

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, November 17, 2020

4:00 PM

Regular Meeting at 4:00 PM

Delray Beach City Hall

City Commission

Mayor Shelly Petrolia
Vice Mayor Ryan Boylston
Deputy Vice Mayor Shirley Ervin Johnson
Commissioner Adam Frankel
Commissioner Juli Casale

1. ROLL CALL

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

The roll call was taken by City Clerk Katerri Johnson. The following were present:

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

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

Others present were:

City Attorney Lynn Gelin

Interim City Manager Jennifer Alvarez

City Clerk Katerri Johnson

Lynn Gelin, City Attorney, requested to move item 9.B. to the December 1, 2020 Commission Meeting.

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

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

4. PRESENTATIONS:

4.A. PRESENTATION OF BAR KEYS TO JOHN BREWER AND IAIN PATERSON FOR THE SOCIALLY DISTANCED SUPPER CLUB

Body: **Recommended Action:**

Recommendation: Presentation only.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

Iain Patterson and John Brewer, Creators of the Socially Distanced Supper Club, gave a presentation on how their Facebook group has helped local restaurants survive during the pandemic.

Mayor Petrolia expressed her gratitude for their hard work and dedication to help local businesses.

4.B. EDUCATION PRESENTATION - LEARNING LOSS RECOVERY CHALLENGE DUE TO COVID-19

Body: **Recommended Action:**

Recommendation: Provide direction on how to proceed with the suggested learning loss strategies outlined in the presentation.

Sponsors: City Manager Department - Intergovernmental Affairs

Attachments: [Agenda Cover Report](#)
[Learning Loss Recovery Presentation CC 11172020](#)

Janet Meeks, Education Coordinator, presented the challenges facing learning delays in Delray and throughout the nation. She requested the Commission to support the implementation of a learning loss strategy.

There was a consensus to support the strategy.

4.C. *PRESENTING ALEXANDRIA DEFRANCO, PAYROLL ADMINISTRATOR, WITH EMPLOYEE OF THE MONTH FOR MAY 2020.*

Body: **Recommended Action:**

Recommendation: Motion to present Alexandria DeFranco, Payroll Administrator, with Employee of the Month for May 2020.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Alexandria DeFranco](#)

Mr. Duane D'Andrea, Human Resources Director, recognized Alexandria DeFranco, Payroll Administrator, as employee of the month.

Marie Kalka, Finance Director, shared a few words about Ms. DeFranco's contributions to the Finance Department. Ms. DeFranco accepted her award and received eight hours off with pay.

4.D. *PRESENTING AMANDA SKEBERIS, CLEAN AND SAFE ADMINISTRATOR, WITH EMPLOYEE OF THE MONTH FOR JUNE 2020.*

Body: **Recommended Action:**

Recommendation: Motion to approve Amanda Skeberis as Employee of the Month for JUNE 2020.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[Amanda Skeberis](#)

Mr. Duane D'Andrea, Human Resources Director, recognized Amanda Skeberis, Clean and Safe Administrator, as employee of the month.

David Weatherspoon, Interim Director of Neighborhood and Community Services expressed his gratitude to Ms. Skeberis for her contributions to the City.

Ms. Skeberis accepted her award and received eight hours off with pay.

4.E. *PRESENTING LESHAY FERGUSON, HUMAN RESOURCES GENERALIST, WITH EMPLOYEE OF THE MONTH FOR JULY 2020.*

Body: Recommended Action:

Recommendation: Motion to present LeShay Ferguson, Human Resources Generalist with Employee of the Month for July 2020.

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)
[LeShay Ferguson](#)

Duane D'Andrea, Human Resources Director, presented LeShay Ferguson, Human Resources Generalist as employee of the month.

Dot Bast, Assistant Human Resources Director, gave a few words highlighting Ms. Ferguson's character and contributions throughout her nineteen years of service.

Ms. Ferguson accepted her award and received eight hours off with pay.

4.F. *STAFF TO PRESENT AN UPDATE ON THE CLIMATE CHANGE VULNERABILITY STUDY.*

Body: Recommended Action:

Recommendation: Presentation only.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Climate Threats - Coastal Resilience Partnership Southeast Palm Beach County ADA \(Spread\) Final Version](#)
[Climate Assets - Coastal Resilience Partnership Southeast PBC ADA](#)
[City Comm Update pdf 111020](#)

Kent Edwards, Sustainability Officer, provided an update on the Climate Change Vulnerability Study to the Commission. He explained the threats climate change poses to the community.

Mayor Petrolia suggested creating an Enterprise Fund to cover expenses that the increased climate change vulnerability may pose in the future.

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

Interim City Manager Alvarez clarified the fire engine truck at a rally this past weekend was a privately owned antique vehicle and did not belong to the City.

B. From the Public:

Joe Gillie, 123 S. Military Trail, Boynton Beach, expressed his gratitude to the Commissioners for supporting Janet Meeks' proposed educational program and volunteered to serve on the Task Force.

Andrea Keiser, 55 SE 2nd Avenue, Delray Beach, stated that her firm represents Hopportunities. Ms. Keiser requested the Commission to amend Ordinance No. 56-20 to allow food trucks to operate North of Lake Ida in the Central Business District.

John Macatangay, 440 NE 5th Avenue, Delray Beach, owner of Hopportunities, expressed how COVID-19 has affected his business. He thanked the Commission for their efforts in helping small businesses and believed that allowing his food truck to operate in the Central Business District would bring additional value to the community.

Jim Chard, 401 SE 4th Avenue, Delray Beach, thanked the Commission for supporting Ms. Meeks' proposal. He recommended the Commissioners use the Delray Chamber Education Fund as a resource for the project.

6. CONSENT AGENDA: City Manager Recommends Approval

Commissioner Casale motioned to approve the Consent Agenda. It was seconded by Vice Mayor Boylston. The motion carried by the following vote:

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

6.A. CITY COMMISSION MEETING MINUTES

Body: Recommended Action:

Recommendation: Motion to approve meeting minutes as listed below:

August 11, 2020 Workshop Meeting Minutes

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[August 11, 2020 Workshop Draft](#)

6.B. PROPOSED OFFER OF SETTLEMENT IN THE CASE OF FOSTER MARINE CONTRACTORS, INC. v. CITY OF DELRAY BEACH

Body: Recommended Action:

Recommendation: Motion to deny settlement proposed by Foster Marine Contractors, Inc., for the reasons discussed in the confidential memorandum previously

distributed to the City Commission.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

6.C.

RESOLUTION NO. 189-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION TO JAMES H. GRABOW, FOR THE HISTORIC REHABILITATION OF THE PROPERTY LOCATED AT 246 NORTH SWINTON AVENUE, AS FURTHER DESCRIBED HEREIN, DETERMINING THAT THE COMPLETED IMPROVEMENTS ARE CONSISTENT WITH LAND DEVELOPMENT REGULATION (LDR) SECTION 4.5.1(J), TAX EXEMPTION FOR HISTORIC PROPERTIES; AND PROVIDING AN EFFECTIVE DATE.

Body: **Recommended Action:**

Recommendation: Review and consider Resolution No. 189-20; approving a Historic Property Ad Valorem Tax Exemption request for improvements to the contributing structure and property located at 246 North Swinton Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Resolution 189-20-246 N. Swinton Avenue-Tax Exemption](#)

[Simple Legal Review Approval Resolution 189-20](#)

[1-Application Tax Exemption-246 N Swinton Avenue](#)

[2-Warranty Deed-246 N Swinton Avenue](#)

[3-Property Tax Information-246 N Swinton Avenue](#)

[4-Certificate of Occupancy-246 N Swinton Avenue](#)

[5-Letter from State - OSSHD National](#)

[6-2017 HPB Staff Report-246 N Swinton Avenue](#)

[7-Architectural Drawings-246 N Swinton Avenue](#)

[8-Survey-246 N Swinton Avenue](#)

[9-Before and After Photos-246 N Swinton Avenue](#)

6.D.

RESOLUTION NO. 190-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING AN AD VALOREM TAX EXEMPTION TO BLAINE M. MINTON, FOR THE HISTORIC REHABILITATION OF THE PROPERTY LOCATED AT 1420 NORTH SWINTON AVENUE, AS FURTHER DESCRIBED HEREIN, DETERMINING THAT THE COMPLETED IMPROVEMENTS ARE CONSISTENT WITH LAND DEVELOPMENT REGULATION (LDR) SECTION 4.5.1(J), TAX EXEMPTION FOR HISTORIC PROPERTIES; AND PROVIDING AN EFFECTIVE DATE.

Body: **Recommended Action:**

Recommendation: Review and consider Resolution No. 190-20; approving a Historic Property Ad Valorem Tax Exemption request for improvements to the structure and property located at 246 North Swinton Avenue, which is listed on the Local Register of Historic Places.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Resolution 190-20-1420 N. Swinton Avenue-Tax Exemption](#)
[Simple Legal Review Approval Resolution 190-20](#)
[1-Application Tax Exemption-1420 N. Swinton Avenue](#)
[2-Warranty Deed-1420 N. Swinton Avenue](#)
[3-Property Tax Information-1420 N. Swinton Avenue](#)
[4-Certificate of Occupancy-1420 N. Swinton Avenue](#)
[5-Staff Report HPB COA-1420 N. Swinton Avenue](#)
[6-Architectural Drawings-1420 N. Swinton Ave.](#)
[7-Survey Old-1420 N. Swinton Ave.](#)
[8-Survey New-1420 N. Swinton Ave.](#)
[9-Photographs-Before and After](#)

6.E. *APPROVAL OF INCREASE IN THE AMOUNT OF \$750,000 TO THE CONTRACT VALUE WITH TRANE US INC. FOR AIR CONDITIONING MAINTENANCE AND REPAIR SERVICES FOR THE PUBLIC WORKS DEPARTMENT*

Body: **Recommended Action.**

Recommendation: Motion to approve an increase of \$750,000 to the contract value for a total estimated contract amount of \$1,250,000, with Trane US Incorporated, for air conditioning maintenance and repair services for the Public Works Department.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[15-JLP-023 Trane Renewal 2](#)
[Agenda Cover Report \(ct 9.9.19\)](#)
[Fully Executed Master Service Agreement](#)
[Fully Executed Resolution](#)

6.F. *APPROVAL TO RETROACTIVELY APPROVE EXPENDITURES AND APPROVE AN INCREASE TO THE AGREEMENT WITH CINTAS CORPORATION NO. 2 FOR CITYWIDE FACILITIES MANAGEMENT PRODUCTS, RELATED SERVICES AND SOLUTIONS: FIRE PROTECTION SERVICES FOR THE PUBLIC WORKS DEPARTMENT -*

\$1,768.000

Body: Recommended Action:

Recommendation: Motion to retroactively approve expenditures in the amount of \$68,000 and approve an increase in the total contract amount of \$1,768,000 comprising: \$500,000 increase for products and service; \$200,000 for fire protection services capital improvement for the Police Department, as approved in FY21 CIP; and retroactive approval for \$68,000 incurred expenses above existing contract value. The increase will enable needed service provision by Cintas Corporation No. 2, for Citywide facilities management products and solutions: fire protection services.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Res No. 55-19](#)
[Cintas Agmt thru 10.31.2023](#)

6.G. *APPROVAL TO INCREASE THE CONTRACT VALUE IN THE AMOUNT OF \$500,000 WITH SIEMENS INDUSTRY, INC. FOR INSTALLATION, SERVICE AND REPAIR OF HVAC SYSTEMS AT THE POLICE DEPARTMENT HEADQUARTERS FACILITY*

Body: Recommended Action:

Recommendation: Motion to approve increase in the amount of \$500,000 to the contract value, comprising of \$300,000 increase for products and services and \$200,000 for a Capital Improvement Project (CIP) for the Police Department (PD) as approved in FY21 CIP. The increase will enable needed service provision by Siemens Industry for the Police Department Headquarters.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 37-18](#)
[Master Agmt with Siemens](#)

6.H. *APPROVAL OF AMENDMENT NO. 2 TO BAXTER & WOODMAN, INC. FOR CONSTRUCTION, ENGINEERING, AND INSPECTION SERVICES (CEI) FOR THE NE 2ND AVENUE SEACREST BEAUTIFICATION PHASE 3 PROJECT (NE 22ND STREET NORTH TO GULFSTREAM BOULEVARD) IN THE AMOUNT OF \$55,186 (PROJECT NO. 17-010).*

Body: Recommended Action:

Recommendation: Motion to Approve Amendment No. 2 to the Agreement with Baxter & Woodman, Inc. for Construction, Engineering, and Inspection Services (CEI) for the NE 2nd Avenue Seacrest Beautification Phase 3 Project, in

the amount of \$55,186, for a total contract amount not to exceed \$330,222.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist Baxter Woodman re CEI services for Seacrest Phase 3 am. 2](#)
[Fully Executed - Amendment 1 to Agreement with Baxter & Woodman Inc.](#)
[Scanned Amend 2 Baxter and Woodman CEI](#)

6.I. *RESOLUTION NO.167-20: REQUESTING APPROVAL OF AN INTERLOCAL AGREEMENT (ILA) BETWEEN PALM BEACH COUNTY AND THE CITY OF DELRAY BEACH FOR THE DESIGN AND CONSTRUCTION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF W. LINTON BOULEVARD AND CATHERINE DRIVE/LINTON LAKES DRIVE. (PROJECT NO. 20-001)*

Body: **Recommended Action:**

Recommendation: Motion to Approve Resolution No. 167-20 to approve an Interlocal Agreement (ILA) with Palm Beach County and the City of Delray Beach (City) for the design and construction of a traffic signal at the intersection of W. Linton Boulevard and Catherine Drive/Linton Lakes Drive.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Resolution No. 167-20 - ILA with County to install traffic signal Linton and Catherine](#)
[Legal Review ILA with County for installation of new traffic signal at Linton Catherine and Linton Lakes](#)
[City of Delray Beach - Interlocal Agreement -W Linton Blvd. and Catharine Dr ybh.9.3.2020 electronic signature pg.ybh](#)

6.J. PROCLAMATIONS:

6.J.1. *2020 SMALL BUSINESS SATURDAY - NOVEMBER 28, 2020 - PROCLAMATION*

Body: **Recommended Action:**

Recommendation: Proclaim November 28, 2020 as Small Business Saturday in Delray Beach, Florida.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Small Business Saturday 2020](#)

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

6.K.1. None

6.L. AWARD OF BIDS AND CONTRACTS:

6.L.1. None

7. REGULAR AGENDA:**7.A. RATIFICATION OF EMERGENCY REGULATIONS RELATED TO COVID-19 ACTIVATED UNDER CHAPTER 95 OF THE DELRAY BEACH CODE OF ORDINANCES**

Body: Recommended Action:

Recommendation: Motion to Ratify the 34th Extension of the State of Emergency for COVID-19.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[34th Extension Emergency Declaration - COVID 19](#)

Commissioner Frankel proposed that applicants should email all required information, including supporting documentation to the Commissioners prior to the Commission meeting to prevent the applicant from distributing materials during the Commission meeting.

There was consensus to modify the local procedures for applicant materials.

7.B. NOMINATION FOR APPOINTMENT TO THE PUBLIC ART ADVISORY BOARD

Body: Recommended Action:

Recommendation: Motion to approve the nomination for an appointment for one (1) regular member to serve on the Public Art Advisory Board for an unexpired term ending July 31, 2021.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Exhibit A](#)
[Public Art Advisory Board 2020 2](#)
[Cabana](#)
[Cooper 1](#)
[Donohue](#)
[Jacobson](#)
[Nevin](#)
[Talley](#)

[Vasiliou 1](#)

[Zengage](#)

Commissioner Frankel nominated Maxwell Zengage to the Public Art Advisory Board. It was seconded by Vice Mayor Boylston. The motion carried by the following vote:

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

7.C. RESOLUTION NO.194-20 BUDGET AMENDMENT FOR FISCAL YEAR 2019/20

Body: Recommended Action:

Recommendation: Motion to Approve Resolution No.194-20 amending the budget for Fiscal Year (FY) 2019/20 adopted September 17, 2019.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

[Simple Legal Review Approval 194-20](#)

[2020 Exhibit A Budget Amendment for 11-17-20](#)

[Resolution 194-20 Budget Amendment](#)

Marie Kalka, Finance Director, requested approval from the Commission to amend Resolution No. 194-20. She informed the Commissioners that the Resolution items she is seeking to amend include the Health Insurance Coverage and COVID-19 Relief Funds

Lynn Gelin, City Attorney, read Resolution No. 194-20 into the record.

Commissioner Frankel motioned to approve Resolution No. 194-20 as amended. It was seconded by Vice Mayor Boylston. The motion carried by the following vote:

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

7.D. RESOLUTION NO.196-20 BUDGET AMENDMENT FOR FISCAL YEAR 2020/21

Body: Recommended Action:

Recommendation: Motion to Approve Resolution No. 196-20 amending the budget for Fiscal Year (FY) 2020/21, adopted September 22, 2020.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)

[Utilities Admin Program - Budget Amendment FY 21](#)

[2021 Exhibit A Budget Amendment for 11-17-20](#)

[Simple Legal Review Approval 196-20](#)

[Resolution 196-20 Budget Amendment FY 20.21](#)

Commissioner Frankel motioned to approve Resolution No. 196-20. It was seconded by Vice Mayor Boylston. The motion carried by the following vote:

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

7.E. APPROVAL OF RESOLUTION 201-20 PROVIDING FOR VIRTUAL ATTENDANCE BY ELECTED AND APPOINTED OFFICIALS AT MEETINGS DURING THE COVID-19 PUBLIC HEALTH EMERGENCY AND SUSPENDING ANY REQUIREMENT THAT AN IN-PERSON PHYSICAL QUORUM BE PRESENT TO CONDUCT BUSINESS.

Body: Recommended Action:

Recommendation: Motion to approve Resolution 201-20.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[Advisory Legal Opinion - Public meeting quorums using technology](#)

[Resolution 201-20 return to virtual meeting](#)

Lynn Gelin, City Attorney, explained the impact Resolution No. 201-20 would have on the City's virtual meetings effective December 1, 2020.

Commissioner Casale motioned to approve Resolution No. 201-20. It was seconded by Vice Mayor Boylston. The motion carried by the following vote:

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

8. PUBLIC HEARINGS:

8.A. ORDINANCE NO. 37-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, CORRECTING A SCRIVENER'S ERROR BY ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT FOR SIXTY-ONE PARCELS OF LAND, WHICH MEASURES APPROXIMATELY 9.94± ACRES, AND RE-DESIGNATING SAID LAND FROM LOW DENSITY (LD) TO GENERAL COMMERCIAL (GC), TRANSITIONAL (TRN), AND MEDIUM DENSITY (MD), PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT", FLORIDA STATUTES SECTION 163.3187; SAID LAND GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF OLD DIXIE HIGHWAY AND SE 10TH STREET, AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (PUBLIC HEARING/SECOND READING)

Body: Recommended Action:

Recommendation: Review and consider a request to approve Ordinance No. 37-20, a City-initiated amendment to the Land Use Map from Low Density (LD) to General Commercial (GC), Medium Density (MD), and Transitional (TRN) land use to correct a scrivener's error.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ord. No. 37-20 Silver Terrace Land Use](#)
[Silver Terrace Land Use: Staff Report](#)
[Silver Terrace: Location Map](#)
[Silver Terrace Land Use: History](#)
[Ord. No. 37-20 Legal Review](#)

Lynn Gelin, City Attorney, read Ordinance No. 37-20 into the record. She asked the Commissioners to move the item to the Commission Meeting on December 1.

Mayor Petrolia opened the floor for public comments; no one wished to speak on this item.

Commissioner Frankel motioned to approve postponing Ordinance No.37-20 until December 1, 2020, at 4:00 p.m. It was seconded by Vice Mayor Boylston. The motion carried by the following vote:

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

8.B. *ORDINANCE NO. 46-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ANNEXING INTO THE CITY OF DELRAY BEACH, ONE PARCEL OF LAND LOCATED IMMEDIATELY WEST OF BARWICK ROAD AND IMMEDIATELY SOUTH OF CANAL L-30 AT 13029 BARWICK ROAD, WITH THE SAME BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS HEREIN, COMPRISING APPROXIMATELY ONE ACRE 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. (SECOND READING)*

Body: Recommended Action:

Recommendation: Review and consider Ordinance No. 46-20, a privately initiated request for annexation of a parcel of land located at 13029 Barwick Road, subject to Florida Statutes Section 171 and the City of Delray Beach Land Development Regulations Section 2.4.5(C)(1).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ordinance 46-20 - Annexation 13029 Barwick Road](#)

[Ordinance 46-20 -PZB Staff Report](#)

[Ordinance 46-20 - Applicant's Justification Statement](#)

[Ordinance 46-20 - Property Survey](#)

[Ordinance 46-20 - Comprehensive Plan Maps](#)

[Legal Review Ord 46-20 47-20 and 48-20](#)

Lynn Gelin, City Attorney read Ordinance No. 46-20, Ordinance No. 47-20, and Ordinance No. 48-20 into the record.

Andrea Keiser, of Keiser Legal, located at 55 SE 2nd Avenue, Delray Beach, asked if there were any questions based on her previous presentation.

Rebekah Dasari, Senior Planner, asked if there were any questions related to her previous staff report.

Mayor Petrolia inquired if there were any public comments for Ordinance No. 46-20, Ordinance No. 47-20, or Ordinance No. 48-20; no one wished to speak on these items.

Commissioner Casale motioned to approve Ordinance No. 46-20 on Second Reading. It was seconded by Commissioner Frankel. The motion carried by the following vote:

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

8.C. *ORDINANCE NO. 47-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL SCALE LAND USE MAP AMENDMENT FOR ONE PARCEL OF LAND RE-DESIGNATING LAND APPROXIMATELY ONE ACRE IN SIZE FROM PALM BEACH COUNTY MEDIUM RESIDENTIAL (MR-5) TO CITY OF DELRAY BEACH LOW DENSITY (LD), PURSUANT TO SECTION 163.3187 FOR THE PROPERTY LOCATED AT 13029 BARWICK ROAD, AS MORE PARTICULARLY DESCRIBED HEREIN. PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE. PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)*

Body: **Recommended Action:**

Recommendation: Review and consider Ordinance No. 47-20, a privately initiated land use

map amendment redesignating the property located at 13029 Barwick Road from Palm Beach County Medium Residential (MR-5) to Delray Beach Low Density (LD).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ord. No. 47-20 - Proposed Ordinance](#)

[Ord. No. 47-20 - PZB Staff Report](#)

[Ord. No. 47-20 - Survey](#)

[Ord. No. 47-20 - Applicant's Justification Statement](#)

[Ordinance 47-20 - Comprehensive Plan Maps](#)

[Legal Review Ord 46-20 47-20 and 48-20](#)

Commissioner Casale motioned to approve Ordinance No. 47-20 on Second Reading. It was seconded by Commissioner Frankel. The motion carried by the following vote:

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

8.D. *ORDINANCE NO. 48-20: 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 AGRICULTURAL RESIDENTIAL (AR) TO CITY OF DELRAY BEACH SINGLE FAMILY RESIDENTIAL (R-1-AA); FOR A PARCEL OF LAND LOCATED AT 13029 BARWICK ROAD, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)*

Body: **Recommended Action:**

Recommendation: Review and consider Ordinance No. 48-20, a privately initiated rezoning request for the property located at 13029 Barwick Road from Palm Beach County Agricultural Residential (AR) to Delray Beach Single Family Residential (R-1-AA).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ord. No. 48-20 - Proposed Ordinance](#)

[Ord. No. 48-20 - PZB Staff Report](#)

[Ord. No. 48-20 - Applicant's Justification Statement](#)

[Ordinance 48-20 - Survey](#)

[Legal Review Ord 46-20 47-20 and 48-20](#)

Commissioner Casale motioned to approve Ordinance No. 48-20 on Second Reading. It was seconded by Commissioner Frankel. The motion carried by the following vote:

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

9. FIRST READINGS:

9.A. *ORDINANCE NO. 11-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES BY AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.6, "SUPPLEMENTAL DISTRICT REGULATIONS," SECTION 4.6.5, "WALLS, FENCES, AND HEDGES", SUBSECTION (A), "RELATIONSHIP TO TRAVELWAYS", TO INCLUDE ACCESS GATES; AMENDING SECTION 4.6.9, "OFF-STREET PARKING REGULATIONS", SUBSECTION (D), "DESIGN STANDARDS", TO CLARIFY REGULATIONS FOR STACKING DISTANCES AND ESTABLISH REGULATIONS FOR ACCESS GATES. AMENDING SECTION 4.6.14, "SIGHT VISIBILITY", SUBSECTION 4.6.14(A), "PURPOSE AND INTENT", TO INCLUDE ACCESS GATES. PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)*

Body: Recommended Action:

Recommendation: Review and consider Ordinance No. 11-20, a City-initiated amendment to the Land Development Regulations (LDR) Section 4.6.5 "Walls, fences, and hedges," Section 4.6.9(D) "Off street parking regulations," and Section 4.6.14 "Site visibility" regarding the placement of access gates on residential and nonresidential properties to provide a clear and safe path for users of the street and sidewalk.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ordinance No. 11-20](#)
[Ordinance No. 11-20: PZB Staff Report](#)
[Ordinance No. 11-20: Legal Review, Access Gates](#)

Lynn Gelin, City Attorney, read Ordinance No. 11-20 into the record.

Rebekah Dasari, Senior Planner, read File No. 2020-076 into the record.

Ms. Dasari presented the proposed project. She informed the Commission that the Planning and Zoning Board and the Historic Preservation Board voted in support of the project.

Vice Mayor Boylston motioned to approve Ordinance No. 11-20 on First Reading. It was seconded by Commissioner Frankel. The motion carried by the following vote:

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

9.B. *ORDINANCE NO. 53-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES, CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.6, "SUPPLEMENTAL DISTRICT REGULATIONS," SECTION 4.6.7, "SIGNS," BY AMENDING SUBSECTION (E), "SIGN DESIGN STANDARDS," AND SUBSECTION (J), "PROHIBITED SIGNS," TO ESTABLISH REGULATIONS ALLOWING CERTAIN SIGN DESIGNS TO EXTEND INTO THE RIGHT-OF-WAY WITHIN THE CENTRAL BUSINESS DISTRICT AND OLD SCHOOL SQUARE HISTORIC ARTS DISTRICT AND RESTRUCTURE EXISTING SUBSECTIONS TO ELIMINATE INCONSISTENT REQUIREMENTS, PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE. AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)*

Body: Recommended Action:

Recommendation: Review and consider a request to approve Ordinance No. 53-20, a City-initiated amendment to the Land Development Regulations (LDR) Section 4.6.7 "Signs," Section 4.6.7(E) "Sign Design Standards," Section 4.6.7(J) "Prohibited Signs" to establish regulations allowing certain signs designs to extend into the right-of-way in certain zoning districts.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ord 53-20 Signs Update](#)
[Ord 53-20 Signs Update- HPB Staff Report](#)
[Ord 53-20 Signs Update- PZB Staff Report](#)
[Ord 53-20 Signs - Legal Review](#)
[CBD and OSSHAD with CBD Map](#)

Item No. 9.B. was postponed until the Commission Meeting on December 1, 2020 at 4:00 p.m.

9.C. *ORDINANCE NO. 56-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, BY AMENDING CHAPTER 120, "OPERATION AND SALE OF FOOD FROM MOBILE FOOD TRUCKS," SECTION 120.01, "OPERATION AND SALE OF FOOD FROM MOBILE FOOD TRUCKS," TO UPDATE THE DEFINITIONS, MODIFY THE REQUIREMENTS TO*

OPERATE MOBILE FOOD TRUCKS WITHIN THE CITY, MODIFY THE LIMITATIONS AND PROHIBITIONS FOR THE OPERATION OF FOOD TRUCKS WITHIN THE CITY, AND ELIMINATE AND REPLACE CIVIL CITATIONS WITH GENERAL PENALTIES; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

Body: Recommended Action:

Recommendation: Review and consider a City-initiated request for amend Chapter 120 of the Code of Ordinances - "Operation and sale of Food from Mobile Food Trucks" to bring the adopted regulations into compliance with State of Florida regulatory changes.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ordinance No. 56-20: Mobile Food Trucks](#)

[Ordinance No. 56-20: Legal Review](#)

Lynn Gelin, City Attorney, read Ordinance No. 56-20 into the record.

Ms. Rebekah Dasari, Senior Planner, read File No. 20-870 into the record and presented a staff report.

Commissioner Frankel motioned to approve Ordinance No. 56-20 as amended. It was seconded by Vice Mayor Boylston. The motion carried by the following vote:

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

9.D.

ORDINANCE NO. 58-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES, BY ADOPTING FINDINGS BY AMENDING SECTION 4.3.3, "SPECIAL REQUIREMENTS FOR SPECIFIC USES", TO ADD A NEW SUBSECTION (CC), "CBD OIL ESTABLISHMENTS", TO PROVIDE A PURPOSE AND INTENT AND SPECIFIC REGULATIONS REGARDING THE HOURS OF OPERATION, PROHIBITIONS BY FREQUENCY AND PROXIMITY TO CERTAIN USES AND ZONING DISTRICTS, AND ACCESSORY USE REGULATIONS; AMENDING ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.9, "GENERAL COMMERCIAL (GC) DISTRICT", SUBSECTION (B), "PRINCIPAL USES AND STRUCTURES PERMITTED", AMENDING SECTION 4.4.12, "PLANNED COMMERCIAL (PC) DISTRICT," SUBSECTION (B), "PRINCIPAL USES AND STRUCTURES PERMITTED", AMENDING SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT," SUBSECTION (C), "ALLOWABLE USES," (3), "REQUIRED RETAIL

FRONTAGE USE LIMITATIONS,” TABLE 4.4.13(A) - “ALLOWABLE USES IN THE CBD SUB-DISTRICTS”, AMENDING SECTION 4.4.19, “MIXED INDUSTRIAL AND COMMERCIAL (MIC) DISTRICT”, SUBSECTION (B), “PRINCIPAL USES AND STRUCTURES PERMITTED”, AMENDING SECTION 4.4.20, “INDUSTRIAL (I) DISTRICT”, SUBSECTION (B), “PRINCIPAL USES AND STRUCTURES PERMITTED”, AMENDING SECTION 4.4.26, “LIGHT INDUSTRIAL (LI) DISTRICT”, SUBSECTION (B), “PRINCIPAL USES AND STRUCTURES PERMITTED” TO ADD CBD OIL ESTABLISHMENTS TO THE LIST OF PRINCIPAL USES AND STRUCTURES PERMITTED AND PROVIDE ADDITIONAL LOCATION RESTRICTIONS; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

Body: Recommended Action:

Recommendation: Review and consider Ordinance No. 58-20, amending the Land

Development Regulations to add CBD Oil Establishments as a use with location and frequency restrictions.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ord No 58-20 CBD Oil Establishments](#)

[Ord No 58-20 CBD Oil PZB Staff Report](#)

[CBD Oil Allowed Areas 300ft.pdf](#)

[CBD Oil Allowed Areas Zoning 300ft.pdf](#)

[Simple Legal Review Approval CBD Ordinance](#)

Lynn Gelin, City Attorney, read Ordinance No. 58-20 into the record and provided a staff report to the Commission.

Deputy Vice Mayor Johnson motioned to approve Ordinance No. 58-20 as amended on First Reading. It was seconded by Vice Mayor Boylston. The motion carried by the following vote:

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

9.E. *ORDINANCE NO. 60-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES, CHAPTER 4, “ZONING REGULATIONS,” ARTICLE 4.6, “SUPPLEMENTAL DISTRICT REGULATIONS,” SECTION 4.6.9, “OFF-STREET PARKING REGULATIONS,” BY AMENDING SUBSECTION (D), “DESIGN STANDARDS,” TO ESTABLISH REGULATIONS THAT GOVERN CERTAIN ASPECTS OF RESERVED PARKING SPACES SUCH AS MARKINGS, SIGNAGE AND PERCENTAGE ALLOWED; PROVIDING A CONFLICTS CLAUSE;*

*PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY;
AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)*

Body: Recommended Action:

Recommendation: Review and consider a request to approve Ordinance No. 60-20, a City-initiated amendment to the Land Development Regulations (LDR) Section 4.6.9 "Off-Street Parking Regulations," Section 4.6.9(D) "Design Standards," to establish regulations that govern certain aspects of reserved parking spaces.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ord 60-20 Reserved Parking Spaces](#)
[PZB Staff Report \(Originally included in Ord. 53-20\)](#)
[Ord 60-20 Reserved Parking Spaces - Legal Review](#)

Lynn Gelin, City Attorney, read Ordinance No. 60-20 into the record.

Rebekah Dasari, Senior Planner, presented Ordinance No. 60-20 and informed the Commission that the Planning and Zoning Board approved the project on October 19, 2020.

Vice Mayor Boylston motioned to approve Ordinance No. 60-20 on First Reading. It was seconded by Commissioner Frankel. The motion carried by the following vote:

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

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A.City Manager

Jennifer Alvarez, Interim City Manager, informed the Commission of the expended COVID-19 relief funds. She reported the South Florida Water Management District awarded the City a grant to allow for the expansion of its reclaimed water system.

B.City Attorney

Lynn Gelin, City Attorney, informed the Commission that the Court denied Mr. Gretsas an injunctive relief from the Gretsas versus the City of Delray Beach. Ms. Gelin explained that Mr. Gretsas was seeking a postponement until the second Friday in January and reminded the Commission this would be his second postponement.

Vice Mayor Boylston motioned to deny the request for a postponement. It was seconded by Deputy Vice Mayor Johnson. The motion carried by the following vote:

Yes: 4 Mayor Petrolia, Vice Mayor Boylston, Deputy Vice Mayor Johnson, Commissioner Casale

No: 1 Commissioner Frankel.

City Attorney Gelin requested a Shade Meeting be scheduled to discuss the Coleman and Stewart cases.

There was consensus to schedule the Shade Meeting on Monday, December 14 at 9:00 a.m.

Ms. Gelin read a letter of apology from Rob Long, Vice Chair of the Planning and Zoning Board, to the Commission.

The Commissioners discussed the letter Mr. Long wrote advising residents that the City's water was not safe to drink.

Mayor Petrolia would favor Mr. Long submitting a retraction letter stating the City's water exceeds the Environmental Protection Agency's standards for drinking water. In addition, Mayor Petrolia recommended Mr. Long write a letter of apology to Mr. Zeller.

Vice Mayor Boylston made a motion to approve the recommendations made by Mayor Petrolia. It was seconded by Commissioner Casale. The motion carried by the following vote:

YES: 4 Mayor Petrolia, Vice Mayor Boylston, Deputy Vice Mayor Johnson, Commissioner Casale.

NO: 1 Commissioner Frankel.

Mayor Petrolia proposed if Mr. Michael Coleman and Mr. Jamael Stewart are cleared of their charges, the City should look into any violations of City policies.

Mayor Petrolia recommended the City look into the affordability of Workforce Housing Units; She also requested an update as to how the Land Development Regulations align with the City's Comprehensive Plan. Vice Mayor Boylston agreed.

C.City Commission

Vice Mayor Boylston suggested having a Shade Meeting on the Fire Negotiations. In addition, he expressed his concern for businesses affected by COVID-19.

Deputy Vice Mayor Johnson thanked Mayor Petrolia and Vice Mayor Boylston for their suggestions regarding the Coleman and Stewart cases. She also complimented the recent cemetery renovations.

Commissioner Casale informed her colleagues about the Pompey Park renovation plan.

There being no further business to discuss, the meeting was adjourned at 7.33 p.m.