

City of Delray Beach

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Minutes - Draft

Tuesday, November 19, 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*

1. 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

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

City Attorney Gelin requested that item 6.D. be pulled for discussion and become 7.A.A.

Vice Mayor Johnson 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.

4. PRESENTATIONS:

- 4.A. [19-937](#) PRESENTING OSCAR LEON, POLICE OFFICER, WITH EMPLOYEE OF THE MONTH FOR NOVEMBER 2019.

Body: Recommended Action:

Recommendation: Motion to present Oscar Leon, Police Officer, with Employee of the Month for November 2019.

Attachments: [Agenda Cover Report](#)
[Oscar Leon Nomination Form](#)

Duane D'Andrea, Human Resource Director, on behalf of the City Commissioner, presented Officer Leon with a plaque and certificate for a personal day off for Employee of the month for November 2019.

Chief Sims, Delray Beach Police Chief, gave a few brief comments about Officer Oscar Leon.

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

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

None.

5.B. From the Public

J. Fernandez Jones, 2668 Country Club Drive, Wellington, is hosting "Purpose Fest" at the A Loft Hotel December 1, 2019 from 10-5 p.m.

Mavin Spenson, 800 Greensward Court, Delray Beach, spoke about "Small Business Saturday" held on November 30, 2019.

Laura Simon, Director of the Downtown Development Agency, gave an update on the city's activities.

Willie Potts, address unverifiable, spoke about "The Florida Heat Foundation."

Pauline Moody, address unverifiable, expressed concern about the incident at the Green Market. Miss Moody is concerned that business owners in our City should be looked at as they may be here for nefarious reasons. Miss Moody also inquired about when the construction on 95 will be complete.

Julie Casale, 3717 Barwick Road, Delray Beach, stated that she is pleased that everyone came together and is happy with the new plans for Banyan Court, formally known as Banyan Cove.

Andrew Broadbent, 13214 Barwick Road, Delray Beach, expressed his pleasure in the Banyan Court Project and his appreciation to Julie Casale for all of her efforts.

With no others present, Mayor Petrolia closed the public comments.

6. CONSENT AGENDA: City Manager Recommends Approval

Vice Mayor Johnson requested that item 6.0.4 be pulled from the consent agenda and become 7.B.B.

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

Approved as amended.

6.A. [19-1097](#) CITY COMMISSION MEETING MINUTES

Body: **Recommended Action:**

Recommendation: Motion to approve meeting minutes as listed below:

September 5, 2019 - Tentative Budget Hearing/Regular Meeting Minutes

Attachments: [Agenda Cover Report](#)

[September 5, 2019 Tentative Budget Hearing Regular Meeting Minutes DRAFT](#)

Approved.

6.B. [19-1106](#) SETTLEMENT IN THE CASE OF IN RE THE FORFEITURE OF: THREE HUNDRED, SEVENTY-ONE THOUSAND, THREE HUNDRED, SEVENTY-EIGHT DOLLARS, AND SIXTY-SIX CENTS (\$371,378.66) U.S. CURRENCY.

Body: **Recommended Action:**

Recommendation: Motion to approve settlement in the case of In Re the Forfeiture of: Three Hundred, Seventy-One Thousand, Three Hundred, Seventy-Eight Dollars, and Sixty-Six Cents (\$371,378.66) U.S. Currency, Claimant Andrzej Jan Szygiel for the reasons discussed in the confidential memorandum previously distributed to the City Commission.

Attachments: [Agenda Cover Report](#)

Approved.

- 6.C. [19-1123](#) RESOLUTION NO. 199-19: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, DIRECTING THE CITY ATTORNEY TO SEEK LEAVE OF COURT TO APPEAR AS *AMICUS CURIAE* AND FILE A BRIEF IN SUPPORT OF THE PLAINTIFFS IN ANY APPEAL OF A TRIAL COURT ORDER IN *YANES V. OC FOOD & BEVERAGE, LLC* (CASE NO. 18..CA-003554-0), WHICH FOUND THAT THE ORANGE COUNTY HUMAN RIGHTS ORDINANCE WAS PREEMPTED BY THE FLORIDA CIVIL RIGHTS ACT.

Body: **Recommended Action:**

Recommendation: Motion to Approve Resolution 199-19 directing the City Attorney to seek leave of court to appear as amicus curiae and file a brief in support of the plaintiffs in an appeal of a trial court order in *Yanes v. OC Food & Beverage, LLC*.

Attachments: [Agenda Cover Report](#)
[Resolution 199-19](#)
[Letter dated October 28 2019](#)

Approved.

- 6.D. [19-1141](#) SETTLEMENT IN THE CASE OF DELRAY BEACH V. MATCHPOINT, INC.

Body: **Recommended Action:**

Recommendation: Motion to approve settlement in the case of Delray Beach v. Match Point, Inc. for the reasons discussed in the confidential memorandum previously distributed to the City Commission.

Attachments: [Agenda Cover Report](#)

City Attorney Gelin made a recommendation to the Commission to defer this item until a Shade Meeting can be scheduled.

The Shade Meeting was scheduled for November 21st, 2019 at 9:00 a.m.
Item 7.A.A was deferred per City Attorney Gelin.

Tabled.

- 6.E. [19-1142](#) APPROVAL OF RESOLUTION 208-19 OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A PARKING SPACE AGREEMENT AND COVENANT WITH CDR DELRAY FEC, LLC

Body: **Recommended Action:**

Recommendation: Motion to Approve Resolution 208-19 approving a parking space agreement and covenant with CDR Delray FEC, LLC.

Attachments: [Agenda Cover Report](#)
[Resolution 208-19 parking space agreement and covenant with CDR Delray FEC](#)
[Parking Space Agreement and Covenant](#)

Approved.

- 6.F. [19-1120](#) APPROVAL TO ACCEPT THE FY 2019 DOMESTIC PREPAREDNESS GRANT (CONTRACT # R0089 FOR THE AMOUNT OF **\$38,820.00** FROM THE STATE HOMELAND SECURITY GRANT PROGRAM FOR THE FIRE-RESCUE DEPARTMENT.

Body: **Recommended Action:**

Recommendation: Staff recommends the approval to accept grant funding from the FY 2019 State Homeland Security Grant Program.

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist for GRANT from State Homeland Security](#)
[Memorandum for GRANT request from State Homeland Security](#)
[GRANT REQUEST from State Homeland Security](#)

Approved.

- 6.G. [19-1125](#) APPROVAL OF HOLD HARMLESS AGREEMENT FOR EMERGENCY WITHDRAWAL FROM ICMA 457 PLAN

Body: **Recommended Action:**

Recommendation: Motion to Approve the Hold Harmless Agreement with ICMA-RC authorizing them to process emergency withdrawal requests on behalf of participants without requiring Employer approval.

Attachments: [Agenda Cover Report](#)
[Hold Harmless Agreement ICMA RC](#)
[Legal Review of Hold Harmless re Emergency Withdrawals from 457 Plan](#)

Approved.

- 6.H. [19-1034](#) INTERLOCAL AGREEMENT WITH THE DELRAY BEACH COMMUNITY REDEVELOPMENT AGENCY FOR THE CO-TITLE SPONSORSHIP OF THE 2020 DELRAY BEACH OPEN

Body: **Recommended Action:**

Motion to approve the Interlocal Agreement with the Delray Beach Community Redevelopment Agency (CRA) for a term which will commence upon execution of the contract and terminate of September 30, 2020 for the co-title sponsorship for the 2020 Delray Beach Open Tennis Tournament in the amount of \$905,000.

Attachments: [Agenda Cover Report](#)

[Attach 2 Legal Review Checklist form v. 3 ILA with CRA for Delray Open Tennis Tournament 2020](#)
[Attach 2 ILA CRA Delray 2020](#)

Approved.

- 6.I. [19-1041](#) RESOLUTION NO. 180-19 TO APPROVE THE UTILITY WORK BY HIGHWAY CONTRACTOR AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION FOR DESIGN AND CONSTRUCTION OF UTILITY RELOCATIONS RELATED TO FLORIDA DEPARTMENT OF TRANSPORTATION'S SR-5/US-1 FROM S. OF EVE STREET TO S. OF HARBORSIDE DRIVE, FOR LUMP SUM \$9,890.00

Body: **Recommended Action:**

Recommendation: Resolution No. 180-19, approving the Utility Work by Highway Contractor Agreement (UWHCA) with the Florida Department of Transportation for performing design and construction services relocating and adjusting water utilities relating to the Florida Department of Transportation's (FDOT) SR-5/US-1 project, primarily roadway pavement resurfacing, from south of Eve Street to south of Harborside Drive, FDOT Financial Project ID No. 439841-1-52-02 (City Project No. 19-025) for a lump sum of \$9,890.00.

Attachments: [Agenda Cover Report](#)

[439841-1 UWHCA.vm](#)
[Legal Review Checklist FDOT Utility Work Agreement](#)
[Resolution 180-19_FDOT UWHCA 19-1119 CA rev](#)

Approved.

- 6.J. [19-950](#) RATIFICATION OF THE EMERGENCY ACQUISITIONS TO MULTIPLE VENDORS RELATED TO BACK UP OPERATIONS, FLOOD MITIGATION, AND REPAIRS OF THE THOMAS STREET STORMWATER PUMP STATION (PROJECT NO. 18-017), IN THE AGGREGATE AMOUNT OF \$319,598.46

Body: **Recommended Action:**

Recommendation: Approve ratification of the emergency acquisitions for providing backup operations, flood mitigation, and repairs of the Thomas Street Stormwater Pump Station (Project No. 18-017), in the amount of \$100,364.26 to United Rentals, \$3,880.62 to Industrial Divers Corp., \$42,607.50 to Shenandoah Construction, \$32,421.08 to Electric Motors of the Palm Beaches, \$7,479.00 to MWI Pumps and \$132,846.00 to Holland Pump Company, for a total cost of \$319,598.46.

Attachments: [Agenda Cover Report](#)

[19-0606 Holland Pump Quote- Signed by ACM](#)

[19-0327 1522 Re Request for Emergency Purchase\(s\) - Thomas Pump Station](#)

[19-0408 CM APP Thomas PS Repair Acquisition Approval - Signed](#)

[19-0618 CM APP Thomas PS Repair Amd 1 to Acquisition Approval - Signed](#)

Approved.

- 6.K. [19-1083](#) A RESOLUTION OF THE CITY OF DELRAY BEACH PROVIDING ITS SUPPORT FOR APPROVING AND ADOPTING RESOLUTION NO. 190-19 THE 2020 REVISED PALM BEACH COUNTY LOCAL MITIGATION STRATEGY PLAN (LMS2020)

Body: **Recommended Action:**

Recommendation: Motion to Approve Resolution No. 190-19 in support of LMS2020 Program. This resolution supports the adoption of the 2020 Revised Local Mitigation Strategy for reducing a community's vulnerability to identified natural, technological, and human caused hazards in order to be eligible for any mitigation funding in the future.

Attachments: [Agenda Cover Report](#)

[Res 190-19 LMS2020 adoption](#)

[Simple Legal Review Approval](#)

[PBC Local Mitigation Strategy 2020](#)

Approved.

- 6.L. [19-1094](#) RESOLUTION NO. 192-19 TO AUTHORIZE THE INTERIM CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT TO PARTICIPATE IN THE PALM BEACH COUNTY COASTAL RESILIENCE PARTNERSHIP AND CLIMATE CHANGE VULNERABILITY ASSESSMENT

Body: Recommended Action:

Recommendation: Approve Resolution No. 192-19 committing the City of Delray Beach to enter into an Interlocal Agreement (ILA) formalizing the Coastal Resilience Partnership (CRP) and becoming party to the Work Plan Agreement for the Community Climate Vulnerability Assessment (CCVA), which commits the city to a \$57,399 as the proportional share of the overall \$375,000 project cost.

Attachments: [Agenda Cover Report](#)
[Resolution for ILA for Climate Change Vulnerability Assessment \(Resolution final\)](#)
[ILA Climate Change Vulnerability Assessment](#)
[Legal Review Checklist- ILA CCVA](#)
[Memo for CRP Partnership and Work Plan](#)
[CRP Planning Timeline 9-05-19 \(002\)](#)

Approved.

6.M. PROCLAMATIONS:

- 6.M.1. [19-1075](#) 2019 SMALL BUSINESS SATURDAY - NOVEMBER 30, 2019 - PROCLAMATION

Body: Recommended Action:

Recommendation: Proclaim November 30, 2019 as Small Business Saturday in Delray Beach, Florida.

Attachments: [Agenda Cover Report](#)
[Small Business Saturday 2019](#)

Approved.

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

- 6.N.1. [19-1095](#) REPORT OF APPEALABLE LAND USE ITEMS FROM OCTOBER 21, 2019, THROUGH NOVEMBER 1, 2019.

Body: **Recommended Action:**

Recommendation: By motion, receive and file this report.

Attachments: [Agenda Cover Report](#)
[Appealable Items Map 11.19.19](#)
[A - Appealable Report - Banyan Court](#)
[B - Appealable Report - Delray Commons](#)
[C - Appealable Report - 1690-2350 S. Congress Avenue](#)
[D - Appealable Report - Tzikas Medical Center](#)
[E - Appealable Report - 325 Parking/Lofts](#)

Approved.

6.O. AWARD OF BIDS AND CONTRACTS:

- 6.O.1. [19-1064](#) RESOLUTION NO. 117-19 TO APPROVE THE RECOMMENDATION OF AWARD AND AUTHORITY TO NEGOTIATE AN AGREEMENT WITH CALER, DONTEN, LEVINE, COHEN, PORTER & VEIL, P.A FOR EXTERNAL FINANCIAL AUDITING SERVICES FOR THE FINANCE DEPARTMENT (RFP NO. 2019-043)

Body: **Recommended Action:**

Recommendation: Motion to approve Resolution No. 117-19 approving the recommendation of award and authority to negotiate to negotiate an Agreement with the highest-ranked qualified firm, Caler, Donten, Levine, Cohen, Porter and Veil, P.A. for the annual financial auditing services; authorizing the City Manager to execute the Agreement and take all actions necessary to effectuate this Agreement and exercise any and all renewal options, contingent upon the appropriation of funds.

Attachments: [Agenda Cover Report](#)
[Res 117-19 for Financial Auditing Services 10.22 CA rev](#)
[RFP 2019-043 Financial Auditing Services_FINAL](#)
[2019-043 Addendum No 1](#)
[Caler Donten Levine - Proposal Response to RFP 2019-043 Financial Auditing Services](#)

Approved.

- 6.O.2. [19-1030](#) APPROVAL OF RESOLUTION NO. 185-19 TO AWARD AN AGREEMENT WITH FERGUSON ENTERPRISES, INC. AND RESOLUTION NO. 184-19 TO AWARD AN AGREEMENT WITH FORTILINE, INC. FOR PIPE FITTINGS AND ACCESSORIES UTILIZING CITY OF BOYNTON BEACH SOLICITATION NO. 041-1412-19/MFD - \$160,000

Body: **Recommended Action:**

Recommendation: Motion to approve Resolution No. 185-19 to award an agreement with Ferguson Enterprises, Inc. and Resolution No. 184-19 to award an agreement with Fortiline, Inc. for pipe fittings and accessories utilizing City of Boynton Beach Solicitation No. 041-1412-19/MFD, in the estimated amount of \$160,000, and authorize the City Manager to execute renewals, in the amounts detailed below, contingent on appropriation of funds.

Attachments: [Agenda Cover Report](#)
[041-1412-19MFD Solicitation](#)
[041-1412-19MFD Award Letter to Ferguson](#)
[041-1412-19MFD Award Letter to Fortiline](#)
[P2019-066 Agreement with Ferguson](#)
[P2019-066 Agreement with Fortiline](#)
[Resolution 184-19 Ferguson - Pipe LG REV](#)
[Resolution 185-19 Fortiline - Pipe LG REV](#)
[Legal Review Checklist form v. 5 Ferguson 2019 pipes](#)
[Legal Review Checklist form v. 5 Fortiline 2019 pipes](#)

Approved.

- 6.O.3. [19-1029](#) APPROVAL OF RESOLUTION NO. 186-19 TO AWARD AN AGREEMENT WITH FERGUSON ENTERPRISES, INC. AND RESOLUTION NO. 187-19 TO AWARD AN AGREEMENT WITH FORTILINE, INC. FOR BRASS FITTINGS AND ACCESSORIES UTILIZING CITY OF BOYNTON BEACH SOLICITATION NO. 040-1412-19/MFD FOR AN AMOUNT NOT-TO -EXCEED \$40,000.

Body: **Recommended Action:**

Recommendation: Motion to approve Resolution No. 186-19 to award an agreement with Ferguson Enterprises, Inc. and Resolution No. 187-19 to award an agreement with Fortiline, Inc. for brass fittings and accessories utilizing City of Boynton Beach Solicitation No. 040-1412-19/MFD in the estimated amount of \$40,000, and authorize the City Manager to execute renewals in the amounts detailed below, contingent on appropriation of funds.

Attachments: [Agenda Cover Report](#)
[040-1412-19MFD Solicitation](#)
[040-1412-19MFD Award Letter to Ferguson](#)
[040-1412-19MFD Award Letter to Fortiline](#)
[P2019-067 Agreement with Ferguson](#)
[P2019-067 Agreement with Fortiline](#)
[Resolution 186-19 Ferguson - Brass LG REV](#)
[Resolution 187-19 Fortiline - Brass LG REV](#)
[Legal Review Checklist form v. 6 FergusonBrass Fittings 2019](#)
[Legal Review Checklist form v. 6 Fortiline Brass Fittings 2019](#)

Approved.

- 6.O.4. [19-1122](#) APPROVAL OF RESOLUTION NO. 198-19 FOR THE PURCHASE OF THREE NEW FIRE RESCUE DEPARTMENT VEHICLES FROM STINGRAY CHEVROLET UTILIZING THE FLORIDA SHERIFF'S CONTRACT NO. FSA18 VEL-26.0 ROLLOVER SPECIFICATION #6 - \$119,673

Body: **Recommended Action:**

Recommendation: Motion to approve Resolution No. 198-19 to purchase three new Fire Rescue Department vehicles from Stingray Chevrolet in an amount not to exceed \$119,673 utilizing the Florida Sheriff's Contract No. FSA18 VEL-26.0, Specification #6

Attachments: [Agenda Cover Report](#)
[Legal Review Form Coop Purchase of Fire Vehicles](#)
[Resolution 198-19 coop purchase of fire vehicles](#)
[2018_FSA18-VEL26.0_Contract_Renewal-Final](#)
[FD 2020 Tahoe PPV Quote-Stingray 11-6-19](#)

Vice Mayor Johnson stated that she had concerns regarding the purchase of three new City vehicles. Interim City Manager de Jesus clarified that the new vehicles are replacement vehicles for those that have reached their serviceable life.

Commissioner Frankel made a motion to approve item 6.O.4. It was seconded by Commissioner Boylston. A roll call vote was taken, with Vice Mayor Johnson dissenting. The motion carried 4-1.

Approved.

7. REGULAR AGENDA:

Mayor Petrolia read the City of Delray Quasi-Judicial rules into the record. The City Clerk swore in those individuals who wished to give testimonies on items 7.A.-7.C.

The Mayor and Commissioners stated there were no ex-parte communications.

- 7.A. [19-1019](#) RESOLUTION NO. 176-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH GRANTING A WAIVER FOR THE INSTALLATION OF A MONUMENT SIGN TO THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, AND THE COMPREHENSIVE PLAN AT 1311 W. LINTON BLVD (PCN 12-43-46-20-83-001-0000); PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

Body: **Recommended Action:**

Recommendation: Review and consider Resolution No. 176-19 for the installation of a monument sign at the new BMW Auto Dealership located at 1311 W. Linton Blvd, with waiver to Land Development Regulation Section 4.6.7(E) (7) Design Standard Matrix.

Attachments: [Res 176-19 Signage at 1311 W. Linton Blvd](#)
[Exhibit A and B](#)
[Location map](#)
[Justification letter](#)
[Wall sign- BMW - approved admin.](#)
[Wall sign - service sign approved admin](#)
[Agenda Cover Report](#)

Anthea Gianniotis, Development Services Director, entered File No.2020-001 into the record.

Jennifer Ranneberger with Go Permit who represents the BMW Dealership at 1311 W. Linton Blvd gave a presentation.

Anthea Gianniotis read aloud the rules and regulations for signage within the City of Delray Beach. She stated that unless a special waiver is granted by the Commission the sign cannot be approved.

Mayor Petrolia asked that anyone from the public who would like to address the City Commission to come forward.

Public Comment:

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

Mayor Petrolia asked Ms. Ranneberger if she had any cross examination. She did not, however she did have a rebuttal that the sign was both aesthetically pleasing and is the only one like it in the area.

Anthea Gianniotis cautioned the Commission about giving BMW "Special

Privilege Findings.”

Commissioner Frankel stated that in his view, voting yes would be granting “Special Privilege” and feels that what is being proposed is excessive. He stated that he hopes a compromise can be worked out.

Deputy Vice Mayor Bathurst commented that when people enter Delray Beach, they aren’t cluttered with billboards or large signs and that he would like to keep it the way. Deputy Vice Mayor Bathurst also expressed concern that if a “Special Waiver “was granted it would lend itself for others in the future to ask as well.

Commissioner Boylston expressed concern with the square footage of the sign rather than the actual design.

Anthea Gianniotis explained that based on the standard of measure the City uses, the sign is twice as large as allowed.

Vice Mayor Johnson stated that she would like to see Delray Beach signage stay like it is and wouldn’t be in favor of approving a sign that is any larger than what is there now.

Mayor Petrolia stated that the sign is clean and classy, however she feels as though it would be opening the door for future requests of this nature, if approved.

Commissioner Boylston made a motion to deny. It was seconded by Vice Mayor Johnson. A roll call vote was taken, and all were in favor of denying Resolution No. 176-19. The motion carried 5-0 to deny Resolution 176-19.

Resolution No. 176-19 was denied.

- 7.B. [19-990](#) RESOLUTION NO. 175-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A FINAL PLAT REQUEST FOR A MAJOR SUBDIVISION THAT CONTAINS NON-CONFORMITIES FOR A TWO-LOT SUBDIVISION KNOWN AS "COREY ISLE", WHICH CONSISTS OF FIVE EXISTING LOTS OF RECORD DESCRIBED AS LOTS 26-30, BLOCK 8, SUBDIVISION OF LOT 8, TOWN OF DELRAY (FORMERLY LINTON), PLAT BOOK 14, PAGE 58 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, LOCATED ON THE NORTHWEST CORNER OF SW 7TH AVENUE AND SW 4TH STREET.

Body: **Recommended Action:**

Recommendation: Review and consider Resolution No. 175-19, as presented with consideration of the Final (Major) Plat for Corey Isle Plat, located on the northwest corner of SW 7th Avenue and SW 4th Street, by adopting that the request and approval thereof is consistent with the criteria set forth in the Land Development Regulations Section 2.4.5 (J)(Major Subdivisions)

Attachments: [Agenda Cover Report](#)
[Corey Isle Plat Location Map](#)
[Corey Isle Resolution No. 175-19](#)
[Corey Isle Plat](#)
[Corey Isle Plat Survey](#)
[Corey Isle Lot Justification](#)
[Corey Isle Plat PZ Staff Report-102119](#)

Anthea Gianniotis, Development Services Director, read Resolution No. 175-19 into the record.

Ms. Gianniotis stated that the applicant, Ms. Tota is from the Community Redevelopment Agency and will give a presentation on the "Corey Isle Project".

Commissioner Boylston made a motion to approve Resolution No. 175-19. It was seconded by Vice Mayor Johnson. A roll call vote was taken, and all were in favor. The motion carried 5-0 to approve Resolution No. 175-19.

Resolution No. 175-19 was approved.

7.C. [19-1115](#) RESOLUTION NO. 197-19 BUDGET AMENDMENT**Body: Recommended Action:**

Recommendation: Motion to Approve Resolution No. 197-19 amending the budget for Fiscal Year (FY) 2018/19 adopted September 25, 2018.

Attachments: [Agenda Cover Report](#)
 [Resolution 197-19 \(1\)](#)
 [Narratives 11.19.19](#)

Interim City Manager de Jesus explained to the Commission that this past year the City had significantly higher than expected medical claims as well as settlement claims that were not anticipated nor projected for. He stated that the funds that are being requested are to pay off the claims that were over and above what was projected.

Commissioner Frankel made a motion to approve Resolution No. 197-19. It was seconded by Commissioner Boylston. A roll call vote was taken, and all were in favor. The motion carried 5-0 to approve Resolution No. 197-19

Resolution No. 197-19 was approved.

8. PUBLIC HEARINGS:

- 8.A. [19-1101](#) ORDINANCE NO. 40-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 32, "DEPARTMENTS, BOARDS AND COMMISSIONS", OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH, BY AMENDING SECTION 32.41, "COMPOSITION; TERMS; APPOINTMENT", TO AMEND PROCEDURE FOR APPOINTING MEMBERS OF THE BOARD AND TO CLARIFY TERM OF COMMITTEE MEMBERS; AMENDING SECTION 32.42, "ORGANIZATION", TO AMEND MAXIMUM HOURS WORKED TO BE CONSISTENT WITH CITY POLICY AND TO AMEND TO ALLOW MONTHLY MEETINGS TO BE ON AN "AS-NEEDED" BASIS, PROVIDING A CONFLICTS CLAUSE AND SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

Body: **Recommended Action:**

Recommendation: Motion to approve Ordinance No. 40-19 on first reading, amending Chapter 32, "Departments, Boards and Commissions" by amending Section 32.41 "Composition; Terms; Appointment" to amend procedure for appointing members of the board and to clarify term of the Committee members; and Section 32.42 "Organization" to amend maximum hours worked to be consistent with City policy and to amend to allow monthly meetings to be on an "as-needed" basis.

Attachments: [Agenda Cover Report](#)

[Ord 40-19](#)

City Attorney Gelin read Ordinance 40-19 into the record.

Public Comment:

Mayor Petrolia asked if anyone from the public would like to address the City Commission to come forward. There being no one from the public who wished to address the City Commission, Mayor Petrolia closed the public comments.

Commissioner Frankel made a motion to approve Ordinance No.40-19. It was seconded by Commissioner Boylston. A roll call was taken, and all were in favor. The motion carried 5-0 to approve Ordinance No. 40-19.

Ordinance 40-19 was approved on first reading.

- 8.B. [19-1107](#) ORDINANCE NO. 43-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR CHARTER REVISIONS BY AMENDING SECTION 3.10, "SALARIES AND EXPENSES"; TO PROVIDE FOR A CHANGE IN THE EFFECTIVE DATE FOR INCREASES TO MAYOR AND COMMISSIONER SALARIES; PROVIDING FOR A REFERENDUM ON MARCH 17, 2020; PROVIDING A GENERAL REPEALER CLAUSE; PROVIDING A SAVING CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

Body: **Recommended Action:**

Recommendation: Motion to approve Ordinance 43-19 providing for Charter revisions by amending Section 3.10, "Salaries and Expenses" to provide for a change in the effective date for increases to Mayor and Commissioner salaries.

Attachments: [Agenda Cover Report](#)
[Ord 43-19 salaries of CC referendum](#)

City Attorney Gelin read Ordinance 43-19 into the record.

Mayor Petrolia asked if anyone from the public would like to address the City Commission, to come forward.

Public Comment:

Pauline Moody, unverifiable address, inquired if this Ordinance was created so that it will appear on the ballot for the upcoming election in March. Ms. Moody expressed her concern that she thought that this Ordinance was in poor taste.

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

Commissioner Boylston made a motion to approve Ordinance No. 43-19. It was seconded by Vice Mayor Johnson. A roll call vote was taken, and all were in favor. The motion carried 5-0 to approve Ordinance No. 43-19.

City Attorney Gelin clarified that Ordinance No. 43-19 is to change the effective date of any raises for the Commission. The Ordinance which would give the Commissioners a raise has yet to be discussed.

Ordinance 43-19 was approved on first reading.

9. FIRST READINGS:

- 9.A. [19-1061](#) ORDINANCE NO. 33-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES BY AMENDING SECTION 4.4.13. "CENTRAL BUSINESS (CBD) DISTRICT," SUBSECTION (H)(1) "RESIDENTIAL INCENTIVES", TO ALLOW CERTAIN LOTS LOCATED WITHIN THE WEST SETTLERS HISTORIC DISTRICT TO PARTICIPATE IN THE RESIDENTIAL INCENTIVE PROGRAM; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Body: **Recommended Action:**

Recommendation: Review and consider Ordinance No. 33-19 on First Reading, a privately-initiated amendment to the Land Development Regulations Section 4.4.13(H)(1), "Residential Incentives," to allow residential incentives in the form of increased density on certain lots that do not contain contributing historic structures or non-contributing structures that are more than 30 years old within the West Settlers Historic District portion of the West Atlantic Neighborhood Sub-district.

Attachments: [Agenda Cover Report](#)

[Ord No 33-19 West Settlers Residential Incentive, 1st Reading](#)

[Ord No 33-19 PZB Staff Report](#)

[Ord No 33-19 Justification Request Letter](#)

City Attorney Gelin read Ordinance No. 33-19 into the record.

Anthea Gianniotis, Development Services Director read File No. 2019-259 into the record. She introduced Timothy Hernandez, New Urban Developers, Atlantic Grove Partners, 200 Congress Park Drive, Suite 201, who gave a brief presentation on the project.

Mayor Petrolia stated that she would like to see more workforce housing. She also expressed concern about a redevelopment project in an historic district, as the City isn't receiving anything in return.

Vice Mayor Bathurst said that he would like to save the historic district.

Commissioner Boylston stated that he would be in favor of the project since it would provide fourteen more workforce housing units.

Commissioner Frankel made a motion to approve Ordinance No. 33-19. It was seconded by Commissioner Boylston. A roll call vote was taken, and all were in favor. The motion carried 5-0 to approve Ordinance No. 33-19.

Ordinance 33-19 was approved.

- 9.B. [19-1089](#) ORDINANCE NO. 44-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ANNEXING INTO THE CITY OF DELRAY BEACH THREE (3) PARCELS OF LAND LOCATED ON THE EAST SIDE OF BARWICK ROAD IMMEDIATELY SOUTH OF LAKE WORTH DRAINAGE DISTRICT L-30 CANAL, FOR A PROJECT TO BE KNOWN AS BANYAN COURT, WITH THE SAME BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS HEREIN, COMPRISING APPROXIMATELY 6.68± ACRES IN SIZE AND SITUATED CONTIGUOUS TO THE EXISTING MUNICIPAL LIMITS OF THE CITY OF DELRAY BEACH; PROVIDING FOR INCLUSION OF THESE THREE (3) PARCELS 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. 44-19, a privately-initiated request for voluntary annexation of 6.68± acres, subject to Florida Statutes Section 171 and the City of Delray Beach Land Development Regulations.

Attachments: [Agenda Cover Report](#)

[Ordinance No. 44-19 Annexation](#)

[Location Map Banyan Court](#)

[October 15, 2018 PZB Staff Report Banyan Cove](#)

[October 21, 2019 PZB Staff Report | Banyan Court RZ](#)

City Attorney Gelin read Ordinance No.'s 44-19, 37-19, 38-19 into the record.

Anthea Gianniotis, Development Services Director entered files 2018-162 and 2018-163 into the record. She stated that the applicant, Bradley Miller was present. Bradley Miller, Miller Land Planning 508 E Boynton Beach Blvd., gave a brief presentation on the projects.

Commissioner Frankel made a motion to approve Ordinance No. 44-19. It was seconded by Commissioner Boylston. A roll call vote was taken, and all were in favor. The motion carried 5-0.

Ordinance 44-19 was approved.

- 9.C. [19-1090](#) ORDINANCE NO. 37-19. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE FUTURE LAND USE MAP AMENDMENT FOR THREE (3) PARCELS OF LAND KNOWN AS BANYAN COURT, AND RE-DESIGNATING SAID LAND FROM PALM BEACH COUNTY MEDIUM DENSITY RESIDENTIAL 5 UNITS PER ACRE (MR-5) TO CITY OF DELRAY BEACH MEDIUM DENSITY RESIDENTIAL 5-12 DU/AC (MD), PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT", FLORIDA STATUTES SECTION 163.3187, SAID LAND IS LOCATED ON THE EAST SIDE OF BARWICK ROAD, AND IMMEDIATELY SOUTH OF LAKE WORTH DRAINAGE DISTRICT L-30 CANAL, AND WHICH MEASURES APPROXIMATELY 6.68± 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. 37-19, a privately initiated request for a future land use map (FLUM) amendment for 6.68± acres, from Palm Beach County Medium Residential, 5 du / acre (MR-5) to City of Delray Beach Medium Density Residential, 5-12 du / acre (MD).

Attachments: [Agenda Cover Report](#)
[Ordinance No. 37-19 FLUM](#)
[Banyan Court FLUM Exhibit](#)
[Location Map Banyan Court](#)
[October 15, 2018 PZB Staff Report](#)
[October 21, 2019 PZB Staff Report \(Rezoning\)](#)

Commissioner Frankel made a motion to approve Ordinance No. 37-19. It was seconded by Commissioner Boylston. A roll call vote was taken, and all were in favor. The motion carried 5-0.

Ordinance 37-19 was approved.

- 9.D. [19-1092](#) ORDINANCE NO. 38-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING LAND PRESENTLY ZONED PALM BEACH COUNTY AGRICULTURAL RESIDENTIAL (AR) DISTRICT IN PART AND RESIDENTIAL HIGH (RH) DISTRICT IN PART, TO CITY OF DELRAY BEACH PLANNED RESIDENTIAL DEVELOPMENT WITH A SPECIFIED DENSITY OF SIX (6) DWELLING UNITS PER ACRE (PRD-6), FOR A DEVELOPMENT TO BE KNOWN AS BANYAN COURT, LOCATED ON THE EAST SIDE OF BARWICK ROAD, IMMEDIATELY SOUTH OF LAKE WORTH DRAINAGE DISTRICT L-30 CANAL, AND WHICH MEASURES APPROXIMATELY 6.68± 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. 38-19 rezoning 6.68± acres from Palm Beach County Agriculture Residential (AR) and Residential High (RH) to City of Delray Beach Planned Residential Development, 6 du / acre (PRD-6).

Attachments: [Agenda Cover Report](#)
[Ordinance No. 38-19 PRD6](#)
[Location Map Banyan Court](#)
[Banyan Court Proposed Zoning](#)
[Banyan Court Existing Zoning](#)
[Banyan Court Renderings](#)
[Banyan Court Site Plan](#)
[Banyan Court Architecturals](#)
[October 21, 2019 PZB Staff Report](#)
[October 15, 2018 PZB Staff Report](#)

Anthea Gianniotis read file 2018-162 and Amended file 2018-163 into the record. She stated that Mr. Bradley Miller with Miller Land Planning, 508 E. Boynton Beach, who was representing the applicant, Stellar Homes would give a brief presentation on this project.

Commissioner Frankel made a motion to approve Ordinance No. 38-19. It was seconded by Commissioner Boylston. A roll call vote was taken, and all were in favor. The motion carried 5-0.

Ordinance 38-19 was approved.

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

None.

B. City Attorney

City Attorney Gelin made the following comments:

- Ms. Gelin stated that the Cities legal team had a huge win in court with the Lauzier case. Mayor Petrolia congratulated Ms. Gelin and the entire legal team for their work on this case.
- Ms. Gelin suggested to schedule a Shade Meeting to discuss the Match Point Case. There was consensus to schedule a Shade Meeting for November 21, 2019 at 9:00 a.m.

Ms. Gelin asked for both a motion and a vote on this item.

Commissioner Frankel made a motion to schedule a shade meeting to discuss the Match Point case. It was seconded by Commissioner Boylston. A roll call vote was taken, and all were in favor. The motion carried 5-0.

Ms. Gelin also stated that she will be requesting more Shade Meetings the first of the year when Mr. Gretsas comes on board.

C. City Commission**Commissioner Boylston made the following comments:**

- He thanked staff for “Shadow Day”.
- He gave an update on the Pulmosa Site.

Vice Mayor Johnson made the following comments:

- Inquired about the disparity study? Interim City Manager de Jesus stated that the disparity study didn’t get funded. Assistant City Manager Fisher informed the Commission that the CRA is working on an RFP for the level of funding for the study.
- Expressed concern about the third- and third-day sewer water project.
- Spoke about the concerned citizen letter from Mr. Ken MacNamee.
- Informed the Commission that she is attending the annual League of Cities event in December.

Deputy Vice Mayor Bathurst made the following comments:

- Gave an update on the Miracle League Field resurfacing project and stated that money is trying to be raised for the project.
- Spoke about the Waterway East and that the Commission should take another look this.

Mayor Petrolia made the following comments:

- Received a letter from Susan Heartfort, 800 S. Ocean Blvd concerning Linton and Federal Highway traffic.
- Informed everyone about the passing of Former Commissioner, Marie Hornberger.
- Attended a fundraiser for, “Hearing Partners of South Florida”
- Numerous Ribbon Cuttings.
- Asked the Commission for their permission to join the Mayors Summit.
- Spoke about her trip to Homestead and how wonderful their facilities are that Mr. Gretsas created and commented on the wonderful culture that he created there.
- Wished everyone a great Thanksgiving.

There being no further business to discuss, Mayor Petrolia adjourned the meeting at 6:34 p.m.