

City of Delray Beach

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Minutes - Final

Thursday, September 5, 2019

4:00 PM

Tentative Budget Hearing/Regular Meeting at 4:00 PM

Delray Beach City Hall

City Commission

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

1. ROLL CALL

Mayor Petrolia called the regular meeting to order at 4:00 p.m.

The roll call was taken by the City Clerk.

The following were in attendance:

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

Others present were:

Neal de Jesus, Interim City Manager
Lynn Gelin, City Attorney
Katerri Johnson, City Clerk

2. PLEDGE OF ALLEGIANCE TO THE FLAG**3. AGENDA APPROVAL**

City Attorney Gelin stated that there was a scrivener error on Item 6.F.1.(B) with the address. The correct address should be 106 SE 7th Avenue, instead of 106 SE 5th Avenue.

Vice Mayor Shirley Johnson requested that Item 6.G.3 be moved to the Regular Agenda as Item 7.A.A.

Mayor Petrolia requested that Item 6. F.1(I) be moved to the Regular Agenda for discussion as Item 7.B.B.

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

4. PRESENTATIONS:

- 4.A. [19-761](#) PRESENTING NAN KRUSHINSKI, SPECIAL EVENTS ADMINISTRATOR AND DANIELLE BEARDSLEY, SPECIAL EVENTS COORDINATOR WITH EMPLOYEE OF THE MONTH FOR AUGUST 2019

Body: **Recommended Action:**

Recommendation: Motion to present Nan Krushinski and Danielle Beardsley with Employees of the Month for August 2019.

Attachments: [Agenda Cover Report](#)

[NOMINATION FORM NAN KRUSHINSKI AND DANIELLE BEARDSLEY](#)

Sam Metott, Director of Parks and Recreation gave a few brief comments presenting Nan Krushinski and Danielle Beardsley with Employees of the Month for August 2019.

Duane D'Andre, Human Resources Director, on behalf of the City Commission, presented Danielle Beardsley with a plaque and a certificate for a personal day off. Nan Krushinski was not able to attend.

- 4.B. [19-872](#) DELRAY BEACH WATER SUPPLY AND TREATMENT FEASIBILITY STUDY, FOLLOW-UP ON SITE LOCATION FOR FUTURE TREATMENT PROCESS COMPONENTS

Body: **Recommended Action:**

Recommendation: Presentation follow up on the site location for building the future water treatment plant process components.

Attachments: [Agenda Cover Report](#)

[WTP Options_StaffRecommendation_8-21-19_rev3](#)

Brian Hiller, Deputy Director of Utilities for water treatment and storage compliance, shared thoughts from staff based on the presentation from July 9, 2019 by Kimley-Horn and asked for endorsement from the Commission on how to proceed with the project at the City's water treatment plant.

4.C. [19-874](#) TREE CITY USA COMMUNITY STANDARDS AND TREE PRESERVATION TRUST FUND

Body: **Recommended Action:**

Recommendation: Presentation Only.

Attachments: [Agenda Cover Report](#)
[Tree Preservation Trust Fund Balance 8-22-2019](#)

Anthea Gianniotis gave an update on the Tree City USA Community Standards and Tree Preservation Trust Fund.

4.D. [19-875](#) SWINTON AVENUE DESIGN STANDARDS

Body: **Recommended Action:**

Recommendation: Presentation Only.

Attachments: [Agenda Cover Report](#)

Anthea Gianniotis gave a presentation about Swinton Avenue showing the design standards and streetscape report prepared by staff.

Mayor Petrolia requested that Attachment K for Item 6.F.1(K) from the Appealable Land Development Report be moved to the Regular Agenda as Item 7.C.C. for discussion.

City Attorney Gelin requested that Item 6.B. Resolution No. 132-19 regarding the abandonment be moved to the Regular Agenda for the Commission to make their findings. It will be Item 7.D.D.

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

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

None.

B. From the Public

Arlene Huston, 1327A High Point Way SE, Delray Beach and Susan Berkowitz Schwartz, 583 Brittany M, Delray Beach **(spoke together at the podium)** spoke about how Delray Beach is a “Welcoming City” and that there will be different programs and activities taking place on September 13-22, 2019 throughout the City to help make the residents of Delray Beach feel more included. All Peoples Day will be one of the events that will be held to encourage people to be more positive towards one another. This event will be held on September 14, 2019 at Pompey Park from 2-4 p.m.

Lak Lalra, 3842 S. Lake Drive, Boynton Beach, gave a paper handout to the Commissioners and Mayor concerning the land near his house and the issues he has with it regarding the annexation.

Gary L. Fishman, 3504 Diane Drive, Boynton Beach, stated he came to this Commission meeting for the same concern as Mr. Lalra. He said there is no access by land to be able to maintain the area which is filled with wild animals, non-native trees and hazardous material. He asked for the Commission to not annex the land.

Marjorie Ferrer, 4930 Glenn Pine Lane, Boynton Beach, addressed the Commission as a representative of “Daughters of the American Revolution”, read a speech and presented a Proclamation from Governor DeSantis. She also distributed copies of the Constitution to the Commissioners and Mayor.

Peter Arts, 1746 Fern Forest Place, Delray Beach, thanked the Commissioners for removing the trees on Atlantic Crossings and repurposing them.

Mavis Benson, 800 Greensward Court, Unit 204, Delray Beach, stated that on behalf of the merchants and businesses, she wanted to thank everyone for their assistance during Hurricane Dorian.

Ellyn Bogdanoff, Attorney, 1 East Broward Blvd, spoke on behalf of Kaufman Lynn Construction regarding Item 6.G.3 on the agenda referencing the construction of the Fire Station that was awarded to Gulf Builders.

Michael Kaufman, 3185 S. Congress Avenue, Delray Beach, stated that Kaufman Lynn has never filed a bid protest in 30 years of doing business. He apologized for filing the protest but felt it was the only way to have his story told and to have a fair protest.

Mark Stempler, 625 N. Flagler Drive, Ft. Lauderdale, Becker and Poliacoff Law Firm, spoke about the City's policies and procedures from the Procurement Department and stated that Kaufman Lynn were in compliance with those policies and procedures.

City Attorney Gelin announced that an email was sent out earlier in the day advising that the bid protest from Kaufman Lynn had been denied.

Kenny Ropp, 217 SE 3rd Avenue, Delray Beach, spoke about item 6.B. and stated that he is in favor of the abandonment. Secondly, Mr. Ropp wished to express that he felt the 5 acres on Lake Ida is the perfect area for wildlife and nature and hopes that it is kept like it is.

Ron Gilinsky, 1405 S. Federal Highway # 140, Delray Beach, said he would like to see the five positions that Mr. Lauzier eliminated from the Fire Department a year ago reinstated.

Lisa Quillian, 925 SE 2nd Avenue, Delray Beach, is happy about item 6.B. along with several of her neighbors.

Neil Schiller, Saul Ewing Arnstein & Lehr, 515 N. Flagler Drive #1400, West Palm Beach, stated he was there to discuss the Kaufman Lynn bid protest and he felt Kaufman Lynn had an unfair advantage, because they spoke with the design criteria package architect prior to the cone of silence.

Jeff Zelkin, Kaufman Lynn, 3185 S. Congress Avenue, Delray Beach, stated the architect being used now for the Fire Station is for a completely different project and there are two separate RFP's other than the one Kaufman Lynn is protesting.

Ryan Reiter, Kaufman Lynn, 3185 S. Congress Avenue, Delray Beach, stated Kaufman Lynn Construction has built numerous Fire Stations and EOC's and Gulf Builders has not.

Jennifer Alvarez, Purchasing Director for the City of Delray Beach, stated that Gulf Building was awarded the RFP for the Fire Station and provided a timeline to the Commissioners and Mayor. She stated that on August 21, 2019, Interim City Manager de Jesus reviewed the circumstances and rendered the proposal received from Kaufman Lynn as unresponsive and rejected it.

Mayor Petrolia stated she is concerned about how this has happened. City Attorney Gelin responded that it was because of the Sunshine Law and the

City's policies and procedures. She also informed the Mayor that the Commission can decide on the RFP, regardless of the Staff's recommendation.

Keli Freeman, 917 Banyan Drive, Delray Beach, spoke about 1119 S. Federal Highway, requesting that the Commission listen to the concerns of the citizens regarding this project and not move forward until then.

James Quinn, 925 SE 2nd Avenue, Delray Beach, spoke about the abandonment on a right-of-way in Osceola Park and his neighbors are happy about it. Mr. Quinn believes any redevelopment of this property would be welcomed by its residents.

Nancy Harris, 950 Tropic Blvd, stated she is concerned that they were asked not to speak at the SPRAB meeting. Ms. Harris and many other residents would like another chance for the Commission to hear what they have to say, since they weren't allowed to speak before.

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

6. CONSENT AGENDA: City Manager Recommends Approval

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

Approved as amended.

6.A. [19-861](#) CITY COMMISSION MINUTES

Body: Recommended Action:

Recommendation: Motion to approve meeting minutes as listed below:

August 13, 2019 Budget Workshop Meeting Minutes
August 20, 2019 Special Meeting Minutes

Attachments: [Agenda Cover Report](#)
[August 13, 2019 Budget Workshop City Commission Minutes_DRAFT](#)
[August 20, 2019 Special City Commission Minutes_DRAFT](#)

Approved.

6.B. [19-758](#)

RESOLUTION NO. 132-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING THE ABANDONMENT OF RIGHT-OF-WAY OF A PORTION OF A 12 FOOT PLATTED ALLEY TOTALING APPROXIMATELY ONE-THOUSAND FIVE-HUNDRED AND NINETY (1,590) SQUARE FEET LYING NORTH OF LOT 15, OF BLOCK 87, AND SOUTH OF LOTS 2, 3, AND 4 OF BLOCK 87 OF THE PLAT OF LINNS ADDITION TO OSCEOLA PARK, AS RECORDED IN PLAT BOOK 1 PAGE 133 OF THE OFFICIAL RECORDS OF PALM BEACH COUNTY, FLORIDA, AND AS MORE PARTICULARLY DESCRIBED HEREIN; RETAINING A GENERAL UTILITY EASEMENT ENCOMPASSING THE SUBJECT AREA AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Body: Recommended Action:

Recommendation: Consider Resolution No. 132-19 approving the abandonment of right-of-way of a portion of a 12-foot wide platted alley totaling approximately 1,590 square feet located approximately 125' south of the intersection of SE 2nd Street and SE 3rd Avenue, and lying north of Lot 15, and south of Lots 2,3 and 4 of block 87, of the Linns Addition to Osceola Park plat book 1, page 133 of the Official Records of Palm Beach County, Florida, and as more particularly described in exhibit "A".

Attachments: [Agenda Cover Report](#)[Abandonment of ROW Location Map](#)[Resolution 132-19 Abandonment of ROW \(Alley\)](#)[Abandonment of ROW \(Alley\) P&Z Staff Report](#)[Abandonment of ROW \(Alley\) Engineering Comments](#)[Abandonment of ROW \(Alley\) Survey](#)[Abandonment of ROW \(Alley\) Advertisement Tear Sheet](#)[Linns Addition to Osceola Park plat](#)[Osceola Park plat](#)[Legal Review Approval for Res 132-19](#)

Item 6.B. was removed from the Consent Agenda to the Regular Agenda as Item 7.D.D.

Anthea Gianniotis addressed the Commission with the applicant regarding the abandonment of right-of-way for an alley at the intersection of SE 2nd Street and SE 3rd Avenue.

Commissioner Frankel moved to approve Resolution No. 132-19. It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. The motion carried 5-0.

Approved.

- 6.C. [19-786](#) RATIFICATION OF SOUTH CENTRAL REGIONAL WASTEWATER TREATMENT & DISPOSAL BOARD ACTION OF JULY 22, 2019 AND APPROVAL OF THEIR 2019/2020 PROPOSED BUDGET.

Body: **Recommended Action:**

Recommendation: Motion to ratify actions approved by the South Central Regional Wastewater Treatment and Disposal Board (Board) at their meeting of July 22, 2019.

Attachments: [Agenda Cover Report](#)
[SCRWTP Board Ratification](#)
[BOARD APPROVED BUDGET \(8 22 19\)FISCAL YEAR 10 1 2019 - 9 30 2020](#)

Approved.

- 6.D. [19-867](#) RETROACTIVE APPROVAL FOR TEMPORARY SERVICES WITH K-FORCE NOT-TO-EXCEED TOTAL AMOUNT OF \$5,934.00.

Body: **Recommended Action:**

Recommendation: Motion to Retroactively approve an increase in the amount of \$5,934 for temporary services, in the total amount of \$70,934, that have cumulatively exceeded the City of Delray Beach (City) Manager's approval authority of \$65,000.

Attachments: [Agenda Cover Report](#)
[PO 2019-00000481](#)

Approved.

6.E. PROCLAMATIONS:

- 6.E.1. [19-846](#) HISPANIC HERITAGE MONTH PROCLAMATION

Body: **Recommended Action:**

Recommendation: Observance of Hispanic Heritage Month from September 15, 2019 to October 15, 2019.

Attachments: [Agenda Cover Report](#)
[Hispanic Heritage Month Proclamation](#)

This Proclamation was approved.

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

6.F.1. [19-836](#) REPORT OF APPEALABLE LAND USE ITEMS FROM AUGUST 5, 2019, THROUGH AUGUST 23, 2019.

Body: **Recommended Action:**

Recommendation: By motion, receive and file this report.

Attachments: [Agenda Cover Report](#)

[Appealable Items Map 9.5.19](#)

[A - 219 DIXIE BLVD - APPEALABLE REPORT](#)

[B - 106 SE 5TH AVE - APPEALABLE REPORT](#)

[C - 1120 NASSAU ST - APPEALABLE REPORT](#)

[D - 143 S. SWINTON AVE - APPEALABLE REPORT.](#)

[E - 347 NE 5TH AVE - APPEALABLE REPORT](#)

[F - 102 NE 6TH AVE - APPEALABLE REPORT](#)

[G - 4801 S. CITATION CLUB - APPEALABLE REPORT](#)

[H - 660 W. LINTON BLVD - APPEALABLE REPORT](#)

[I - 1911 S. FEDERAL HWY - APPEALABLE REPORT.](#)

[J - 14802 S. MILITARY TRL - APPEALABLE REPORT](#)

[K - 217 E. ATLANTIC AVE - APPEALABLE REPORT](#)

Item 6.F.1(I) (1911 S. Federal Hwy.) was removed from the Consent Agenda to the Regular Agenda as Item 7.B.B.

City Attorney Gelin spoke with a land use attorney who proposed a “middle ground”, which would allow the Commission to condition the SPRAB’s approval with a condition that within 6-12 months there would be a “look back provision “ to ensure the plans are followed through on what they were supposed to do. If the study doesn’t do what is proposed, the property owner would agree to incur the cost in order to be in compliance with the study. Mayor Petrolia feels there should be an appeal and the Commission should hear both sides to have the opportunity to come up with a better solution.

The Commission discussed options on appeal versus conditional acceptance.

Commissioner Frankel moved to **accept the SPRAB approval subject to the condition of look-back terms to be determined at a later date.** It was seconded by Deputy Vice Mayor Bathurst. A roll call vote was taken. The motion carried 3-2 with Mayor Petrolia and Commissioner Boylston dissenting.

Item 6.F.1(K) (217 E. Atlantic Avenue) was removed from the Consent Agenda to the Regular Agenda as Item 7.C.C.

Scott Pape, Principal Planner for the City of Delray Beach, discussed the proposed plans for Buddah Sky Bar that were submitted to convert the first floor restaurant to retail. The restaurant would be relocated to the second floor of the building.

Commissioner Frankel moved to appeal item 6.F.1(K). It was seconded by Deputy Vice Mayor Bathurst. A roll call vote was taken and all were in favor. The motion carried 5-0.

Approved.

6.G. AWARD OF BIDS AND CONTRACTS:

- 6.G.1. [19-478](#) APPROVAL OF RESOLUTION NOS. 97-19 THROUGH 99-19 TO AWARD AGREEMENTS WITH COLD AIR DISTRIBUTORS WAREHOUSE OF FLORIDA, INC., TPH HOLDINGS, LLC D/B/A THE PARTS HOUSE, AND TOTAL TRUCK PARTS, INC. FOR THE PURCHASE OF AUTOMOTIVE PARTS AND SUPPLIES UTILIZING THE SEMINOLE COUNTY RFP NO. RFP-602971-17/BJC - \$182,000

Body: **Recommended Action:**

Recommendation: Motion to approve of Resolution Nos. 97-19 through 99-19 to award agreements with Cold Air Distributors Warehouse of Florida, Inc., TPH Holdings, LLC d/b/a The Parts House, and Total Truck Parts, Inc. for the purchase of automotive parts and supplies utilizing the Seminole County RFP No. RFP-602971-17/BJC in an estimated amount of \$182,000 collectively between suppliers through November 30, 2020 and authorize the City Manager to approve renewal options, in an estimated amount of \$115,000 collectively per renewal term, contingent upon appropriation of funds.

Attachments: [Agenda Cover Report](#)
[P2019-043 Agreement, executed by Cold Air only](#)
[P2019-043 Agreement, executed by TPH only](#)
[P2019-043 Agreement, executed by Total Truck Parts only](#)
[Legal Review Checklist P2019 043 Cold Air Distributer](#)
[Legal Review Checklist P2019 043 TPH Holdings](#)
[Legal Review Checklist P2019 043 Total Truck Parts](#)
[rfp-602971-17](#)
[Resolution No. 97-19 with Cold Air](#)
[Resolution No. 98-19 with TPH](#)
[Resolution No. 99-19 with Total Truck Parts](#)

Approved.

- 6.G.2. [19-826](#) RESOLUTION NO. 151-19 TO APPROVE UTILIZING OMNIA PARTNERS COOPERATIVE CONTRACT NO. 4400006644 WITH INSIGHT PUBLIC SECTOR, INC. FOR MICROSOFT ENTERPRISE AGREEMENT - \$1,151,063

Body: **Recommended Action:**

Recommendation: Motion to Approve Resolution No. 151-19 to approve an Agreement based upon Contract No. 4400006644 between Omnia Partners (formerly known as U.S. Communities) and Insight Public Sector, Inc. for a Microsoft Enterprise Program Agreement in the estimated amount of \$1,151,063 for the Agreement term, and authorize the City Manager to approve renewal options, in the amounts indicated below, contingent upon appropriation of funds.

Attachments: [Agenda Cover Report](#)
[Resolution No.151-19 Insight Public Sector Inc - Microsoft](#)
[Legal Review Checklist Microsoft Omnia Insight](#)
[Updated-City of Delray Beach PA - Microsoft Enterprise Program Agreement - Insight Public Sector](#)

Approved.

6.G.3. [19-877](#) APPROVAL OF RESOLUTION NO. 161-19 WITH GULF BUILDING, LLC. FOR FIRE STATION 113 AND EMERGENCY OPERATIONS CENTER DESIGN BUILD PROJECT

Body: Recommended Action:

Recommendation: Motion to Approve Resolution No. 161-19 to accept the City Manager's recommendation of award and to authorize staff to negotiate an agreement with Gulf Building, LLC. for Fire Station 113 and Emergency Operations Center design build project pursuant to RFP No. 2019-008.

Attachments: [Agenda Cover Report](#)
[RFP 2019-008 Fire Station 113 & EOC](#)
[Resolution for Fire Station Design Build](#)

Item 6.G.3. was removed from the Consent Agenda to the Regular Agenda as Item 7.A.A.

Jennifer Alvarez, Purchasing Director for the City of Delray Beach, explained the ranking of the RFP for the Fire Station and the recommendation to award the RFP to Gulf Building and proceed with negotiations.

Vice Mayor Johnson and Mayor Petrolia asked for clarification on this issue as there was a lot of talk about it back and forth. City Attorney Gelin clarified the transactions which took place with Kaufman Lynn and their ethical integrity are what led the City to render the decision of Interim City Manager de Jesus to award the RFP to Gulf Builders.

Commissioner Boylston moved to approve Resolution No.161-19. It was seconded by Commissioner Frankel. A roll call vote was taken. Motion carried 4-1 with Vice Mayor Johnson dissenting.

Approved.

7. REGULAR AGENDA:

7.A. [19-856](#) NOMINATION FOR APPOINTMENT TO THE PLANNING AND ZONING BOARD

Body: **Recommended Action:**

Recommendation: Motion to approve nomination for appointment for one (1) regular member to serve on the Planning and Zoning Board for an unexpired term ending August 31, 2020.

Attachments: [Agenda Cover Report](#)
[Agenda Memo 2](#)
[Planning & Zoning Board Roster](#)
[07022019 Exhibit A 5](#)
[Planning & Zoning Applications](#)

City Attorney Gelin asked that the nomination be someone with a professional background as previously discussed with the Mayor.

Mayor Petrolia moved to nominate Daniel Stepner to the Planning and Zoning Board. It was seconded by Commissioner Frankel. A roll call vote was taken, and all were in favor of approving Daniel Stepner to the Planning and Zoning Board. The motion carried 5-0.

Approved.

8. PUBLIC HEARINGS:

8.A. [19-833](#) RESOLUTION NO. 153-19: TENTATIVE MILLAGE LEVY**Body: Recommended Action:**

Recommendation: Motion to approve Resolution No. 153-19 Tentative Millage Levy for FY 2020.

Attachments: [Agenda Cover Report](#)
 [Resolution 153-19 Millage](#)

City Attorney Gelin read Resolution No. 153-19 into the record.

No public comment.

Commissioner Boylston moved to approve Resolution No. 153-19. It was seconded by Commissioner Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

City Attorney Gelin was asked to re-read Resolution No. 153-19 in its entirety into the record.

Vice Mayor Johnson moved to approve Resolution No. 153-19. It was seconded by Deputy Vice Mayor Bathurst. A roll call vote was taken and all were in favor. The motion carried 5-0.

Resolution No. 153-19 was approved.

8.B. [19-834](#) RESOLUTION NO. 154-19: TENTATIVE MILLAGE LEVY/DDA**Body: Recommended Action:**

Recommendation: Motion to approve Resolution No. 154-19 Tentative DDA Millage Rate for FY 2020.

Attachments: [Agenda Cover Report](#)
 [Resolution 154-19 Millage- DDA](#)
 [DDA Draft 2019_20 Budget for City Commission Mtg 9.5.19V2](#)
 [DDA FY19-20 Budget & Priority Review memo 9.5.19 City](#)
 [Commission Mtg V2](#)
 [Delray Beach DDA FY19-20 Millage Final Memo for 9.5.19 Meeting](#)

City Attorney Gelin read Resolution No. 154-19 into the record.

Mark Denkler, Treasurer of DDA., Delray Beach, showed a presentation on the DDA's Budget Summary and Laura Simon, Executive Director for DDA, spoke about the DDA's marketing plans for the coming year and some of the other changes they will be making.

No public comment.

Commissioner Boylston moved to approve Resolution No. 154-19. It was seconded by Commissioner Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

Resolution No. 154-19 was approved.

8.C. [19-835](#) RESOLUTION NO. 155-19: TENTATIVE BUDGET ADOPTION FOR FY 2020

Body: **Recommended Action:**

Recommendation: Motion to approve Resolution No. 155-19 Tentative Budget Adoption for FY 2020.

Attachments: [Agenda Cover Report](#)
[Resolution 155-19 Budget Adoption](#)
[FY 2020 - Exhibit A](#)
[FY 2020 City Of Delray Beach Budget Workshop Presentation - Revised](#)
[FY 2020 City of Delray Beach Budget at a Glance](#)

City Attorney Gelin read Resolution No. 155-19 into the record.

No public comment.

Mayor Petrolia stated she would like to recommend an adjustment to the salaries of the Commissioners. She felt the City should follow what Boca Raton's current salaries are and the way that they handle their Commissioners salaries, as it is tied to the State House. Mayor Petrolia stated this item cannot become effective or brought up until after the next election, which is March 17, 2020. Consensus would be for increasing the Commissioner salaries only, not the car allowance.

Vice Mayor Johnson was concerned about the City's agreement with Highland Beach's rates for our services.

Interim City Manager de Jesus explained the charges are only estimates and that the rates will balance out at the end of the year once the figures are in.

No public comment.

Commissioner Boylston moved to approve Resolution No. 155-19. It was seconded by Commissioner Frankel. A roll call vote was taken. The motion carried 4-1, with Vice Mayor Johnson dissenting.

Resolution No. 155-19 was approved.

- 8.D. [19-845](#) ORDINANCE NO. 24-19: AN 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 0.33± ACRES IN SIZE FROM LOW DENSITY (LD) TO MEDIUM DENSITY (MD), PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, FOR THE PROPERTY LOCATED AT 1060 DEL HARBOUR DRIVE, AT THE SOUTHWEST CORNER OF DEL HARBOUR DRIVE AND SOUTH OCEAN BOULEVARD, 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 24-19 on Second Reading, a small-scale Future Land Use Map amendment to re-designate the property at 1060 Del Harbour Drive from Low Density (LD) to Medium Density (MD).

Attachments: [Agenda Cover Report](#)
[Ord No 24-19 1060 Del Harbour Drive FLUM Amendment](#)
[1060 Del Harbour Drive Aerial Location Map](#)
[1060 Del Harbour Drive Future Land Use Designation Maps](#)
[1060 Del Harbour Drive FLUM Justification Statement](#)
[1060 Del Harbor Drive Future Land Use Map Amendment PZB Staff Report](#)
[Future Land Use Element Table L-6](#)

City Attorney Gelin read Ordinance No. 24-19 into the record.

No public comment.

Deputy Vice Mayor Bathurst moved to approve Ordinance No. 24-19. It was seconded by Commissioner Frankel. A roll call vote was taken and all were in favor. The motion carried 5-0.

Ordinance No. 24-19 was approved.

9. FIRST READINGS:

- 9.A. [19-770](#) ORDINANCE NO. 20-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES BY AMENDING SECTION 4.4.3. "SINGLE FAMILY (R-1) DISTRICTS," TO DELETE SUBSECTION I(10), AMEND SUBSECTIONS I(11) AND (12); AND, ADDING SECTION 7.1.8. "CONSTRUCTION PARKING" TO ESTABLISH REGULATIONS FOR ON-SITE AND OFF-SITE CONSTRUCTION PARKING; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (FIRST READING)

Body: Recommended Action:

Recommendation: Review and consider Ordinance No. 20-19 on first reading, a City-initiated amendment to the Land Development Regulations, Section 4.4.3 "Single Family (R-1) Districts," to delete Subsection I(10), amend Subsections I(11) and (12); and, adding Section 7.1.8. "Construction Parking" to establish regulations for on-site and off-site construction parking.

Attachments: [Agenda Cover Report](#)
[Ordinance No. 20-19](#)
[PZB Staff Report Construction Parking](#)

City Attorney Gelin read Ordinance No. 20-19 into the record.

Anthea Gianniotis, Principal Planner, gave a presentation establishing the standards and expectations for residential construction, as well as commercial parking .

Commissioner Frankel moved to approve Ordinance No. 20-19. It was seconded by Commissioner Boylston. A roll call vote was taken, and all were in favor. The motion carried 5-0.

Ordinance No. 20-19 was approved on first reading.

- 9.B. [19-870](#) ORDINANCE NO. 30-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA ADOPTING A SMALL SCALE FUTURE LAND USE MAP AMENDMENT RE-DESIGNATING LAND APPROXIMATELY 0.957± ACRES IN SIZE FROM MEDIUM DENSITY (MD) TO COMMERCIAL CORE (CC), PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, FOR THE PROPERTIES LOCATED AT 36 SOUTHWEST 6TH AVENUE, 40 SOUTHWEST 6TH AVENUE, 46 SOUTHWEST 6TH AVENUE, 48 SOUTHWEST 6TH AVENUE, 41 SOUTHWEST 7TH AVENUE, AND 37 SOUTHWEST 7TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Body: Recommended Action:

Recommendation: Review and Consider Ordinance No. 30-19 on First Reading.

Attachments: [Agenda Cover Report](#)
[Ordinance No. 30-19](#)
[Ordinance No. 30-19 Current FLUM](#)
[Ordinance No. 30-19 Proposed FLUM](#)
[PZB Staff Report Frog Alley-BH3](#)

City Attorney Gelin read both Ordinance No. 30-19 and No. 31-19 into the record since they are part of the same project.

Neil Schiller, Attorney with Saul Ewing Arnstein & Lehr 515 N. Flagler Drive, West Palm Beach, showed a video presentation regarding the site plan and discussed the zoning criteria, density, and etc.

Commissioner Frankel moved to approve Ordinance No. 30-19. It was seconded by Vice Mayor Johnson. A roll call vote was taken, and all were in favor. The motion carried 5-0.

Ordinance No. 30-19 was approved on first reading.

- 9.C. [19-873](#) ORDINANCE NO. 31-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH BY REZONING AND RE-DESIGNATING LAND PRESENTLY ZONED MULTIPLE FAMILY RESIDENTIAL - MEDIUM DENSITY (RM) DISTRICT TO CENTRAL BUSINESS (CBD) DISTRICT, WITHIN THE WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT; FOR THE PROPERTIES LOCATED AT 36 SOUTHWEST 6TH AVENUE, 40 SOUTHWEST 6TH AVENUE, 46 SOUTHWEST 6TH AVENUE, 48 SOUTHWEST 6TH AVENUE, 41 SOUTHWEST 7TH AVENUE, AND 37 SOUTHWEST 7TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING "CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017" AND FURTHER AMENDING THE WEST ATLANTIC NEIGHBORHOOD 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. (FIRST READING)

Body: Recommended Action:

Recommendation: Review and Consider Ordinance No. 31-19 on First Reading.

Attachments: [Agenda Cover Report](#)
[Ordinance No. 31-19](#)
[Ordinance No. 31-19 Current Zoning](#)
[Ordinance No. 31-19 Proposed Zoning](#)
[Ordinance No. 31-19 PZB Staff Report](#)

Commissioner Frankel moved to approve Ordinance No. 31-19. It was seconded by Commissioner Boylston. A roll call vote was taken and all were in favor. The motion carried 5-0.

Ordinance No. 31-19 was approved on first reading.

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

None.

B. City Attorney

None.

C. City Commission

Commissioner Boylston made the following comments:

- Complimented City Staff for preparing the City for Hurricane Dorian without panicking the citizens.
- Received a letter from Mr. Denkler on the Parking Management Advisory Board regarding the need for a huge overhaul and evaluation of the downtown valets, drop-offs, Ubers, Lyfts, street parking, and deliveries. It is getting out of hand and should be a top priority of the new City Manager when he comes.

Deputy Vice Mayor Bathurst made the following comments:

- Thanked staff for how they handled the hurricane preparedness for the City.
- Tim Simmons, Parks Superintendent from Parks and Recreation, retirement party was canceled due to the storm, but he wanted to thank him publicly for his dedication and service to the City.
- He appreciated the Swinton streetscape presentation and the plans of moving forward with that.

Vice Mayor Johnson made the following comments:

- Her neighbor, Mrs. Bridges was a recipient of one of the City's landscaping beautification programs, along with many other residents and she felt that the trees that were planted by the City were substandard and that they didn't contribute to the City's tree canopy. Mrs. Bridges also received a sprinkler system that does not work. She also wasn't made aware that she had a back-flow assembly installed that she received and must now pay \$65.00 for the rest of her life as a low-income individual.
- Commended Interim City Manager de Jesus on his handling of Hurricane Dorian and all of the City employees who worked extremely hard to prepare the City for the storm.
- She would like to see what police protection positions were eliminated from the budget this time. Interim City Manager de Jesus stated he confirmed with Chief Sims that no positions were eliminated from the budget and the statement made by Mr. Gilinsky was inaccurate.

Mayor Petrolia commended Dani, Gina and Nairobi, the Communications Team for the City on a job well done during the storm. Secondly, she was visited by Alzheimer's Community Care regarding services that are available to the community for those who need it.

Interim City Manager de Jesus stated he has received countless compliments regarding Gina Carter, the City's new Public Information Officer.

There being no further business to discuss, Mayor Petrolia adjourned the Tentative Budget Hearing/Regular Meeting at 7:57 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 September 5, 2019 Tentative Budget Hearing and Meeting of the City Commission held on September 5, 2019, which Minutes were formally approved and adopted by the City Commission on November 19, 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.