

City of Delray Beach

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www.mydelraybeach.com



Minutes - Draft

Tuesday, February 21, 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 Adam Frankel

Deputy Vice Mayor Juli Casale

Commissioner Ryan Boylston

Commissioner Shirley Ervin Johnson

1. ROLL CALL

The February 21, 2023, Regular City Commission Meeting was called to order at 4:00 p.m. City Clerk, Katerri Johnson, called the roll and the following, as well as others, were present:

Terrence Moore, City Manager
Lynn Gelin, City Attorney

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

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

Mayor Petrolia requested to allow Sharon L'Herrou from the 211 hotlines to speak briefly. It became Item 3.B. on the Consent Agenda.

Sharon L'Herrou, President and CEO of the 211 Helplines, updated the Commission that the public may now dial 988 to reach the National Suicide Hotline and Crisis Helpline in addition to dialing 211. Mayor Petrolia thanked Ms. L'Herrou for her efforts.

approved

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

3.A. Additions, Deletions, Substitutions

4. PRESENTATIONS:

4.A. PRESENTING ANDREW RAYFIELD, SENIOR MASTER FLEET TECHNICIAN, WITH EMPLOYEE OF THE MONTH FOR JANUARY 2023

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Employee of the Month Rayfield January 2023](#)

Dot Bast, Assistant Human Resources Director, gave brief words of appreciation regarding Mr. Rayfield, Senior Master Fleet Technician.

Missie Barletto, Director of Public Works, expressed her gratitude for Mr. Rayfield's dedication to his job.

Ms. Bast presented Mr. Rayfield with a plaque and a certificate for eight hours of paid time off.

4.B. NEW WATER TREATMENT PLANT VALIDATION AND PROJECT DELIVERY - HAZEN AND SAWYER PRESENTATION

Sponsors: Utilities Department

Attachments: [Agenda Cover Report](#)

Mr. Moore recognized Orlando Castro and his team from Hazen and Sawyer, who were present to discuss the future construction and project delivery timeline for the new Water Treatment Plant. Mr. Castro stated that his firm would utilize a Progress Design Build (PDB) approach to the project yielding the best outcome for the city.

Mr. Moore stated that each time a project milestone is reached, an update would be shared with the Commission and the public to ensure complete transparency.

4.C. PRESENTATION REGARDING PALM TRAN'S OVERVIEW AND BUS SHELTER IMPROVEMENT PROGRAM

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)

Clinton B. Forbes, Executive Director of Palm Tran, presented an overview of the modernized prototype for the new bus shelters and discussed the various branding options and amenities they wished to collaborate on with the City.

Mr. Forbes confirmed that the city would ultimately control the bus shelter's advertising.

Mayor Petrolia discussed the possibility of cost-sharing in maintaining the bus shelters.

Everyone thanked Mr. Forbes for his presentation.

4.D. GREEN IMPLEMENTATION ADVANCEMENT BOARD 2023 ANNUAL REPORT

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[2023 Annual Report \(7\)](#)

Kent Edwards, Sustainability Officer, introduced Sara Lucas, Chairperson of the Green Implementation and Advancement Board, who shared the board's 2023 annual report and discussed the Board's plans for the future. Mayor Petrolia emphasized the importance of preserving the legacy trees. The Commission provided feedback and thanked Ms. Lucas and Ken Edwards for their continued 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

5.A.1. CITY COMMISSION INPUT TO SUPPORT REVISIONS TO THE SPECIAL EVENTS POLICIES

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Sec.101.32 - Assemblies and Special Events](#)
[2016 - Special Events Policy](#)
[2018 Special Event Policy](#)
[2019 Quick Guide to Special Even](#)
[090816 - Special Event Guidebook](#)

Jeffery Oris, Assistant City Manager, stated that staff was reviewing the special event policy to prepare an update clarifying several items of concern, in addition to streamlining the approval process.

Each Commissioner provided their feedback. Further discussion ensued regarding closing Atlantic Avenue for events.

Mr. Moore discussed the current policy for the approval of a particular event and suggested that the Commission revisit the rules and regulations for a Special Event.

Attorney Gelin, stated that the Special Event Policy language would be amended to state that only one major event may be allowed and if that changes, the City Commission makes the decision to change it. Ms. Gelin mentioned that the Delray Affair would be grandfathered.

5.A.2. REVIEW OF UPDATED BUDGET TRANSFER AND AMENDMENT POLICY

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

[Revised Budget Transfer and Amendment Policy \(BF-7
REV.7\) FINAL v4](#)
[Current Budget Transfer and Amendment Policy](#)

Hugh Dunkley, Finance Director, provided an overview of the current vs. revised budget policies highlighting which body has the authority to authorize a budget/intra-office transfer amendment.

There was a consensus that there be a language change to the budget transfer and amendment policy so that the transfer of \$65,000 is cumulative.

5.B. From the Public

C. Ron Allen, 401 West Atlantic Avenue, Delray Beach, stated that the Community Development Corporation was moving forward in honoring Alfred Zach Straughn by way of a monument, and requested support from the community.

Suzanne Boyd, Strategic Marketing Manager with the Downtown Development Authority, discussed the Wellness Community in Delray Beach.

Vera Woodson, 1885 Palm Cove Blvd, Delray Beach, stated that the inclement weather kept people from attending the parade. She shared her contact information with those who wanted to speak with her.

James McCray, with James Chess Club, Delray Beach, thanked Delray Beach for giving him a second chance in life.

Michelle Dadich, 23 SW 6th Street, Delray Beach, asked the Commission what was being done to enforce Special Bill 40 that was passed about the structural safety of blighted properties near the beach.

Christina Morrison, 1000 Lowery Street, Delray Beach, stated that the bus shelter program was an excellent vehicle for business owners to show their support for local education.

Kevin Murphy, 151 SE 3rd Avenue, Delray Beach, discussed his previous proposal to start a wave runner business. Mayor Petrolia confirmed that there wasn't an interest in his proposal.

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

6. CONSENT AGENDA: City Manager Recommends Approval

approved

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

6.A. CITY COMMISSION MEETING MINUTES

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[February 7, 2023 Workshop Meeting Minutes - DRAFT](#)
[February 7, 2023 Regular Meeting Minutes - DRAFT](#)

approved

6.B. RESOLUTION NO. 42-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REPEALING RESOLUTION 15-23; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Resolution 42-23 Repealing Reso No. 15-23](#)
[Simple Legal Review Approval Repeal of 15-23](#)

approved

6.C. APPROVAL OF REVOCABLE LICENSE AGREEMENT WITH JPR PRODUCTIONS, INC. TO PROMOTE AND PRODUCE THE LOTOS FESTIVAL TO BE HOSTED AT THE DELRAY BEACH TENNIS CENTER

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[Legal Review_RLA_Lotos Music Festival rev. 1.19.23](#)
[Lotos Music Festival rev. kwb 1.19.23 \(for April 29 2023 festival\)](#)
[ExA_CostEstimates_LOTOS Festival- April 29 2023](#)

approved

6.D. APPROVAL OF REVOCABLE LICENSE AGREEMENT WITH DELRAY BOXING, LLC. TO HOST COMPETITIVE BOXING MATCHES, SANCTIONED BY THE STATE OF FLORIDA ATHLETIC COMMISSION, MARCH 17, 2023 FOR AN EVENT KNOWN AS "BLACKSHEEP FIGHT NIGHT".

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)
[Simple Legal Review Approval boxing 2023](#)
[Boxing License Agreement - Tennis Center for 2023](#)
[Boxing March 2023 costs- Exhibit A](#)

approved

- 6.E.** APPROVAL OF REVOCABLE LICENSE AGREEMENT WITH FOSTER EVENT GROUPS, LLC. TO HOST A COMPETITIVE PICKLEBALL TOURNAMENT MAY 10-MAY 14, 2023 KNOWN AS THE, "DELRAY BEACH PICKLEBALL OPEN", AT THE DELRAY BEACH TENNIS CENTER.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist RLA Foster DelrayBeachPickleball Open 2023](#)
[RLA FosterEvents Pickleball May2023](#)
[Foster Pickleball May 10-14 2023 costs Ex A](#)

approved

- 6.F.** MOTION TO APPROVE CHANGE ORDER NO. 2: DEMOLITION, DECOMMISSIONING, AND REMOVAL OF THE EXISTING FUEL STATION FOR FIRE STATION 113 IN AN AMOUNT NOT TO EXCEED \$29,716.10 IN ACCORDANCE WITH AN APPROVED AGREEMENT WITH GULF BUILDING, LLC. PURSUANT TO RFP NO. 2019-008.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Delray FS-113 - Fair Reasonable - Fuel Tank Removal 011223](#)
[Gulf Building Contract 011223](#)

approved

- 6.G.** APPROVAL OF ADDITIONAL SPENDING TO CONTRACT WITH ADT COMMERCIAL, LLC IN THE AMOUNT OF \$200,000 FOR PURCHASE OF VIDEO RELATED EQUIPMENT AND ACCESSORIES FOR THE WATER TREATMENT PLANT (WTP), UTILIZING THE STATE OF NEVADA MASTER AGREEMENT NUMBER 3407 THROUGH THE NASPO VALUEPOINT COOPERATIVE CONTRACTS.

Sponsors: Utilities Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Delray Water Pro 1.2.pdf](#)
[Fully Executed Agreement - ADT Commercial LLC&Res44-22.pdf](#)
[Legal Review Checklist Participating Addendum and MSA for ADT piggyback off Nevada Agmt.pdf](#)
[State of Nevada Master Agreement.pdf](#)
[NASPO Extension to 7.30.2023](#)

approved

6.H. PROCLAMATIONS:**6.H.1. 211 AWARENESS MONTH**

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[211 Awareness Month Proclamation 2023](#)
approved

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

6.I.1. None

6.J. AWARD OF BIDS AND CONTRACTS:

6.J.1. None

7. REGULAR AGENDA:

7.A. RESOLUTION NO. 40-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A WAIVER REQUEST TO SECTION 4.4.13(C)(4)(h)4.c. OF THE LAND DEVELOPMENT REGULATIONS APPROVING THE CONSTRUCTION OF ROOFTOP SWIMMING POOLS WITHOUT WALKWAYS ON THREE OF FOUR SIDES FOR THE PROPERTY LOCATED AT 354 SE 5TH 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. 40-23 354 SE 5th Ave Pool Walkway Waiver](#)
[354 SE 5th Ave Waivers Staff Report](#)
[354 SE 5th Ave Applicant Justification Statement](#)
[354 SE 5th Ave Architectural Plans](#)
[354 SE 5th Ave Survey](#)
[Legal Review Res 40-23 Waiver re Rooftop Pool Walkways 354 SE 5th Ave](#)

Mayor Petrolia read the quasi-judicial rules into the record. City Clerk, Katerri Johnson, swore in all those who wished to give testimony on Item 7.A. and 7.B.

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

to disclose.

Commission Boylston - none

Commissioner Johnson - none

Vice Mayor Frankel - none

Deputy Vice Mayor Casale - none

Mayor Petrolia - none

Anthea Gianniotis, Director of Development Services entered file ID # 2022-151 into the record.

Jeffrey Silberstein, an architect located in Delray Beach, was present on behalf of the applicant to ask for the approval of a waiver request for the design of individual pools in a single- family, eight-unit residential townhome community. He stated that outside of the Central Business District he was previously allowed to build similar designs that would not propose an unsafe situation.

Ms. Gianniotis provided a staff report on the narrow structural design and the safety concerns that the design poses. She stated that on November 30, 2022, the SPRAB recommended denial by a 5-1 vote.

Mayor Petrolia opened the floor to anyone who wished to provide testimony on Resolution No. 40-23.

Mr. Silberstein stated that he would never design a pool that was a safety hazard and would be amenable to installing a chair for sitting in the pool.

There was no cross-examination or rebuttal.

A discussion ensued with each Commissioner providing their feedback on the presentation.

denied

Yes: 1 - Vice-Mayor Frankel

No: 4 - Commissioner Ervin Johnson, Deputy Vice Mayor Casale, Mayor Petrolia, and Commissioner Boylston

7.B.

RESOLUTION NO. 46-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF INTEREST IN A PORTION OF RIGHT-OF-WAY ALLEY LOCATED ALONG THE EASTERN AND NORTHERN PROPERTY LINES OF 213 SOUTHEAST 2ND AVENUE, TOTALING APPROXIMATELY 1,496 SQUARE FEET, AS MORE PARTICULARLY DESCRIBED HEREIN; RETAINING GENERAL UTILITY EASEMENT; REQUIRING THE SUBMITTAL OF A PLAT TO CONSUMMATE THE ABANDONMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR

OTHER PURPOSES. (QUASI-JUDICIAL)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Resolution No. 46-23 - Alley Abandonment](#)

[Planning and Zoning Board Staff Report](#)

[Applicant Justification Statement](#)

[City Engineer Review](#)

[Survey of Area](#)

[Sketches of Areas](#)

[Utility Notification \[AT&T\]](#)

[Utility Notification \[Comcast\]](#)

[Turning Radius Review](#)

[Legal Review Res No. 46-23 fka 15-23 Alley Abandonment](#)

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

Mayor Petrolia asked if her colleagues had any ex-parte communications to disclose. The following was disclosed:

- Vice Mayor Frankel - spoke with Mr. Schiller, the applicant and Ms. Miskal
- Commissioner Johnson - spoke with the owner
- Commissioner Boylston - spoke with Mr. Schiller
- Mayor Petrolia - anything from the past and what was on the server
- Deputy Vice Mayor Casale - none

Anthea Gianniotis, Director of Development Services, entered file ID # 2021-236 ABR into the record.

Neil Schiller, an attorney with the Government Law Group, was present on behalf of the applicant, The Hutt, LLC, who is seeking approval for a privately-initiated request to abandon an unimproved portion of a city-owned right of way located adjacent to 201 and 213 SE 2nd Avenue and 206 SE 3rd Avenue.

Ms. Gianniotis provided a comprehensive staff report of the abandonment criteria. She stated that the City Engineer recommended that the abandonment is denied.

Mayor Petrolia opened the floor to anyone who wished to provide testimony on Resolution No. 46-23.

Seeing no one present, Mayor Petrolia closed public comment.

There was no cross-examination or rebuttal.

Mayor Petrolia impugned why the Community Redevelopment Agency

wasn't present since they owned the land.

Ms. Gelin stated that the original landowner stipulated that the lot may only be used as a preserve.

Missie Barletto, Development Services Director, discussed the land's appraised developmental usage per Conservation Florida Inc. about the property's limitations.

There was a consensus from the Commission to deny this item as presented. However, the Commission agreed to bring this item back for further discussion on the parcel's use.

approved with conditions

Yes: 3 - Deputy Vice Mayor Casale, Mayor Petrolia, and Commissioner Boylston

No: 2 - Commissioner Ervin Johnson, and Vice-Mayor Frankel

7.C. NOMINATION FOR AN APPOINTMENT TO THE EDUCATION BOARD

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Education Board](#)
[Education Board Attendance](#)
[Burstein](#)
[Dorow, J](#)
[Fannon](#)
[Plante](#)
[Singer](#)
[Stefanovic](#)

J. Dorow was nominated to the Education Board

approved

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

7.D. NOMINATION FOR AN APPOINTMENT TO THE HISTORIC PRESERVATION BOARD

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[HPB Attendance 2022](#)
[HPB Attendance 2023](#)
[Historic Preservation Board](#)
[Cullinan](#)
[Heredia](#)
[Jansen](#)
[Land](#)
[O'Conner](#)
[Olieberg](#)
[Sylvester](#)

Ivan Heredia was nominated to the Historic Preservation Board.
approved

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

7.E. CONSIDERATION OF CONVEYANCE OF 3 PARCELS TO THE CITY OF DELRAY BEACH BY CONSERVATION FLORIDA , INC.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Letter to Vice Mayor Shirley Johnson 7.20.21.](#)
[property appraiser map of Kenmont Landing lots](#)
[Special Warrant Deed LG rev 2-22-22 rev 9-8-22 rev 1-6-23 TDrev 1-27-23](#)
[2103-025-Appraisal Report - XXXXX Palm Trail](#)
[Curently Owned Parcels and Deed](#)
[Simple Legal Review Approval Special Warranty Deed Conservation Florida, Inc. 2.10.23](#)

Jeff Oris, Assistant City Manager, stated that the City Commission was being asked to consider accepting the conveyance of 3 parcels by Conservation Florida, Inc. to the City of Delray Beach by Special Warranty Deed to ensure the properties will be maintained in their natural condition with limited passive use of the land.

Ms. Gelin clarified that the City could not develop the land, it could only be used for a Nature Preserve, and the City would take on the liability for maintenance.

Further discussion ensued about controlling the flooding in the area.
approved

Yes: 3 - Commissioner Ervin Johnson, Vice-Mayor Frankel, and Commissioner Boylston

No: 2 - Deputy Vice Mayor Casale, and Mayor Petrolia

7.F. APPROVAL OF AMENDMENT NO. 6 TO THE SOLID WASTE AND RECYCLING COLLECTION FRANCHISE AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND WASTE MANAGEMENT INC. OF FLORIDA

Sponsors: Neighborhood & Community Services and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Simple Legal Review Approval Amend No. 6 to Solid Waste and Recycling Agreement](#)
[2014-38 - Agreement Amendment No. 6_v2 lg rev](#)

[Amendment No. 5 to Exclusive Franchise Agreement - Solid Waste & \(2\)](#)

[Amendment No. 4 - Solid Waste & Recycling Collection Agreement Executed](#)

[Amendment No. 3 - Solid Waste & Recycling Collection Agreement](#)

[Waste Management - amd no. 2 to solid waste and recycling collection franchise agreement dated April 3, 2018](#)

[Waste Management of Florida - amendment no. 1 to franchise agreement for collection of solid waste and recyclable materials Southern Waste 2015 Exclusive Franchise Agreement](#)

approved

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

Recused: 1 - Commissioner Boylston

7.G. APPROVAL OF THE EXCLUSIVE FRANCHISE AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND WASTE MANAGEMENT INC. OF FLORIDA FOR THE COLLECTION OF SOLID WASTE AND RECYCLABLE MATERIALS.

Sponsors: Neighborhood & Community Services and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Delray RFP 2022-046 Draft Exclusive Franchise Agreement](#)

Sam Walthour, Director of Neighborhood and Community Services, thanked Mr. Moore and City staff for their tireless work negotiating with Waste Management for the Exclusive Franchise Agreement pursuant to Request for Proposals (RFP) No. 2022-046 for the next seven years.

Barbara Herrera, Government Affairs Manager with Waste Management of Florida, stated that through negotiations with the City Manager, the new

rate of trash and recycle pick up would amount to **\$18.14** per month per household, which would commence on **May 1st**, per amendment six.

Ms. Herrera mentioned the company's commitment to environmental issues throughout the City.

approved

8. PUBLIC HEARINGS/SECOND READINGS:

8.A. None

9. FIRST READINGS:

9.A. ORDINANCE NO. 03-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, CHAPTER 7, "BUILDING REGULATIONS," ARTICLE 7.4, "HOUSING CODE," BY CREATING A NEW SECTION 7.4.3, "NOTICE OF TERMINATION OF RESIDENTIAL TENANCIES AND PAYMENT INCREASE," PROVIDING FOR REQUIRED WRITTEN FAIR NOTICE OF TERMINATION OF RESIDENTIAL TENANCIES AND FOR RENTAL PAYMENT INCREASES; PROVIDING FOR ENFORCEMENT; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Ordinance No. 03-23](#)
[PZB Staff Report](#)
[Simple Legal Review Approval Ordinance 03-23](#)

Lynn Gelin entered Ordinance No. 03-23 into the record.
approved on first reading

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

9.B. ORDINANCE NO. 05-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT REDESIGNATING FOURTEEN PARCELS OF LAND MEASURING APPROXIMATELY 17.03 ACRES, LOCATED ON GREENSWARD LANE, SOUTH OF HAMLET DRIVE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM OPEN SPACE TO LOW DENSITY RESIDENTIAL AND MEDIUM DENSITY RESIDENTIAL, 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. (FIRST READING)

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[The Hamlet - Ordinance No. 05-23 leg rev WB](#)

[The Hamlet - PZB Staff Report](#)

[The Hamlet - Location/Index Map](#)

[The Hamlet - Current and Proposed Land Use](#)

[The Hamlet - Legal Review of Ordinance No. 05-23](#)

Lynn Gelin entered Ordinance No. 05-23 into the record.
approved on first reading

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

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

- Suggested pulling two of the scheduled six Gold Course presentations.
- There was a consensus from the Commission he to pull the two Executive Course Presentations.
- Thanked the department of Public Works for securing two grants totaling twelve-million dollars for city projects.
- Offered his gratitude to City Staff for their hard work at the Delray Tennis Open.
- Reported that there would be a Town Hall Meeting February 23rd at 6:00 p.m. at Old School Square.

A.1. Commentary Regarding Special Meeting for Golf Course Presentations

Sponsors: City Manager Department

Mr. Moore requested permission from the Commission to schedule a Special Meeting regarding the Golf Course presentations on March 2, 2023, at 2:00 p.m.
approved

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

B. City Attorney

Requested Shade Meetings to be held on February 28th for the

following:

1. Farrington vs. the City at 2:00pm
2. Michael Coleman and Jamel Stuart vs. City at 2:30pm

Both meetings will be held together.

C. City Commission

Deputy Vice Mayor Casale:

- Thanked Gina Carter for creating the magazine "Village by the Sea"
- Thanked Missie Barletto for securing the grant money.
- Suggested implementing controls the large trucks that unload beer on both sides of the street.
- Suggested a future discussion on impact fees for large homes.
- Mentioned having the Tennis Professional stay at local hotel.

Vice Mayor Frankel:

- Requested to allow the Menam Group to present a proposed at the April 4, 2023 Workshop Meeting.
- Thanked Public Works for their hard work during the Tennis Tournament.

Commissioner Boylston:

- Thanked his colleagues for their representation at the Tennis Tournament.
- Mentioned that many residents don't understand the GEO Bond.

Commissioner Johnson:

- Suggested updating the Ctec Federal Grant applications to require the applicants' credentials.
- Discussed local rules that are changing at the Federal level.
- Stated that on February 24th at 10:00am, the Remembrance Project will deliver Mr. Nelson's soil to its destination in Montgomery, Alabama.

Mayor Petrolia:

- Discussed the CRA cut through lot.
- Mentioned Dogs on the Beach are becoming problematic.
- Stated that enforcement is needed for the loud Music on the Avenue.
- Mentioned that the Boxing Match is on the same day as the St. Patrick's Parade and suggested creating a master calendar.
- Requested adding a Bus Shelter by the Shady Woods Community.
- Stated that she had received a letter from the Joint Legislative

Auditing Committee regarding the City's time and attendance audit.

Mr. Moore stated that the Department of Finance and himself are working on their response to the Committee.

11. ADJOURNMENT

There being no further business to discuss, the Regular City Commission Meeting was adjourned at 7:50 p.m.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Boylston, Ryan Charles		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Delray Beach City Commission	
MAILING ADDRESS 2 NW 24th Street		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Delray Beach	COUNTY Palm Beach County	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED 02-21-23		NAME OF POLITICAL SUBDIVISION: City of Delray Beach	
		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Ryan Boylston, hereby disclose that on February 21, 20 23 :

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____ ;
- ☐ inured to the special gain or loss of my relative, _____ ;
- ☒ inured to the special gain or loss of Coastal Waste & Recycling of Florida, Inc., by whom I am retained; or
- ☐ inured to the special gain or loss of _____ , which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

On February 21, 2023, the City Commission considered the approval of an exclusive franchise agreement between the City of Delray Beach and Waste Management, Inc., for the collection of solid waste and recyclable materials. Based on the advice provided to me by the Florida Commission on Ethics, I abstained from voting on the matter because my client Coastal remained a candidate for the collection of solid waste and recyclable materials contract if Waste Management, Inc., was not awarded the contract.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed

2/28/23

Signature

[Signature]

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.