

City of Delray Beach

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Regular Commission Meeting

Regular Meeting at 4:00 PM

Tuesday, June 7, 2022

Commission Chambers

Delray Beach City Hall or Watch on YouTube:

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

City Commission

Mayor Shelly Petrolia

Vice Mayor Adam Frankel

Deputy Vice Mayor Juli Casale

Commissioner Ryan Boylston

Commissioner Shirley Ervin J

RULES FOR PUBLIC PARTICIPATION

PUBLIC COMMENT: City Commission meetings are business meetings and the right to limit discussion rests with the Commission. **Generally, remarks by an individual will be limited to three minutes or less.** The Mayor, presiding officer or a consensus of the City Commission has discretion to adjust the amount of time allocated.

Public comment shall be allowed as follows:

- A.** Comments and Inquiries on Non-Agenda and Agenda Items (excluding public hearing or quasi-judicial hearing items) from the Public: Any citizen is entitled to be heard concerning any matter within the scope of jurisdiction of the Commission under this section. The Commission may withhold comment or direct the City Manager to take action on requests or comments.
- B.** Public Hearings/Quasi-Judicial Hearings: Any citizen is entitled to speak on items under these sections at the time the Commission hears these items.
- C.** All persons desiring to do a presentation on agenda or non-agenda items that are on a portable flash drive device or a CD/DVD, must provide their media to the City Clerk no later than 12:00 p.m. one day prior to the meeting where they wish to present.

SIGN IN SHEET: Prior to the start of the Commission Meeting, individuals wishing to address the Commission should sign in on the sheet on the dais's right side. If you are not able to do so prior to the start of the meeting, you may still address the Commission. The primary purpose of the sign-in sheet is to assist staff with record keeping. Therefore, when you come up to the to speak, please complete the sign-in sheet if you have not already done so.

ADDRESSING THE COMMISSION: At the appropriate time, please step up to the lectern and state your name and address for the record. All comments must be addressed to the Commission as a body and not to individuals. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the Commission shall be barred by the presiding officer from speaking further unless permission to continue or again address the Commission is granted by a majority vote of the Commission members present.

APPELLATE PROCEDURES

Please be advised that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is based. The City neither provides nor prepares such record

1. ROLL CALL

The Regular Commission Meeting was called to order at 4:00 p.m.

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

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

Vice Mayor Frankel motioned to allow Deputy Vice Mayor Casale to participate remotely. Commissioner Johnson seconded the motion. The motion was carried by the following vote:

YES 4: Mayor Petrolia, Vice Mayor Frankel, Commissioner Boylston, Commissioner Johnson

Others present were:

Terrence Moore, City Manager
Kelly Brandon, Assistant City Attorney

2. PLEDGE OF ALLEGIANCE TO THE FLAG

AGENDA APPROVAL

3. A. Additions, Deletions, Substitutions

Mr. Terrence Moore, City Manager, requested to remove Item 7.B. until the next Regular Commission meeting scheduled for June 14, 2022.

Commissioner Johnson requested to pull Item 6.I.1. from the Consent Agenda for discussion. Consent Item No. 6.I.1. became Item No. 7. A.A. on the Regular Agenda.

Commissioner Boylston motioned to approve the agenda as amended. Commissioner Johnson seconded the motion. The motion was carried by the following vote:

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

APPROVED AS AMENDED

4. PRESENTATIONS:

4.A. PRESENTATION BY STATE SENATOR LORI BERMAN, PROVIDING LEGISLATIVE UPDATES FROM THE 2022 FLORIDA LEGISLATIVE SESSION

Sponsors: City Clerk Department

State Senator Lori Berman updated the City Commission with the final results of the State

Senate sessions held in March. Senator Berman said that the State unanimously approved this year's budget of one hundred and twelve billion dollars. She acknowledged that the additional funds would help give raises to teachers, first responders, and state employees. Senator Berman stated the Governor later cut the budget to \$102,000,000,000, noting that the City of Delray Beach would not be affected by the cuts.

4.B. PRESENTATION BY STATE LOBBYIST MAT FORREST DETAILING FINAL LEGISLATIVE OUTCOMES AND RESULTING RECORD OF ACHIEVEMENTS

Sponsors: City Manager Department

Mr. Matt Forrest, a legislative lobbyist with Ballard and Partners, highlighted the Senate Bills during the 2022 legislative session that mainly affected Delray. Mr. Forrest reported that the Senate approved a \$ 3,100,000.00 member project for the City of Delray Beach. He stated the city received a grant pool of \$ 19,800,000.00 from the state-wide flooding for the sea rise resiliency program and was happy to report the legislature allocated \$362,000,000.00 for affordable housing.

Mayor Petrolia acknowledged the importance of having a state lobbyist.

The Commission thanked Mr. Forest and his team for their efforts.

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 introduced Finance Director Hugh Dunkley to give a report on the 2021-22 fiscal year second quarter status.

5.A.1. FISCAL YEAR 2021-2022 SECOND-QUARTER FINANCIAL REPORT

Sponsors: Finance Department

Attachments: [Budget by Organization Report FINAL Q2 - 04.27.22](#)

Mr. Dunkley provided an overview of the citywide budget. He focused on the General Fund which houses most of the city's services. He shared that the General Fund relies heavily on property taxes and concluded his update that the city is in good financial shape based on the budget to actual expenses.

5.A.2. CITYWIDE CHLORINE MAINTENANCE

Sponsors: City Manager Department

Attachments: [CI2 Memo to CM](#)

Utilities Director Hassan Hadjimiry gave a presentation on the Citywide Chlorine Maintenance

program that will take place July 10-30, 2022. His commentary was that the Chlorine Flush was necessary to ensure the City's drinking water remains safe and complies with regulatory water quality parameters.

5. B. From the Public

Jackie Bronkie residing at 1310 Laurelwood Lane, Delray Beach, discussed the inconvenience the gate located at Phase IV of Sherwood Lakes poses to Phases I, II, and III residents.

Mr. Moore stated that he would follow up.

Beth Dellinger, residing at 104 W. Beverly Road, Jupiter, asked the Commissioner to adopt the Low-Income Senior Citizens Municipality Tax Amendment.

Angie Gray, residing at 3765 Riverside Way, Delray Beach, requested the Commission to look into the licensing agreement with the State that prohibits children from Delray Beach from entering Pompey Park and the Community Center during after-school and summer camp hours when other children are there.

Karen Valez, (no address provided), announced that she was running for County Court Judge and asked for the Commissioner's support.

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

6. CONSENT AGENDA: City Manager Recommends Approval

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

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

6.A. CITY COMMISSION MEETING MINUTES

Recommendation: Motion to approve meeting minutes as listed below:

Regular City Commission Meeting Minutes - February 1, 2022

Workshop City Commission Meeting Minutes - March 8, 2022

Special City Commission Meeting Minutes - April 5, 2022

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[February 1, 2022, Regular Commission Meeting Minutes - Draft - 1](#)

[March 8, 2022, Workshop Commission Meeting Minutes - Draft](#)

[April 5, 2022, Special Commission Meeting Minutes - Draft](#)

APPROVED

6.B. RESOLUTION NO. 95-22: A RESOLUTION OF THE CITY COMMISSION OF THE

CITY OF DELRAY BEACH, FLORIDA RETROACTIVELY APPROVING THE APPLICATION FOR FUNDING FOR A CLEAN WATER AND DRINKING WATER INFRASTRUCTURE PROJECT FROM THE COMMUNITY PROJECT PROGRAM THROUGH THE FEDERAL GOVERNMENT APPROPRIATION PROCESS; DIRECTING THE CITY CLERK TRANSMITS A CERTIFIED COPY TO THE RESOLUTION TO CONGRESSWOMAN FRANKEL; PROVIDING FOR AN EFFECTIVE DATE

Recommendation: Motion to approve Resolution No. 95-22.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Frankel Funding Resolution 060722 lq rev.](#)
[Exhibit \(Application\)](#)
[Delray Beach Letter from Rep Frankel](#)
[Simple Legal Review Approval Resolution 95-22](#)

APPROVED

6.C. APPROVAL OF THE INTERLOCAL AGREEMENT WITH PALM BEACH COUNTY FOR ACCEPTANCE OF FY2022-23 EMS GRANT FUNDS.

Recommendation: Staff recommends the approval Interlocal Agreement, for the purposes of receiving reimbursement for the purchase of Advanced Airway training from Palm Beach County through the 2022 EMS Grant.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)
[2022 PBC EMS grant agreement](#)
[Simple Legal Review Approval EMS Grant Agreement](#)
[Delray Beach Fire - Emergency Airway 2022](#)

APPROVED

6.D. RESOLUTION NO. 62-22: APPROVING AN AGREEMENT WITH THE EARLY LEARNING COALITION OF PALM BEACH COUNTY (ELC) TO PARTICIPATE IN THE CHILDREN'S SERVICES COUNCIL OF PALM BEACH SCHOLARSHIP PROGRAM AND RECEIVE PAYMENTS BASED UPON THE SCHOLARSHIP PROGRAM ELIGIBILITY GUIDE FOR THE AFTER SCHOOL PROGRAM LOCATED AT THE POMPEY PARK COMMUNITY CENTER AND THE DELRAY BEACH COMMUNITY CENTER

Recommendation: Motion to approve the renewal of the agreement between the Children's Services Council and the City of Delray Beach.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[CSC Provider Agreement 2022-2023 City of Delray Beach](#)

[Legal Review CSC Provider Agreement FY 22-23](#)

[Res 62-22 Early Learning Coalition Agreement to participate in Children's Services Council](#)

[Scholarship](#)

APPROVED

6.E. RESOLUTION NO. 63-22: APPROVING AN AGREEMENT WITH THE EARLY LEARNING COALITION OF PALM BEACH COUNTY SETTING FORTH THE OBLIGATIONS AND REQUIREMENTS TO PARTICIPATE IN THE CHILDREN'S SERVICES COUNCIL OF PALM BEACH SCHOLARSHIP PROGRAM FOR THE AFTER SCHOOL PROGRAMS LOCATED AT POMPEY PARK COMMUNITY CENTER AND THE DELRAY BEACH COMMUNITY CENTER

Recommendation: Motion to approve renewal of the agreement between the Early Learning Coalition (ELC) of Palm Beach County, Inc. and the City of Delray Beach

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)

[ELC School Readiness contract for 22-23](#)

[Legal Review ELC School Readiness Contract for 22-23](#)

[RES no 63-22 Early Learning Coalition Agreement to participate in Children's Services Council Scholarship](#)

APPROVED

6.F. APPROVAL OF ADDITIONAL FUNDING TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TO COVER INCREASED BID COSTS FOR THE CONSTRUCTION OF SIDEWALK AND BICYCLE FACILITIES ON HOMEWOOD BOULEVARD.

Recommendation: Motion to Approve payment of an additional \$330,349 to the Florida Department of Transportation (FDOT), under the terms of the Locally Funded Agreement dated October 8, 2020 to cover the City's portion of bid cost overages for the Homewood Boulevard Improvements Project being managed by FDOT on behalf of the City.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Request for additional funds revised 11-23-21](#)

[LFA for FM# 438394-1-52-02 Clarificaion](#)

[Invoice for additional funds revised 11-23-2021](#)

[Executed Locally Funded Agreement \(Original\)](#)

APPROVED

6.G. PROCLAMATIONS:**6.G.1 LGBTQ PRIDE MONTH**

Recommendation: Motion to declare June as LGBTQ Pride Month.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[LGBTQ Pride Month](#)

APPROVED

6.H. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**6.H.1 REPORT OF APPEALABLE LAND USE ITEMS FROM MAY 9 THROUGH MAY 27, 2022.**

Recommendation: By motion, receive and file this report.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Appealable Items Map](#)
[A - Delray Central](#)
[B - 502 E Atlantic Avenue](#)
[C- Opal Grand Hotel](#)
[D - Le Colonial](#)
[E - 1236 George Bush Blvd](#)
[F - 90 N Congress Ave](#)

APPROVED

6.I. AWARD OF BIDS AND CONTRACTS:**6.I.1. APPROVAL OF RESOLUTION NO. 85-22 TO AWARD AN AGREEMENT WITH HART HALSEY, LLC DBA EXTRA DUTY SOLUTIONS FOR ADMINISTRATION OF OFF- DUTY POLICE DETAILS SERVICES, UTILIZING CITY OF NEWARK, DELAWARE CONTRACT RFP 21-04 POLICE DETAILS SERVICES, UTILIZING CITY OF DELAWARE RFP 21-04**

Recommendation: Motion to approve Resolution 85-22 to award an agreement with Hart Halsey, LLC dba Extra Duty Solutions for the administration of off-duty Police details, utilizing City of Newark, Delaware contract RFP # 21-04.

Sponsors: Police Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist Hart Halsey dba Extra Duty Solution Piggyback Agreement](#)

[Resolution 85-22 Hart Halsey LLC dba Extra Duty Solutions - Administration of off-duty](#)

[police details](#)

[Hart Halsey LLC dba Extra Duty Solutions agreement - partially executed 1](#)

Commissioner Johnson requested to pull Consent Item 6.I.1 (Resolution 85-22) for discussion. Consent 6.I.1. became 7. A.A. on the Regular Agenda.

Commissioner Johnson expressed her concern that off-duty Delray Beach Police Officers can be used as a witness.

Javaro Sims, Police Chief, stated the city has a provision absolving off-duty law enforcement personnel to participate as witnesses.

Commissioner Johnson motioned to approve Resolution 85-22. Vice Mayor Frankel seconded the motion. The motion was carried by the following vote:

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

APPROVED

6.I.2. APPROVAL OF RESOLUTION NO. 93-22 TO AWARD AN AGREEMENT ODUMS SOD INC, FOR THE PURCHASE AND INSTALLATION OF CERTIFIED CELEBRATION SOD AT HILLTOPPER STADIUM AND SEACREST SOCCER COMPLEX FOR THE PARKS AND RECREATION DEPARTMENT UTILIZING SCHOOL DISTRICT OF PALM BEACH COUNTY SOLICITATION NO. 17C-70Q IN THE AMOUNT OF \$429,425.

Recommendation: Motion to approve Resolution No. 93-22 and to award an Agreement with Odums Sod, Inc. for the purchase and installation of certified Celebration sod at Hilltopper Stadium and Seacrest Soccer Complex for The Parks and Recreation Department utilizing the School District of Palm Beach County Solicitation No. 17C-70Q in the amount of \$429,425.

Sponsors: Parks & Recreation Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[P2022-051 Master Services Agreement - Vendor Executed](#)

[Resolution No. 93-22](#)

[Legal Review Checklist MSA Odums Sod Inc](#)

6.I.3. APPROVE INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH

AND THE DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY AND
ACCEPT FUNDING FOR THE RE-SODDING OF SEACREST AND HILLTOPPER
STADIUM AND FIELDS

APPROVED

Recommendation: Motion to approve the Interlocal Agreement (ILA) between the City of Delray Beach and the Delray Beach Community Redevelopment Agency (CRA) and accept funding for the re-sodding of Seacrest and Hilltopper Stadium and Fields (Athletic Fields) in an amount not to exceed \$350,000.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[Legal Review ILA Seacrest and Hilltopper Resodding](#)
[Hilltopper quote](#)
[PE- ILA - Sodding of Seacrest and Hilltopper](#)

APPROVED

7. REGULAR AGENDA:

7. A. RESOLUTION NO. 69-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE TO ALLOW A DOMESTIC ANIMAL SERVICES FACILITY OFFERING PET SERVICES AND A PET HOTEL AT 1551 NORTH FEDERAL HIGHWAY, A MORE PARTICULAR DESCRIBED HERIN, PURSUANT TO LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES AND THE COMPREHENSIVE PLAN OF THE CITY OF DELRAY BEACH; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI-JUDICIAL).

Recommendation: Review and consider Resolution No. 69-22 approving a Conditional Use to allow a Domestic Animal Services facility to offer Pet Services, Including daytime boarding and pet grooming and a Pet Hotel for Barkingham Palace is located at 1551 North Federal Highway.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Resolution 69-22 Barkingham Palace](#)
[1551 N Federal Hwy P & Z Staff Report Barkingham Palace](#)
[1551 N Federal Hwy Applicant Justification](#)
[1551 N. Federal Hwy Floor Plan](#)
[1551 N Federal Hwy Site Plan](#)
[1551 N Federal Hwy Property Pictures](#)

[Legal Review Res 69-22 Barkingham Palace conditional use](#)

Mayor Petrolia read the Quasi-Judicial Rules into the record.

Ms. Katerri Johnson, City Clerk, swore in those individuals who wished to provide testimony on Resolution 69-22.

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

The following was disclosed:

Mayor Petrolia - any communication is on the city server

Vice Mayor Frankel - one or two emails on the city server

Deputy Vice Mayor Casale - met with the representative via Zoom

Commissioner Boylston - none

Commissioner Johnson - met with the representative of the organization

Development Services Director, Anthea Gianniotis, entered File No. 2022-108 into the record.

Mr. Scott Backman, an attorney with Dunay, Miskel, and Backman, located at 14 SE 4th Street, Boca Raton, was present on behalf of his client, Barkingham Palace. Mr. Backman discussed the numerous reasons Barkingham Palace was a suitable business for that location. He noted that on April 18, 2022, the Planning and Zoning Board recommended approval 6-0.

Ms. Gianniotis clarified this request met the required findings to approve a conditional use.

Mayor Petrolia opened the floor for public comments on Resolution No. 69-22.

Seeing no one present, public comments were closed.

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

Mayor Petrolia inquired about the future need for outdoor usage.

Ms. Gianniotis stated the business would be required to appear before the Planning and Zoning Board for any modifications.

Vice Mayor Frankel motioned to approve Resolution No. 69-22. Commissioner Boylston seconded the motion. The motion was carried by the following vote:

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

APPROVED

7.B. NOMINATION FOR APPOINTMENT TO THE COMMUNITY REDEVELOPMENT AGENCY BOARD

Recommendation: Motion to approve the nomination for appointment of one (1) regular

member to serve on the Community Redevelopment Agency Board for a four (4) year term ending July 01, 2026.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Exhibit A](#)

[Community Redevelopment Agency](#)

[CRA 2022 Attendance](#)

[Arts](#)

[Augustin Badet](#)

[Brinson](#)

[Catania](#)

[Gray](#)

[Knight](#)

[Rindos](#)

[Torres](#)

[Warner](#)

This item was deferred until June 14, 2022, Regular City Commission Meeting.

7. C. APPROVAL OF COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF DELRAY BEACH, FLORIDA, AND THE POLICE BENEVOLENT ASSOCIATION INC, (DELRAY BEACH OFFICERS AND SERGEANTS)

Recommendation:

Motion to approve the Collective Bargaining Agreement between the City of Delray Beach, Florida, and the Police Benevolent Association Inc (Delray Beach Officers and Sergeants).

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)

[CBA 2022 Police Union--officers, sergeants, and lieutenants](#)

[PBA Contract Ofc- Sgt \(Oct. 2021 - Sept. 2024\) for Execution\]](#)

Human Resources Director, Duane D Andrea, provided a summary of Item 7.C. and 7.D. concurrently.

He stated both agreements were crafted by the City of Delray Beach and the Police Benevolent Association along with the Labor Council, Brett Schneider, Alexandria DeFranco, Javaro Sims, and Hugh Dunkley.

The Commission shared their thoughts on both items.

Commissioner Boylston emphasized the importance of improving the process of creating the documents before the next renewal in three years.

Commissioner Johnson thanked everyone for their hard work and agreed with Commissioner Boylston.

Vice Mayor Frankel acknowledged everyone for their hard work and recognized that the process was troublesome.

Deputy Vice Mayor Casale expressed her concern that the city's liability was still increasing and was costing the taxpayer's money.

Mayor Petrolia recognized how invaluable the Police and Fire Department personnel are and favored their pay increases. She said she wouldn't support the city's past or present pension funding increases.

Vice Mayor Frankel motioned to approve Item No. 7. C. Commissioner Johnson seconded the motion. The motion was carried by the following vote:

YES: 3 Vice Mayor Frankel, Commissioner Boylston, Commissioner Johnson

DISSENTED: 2 Mayor Petrolia, Deputy Vice Mayor Casale

APPROVED

7.D. APPROVAL OF COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF DELRAY BEACH, FLORIDA, AND THE POLICE BENEVOLENT ASSOCIATION INC, (DELRAY BEACH LIEUTENANTS)

Recommendation: Motion to approve the Collective Bargaining Agreement between the City of Delray Beach, Florida, and the Police Benevolent Association Inc. (Delray Beach Lieutenants).

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[CBA 2022 Police Union--officers, sergeants, and lieutenants](#)
[PBA Contract Lt's \(October 2021 - Sept. 2024\) for Execution](#)

Vice Mayor Frankel motioned to approve Item 7. D. Commissioner Johnson seconded the motion. The motion was carried by the following vote:

YES: 3 - Vice Mayor Frankel, Commissioner Boylston, Commissioner Johnson

DISSENTED: 2 Mayor Petrolia, Deputy Vice Mayor Casale

APPROVED BY A 3-2 VOTE

8. PUBLIC HEARINGS/SECOND READINGS:

8.A. ORDINANCE NO. 13-22: AN ORDINANCE OF THE CITY COMMISSION OF THE

CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT REDESIGNATING SEVEN PARCELS OF LAND, MEASURING APPROXIMATELY 1.38 ACRES, GENERALLY LOCATED SOUTH OF LAKE IDA ROAD, NORTH OF NORTHWEST 4TH STREET, EAST OF NORTHWEST 8TH AVENUE, AND WEST OF NORTHWEST 6TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM COMMUNITY FACILITIES (CF) TO LOW DENSITY (LD), PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT," FLORIDA STATUTES SECTION 163.3187; PROVIDING A CONFLICTS CLAUSE AND SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

Recommendation : Consider Ordinance No. 13-22, a City-initiated Land Use Map Amendment (LUMA) from Community Facilities (CF) to Low Density (LD) land use to correct a data conversion error on seven parcels totaling 1.38 acres currently addressed as 620, 704, 706, and 710 Lake Ida Road, and 655, 701, and 709 NW 4th Street.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ordinance No. 13-22: 620 Lake Ida Rd et al](#)

[Ordinance No. 13-22: PZB Staff Report, LUMA, 620 Lake Ida Rd et al](#)

[Ordinance No. 13-22: Proposed Land Use Map](#)

[Legal Review: Ordinance No. 13-22](#)

Commissioner Johnson recused herself from the discussion and left the dais.

Assistant City Attorney Kelly Brandon, read Ordinance No. 13-22 into the record.

Ms. Gianniotis indicated that this Ordinance was a corrective action to establish a clear record resulting from a data conversion error on seven parcels of land. She stated the Planning and Zoning Board voted 6-0 to recommend approval on April 18, 2022.

Mayor Petrolia opened the floor for public comments on Ordinance No. 13-22. Seeing no one present, public comments were closed.

Commissioner Boylston motioned to approve Ordinance No. 13-22. Vice Mayor Frankel seconded the motion. The motion was carried by the following vote:

YES: 4 Mayor Petrolia, Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Boylston

APPROVED ON SECOND READING

8.B. ORDINANCE NO. 09-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING APPROXIMATELY 0.183 ACRES

OF LAND PRESENTLY ZONED SINGLE-FAMILY RESIDENTIAL (R1) DISTRICT TO COMMUNITY FACILITIES (CF) DISTRICT FOR A PARCEL LOCATED AT 620 LAKE IDA ROAD, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE OF DELRAY BEACH, ZONING MAP, JULY 6, 2021"; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING/PUBLIC HEARING)

Recommendation: Consider Ordinance No. 09-22, a privately initiated request for a rezoning of the +/- 0.183-acre property located at 620 Lake Ida Road to property from Single Family Residential (R-1-A) to Community Facilities (CF).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ordinance No. 09-22](#)
[620 Lake Ida Road - PZB Report](#)
[620 Lake Ida Road - Existing and Proposed Zoning](#)
[620 Lake Ida Road - Applicant Justification Statement](#)
[620 Lake Ida Road - Traffic Statement Letter](#)
[620 Lake Ida Road - Legal Review Ordinance 09-22](#)

Commissioner Johnson returned to the dais.

Ms. Brandon read Ordinance No 09-22 into the record.

Mr. David Schmidt, Attorney, located at 766 SE 5th Avenue, Delray Beach, was present on behalf of his client, The Community Child Care Center of Delray Beach Inc, a/k/a The Achievement Center, located at 620 Lake Ida Road. Mr. Schmidt stated his client requested a rezoning of the property from Single Family Residential (RI) to Community Facilities (CF) with a land map use of Low Density. He reported that at a public hearing held on April 18, 2022, the Planning and Zoning Board voted 6-0 to recommend that the property be rezoned to Community Facilities. Mr. Schmidt acknowledged that the request is consistent with the criteria outlined in the Land Development Regulations.

Ms. Gianniotis communicated that approving Ordinance No. 09-22 would restore the proper land use to Community Facility. She stated that a land use change wouldn't be necessary since both types of zoning were compatible.

Mayor Petrolia opened the floor for public comments on Ordinance No. 09-22. Seeing no one present, public comments were closed.

Deputy Vice Mayor Casale motioned to approve Ordinance No. 09-22. Vice Mayor Frankel seconded the motion. The motion was carried by the following vote:

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

APPROVED ON SECOND READING

8.C. ORDINANCE NO. 14-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT RE-DESIGNATING A PARCEL OF LAND MEASURING APPROXIMATELY 0.18 ACRES, LOCATED GENERALLY EAST OF NORTH HIGHWAY AND SOUTH OF NORTH LAKE AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM MEDIUM DENSITY TO GENERAL COMMERCIAL, PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT," FLORIDA STATUTES SECTION 163.3187; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (SECOND READING).

Recommendation : Review and consider Ordinance No. 14-22, a City-initiated Land Use Map Amendment (LUMA) from Medium Density Residential (MD) to General Commercial (GC) land use to correct a data conversion error on A Parcel is totaling 0.18 acres currently addressed as 716 N Lake Ave.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ordinance No. 14-22 \(716 N. Lake Ave\) WMB 2022 04 15](#)
[PZB Staff Report \(716 N. Lake Ave\)](#)
[Legal Review \(716 N. Lake Ave\)](#)

Ms. Brandon read Ordinance No. 14-22 into the record.

Ms. Gianniotis reported that this item was a City-initiated Land Use Map Amendment to correct a data conversion error in 2017 on the parcel of land located at 716 N. Lake Avenue. She stated that in 2016 the property was deemed General Commercial Zoning, and in 2017 it inadvertently was changed to Commercial Land Use. She said the property should revert to its original General Commercial Land Use to correct the error. Ms. Gianniotis communicated that on April 18, 2022, the Planning and Zoning Board recommended approval 6-0.

Mayor Petrolia opened the floor for public comments on Ordinance No. 14-22. Seeing no one present, public comments were closed.

Commissioner Boylston motioned to approve Ordinance No. 14-22. Commissioner Johnson seconded the motion. The motion was carried by the following vote:

YES: 4 Mayor Petrolia, Vice Mayor Frankel, Commissioner Boylston, Commissioner Johnson

NO: 1 Deputy Vice Mayor Casale did not vote.

APPROVED ON SECOND READING

8.D. ORDINANCE NO. 11-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING TITLE 5, "PUBLIC WORKS," CHAPTER 52, "WATER," BY ENACTING A NEW SECTION 52.07, "LANDSCAPE IRRIGATION," TO IMPLEMENT THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT MANDATORY YEAR-ROUND LANDSCAPE IRRIGATION CONSERVATION MEASURES RULE, ESTABLISH A LANDSCAPE IRRIGATION SCHEDULE AND EXCEPTIONS THERETO, REQUIRE IRRIGATION SYSTEMS TO UTILIZE TECHNOLOGY THAT INHIBITS OR PROVIDE FOR INTERRUPTS WATERING DURING PERIODS OF SUFFICIENT MOISTURE VARIANCES FROM THE LANDSCAPE IRRIGATION SCHEDULE, AND 52.99, PROVIDE FOR ENFORCEMENT OF THIS ORDINANCE; AMENDING SECTION "PENALTY," TO ESTABLISH PENALTIES FOR VIOLATIONS OF THIS ORDINANCE AND TO REMOVE CRIMINAL SANCTIONS BUT INCREASE THE FINANCIAL PENALTY FOR VIOLATIONS OF SECTIONS 52.65 THROUGH 52.70, WHICH PLACE RESTRICTIONS ON WATER USE DURING WATER SHORTAGE EMERGENCIES, AND INCREASE THE FINANCIAL PENALTY FOR VIOLATIONS OF SECTIONS 52.80 THROUGH 52.85 REQUIRE THE INSTALLATION AND MAINTENANCE OF BACKFLOW PREVENTION DEVICES; *PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (SECOND READING)*

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)

[Ord 11-22 amended after first reading LG rev 5-20-22.docx](#)

[Legal Review Ord 11-22 Irrigation.docx](#)

Ms. Brandon read Ordinance No. 11-22 into the record.

Mr. Hadjimiry discussed the mandatory water and sewer conversion rate program. He explained that violations would be issued to homeowners who did not comply with the new regulations.

Mayor Petrolia opened the floor for public comments on Ordinance No.11-22. Seeing no one present, public comments were closed.

Commissioner Johnson expressed concern that the city had not adequately explained the new irrigation program to the residents. She commented that Code Enforcement and Police should not be tasked with monitoring the resident's irrigation schedule.

Mr. Moore offered to enact a ninety-day grace period to educate the residents by holding community outreach programs before implementing the new water and sewer program. He acknowledged that Florida municipalities were following suit with their watering programs.

Ms. Brandon clarified that Code Enforcement Officers would be enforcing the irrigation program.

Mayor Petrolia suggested lowering the violation fees and having someone assist those who need to adjust their water meters.

Ms. Brandon suggested postponing to a date certain of June 14, 2022, Regular City Commission Meeting to allow the City Attorney time to review the pay structure of the violations.

All motions were withdrawn.

Commission Boylston motioned to move Ordinance 11-22 to a date certain of June 14, 2022, Regular City Commission Meeting. Vice Mayor Frankel seconded the motion. The motion was carried by the following vote:

YES: 4 Mayor Petrolia, Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Boylston,

NO: 1 Commissioner Johnson

**APPROVED ON SECOND READING- CONSENSUS TO MOVE ORDINANCE NO. 11-22 TO A DATE CERTAIN OF JULY 14, 2022, REGULAR CITY COMMISSION MEETING
(WITH CHANGES OF 90 DAYS GRACE PERIOD)**

8.E. ORDINANCE NO. 17-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING TITLE 5, "PUBLIC WORKS," CHAPTER 52, "WATER," SUBHEADING "RATES, CHARGES, AND FEES," SECTION 52.34, "WATER RATES," SUBSECTION (B) "MONTHLY RATES," INCREASING THE RATES FOR WATER FURNISHED BY THE CITY; AMENDING CHAPTER 53, "SANITARY SEWERS," SUBHEADING "USER CHARGE AND INDUSTRIAL COST RECOVERY SYSTEM," SECTION 53.130, "USER CHARGES; WHOLESALE SEWER RATES; CALCULATION OF SEWER SURCHARGE," SUBSECTION (D), "[RATES AND CHARGES.]," INCREASING THE SANITARY SEWER SERVICE CHARGES; AMENDING CHAPTER 59, "RECLAIMED WATER," SECTION 59.09, "FEES, RATES, AND CHARGES," TO REFERENCE THE COMMODITY CHARGES IN SECTION 52.34, "WATER RATES;" PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (SECOND READING)

Recommendation: Review and consider Ordinance No. 17-22, pertaining to Title 5, "Public Works," Chapter 52, "Water," Subheading "Rates, Charges, and Fees," Section 52.34, "Water Rates," Subsection (B), "Monthly Rates," of the Code of Ordinances of the City of Delray Beach, Florida.

Sponsors: Finance Department and Utilities Department

Attachments: [Agenda Cover Report](#)
[Ordinance 17-22 FINAL](#)
[Legal Review Ord 17-22](#)

[Commission Presentation - 2022-03-08 - v1 \(002\)](#)

Ms. Brandon read Ordinance No. 17-22 into the record.

Mr. Dunkley acknowledged that Walden Financial Services representatives were telephonically present to answer any questions. Mr. Dunkley stated that previous presentations established that the existing Water Treatment Plant needed to be replaced in 3-5 years. The consultants recommended increasing the monthly water and sewer rates over a multi-year period. Mr. Dunkley explained that the proposed utility rate changes were necessary to maintain the city's utilities in a sound financial and operational condition. He reported that the funding would be generated from the Physical Environment Sale of Water, allowing the city to fund capital needs for the city's utility infrastructure. Mr. Dunkley mentioned that the city's rate increase would still fall short of neighboring municipalities' rates. Mr. Dudley explained that the bulk of the money generated from the rate increase would go toward operations and maintenance. He provided a timeline for the increased rate implementation as crafted by Walden Financial.

- The City's fiscal years begins before October 1
- Rate study proposes phasing back into a fiscal year rate implementation
 - July 1, 2022, for FY 2022 rates
 - January 1, 2023, for FY 2023 rates
 - October 1, 2023, for FY 2024 rates
 - October 1, 2024, for FY 2025 rates

Mr. Dunkley concluded that if the Commission would prefer, they can shift the start date from July to October 1st each fiscal year.

Mayor Petrolia engaged in a conversation with Mr. Dunkley, who confirmed that the debt would not affect the construction of the new water plant.

Mayor Petrolia opened the floor for public comments on Ordinance No. 17-22.

Sandra Weatherspoon, residing at 34 NW 12 Avenue, Delray Beach, thanked Mr. Hadjimiry for meeting with her and her community to personally explain the water rate increase.

Seeing no one else present, public comments were closed.

Commissioner Boylston remarked that the city would not stop trying to secure additional funding from other sources to aid in building the water treatment plant. He favored beginning the rate increase in July and skipping October and January.

Commissioner Johnson suggested exploring alternatives other than increasing the water rates.

Vice Mayor Frankel thanked Mr. Hadjimiry for meeting with Ms. Weatherspoon and her community. He favored starting the rate increase in July, as Commissioner Boylston suggested.

Ms. Brandon noted that Ordinance No. 17-22 would require a language modification if the dates were to shift.

Commissioner Boylston motioned to approve the water/sewer rate increase to commence July 1, 2022, and to continue the rise every October after that. Vice Mayor Frankel seconded the motion

The motion was carried by the following vote:

YES: 4 Mayor Petrolia, Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Boylston

NO: 1 Commissioner Johnson

Mayor Petrolia thanked Mr. Dunkley for his presentation.

APPROVED ON SECOND READING (WITH GRACE PERIOD OF 90 DAYS)

9. FIRST READINGS:

9. A. None

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A.City Manager

- Nothing to report

B.City Attorney

- Nothing to report

C. City Commission

- 10.C. RESOLUTION NO. 78-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ESTABLISHING THE DELRAY BEACH LGBTQIA+ PRIDE INTERSECTION AS A PERMANENT MEMORIAL; DEDICATING THE DELRAY BEACH LGBTQIA+ PRIDE INTERSECTION TO ACTIONS TAKEN BY THE CITY COMMISSION TO PROVIDE EQUAL RIGHTS, BENEFITS, AND PROTECTIONS TO THE CITY'S LGBTQIA+ RESIDENTS; RECOUNTING AND HONORING THE PUBLIC SERVICE OF NICHOLAS COPPOLA; AUTHORIZING THE PLACEMENT OF A PLAQUE AT THE SITE OF THE DELRAY BEACH LGBTQIA+PRIDE INTERSECTION MEMORIAL; PROVIDING AN EFFECTIVE DATE AND OTHER PURPOSES.**

SPONSOR: COMMISSIONER RYAN BOYLSTON

Recommendation: Motion to consider and approve Resolution 78-22.

Sponsors: Boylston

Attachments: [Agenda Cover Report](#)
 [Resolution No. 78-22](#)
 [806135 Destroying or demolishing a memorial or historic property](#)

Commissioner Boylston inquired about the status of the following:

- The Green Implementation Workshop
- The Atlantic Overlay Workshop

Mr. Moore responded that both workshops were scheduled for July.

Commission Boylston requested an update on the Historic Preservation Board's request to incorporate trees into their designs.

Mr. Moore advised that the request would return to the Commission in two weeks.

The Commission discussed restricting cigarette smoking at all beaches and parks. There was consensus to have the City Attorney investigate banning smoking in parks and beaches.

Commissioner Boylston shared that Resolution No. 78-22 would permanently memorialize the City's Pride Intersection.

Further discussion ensued concerning the costs for memorializing the statue permanently.

Ms. Brandon advised that there would need to be an *intent* to upkeep the statue permanently if it is memorialized.

Commissioner Johnson favored relocating the memorial to another location.

Vice Mayor Frankel suggested memorializing the intersection would make defacing it a hate crime.

Deputy Vice Mayor Casale voiced her concern that all future Commissioners would be bound for eternity to upkeep the monument. She suggested relocating the statute to an area that didn't require continuous upkeep.

Commissioner Boylston said that he believed the crosswalk would always be a permanent memorial and require upkeep just like the other artwork located throughout the city.

Vice Mayor Frankel made a motion to continue discussing Resolution No. 78-22 at a later date. Commissioner Boylston seconded the motion. The motion was carried by the following vote:

YES: 4 - Mayor Petrolia, Vice Mayor Frankel, Deputy Vice Mayor Casale, Commissioner Johnson
NO: 1 - Commissioner Boylston

APPROVED – TO CONTINUE DISCUSSING RESOLUTION NO. 17-22 AT A LATER DATE

Commissioner Johnson:

- Asked for a consensus to allow Ms. Michelle Lawrence to give a presentation at the June 14, 2022 Commission Meeting regarding Old School Square. Consensus was given.
- Requested the Community Land Trust be granted the opportunity to present their unsolicited proposal for the golf course to the Commission to provide guidance and direction.

Mr. Moore stated that there would be a follow-up presentation by staff on June 14, 2022 Regular Commission meeting to offer direction by the Commission.

- Did not favor having non-profit organizations come before the Commission asking for funding or use of facilities in the future.
- Mayor Petrolia recognized that the same considerations are made with the Community Land Trust.
- Recognized there would be a commemorative ceremony of Juneteenth at Pompey Park on June 18, 2022 at 10:00 a.m.

Vice Mayor Frankel:

- Acknowledged that on Saturday, June 11, 2022, at 4:00 p.m. there will be a celebration at the Pride Intersection.
- Mentioned that he attended Fire Operations Station No.103.
- Attended the First Responders banquet.
- Recognized Ms. Coco Gauff for signing her autographs, "Peace and Gun Violence".

Deputy Vice Mayor Casale:

- Reported touring the Fire Stations with Fire Chief Tomey and mentioned that Ms. Missie Barletto, Director of Public Works, was working on a Master Plan to improve the conditions of the Fire Stations. She thanked Ms. Barletto for securing the funds needed to perform the repairs.
- Thanked Mr. Jay Stacey, Director of IT, for his work on the time and attendance option.
- Acknowledged speaking with Ms. Michelle Lawrence about Old School Square to ensure the residents receive the art programs and events they deserve.

- Suggested engaging in a short-term contract with Ms. Lawrence and the Boca Museum to provide cultural events to the residents rather than leave the Old School Square Complex, dark and unoccupied.

Mayor Petrolia and Commissioner Johnson favored Deputy Vice Mayor Casale's suggestion.

Mayor Petrolia instructed staff to add it to the next agenda as a discussion item.

Vice Mayor Frankel suggested Ms. Brandon confer with City Attorney Gelin about bringing back an item that had already been voted down.

Mayor Petrolia:

- Reported that she would like more information on the new Senior Citizen Municipal Tax.

Mr. Moore stated that he would provide an analysis.

- Acknowledged Ms. Barletto for her hard work in securing funding from the State.

11. ADJOURNMENT

There being no further business to discuss, the Regular Commission Meeting was adjourned at 8:07 p.m.