

City of Delray Beach

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Minutes - Draft

Tuesday, February 11, 2020

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

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

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

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

City Attorney Gelin requested that Item 6.B. be pulled for discussion. It became 7.A.A. on the regular agenda.

A motion was made by Deputy Vice Mayor Bathurst, seconded by Commissioner Frankel, that the agenda be approved as amended. The motion carried by the following vote:

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

4. PRESENTATIONS:

4.A. [20-071](#) PRESENTING PATRICE HARRIS, AGENDA COORDINATOR, WITH EMPLOYEE OF THE MONTH FOR JANUARY 2020.

Body: **Recommended Action:**

Recommendation: Motion to present Patrice Harris, Agenda Coordinator, with Employee of the Month for January 2020.

Attachments: [Agenda Cover Report](#)
[Employee of the Month Nomination Form - January.pdf](#)

Dot Bast, Assistant Human Resources Director introduced Patrice Harris as employee of the month. Ms. Anthea Giannotes gave a few words about Ms. Harris and how helpful she has been to their department. Ms. Katerri Johnson, City Clerk also gave a few brief words about Ms. Harris appreciating all she does for the Department and the City. Ms. Harris accepted her award and received 8 hours off with pay.

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

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

None.

B. From the Public

Mayor Petrolia opened public comment.

Mr. Sandy Simon who lives at 220 McFarlane Lane, expressed concerns

about the quality of life of the citizens in Delray and the adaptability of the infrastructure. He gave a brief history about surrounding municipalities and large scale developments and asked the Commission to look at the infrastructure.

Jill Shipperly who lives at 321 Palm Trail and President of the Palm Trail HOA addressed Item 7C on the agenda and wanted to add a comment to the resolution about the low wake zone. She expressed that it could probably be more effective if the City addressed the manatee issue since the Florida Fish and Wildlife has purview over that. A second point she made was the coastal resiliency town hall and expressed that the City use this information to push this through.

Glenn Lowery who lives at 309 SE 4th Avenue spoke about Item 7B for the Ocoola Park Road and Alley Improvements. He urged the City to proceed with that project. He held up some photos where vehicles got stuck in the alley due to the poor infrastructure on the road. He feels it is critically important that the stormwater and sewer pipes are replaced. Mayor Petrolia expressed that underground pipes have been looked at and they are in the process of moving forward with the project.

Renee Jadusingh, Executive Director for the CRA at 20 N. Swinton Avenue along with Christine Tibbs, Assistant CRA Director. She extended thanks and appreciation to Patrice Harris for the help and assistance that she provided to them at the CRA because they too converted to Legistar last year. Jadusingh commented that the CRA is in the process of amending their redevelopment plan which provides the framework for what they do and fund. She announced that two (2) public meetings will be held - one on Thursday, February 27, 2020 from 6:00 p.m. - 8:00 p.m. at the Arts Warehouse located at 313 NE 3rd Street, Delray. The second meeting will be held on Wednesday, March 4, 2020 from 6:00 p.m. - 8:00 p.m. at Pompey Park located at 1101 NW 2nd Street and the consultants will be presenting the plan amendment.

Seeing no others present for public comment, public comments was closed.

6. CONSENT AGENDA: City Manager Recommends Approval

A motion was made by Commissioner Frankel, seconded by Vice-Mayor Ervin Johnson, that the consent agenda be approved. The motion carried by the following vote:

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

Body: **Recommended Action:**

Recommendation: Motion to approve meeting minutes as listed below:

November 19, 2019 City Commission Regular Meeting Minutes
December 3, 2019 City Commission Regular Meeting Minutes

Attachments: [Agenda Cover Report](#)
[November 19, 2019 City Commission Regular Meeting Minutes_DRAFT](#)
[December 3, 2019 Regular Meeting Minutes_DRAFT](#)

Approved.

- 6.B. [20-108](#) AGREEMENT FOR VOTE PROCESSING EQUIPMENT USE AND ELECTION SERVICES BY AND BETWEEN THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS AND THE CITY OF DELRAY BEACH.

Body: **Recommended Action:**

Recommendation: Recommend approval of the attached agreement.

Attachments: [Agenda Cover Report](#)
[2020 Municipal Agreement](#)

This item was pulled for discussion. Ms. Gelin explained that this agreement is still being finalized. The issue is with the indemnification clause, therefore, she asked the Commission to approve it and allow the City Manager or his designee to approve the agreement once it is finalized.

A motion was made by Commissioner Frankel, seconded by Deputy Vice Mayor Bathurst, that this Agreement be approved. The motion carried by the following vote:

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

- 6.C. [20-120](#) RESOLUTION NO. 50-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, CALLING FOR A NONPARTISAN ELECTION TO BE HELD ON TUESDAY, MARCH 17, 2020; AND A SECOND NONPARTISAN ELECTION, IF NECESSARY, ON TUESDAY, MARCH 31, 2020; SUCH ELECTIONS TO BE HELD FOR THE ELECTION OF TWO CITY COMMISSIONERS; APPOINTING THE CITY CLERK, THE DEPUTY CITY CLERK, AND THE PALM BEACH COUNTY SUPERVISOR OF ELECTIONS, OR DESIGNEE, AS ADDITIONAL MEMBERS OF THE CITY OF DELRAY BEACH CANVASSING BOARD TO CANVASS ALL ABSENTEE BALLOTS; TO CANVASS THE MUNICIPAL ELECTION, ALONG WITH THE CITY'S CANVASSING BOARD; AND TO CONDUCT THE LOGIC AND ACCURACY TESTING FOR ALL ELECTION MACHINERY;

AUTHORIZING THE CITY CLERK TO DO ALL THINGS NECESSARY TO CONDUCT THE NONPARTISAN ELECTION; PROVIDING THE TIME, MANNER AND MEANS OF HOLDING SAID ELECTION, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Body: **Recommended Action:**

Recommendation: Motion to approve Resolution No. 50-20

Attachments: [Agenda Cover Report](#)
[RESOLUTION NO 50-20 - Notice of Election & Canvassing Board rev](#)

Approved.

6.D. [20-063](#) LEASE RENEWAL PINEAPPLE GROVE PROFESSIONAL CENTER FOR THE EMPLOYEE HEALTH AND WELLNESS CENTER

Body: **Recommended Action:**

Recommendation: Motion to approve the lease renewal for the Pineapple Grove Center for the Employee Health and Wellness Center.

Attachments: [Agenda Cover Report](#)
[2015-16 Pineapple Grove Professional Center Lease - final executed A](#)
[Pineapple Grove Holdings - Amendment No 1 to lease agreement B](#)
[Legal Review Checklist- Professional Center Lease Amendment 2 C](#)
[Amendment #2 to Lease with Pineapple Grove Professional Center](#)

Approved.

6.E. [20-100](#) APPROVAL TO ACCEPT THE PALM BEACH COUNTY FY 2019-2020 EMS GRANT FOR THE AMOUNT OF **\$12,960.00** FROM PALM BEACH COUNTY FOR THE FIRE-RESCUE DEPARTMENT.

Body: **Recommended Action:**

Recommendation: Staff recommends the approval to accept grant funding from the Palm Beach County FY 2019-2020 EMS Grant program.

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist for EMS Grant Funds](#)
[2019-2020 PBC EMS grant memo](#)
[FY 2019-2020 PBC EMS Grant](#)

Approved.

6.F. PROCLAMATIONS:

6.F.1. [20-086](#) 211 AWARENESS WEEK - FEBRUARY 11-17, 2020

Body: **Background:**

211 Palm Beach/Treasure Coast is a multi-program agency serving

residents of Palm Beach County and the Treasure Coast. Throughout its history, it has been the agency's philosophy to seek a broad base of funding and to expand only into areas that are viewed as compatible with the overall mission of the organization.

Formerly known as Crisis Line Information & Referral Services and then as The Center for Information & Crisis Services, the agency was started in Palm Beach County by a noted area psychologist in 1971. Originally a drug hotline, the agency quickly expanded into crisis counseling and suicide prevention. In 1981, the agency was funded by the United Way to provide information and referral services to the residents of Palm Beach County. In 1988, the agency added its Elder Crisis Outreach and Teen Hotline components. In 1989, the agency was designated in the Palm Beach County Comprehensive Plan as the central access point into the county's human service system. In 1994, the agency also became the county's Elder Helpline, a contract which was extended until 2009.

In July 2000, the Federal Communications Commission designated the three digit number, 2-1-1, nationally to serve as the abbreviated dialing code for access to community information and referral services. Effective February 11, 2002, the Center for Information & Crisis Services implemented 2-1-1 service for Palm Beach County and by January 1, 2003 the residents of Indian River, Martin, Okeechobee and St. Lucie counties could also dial 2-1-1 and receive information, referral, telephone counseling and crisis intervention services.

City Attorney Review:

N/A

Funding Source/Financial Impact:

N/A

Timing of Request:

N/A

Attachments: [Agenda Cover Report](#)
[2-1-1AwarenessWeek2020-DelrayBeach](#)

This Proclamation was approved.

6.F.2. [20-085](#) OBSERVANCE OF PRESIDENTS' DAY - FEBRUARY 17, 2020

Body: Recommended Action:

Recommendation: Motion to proclaim February 17, 2020 as President's Day in the City of Delray Beach.

Attachments: [Agenda Cover Report](#)
[President's Day Proclamation](#)

This Proclamation was approved.

6.F.3. [20-087](#) EATING DISORDERS AWARENESS WEEK - FEBRUARY 24, 2020 - MARCH 1, 2020

Body: **Recommended Action:**

Recommendation: Motion to Proclaim February 24, 2020 - March 1, 2020 as Eating Disorders Awareness Week.

Attachments: [Agenda Cover Report](#)
[Eating Disorder Awareness Week](#)

This Proclamation was approved.

6.F.4. [20-107](#) ELECTION PROCLAMATION

Body: **Recommended Action:**

Recommendation: Motion to declare a nonpartisan election to be held on March 17, 2020 and a second nonpartisan election if necessary on March 31, 2020 for the election of two (2) City Commission seats.

Attachments: [Agenda Cover Report](#)
[ELECTION PROCLAMATION 2020](#)
[Legal Review 2020 Election Proclamation](#)

This Proclamation was approved.

6.F.5. [20-088](#) PROCLAMATION TO DECLARE THE DESIGNATION OF PRECINCTS AND POLLING LOCATIONS FOR THE MARCH 17, 2020 FIRST NON-PARTISAN MUNICIPAL ELECTION IN THE CITY OF DELRAY BEACH.

Body: **Background:**

The Charter and the Code of Ordinances of the City of Delray Beach, Florida, provides for the calling of a First Nonpartisan Municipal Election for the purpose of electing two (2) City Commissioners. Said Charter and Code of Ordinances also provides that the City Commission deems it necessary to call for the First Nonpartisan Municipal Election on the third Tuesday of March in which a term of the Commissioner expires.

The Mayor of the City of Delray Beach, Florida, on behalf of the City Commission, do hereby call for the First Nonpartisan Municipal Election to be held on Tuesday, March 17, 2020 between the hours of 7:00 a.m. and 7:00 p.m., at all the precincts and polling places in the City of Delray Beach as designated by the Supervisor of Elections.

All qualified electors of the City of Delray Beach, Florida, shall be qualified to vote in such election.

City Attorney Review:

N/A

Funding Source/Financial Impact:

N/A

Timing of Request:

N/A

Attachments: [Agenda Cover Report](#)

[CITY OF DELRAY BEACH PROCLAMATION OF PRECINCT LOCATIONS](#)

This Proclamation was approved.

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

6.G.1. None.

6.H. AWARD OF BIDS AND CONTRACTS:

6.H.1. [20-051](#) APPROVAL OF RESOLUTION NO. 19-20 TO AWARD AN AGREEMENT WITH SAFEWARE, INC. FOR THE PURCHASE OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS EQUIPMENT AND RELATED SERVICES; UTILIZING COUNTY OF FAIRFAX, VIRGINIA RFP NO. 2000002547 - \$300,000

Body: **Recommended Action:**

Recommendation: Motion to Approve Resolution No. 19-20 to award an Agreement with Safeware, Inc. in the estimated amount of \$300,000 through September 30, 2023, utilizing the County of Fairfax, Virginia RFP No. 2000002547, and authorize the City Manager to approve renewal options, in the amounts below, contingent upon appropriation of funds.

Attachments: [Agenda Cover Report](#)
[Res 19-20 Safeware Inc](#)
[Legal Review Checklist Safeware](#)
[RFP proposal](#)
[Safeware Acceptance Agreement](#)
[Safeware Agreement PDF](#)

Approved.

- 6.H.2. [20-121](#) APPROVAL OF RESOLUTION NO. 49-20 TO APPROVE AN AGREEMENT WITH ENCORE BROADCAST EQUIPMENT SALES, INC. FOR TV STUDIO EQUIPMENT - PURCHASE, INSTALL, REPAIR, AND PARTS, UTILIZING HILLSBOROUGH COUNTY PUBLIC SCHOOLS CONTRACT NO. 14115-EST - \$69,000

Body: **Recommended Action:**

Recommendation: Motion to Approve Resolution No. 49-20 to award an Agreement with Encore Broadcast Equipment Sales, Inc. utilizing Hillsborough County Public Schools Contract No. 14115-EST for TV Studio Equipment-Purchase, Install, Repair, and Parts, and authorize the City Manager to execute any amendments, contingent upon appropriation of funds.

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist Encore](#)
[Resolution 49-20 Hillsborough County Contract No. ITB-14115](#)
[P2020-016 Executed Agreement with Encore](#)
[SDHC Bid 14115-EST TV Studio Equipment](#)
[SDHC Bid 14115 EXT LTR exp 4-20-2020](#)

Approved.

7. REGULAR AGENDA:

- 7.A. [20-083](#) RESOLUTION NO. 38-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, DETERMING THAT BASED ON A SIMILARITY OF USE REQUEST THE USE OF "GARAGES AND LOTS FOR THE PARKING AND STORAGE OF VEHICLES" IS SIMILAR TO OTHER CONDITIONAL USES ALLOWED IN THE COMMUNITY FACILITIES (CF) ZONING DISTRICT, PARTICULARLY TO THE USE LISTED AS A "PRIVATELY-OPERATED PARKING LOT" (QUASI-JUDICIAL).

Body: **Recommended Action:**

Recommendation: Review and consider Resolution No. 38-20 for a Similarity of Use request associated with properties zoned Community Facilities.

Attachments: [Agenda Cover Report](#)[Appeal Review of Similarity of Use Action - Resolution 38-20](#)[Appeal Review of Similarity of Use Action - CF Zoned Properties Map](#)[Appeal Review of Similarity of Use Action - Request Letter](#)[Appeal Review of Similarity of Use Action - Planning and Zoning Report](#)[Appeal Review of Similarity of Use Action - Resolution Legal Review Approval](#)

Mayor Petrolia read the Quasi-Judicial rules into the record. She then asked those who wished to speak to stand and be sworn in. Ms. Katerri Johnson, City Clerk, swore in those standing who wished to speak.

Mayor Petrolia then asked the Commission to disclose exparte communications.

Each of the Commissioners expressed that they spoke with Mr. Weiner by phone. Mayor Petrolia also disclosed that she spoke to City staff.

Anthea Giannotes then entered File 2020-021 into the record.

Mr. Michael Weiner, business address of Boca Raton spoke on behalf of the applicant. He distributed Section 4.4 of the Code of Ordinance.

Ms. Gelin stated that this could be a potential change in one of the permitted uses, she asked Mr. Weiner in his opinion if this needed to wait until 5:00 p.m. to be heard. Mr. Weiner agreed that it is an appeal to the City - de novo.

Mr. Weiner then gave a brief presentation on behalf of the applicant, Mr. Grieco. He stated the use they are requesting is parking for a private use by the applicant to park inventory vehicles pursuant to 4.4.21 of the Code that has the controlling provisions.

Ms. Giannotes, Development Services Director then gave a brief presentation on the determination of similiarity of use to allow "Garages and lots for the parking and storage of vehicles" in the CF Zoning District as a Conditional Use.

After staff's presentation, Mayor Petrolia opened the floor to the public and explained they would have three (3) minutes to speak.

Ms. Lisa Quillian, 925 SE 2nd Avenue stated she was sworn in. She expressed that she is looking forward to this project.

Mr. James Quillian, 925 SE 2nd Avenue stated he was sworn in. He

expressed that no one who has ever owned that property, ever took care of the property and now there is a business who cares of about their reputation and cares about how people see them and willing to do all the right things before being asked.

Christina Morrison, 2809 Florida Blvd., spoke in favor of the approval. She expressed that Grieco has been a very good neighbor of Tropic Isles and that this would be the best use for this sliver of property and requested the Commission to approve it.

Ms. Katerri Johnson, City Clerk swore in Mr. Michael Muhaus of 622 SE 4th Avenue. He expressed that he has looked at that property and talked to the owners and feels if Mr. Grieco is willing to put the money in and clean up the property, then the City should let them.

With others present, public comment was closed.

There was no cross examination by staff or rebuttal by the applicant.

Ms. Giannotes gave one clarification that the Planning & Zoning Board's vote was 5-1.

Comments by the Commission:

Mr. Bathurst inquired about the structure on the property - he wanted to clarify if it was for a small office. Mr. Gieco explained that there are three structures on the property - one little warehouse in the center would remain for inside storage and two of them would be coming down. Mr. Bathurst expressed that from his perspective, this is an improvement and he is in favor of it.

Mr. Boylston expressed he is also in favor of this project as it is a passive use. He stated his only concern is the landscaping, lighting and maintenance which will be addressed at the next step.

Vice Mayor Johnson added that she feels it is a wonderful end use of the property and she thanked Mr. Grieco.

Mayor Petrolia expressed her concerns about changing something that will affect CF lots in the future. She is absolutely supportive of this particular lot having this function. She feels it is an improvement and the neighbors to the east and west are going to be thrilled that they no longer will have to worry about what is coming in. The problem she expressed is changing from a community purpose to a private purpose.

Ms. Gelin clarified if there is a similarity of use it doesn't end today. There are other considerations that will come before the Commission such as conditional use, that have factors and finding that they have to make in order to support that.

Further discussion ensued.

A motion was made by Commissioner Boylston, seconded by Vice-Mayor Ervin Johnson, that Resolution 38-20 be approved. The motion carried by the following vote:

Yes: 4 - Vice-Mayor Ervin Johnson, Commissioner Frankel, Deputy Vice Mayor Bathurst, and Commissioner Boylston

No: 1 - Mayor Petrolia

- 7.B.** [19-1074](#) RESOLUTION NO. 30-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING THE OSCEOLA PARK NEIGHBORHOOD 2019 REDEVELOPMENT PLAN UPDATE CREATED BY KCI TECHNOLOGIES IN COLLABORATION WITH THE CITY OF DELRAY BEACH AND THE COMMUNITY REDEVELOPMENT AGENCY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Body: Recommended Action:

Recommendation: Consider Resolution No. 30-20, adopting the Osceola Park Neighborhood 2019 Redevelopment Plan Update, finding that the proposed plan is consistent with the Goal, Objectives, and Policies of the Comprehensive Plan.

Attachments: [Agenda Cover Report](#)

[Osceola Park Neighborhood 2019 Redevelopment Plan Update](#)

[Resolution 30-20](#)

[Osceola Park Neighborhood 2019 Redevelopment Plan Update, Final Draft](#)

[Osceola Park Neighborhood 2019 Redevelopment Plan Update PZB Staff Report](#)

[Osceola Park Neighborhood 2019 Plan Update Legal Review.pdf](#)

Ms. Giannotes, Planning & Zoning Director gave a brief presentation about the Osceola Park Neighborhood Redevelopment Plan.

A motion was made by Commissioner Boylston, seconded by Deputy Vice Mayor Bathurst, that Resolution 30-20 be approved. The motion carried by the following vote:

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

- 7.C.** [20-098](#) RESOLUTION 45-20: A RESOLUTION OF THE CITY OF DELRAY

BEACH, FLORIDA, URGING THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION TO ENTER INTO RULEMAKING TO ADOPT AN "IDLE SPEED - NO WAKE" ZONE WITHIN THE INTRACOASTAL WATERWAY SYSTEM BETWEEN ATLANTIC AVENUE AND GEORGE BUSH BOULEVARD; AND PROVIDING AN EFFECTIVE DATE.

Body: **Recommended Action:**

Recommendation: Motion to Approve Resolution 45-20.

Attachments: [Agenda Cover Report](#)
[Resolution 45-20](#)

A motion was made by Commissioner Frankel, seconded by Deputy Vice Mayor Bathurst, that Resolution 45-20 be approved. The motion carried by the following vote:

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

7.D. [20-064](#) RECOMMENDATION FOR APPOINTMENT TO THE CODE ENFORCEMENT BOARD

Body: **Recommended Action:**

Recommendation: Recommendation for appointment for one (1) regular member to serve an unexpired term ending January 14, 2023.

Attachments: [Agenda Cover Report](#)
[01232020 Exhibit A](#)
[Code Enforcement Board](#)
[Code Enforcement Attendance form 2019 4th quarter](#)
[Code Enforcement Attendance form 2020 1st quarter](#)
[#1](#)
[#2](#)
[#3](#)

Commissioner Frankel nominated Christina Godbout to the Code Enforcement Board. It was seconded by Vice-Mayor Ervin Johnson. The motion carried by the following vote:

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

7.E. [20-101](#) RECOMMENDATION OF APPOINTMENT TO THE BOARD OF TRUSTEES FOR THE POLICE OFFICERS' RETIREMENT SYSTEM

Body: **Recommended Action:**

Recommendation: Recommendation for appointment of one (1) regular member to serve an unexpired term ending October 4, 2020.

Attachments: [Agenda Cover Report](#)

[Exhibit A](#)

[#1](#)

Vice-Mayor Ervin Johnson nominated Scott Privatera to the Police Officers' Retirement System Board. It was seconded by Commissioner Frankel. The motion carried by the following vote:

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

7.F. [20-135](#) POLICE ADVISORY BOARD NOMINATIONS FOR APPOINTMENT

Body: **Recommended Action:**

Recommendation: Recommendation for appointment of one (1) regular member to serve an unexpired term ending July 31, 2022.

Attachments: [Agenda Cover Report](#)

[Police Advisory Board 2](#)

[Exhibit A](#)

[1. Abramson](#)

[2. Evans](#)

[3. Feldmanis](#)

[4. Harold](#)

[5. Ratlieff](#)

[6. Rex](#)

[7. Trupia](#)

Vice-Mayor Ervin Johnson nominated Latoya Ratlief to the Police Advisory Board. It was seconded by Commissioner Frankel. The motion carried by the following vote:

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

7.G. [20-130](#) RESOLUTION NO. 56-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, RECOGNIZING THAT THE CITY OF DELRAY BEACH IS CONSIDERING AMENDMENTS TO THE CITY'S LAND DEVELOPMENT REGULATIONS (LDR) WITH RESPECT TO MURALS; EXTENDING THE PREVIOUSLY INVOKED ZONING IN PROGRESS DOCTRINE WITH RESPECT TO THE CITY'S LDR'S; PROVIDING THAT DURING THE PENDENCY OF THE CITY'S CONSIDERATION OF THE NEW LDR AMENDMENTS, THE CITY WILL DEFER THE PROCESSING AND APPROVAL OF ALL APPLICATIONS FOR MURALS INCONSISTENT WITH THE LDR'S; AND PROVIDING AN EFFECTIVE DATE.

Body: **Recommended Action:**

Recommendation: Motion to Approve Resolution 56-20.

Attachments: [Agenda Cover Report](#)
[Resolution 56-20](#)

Commissioner Boylston left the dais at 5:08 p.m. He returned to the dais at 5:09 p.m.

A motion was made by Vice-Mayor Ervin Johnson to approve Resolution 56-20. It was seconded by Commissioner Frankel. The motion carried by the following vote:

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

Absent: 1 - Commissioner Boylston

8. PUBLIC HEARINGS:

- 8.A.** [19-1077](#) ORDINANCE NO. 04-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A FUTURE LAND USE MAP AMENDMENT RE-DESIGNATING THE FUTURE LAND USE FOR 39.42 ACRES OF LAND FROM GENERAL COMMERCIAL (GC) IN PART, AND TRANSITIONAL (TRN) IN PART, TO COMMERCIAL CORE (CC), PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, FOR PROPERTIES GENERALLY LOCATED WITHIN THE AREA BOUNDED ON THE NORTH BY SE 4TH STREET, ON THE SOUTH BY SE 10TH STREET, ON THE EAST BY SE 7TH AVENUE, AND ON THE WEST BY SE 4TH AVENUE, ALL OF WHICH ARE ADJACENT TO EITHER SE 5TH AVENUE OR SE 6TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING/PUBLIC HEARING)

Body: **Recommended Action:**

Recommendation: Review and consider Ordinance No. 04-20 on First Reading, a Future Land Use Map amendment to redesignate approximately 39.42 acres of land from General Commercial in part and Transitional in part, to Commercial Core, generally located within the area bounded on the north by SE 4th Street, on the south by SE 10th Street, on the east by SE 7th Street, and on the west by SE SE 4th Avenue, all of which are adjacent to either SE 5th Avenue or SE 6th Avenue.

Attachments: [Agenda Cover Report](#)
[Ord No 04-20 FLUM](#)
[Ord No 04-20 PZB Staff Report](#)
[Ord No 04-20 Location Map of CBD Expansion](#)
[Ord No 04-20 Proposed FLUM Map](#)

Marcello Canlor with the Treasure Coast Regional Planning Council gave a

brief presentation.

Ms. Gelin suggested a workshop take place to further discuss and approve this item subject to the discussion that took place.

A motion was made by Commissioner Frankel to approve Ordinance No. 04-20 with conditions. It was seconded by Commissioner Ryan Boylston. The motion carried by the following vote:

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

8.B. [19-1078](#)

ORDINANCE NO. 05-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING LAND PRESENTLY ZONED GENERAL COMMERCIAL (GC) IN PART, NEIGHBORHOOD COMMERCIAL (NC) IN PART, AND PROFESSIONAL OFFICE DISTRICT (POD) IN PART, TO CENTRAL BUSINESS DISTRICT (CBD); SAID LAND CONTAINING APPROXIMATELY 39.42 ACRES, AND GENERALLY LOCATED WITHIN THE AREA BOUNDED ON THE NORTH BY SE 4TH STREET, ON THE SOUTH BY SE 10TH STREET, ON THE EAST BY SE 7TH AVENUE, AND ON THE WEST BY SE 4TH AVENUE, ALL OF WHICH ARE ADJACENT TO EITHER SE 5TH AVENUE OR SE 6TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE "CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017"; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING/PUBLIC HEARING)

Body: Recommended Action:

Recommendation: Review and consider Ordinance No. 05-20 on First Reading, a rezoning of approximately 39.42 acres of land from General Commercial in part, Neighborhood Commercial in part, and Professional Office District in part, to Central Business District for the properties generally located within the area bounded on the north by SE 4th Street, on the south by SE 10th Street, on the east by SE 7th Street, and on the west by SE SE 4th Avenue, all of which are adjacent to either SE 5th Avenue or SE 6th Avenue.

Attachments: [Agenda Cover Report](#)
[Ord No. 05-20 Rezoning to CBD 1st Reading](#)
[Ord No. 05-20 PZB Staff Report](#)
[Ord No. 05-20 Location Map](#)
[Ord No. 05-20 Proposed Zoning Map](#)

A motion was made by Commissioner Frankel to approve Ordinance No. 05-20 with conditions. It was seconded by Commissioner Ryan Boylston. The motion carried by the following vote:

8.C. [19-1079](#)

ORDINANCE NO. 06-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND

DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF DELRAY BEACH BY AMENDING CHAPTER 4, "ZONING REGULATIONS", ARTICLE 4.4, "BASE ZONING DISTRICT", SECTION 4.4.13. "CENTRAL BUSINESS DISTRICT (CBD)", SUBSECTION (A), "PURPOSE AND INTENT"; SUBSECTION (B), "REGULATING PLANS"; SUBSECTION (C), "ALLOWABLE USES"; SUBSECTION (D), "CONFIGURATION OF BUILDINGS"; SUBSECTION (E), "FRONTAGE STANDARDS"; SUBSECTION (F), "ARCHITECTURAL STANDARDS"; SUBSECTION (G), "CIVIC OPEN SPACES"; SUBSECTION (H), "INCENTIVE PROGRAM"; SUBSECTION (I), "CBD PARKING STANDARDS"; AND, SUBSECTION (K) "CBD REVIEW AND APPROVAL PROCESS"; TO CREATE A CBD SUB-DISTRICT, INCLUDE REGULATIONS SPECIFIC TO THE NEW SUB-DISTRICT, INCLUDING BUT NOT LIMITED TO, ALLOWABLE USES, PARKING, BUILDING CONFIGURATION, FRONTAGE STANDARDS, ARCHITECTURAL STANDARDS, CIVIC OPEN SPACES, PROVIDING FOR NEW FIGURES AND REDESIGNATION OF OTHER TABLES OR FIGURES, AND ADDITIONAL CLARIFICATIONS OF EXISTING REGULATIONS, PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (FIRST READING/PUBLIC HEARING)

Body: **Recommended Action:**

Recommendation: Review and consider Ordinance No. 06-20 on First Reading, amendments to the Land Development Regulations Sections 4.4.13, Central Business District (CBD), associated with the expansion of the CBD to create a new Sub-district in the area bounded on the north by SE 4th Street, on the south by SE 10th Street, on the east by SE 7th Street, and on the west by SE SE 4th Avenue, all of which are adjacent to either SE 5th Avenue or SE 6th Avenue.

Attachments: [Agenda Cover Report](#)

[Ord No. 06-20 LDR Amendments 1st Reading](#)

[Ord No. 06-20 PZB Staff Report](#)

A motion was made by Commissioner Frankel to approve Ordinance No. 06-20 with conditions. It was seconded by Commissioner Ryan Boylston. The motion carried by the following vote:

9. FIRST READINGS:

9.A. [20-109](#)

ORDINANCE NO. 18-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING ARTICLE V, "ELECTIONS," SECTION 5.02, "TYPES OF ELECTIONS," OF THE CITY OF DELRAY BEACH CHARTER PURSUANT TO SECTION 100.3605, FLORIDA STATUTES, TO AMEND THE DATE ON WHICH ELECTIONS FOR MUNICIPAL NONPARTISAN ELECTIONS MAY BE HELD FOR THE CITY OF DELRAY BEACH; PROVIDING THAT EACH AND EVERY

OTHER SECTION AND SUBSECTION OF ARTICLE V SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; 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: Motion to approve Ordinance No. 18-20.

Attachments: [Agenda Cover Report](#)

[Ord 18-20 amending section 5.02 of Charter - Election Date](#)

A motion was made by Commissioner Frankel, seconded by Commissioner Boylston, that Ordinance 18-20 be approved on first reading.. The motion carried by the following vote:

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

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

None

B. City Attorney

Ms. Gelin, City Attorney informed the Commission of an email received by Attorney Bonnie Miskel for the address 100 Gleason Street. It was an appeal that was initiated by the City Commission on January 16, 2020. Pursuant to the LDR's, appeals have to be heard within 60 days. This would have typically been done at the second meeting in March, however, since it is the Annual Organizational Meeting, Ms. Gelin is asking that it be moved to the first meeting in April although it is outside of the required 60 days. It was mutually agreed by all to hold appeal in April.

C. City Commission

Commissioner Boylston commented that he is happy the school district is coming to the table. He reported that the Village Center - Delray Full Service Center will be breaking ground this summer and the first program in the 10,000 sq. ft. building will be tied to construction jobs in partnership with Palm Beach State College and tied to high paying jobs which is a big need.

Commissioner Boylston also expressed there was a concern about the South Intensive School being moved to the old Plumosa site. It will not be coming to that location and conversations will continue about what their plan is for that property and whether the Commission will have

some say about that property's future.

Vice Mayor Johnson thanked Mr. Gretsas for protecting employees during the tennis tournament in coordinating staff's safety in crossing the street.

Commissioner Bathurst brought up an item that passed on the Consent Agenda for an Emergency Management Grant for the "Stop the Bleed" Program for trauma wound situations.

Commissioner Bathurst mentioned there was a forum last evening and the SET Community put on an excellent presentation that was very well attended and well organized.

Commissioner Bathurst congratulated Police Chief Javaro Sims for receiving the African Diaspora Award.

Commissioner Bathurst commented that he is glad the tennis contract was saved and more money was saved than what was mentioned.

Commissioner Frankel recognized Chief de Jesus for completing the 13.1 Miami Half Marathon in full fire gear for a great cause PTSD.

Commissioner Frankel thanked Suzanne Fisher for the PowerPoint that was created for all to use geared towards elementary school aged children on how city government works. He used it at his niece and nephew's school.

Mayor Petrolia expressed that the Forum on last evening was very good and the moderator was great.

Mayor Petrolia expressed that they are working on the panhandling issue and working towards shoring up the seawalls. There was a meeting that took place with the Flood Coalition. They are doing what they can to prepare for Delray's future.

Mayor Petrolia also announced that the Ninja Park ribbon cutting took place on last evening at Merritt Park.

Mayor Petrolia also wanted everyone to know that she attended the Team Delray meeting and everyone seemed to be collaborating well together.

Mayor expressed that there is not a clear passage space of 5' on the Atlantic Avenue sidewalk.

Commissioner Boylston asked Mr. Gretsas to give an update on the clear passage space on the sidewalk.

Mayor asked a question about Community Facility (CF) maybe create a CF-A or CF-1 that would allow for parking and not to blanket everything in one.

Mayor made a final comment that Mr. Ernie Simon should be recognized being that he was the oldest citizen born and raised in Delray - perhaps a tree or plaque should be considered.

Vice Mayor Johnson mentioned that the Spady Museum and Arts Garage and the Florida Highwaymen were there and they are still painting.

With no further business to discuss, the meeting was adjourned at 7:02 p.m.