

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, December 8, 2020

4:00 PM

Regular Meeting at 4:00 PM

Virtual Meeting

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

The roll was taken by Katerri Johnson, City Clerk, and 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

AGENDA APPROVAL

Others Present:

Jennifer Alvarez, Interim City Manager

Lynn Gelin, City Attorney

Katerri Johnson, City Clerk

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

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

4. PRESENTATIONS:

4.A. None

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:

Jennifer Alvarez, Interim City Manager, recognized David Weatherspoon, Interim Director of Neighborhood Services. Mr. Weatherspoon provided an update on the COVID-19 Relief Fund expenditures allocated to the City. Mr. Weatherspoon acknowledged his staff for their hard work.

B. From the Public:

Carolyn Howard, residing at 1026 SW 7th Avenue, Delray Beach, raised concern about the roundabout located at SW 2nd Street and SW 6th Avenue, near Ebenezer Wesleyan

Methodist Church. She asked the Commissioners to remove the roundabout to ensure the safety of the entire community.

David Smith, residing at 635 SW 20th Ct, Delray Beach, expressed his concern about the roundabout located between SW 2nd Street and SW 6th Avenue. He requested the Commission to remove the roundabout, install speed bumps, or add a four-way stop sign.

Reverend Marcia Beam, residing at 805 SW 6th Avenue, Delray Beach, voiced her concern about accidents occurring on the roundabout near SW 2nd Street and SW 6th Avenue.

John Clasby, no address provided, reported an incident when someone was speeding on the roundabout near SW 2nd Avenue and hit Ebenezer Wesleyan Methodist Church. He recommended having the roundabout removed.

Reverend Michael Brennen, residing at 3518 Avenue Montresor, Delray Beach, commented that the roundabout does not deter the traffic as it was intended to do. He informed the Commissioners that he was hit by a vehicle that crashed into Ebenezer Wesleyan Methodist Church on December 18, 2019. Reverend Brennen suggested replacing the roundabout with a four-way stop sign.

Shelly Smith, residing at 635 SW 20th Court, Delray Beach, reported her concern about the dangerous roundabout at SW 2nd Street and SW 6th Avenue. Ms. Smith asked the Commissioners to remove the roundabout, install speed bumps, or add a four-way stop sign to prevent fatalities.

Yvette Jackson, residing at 916 SW 3rd Street, Delray Beach, called to inform the Commissioners that the members of Ebenezer Wesleyan Methodist Church would like to have the roundabout removed.

Barbara Brennen, residing at 3518 Avenue Montresor, Delray Beach, advised the Commission that the roundabout by Ebenezer Wesleyan Methodist Church is dangerous and needs to be removed.

Harold Stubbs, residing at 580 NW 4th Street, Delray Beach, called to request the roundabout at SW 6th Avenue and SW 2nd Street be replaced with a four-way stop sign.

Marlena Roker, residing at 802 NE 2nd Ct, Boynton Beach, stated that on December 18, 2019 the Church sustained damage due to the dangerous roundabout.

City Clerk Katerri Johnson concluded public comments.

The Commissioners engaged in a discussion about dangerous roundabouts in the area.

Mayor Petrolia asked Interim City Manager Alvarez to investigate the roundabout near Ebenezer Wesleyan Methodist Church.

6. CONSENT AGENDA: City Manager Recommends Approval

Commissioner Frankel 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 Boylston, Commissioner Frankel, Commissioner Casale.

6.A. CITY COMMISSION MEETING MINUTES

Body: Recommended Action:

Recommendation: Motion to approve meeting minutes as listed below:
September 8, 2020 Workshop Meeting

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[September 8 2020 Workshop Meeting DRAFT](#)

6.B. 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 as revised.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[2021 Municipal Election Agreement rev.](#)

[Simple Legal Review Approval \(003\)](#)

6.C. APPROVAL OF GRANT APPLICATION AND AWARD/FDOT/OCCUPANT PROTECTION/CHILD PASSENGER SAFETY

Body: Recommended Action:

Recommendation: Motion to approve application and award of the Florida Department of Transportation (FDOT) FY 20/21 Occupant Protection/Child Passenger Safety program grant.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[Occupant M1HVE 2021 00205 Draft Application \(Delray Beach PD\)](#)
[Occupant w50006501 FY21 Track Changes for Subrecipients](#)
[Legal Review Form FDOT grant application 20 21 Occupant](#)

6.D. PROCLAMATIONS:

6.D.1. None

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

6.E.1. None

6.F. AWARD OF BIDS AND CONTRACTS:

6.F.1. APPROVAL OF RESOLUTION NO. 113 20 TO AWARD AN AGREEMENT WITH STANFORD CONSTRUCTION COMPANY FOR BIKE LANE REMEDIATIONS \$203,162

Body:

Recommended Action:

Recommendation: Motion to approve Resolution No. 113 20, to award an agreement with Stanford Construction Company for bike lane remediations pursuant to ITBC 2020 016 in the amount of \$203,162

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist Stanford Construction](#)
[Resolution 113 20](#)
[Agreement Seacrest Phase 0 Bike Lane Remediation Stanford Construction](#)
[Copy of Excel Tabulation for Bid ITBC 2020 016](#)

6.F.2. APPROVAL OF RESOLUTION NO. 200 20 FOR THE PURCHASE OF TEN REPLACEMENT VEHICLES FROM VARIOUS CAR DEALERSHIPS UTILIZING THE FLORIDA SHERIFFS ASSOCIATION CONTRACT NOS. FSA20 VEL28.0 AND FSA20 EQU18.0 AND THE SOURCEWELL CONTRACT NO. 120716 NAF \$976,402

Body: Recommended Action:

Recommendation: Motion to approve Resolution No. 200 20 & to purchase ten (10) replacement vehicles from Palmetto Ford Truck Sales, Stingray Chevrolet, Alan Jay Imports, Southern Sewer, and Dobbs Equipment in an amount not to exceed \$976,402, utilizing the Florida Sheriffs Association Contract Nos. FSA20 VEL28.0 and FSA20 EQU18.0 and the Sourcewell Contract No. 120716 NAF.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)

[Resolution 200 20](#)

[Award Letter FSA20 VEL28.0](#)

[Award Letter FSA20 EQU18.0](#)

[Sourcewell Award \(1\)](#)

[Palmetto Ford Police Interceptor Quote](#)

[Stingray Chevrolet Quote](#)

[Alan Jay Imports Quote](#)

[Southern Sewer Quote Revised](#)

[Dobbs Equipment Quote](#)

[Legal Review Reso 200 20](#)

[2021 Replacement Vehicles 10 20 20](#)

6.F.3.

APPROVAL OF RESOLUTION NO. 203 20 TO AWARD AN AGREEMENT WITH SHENANDOAH GENERAL CONSTRUCTION FOR STORM SEWER AND SEWER MAIN CLEANING AND REPAIR; UTILIZING THE SCHOOL BOARD OF BROWARD COUNTY ITB NO. FY20 210 \$1,450,000.

Body: Recommended Action:

Recommendation: Motion to approve Resolution No. 203 20, to award an agreement with Shenandoah General Construction for storm sewer and sewer main cleaning and repair, in the estimated amount of \$1,450,000 through May 31, 2023, of which \$600,000 is budgeted for FY2021, utilizing the School Board of Broward County's ITB No. FY20 210; and authorize the City Manager to approve renewal options, in the amounts below, contingent upon appropriation of funds.

Sponsors: Public Works Department, Purchasing Department and Utilities Department

Attachments: [Agenda Cover Report](#)

[Broward Co School Board](#)
[ITB FY20 210 Storm Sewer Sewer Main Cleaning Repairs](#)
[Specs](#)
[Legal Review Checklist Shenandoah final](#)

[Resolution 203 20 cao rev](#)

[Shenandoah MSA](#)

- 6.F.4.** APPROVAL OF RESOLUTION NO. 204 20 TO AWARD AN AGREEMENT WITH HINTERLAND GROUP, INC. FOR SANITARY SEWER REHABILITATION; UTILIZING COOPER CITY SOLICITATION NO. 2019 5 UTL \$425,000.

Body: **Recommended Action:**

Recommendation: Motion to approve Resolution No. 204 20, to award an agreement with Hinterland Group, Inc., for sanitary sewer rehabilitation, in the estimated amount of \$425,000 through May 19, 2022, utilizing the Cooper City Solicitation No. 2019 5 UTL; and authorize the City Manager to approve renewal options, in the amounts below, contingent upon appropriation of funds.

Sponsors: Purchasing Department and Utilities Department

Attachments: [Agenda Cover Report](#)

[Resolution 204 20](#)

[Hinterland MSA](#)

[ITB 2019 5 UTL](#)

[Legal Review Checklist Hinterland](#)

7. REGULAR AGENDA:

- 7.A.** RESOLUTION NO. 182 20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING WAIVER REQUESTS TO SECTION 4.4.9(B)(5) OF THE LAND DEVELOPMENT REGULATIONS; APPROVING LESS THAN 25 PERCENT COMMERCIAL SPACE ON THE GROUND FLOOR AND ALLOWING COMMERCIAL AND RESIDENTIAL USES TO SHARE COMMON ACCESSWAYS FOR THE GEORGE BUILDING LOCATED AT 655 GEORGE BUSH BOULEVARD, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL HEARING)

Body: **Recommended Action:**

Recommendation: Review and consider Resolution No. 182 20 for a waiver to LDR Section 4.4.9 (B)(5) to allow a minimum three percent commercial space on the

ground floor: and allow commercial and residential uses to share.
common accessways for The George Building located at 655 George
Bush Blvd.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Res. No. 182 20 The George Waiver](#)

[The George Location Map](#)

[The George Justification Statement](#)

[The George Architectural Plans \(Reference Only\)](#)

[The George Landscape Plans \(Reference Only\)](#)

[The George Civil Plans \(Reference Only\)](#)

[The George Unit disclosure](#)

[The George Traffic Study](#)

[The George Site Survey](#)

[The George TPS Letter](#)

[The George Legal Review Memo](#)

Mayor Petrolia read the Quasi-Judicial Rules into the record. She asked her colleagues for ex-parte communications, and the following was disclosed:

Vice Mayor Boylston: Received a call from the applicant.

Deputy Vice Mayor Johnson: None

Commissioner Casale: None

Commissioner Frankel: None

Mayor Petrolia: None

Katerri Johnson, City Clerk, swore in Michael Simon and Richard Jones who provided testimony on this item.

Anthea Gianniotis, Development Services Director, entered File No. 2020-183 into the record.

Richard Jones, residing at 10 SE 1st Avenue, Delray Beach, and Michael Simon gave a presentation on the proposed waiver request on behalf of the applicant, Marc Julien Homes.

Anthea Gianniotis gave a staff overview report about the resolution.

There was a five-minute recess from 5:04 p.m. - 5:09 p.m. to allow public comments. When the Commission reconvened, Katerri Johnson, City Clerk, reported there were no public comments submitted.

There was no cross-examination or rebuttal pertaining to the presentations.

Anthea Gianniotis stated for the record, that as part of the review process, the item must go before the Technical Advisory Committee. She informed the Commission that the Police Department gave their approval for the study.

Vice Mayor Boylston made a motion to approve Resolution No. 182-20. It was seconded by Commissioner Frankel. The motion carried by the following vote:

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

7.B.

RESOLUTION NO. 202 20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A TEMPORARY USE REQUEST FOR A PARKING LOT; GRANTING A WAIVER REQUEST TO SECTION 2.4.6(F)(3)(E), SUBSECTIONS 1, 3, 4, 5, 7, AND 8, OF THE LAND DEVELOPMENT REGULATIONS; APPROVING A TEMPORARY USE PERMIT, WAIVING THE SUBMISSION AND DEVELOPMENT STANDARDS, TO OPERATE A TEMPORARY PARKING LOT AT 905 SW 14TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI JUDICIAL).

Body: Recommended Action:

Recommendation: Review and consider Resolution No. 202 20, approving a temporary use permit for a temporary parking lot with waivers at 905 SW 14th Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Resolution No. 202 20 Temp Parking Lot with Waivers](#)

[Resolution 202 20 Exhibit "A"](#)

[Temporary Lots Map \(Approved and Proposed\)](#)

[Temporary Lot Application](#)

[Temporary Lot Legal Review](#)

Mayor Petrolia asked her colleagues if they had any ex-parte communications, and the following was disclosed:

Deputy Vice Mayor Johnson: Had discussions with Attorney Michal Weiner

Vice Mayor Boylston: Had discussions with Attorney Michael Weiner

Commissioner Casale: Had discussions Attorney Michael Weiner

Mayor Petrolia: Had a conversation with Attorney Michael Weiner

Commissioner Frankel: Disclosed for the record, he served on the Board of an insurance company that is subsidiary to one of the parties.

Lynn Gelin, City Attorney, verified through the Ethics Commission there would not be a conflict of interest for Commissioner Frankel to vote on this matter.

Katerri Johnson, City Clerk, swore in Michael Weiner who gave testimony on this item.

Anthea Gianniotis, Development Services Director, read File No. 2020-248 into the record.

Michael Weiner, Attorney with Sachs Sax Caplan PL, residing at 6111 Broken Sound Avenue, Boca Raton, gave a presentation on behalf of the applicant, HR Gregg Nissan.

Ms. Gianniotis presented a staff report and emphasized the applicant would be mindful of car alarms since the establishment would be located near a residential neighborhood.

There was a five-minute recess from 5:35 p.m. - 5:40 p.m. to allow public comments. When the Commission reconvened, Katerri Johnson, City Clerk reported there were no public comments submitted.

There was no cross-examination or rebuttal pertaining to the presentations.

Commissioner Casale motioned to approve Resolution No. 202-20. It was seconded by Deputy Vice Mayor Johnson. 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. 208 20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CLASS III SITE PLAN MODIFICATION FOR 524 WEST ATLANTIC AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI JUDICIAL).*

Body: Recommended Action:

Recommendation: Review and consider Resolution No. 208-20, a Class III Site Plan Modification, Landscape Plan, and Architectural Elevations for Pour and Famous located at 524 W. Atlantic Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Resolution No. 208 20 Pour and Famous Appeal](#)

[Pour and Famous SPRAB Staff Report](#)

[Pour and Famous Architectural Set](#)

[Pour and Famous Landscaping Set](#)

[Pour and Famous Civil Set](#)

[Pour and Famous Site plan with SW Easement](#)

Mayor Petrolia asked if her colleagues had any ex-parte communications, and the following was disclosed:

Vice Mayor Boylston: Had a conversation with Neil Schiller and the applicant. He also received text messages and emails from Mavis Benson and Laura Simon from the Downtown Development Authority (DDA).

Deputy Vice Mayor Johnson: Conversed with Mr. Schiller about the project. She also received emails from Mavis Benson and Laura Simon from the DDA.

Commissioner Casale: Commented that she had spoken with Mr. Schiller and received an email on the matter.

Commissioner Frankel: Conversed with Mr. Schiller and received an email from Mavis Benson.

Mayor Petrolia: Conversed with Mr. Schiller and the applicant in the past and also received an email from Mavis Benson.

Katerri Johnson, City Clerk, swore in Neil Schiller who provided testimony on this item.

Anthea Gianniotis, Development Services Director, entered File No. 2020-007 into the record.

Neil Schiller, Attorney of Saul, Ewing Arnstein, and Lehr LLP, residing at 515 N. Flagler Drive, West Palm Beach, gave a presentation on behalf of the applicant, Pour and Famous. Mr. Schiller informed the Commissioners that the Site Plan Review and Appearance Board (SPRAB) voted 7-0 in support of the project, with the condition of additional landscaping on October 27, 2020.

Ms. Gianniotis presented a staff report to the Commission.

There was a five-minute recess from 6:15 p.m. - 6:20 p.m. to allow public comments. When the Commission reconvened, Katerri Johnson, City Clerk, played the following public comments:

Matt Brown, West Palm Beach resident, commented that he was in favor of Pour and Famous becoming a full-service restaurant.

Joey Mizrahi, residing at 5040 Palm Ridge Blvd, Delray Beach, expressed her support for Pour and Famous becoming a full-service restaurant.

Cheryl Teuton, residing at 8597 Mangrove Cay, West Palm Beach, asked the Commission to approve the expansion of Pour and Famous.

Summer Douglas, no address provided, commented in favor of Pour and Famous becoming a full-service restaurant.

Panicka Armadoros, 217 SW 44th Terrace, Deerfield Beach, expressed her support for item 7.C. She believed that allowing Pour and Famous to expand would provide a better socially distancing atmosphere.

Philip Friis, residing at 222 NE 16th Street, Delray Beach, asked the Commission to approve the Pour and Famous request to expand to a full-service restaurant and use of their backyard.

Vanessa Levy, residing at 1810 Lake Drive, Delray Beach, believes the outdoor patio at Pour and Famous is a safe place and should remain open.

Carol George, residing at 314 SW 2nd Avenue, Delray Beach, commented that she enjoys visiting while staying safe at Pour and Famous.

Justin Thornburg, no address given, requested the Commission to approve Pour and Famous request.

Unnamed commenter, residing at 710 SW 27th Terrace, Boynton Beach, encouraged the Commission to approve the request for Pour and Famous.

Ashlie Megrichian, residing at 145 Tangerine Trail, Delray Beach, voiced her support for Pour and Famous to become a full-service restaurant.

Roslyn Nierland, residing at 555 Colorado Avenue, Stuart FL, would like to see Pour and Famous approved for an outdoor restaurant.

Lauren Adams, residing at 157 Yacht Club Way, Hypoluxo FL, commented that she was not in favor of closing the patio at Pour and Famous.

Tyler Vasquez, residing at 3813 N. Old Dixie Hwy, Unit B, requested the Commission to allow Pour and Famous use of their backyard.

Adrianna Torrez, residing at 233 Royal Poinciana Way, Palm Beach, called in support of Pour and Famous becoming a full-service restaurant.

Brendon Jenkins, residing at 917 Lake Avenue, Lake Worth, commented he would be excited if Pour and Famous became a restaurant.

Ida Becher, 560 Lavers Circle, Delray Beach, welcomed the idea of Pour and Famous becoming a full-service outdoor restaurant.

Alexa Cohen, residing at 203 Franklin Club Drive, Apt 5301, Delray Beach, recommended the Commission to allow Pour and Famous to become a full-service restaurant.

Vanessa George, residing at 311 SW 2nd Avenue, Delray Beach, commented in support of Pour and Famous becoming a full-service restaurant.

Patricia Cleary, residing at 215 N. Swinton Avenue, Delray Beach, called in support of Pour and Famous expanding their business.

Elisa Torres, residing at 32 SE 2nd Avenue Delray Beach expressed her disappointment at the potential of Pour and Famous closing the backyard patio area.

Andrew Alonzo, no address provided, stated that he is not in favor of the backyard patio closing at Pour and Famous.

Ammar Zirli, residing at 18840 Mariner Inlet Drive, Boca Raton, expressed her support for Pour and Famous to serve food outdoors.

Diana Gordon, residing at 225 S. Latitude Circle, Delray Beach, called in support of the backyard patio at Pour and Famous.

Orville Burn, residing at 142 SW 8th Avenue, Delray Beach, commented in support of keeping Pour and Famous' backyard patio open.

Unnamed commenter, reported that she is not in favor of closing the backyard patio at Pour and Famous.

Summer Hill, residing at 303 Gardenia Street, Apt 1, West Palm Beach, was not in favor of closing Pour and Famous' patio.

Max Turner, 216 Burgundy E, Delray Beach commented that he was not in favor of closing Pour and Famous' patio.

Scott Clifford, address not provided, expressed he was not in support of closing outdoor seating at Pour and Famous.

Jacob Bowman, residing at 3150 Fox Ridge Ct, Lake Worth, commented that he was in favor of having Pour and Famous become an outdoor restaurant.

Kellie Ames, residing at 415 Enfield Rd, Delray Beach, called in support of Pour and Famous becoming a restaurant.

Katerri Johnson, City Clerk, stated that concluded public comments.

Lynn Gelin, City Attorney, stated for the record that Pour and Famous is seeking forgiveness rather than permission due to several code violations against the property.

Anthea Gianniotis, Development Services Director, explained while other restaurants were granted permits quickly for outside dining during COVID-19, Pour and Famous was denied permitting due to safety regulations and overcrowding. She informed the Commission that the City is working with Pour and Famous to resolve their safety issues before they can be granted a permit.

The Commission discussed their concerns regarding designated times for Pour and Famous' outdoor activities.

Ms. Gianniotis clarified to the Commission that Pour and Famous does not have a full-service kitchen that would allow for a more expanded menu and noted that they are currently operating as a stand-alone bar.

Commissioner Casale motioned to approve Resolution No. 208-20 as amended. It was seconded by Deputy Vice Mayor Johnson with the condition of the following restrictions:

- Music ending at 10:00 p.m. on Sunday – Thursday.
- No outdoor use after 11:00 p.m. on Fridays and Saturdays

Lynn Gelin, City Attorney, informed the Commission the motion would have to be amended to include landscaping conditions suggested by the Site Plan Review and Appearance Board (SPRAB). Ms. Gelin reminded the Commissioners she can craft conditions related to noise, landscaping, and types of music that would be acceptable. Attorney Gelin clarified the motion was concerning the designated times for outdoor activity.

Commissioner Casale motioned to amend her previous motion to include the landscaping recommendation from SPRAB. It was seconded by Deputy Vice Mayor Johnson. The motion carried by the following vote:

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

7.D. 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 37th and 38th Extensions of the State of Emergency for COVID 19 and Resolution No. 206 20.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[37th Extension Emergency Declaration COVID 19](#)

[38th Extension Emergency Declaration COVID 19](#)

[Res. No. 206 20 COVID 19 Extending Wearing of Face Coverings
PBC EO 2020 030](#)

Vice Mayor Boylston motioned to approve Resolution No. 206-20. It was seconded by Commissioner Casale. The motion carried by the following vote:

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

7.E. DISCUSSION REGARDING COREY JONES STATUE

Attachments: [Agenda Cover Report](#)

Jennifer Alvarez, Interim City Manager, requested guidance on behalf of the staff regarding the statue honoring Corey Jones.

The Commissioners engaged in a discussion about where to place the statue.

Mayor Petrolia requested the Commission to allow the City to look for a location. Once a location has been secured the City would reach out to Corey Jones' family and advise them, they would be responsible for raising funds for the memorial statue. She concluded that the City would reserve a parcel of land as their contribution to honor Corey Jones.

Jennifer Alvarez, Interim City Manager, thanked the Commission for their directives.

7.F. ADOPTION OF RESOLUTION 207 20

Body: Recommended Action:

Recommendation: Motion to approve Resolution 207 20

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[Res 207 20 2nd Extension of Zoning in Progress Period for Appurtenances \(003\)](#)

Lynn Gelin, City Attorney, read Resolution No. 207-20 into the record.

Vice Mayor Boylston motioned to approve Resolution No. 207-20. It was seconded by Deputy Vice Mayor Johnson. The motion carried by the following vote:

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

8. PUBLIC HEARINGS:

8.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.
(SECOND 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.

Anthea Gianniotis, Development Services Director, informed the Commissioners there were no changes to the proposal from the first reading.

There was a five-minute recess from 8:14 p.m. - 8:19 p.m. to allow public comments. When the Commission reconvened, Katerri Johnson, City Clerk, reported there were no public comments submitted.

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

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

8.B.

ORDINANCE NO. 34 20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL SCALE LAND USE MAP AMENDMENT RE DESIGNATING LAND APPROXIMATELY 0.57± ACRES IN SIZE FROM HISTORIC MIXED USE (HMU) TO COMMERCIAL CORE (CC), PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, FOR THE PROPERTIES LOCATED AT 37 WEST ATLANTIC AVENUE AND AN ABUTTING UNADDRESSED PARCEL TO THE EAST, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING/PUBLIC HEARING)

Body: Recommended Action:

Recommendation: Review and consider Ordinance No. 34 20 on Second Reading, a privately initiated land use map amendment redesignating the property located at 37 West Atlantic Avenue and an abutting unaddressed parcel to the east from Historic Mixed Use (HMU) to Commercial Core (CC).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ord. No. 34 20: Land Use Designation](#)

[Ord. No. 34 20: PZB Staff Report](#)

[Ord. No. 34 20: Location Map](#)

[Ord. No. 34 20: Land Use justification](#)

[Ord. No. 34 20: Traffic Study](#)

[Ord. No. 34 20: Docs Place Renderings](#)

[Ord. No. 34 20: DDA Review](#)

[Ord. No. 34 20: Legal Review](#)

Lynn Gelin, City Attorney, read Ordinance No. 34-20 and Ordinance No. 35-20 into the record.

Neil Schiller, Attorney with Saul, Ewing, Arnstein, and Lehr LLP, residing at 515 N. Flagler Drive, West Palm Beach, gave a presentation on behalf of the applicant, the Banyan Fund LLC. He informed the Commission that Mark Krall, Attorney for the property owner, was also present and emphasized that Doc's All American Restaurant was not included in this request. Additionally, Mr. Schiller noted that the preservation of Doc's All American Restaurant would occur after the Land Use and Zoning issues are settled.

Lynn Gelin, City Attorney, requested the Commission to strike any mention of Doc's All American restaurant due to the property not being involved in the proposal.

Anthea Gianniotis, Development Services Director, presented a staff report overviewing the applicant's request.

There was a five-minute recess from 9:07 p.m. - 9:12 p.m. to allow public comments. When the commission reconvened, Katerri Johnson, City Clerk, played the following public comments:

Gayle Clarke, residing at 124 NE 7th Avenue, Delray Beach called to oppose item 8.C.

Kevin Moores, residing at Linton Ridge Condo Association, commented that he is in favor of the proposed rezoning project.

Regan Idrodka, residing at 502 Heron Drive, Delray Beach, commented in support of the rezoning project.

Chris David Kerner, of Salon Escape LLC, Delray Beach, expressed his support of maintaining Doc's All American Restaurant in its original condition.

Ronnie Hammond, no address provided, expressed her support for the project next to Doc's All American Restaurant.

Georgia Melita, residing at 2685 Albatross Road North, Apt E, Delray Beach, called in favor of saving Doc's All American Restaurant and the building next door.

Garrett Gabor, residing at 725 Heron Drive, Delray Beach, remarked that he is in favor of the rezoning project to save the restaurant.

Gordon Testor, residing at 2422 Sundy Avenue, Delray Beach, expressed that he did not want to see Doc's All American Restaurant demolished due to the rezoning project.

Price Patton, residing at 1020 Tamarind Road, Delray Beach, President of the Delray Beach The Historic Preservation Trust, stated The Historic Preservation Trust strives to preserve Doc's All American Restaurant.

Claudia Willis, residing at 160 Marine Way, Delray Beach, Founder of the Delray Beach Preservation Trust, remarked that the mission statement of the Trust would never support the proposed project.

Katerri Johnson, City Clerk, concluded public comments.

Vice Mayor Boylston motioned to deny Ordinance No. 34-20. It was seconded by Commissioner Casale. The motion carried by the following vote:

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

8.C. *ORDINANCE NO. 35 20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND RE DESIGNATING LAND APPROXIMATELY 0.57± ACRES IN SIZE PRESENTLY ZONED OLD SCHOOL SQUARE HISTORIC ARTS DISTRICT (OSSHAD) TO CENTRAL BUSINESS DISTRICT (CBD), WITHIN THE WEST ATLANTIC NEIGHBORHOOD SUB DISTRICT, FOR THE PROPERTIES LOCATED AT 37 WEST ATLANTIC AVENUE AND AN ABUTTING UNADDRESSED PARCEL TO THE EAST, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES BY AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT," SUBSECTION (B), "REGULATING PLANS," AND FIGURE 4.4.13 6, "WEST ATLANTIC NEIGHBORHOOD SUB DISTRICT REGULATING PLAN;" BY AMENDING SECTION 4.4.24, "OLD SCHOOL SQUARE HISTORIC ARTS DISTRICT (OSSHAD),"*

SUBSECTIONS 4.4.24(B), "PRINCIPAL USES AND STRUCTURES," 4.4.24(C), "ACCESSORY USES AND STRUCTURES PERMITTED," 4.4.24(E), "REVIEW AND APPROVAL PROCESS," AND 4.4.24(F), "DEVELOPMENT STANDARDS," TO REFLECT THE REZONING AND RE DESIGNATION, AND IDENTIFY THE FLOOR AREA RATIO LIMITATION; 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. 35 20, a privately initiated rezoning from Old School Square Historic Arts District (OSSHAD) to Central Business District (CBD) within the West Atlantic Neighborhood Sub district, and associated amendments to the Land Development Regulations (LDR).

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ord. No. 35 20: Rezoning](#)

[Ord. No. 35 20: PZB Staff Report](#)

[Ord. No. 35 20: Location Map](#)

[Ord. No. 35 20: Rezoning justification](#)

[Ord. No. 35 20: Traffic Study](#)

[Ord. No. 35 20: Docs Place Renderings](#)

[Ord. No. 35 20: DDA Review](#)

[Ord. No. 35 20: Legal Review](#)

Vice Mayor Boylston motioned to deny Ordinance No. 35-20. It was seconded by Commissioner Casale seconded. The motion carried by the following vote:

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

8.D. 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. (SECOND 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.

Anthea Gianniotis, Development Services Director, informed the Commission there were no changes from first reading except for a few font changes on the diagram.

There was a five-minute recess from 9:36 p.m. - 9:41 p.m. to allow public comments. When the Commission reconvened, Katerri Johnson, City Clerk, reported there were no public comments submitted.

Commissioner Frankel motioned to approve Ordinance No. 60-20 on Second Reading. 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.

8.E.

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. (SECOND 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 Ch 120 Mobile Food Trucks](#)

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

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

There was a five-minute recess from 9:43 p.m. - 9:48 p.m. to allow public comments. When the Commission reconvened, Katerri, Johnson, City Clerk, reported there were no public comments submitted.

Commissioner Frankel motioned to approve Ordinance No. 56-20 on Second Reading. 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.

9. FIRST READINGS:

9.A. *ORDINANCE NO. 61 20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND PLACING LAND PRESENTLY ZONED SPECIAL ACTIVITIES DISTRICT (SAD) DISTRICT TO SPECIAL ACTIVITIES DISTRICT (SAD) DISTRICT BY AMENDING ORDINANCE NO. 30 18 TO UPDATE THE ADOPTED DEVELOPMENT STANDARDS, AND AMENDING SECTION 4.4.25 (H) (14) OF THE LAND DEVELOPMENT REGULATIONS TO UPDATE THE 1690 2350 SOUTH CONGRESS AVENUE SAD TO IDENTIFY THE SUBJECT ORDINANCE; SAID LAND LYING GENERALLY BETWEEN OLD GERMANTOWN ROAD ON THE WEST SIDE OF CONGRESS AVENUE AND THE PRESERVE AREA TO THE SOUTH; AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE “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: Motion to Review and Consider Ordinance No. 61 20, rezoning land presently zoned SAD to SAD by amending Ordinance No. 30 18 to

update the adopted Development Standards for the 1690 2350 South Congress Avenue SAD and identify the subject ordinance.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ordinance No. 61 20 Parks at Delray](#)

[Proposed Changes to Development Standards](#)

[Ordinance No. 61 20: Exhibit E, Proposed Phasing Plan](#)

[Parks at Delray PZB Staff Report](#)

[Parks of Delray Applicant Justification Statement.pdf](#)

[Ordinance No. 30 18](#)

[Ordinance No. 30 18: Master Plan](#)

[Ordinance No. 30 18: Phasing Plan](#)

Lynn Gelin, City Attorney, read Ordinance No. 61-20 into the record.

Bonnie Miskel, Attorney with Dunay, Miskel, and Backman, residing at 14 SE 4th Street, informed the Commission that her law partner, Christina Bilenki, and she were present to answer any questions.

Ms. Bilenki gave a presentation of the proposed amendment to the Sub Congress Avenue Special Activities District.

Anthea Gianniotis, Development Services Director, provided a staff report noting that the Site Plan Review and Appearance Board (SPRAB) approved the site plan. The Planning and Zoning Board voted 5-0 in support of Ordinance No- 61-20 on November 16, 2020.

Vice Mayor Boylston motioned to approve Ordinance No. 61-20. It was seconded by Deputy Vice Mayor Johnson. The motion carried by the following vote:

YES: - 3 Vice Mayor Boylston, Deputy Vice Mayor Johnson, Commissioner Frankel.

NO: - 2 Mayor Petrolia, Commissioner Casale.

10. COMMENTS AND INQUIRIES ON NON AGENDA ITEMS:

City Manager:

Jennifer Alvarez, Interim City Manager, asked the Commission for a consensus on the City's temporary COVID-19 measures questioning if they were going to roll over into the new year or expire on December 30, 2020.

There was consensus to continue the following COVID-19 procedures:

- Moratorium on the City's special events with the proper protocol in place

- Continue charging parking fees
- Begin utility billing in January
- Charge temporary use of sidewalk cafes
- Continue Pilot Program for storefront activation and parklets
- Notify the South Florida Regional Transportation Authority (SFRTA) that the City would not accept their grant to purchase new trolleys
- Permitting staff to continue to work remotely when possible to help slow down the spread of COVID-19

City Attorney:

Lynn Gelin, City Attorney, requested consensus from the Commission on the following items:

- Participate as an impartial advisor in a brief for the 11th Circuit Conversion Therapy Opinion
- Postpone the Panhandling Ordinance until the new year
- Create a mask ordinance

There was consensus on all three proposals.

City Commission:

Commissioner Casale requested Jennifer Alvarez, Interim City Manager, provide an update on the City's water.

Ms. Alvarez emphasized the City is moving swiftly on sourcing the best public relations company while emphasizing that proper protocol must be followed.

Commissioner Frankel thanked his colleagues and staff for joining him at Old School Square for Hanukkah and wished everyone a happy holiday season.

Deputy Vice Mayor Johnson requested Jennifer Alvarez, Interim City Manager, to meet with Dr. Davidyan before the end of the year. She thanked the Commission for addressing the problem in the Southwest Community regarding the roundabout. Additionally, Deputy Vice Mayor Johnson asked for consensus to create a City Resolution for Mr. Alfred Zack Straghn.

Vice Mayor Boylston requested future Commission meetings to be data driven. He also believes City events could be conducted virtually. Lastly, he thanked the front-line workers and commented on the legacy of Mr. Straghn.

Mayor Petrolia imparted the positive impact that Mr. Straghn had on the community. She also mentioned that long-time resident, Ms. Nadine Hart had passed away. Mayor Petrolia indicated that individuals are going door to door spreading misinformation about the water; she requested a second lab be used to check the City's water quality. Mayor Petrolia also mentioned she had received numerous calls concerning the Atlantic Avenue bridge dangers. Lastly, she thanked everyone for serving during 2020.

There being no further discussion, the meeting was adjourned at 11:10 p.m.