

City of Delray Beach

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Minutes - Final

Tuesday, May 19, 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

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

The roll call was taken by the City Clerk.

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

Others present were:

George Gretsas, City Manager
Lynn Gelin, City Attorney
Katerri Johnson, City Clerk

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

City Attorney Gelin requested that item 8.B. (Ordinance 16-20) be pulled until June 2nd, 2020 meeting.

City Manager Gretsas requested that item 6.H. be removed from the consent agenda.

approved as amended

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

None.

B. From the Public

Tenille DeCoste, 4930 NW 5th Street, Delray Beach spoke about the grant from the previous meeting for the extra fire fighters. She expressed concern that there wasn't transparency on this item regarding when the

Commission was informed about this matter. She further explained that the Commission previously approved the grant application at the September 17th, 2019 Commission meeting and she wanted to set the record straight for the citizens of Delray Beach.

Lee Freud, 11200 Jasmine Hill Circle, Boca Raton, stated that he felt Delray Beach should open the beach to avoid overcrowding at the Boca Raton Beach.

David Rucker, 700 Boynton Beach Blvd, Boynton Beach, stated that he would like to have the chairs and umbrellas back on the beach. Would like to enjoy the beach on this long weekend and wanted to voice his concern.

Inaudible name, 458 Greensboro Way, Boynton Beach, expressed his desire to see the beach open, including the beach chair service because it is outside and social distancing would be able to easily be maintained.

Katerri Johnson, City Clerk read a phone message into the record from Makonnen Hudson, 531 SW 5th Avenue, Delray Beach, who expressed concern about a Homeland Security Department Grant for Covid-19 in the amount of \$348,000 and is requesting how the funds would be used if awarded and inquired if there will be cleaning supplies for residents, cleaning crews to wipe down high traffic areas, and a reward for months of excellent social distancing.

6. CONSENT AGENDA: City Manager Recommends Approval

approved the Consent Agenda

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

6.A. [20-321](#) CITY COMMISSION MEETING MINUTES

Recommendation: Motion to approve meeting minutes as listed below:

May 5, 2020 Regular City Commission Meeting Minutes

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[May 5, 2020 Regular City Commission Meeting Minutes_DRAFT](#)

approved

6.B. [20-302](#) AMENDED AND RESTATED LEASE BETWEEN PALM BEACH

COUNTY AND THE CITY OF DELRAY BEACH FOR THE SANDOWAY HOUSE

Recommendation: Motion to approve the amended and restated lease agreement between Palm Beach County and the City of Delray Beach for the Sandoway House property.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[Lease. 4.28.2020 HF approved](#)
[Consent to Sublease Agreement. hf app 2-6-2020 rev LR](#)
[Legal Review Checklist form v. 6 Sandoway lease with county \(1\)](#)
approved

6.C. [20-293](#) SUBLEASE - SANDOWAY DISCOVERY CENTER

Recommendation: Motion to approve Amended and Restate Sublease Agreement between the City of Delray Beach and the Friends of Sandoway House Nature Center, Inc.

Sponsors: City Manager Department

Attachments: [Agenda Cover Report](#)
[ATTACHMENT A -Signed Sandoway House Sublessee Execution 29-04-2020](#)
[ATTACHMENT B - Legal Review Checklist form v. 6 Sandoway sublease \(1\)](#)
[ATTACHMENT C -Lease. 4.28.2020 HF approved](#)
approved

6.D. [20-246](#) FINAL (MINOR) SUBDIVISION REPLAT OF A PORTION OF SECTION 4 AND 5, TOWNSHIP 46 SOUTH, RANGE 43 EAST, LOCATED AT 2599 NORTH SWINTON AVENUE.

Recommendation: Review and consider the Final (Minor) Plat for Lakeview Baptist Church, located at 2599 N. Swinton Avenue, by adopting that the request and approval thereof is consistent with the Land Development Regulations.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Lakeview Baptist Church Plat - Survey \(2019-274\)](#)
[Lakeview Baptist Church Plat - Proposed Plat \(2019-274\)](#)
approved

6.E. [20-316](#) APPROVAL TO SUBMIT APPLICATION FOR STATE OF FLORIDA DIVISION OF HISTORICAL RESOURCES SMALL MATCHING GRANT (SMG) CYCLE.

Recommendation: Motion to approve application for State of Florida Division of Historical Resources Small Matching Grant (SMG) Cycle.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[2020-05-07-Small Matching Grant Memo.docx](#)
approved

- 6.F. [20-275](#) APPROVAL OF RESOLUTION NO. 77-20, APPROVING HURRICANE DORIAN (FEMA - DR 4468 FL) FEDERALLY-FUNDED SUBAWARD AND GRANT AGREEMENTS BETWEEN THE CITY OF DELRAY BEACH AND THE FLORIDA DEPARTMENT OF EMERGENCY MANAGEMENT AND APPROVAL TO DELEGATE AUTHORITY TO THE MAYOR TO APPROVE MODIFICATIONS TO ATTACHMENT A OF THE AGREEMENT IN ACCORDANCE WITH SECTION TO INCLUDE ADDITIONAL PROJECTS.

Recommendation: It is recommended that City Commission adopt Resolution No. 77-20 approving the Form of the Federally-Funded Subaward and Grant Agreements with Florida Department of Emergency Management and authorize the Mayor to execute these agreements related to Hurricane Dorian on behalf of the City.

Sponsors: Finance Department

Attachments: [Agenda Cover Report](#)
[Legal Review FEMA funds through FL Dept of Emergency Management Hurricane Dorian.](#)
[Dorian Contract - DR4468 City of Delray Beach Z1614](#)
[Res 77-20 FEMA Grant](#)
approved

- 6.G. [20-252](#) APPROVAL OF AMENDMENT NO. 1 TO THE CITYWORKS ASSET MANAGEMENT, INVENTORY, GIS INTEGRATION AND WORK MANAGEMENT SOLUTION AGREEMENT WITH BLACK & VEATCH CORPORATION FOR IMPLEMENTATION OF PHASES III AND IV

Recommendation: Motion to Approve Amendment No. 1 to the Agreement with Black & Veatch Corporation to implement Phases III and IV of the Cityworks asset management, inventory, GIS integration and work management project, in the amount of \$650,000, of which is \$650,000 is budgeted in FY 2020, for a total cumulative contract amount of \$1,177,334.

Sponsors: IT Department

Attachments: [Agenda Cover Report](#)
[Executed Amend 1 Black & Veatch](#)
[Exhibit A - Amendment No. 1](#)
[COI - Amend 1 Black & Veatch](#)
[Legal Review Checklist Amend1 to General Consulting Agreement with](#)

approved

- 6.H. [20-317](#) APPROVAL OF AMENDMENT NO. 2 TO PROCURE ADDITIONAL CONSULTING SERVICES RELATED TO AN INFORMATION TECHNOLOGY AUDIT, ASSESSMENTS, RECOMMENDATIONS, AND DEVELOPMENT OF A STRATEGIC PLAN WITH TP SOUTHERN CHARM LIMITED LLC - \$48,150

Recommendation: Motion to Approve Amendment No. 2 to the Agreement with TP Southern Charm Limited LLC for additional consulting services related to an information technology audit, assessments, recommendations, and development of a strategic plan, in the amount not to exceed \$48,150, for a total estimated Agreement amount of \$112,350.

Sponsors: Purchasing Department

Attachments: [Agenda Cover Report](#)
[TP Southern Charm Limited, LLC Agreement](#)
[TP Southern Charm Limited, LLC Amendment No. 1 to Agreement](#)
[Signed - Amend 2 - TP Southern Charm](#)
[Legal Review Checklist TP Southern Charm Amendment](#)

withdrawn

- 6.I. [20-268](#) ADDENDUM TO THE STATE PLAN OF OPERATIONS AGREEMENT BETWEEN THE STATE OF FLORIDA AND THE DELRAY BEACH POLICE DEPARTMENT, 2YTC89

Recommendation: Motion to Approve the Addendum to the State Plan of Operations Agreement between the State of Florida and the Delray Beach Police Department, 2YTC89.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist LW](#)
[Fully Executed Agreement 9-20-19](#)
[SPOaddendum lw review mayor](#)

approved

- 6.J. [20-300](#) APPROVAL TO SUBMIT APPLICATION FOR CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING (CESF) PROGRAM

Recommendation: Motion to approve application for Coronavirus Emergency Supplemental Funding (CESF) Program.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[CESF bja-2020-18553 Grant Solicitation and Instructions](#)
[Legal Review Form_CESF Grant](#)

approved

- 6.K.** [20-303](#) TRAFFIC ENFORCEMENT AGREEMENT BETWEEN THE DELRAY BEACH POLICE DEPARTMENT AND WOODLAKE HOMEOWNER'S ASSOCIATION, INC.

Recommendation: Motion to Approve a Traffic Enforcement Agreement between the City of Delray Beach and Woodlake Homeowner's Association, Inc.

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[Partially Executed Traffic Enforcement Agreement-2020](#)
[Legal Review Checklist_Woodlake HOA](#)
[Exhibit A - Certificate of Insurance](#)

approved

- 6.L.** [20-167](#) RESOLUTION 57-20: REQUESTING TO APPROVE TWO LED AGREEMENTS WITH FLORIDA POWER AND LIGHT, ONE TO INSTALL NEW LED STREET LIGHTS AND ANOTHER TO CONVERT EXISTING COBRA HEAD STREET LIGHTING TO LED FOR THE SW 4TH ST, SW 6TH ST, SW 7TH AVE, AND SW 3RD CT NEIGHBORHOOD IMPROVEMENTS PROJECT. (PROJECT NO. 17-108)

Recommendation: Motion to Approve Resolution No.57-20 to approve two Agreements with Florida Power and Light (FPL), one to install new LED Street Lights and the other to convert existing Cobra Head lighting to LED for the SW 4th St., SW 6th St., SW 7th Ave. & SW 3rd Ct. Neighborhood Improvements Project. This project also includes replacing the existing wood poles for more resilient concrete poles. The lighting will be designed and installed by Florida Power and Light (FPL). FPL requires the City to pay a deposit prior to reviewing and designing the street lights. As such, the design and installation costs associated with the agreements proposed by this resolution was approved by the City Commission on November 5, 2019 with Resolution 191-19.

Sponsors: Public Works Department - Programs & Project Management

Attachments: [Agenda Cover Report](#)
[Resolution No.57-20](#)
[Legal Review LED Lighting Agreement with FPL 4th St new lights](#)
[Legal Review LED Lighting Agreement with FPL 4th St repair or replace lights](#)
[Delray Beach 4th Street Conversions LT1 Street Light Agreement](#)
[Delray Beach 4th Street Job Sketch Minus Alleys](#)
[Delray Beach 4th Street New Lights LT1 Street Light Agreement](#)
[Delray Beach SL 4th New Lights on Streets Generator](#)
[Delray Beach SL 4th Street Conversions Selection Sheet](#)

approved

- 6.M.** [20-282](#) RATIFICATION OF CHANGE ORDER NO. 1 REVISED SCOPE WITH SHIFF CONSTRUCTION AND DEVELOPMENT, INC. REGARDING THE EXPANSION OF THE DELRAY BEACH MEMORIAL GARDENS PROJECT IN THE AMOUNT NOT-TO-EXCEED \$87,152

Recommendation: Motion to Ratify Change Order No. 1 revised scope with Shiff Construction and Development, Inc. regarding the expansion of the Delray Beach Memorial Gardens Project (No.18-020), in the amount not-to-exceed \$87,152.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Delray Beach Memorial Gardens Expansion Supplemental Proposal](#)
[Res No. 124-19](#)

approved

- 6.N.** [20-294](#) INTERLOCAL AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND THE CITY OF BOYNTON BEACH FOR FUNDING THE SOUTHERN PORTION OF THE DESIGN & ENGINEERING SERVICES FOR GULFSTREAM BOULEVARD IN AN AMOUNT NOT TO EXCEED \$250,000.

Recommendation: Approve the Interlocal Agreement (ILA) between the City of Delray Beach and the City of Boynton Beach for funding the southern portion of the design and engineering services for Gulfstream Boulevard in an amount not to exceed \$250,000 for Fiscal Year 2019-2020.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[SW 36th Ave with City Limits shown](#)
[Legal Review Checklist form v. 6 ILA with BB for Engineering Desgin of SE 36 Avenue](#)
[R20-039 Delray Agr Engineering](#)
[R20-039](#)
approved

- 6.O.** [20-330](#) APPROVAL TO APPLY FOR THE FY 2020 ASSISTANCE TO FIREFIGHTERS GRANT-COVID-19 SUPPLEMENTAL (AFG-S) 348,712 IN THE AMOUNT OF \$348,712.00 FROM THE DEPARTMENT OF HOMELAND SECURITY FOR THE FIRE RESCUE DEPARTMENT.

Recommendation: Staff recommends approval to apply for grant funding from the FY 2020 Assistance to Firefighters Grant -COVID-19 Supplemental.

Sponsors: Fire Rescue Department

Attachments: [Agenda Cover Report](#)
[FY20 AFG S NOFO final.jv 508ABjv](#)
[Simple Legal Review Approval - COVID grant](#)
approved

6.P. PROCLAMATIONS:

- 6.P.1.** [20-308](#) NATIONAL SAFE BOATING WEEK PROCLAMATION

Recommendation: Motion to declare May 16 - 22, 2020 as National Safe Boating Week.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[National Safe Boating Week Proclamation](#)
approved

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

- 6.Q.1. None

6.R. AWARD OF BIDS AND CONTRACTS:

- 6.R.1.** [20-184](#) APPROVAL OF RESOLUTION NO. 06-20 TO AWARD AN AGREEMENT WITH GOLDSTAR GRAPHICS, INC. DBA MINUTEMAN PRESS DELRAY BEACH FOR PRINTING SERVICES PURSUANT TO SOLICITATION NO. ITB 2020-010

Recommendation: Motion to Approve Resolution No. 06-20 to award an Agreement with Goldstar Graphics, Inc. dba Minuteman Press Delray Beach for Solicitation No. ITB 2020-10 Printing Services in the amount of \$24,000 for the initial

term, of which \$24,000 is budgeted in FY 2020, and authorize the City Manager to approve renewal options, in the same amounts, contingent on appropriation of funds.

Sponsors: Purchasing Department

Attachments: [Agenda Cover Report](#)
[Resolution No. 06-20 Award of Agreement \(003\)](#)
[Legal Review Checklist printing- Goldstar Graphics](#)
[Goldstar Graphics, Inc Agreement](#)

approved

6.R.2. [20-228](#) APPROVAL OF RESOLUTION NO. 60-20 TO APPROVE AN AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING DESIGN SERVICES FOR TROPIC ISLES ROADWAY UNDERGROUND UTILITY IMPROVEMENTS PURSUANT TO RFQ NO. 2019-040 (PROJECT NO. 19-015)

Recommendation: Motion to Approve Resolution No. 60-20 to award an Agreement with Kimley-Horn and Associates, Inc. for Professional Engineering Design Services for the Tropic Isles Roadway Underground Utility Improvements project pursuant to RFQ No. 2019-040 (Project No. 19-015) - \$274,977

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Signed Agrmt - Kimley-Horn - Tropic Isles](#)
[Exhibit A - Scope of Services \(final\)](#)
[Exhibit B - Fee Estimate \(final\)](#)
[Resolution No. 60-20 Design Tropic Isles KHA rev.](#)
[Legal Review Checklist form Kimley-Horn](#)
[Kimley-Horn Submittal for Tropic Isle Roadway Underground Utility Improvements](#)
[2019-040 Scoring Summary after Technical Evals & Interviews Combo](#)
[Final](#)

approved

6.R.3. [20-235](#) APPROVAL OF RESOLUTION NO. 66-20 TO AWARD AN AGREEMENT WITH SUNSHINE CLEANING SYSTEMS, INC. FOR JANITORIAL SERVICES CITYWIDE (RFP 2019-003)

Recommendation: Motion to approve Resolution No. 66-20 to award an Agreement with Sunshine Cleaning Systems, Inc. for Janitorial Services Citywide (RFP 2019-003) in the estimated amount of \$1,382,551 for the Agreement term, of which \$280,165 is budgeted for FY 2020, and authorize the City Manager to exercise renewal options in the amounts below, contingent upon appropriation of funds.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist Sunshine Cleaning](#)
[Resolution No. 66-20](#)
[Sunshine Cleaning Systems, Inc Agreement Revised](#)
approved

- 6.R.4.** [20-281](#) APPROVAL OF RESOLUTION NO. 67-20 TO AWARD AN AGREEMENT WITH E.J. WARD, INC. UTILIZING THE SOURCEWELL CONTRACT #022217-EJW FOR THE PURCHASE OF A NEW FUEL MANAGEMENT SYSTEM, NEW TERMINALS AND RELATED SOFTWARE

Recommendation: Motion to approve Resolution No. 67-20 to award an agreement with E.J. Ward, Inc. to purchase a new Fuel Management System in the amount of \$45,856, which is budgeted for FY 2020, utilizing the Sourcewell Contract #022217-EJW, and authorize the City Manager to approve renewal options, in the amounts below, contingent upon appropriation of funds.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Ward Sourcewell Contract Docs \(3\)](#)
[EJ Ward Updated Quote](#)
[Ward End of Life Notice \(2\)](#)
[EJ Ward Resolution](#)
[Legal Review Checklist EJ Ward](#)
[EJ Ward Agreement Vendor Executed](#)
approved

7. REGULAR AGENDA:

City Attorney read the Quasi-Judicial Rules into the record.

- 7.A.** [20-226](#) RESOLUTION NO. 64-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA GRANTING A WAIVER REQUEST TO LAND DEVELOPMENT REGULATIONS SECTION 4.4.13(D)(2)(a)(2) AND TABLE 4.4.13(C) WHICH REQUIRE A MINIMUM REAR SETBACK OF 10 FEET IN THE RAILROAD CORRIDOR SUB-DISTRICT OF THE CENTRAL BUSINESS DISTRICT, WHEREAS A REAR SETBACK OF FOUR FEET SEVEN INCHES IS PROPOSED FOR 290 SE 2ND AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

Recommendation: Review and consider Resolution No. 64-20 to allow a rear setback of 4 feet 7 inches in the Central Business District (Railroad Corridor Sub-district)

where a minimum rear setback of 10 feet is required.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Res. No. 64-20 290 SE 2nd Avenue](#)

[Staff Report - Waiver 290 SE 2nd Ave](#)

[Justification Letter 290 SE 2nd Ave](#)

[Site Plan 290 SE 2nd Ave](#)

[Survey 290 SE 2nd Ave](#)

[Elevations](#)

[Elevations](#)

[Legal Review Reso 64-20 Waiver Request for 290 SE 2nd Ave](#)

Mayor Petrolia asked the Commission to disclose all ex-parte communications. There were none.

Anthea Gianniotis, Development Services Director, read file number 2019-220 into the record.

The applicant gave a presentation for the project on SE 2nd Avenue.

Anthea Gianniotis, Development Services Director, gave a further detailed presentation on this SE 2nd Avenue project.

Meeting went into recess to allow for public to call in and comment on this item.

Meeting reconvened. There was no public comment submitted for this item.
approved

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

7.B. [20-315](#)

RATIFICATION OF EMERGENCY REGULATIONS RELATED TO COVID-19 ACTIVATED UNDER CHAPTER 95 OF THE DELRAY BEACH CODE OF ORDINANCES

Recommendation: Motion to Ratify 7th and 8th Extensions of State of Emergency, 2nd Extension of Emergency Declaration dated March 28, 2020, 1st Extension of Emergency Declaration dated April 9, 2020, Resolution 85-20.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)
[7th Emergency Declaration Extension - COVID-19](#)
[8th Emergency Declaration Extension - COVID-19](#)
[Second extension of state of emergency 3-28-2020 - Stay at home order](#)
[1st Ext. of Emergency Declaration \(Use of Mask\) thru May 9 2020](#)
[Resolution 85-20 COVID -19](#)

City Attorney Gelin stated that this item is a continuation of City Manager Gretsas resolutions that he has authored during the State of Emergency for Covid-19.

approved

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

7.C. [20-242](#) CITY COMMISSION MEETING DATES 2020

Recommendation: Motion to approve City Commission Meeting Dates 2020.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Calendar Dates 2020](#)
[April 2020 – March 2021 Calendar](#)

approved

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

7.D. [20-318](#) AMENDMENTS TO LOCAL RULES AND QUASI-JUDICIAL RULES

Recommendation: Provide direction to the City Attorney concerning changes to the Rules of Procedure and the Quasi-Judicial Rules.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Rules of Procedures 2019](#)
[Quasi-Judicial Rules 2019](#)

City Attorney Gelin stated that there were no changes made to the Quasi-Judicial Rules.

approved

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

7.E. [20-240](#) APPROVED PROCLAMATION LIST 2020

Recommendation: Motion to approve Proclamation List 2020.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[Proclamation Guidelines rev 03-26-20](#)

[Proclamation List revised 2020](#)

approved

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

8. PUBLIC HEARINGS:

City Attorney Gelin read Ordinance 07-20 into the record.

- 8.A.** [20-301](#) ORDINANCE NO. 07-20: 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 4.4, "BASE ZONING DISTRICT", SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT", BY AMENDING SUBSECTION 4.4.13(B), "REGULATING PLANS"; AMENDING FIGURE 4.4.13-6, "WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT REGULATING PLAN"; AMENDING SUBSECTION (C), "ALLOWABLE USES"; AMENDING SUBSECTION (D), "CONFIGURATION OF BUILDINGS"; AMENDING TABLE 4.4.13(B), "BUILDING HEIGHT"; AMENDING TABLE 4.4.13(C), "DIMENSIONAL REQUIREMENTS BY CBD SUB-DISTRICT"; TO LIMIT THE HEIGHT OF PROPERTIES REZONED TO CENTRAL BUSINESS DISTRICT (CBD) FROM SINGLE-FAMILY RESIDENTIAL (R-1-A) WITHIN THE WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (SECOND READING)

Recommendation: Review and consider Ordinance No. 07-20 on Second Reading, amendments to the Land Development Regulations Section 4.4.13, Central Business District (CBD), to establish a Limited Height Area and require lower height for properties that are rezoned to Central Business District (CBD) from Single-family Residential (R-1-A) within the West Atlantic Neighborhood Sub-district.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ord No 07-20 WAN Limited Height Area](#)

[Ord No 07-20 PZB Staff Report](#)

[Legal Review Ord No. 07-20.docx](#)

Anthea Gianniotis, Director of Development Services gave a presentation to review and consider Ordinance 07-20 on second reading.

Meeting went into recess to allow for public to call in and comment on this item.

Meeting reconvened.

Katerri Johnson, City Clerk, played one public comment from Christina Morrison, 2809 Florida Blvd, Tropic Isle, Delray Beach, expressed concern that the language for this item reflect street closures as recommended upon by the DDA and Pineapple Grove Arts District.

Vice Mayor Boylston made a motion to approve item 8.A, Commissioner Frankel made a motion for discussion. Commissioner Frankel asked Ms. Gianniotis for clarification on Ms. Morrison's concerns. Anthea Gianniotis, Development Services Director, stated that it will be discussed further in item 9.A.

Mayor Petrolia asked for a roll call but then realized that Deputy Vice Mayor Johnson had her hand up to speak.

Deputy Vice Mayor Johnson expressed concern on the height of the building being limited to three stories and that she would like to see it be four stories.

Anthea Gianniotis, Development Services Director, addressed Deputy Vice Mayor Johnson's concern.

approved

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

8.B. [20-292](#)

ORDINANCE NO. 16-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, BY AMENDING CHAPTER 57. RIGHT-OF-WAY APPLICATION PROCESS FOR COMMUNICATIONS FACILITIES BY AMENDING SUB-SECTION Q OF SECTION 57.05; UPDATING SECTION 57.02 DEFINITIONS; AMENDING SECTION 57.12 CONSTRUCTION BOND; REPEALING SECTION 57.13 SECURITY FUND; AND AMENDING THE CODE OF ORDINANCES BY ADOPTING AN

ENTIRELY NEW CHAPTER 58. TO BE ENTITLED "RIGHT-OF-WAY APPLICATION PROCESS FOR SMALL WIRELESS FACILITIES" TO IMPLEMENT REGULATIONS SET FORTH IN THE "ADVANCED WIRELESS INFRASTRUCTURE DEPLOYMENT ACT", CODIFIED AT SECTION 337.401(7), FLORIDA STATUTES; PROVIDING FOR A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

Recommendation: Review and consider Ordinance No. 16-20 on Second Reading.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ord 16-20\(1\)](#)

[Legal Review Ord 16-20 Small Cell Towers](#)

withdrawn

9. FIRST READINGS:

- 9.A. [20-291](#) ORDINANCE NO. 10-20: 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 SECTION 4.3.4, BASE DISTRICT DEVELOPMENT STANDARDS, SUBSECTION 4.3.4(H)(4) SETBACKS; SECTION 4.4.13, CENTRAL BUSINESS DISTRICT, SUBSECTION 4.4.13(D), CONFIGURATION OF BUILDINGS, AND SECTION 4.6.9, OFF-STREET PARKING REGULATIONS, AND SUBSECTION 4.6.9(D)(1) DESIGN STANDARDS, TO ESTABLISH REGULATIONS FOR SUBGRADE PARKING AND STORAGE; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

Recommendation: Review and consider Ordinance No. 10-20, a City-initiated amendment to Section 4.3.4 "Base District Development Standards", Subsection 4.3.4(H) (4) "Setbacks", Section 4.4.13 "Central Business District", Subsection 4.4.13(D) "Configuration of buildings", and Section 4.6.9 "Off-street parking regulations", Subsection 4.6.9(D)(1) "Design standards," of the Land Development Regulations to allow subgrade parking within the required site setbacks.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Ord. No. 10-20](#)

[PZB Staff Report \(Ord No. 10-20\)](#)

[Legal Review - Ord. 10-20](#)

Anthea Gianniotis, Development Services Director, gave a presentation on Ordinance 10-20. She reminded the Commission about the comments from Ms. Morrison to address the street closure issue that were recommended by the DDA and Pineapple Grove Arts District. She suggested adding a caveat regarding the parking lot so that it does not negatively affect the businesses downtown.

Vice Mayor Boylston stated that his concern is that there should never to be a project that would adversely affect the downtown.

Deputy Vice Mayor Johnson expressed her safety concerns having cranes during this project.

City Attorney Gelin stated that the verbiage in the contract could be reworded to address the issues and concerns that were discussed.

approved on first reading

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

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:

A. City Manager

City Manager Gretsas made the following comments:

- Gave an update on the Covid-19 numbers in Palm Beach County.
- Stated that there are strict limitations regarding the beach.
- Stated that the City is in Full Phase One and is working hard to make sure the City is complying.
- Stated that the beach is accessible to handicapped/disabled people.
- Awaiting to hear the Governors updates regarding implementing Phase Two.
- Suggests canceling July 4th venue due to crowding, even if the City is at Phase Three.
- Provided an update on the reclaimed water.

Vice Mayor Boylston inquired if there were any creative discussions on how the City could celebrate the Fourth of July safely.

Sam Metott, Director of Parks and Recreation, stated that he is open to alternative suggestions on how to celebrate the holiday during this time.

Deputy Vice Mayor Johnson reminded Vice Mayor Boylston that St. Patrick's Day was cancelled. Mayor Petrolia suggested that the fireworks display for the City of Delray Beach be cancelled, but she is open to a creative alternative to celebrating the holiday as a City.

B. City Attorney

- Asked for direction on filling a CRA seat that will be expiring in June. It was not handled correctly in 2018 and was not properly placed on a rotation schedule. Mayor Petrolia and Vice Mayor Boylston stated that they would both be in favor of having the nominations return to going in numeric order, starting with Seat #1. Deputy Vice Mayor Johnson suggests that this return to the regular order and clarified that this is a 4-year term, not a 2-year term. City Attorney explained that this will be brought to the June 2nd, 2020 meeting for Commissioner Frankel's nomination.
- Requested a motion for reconsideration of the acceptance of an easement deed, right-of-way deed and landscape maintenance agreement for Taquiza located at 166 SE 2nd Avenue that was approved on the consent portion of the May 5th agenda and asking it to be brought back to the next Commission meeting. Mayor Petrolia and Vice Mayor Boylston are both in favor of reconsidering these items.

Vice Mayor Boylston made a motion to reconsider the acceptance of an easement deed, right-of-way deed and a landscape maintenance agreement for Taquiza, 166 SE 2nd Avenue. It was seconded by Deputy Vice Mayor Johnson. A roll call vote was taken, and all were in favor. The motion carried 5-0.

- Has updates on the City's litigation matters and would like to know if the Commission would prefer to hear a synopsis now or place the item on the next Commission meeting.
- There was a consensus to place the litigation updates on the next agenda.

C. City Commission

Mayor Petrolia made the following statements:

- There are monies from the CDBG and it could help our small businesses that are not getting help from the Federal or State Government.
- The public discussion from Ms. DeCoste left earlier regarding the hiring of eight new firefighters was not accurate and there

was actually a total of twelve new hires. Mayor Petrolia went on to say that she wanted to make sure to be transparent and that the City will be looking at the costs versus the need for these hires.

- Thanked Mr. Gretsas for all the information that he provided especially regarding the handicapped accommodations at the beach.
- Mayor Petrolia had to exit the meeting at this time.

Commissioner Frankel made the following statements:

- Agreed that the Fourth of July celebration should be canceled.
- Gave thanks to the City staff for all of their diligent work during this time, especially Code Enforcement and the DDA.
- He has been contacted numerous times by the surfers and volleyball players to open the beach.
- Is happy to see that everyone is safe.

Vice Mayor Boylston made the following statements:

- Thanked and congratulated all of the 2020 graduates.

Deputy Vice Mayor Johnson made the following statements:

- Hoped that City Manager Gretsas would address the monies paid out to Mr. de Jesus.
- Is receiving many phone calls regarding many of the City issues and would like to see the City Auditor brought back to do her job.
- Suggested finding a different methodology for candidates in the upcoming March 2021 election to obtain votes so as to not come in contact with as many people.

Commissioner Frankel stated that he agreed with Deputy Vice Mayor Johnson to bring Dr. Julia Davidyan back as the City Auditor as well as her suggestion to make campaigning for signatures safer for all.

Mayor Petrolia suggested that City Attorney Gelin contact the Supervisor of Elections as to what is acceptable methods for campaigning for the 2021 election.

Vice Mayor Boylston stated that he was in favor of Commissioner Johnson's suggestions also.

Commissioner Casale asked for clarification on what was being brought up by Deputy Vice Mayor Johnson.

City Manager Gretsas stated this is not the time to bring someone in to go through records, etc. and that he was slightly offended as he would

like to do the job that he was hired to do.

Mayor Petrolia stated that there was a consensus to discuss the hiring of a City Auditor and suggested that City Manager Gretsas meet with the Commissioners individually regarding their concerns.

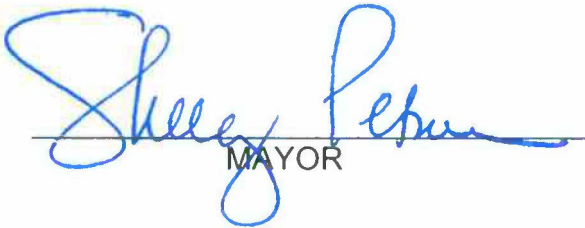
City Attorney Gelin stated that there was nothing illegal that took place regarding the monies paid out to Mr. de Jesus.

There being no further business to discuss, Mayor Petrolia adjourned the meeting at 5:52 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 May 19, 2020 Regular City Commission Meeting held on May 19, 2020, which Minutes were formally approved and adopted by the City Commission on June 2, 2020.



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.