

City of Delray Beach

100 NW 1st Avenue - Delray Beach, Florida 33444

Phone: (561) 243-7000

www.delraybeachfl.gov



Minutes - Draft

Tuesday, July 18, 2023

4:00 PM

Regular Meeting at 4:00 PM

Delray Beach City Hall or Watch on YouTube:

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

City Commission

Mayor Shelly Petrolia

Vice Mayor Ryan Boylston

Deputy Vice Mayor Rob Long

Commissioner Adam Frankel

Commissioner Angela Burns

1. ROLL CALL

The July 18, 2023, Regular City Commission Meeting was called to order at 4:02 p.m. City Clerk, Katerri Johnson, called the roll, and the following were present:

Terrence Moore - City Manager
Lynn Gelin - City Attorney

Commissioner Frankel motioned to allow Vice Mayor Boylston to attend virtually. Commissioner Burns seconded the motion. The motion carried by the following vote:

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

approved

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 Deputy Vice Mayor Long, 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

None.

5.B. From the Public

Steve Blum, 115 Venetian Drive, Delray Beach
Discussed the beach conditions.

Marjorie Waldo, Arts Garage, Delray Beach

Advised the Commission that everything was going well at the Arts Garage.

Vera Woodson, 1885 Palm Cove Blvd, Delray Beach

Thanked everyone for keeping the city clean and safe.

George Long, 46 N. Swinton Avenue, Delray Beach

Shared his thoughts on city issues

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

6. CONSENT AGENDA: City Manager Recommends 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

6.A. CITY COMMISSION MEETING MINUTES

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[June 13, 2023 Regular Meeting Minutes - draft](#)

[June 13, 2023 Workshop Meeting Minutes - Draft](#)

The Minutes were approved.

6.B. RESOLUTION NO. 124-23 TO APPROVE UTILITY WORK BY HIGHWAY CONTRACTOR AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION, FOR DESIGN AND CONSTRUCTION SERVICES OF UTILITY RELOCATIONS RELATED TO FLORIDA DEPARTMENT OF TRANSPORTATION'S, FEDERAL PROJECT ID D423 058 B, S. OF GRAND CT. TO S. OF LINTON BLVD, STATE ROAD NO. A1A, FOR A LUMP SUM OF \$12,656.00.

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)

[Legal Review Utility Work by Highway Contractor Agreement with FDOT UWHCA.docx](#)

[Res 124-23 FDOT UWHCA 444477-1-52-03.docx](#)

[REVISED - 444477-1_ UWHCA - City of Delray Beach 6-8-2023.pdf](#)

This Resolution was approved.

6.C. RESOLUTION NO. 120-23 BEACH RENOURISHMENT PROGRAM

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Res 120-23 Beach Nourishment Resolution 6.26.23](#)
[Legal Review Res 120-23 Beach Renourishment Program](#)

This Resolution was approved.

6.D. ITEM(S) A1 - ACCEPTANCE OF A RIGHT OF WAY DEDICATION BY 7 SW 9TH ST

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[7 SW 9th St Legal Review Form.pdf](#)
[A1a - Right-of-Way Deed - 7 SW 9th St - Jichetti.pdf](#)
[A1b - Sketch and Legal for Right-of-Way - 7 SW 9th St - Jichetti.pdf](#)

This Request was approved.

6.E. APPROVAL OF AMENDMENT NO. 3 TO RFQ 2019-051 WITH BAXTER & WOODMAN, INC. FOR ADDITIONAL CONSTRUCTION, ENGINEERING, AND INSPECTION SERVICES (CEI) FOR THE OSCEOLA PARK NEIGHBORHOOD IMPROVEMENT PROJECT IN THE AMOUNT OF \$190,000.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Osceola Park - Amendment No. 3](#)
[Legal Review Checklist](#)
[Osceola Park - Amend. No. 2](#)
[Osceola Park - Amend. No. 1](#)
[RFQ 2019-051](#)

This Request was approved.

6.F. RESOLUTION NO. 126-23: A RESOLUTION OF THE CITY OF DELRAY BEACH FLORIDA APPROVING A REVOCABLE LICENSE AGREEMENT WITH THE MAE VOLEN SENIOR CENTER, INC. FOR THE EXCLUSIVE USE OF THE WESTERN COMMUNITY CENTER LOCATED AT 850 N. CONGRESS AVENUE TO PROVIDE ADULT DAY HEALTH CARE SERVICES.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[MaeVolenLease 2023 PE](#)
[Legal Review_RLA_Mae Volen_2023](#)
[Res 126-23 for Mae Volen](#)

This Resolution was approved.

- 6.G.** RESOLUTION NO. 63-23 APPROVING ORDER FORMS WITH GOLFNOW, LLC., TO PROVIDE ONLINE MERCHANT SERVICES FOR THE DELRAY BEACH GOLF COURSE AND LAKEVIEW GOLF COURSE AND AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH GOLFNOW, LLC., WHICH PROVIDES GOLF MANAGEMENT SOFTWARE TO THE DELRAY BEACH MUNICIPAL GOLF COURSE AND LAKEVIEW GOLF CLUB FOR AN ESTIMATED ANNUAL COST OF \$57,495.46 FOR A TERM OF SIX (6) YEARS FOR A TOTAL COST OF \$344,972.76.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist GolfNow Standard Terms and Conditions 2023](#)
[Digital Copy- The City of Delray Beach and GolfNow SO- 29686](#)
[Res 63-23 GolfNow LLC online merchant services](#)

This Resolution was approved.

- 6.H.** PROPOSED OFFER OF SETTLEMENT IN THE CASE OF INTERCOUNTY ENGINEERING VS. CITY OF DELRAY BEACH

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

This Request was approved.

6.I. PROCLAMATIONS:

6.I.1. None

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

6.J.1. None

6.K. AWARD OF BIDS AND CONTRACTS:

- 6.K.1.** APPROVAL OF RESOLUTION NO. 127-23 TO APPROVE AN AGREEMENT WITH FRESH START MAINTENANCE INC., FOR LANDSCAPE MAINTENANCE OF SE/SW 2ND STREET (SE 3RD AVE.

-SW 15TH AVE) FOR A THREE YEAR-TERM PLUS RENEWALS FOR A TOTAL COST OF \$77,450.00 (\$15,490 PER YEAR)

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist_FreshStartMaint_2023](#)
[Resolution No. 127-23 \(Landscape Maint SE_SW 2nd\)](#)
[ITB2023-052 SE-SW 2nd ST](#)
[EXHIBIT C ITB2023-052](#)
[Exhibit A ITB2023-052](#)
[EXHIBIT B ITB2023-052](#)

This Resolution was approved.

7. REGULAR AGENDA:

7.A. RESOLUTION NO. 114-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AUTHORIZING A MODIFICATION OF STANDARDS FOR APPROVAL OF SECTION 7.9.11(A) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW A BOATLIFT IN A RAISED POSITION TO EXTEND MORE THAN 20 FEET FROM THE SEAWALL INTO THE YACHT BASIN FOR THE PROPERTY LOCATED AT 112 BASIN DRIVE AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL HEARING)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[112 Basin Drive - Resolution No. 114-23](#)
[112 Basin Drive - Building Official Determination Letter](#)
[112 Basin Drive - Justification Letter](#)
[112 Basin Drive - Survey](#)
[112 Basin Drive - Existing Conditions](#)
[112 Basin Drive - Proposed Boat Lift Site Plan](#)
[112 Basin Drive - Hydrographic survey](#)
[112 Basin Drive - Boatlift Detail](#)
[112 Basin Drive - Simple Legal Review Approval](#)

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

Katerri Johnson, City Clerk, swore in those who wished to provide testimony on Resolution No. 114-23.

Mayor Petrolia asked her colleagues to disclose any ex-parte communications for Resolution No. 114-23

Mayor Petrolia - no communication.

Vice Mayor Boylston - spoke with the applicant.

Deputy Vice Mayor Long - spoke with the applicant

Commissioner Burns - spoke with the applicant

Commissioner Frankel - spoke with the applicant

Anthea Gianniotis, Development Service Director, entered File No. 2023-130 into the record.

Akbar Mondal was present to request a modification of the Land Development Regulations to allow a boatlift in a raised position to extend more than 20 feet from the seawall into the yacht basin for the property located at 112 Basin Drive.

Anthea Gianniotis provided a staff report on this item. She mentioned that the City's Building Department determined the modification didn't pose a danger.

Mayor Petrolia opened the floor to public comments. Seeing no one present, Mayor Petrolia closed public comment.

There was no cross-examination or rebuttal from either side.

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

7.B.

CERTIFICATION OF THE FINAL PLAT FOR A MAJOR SUBDIVISION KNOWN AS "CASON COURT" BEING A REPLAT TRACT "A" OF THE CASON UNITED METHODIST CHURCH PLAT, GENERALLY LOCATED ON THE SOUTH SIDE OF LAKE IDA ROAD, BETWEEN NORTH SWINTON AVENUE AND NORTHWEST 3RD AVENUE.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Cason Court - Preliminary and Final Plat](#)
[Cason Court - PZ Staff Report](#)
[Cason Court - Survey](#)
[Cason Court - Traffic Impact Statement](#)
[Cason Court - Traffic Performance Standards Letter](#)

Marcela Camldor stated the Planning and Zoning Board recommended consideration of a Preliminary Plat and recommendation of certification of a Final Plat.

Anthea Gianniotis provided a staff report on this item and noted that staff determined this request meets the criteria for Commission's approval.

A motion was made by Commissioner Burns, seconded by Commissioner Frankel, 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

7.C.

MOTION TO APPROVE ADDITIONAL SPENDING TO THE CONTRACT WITH SYNERGY NDS, INC. IN THE AMOUNT OF \$467,510. FOR DESIGN, CONSTRUCTION, AND MANAGEMENT SERVICES RELATED TO THE RECONSTRUCTION OF THE DELRAY BEACH SEABOARD AIR LINE RAILWAY STATION, FOR A REVISED CONTRACT TOTAL OF \$1,467,510.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Resolution No. 153-21 - Synergy NDS, Inc.](#)

[Fully Executed Agreement - Synergy NDS Inc.](#)

[Signed - Purchasing Bid Waiver Acquisition - Historic Train Depot SynergyNDS request and backup](#)

Missie Barletto, Director of Public Works, explained the reasons for the projects delay. She reported the delays were due to supply chain issues and the rising costs of materials.

A motion was made by Commissioner Frankel, seconded by Deputy Vice Mayor Long, 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

7.D.

NOMINATION FOR APPOINTMENT TO THE EDUCATION BOARD

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)[Exhibit A](#)[Education Board](#)[2023 Attendance](#)[Augustin Badet](#)[Barthelemy](#)[Bennett](#)[Biro](#)[Burstein](#)[Campbell](#)[Lora](#)[Singer](#)[Stark](#)

Singer was appointed.

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.E. DISCUSSION REGARDING THE POLICE ADVISORY BOARD AND THE KIDS AND COPS COMMITTEE

Sponsors: City Attorney Department

Lynn Gelin, City Attorney, and Police Chief, Russ Mager were present to discuss modifying the Police Advisory Board and the Kids and Cops Committees. Ms. Gelin gave the direction to disregard all applications received for the Kids and Cops Committee. She remarked that the Code would be changed to reflect a change from 13 members to 7 members (5 Regular Members and 2 Student members).

Ms. Gelin informed the Commission that staff had requested to assume the responsibilities of the Police Advisory Board.

There was a consensus from the Commission to allow the City Attorney to proceed with modifying the composition of the Boards.

This Request was approved.

8. PUBLIC HEARINGS/SECOND READINGS:

8.A. ORDINANCE NO. 19-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE 7, "TRAFFIC CODE," CHAPTER 71,

"PARKING REGULATIONS," SUBCHAPTER "PARKING REGULATIONS," SECTION 71.017, "STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED AREAS," TO PROHIBIT A VEHICLE FROM STOPPING, STANDING, OR PARKING ON THE SWALE AREA; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE (SECOND READING)

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Ord 19-23 Amending Code of Ordinances re Parking in Swales.pdf](#)

[Legal Review Ord 19-23 Prohibition of Parking on Swales.pdf](#)

[Proof of Legal Add Delray Ord # 19-23 July 18, 2023.pdf](#)

[Parking Ordinance PW 10-Day Legal Ad - Publish 07-01-2023.pdf](#)

Lynn Gelin entered Ordinance No. 19-23 into the record.

Patrick Figurella, City Engineer, reported that Ordinance No. 19-23 was created to prohibit vehicles from parking, standing, or stopping on the swale areas to help manage stormwater runoffs and environmental hazards.

Mayor Petrolia opened the floor to public comments on Ordinance No. 19-23.

Seeing no one present, Mayor Petrolia closed public comments.

The Commission engaged in a discussion on the presentation.

Mayor Petrolia acknowledged the need for staff to thoroughly investigate this request before making a decision that would affect most residents and businesses in the city.

A motion was made by Vice-Mayor Boylston, seconded by Deputy Vice Mayor Long, that this Ordinance be tabled. 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. 25-23: 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 4.3, "DISTRICT REGULATIONS, GENERAL PROVISIONS," SECTION 4.3.4, "BASE DISTRICT DEVELOPMENT STANDARDS," SUBSECTION (K), "DEVELOPMENT STANDARDS MATRIX," "DEVELOPMENT STANDARDS MATRIX - RESIDENTIAL

ZONING DISTRICTS" TO AMEND THE REQUIRED SETBACKS FOR DUPLEX DEVELOPMENT IN LOW DENSITY RESIDENTIAL (RL) AND MEDIUM DENSITY RESIDENTIAL (RM) ZONING DISTRICTS; 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, Duplex Setbacks](#)
[Ordinance No. 25-23, Duplex Setbacks](#)
[Legal Review, Ordinance No. 25-23](#)
[Proof of Legal Advertisement](#)

Lynn Gelin entered Ordinance No. 25-23 into the record.

Anthea Gianniotis stated this Ordinance would change the rear setback of the property to be consistent with other development types. She stated the text amendment was consistent with and furthered the Comprehensive Plan's Goals, Objectives, and Policies. Ms. Gianniotis mentioned that the Planning and Zoning Board voted 7-0 to recommend approval on May 15, 2023, and the City Commission voted 5-0 to approve on First Reading on June 13, 2023.

Mayor Petrolia opened the floor to public comments on Ordinance No. 23-23. Seeing no one present, Mayor Petrolia closed public comments.

A motion was made by Commissioner Frankel, 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. 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 ADOPT REGULATIONS GOVERNING THE USE OF ARTIFICIAL TURF AND SUBSECTION (H), "MINIMUM LANDSCAPE REQUIREMENTS" TO PROHIBIT THE USE OF ARTIFICIAL TURF IN THE RIGHT OF WAY; AND AMENDING APPENDIX A - "DEFINITIONS" TO ADOPT A DEFINITION FOR ARTIFICIAL TURF AND TO AMEND THE DEFINITION OF OPEN SPACE; 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](#)
[Ordinance No. 11-23, Artificial Turf](#)
[PZB Staff Report, Artificial Turf](#)
[Table - Artificial Turf Certified Local Government Research](#)
[Legal Review, Ordinance No. 11-23](#)
[Proof of Legal Advertisement](#)

Lynn Gelin requested Ordinance No. 11-23 be re-advertised due to an insufficient error in the caption. Deputy Vice Mayor Long suggested that more information be obtained from the Office of Sustainability and the Utilities on the environmental risks of stormwater runoff and ecological risks.

A motion was made by Commissioner Frankel, seconded by Deputy Vice Mayor Long, that this Ordinance be tabled. 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

None.

B. City Attorney

Attorney Gelin requested a Shade Meeting on 8/27/23 at 3:30 p.m. regarding the City vs. Old School Square Trademark Litigation.

Commissioner Frankel motioned to approve. Deputy Vice Mayor Long seconded the motion. 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

Commissioner Burns

- Thanked the City employee that drives City Truck numbered 7736, who stopped to assist a fallen pedestrian.
- Acknowledged the Set Banners were back.

Commissioner Frankel:

- Suggested posting the hours the beach is open.

Lynn Gelin reported two Ordinances would come to the Commission at the next meeting. The Ordinances would address the Bridge Closings and the Beach hours.

- Requested an update on Airbnb's compulsory fees to residents who rent their homes to transient people.

Deputy Vice Mayor Long:

- Acknowledged the necessity to repair the unkempt parking lots located at the Historical Buildings.

Mr. Moore asked the Commission if there was an interest for both parties to incorporate the fees for parking lot repairs into the Capital Improvement Project.

There was a consensus from the Commission for Mr. Moore to engage in a discussion.

- Requested the Commission's approval to speak with the Town of Highland Beach to be brought up to date on the City's agreements.

Mayor Petrolia and the Commission gave Deputy Vice Mayor their support to speak with the Town of Highland Beach.

Mayor Petrolia:

- Requested Mr. Moore investigate the parks and pool's opening and closing hours, particularly in the summer.

Mr. Moore suggested expanding the hours for the parks and pools to be open daily from 9:00 a.m. - 9:00 p.m.

- Suggested that renaming an alley could pose a legal problem in the future for the City.
- Didn't favor leasing large vehicles to purchase from Highland Beach.

11. ADJOURNMENT

There being no further business to discuss, Mayor Petrolia adjourned the Regular City Commission Meeting at 6:04 p.m.