

City of Delray Beach

*100 NW 1st Avenue - Delray Beach, Florida 33444
Phone: (561) 243-7000 - Fax: (561) 243-3774
www.mydelraybeach.com*



Minutes - Draft

Tuesday, August 20, 2019

4:00 PM

Regular Meeting at 4:00 PM

Delray Beach City Hall

City Commission

*Mayor Shelly Petrolia
Vice Mayor Shirley Ervin Johnson
Deputy Vice Mayor Bill Bathurst
Commissioner Adam Frankel
Commissioner Ryan Boylston*

0. ROLL CALL

Mayor Petrolia called the regular meeting to order at 4:00 p.m.

The roll call was taken by the City Clerk.

The following were in attendance:

Mayor Shelly Petrolia
Commissioner Adam Frankel
Vice Mayor Shirley Ervin Johnson
Deputy Vice Mayor Bill Bathurst
Commissioner Ryan Boylston

Others present were:

Neal de Jesus, Interim City Manager
Lynn Gelin, City Attorney
Katerri Johnson, City Clerk

1. PLEDGE OF ALLEGIANCE TO THE FLAG**2. AGENDA APPROVAL**

Interim City Manager de Jesus reported that the applicant requested item 7A be pulled from the agenda and it will come back before the Commission at another time.

Commissioner Frankel moved to approve the agenda as amended. It was seconded by Deputy Vice Mayor Bathurst. A roll call vote was taken and all were in favor. The motion carried 5-0.

Approved as amended.

3. [19-840](#) CITY MANAGER SELECTION

Body: **Recommended Action:**

Recommendation: The City Commission will select a City Manager.

Mayor Petrolia and the Commissioners discussed the ranking of the candidates. Mayor Petrolia instructed everyone to mark their ballots and pass them to the City Clerk. The ballots were tallied resulting in 3 votes for Mr. Michael Cernech, 1 vote for Mr. George Gretsas and 1 vote for Mr. Joseph Napoli.

A motion was made by Commissioner Frankel to make an offer to Mr. Michael Cernech for the City Manager position. Deputy Vice Mayor Bathurst seconded the motion. A roll call vote was taken. The motion carried 4-1 with Vice Mayor Johnson dissenting.

Mayor Petrolia stated that the City will move forward with negotiations with Mr. Michael Cernech. City Attorney Gelin recommended that the Mayor be present to negotiate with Mr. Michael Cernech and that she would prepare the contract and present it at the next meeting.

Mayor Petrolia congratulated Mr. Michael Cernech and expressed that the other two candidates were wonderful and wished them the best.

Approved.

4. PRESENTATIONS:

4.A. [19-781](#) GIRLS GO BUILD PRESENTATION

Body: **Recommended Action:**

Recommendation: This is a presentation - no action required.

Janet Meeks gave a brief presentation about the Girls Go Build program and introduced some of the participants in the group. Mr. Steven Kozak of South Tech thanked Mayor Petrolia and Ms. Meeks for heading up this program. He commented that the students are graduating with a 98% success rate of entering the work force. The Mayor congratulated the young ladies on their dedication for working during the summer months.

- 4.B. [19-805](#) PRESENTATION OF THE FLORIDA POLICE CHIEFS ASSOCIATION
2018 LIFESAVING AWARD TO SERGEANTS MICHAEL DEBREE AND
BRIAN GRIFFITH

Body: Recommended Action:

Recommendation: Recognition of Sergeants Michael Debree and Brian Griffith for receiving the Florida Police Chiefs Association 2018 Lifesaving Award for the lifesaving act they performed on May 19, 2018.

Hal Hutchins with the Ocean Ridge Police Department, who also represents the FPCA, presented Sergeant Michael Dubree and Sergeant Brian Griffith the FPCA Life Saving Award recognizing them for putting their lives on the line every day. He gave an example of a heroic deed and their selfless actions where they responded to an emergency call which involved a mother and her children.

A short video was shown of the emergency call the officers responded to. Interim City Manager de Jesus thanked both officers for their service although it was very difficult to watch. Mayor Petrolia congratulated the officers as well.

4.C. Internal Auditor's Report

4.C.1. None

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

None

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

None

B. From the Public

Pauline Moody, 614 NE 8th Avenue, Boynton Beach, commented she was glad the City will have a new City Manager from Tamarac. She expressed her concern that the video shown of the officers who were being honored were both illegal and inappropriate. She inquired about the construction and when would it be completed because of the garbage all over and she wanted to know why the City would allow this.

Ann Stacey Wright, 225 SW 7th Avenue, Delray Beach, expressed her disappointment with the Commission, specifically in regards to the NW/SW Set Community. She feels the City Commission shows a lack of respect for the Set Community - as they are trail blazers, stakeholders and residents. She also expressed her disappointment in the way that the sale of the land was handled.

Jim Chard, 401 SE 4th Avenue, Delray Beach, told the Commission that he was the Chairman of the Chamber of Commerce for the Girls Go Build Program and thought that it was a wonderful model for the City. He complimented Janet Meeks on a job well done.

Alice Finst, 707 Place Tavant, Delray Beach, echoed the comments made by Pauline Moody in regards to the construction on Atlantic Avenue and I-95 taking forever.

Bob Victorin, 120 S. Ocean Blvd., Delray Beach, President of the Beach Property Ownership, commended the Commission on their choice of Mr. Michael Cernech. Secondly, he read a letter regarding restoring the City Beach and dunes to their natural beauty and the need to be protected. He announced that the IRC has a kickoff event on Saturday, September 7th and volunteers were encouraged to attend.

Rita Ellis, 100 Macfarlane Drive, Delray Beach, spoke about her concern regarding the mini re-nourishment on the South end of the Public Beach by Atlantic Dunes Park, and the City's funding for this project. She commented that Missie Barletto did a great job getting the beach into amazing condition, and that Delray is the envy of other Cities.

Ernestine Holliday, 40 N.W. 9th Avenue, Delray Beach, commented that although it was said that Walk has been in business too long, they were able to secure an award to a minority citizen and she was very proud.

Angie Gray, 219 S. W 9th Street, Delray Beach, was also involved in the

Girls Go Build program and thanked Mr. Michael Coleman. She asked the Commission about the status of the disparity study as well as the opportunity zone and how it will impact the City.

Laura Simon, Director of the DDA, congratulated the Commission for their selection of the new City Manager. She thanked Mike Karali and the streets crew for picking up the broken pavers.

There being no one else from the public who wished to address the City Commission, Mayor Petrolia closed the public comments.

6. CONSENT AGENDA: City Manager Recommends Approval

Commissioner Frankel moved to approve the consent agenda as amended. It was seconded by Deputy Vice Mayor Bathurst. The vote was taken and the motion carried 5-0.

Approved as amended.

6.A. [19-747](#) CITY COMMISSION MINUTES

Body: Recommended Action:

Recommendation: Motion to approve meeting minutes as listed below:

July 2, 2019 Regular Meeting Minutes
July 2, 2019 Workshop Meeting Minutes
July 9, 2019 Regular Meeting Minutes
July 9, 2019 Workshop Meeting Minutes
August 13, 2019 Special Meeting Minutes

Approved.

6.B. [19-784](#) PROPOSED SETTLEMENT IN PALM BEACH COUNTY CASE NO. 50-2017-CA-011349-XXXX-MB

Body: Recommended Action:

Recommendation: Motion to Deny proposed settlement in the amount of \$200,000 made by Plaintiff in case number 50-2017-CA-011349-XXXX-MB.

Approved.

- 6.C. [19-825](#) RESOLUTION NO. 150-19: ALLOWING FOR THOMAS MACMANUS TO RETAIN HIS SEAT ON THE GENERAL EMPLOYEES RETIREMENT COMMITTEE

Body: **Recommended Action:**

Recommendation: Motion to Approve Resolution 150-19 allowing for Thomas MacManus to retain his seat on the General Employees Retirement Committee.

Approved.

- 6.D. [19-831](#) APPROVAL OF AN EMPLOYMENT AGREEMENT WITH DR. JULIA DAVIDYAN

Body: **Recommended Action:**

Recommendation: Motion to Approve Employment Agreement with Dr. Julia Davidyan

Approved.

- 6.E. [19-822](#) ACCEPTANCE OF A HOLD HARMLESS AGREEMENT TO RECONSTRUCT NEW EXTENDED FINGER PIERS, A SEAWALL AND A DOCK INTO AND OVER THE YACHT BASIN IN THE INTRACOASTAL WATERWAY WHICH IS OWNED BY THE CITY OF DELRAY BEACH.

Body: **Recommended Action:**

Recommendation: Review and consider the Hold Harmless Agreement of the submerged lands within the yacht basin to improve and reconstruct new extended finger piers, a seawall and dock.

Approved.

- 6.F. [19-740](#) RESOLUTION NO. 137-19: SANITATION RATES FOR FY2020

Body: **Recommended Action:**

Recommendation: Motion to approve Resolution No. 137-19 to implement a schedule of sanitation rates and fees in accordance with the City Code of Ordinances, Chapter 51, "Garbage and Trash", Section 51.70, "Regular Charges Levied", and to authorize the City of Delray Beach to collect the residential and commercial sanitation rates on the tax roll for Fiscal Year 2020.

Approved.

- 6.G. [19-785](#) RESOLUTION NO. 143-19 TO ESTABLISH AN EXTERNAL AUDITOR SELECTION COMMITTEE

Body: **Recommended Action:**

Recommendation: Motion to Approve Resolution No. 143-19 to establish an External Auditor Selection Committee to assist the governing body in selecting an external auditor to conduct the City of Delray Beach's annual financial audit required by Florida Statute 218.39.

Approved.

- 6.H. [19-764](#) REVOCABLE LICENSE AGREEMENT WITH THE INSTITUTE FOR REGIONAL CONSERVATION GRANTING ACCESS TO CITY PROPERTY FOR THE PURPOSE OF COLLECTING HERBARIUM SPECIMENS.

Body: **Recommended Action:**

Recommendation: Motion to approve the license agreement and resolution with the Institute for Regional Conservation (IRC).

Approved.

- 6.I. [19-763](#) AMENDMENT TO THE RULES OF THE CITY OF DELRAY BEACH POLICE ADVISORY BOARD

Body: **Recommended Action:**

Recommendation: Motion to Approve the amendment to the Rules of the City of Delray Beach Police Advisory Board, as adopted by the Police Advisory Board and to be approved by the City Commission.

Approved.

- 6.J. [19-804](#) GRANT APPLICATION/EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)

Body: **Recommended Action:**

Recommendation: Motion to approve application for the 2019 Edward Byrne Memorial Justice Assistance Grant in the amount of \$29,379.

Approved.

- 6.K. [19-806](#) STATE AND LOCAL TASK FORCE AGREEMENT WITH THE UNITED STATES DEPARTMENT OF JUSTICE, DRUG ENFORCEMENT ADMINISTRATION (DEA)

Body: **Recommended Action:**

Recommendation: Motion to retroactively approve a State and Local Task Force Agreement with Drug Enforcement Administration (DEA).

Approved.

- 6.L. [19-754](#) APPROVAL OF AMENDMENT NO. 1 TO RENEW THE AGREEMENT WITH WESTWAY TOWING, INC. FOR VEHICLE TOWING AND STORAGE SERVICES - \$73,000

Body: Recommended Action:

Recommendation: Motion to Approve Amendment No. 1 with Westway Towing, Inc. to renew the Agreement under the same terms and conditions, and authorize the City Manager to approve renewal options, in the amounts below, contingent upon appropriations of funds.

Approved.

- 6.M. [19-716](#) RESOLUTION NO. 135-19 BEACH RENOURISHMENT PROGRAM

Body: Recommended Action:

Recommendation: Motion to Approve Resolution No. 135-19 in support of the City of Delray Beach Renourishment Program. This resolution supports the beach and coastal management programs of the Florida Department of Environmental Protection (FDEP), advising the State of Florida that the City of Delray Beach (City) will consider participation and will provide the local funding share necessary to implement any State beach and coastal management program approved by the City Commission for participation.

Approved.

- 6.N. [19-778](#) FIFTH AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE COMMUNITY REDEVELOPMENT AGENCY PROVIDING FOR FUNDING IN THE AMOUNT OF \$100,000 FOR THE IRRIGATION AND MAINTENANCE OF LANDSCAPING ASSOCIATED WITH CERTAIN STREETScape BEAUTIFICATION PROJECTS

Body: Recommended Action:

Recommendation: Motion to Approve the fifth amendment to the Interlocal Agreement (ILA) between the City of Delray Beach (City) and the Community Redevelopment Agency (CRA) providing funding in the amount of \$100,000 for the irrigation and maintenance of landscaping associated with certain streetscape beautification projects.

Approved.

6.O. [19-779](#) ITEMS (A-J) - ACCEPTANCE OF A PERPETUAL SIDEWALK EASEMENTS, UTILITY EASEMENT AND RIGHT OF WAY DEEDS FOR MULTIPLE PROPERTIES

Body: Recommended Action:

Recommendation:

Item A

(A) Motion to approve and accept 5' sidewalk easement located on Lot A located at 100 Gleason St., #204, Lot A.

Item B

(B) Motion to approve and accept 5' and a 2' of right of way dedication on 237 NW 5th Ave.

Item D

(D) Motion to approve and accept 5' sidewalk easement located on Lot B, located at 100 Gleason St., #204, Lot B.

Item F

(F) Motion to approve and accept a 25' radial right of way dedication located on Lot A, located at the corner of Gleason St. and Miramar Dr.

Item G

(G) Motion to approve and accept a 20' and a 1.80' right of way deed located on 309 SW 5th Ave. lot #34.

Item H

(H) Motion to approve and accept variable width Right of Way dedication on SE 7th Ave. and 618 SE 4th St.

Item I

(I) Motion to approve and accept a 2' of alley right of way dedication on 233 SW 14th Ave.

Item J

(J) Motion to approve and accept a 2' of alley right of way dedication on 229 SW 14th Ave.

Approved.

6.P. PROCLAMATIONS:

6.P.1. None

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

6.Q.1. [19-793](#) REPORT OF APPEALABLE LAND USE ITEMS FROM JUNE 17, 2019, THROUGH AUGUST 2, 2019.

Body: **Recommended Action:**

Recommendation: By motion, receive and file this report.

Approved.

6.R. AWARD OF BIDS AND CONTRACTS:

6.R.1. [19-615](#) APPROVAL OF RESOLUTION NO. 119-19 TO AWARD AN AGREEMENT WITH STOCKTON MAINTENANCE GROUP, INC. FOR JANITORIAL SERVICES CITYWIDE (RFP 2019-003) - \$906,675

Body: **Recommended Action:**

Recommendation: Motion to approve Resolution No. 119-19 to award an agreement with Stockton Maintenance Group, Inc. for Janitorial Services Citywide (RFP 2019-003) in the estimated amount of \$906,675 for the agreement term and to authorize the City Manager to exercise any and all renewal options, in the amounts below, contingent upon appropriation of funds.

Approved.

6.R.2. [19-712](#) RESOLUTION NO. 124-19 TO APPROVE UTILIZING SOURCEWELL EZIQC CONTRACT NO. FL-SEA-GC02-041019-SCD WITH SHIFF CONSTRUCTION AND DEVELOPMENT, INC. FOR LED LIGHTING UPGRADES AT THE OLD SCHOOL SQUARE AND FEDERSPIEL PARKING GARAGES IN THE AMOUNT NOT-TO-EXCEED \$162,000; AND EXPANSION OF DELRAY BEACH MEMORIAL GARDENS IN THE AMOUNT NOT-TO-EXCEED \$425,000

Body: **Recommended Action:**

Recommendation: Motion to Approve Resolution No. 124-19 to utilize Sourcewell (formerly known as National Joint Powers Alliance) eziQC Contract No. FL-SEA-GC02-041019-SCD with Shiff Construction and Development, Inc. for the installation of LED lighting upgrades at the Old School Square and Federspiel parking garages in the amount not-to-exceed \$162,000 and expansion of the Delray Beach Memorial Gardens in the amount not-to-exceed \$425,000.

Approved.

- 6.R.3. [19-746](#) APPROVAL OF RESOLUTION NO. 139-19 FOR A PURCHASE OF ONE NEW RESCUE TRANSPORT VEHICLE FROM REV RTC, INC. DBA HALL-MARK RTC UTILIZING THE FLORIDA SHERIFF'S CONTRACT NO. FSA18-VEF-13.0 - \$550,000

Body: **Recommended Action:**

Recommendation: Motion to approve Resolution No. 139-19 to purchase one new rescue transport vehicle from REV RTC, Inc. dba Hall-Mark RTC in an amount not-to-exceed \$550,000 utilizing the Florida Sheriff's Association Contract No. FSA18-VEF-13.0.

Approved.

- 6.R.4. [19-775](#) RESOLUTION NO. 140-19 TO APPROVE AN AGREEMENT WITH WEX BANK FOR FUEL CARD SERVICES; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THIS AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Body: **Recommended Action:**

Recommendation: Motion to Approve Resolution No. 140-19 to approve an Agreement based upon Contract No. 973-163-10-1 between the State of Florida and WEX Bank for citywide fuel card services and authorize the City Manager to execute a master service agreement with WEX Bank and authorize the City of Delray Beach (city) City Manager to approve renewal options; contingent upon renewal by the State of Florida.

Approved.

- 6.R.5. [19-795](#) APPROVAL OF RESOLUTION NO. 141-19 FOR UTILITY BILL PRINTING & MAILING SERVICES FROM ENCO UTILITY SERVICES FLORIDA LLC UTILIZING CITY OF MILTON CONTRACT (RFP #2017.10.014) - \$197,889

Body: **Recommended Action:**

Recommendation: Motion to approve Resolution No. 141-19 for Utility Bill Printing & Mailing Services from Enco Utility Services Florida LLC (Enco), utilizing City of Milton Contract (RFP #2017.10.014) - \$197,889 and authorize the City Manager to approve renewal options, in the amounts below, contingent upon appropriations of funds.

Approved.

- 6.R.6. [19-762](#) APPROVAL OF RESOLUTION NO. 142-19 TO AWARD AN AGREEMENT TO HINTERLAND GROUP, INC. FOR THE SYSTEMS 58A & 87 FORCE MAIN REPLACEMENTS - \$1,469,444.00

Body: **Recommended Action:**

Recommendation: Motion to approve Resolution No. 142-19 to award an agreement to Hinterland Group, Inc. for the upgrade of the wastewater lift stations in the System 58A (Germantown Road) and System 87 (Military Trail) wastewater networks in an amount of \$1,469,444.00.

Approved.

- 6.R.7. [19-782](#) APPROVAL OF RESOLUTION NO. 144-19 TO AWARD AN AGREEMENT WITH CRAIG A. SMITH & ASSOCIATES FOR THE DESIGN OF NW NEIGHBORHOOD IMPROVEMENTS (RFQ 2018-054) - \$1,590,860

Body: **Recommended Action:**

Recommendation: Motion to approve Resolution No. 144-19 to award an Agreement with Craig A. Smith & Associates for the design of NW Neighborhood improvements.

Approved.

- 6.R.8. [19-759](#) APPROVAL OF RESOLUTION NO. 145-19 WITH TRANE US INC. FOR AIR CONDITIONING MAINTENANCE AND REPAIR SERVICES - \$250,000

Body: **Recommended Action:**

Recommendation: Motion to approve Resolution No. 145-19 with Trane US Incorporated, for air conditioning maintenance and repair services, as needed at City-owned facilities in an estimated amount of \$250,000 and authorize the City Manager to approve renewal options, in the amounts below, contingent upon appropriations of funds.

Approved.

7. REGULAR AGENDA:

- 7.A. [19-691](#) RESOLUTION NO. 128-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A FINAL PLAT REQUEST ASSOCIATED WITH A MINOR SUBDIVISION WHICH CONTAINS NON-CONFORMITIES FOR A TWO-LOT SUBDIVISION KNOWN AS "PINEAPPLE TRAIL" PLAT, LOCATED ON THE SOUTHEAST CORNER OF NE 10TH STREET AND NE 2ND AVENUE WITHIN THE R-1-A ZONING DISTRICT.

Body: Recommended Action:

Recommendation: Review and consider Resolution No. 128-19: Approval of a final plat and its necessity and appropriateness to create two non-conforming lots as known as "Pineapple Trail" Plat, located on the southeast corner of NE 10th Street and NE 2nd Avenue within the R-1-A zoning district.

This item was removed from the agenda.

This item was withdrawn.

- 7.B. [19-744](#) STATE HOUSING INITIATIVES PARTNERSHIP LOCAL HOUSING ASSISTANCE PLAN (LHAP) FY2019-2022

Body: RECOMMENDATION:

Recommendation: Motion to authorize and approve the revised Local Housing Assistance Plan (LHAP) for Fiscal Years 2019-2022, pursuant to Title 67-37 of the Florida Administrative Code.

Attorney Lynn Gelin stated the documents were sent to Tallahassee with minor changes/revisions. She expressed that it did not need to be an approval since it was already approved. They just needed to make sure that the authorization still exists and to place it on an agenda.

Commissioner Frankel moved to approve. It was seconded by Deputy Vice Mayor Bathurst. A roll call vote was taken and all were in favor. The motion carried 5-0.

Approved.

7.C. [19-827](#) ADOPTION OF RESOLUTION 152-19 ZONING IN PROGRESS WITH RESPECT TO MURALS

Body: **Recommended Action:**

Recommendation: Motion to approve Resolution 152-19.

Attorney Lynn Gelin advised that private murals will require a permit from Code, that way they can be regulated. She will speak to the City Manager on how to proceed with an Outreach Program educating the public.

Assistant City Manager Suzanne Fisher commented about the Heritage Here mural and stated the mural will not affect other murals as it is going on private property.

Commissioner Boylston moved to approve. It was seconded by Vice Mayor Johnson. A roll call vote was taken and all were in favor. The motion carried 5-0.

Approved.

7.D. [19-828](#) Appointment of the Chair and Vice-Chair of the Community Redevelopment Agency Board

Body: **Recommended Action:**

Recommendation: Motion to Appoint the Chair and Vice-Chair of the Community Redevelopment Agency Board.

Commissioner Frankel made a motion to approve that there be no changes made to the CRA Board. It was seconded by Deputy Vice Mayor Bathurst. A roll call vote was taken and all were in favor. The motion carried 5-0.

Approved.

7.E. [19-799](#) NOMINATION FOR APPOINTMENT TO THE BOARD OF ADJUSTMENT

Body: **Recommended Action:**

Recommendation: Motion to approve nomination for appointment for (1) regular member to serve on the Board of Adjustment for an unexpired term ending August 31, 2021.

Vice Mayor Johnson nominated Dumitrescu Rescue. It was seconded by Deputy Vice Mayor Bathurst. A roll call vote was taken and all were in favor. The motion carried 5-0.

Approved.

7.F. [19-800](#) NOMINATION FOR APPOINTMENT TO THE PLANNING AND ZONING BOARD

Body: **Recommended Action:**

Recommendation: Motion to approve nomination for appointment for one (1) regular member to serve on the Planning and Zoning Board for an unexpired term ending August 31, 2020.

Mayor Petrolia deferred her appointment to the next meeting.

This Appointment was tabled.

8. PUBLIC HEARINGS:

- 8.A. [19-678](#) ORDINANCE NO. 19-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING THE “ALWAYS DELRAY” COMPREHENSIVE PLAN FOR THE 2019-2040 PLANNING HORIZON BY REPEALING AND REPLACING THE ADOPTED COMPREHENSIVE PLAN IN ITS ENTIRETY; PROVIDING FOR THE GOALS, OBJECTIVES, AND POLICIES, INCLUDING THE “ALWAYS DELRAY” MAP SERIES FOR THE FOLLOWING ELEMENTS: HEALTHY COMMUNITY; HISTORIC PRESERVATION; HOUSING; MOBILITY; CAPITAL IMPROVEMENTS; ECONOMIC PROSPERITY; STRATEGIC PARTNERSHIPS; COASTAL MANAGEMENT; CONSERVATION, SUSTAINABILITY AND RESILIENCY; OPEN SPACE, PARKS, AND RECREATION; EDUCATION; NEIGHBORHOODS, DISTRICTS, AND CORRIDORS; AND PUBLIC FACILITIES; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (FIRST READING)

Body: **Recommended Action:**

Recommendation: Review and consider Ordinance No. 19-19 at first reading to transmit the Always Delray Comprehensive Plan to the Department of Economic Opportunity for review.

City Attorney Lynn Gelin read Ordinance 19-19 into the record.

Mayor Petrolia opened the floor for public comments:

Ms. Carol Anderson, 4812 W. Bexley Park Drive, Delray, was in favor of the 7-11 convenience store and gas station.

David Schmidt, 2116 N Northridge Road, Delray Beach, commented that he was disappointed in the document as it was transmitted with the deletions that were made to the Set Transformation Plan Project.

Joy Howell 1 NW 25 Street, Delray Beach, stated she had concerns about the legal pervue of the town’s direction over the next few years. She felt the Historic District should be protected a little more and asked them to look at the current comp plan.

Yvonne Odom, 3905 Lowson Blvd, Delray Beach expressed her disappointment with taking any reference out of the Set Transformation Plan due to petty things that were going on in the City. She feels everything had been deleted after 3 years of working on it.

Rita Ellis, 100 MacFarlane Drive, Delray Beach, Trustee with the BPOA expressed that she is there to fight for the beaches and that the Comp Plan Element is best practices for our City, beaches and dunes.

With no others present for public comments, public comments were closed.

Ms. Anthea Gianniotas gave a brief presentation about the property being considered for annexation. She stated that the land met the State Statute requirements and the P&Z Board recommended approval 5-0.

Applicant, Josh Young, Attorney with Gunster & Young Law Firm, 777 S. Flagler Drive, West Palm Beach, gave a brief explanation of 7-11's desire to annex into the City of Delray Beach located at Via Delray.

Commissioner Boylston moved to approve Ordinance 19-19 on First Reading. Deputy Vice-Mayor Bathurst seconded it. A roll call vote was taken and all were in favor. The motion carried 5-0.

This Ordinance was approved on first reading.

9. FIRST READINGS:

Attorney Lynn Gelin stated that 9A - 9C can all be read together since they are related to the same property.

- 9.A. [19-767](#) ORDINANCE NO. 21-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ANNEXING INTO THE CITY OF DELRAY BEACH, ONE (1) PARCEL OF LAND LOCATED IMMEDIATELY WEST OF SOUTH MILITARY TRAIL AND IMMEDIATELY SOUTH OF VIA DELRAY BOULEVARD, WITH THE SAME BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS HEREIN; COMPRISING APPROXIMATELY 3.57± ACRES IN SIZE AND SITUATED CONTIGUOUS TO THE EXISTING MUNICIPAL LIMITS OF THE CITY OF DELRAY BEACH; PROVIDING FOR INCLUSION OF THIS ONE (1) PARCEL INTO THE CITY AND A REDEFINITION OF THE CITY BOUNDARIES PURSUANT TO SUB-SECTION 171.044(2), FLORIDA STATUTES; PROVIDING FOR CONFORMANCE WITH ALL VOLUNTARY ANNEXATION PROCEDURES AS SET FORTH IN SECTION 171.044, FLORIDA STATUTES; PROVIDING FOR FILING WITH PALM BEACH COUNTY AND THE DEPARTMENT OF STATE; PROVIDING A CONFLICTS CLAUSE; AND A SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (FIRST READING).

Body: **Recommended Action:**

Recommendation: Review and consider Ordinance No. 21-19 on first reading, a privately initiated request for annexation of 3.57± acres, subject to Florida Statutes Section 171 and the City of Delray Beach Land Development Regulations Section 2.4.5(C)(1).

Ms. Gelin read Ordinance 21-19 into the record.

Commissioner Frankel moved to approve Ordinance 21-19 on first reading. Deputy Vice Mayor Bathurst seconded it. A roll call vote was taken and all were in favor. The motion carried 5-0.

This Ordinance was approved on first reading.

- 9.B. [19-768](#) ORDINANCE NO. 22-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE FUTURE LAND USE MAP AMENDMENT FOR ONE (1) PARCEL OF LAND, AND RE-DESIGNATING SAID LAND FROM PALM BEACH COUNTY COMMERCIAL HIGH (CH-5) TO CITY OF DELRAY BEACH GENERAL COMMERCIAL (GC), PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT", FLORIDA STATUTES SECTION 163.3187; SAID LAND LOCATED IMMEDIATELY WEST OF SOUTH MILITARY TRAIL, AND IMMEDIATELY SOUTH OF VIA DELRAY BOULEVARD WHICH MEASURES APPROXIMATELY 3.57± ACRES, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (FIRST READING).

Body: Recommended Action:

Recommendation: Review and consider Ordinance No. 22-19 on first reading, a privately initiated request to amend the designation of 3.57± acres on the Future Land Use Map from Palm Beach County Commercial High (CH-5) to City of Delray Beach General Commercial (GC).

Ms. Gelin read Ordinance 22-19 into the record.

Commissioner Frankel moved to approve Ordinance 22-19 on first reading. Deputy Vice Mayor Bathurst seconded it. The motion carried 5-0.

This Ordinance was approved on first reading.

- 9.C. [19-769](#) ORDINANCE NO. 23-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND RE-DESIGNATING PORTIONS OF LAND PRESENTLY ZONED PALM BEACH COUNTY GENERAL COMMERCIAL (GC), TO CITY OF DELRAY BEACH GENERAL COMMERCIAL (GC); FOR A PARCEL OF LAND LOCATED ON THE WEST SIDE OF SOUTH MILITARY TRAIL, IMMEDIATELY SOUTH OF VIA DELRAY BOULEVARD, AND WHICH MEASURES APPROXIMATELY 3.57± ACRES, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING "CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017"; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Body: **Recommended Action:**

Recommendation: Review and consider Ordinance No. 23-19 on first reading, a privately initiated request to rezone 3.57± acres from Palm Beach County General Commercial (GC) to City of Delray Beach General Commercial (GC), pursuant to the requirements in the Land Development Regulations.

Ms. Gelin read Ordinance 22-19 into the record.

Commissioner Frankel moved to approve Ordinance 22-19 on first reading. Deputy Vice Mayor Bathurst seconded it. The motion carried 5-0.

This Ordinance was approved on first reading.

- 9.D. [19-794](#) ORDINANCE NO. 24-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA ADOPTING A SMALL SCALE FUTURE LAND USE MAP AMENDMENT RE-DESIGNATING A PARCEL OF LAND APPROXIMATELY 0.33± ACRES IN SIZE FROM LOW DENSITY (LD) TO MEDIUM DENSITY (MD), PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, FOR THE PROPERTY LOCATED AT 1060 DEL HARBOUR DRIVE, AT THE SOUTHWEST CORNER OF DEL HARBOUR DRIVE AND SOUTH OCEAN BOULEVARD, AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Body: Recommended Action:

Recommendation: Review and consider Ordinance 24-19 on First Reading, a small-scale Future Land Use Map amendment to re-designate the property at 1060 Del Harbour Drive from Low Density (LD) to Medium Density (MD).

Commissioner Boylston asked Mr. Carney, who was the applicant? Mr. Carney commented that it was an LLC from Philadelphia that he formed and that it was the same owners that are building Wright by Sea.

Commissioner Frankel moved to approve Ordinance No. 24-19 on first reading. Deputy Vice Mayor Bathurst seconded it. The motion carried 5-0.

This Ordinance was approved on first reading.

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

Interim City Manager de Jesus thanked everyone for their compliments and accolades.

B. City Attorney

City Attorney Gelin gave an update on Match Point and stated the court ordered both parties to submit proposed agreements and that the judge would have a decision in the next two weeks.

Ms. Gelin also updated the Commission that in reviewing Mr. de Jesus's contract, there's a provision that if a new City Manager is not in place by June 12, 2019 that his contract needs to be renegotiated for his services.

C. City Commission

Deputy Vice Mayor Bathurst made the following comment:

- He expressed his concern for the lack of compliance with the over crowding on Atlantic Avenue due to restaurants being run as night clubs between the hours of 11 p.m - 2 a.m.

ICM de Jesus stated that Code Enforcement would be working with a Special Magistrate that will be issuing citations which would allow Code Enforcement to shut down facilities that are not in compliance .

City Attorney Gelin complimented the Task Force on a job well done on this matter.

Commissioner Frankel made the following comments:

- He stated ICM de Jesus sent out a letter about the vagrancy in the City and that he would like to assist Mr. de Jesus with this.
- He stated that the Set in the last election put out Palm Cards which means that they are acting as a Political Action Committee.

Commissioner Boylston commented that he disagreed.

Mayor Petrolia made the following comments:

- She questioned who paid for the Palm Cards that Commissioner Frankel brought up and that the City's Internal Auditor will be looking into this.
- She thanked everyone for what was a very tough week concerning the search for the new City Manager.
- She expressed that future annexations will create a lot of revenue for the City.

Vice Mayor Shirley Johnson made the following comment:

- She mentioned that there are health issues within the annexations and expressed that it should be looked at - like unhealthy water, etc.

With no further business to discuss, Mayor Petrolia adjourned the meeting at 7:15 p.m.