES PARTNERSHIP LOCAL HOUSING ASSISTANCE PLAN (LHAP) FY2022-2025

TECHNICAL REVISION 1

Sponsors: Neighborhood & Community Services

Attachments: [Agenda Cover Report](#)

[City of Delray Beach LHAP 2022-2025 Technical Revision 1](#)

[Resolution 66-24 - Amended Local Housing Assistance Plan - Cap](#)

[Increase to \\$85,000 - Clean Copy](#)

[Legal Review Res 66-24 - Amended LHAP raising cap for owner-occupied rehab asst to \\$85,000](#)

This Resolution was approved.

6.J. APPROVAL OF UNDERGROUND UTILITY EASEMENT IN FAVOR OF FLORIDA POWER & LIGHT FOR PROPERTY LOCATED AT 148 S. OCEAN BLVD., DELRAY BEACH, FL 33483

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)

[Legal Review FPL Underground Easement 148 S Ocean](#)

[EXHIBIT 93 DCR FPL](#)

[p93 esmttemp](#)

This Request was approved.

6.K. APPROVAL OF THE LICENSE PLATE RECOGNITION CAMERA PROGRAM LICENSE AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND AUTO COMPANY XXVII, INC.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)

[LPR AGREEMENT \(BMW Delray Beach\) final](#)

[Legal Review Checklist_License Agreement_Auto Company XXVII](#)

This Request was approved.

6.L. APPROVAL OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE FEDERAL BUREAU OF INVESTIGATION AND THE CITY OF DELRAY BEACH

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist_FBI PBC Safe Streets Task Force MOU](#)

[MOU_DBPD_lw_1.24.24](#)

This Request was approved.

6.M. APPROVAL OF THE HOLD HARMLESS AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND DELRAY TRIO, LLC.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist_Delray Trio,LLC](#)

[Hold Harmless Agrmnt Executed by Delray Trio](#)

This Request was approved.

6.N. ITEM(S) A1 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 1227 CRESTWOOD DR.

ITEM(S) A2 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 530 N. SWINTON AVE.

ITEM(S) A3 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 319 ANDREWS AVE.

ITEM(S) A4 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 502 RYE LN.

ITEM(S) A5 - ACCEPTANCE OF A RIGHT-OF-WAY DEDICATION BY 235 SE 5TH AVE.

ITEM(S) B1 - ACCEPTANCE OF A GENERAL UTILITY EASEMENT BY 319 ANDREWS AVE.

ITEM(S) C1 - ACCEPTANCE OF AN UNDERGROUND EASEMENT BY 80 DEPOT AVE.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[A1a - Right of Way Deed - 1227 Crestwood Dr. - Christopher and Stacy Caywood](#)
[A1b - Legal Review Right of Way Deed - 1227 Crestwood Dr. - Christopher and Stacy Caywood](#)
[A2a - Right of Way Deed - 530 N Swinton Ave - Inhabit Acquisitions LLC](#)
[A2b - Legal Review Right of Way Deed - 530 N Swinton Ave - InHabit Acquisitions LLC](#)
[A3a - Right of Way Deed - 319 Andrews Ave - Margaret and Jordan Dorfman](#)
[A3b - Legal Review Right of Way Deed - 319 Andrews Ave - Margaret and Jordan Dorfman](#)
[A4a - Right of Way Deed - 502 Rye Ln - Robert Vreeland](#)
[A4b - Legal Review Right of Way Deed - 502 Rye Lane - Robert Vreeland](#)
[A5a - Right of Way Deed - 235 SE 5th Ave - Sir II Development LLC](#)
[A5b - Legal Review Right of Way Deed - 235 SE 5th Ave - Sir II Development LLC](#)
[B1a - General Utility Easement - 319 Andrews Ave - Jordan and Margaret Dorfman](#)
[B1b - Legal Review General Utility Easement - 319 Andrews Ave - Jordan and Margaret Dorfman](#)
[C1a - Underground Easement to FPL - City of Delray Beach - 80 Depot Avenue](#)
[C1b - Legal Review FPL Underground Easement 80 Depot Ave](#)

This Request was approved.

6.O. ITEM(S) A1, MAINTENANCE OF TRAFFIC PLAN/ ROAD CLOSURE PLAN FOR NE 4th AVE/NE 1st ST

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Item A1 - MOT for NE 4th Ave NE 1st St](#)

This Request was approved.

6.P. APPROVAL FOR ADDITIONAL SPENDING ON SOLE SOURCE NO. SS2023-018 WITH TEN-8 FIRE & SAFETY, LLC FOR ORIGINAL EQUIPMENT MANUFACTURER PARTS AND RELATED SERVICE IN THE AMOUNT OF \$20,000 PER YEAR, FOR A REVISED TOTAL VALUE OF \$96,000.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[SS 2023-018](#)

This Request was approved.

6.Q. PROCLAMATIONS:**6.Q.1. VIETNAM VETERANS' DAY PROCLAMATION**

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[VIETNAM VETERANS DAY Proclamation 2024](#)

This Proclamation was approved.

6.Q.2. ALL PEOPLE'S DAY PROCLAMATION

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[All People's Day Proclamation 2024](#)

This Proclamation was approved.

6.Q.3. PROCUREMENT MONTH PROCLAMATION

Sponsors: Purchasing Department

Attachments: [Agenda Cover Report](#)

[Procurement Month](#)

This Proclamation was approved.

6.Q.4. PROCLAMATION DESIGNATING THE MONTH OF MARCH AS FLORIDA BIKE MONTH IN DELRAY BEACH.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Florida Bicycle Month Proclamation \(2024\)](#)

This Proclamation was approved.

6.Q.5. PROCLAMATION TO DESIGNATE APRIL 2024 AS EARTH MONTH

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

[Proclamation - Earth Month 2024 ed.docx](#)

This Proclamation was approved.

6.Q.6. NATIONAL COMMUNITY DEVELOPMENT WEEK

Sponsors: Neighborhood & Community Services

Attachments: [Agenda Cover Report](#)

[National Community Development Week](#)

This Proclamation was approved.

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

6.R.1. REPORT OF APPEALABLE DEVELOPMENT APPLICATION ACTIONS FROM FEBRUARY 1, 2024, THROUGH FEBRUARY 23, 2024.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[HPB \(2-7\)-312 NW 2nd Street](#)

[HPB \(2-7\)-125 NE 1st Avenue](#)

[HPB \(2-7\)-53 Palm Square](#)

[HPB \(2-7\)-229 Venetian Drive](#)

This Request was approved.

6.S. AWARD OF BIDS AND CONTRACTS:

6.S.1. APPROVAL OF RESOLUTION NO. 68-24 TO APPROVE A BID WAIVER AGREEMENT WITH BJCE, INC. FOR GOLF CLUB MANAGEMENT SERVICES FOR THE DELRAY BEACH MUNICIPAL GOLF COURSE AND LAKEVIEW GOLF COURSE FOR A TERM OF ONE YEAR IN THE AMOUNT OF \$140,000

Sponsors: Parks & Recreation Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Res No. 68-24 BJCE Bid Waiver Agmt for Delray Beach Golf Club and Lakeview Golf Course management services Updated Legal Review BW2024-003 BJCE 2024](#)

[BJCE_BW_2024_Agmt_PE](#)

[Ex A to Res 68-24 Bid Waiver Agmt with BJCE Golf Club Management Services](#)

This Resolution was approved.

6.S.2. APPROVAL OF RESOLUTION NO. 44-24 TO AWARD AN AGREEMENT TO T2 SYSTEMS, INC. FOR PARKING MANAGEMENT SYSTEMS AND RELATED EQUIPMENT, SUPPLIES, AND SERVICES UTILIZING A CITY STANDARD APPROVAL IN THE AMOUNT OF \$625,575; AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO

EFFECTUATE THIS AGREEMENT; AND FOR OTHER PURPOSES.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[CS2024-018 T2 Systems - Parking Management Systems](#)

[Ex A - CS2024-018 T2 Master Terms and Conditions - Parking Management Systems](#)

[Ex B to CS2024-018 T2 Systems - Parking Management Systems](#)

[Res 44-24 City Standard - T2 Systems - Parking Management](#)

[Ex A to Res 44-24 City Standard Agmt with T2 Systems for Parking Management](#)

[Legal Review Checklist Agreement CS2024-018 T2 Systems Inc - Parking Management](#)

Mayor Petrolia requested to pull Item No. 6.S.2. from the Consent Agenda for discussion. It became Item No. 7.A.A.

Mayor Petrolia informed Missie Barletto, Director of Public Works, about the malfunctioning garage signage.

There was no discussion.

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

6.S.3. APPROVAL OF RESOLUTION NO. 45-24 TO AWARD AN AGREEMENT TO RANGER CONSTRUCTION INDUSTRIES, INC. FOR CONSTRUCTION SERVICES FOR THE CATHERINE DRIVE ROADWAY IMPROVEMENTS PROJECT, PURSUANT TO INVITATION TO BID CONSTRUCTION (ITBC) 2023-049 IN THE AMOUNT OF \$604,686.30.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[ITBC 2023-049 Agreement - Vendor Signed](#)

[Resolution 45-24 - ITBC 2023-049 Ranger Construction Industries](#)

[Legal Review Checklist ITBC 2023-049 Catherine Drive Rdway Improv - Ranger Construction Industries](#)

[Construction Bid Submittal - Ranger Construction Industries, Inc.](#)

[ITBC 2023-049 Advertised](#)

Mayor Petrolia requested to pull Item No. 6.S.3. from the Consent Agenda for discussion. It became Item No. 7.B.B.

Mayor Petrolia expressed her delight that a new streetlight was installed at this location.

There was no discussion.

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

6.S.4. APPROVAL OF RESOLUTION NO. 46-24 TO AWARD AN AGREEMENT WITH EISMAN & RUSSO, INC. FOR CONSTRUCTION ENGINEERING, AND INSPECTION SERVICES FOR THE LINDELL BOULEVARD BICYCLE & PEDESTRIAN IMPROVEMENTS AND THE BARWICK ROAD BICYCLE & PEDESTRIAN IMPROVEMENTS PROJECTS PURSUANT TO REQUEST FOR QUALIFICATIONS (RFQ) NO. 2023-040 IN THE AMOUNT OF \$2,175,464.66

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[RFQ 2023-040 - Agreement Vendor Signed](#)

[RFQ 2023-040 Exhibit A and B](#)

[Resolution 46-24 Lindell & Barwick CEI](#)

[Legal Review Checklist](#)

[Eisman & Russo, Inc RFQ Submittal](#)

[RFQ_2023-040 Final Solicitation](#)

This Resolution was approved.

6.S.5. APPROVAL OF RESOLUTION NO. 55-24 TO AWARD AN AGREEMENT TO ROSSO SITE DEVELOPMENT, INC FOR CONSTRUCTION SERVICES FOR THE BARWICK ROAD BICYCLE AND PEDESTRIAN IMPROVEMENTS PROJECT PURSUANT TO INVITATION TO BID CONSTRUCTION (ITBC) 2024-009 IN THE AMOUNT OF \$7,764,375.44

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[ITBC 2024-009 Agreement Vendor Signed](#)
[Exhibit A – Technical Specifications](#)
[Exhibit B - Construction Plans](#)
[Exhibit C – Regulatory Agency Permitting Documents](#)
[Exhibit D – Utility Coordination Documentation](#)
[Exhibit E - Executed Local Agency Program Agreement](#)
[Exhibit F - Barwick Roadway - Updated Sheets](#)
[Res 55-24 ITBC 2024-009 Barwick Road Bike Ped Improvements - Rosso Site Development](#)
[Legal Review Checklist ITBC 2024-009 Barwick Road Bicycle and Pedestrian Improvements - Rosso Site Development](#)
[FDOT Recommendation of Award - 441532-1 Barwick Rd](#)
[Rosso Site Development, Inc Construction Bid Submittal](#)
[ITBC 2024-009 - Final Solicitation](#)

This Resolution was approved.

6.S.6. APPROVAL OF RESOLUTION NO. 24-24 TO APPROVE AN AGREEMENT WITH M & M ASPHALT MAINTENANCE, INC., D/B/A ALL COUNTY PAVING, INC. FOR ROAD RESTORATION SERVICES, UTILIZING THE CITY OF BOYNTON BEACH INVITATION TO BID (ITB) NO. PWE22-08 ASPHALT AND SIDEWALK REHABILITATION IN A TOTAL AMOUNT NOT TO EXCEED \$475,000.

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[P2024-015 MSA_M&M Asphalt - All County Paving.docx](#)
[Resolution 24-24_M&M Asphalt dba All County Paving Sidewalk and Asphalt rehab.docx](#)
[Sidewalk and Asphalt Rehab Piggyback LR.pdf](#)

This Resolution was approved.

7. REGULAR AGENDA:

7.A. RESOLUTION NO. 19-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A MAJOR SUBDIVISION APPLICATION FOR A PLAT FOR A PROPOSED SUBDIVISION KNOWN AS "MAGNOLIA PLACE" TO REPLAT THE SOUTH HALF OF LOT 13 AND ALL OF LOTS 14 THROUGH 19 INCLUDING THE AMENDED PLAT OF SUNDY AND THE CROMER'S SUBDIVISION OF BLOCK 70 RECORDED IN PLAT BOOK 6, PAGE 17, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Res. No. 19-24-Magnolia Place \(AKA Downton Delray Villas\)](#)

[Exhibit A-Legal Description and Survey](#)

[Exhibit B-Plat](#)

[PZB Staff Report Downtown Delray Villas Plat](#)

[HPB Staff Report Downtown Delray Villas Plat](#)

[Legal Review Res 19-24 Magnolia Place Plat](#)

Mayor Petrolia read the quasi-judicial rules into the record.

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

Mayor Petrolia asked her colleagues to disclose any ex parte communications for this item.

Mayor Petrolia: Whatever is on the server.

Vice Mayor Boylston: Spoke with the applicant.

Deputy Vice Mayor Long: None.

Commissioner Frankel: Spoke with the applicant.

Commissioner Burns: Whatever is on the server.

Anthea Giannotes, Director of Development Services, entered File No's 7.A.1- 5 into the record.

Gary Eliopoulos, architect, gave an overview presentation of the Delray Villas/Magnolia Place Project. He stated the project comprises five two-story residential duplexes on five new lots in the Old School Square Historic District. Mr. Eliopoulos noted that project modifications were made per the City's findings of the City's staff.

Jeff Costello, with JC Planning, provided the positive findings for the waiver and variance requests to rezone the area from Central Business district to the Old School Square Historic District.

Anthea Giannotes provided a staff report on the proposed project. She stated that waiver reliefs were requested on all lots, primarily for installing swimming pools. Ms. Giannotes confirmed that the style was appropriate and seen throughout the Old School Square Historic District.

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

Rhonda Sexton, 2439 SW 35 Avenue, Delray Beach

Stated she was the Secretary of the Delray Beach Preservation Trust. She advised the Commission that the Trust was not in favor of approving the proposed project within the Historic District parameters.

Lou Zwick , 111 SE 1 Avenue, Delray Beach

Stated the proposed project was an improvement of the area's existing conditions and was compatible with the surrounding area.

Dave Nevensaul, 111 SE 1 Avenue, Delray Beach

Stated most residents in his building favored the proposed project.

Joy Howell, 25 NW 25 Court, Delray Beach

Stated the proposed project was too dense for the Old School Square Historic District and recommended the developer should work more closely with the Planning and Zoning Board with its design.

John Miller, 1502 Fenton Drive, Delray Beach

Stated he didn't favor this project moving forward because it did not meet the appropriate requirements for the area.

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

Mayor Petrolia asked if there were any cross examination or rebuttals for this item.

Christopher Bernardo, architect, emphasized the area is a transitional zone.

Anthea Giannotes shared the parameters of the guidelines of the Historic District.

The Commission engaged in a discussion on this item. They acknowledged the Advisory Board was responsible for assessing a project's appropriateness, and the Commission was responsible for providing a more comprehensive analysis of the project.

Mayor Petrolia stated this project expanded on the original plat and was a challenging decision since this area had stringent guidelines.

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

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

No: 2 - Mayor Petrolia, and Commissioner Burns

7.A.1. RESOLUTION NO. 49-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, OVERRULING THE

DENIAL OF A CERTIFICATE OF APPROPRIATENESS, DEMOLITION, WAIVER, AND VARIANCES BY THE HISTORIC PRESERVATION BOARD AND APPROVING SAME FOR THE CONSTRUCTION OF A TWO-STORY DUPLEX ON A PORTION OF THE PROPERTY LOCATED AT 19 SE 2ND STREET, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Res. No. 49-24-Downtown Delray Villas Lot 1 - 19 SE 2nd Street](#)

[CC SR-Downtown Delray Villas-Lot 1-2024-03-05](#)

[Building Materials and Color-Downtown Delray Villas-2024-03-05](#)

[Justification Statements-Downtown Delray Villas-2024-03-05](#)

[Plans-Downtown Delray Villas-2024-03-05](#)

[Survey-Downtown Delray Villas-2024-03-05](#)

[Legal Review Res 49-24, 50-24, 51-24, 52-24, 53-24 Magnolia Place](#)

[Duplex Appeals](#)

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

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

No: 2 - Mayor Petrolia, and Commissioner Burns

7.A.2. RESOLUTION NO. 50-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, OVERRULING THE DENIAL OF A CERTIFICATE OF APPROPRIATENESS, DEMOLITION, WAIVER, AND VARIANCES BY THE HISTORIC PRESERVATION BOARD AND APPROVING SAME FOR THE CONSTRUCTION OF A TWO-STORY DUPLEX LOCATED ON A PORTION OF THE PROPERTIES LOCATED AT 19 SE 2ND STREET AND 148 SE 1ST AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Res. No. 50-24-Downtown Delray Villas Lot 2 -19 SE 2nd Street and 148 SE 1st Ave](#)
[CC SR-Downtown Delray Villas-Lot 2-2024-03-05](#)

[Building Materials and Color Form - Downtown Delray Villas-2024-03-05](#)

[Justification Statements-Downtown Delray Villas-2024-03-05](#)

[Plans-Downtown Delray Villas-2024-03-05](#)

[Survey-Downtown Delray Villas-2024-03-05](#)

[Legal Review Res 49-24, 50-24, 51-24, 52-24, 53-24 Magnolia Place](#)
[Duplex Appeals](#)

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

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

No: 2 - Mayor Petrolia, and Commissioner Burns

7.A.3.

RESOLUTION NO. 51-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, OVERRULING THE DENIAL OF A CERTIFICATE OF APPROPRIATENESS, DEMOLITION, WAIVER, AND VARIANCES BY THE HISTORIC PRESERVATION BOARD AND APPROVING SAME FOR THE CONSTRUCTION OF A TWO-STORY DUPLEX ON A PORTION OF THE PROPERTIES LOCATED AT 134 AND 148 SE 1ST AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Res. No. 51-24-Downtown Delray Villas Lot 3 - 134 and 148 SE 1st Street](#)

[CC SR-Downtown Delray Villas-Lot 3-2024-03-05](#)

[Building Color and Material-Downtown Delray Villas-2024-03-05](#)

[Justification Statement-Downtown Delray Villas-2024-03-05](#)

[Plans-Downtown Delray Villas-2024-03-05](#)

[Survey-Downtown Delray Villas-2024-03-05](#)

[Legal Review Res 49-24, 50-24, 51-24, 52-24, 53-24 Magnolia Place](#)
[Duplex Appeals](#)

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

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

No: 2 - Mayor Petrolia, and Commissioner Burns

7.A.4.

RESOLUTION 52-24: A RESOLUTION OF THE CITY COMMISSION OF

THE CITY OF DELRAY BEACH, FLORIDA, OVERRULING THE DENIAL OF A CERTIFICATE OF APPROPRIATENESS, WAIVER, AND VARIANCES BY THE HISTORIC PRESERVATION BOARD AND APPROVING SAME FOR THE CONSTRUCTION OF A TWO-STORY DUPLEX ON A PORTION OF THE PROPERTIES LOCATED AT 130 AND 134 SE 1ST AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Res. No. 52-24-Downtown Delray Villas Lot 4 - 130 and 134 SE 1st Ave](#)
[CC SR-Downtown Delray Villas-Lot 4-2024-03-05](#)

[Building Materials and Color Form - Downtown Delray Villas-2024-03-05](#)
[Justification Statements-Downtown Delray Villas-2024-03-05](#)

[Plans-Downtown Delray Villas-2024-03-05](#)

[Survey-Downtown Delray Villas-2024-03-05](#)

[Legal Review Res 49-24, 50-24, 51-24, 52-24, 53-24 Magnolia Place Duplex Appeals](#)

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

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

No: 2 - Mayor Petrolia, and Commissioner Burns

7.A.5.

RESOLUTION 53-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, OVERRULING THE DENIAL OF A CERTIFICATE OF APPROPRIATENESS, DEMOLITION, WAIVER, AND VARIANCES BY THE HISTORIC PRESERVATION BOARD AND APPROVING SAME FOR A TWO-STORY DUPLEX ON A PORTION OF THE PROPERTY LOCATED AT 130 SE 1ST AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)[Res. No. 53-24-Downtown Delray Villas Lot 5 - 130 SE 1st Ave](#)[CC SR-Downtown Delray Villas-Lot 5-2024-03-05](#)[Building Color and Materials-Downtown Delray Villas-2024-03-05](#)[Justification Statements-Downtown Delray Villas-2024-03-05](#)[Plans-Downtown Delray Villas-2024-03-05](#)[Survey-Downtown Delray Villas-2024-03-05](#)[Legal Review Res 49-24, 50-24, 51-24, 52-24, 53-24 Magnolia Place](#)[Duplex Appeals](#)

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

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

No: 2 - Mayor Petrolia, and Commissioner Burns

7.B. RESOLUTION NO. 69-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING THE VACATION OF TRACT "P" FROM THE ATLANTIC GROVE PLAT NO. 2, RECORDED IN PLAT BOOK 133, PAGES 44 THROUGH 46, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)[Resolution No. 69-24 Atlantic Grove Tract P Vacation lg rev 2-22-24](#)[Plat Vacation Request Letter](#)[PZB Staff Report Atlantic Grove Plat Vacation](#)[PB 133 44 - Atlantic Grove Plat No. 2](#)[Atlantic Grove Corporate Resolution 07032019](#)[Atlantic Grove Corporate Resolution 07202019](#)[Atlantic Grove Corporate Resolution w Exhibits](#)[Atlantic Grove Special Warranty Deed Mount Olive](#)[Atlantic Grove Special Warranty Deed](#)[Letter Exhibit 1 Proof of Ownership](#)[Letter Exhibit 2 Portion of Plat to be Vacated](#)[Letter Exhibit 3 Draft Resolution \(Applicant Draft\)](#)[Letter Exhibit 4 Court Order](#)[Reso 69-24 lg rev](#)

Mayor Petrolia asked her colleagues to disclose any ex parte communications for this item.

Mayor Petrolia: None
Vice Mayor Boylston: None
Deputy Vice Mayor Long: None
Commissioner Frankel: None
Commissioner Burns: None

Anthea Giannotes entered File No. 2024-082 into the record.

Tim Hernandez, architect, was present on behalf of Atlantic Grove Partners. Mr. Hernandez stated the Property Appraiser shouldn't have included Tract P in the Atlantic Grove Plat 2 since it was already added to the Atlantic Grove Condominium by a Judicial Settlement Order, and plating over a condominium violates State Law. He suggested the solution was to partially vacate the plat to remove Tract P from the Plat and record Resolution No. 69-24 evidencing this action.

Anthea Giannotes provided a staff report on this item. She explained this resolution would enable the property owner to complete the establishment of the remaining properties within the Atlantic Grove Plat No. 2. On February 26, 2024, the Planning and Zoning Board recommended approval with a 4-0 vote.

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

Seeing no one present, Mayor Petrolia closed public comments.

7.C. A DISCUSSION OF PROPOSED RESOLUTION NO. 71-24.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Res. No. 71-24-Repealing Res. No. 146-1935](#)

[Exhibit A to Res. No. 71-24 - Res No. 146-1935](#)

[Simple Legal Review - Res. No. 71-24 Repeal of Res. No. 146](#)

Each Commissioner provided their feedback on Resolution No. 71-24. There was a consensus to schedule a Workshop for April 9th or April 16th to allow the new Commission to discuss this item.

No vote taken.

This Request was a consensus.

7.D. APPROVAL OF RESOLUTION NO. 74-24 AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH CDM

CONSTRUCTORS, INC., FOR PHASE ONE (1) OF THE CITY OF DELRAY BEACH WATER TREATMENT PLANT PROGRESSIVE DESIGN BUILD PROJECT PURSUANT TO RFQ 2023-066, IN AN AMOUNT OF \$14,982,309.00.

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Packet for Bid RFQ 2023-066 Advertised](#)

[Res 74-24 - Water Treatment Plant Design Build CDM Constructors lg rev.docx](#)

[Legal Review Res 74-24 - Water Treatment Plant Design Build CDM Constructors.docx](#)

Hassan Hadjimiry, Director of Utilities, provided an update on the Water Treatment Plant, Progressive Design Build Project, Phase One. He advised the Selection Committee voted to award the Request for Qualification No. 2023-066 to CDM Constructors based on their qualifications.

Suzanne Meckler, with CDM Constructors, provided the construction schedule and site plan for Phase One. She noted the City had been awarded a grant to help rebuild the Water Treatment Plant.

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

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

7.E. APPROVAL OF AMENDMENT NO. 1 TO THE PARKING SPACE AGREEMENT AND COVENANT WITH CDR DELRAY FEC, LLC

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[Amendment No. 1 to Parking Space Agreement and Covenant lg rev 2-26-24](#)

[Parking Space Agreement and Covenant - CDR Delray FEC LLC-1-24-20](#)

[Simple Legal Review Amend No 1 to Parking Space Agreement and Covenant](#)

Neil Schiller, attorney, was present to represent his client, CDR Delray FEC, LLC.

Lynn Gelin, City Attorney, advised the Commission this amendment/covenant would increase the allowable reimbursement to CDR Delray for its construction expenses as initially agreed upon on January 24, 2020, for the project known as 101 Triangle.

Mr. Shiller thanked the Commission and Ms. Gelin.

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

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

No: 1 - Mayor Petrolia

7.F. RESOLUTION 63-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING AN IMPACT EVENT KNOWN AS THE EASTER SUNRISE SERVICE TO BE HELD MARCH 31, 2024; AUTHORIZING THE CLOSURE OF A1A BETWEEN ATLANTIC AVE AND MIRAMAR DRIVE AS MORE SPECIFICALLY DESCRIBED HEREIN; AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

[Impact Event Resolution](#)

[Cason 2024 Easter Service App](#)

[Site Map Easter Service](#)

[Legal Review Res 63-24 Impact Event - Easter Sunday Service - Road Closure - Ocean aka A1A between Atlantic and Miramar](#)

The Commission recognized this as an annual event, and a presentation was unnecessary.

A motion was made by Commissioner Frankel, seconded by Vice-Mayor Boylston, 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. PUBLIC HEARINGS/SECOND READINGS:

8.A. ORDINANCE 03-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CITY OF DELRAY BEACH CODE OF ORDINANCES, CHAPTER 37, "DELRAY BEACH CODE ENFORCEMENT", TO CREATE A NEW SECTION 37.37 THROUGH 37.39 TO ESTABLISH A CIVIL CITATION PROCEDURE PURSUANT TO FLORIDA STATUTE 162, PART II, AS AN ALTERNATIVE CODE ENFORCEMENT METHOD; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (SECOND READING)

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[ORD 03-24 FINAL](#)

Ms. Gelin entered Ordinance No. 03-24 into the record.

Ms. Gelin stated Florida Statute 162 authorizes an alternative method of enforcement for violations of the Code of Ordinance against people believed to have violated the City Code. She provided an explanation of the process of enforcement.

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

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

8.B. **ORDINANCE NO. 06-24: 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, APPENDIX A, "DEFINITIONS," BY UPDATING THE DEFINITION OF "TREE TRUST FUND" TO INCLUDE A PROVISION FOR USE OF IN-LIEU FUNDS TO OFFSET MAINTENANCE COSTS FOR TREES AND PALMS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (SECOND READING/PUBLIC HEARING)**

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

[Legal Review Ord 06-24 - Amd Tree Trust Fund Definition](#)

[Tree Trust Fund Def PZB Staff Report RD 010424](#)

[Tree Trust Fund Def Business Impact Estimate--](#)

[Ordinance No. 06-24 Amending definition of tree trust fund lg 2-2-24](#)

[POLICY FOR USE OF THE TREE TRUST FUND](#)

Ms. Gelin entered Ordinance No. 06-24 into the record.

Kent Edwards, Sustainability Officer, stated that this Ordinance was City-initiated amendment to change the Land Development Regulations (LDR's) to update the definition of "Tree Trust Fund" to include 10% of the in-lieu funds to offset the costs of maintaining the City's trees and palms. He stated that the Planning and Zoning Board voted 4-0 in favor of the proposed amendment at their January 22, 2024, meeting.

Mayor Petrolia opened the floor to public comments on this item. Seeing no one present, Mayor Petrolia closed public comments.

The Commission engaged in a discussion on this item. They expressed their concern that 10% of in-lieu funds would fluctuate each year.

Mr. Moore commented that Ordinance No. 06-24 would be an integral part

of the annual budget and would fluctuate year to year but would cap off at \$65,000 dollars.

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

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

8.C.

ORDINANCE NO. 08-24: 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 4.4, "BASE ZONING DISTRICT," SECTION 4.4.3, "SINGLE FAMILY RESIDENTIAL (R-1) DISTRICTS," SECTION 4.4.5, "LOW DENSITY RESIDENTIAL (RL) DISTRICT," AND SECTION 4.4.6, "MEDIUM DENSITY RESIDENTIAL (RM) DISTRICT," TO ADOPT FLOOR AREA RATIO AND BUILDING ARTICULATION REGULATIONS FOR RESIDENTIAL DEVELOPMENT EAST OF THE INTRACOASTAL WATERWAY; AMENDING APPENDIX A, "DEFINITIONS," TO ADOPT DEFINITIONS FOR HORIZONTAL ARTICULATION AND STEP-BACK; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (SECOND READING/PUBLIC HEARING)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ordinance No. 08-24, Infill Housing Compatibility Initiative](#)

[PZB Staff Report, Infill Housing Compatibility Initiative - 01-11-24 1940](#)

[PM](#)

[Build-Out Analysis, Infill Housing Compatibility Initiative](#)

[Business Impact Estimate - Infill Housing Compatibility Initiative](#)

[Proof of Legal Ad](#)

[Legal Review, Ordinance No. 08-24](#)

Ms. Gelin entered Ordinance No. 08-24 into the record.

Anthea Giannotes stated Ordinance No. 08-24 was a City-initiated request to amend the Land Development Regulations that govern residential development east of the Intracoastal Waterway. She stated the Ordinance would establish a Floor Area Ratio (FAR) for a single-family, duplex, and multifamily development east of the Intra Coastal Waterway that is not Historic. She added, the Planning and Zoning Board heard the request on January 22, 2024, and voted to recommend approval by a 4-0 vote.

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

Mr. Wheeler, 1203 Seasage Drive, Delray Beach,
Thanked the City staff for working with the Beach Property Owner's
Association to create this Ordinance and shared photographs of the
oversized homes that obstruct resident's view.

Bob Schneider, 808 Seasage Drive, Delray Beach
Requested the Commission reduce the size of a home that a resident
could build.

Maura Abaud, 902 Seasage Drive, Delray Beach
Stated the new homes are dwarfing the smaller homes and taking away
from the charming neighborhood.

George Long, 46 North Swinton Avenue, Delray Beach
Discussed the oversized homes that were built.

Seeing no one else present, public comment was closed.

The Commission engaged in a discussion on this item. They all agreed on
the need to establish guidelines for the future size of homes built on the
barrier islands.

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

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

9. FIRST READINGS:

9.A. None

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

Assistant City Manager, Jeff Oris, presented an update on the
departments with Large Capital Projects.

10.A.1. UPDATE AND STATUS REPORT REGARDING PENDING PROJECTS

Sponsors: City Manager Department

B. City Attorney

None.

C. City Commission

Vice Mayor Boylston:

Thanked Jacqueline Smith and Terrence Thomas from the Utility Billing Department for their hard work.

Thanked the Crest Theatre for the ribbon cutting.

Deputy Vice Mayor Long:

Acknowledged Police Officer Vinnie Gray.

Mayor Petrolia:

Acknowledged the passing of Kenneth Durante.

Requested a proclamation for the Elks.

Requested an update on the Dunes Ponding for the future Commissioners.

11. ADJOURNMENT

There being no further business to discuss, Mayor Petrolia adjourned the meeting at 9:02 p.m.