

City of Delray Beach

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



Minutes - Final

Tuesday, February 12, 2019

4:00 PM

Regular Meeting at 4:00 P.M.

Delray Beach City Hall

City Commission

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

1. ROLL CALL

Mayor Petrolia called the Regular City Commission Meeting to order at 5:07 p.m.

The roll call was taken by the City Clerk.

The following were in attendance:

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

Others present were:

Mark R. Lauzier, City Manager
Lynn Gelin, City Attorney
Katerri Johnson, City Clerk

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

Mayor Petrolia stated she would like to take off Item 6.D.1., Florida Highwaymen Proclamation so she can read this into the record.

The City Manager requested to add the employment agreement for the City Attorney to the regular agenda as Item 7.C.

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

4. PRESENTATIONS:

- 4.A. [19-098](#) PROCLAMATION AND PRESENTATION TO PROCLAIM FEBRUARY AS 2-1-1 AWARENESS MONTH

Recommendation: Motion to Proclaim February as 2-1-1 Awareness Month

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[2-1-1_AwarenessProclamation2019-DelrayBch](#)

Patrice Shroeder, 2-1-1 Helpline, gave a brief presentation and commented about suicide prevention. In addition, Ms. Shroeder stated she participates in the Homeless Task Force and gave kudos to Ms. Ariana Ciano and Legal Aid. She also commented about their Sunshine Program where calls are made to seniors everyday to make sure they are okay.

4.B. [19-043](#) POMPEY PARK MASTER PLAN UPDATE

Recommendation: Motion to authorize Wannamacher Jensen to proceed with Master Plan based on Concept 2, as presented.

Sponsors: Parks & Recreation Department

Attachments: [Agenda Cover Report](#)

[ATTACHMENT 1: \(1\)Pompey Park Master Plan - Phase III](#)

[EVALUATION REPORT - Commissioners Presentation R1](#)

[ATTACHMENT 2: 1737 - REC BUILDING MODERATE OPTION](#)

[UPDATED 2019 01 30 R1](#)

[ATTACHMENT 3: SITE PLAN MODERATE OPTION UPDATED 2019](#)

[01 30 -R1](#)

Suzanne Fisher, Parks and Recreation Director, introduced Wannamacher Jensen who has worked with staff for the last ten months on the Pompey Park Master Plan.

Wanamacher Jensen gave a brief update on the Pompey Park Master Plan and thanked staff, the community and the City Commission for their input.

Frank Belmo, GAI Consultants, Inc., Landscape Consultant, explained that the preferred option of the site plan has been updated based upon additional input from staff and the City Commission.

The City Commission gave a few brief comments.

Deputy Vice Mayor Johnson was away from the dais briefly for the vote and returned soon after.

Commissioner Boylston moved to approve the updated Pompey Park Master Plan (Concept #2). It was seconded by Vice Mayor Frankel. A roll call vote was taken and all were in favor. The motion carried 4-0.
approved as amended

4.C. Internal Auditor's Report

4.C.1. None

None.

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

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

The City Manager stated he spoke to the Fire Chief with respect to the fire assessment.

The City Attorney suggested that the City Commission direct staff to no longer pursue the fire assessment fee and bring back a resolution to repeal it.

Commissioner Boylston moved to no longer pursue the fire assessment fee and directed the City Attorney to bring back a resolution to repeal it. It was seconded by Commissioner Bathurst. The motion carried 5-0.

5.B. From the Public

Alice Finst, 707 Place Tavant, Delray Beach, expressed concern that the 4:00 p.m. start time for the City Commission meetings does not fit into working peoples schedules and she urged the City Commission to go back to the 6:00 start time.

Pauline Moody, expressed her disappointment with the 2-1-1-Proclamation and she feels there needs to be some disclosure when it comes to discussions regarding suicidal deaths (i.e. celebrity names). Secondly, Ms. Moody congratulated Ms. Gelin for her position as City Attorney. Lastly, Ms. Moody expressed concern over the Assistant City Manager positions being filled with Broward County employees and she urged the City Commission to oversee the third Assistant City Manager position.

Yvonne Odom, 3905 Lowson Boulevard, Delray Beach, opposes any selling of the Delray Beach Golf Course or the pool at the Delray Swim and Tennis Club. She does not feel this course should be privatized like The Breakers. Secondly, Ms. Odom thanked the City Manager for appointing Javaro Sims as the first African-American Police Chief.

Jason Bregman, 227 Lake Terrace, Delray Beach, expressed concern over the \$32 million in Transportation Planning Agency (TPA) gas tax funds and the potential loss of those funds over the course of time. He urged the

City Commission to fund a bike-ped coordinator position and build better sidewalks and crosswalks to help make the city more safe.

Albert Richwagen, 251 N.W. 17th Street, Delray Beach, commented about the Beach Renourishment and Re-Design Project at the south end of Delray Beach. Mr. Richwagen explained that when the ramp at Casuarina Road was last dug up when the reclaimed water pipe was installed, a sailboat and a car could be backed up and still be on the ramp. Now the ramp is so small, the front or back of a vehicle blocks the sidewalk creating an unsafe condition. He stated this is a big dropoff area now for people unloading their children because there is no spot to drop off anymore because of the bike lane.

Mayor Petrolia directed the City Manager to reach out to Mr. Richwagen to discuss what was in this area prior to the reclaimed water pipe being installed.

Roy Simon, 201 N.W. 11th Street, Delray Beach, commented about the Pompey Park building. Secondly, Mr. Simon commented about the lighting along Atlantic Avenue from years ago and stated since the lights have been changed to the white lights, it has brought the town back to life. Mr. Simon invited everyone to take the Swinton Avenue extension north to the end by Lake Eden and Chapel Hill (crossing from Delray to Boynton) because the lighting makes it easier to see in the evening.

Christina Morrison, 2809 Florida Boulevard, Delray Beach, reminded everyone that the lights on A-1-A are scheduled to be turned off and go dark on March 1st for turtle nesting season and she urged the City Commission to address the lighting for this area. Secondly, Ms. Morrison concurs with comments expressed by Ms. First about the City Commission meeting start time.

Laura Simon, Executive Director of the Downtown Development Authority (DDA), commended the DDA team for celebrating its 6th Annual Fashion Week and noted \$24,000 was raised for the Achievement Center. She commented that all ticket sales go to local charities and thanked City staff for helping them move their last night from the Old School Square Park to the Old School Square Garage due to the weather conditions. Lastly, Ms. Simon stated the DDA has installed lighting across 2nd Avenue to help revitalize that area. Also, Ms. Simon stated the DDA will be doing a closed street/open house music event April 25th to help bring more pedestrian traffic to the area. She stated several new businesses (i.e. iPic, Aloft) will be opening in March and they are working with the City to work out the transportation and traffic planning.

Mayor Petrolia stated the Fashion Week is amazing and special for this town. Secondly, Mayor Petrolia directed the City Manager to check into the lighting issue. Mayor Petrolia commented about the iPic opening in March and if they were having trouble with the movement of traffic they were supposed to be hiring a traffic cop.

Tim Stillings, Development Services Director, stated the requirement was with respect to people stopping on S.E. 5th so someone will be there at all times not allowing people to discharge passengers in that section of the block and the valet operator has to keep an eye on the queing into the garage from the alley and making sure there is no overflow out into the alley as well as any issues on S.E. 4th, and there are provisions for that operation to shut-down should there be a problem.

Caryn Gardner-Young, Assistant City Manager, explained that with respect to turtle nesting season and the lights along A1A, the lights that were replaced on the Florida, Power & Light (FPL) poles were the City's lights and the only approved light by Department of Environmental Protection (DEP) and Fish and Wildlife Conservation (FWC) is the red light. Ms. Gardner-Young stated FPL is looking for a light that would be white during non-turtle season and amber during turtle season. She stated until FPL receives approval from DEP and FWC, they will not install any light that is not approved because they need a permit. Ms. Gardner-Young stated the City has requested to put the red light back on and FPL is allowing the City to do that, however, they have agreed to put the red light on, but they have to let the City know the cost and if the lights are in stock.

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

Mayor Petrolia read the Florida Highwaymen Proclamation into the record. India Adams, Assistant City Manager received the proclamation on behalf of Charlene Farrington from S.D. Spady Museum.

6. CONSENT AGENDA: City Manager Recommends Approval

Commissioner Boylston moved to approve the consent agenda. It was seconded by Commissioner Bathurst. A roll call vote was taken and all were in favor. The motion carried 5-0.
approved

6.A. [19-089](#)

REVISIONS TO THE GENERAL RULES OF PROCEDURE: CODE ENFORCEMENT BOARD

Recommendation: Motion to approve revisions made by the Code Enforcement Board to their General Rules of Procedure.

Sponsors: Community Improvement

Attachments: [Agenda Cover Report](#)
[Signed Rules and Procedures for CEB Board 011019](#)
approved

- 6.B.** [19-133](#) RESOLUTION NO. 53-19 TO ADOPT OF THE STORMWATER MASTER PLAN UPDATE FOR ITS USE AS A TOOL FOR PLANNING AND IMPLEMENTING CAPITAL IMPROVEMENT PROJECTS (CIP) TO IMPROVE FLOOD PROTECTION IN THE CITY AND ADAPT THE CITY'S INFRASTRUCTURE TO RISING SEA LEVELS.

Recommendation: Approval of Resolution No. 53-19 to adopt of the Stormwater Master Plan Update for its use as a tool for planning and implementing Capital Improvement Projects (CIP) to improve flood protection in the City and adapt the City's infrastructure to rising sea levels.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Resolution Stormwater Master Plan Update 2.12.19](#)
[Commission Workshop Seawall study & SWMP 02 12 2019 -combined](#)

approved

- 6.C.** [19-164](#) 2019 PALM BEACH COUNTY EMS GRANT

Recommendation: Approval for Fire Rescue to submit a 2019 EMS Grant through Palm Beach County.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)
[2019 EMS GRANT](#)
[Legal Review Checklist form ILA for EMS grant agreement with PBC](#)

approved

6.D. PROCLAMATIONS:

- 6.D.1.** [19-162](#) FLORIDA HIGHWAYMEN PROCLAMATION

Recommendation: Motion to approve the proclamation declaring the 23rd and 24th of February 2019 as Florida Highwaymen Days

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Florida Highwaymen](#)

Mayor Petrolia read the Florida Highwaymen Proclamation into the record.

Commissioner Boylston moved to approve the consent agenda. It was seconded by Commissioner Bathurst. A roll call vote was taken and all were in favor. The motion carried 5-0.

approved

6.D.2. [19-207](#) EATING DISORDERS AWARENESS WEEK PROCLAMATION

Recommendation: Motion to Proclaim February 25, 2019 - March 3, 2019 as Eating Disorders Awareness Week

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

approved

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

approved

6.E.1. [19-086](#) REPORT OF APPEALABLE LAND USE ITEMS FROM JANUARY 7, 2019 THROUGH JANUARY 18, 2019.

Recommendation: By motion, receive and file this report.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Appealable Items Map](#)
[A - St. Vincent Ferrer](#)
[B - Fourth and Fifth](#)
[C - Wineroom Sign](#)
[D- Wineroom - CL I](#)
[E - The Heart of Delray Beach](#)
[F - Delray Oasis Business Center](#)
[G - Taco Bell](#)

approved

6.F. AWARD OF BIDS AND CONTRACTS:

6.F.1. [19-121](#) APPROVAL OF RESOLUTION NO. 35-19 TO AWARD AN AGREEMENT WITH THE GOODYEAR TIRE & RUBBER COMPANY FOR TIRES AND RELATED EQUIPMENT, SUPPLIES, AND SERVICES UTILIZING

SOURCEWELL CONTRACT NO. 102517-GTC - \$510,000

Recommendation: Motion to approve Resolution No. 35-19 to award an agreement with The Goodyear Tire & Rubber Company for tires and related equipment, supplies, and services utilizing Sourcewell Contract No. 102517-GTC for an estimated cost of \$510,000 through November 27, 2021 and authorize the City Manager to approve the renewal option in an estimated cost of \$180,000, contingent upon appropriation of funds.

Sponsors: Public Works Department - Fleet Division

Attachments: [Agenda Cover Report](#)

[Resolution No. 35-19](#)

[Legal Review Checklist NJPA Sourcewell with Goodyear Tire and Rubber master services agreement RFP #102517](#)

[RFP #102517 Goodyear Response](#)

[RFP #102517 Award Letter](#)

approved

6.F.2. [19-187](#)

APPROVAL OF RESOLUTION NO. 37-19 WITH LANZO TRENCHLESS TECHNOLOGIES INC. SOUTH AND GPE ENGINEERING & GENERAL CONTRACTOR CORP. FOR STORMWATER LINING, CCTV AND TRENCHLESS TECHNOLOGIES SERVICES - \$450,000

Recommendation: Motion to adopt and approve Resolution No. 37-19 to award an agreement with Lanzo Trenchless Technologies, Inc. South and GPE Engineering & General Contractor Corp for stormwater pipe lining, CCTV and trenchless technologies services utilizing the City of Fort Lauderdale Solicitation No. ITB No. 673-11892 at an estimated cost of \$450,000 and authorize the City Manager to approve renewal options, in the same amounts, contingent upon appropriation of funds.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[CIPP Resolution 37-19](#)

[Legal Review Checklist Lanzo Agreement](#)

[Lanzo Agreement](#)

[LanzoTrenchless11892F Stormwater Lining Contract](#)

[Legal Review Checklist GPE Agreement](#)

[GPE Agreement](#)

[GPEEngineering11097FullyEx](#)

[Solicitation 673-11892 StormwaterLiningCCTVT](#)

approved

- 6.F.3. [19-136](#) APPROVAL OF RESOLUTION NO. 49-19 WITH KONE INC.FOR MODERNIZATION OF BOTH ELEVATORS AT THE OLD SCHOOL SQUARE PARKING GARAGE - \$338,267

Recommendation: Motion to adopt Resolution No. 49-19 and approve an agreement with Kone Inc. for an estimated cost of \$338,267 and authorize the City Manager to approve renewal options, in the same amounts.

Sponsors: Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist form v. 5 Kone Master Services Agreement](#)
[Resolution 49-19 ca rev](#)
[US Communities Contract](#)
[OSS Garage Kone Proposal REV 2. 1.19](#)

approved

- 6.F.4. [19-137](#) APPROVAL OF RESOLUTION NO. 50-19 WITH WATER TREATMENT & CONTROLS COMPANY FOR THE REPLACEMENT OF A LIME SLAKER UNIT AT THE WATER TREATMENT PLANT IN AN AMOUNT NOT TO EXCEED \$182,147.

Recommendation: **Recommended Action:**
Motion to adopt Resolution No. 50-19 and approve an agreement with Water Treatment & Controls Company in an amount not to exceed \$182,147 and authorize the City Manager to approve renewal options, in the same amounts, contingent upon appropriation of funds.

Sponsors: Purchasing Department

Attachments: [Agenda Cover Report](#)
[reso 50-19 rev](#)
[Lime Slacker Sole Source Approval](#)
[Lime Slaker Quote](#)

approved

- 6.F.5. [19-147](#) APPROVAL OF A CONSENT TO ASSIGNMENT AND ASSUMPTION AGREEMENT FOR MUNICODE CORPORATION TO ENCO UTILITY SERVICES FLORIDA, LLC.

Recommendation: Motion to approve a Consent to Assignment and Assumption Agreement from Municode Corporation to ENCO Utility Services Florida, LLC, and authorize the City Manager to execute any other actions necessary to

effectuate this Agreement.

Sponsors: Purchasing Department

Attachments: [Agenda Cover Report](#)
[Delray Beach Assignment Ltr](#)
[Enco Assignment](#)
[ENCO Assign & Assumption Agreement](#)
approved

7. REGULAR AGENDA:

- 7.A. [19-122](#) APPROVAL OF A TEMPORARY USE PERMIT FOR A TEMPORARY PARKING LOT WITH WAIVERS FROM LDR SECTIONS 2.4.6.(F)(3) (e)1,3,4,5, and 8. TO PERMIT A TEMPORARY PARKING LOT LOCATED ON VACANT LAND SITUATED AT 2501 S. FEDERAL HWY. (QUASI-JUDICIAL HEARING)

Recommendation: Motion to approve the Temporary Use Permit for a temporary parking at 2501 S. Federal Hwy. with waivers from the following sections of the Land Development Regulations (LDRs) by adopting the findings of fact and law contained in the staff report and finding that the request and approval thereof is consistent with the criteria set forth in Section 2.4.7(B)(5) of the Land Development Regulations, subject to the conditions of approval:

Waivers from the following sections:

- ☐ Section 2.4.6.(F)(3)(e)1. to allow a temporary parking lot outside of the designated areas.
- ☐ Section 2.4.6.(F)(3)(e)3., a requirement to submit a site plan.
- ☐ Section 2.4.6.(F)(3)(e)4., a requirement that the City Engineer shall approve the grading plan for the parking lot.
- ☐ Section 2.4.6.(F)(3)(e)5. to allow a temporary parking lot for the period exceeding one year.
- ☐ Section 2.4.6.(F)(3)(e)8. to allow a temporary parking lot that does not meet some of the LDR construction specifications.

Conditions of approval:

1. Applicant shall be required to obtain building permits prior to improving the site and storing vehicles or within 90 calendar days of the approval date.

2. The existing landscaping shall be maintained and irrigated until the temporary use vacates the property. A confirmation that the existing irrigation system is functioning properly shall be provided prior to storing vehicles on site or within 90 calendar days of the approval date.
3. Adequate and functioning security lighting shall be provided until the temporary use vacates the property. A certified statement from an Electrical Engineer shall be provided indicating that the existing site lighting functions properly prior to storing vehicles on site or within 90 calendar days of the approval date.
4. The property shall be maintained in clean and orderly manner. Debris and trash shall be removed regularly.
5. No parking, loading, or unloading of the vehicles outside the property.
6. No sales activity on the property.
7. No signage around the property's perimeter.
8. No advertising on or around the property's perimeter.
9. The temporary use permit is valid for a period of two (2) years with an expiration date of February 12, 2021. Extension requests shall be approved by the City Commission and must be requested 90 days prior to the expiration.
10. The applicant shall place a cash deposit of \$19,500.00 in escrow prior to issuance of a building permit associated with the temporary parking lot or within 90 calendar days of the approval date. The deposit is to be returned after the temporary use vacates the site if vacated prior to or on the expiration date and upon confirmation by the Development Services Director that all conditions of approval were met. If the permit is not extended by the City Commission and the use is not vacated on time and/or does not comply with all the conditions of approval, the City Commission may authorize a portion or the full amount of the funds to be retained by the City.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)[Board Order - Waiver request for 2501 S. Federal Hwy](#)[Request Letter - Waiver request for 2501 S. Federal Hwy.](#)[Location Map - Waiver request for 2501 S. Federal Hwy](#)[Location Map/ Temp. Parking Lot Designated Area - Waiver Request
for 2501 S. Federal Hwy Map](#)[Survey - Waiver request for 2501 S. Federal Hwy](#)[Warranty Deed - Waiver request for 2501 S. Federal Hwy](#)

Mayor Petrolia read the City of Delray Beach Quasi-Judicial Rules into the record.

Mayor Petrolia asked the City Commission to disclose any ex parte communications. The City Commission had no ex parte communications to disclose.

The City Clerk swore in those individuals who wished to give testimony on this item.

Tim Stillings, Development Services Director, entered the project file #2019-062 into the record and gave a brief presentation on this item. He stated staff recommends approval with the 10 conditions of approval and the applicant has agreed as well.

Michael Weiner, Attorney representing the applicant, gave a few brief comments.

Mayor Petrolia asked if anyone from the public would like to speak in favor or in opposition of this item, to come forward. There being no one from the public who wished to address the City Commission, public comment was closed.

There was no cross-examination or rebuttal.

The City Attorney briefly reviewed the Board Order and it was the consensus of the City Commission to approve the Board Order with the ten (10) conditions as recommended by staff.

Vice Mayor Frankel moved to approve the Board Order with the ten (10) conditions as recommended by staff. It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. The motion carried 5-0.

approved with conditions

7.B. [19-161](#) AMERICANS WITH DISABILITIES (ADA) SELF EVALUATION AND TRANSITION PLAN: PRESENTATION OF FINDINGS AND RECOMMENDATIONS

Recommendation: Provide comment regarding implementation of the Americans with Disabilities (ADA) Self-Evaluation and Transition Plan.

Sponsors: Public Works Department - Programs & Project Management

Indexes: Capital Improvement Projects - City Wide

Attachments: [Agenda Cover Report](#)

[ada presentation](#)

[ada transition plan](#)

Susan Goebel-Canning, Public Works Director, gave a brief presentation on this item.

Mayor Petrolia opened public comment. There being no from the public who wished to address the City Commission, public comment was closed.

Commissioner Boylston moved to approve the Americans with Disabilities (ADA) Self Evaluation and Transition Plan. It was seconded by Vice Mayor Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

The City Commission moved to Item 7.C., Employment Agreement for the City Attorney.

A brief disussion by the City Commission ensued.

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

approved

8. PUBLIC HEARINGS:

8.A. [19-103](#) ORDINANCE NO. 05-19: ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL SCALE FUTURE LAND USE MAP AMENDMENT RE-DESIGNATING A PARCEL OF LAND APPROXIMATELY 0.433± ACRE IN SIZE FROM COMMUNITY FACILITIES (CF) TO COMMERCIAL CORE (CC), PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, FOR THE PROPERTY LOCATED AT THE

SOUTHWEST CORNER OF EAST ATLANTIC AVENUE AND SE 3RD AVENUE, 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)

Recommendation: Motion to approve Ordinance No. 05-19, a small-scale Future Land Use Map amendment from Community Facilities (CF) to Commercial Core (CC) for the property which measures approximately 0.433 acres, and is located at the southwest corner of East Atlantic Avenue and SE 3rd Avenue, by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 3.1.1, Required Findings.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ordinance 05-19](#)
[Current FLUM Map](#)
[Proposed FLUM Map](#)
[PZB Staff Report 121718](#)
[Public Notice Provided with PZB action](#)

The City Attorney read the title of Ordinance No. 05-19 and Ordinance No. 06-19 into the record.

Tim Stillings, Development Services Director, entered the project file #2019-004 and #2019-005 into the record. He stated that staff recommends approval. The Planning and Zoning Board also recommends approval of the land use and rezoning.

Ms. Christina Bilinky representing the applicant, gave a few brief comments and entered a Letter of Support from Sun Trust into the record.

Mayor Petrolia declared the public hearing open.

Roy Simon, 201 N.W. 11th Street, Delray Beach (Architect), expressed concern over the city losing parking.

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

A brief discussion between the City Commission and Mr. Stillings ensued.

Commissioner Boylston moved to approve Ordinance No. 05-19 on Second and Final Reading. It was seconded by Commissioner Bathurst.

A roll call vote was taken and the motion **failed** a vote of 1-4, with Deputy Vice Mayor Johnson, Mayor Petrolia, Vice Mayor Frankel, and Commissioner Bathurst dissenting.

failed

8.B. [19-104](#)

ORDINANCE NO. 06-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND RE-DESIGNATING LAND PRESENTLY ZONED COMMUNITY FACILITIES (CF) DISTRICT TO CENTRAL BUSINESS (CBD) DISTRICT, WITHIN THE CENTRAL CORE SUB-DISTRICT; SAID LAND IS LOCATED AT THE SOUTHWEST CORNER OF EAST ATLANTIC AVENUE AND SE 3RD AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING "CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017" AND FURTHER AMENDING THE CENTRAL CORE SUB-DISTRICT AND REGULATING MAPS IN SECTION 4.4.13, LAND DEVELOPMENT REGULATIONS ACCORDINGLY; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING/PUBLIC HEARING)

Recommendation: Motion to approve Ordinance No. 06-19, rezoning from Community Facilities (CF) to Central Business (CBD) District a 0.433± acre parcel of land located at the southwest corner of East Atlantic Avenue and SE 3rd Avenue, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Sections 2.4.5(D)(5), 3.1.1 and 3.2.2 of the Land Development Regulations.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Current Zoning Map](#)
[Proposed Zoning Map](#)
[PZB Staff Report](#)
[Public Notice Provided with PZB action](#)
[Ord 06-19](#)

Vice Mayor Frankel moved to approve Ordinance No. 06-19. It was seconded by Deputy Vice Mayor Johnson. A roll call vote was taken and the motion **failed** with a vote of 0-5.

failed

9. FIRST READINGS:

- 9.A.** [19-079](#) ORDINANCE NO. 08-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, BY AMENDING CHAPTER 4, "ZONING REGULATIONS", ARTICLE 4.5, "OVERLAY AND ENVIRONMENTAL MANAGEMENT DISTRICT", SECTION 4.5.13, "NORTH BEACH/SEAGATE AND OCEAN NEIGHBORHOOD OVERLAY DISTRICTS", TO ADOPT THE UPDATED BEACH PROPERTY OWNERS DESIGN MANUAL AND TO SPECIFY THAT THE REGULATIONS AND GUIDELINES OF THE BEACH PROPERTY OWNERS MANUAL ARE NOT APPLICABLE TO THOSE PROPERTIES LOCATED WITHIN A DESIGNATED HISTORIC DISTRICT OR WHICH ARE INDIVIDUALLY LISTED ON THE LOCAL REGISTER OF HISTORIC PLACES, PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (FIRST READING)

Recommendation: Motion to approve Ordinance No. 08-19 to amend Land Development Regulations Section 4.5.13 to adopt the updated Beach Property Owners Design Manual and to specify that the regulations and guidelines of the Beach Property Owners Manual are not applicable to those properties located within a designated historic district or which are individually listed on the Local Register of Historic Places by adopting the findings of fact and law contained in the staff report and finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M), as presented.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Ord 08-19](#)
[Beach Property Owners Design Manual 2019 Update](#)
[Ordinance 08-19 Planning and Zoning Board SR 01282019](#)

The City Attorney read the title of Ordinance No. 08-19 into the record.

Tim Stillings, Development Services Director, gave a brief presentation on this item. Mr. Stillings stated at their January 28, 2019 meeting, the Planning and Zoning Board recommended approval and staff recommends approval.

Vice Mayor Frankel moved to approve Ordinance No. 08-19 on First Reading. It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. The motion carried 5-0.

approved

- 9.B.** [19-139](#) ORDINANCE 09-19 (FIRST READING)

Recommendation: Motion to approve Ordinance 09-19 amending Section 4.4.13 (K), "CBD Review and Approval Process," and Section 4.5.6, "The West Atlantic Avenue Overlay District," of the Land Development Regulations.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[Ordinance 09-19](#)

The City Attorney read the title of Ordinance No. 09-19 into the record.

Commissioner Boylston moved to approve Ordinance No. 09-19 on First Reading. It was seconded by Deputy Vice Mayor Johnson. A roll call vote was taken and all were in favor. The motion carried 5-0.
approved

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

10.A. City Manager

The City Manager stated the list of City Commission meeting dates is going to be provided to the City Commission at the Annual Organization Meeting of March 28, 2019. Secondly, the City Manager proposed that the Goal Setting Meeting be scheduled on Friday, April 26, 2019 at the Fairfield Inn to discuss the City's Strategic Business Plan (lunch to be brought in) and it will be facilitated by the individual who helped the city with the Ultimate Team of Teams training last August. Also, the City Manager stated the Annual Organizational Meeting is scheduled for March 28, 2019 along with a Workshop Meeting, and he would like to add a very short Regular Meeting for critical agenda items only. A brief discussion by the City Commission followed regarding the regular City Commission meeting dates. Mayor Petrolia stated she would prefer not to have other meetings held on the same day as the Annual Organizational Meeting.

Secondly, the City Manager stated he received an email from Dr. Robinson and there is a Delray Full Service Center Public Meeting update on February 25, 2019 and he requested that at least one City Commissioner join him in attendance. Commissioner Boylston stated he will also be attending. The City Attorney stated a Public Notice will need to be done if one or more Commissioners decide to attend.

The City Manager stated the City received information about an Atlantic Community High School Walk-out on Valentine's Day because of the Marjory Stoneman Douglas High School Anniversary and noted the City is not hosting anything and does not support any walk-out.

He commented about the textile recycling bin. India Adams, Assistant

City Manager, gave a brief presentation on the three textile recycling bin design options and explained staff's recommendation is Option #1. The City Commission concurred with staff's recommendation for Option #1. Ms. Adams stated staff will bring this item back to the City Commission on the regular meeting of March 12, 2019.

The City Manager stated he is working with the City Attorney on the Caring Kitchen, pedi-cabs, and the voluntary annexation for the property north of Lake Ida Park to bring into the city (for a future agenda).

Lastly, the City Manager welcomed Assistant City Manager Susan Grant.

10.B. City Attorney

The City Attorney commented about the hearing with DBHB (Bill Himmelrich property) and it went well. The City Attorney stated she anticipates a ruling within a few weeks and she will be asking for a Shade meeting for direction from the City Commission. Also, the City Attorney stated she will also be asking for a Shade meeting regarding Matchpoint. Lastly, the City Attorney stated she hopes to have the noise ordinance to the City Commission on the second meeting in March.

10.C. City Commission

Commissioner Boylston stated he had the opportunity to join the Downtown Development Authority (DDA) monthly meeting on Monday and gave kudos to their marketing efforts. In addition, Commissioner Boylston commended the DDA for taking over the Delray Beach Marketing Cooperative (DBMC) events, the Caribbean Festival, the Pineapple Grove theme, and commented that the lights that have been put up are great. Secondly, Commissioner Boylston stated he has a new compactor trash can outside his office and understands the City is looking to wrap those; however, he suggested that it wait until the sign package is approved. Commissioner Boylston stated he attended the Sherwood Park Civic Association meeting last night and gave a brief report on the discussion. Lastly, Commissioner Boylston stated he attended the Racial Equity Workshop and highly recommends that his colleagues attend the next one which is scheduled for April.

Commissioner Bathurst stated he met with Mr. Stillings about the Swinton Overlay. Secondly, he commented about the plan for Old School Square with respect to the cars and tents and wants to make sure this is getting handled. Commissioner Bathurst stated he is receiving a lot of emails regarding parking in particular with respect to iPic. Commissioner Bathurst stated he loves the lights in Pineapple

Grove. Lastly, Commissioner Bathurst commented about a situation with his neighbor and extended his gratitude to Marc Woods and Community Improvement for their assistance.

Deputy Vice Mayor Johnson stated on February 3rd, the Neighborhood Community Services department met with Knights of Pythagoras Mentoring Network (KOPMN) group and Mr. C. Ron Allen is trying to get the community to involve the children in his program. She stated there is a need for a pool and a park for communities like Rainberry Woods, Delray Shores, and Chatelaine and noted the closest pool is located at Pompey Park. She commented about the golf courses and requested this be a Workshop item. Deputy Vice Mayor Johnson congratulated Javaro Sims who is the first African-American appointed as Police Chief. Lastly, Deputy Vice Mayor Johnson commented about concerns expressed by the public about the City Commission meetings beginning too early and suggested that the start time for every other meeting begin at 6:00 p.m. and that the City Commission revisit this at Goal Setting.

Vice Mayor Frankel stated he is excited the tennis tournament starts Friday, however, our local hero and ranked #5 in the World Kevin Anderson had to pull out of the tennis tournament due to an injury. Vice Mayor Frankel stated Mr. Anderson recently raised \$75,000 for a local animal charity and he suggested recognizing him with a key to the city or a proclamation.

Mayor Petrolia commented about the parking of the mini-cars in Pineapple Grove. Laura Simon, Executive Director of the DDA, stated she has been working closely with Jorge Alarcon, Lanier Parking, Jamael Stewart and the Code Enforcement division. Ms. Simon noted as of today, there is a code violation for violating the 2-hour parking limit and Lanier Parking has ticketed them as well. Secondly, Mayor Petrolia expressed concern about a situation regarding a valet parking company making a customer who parked in front of Sazio's move their vehicle or it would be towed, and that it was for valet parking only.

10.C.1. [19-159](#)

Discussion of start times for Commission Meetings

Mayor Petrolia strongly supports moving the City Commission meetings back by one hour making the start time 5:00 p.m. It was the consensus of the City Commission to leave the starting time of the City Commission meetings at 4:00 p.m. and revisit this in approximately six months.

The City Manager commented about the traffic going westbound on Atlantic Avenue that is backed up from I-95 to Swinton Avenue during the construction of the Florida Department of Transportation (FDOT) I-95 Interchange Project and noted staff is working on it.

19-240**Employment Agreement for City Attorney**

This item was added to the regular agenda as Item 7.C., Employment Agreement for the City Attorney.

A brief discussion by the City Commission ensued.

Commissioner Boylston moved to approve the Employment Agreement for the City Attorney (Item 7.C.). It was seconded by Deputy Vice Mayor Johnson. A roll call vote was taken and all were in favor. The motion carried 5-0.

There being no further business to discuss, Mayor Petrolia adjourned the meeting at 7:36 p.m.



City Clerk

ATTEST:


MAYOR

The undersigned is the City Clerk of the City of Delray Beach, Florida, and the information provided herein is the Minutes of the Regular City Commission Meeting held on February 12, 2019, which Minutes were formally approved and adopted by the City Commission on March 12, 2019.



City Clerk

NOTE TO READER:

If the Minutes you have received are not completed as indicated above, this means they are not the official Minutes of the City Commission. They will become the official Minutes only after review and approval which may involve some amendments, additions or deletions as set forth above.