

City of Delray Beach

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Minutes - Final

Tuesday, May 4, 2021

4:00 PM

Regular Meeting at 4:00 PM

Delray Beach City Hall

https://www.youtube.com/channel/UCc2j0JhnR8Hx0Hj13RhCJag/videos?view=2&live_view=501

City Commission

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

1. ROLL CALL

The Regular City Commission Meeting was called to order at 4:00 p.m. The roll call was taken by Katerri Johnson, City Clerk, and the following were present:

Others Present Were:

Lynn Gelin, City Attorney

Jennifer Alvarez, Interim City Manager

Katerri Johnson, City Clerk

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

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. AGENDA APPROVAL

3.A. Additions, Deletions, Substitutions

Jennifer Alvarez, Interim City Manager, requested items 6.G. and 6.K.2. be pulled for discussion. Consent items 6.G. and 6.K.2. became items 7.A.A. and 7.B.B. on the regular agenda.

Commissioner Boylston made a motion to approve the consent agenda as amended. It was seconded by Deputy Vice Mayor Frankel. The motion carried by the following vote:

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

4. PRESENTATIONS:

4.A. PRESENTATION BY STATE SENATOR LORI BERMAN, PROVIDING LEGISLATIVE UPDATES FROM THE 2021 FLORIDA LEGISLATIVE SESSION

Body: **Recommended Action:**

Recommendation: Presentation only.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

Senator Berman was unable to attend.

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

Marjorie Waldo, President of the Arts Garage, located at 94 NE 2nd Avenue, Delray Beach, expressed her appreciation for their leadership providing opportunities for equity throughout the city. Ms. Waldo provided an update on the Arts Garage events.

James Quillian, residing at 925 SE 2nd Avenue, Delray Beach, requested the Commission and Code Enforcement to investigate a commercial use property operating as a dog kennel in a residential area.

Gary Wulf, residing at 831 SE 4th Avenue, Delray Beach, expressed concern regarding the dog kennel located 58 feet away from his house.

Nicholas Coppola, residing at 3930 Lowson Blvd, Delray Beach, thanked the city for their installation of the Pride Flag and Mural.

Kristen Harrington, Regional Director of the AIDS Healthcare Foundation, located at 200 Congress Park Drive, Delray Beach, stated that her organization was proud to sponsor paint for the Pride and Transgender Flag.

Herman Stevens, President of the Civilian Review Board, residing at 2774 Cardinal Circle, Gulfstream Florida, requested to be put on an upcoming agenda to discuss the Civilian Review Board.

Yvonne Odom, President of the Community Development Corporation, residing at 3905 Lowson Blvd, Delray Beach, stated that she was in favor of the formation of the Civilian Review Board. She also mentioned the importance of mental health awareness.

Douglas Boehm, residing at 14572 Canalview Drive, Delray Beach, complimented the city for supporting the LGBTQ community.

6. CONSENT AGENDA: City Manager Recommends Approval

Commissioner Boylston made a motion to approve the consent agenda as

amended.

It was seconded by Vice Mayor Johnson. The motion carried by the following vote:

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

6.A. CITY COMMISSION MEETING MINUTES

Body: Recommended Action:

Recommendation: Motion to approve meeting minutes as listed below:

April 6, 2021 Regular Commission Meeting Minutes
April 13, 2021 Workshop Commission Meeting Minutes

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)

[April 6, 2021 Commission Meeting Minutes - DRAFT](#)

[April 13 2021 Workshop Meeting Minutes - DRAFT](#)

6.B. ACCEPTING A LANDSCAPE MAINTENANCE AGREEMENT, GENERAL UTILITY EASEMENT, PEDESTRIAN CLEAR ZONE EASEMENT AND RIGHT-OF-WAY DEED FOR THE HATCHER BUILDING PROJECT LOCATED 20 & 26 NW 6TH AVENUE.

Body: Recommended Action:

Recommendation: Review and consider the Landscape Maintenance Agreement, General Utility Easement, Pedestrian Clear Zone Easement, and Right-Of-Way Deed, all as presented, for the Hatcher Building project, located at 20 & 26 NW 6th Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Hatcher Building - Location Map](#)
[Hatcher Building - SPRAB Report](#)
[Hatcher Building - Site Plan](#)
[Hatcher Building - Pedestrian Clear Zone](#)
[Hatcher Building - ROW Deed](#)
[Hatcher Building - General Utility Easement](#)
[Hatcher Building - Landscape Maintenance Agreement](#)
[Hatcher Building - LMA Exhibit "B" \(Landscape Plans\)](#)
[Legal Review Pedestrian Clear Zone](#)
[Legal Review Right of Way Deed](#)
[Legal Review General Utility Easement](#)

6.C. INTERLOCAL AGREEMENT BETWEEN THE SCHOOL BOARD OF PALM BEACH COUNTY AND THE CITY OF DELRAY BEACH FOR THE USE OF THE SEACREST TRAINING FACILITY

Body: Recommended Action:

Recommendation: Motion to approve Interlocal Agreement between the School Board of Palm Beach County and the City of Delray Beach for the use of the Seacrest Training Facility

Sponsors: Police Department

Attachments: [Agenda Cover Report](#)
[Seacrest Athletic Training Facility ILA_1_5_21_lw rev 2021-3-9_CLEAN](#)
[Legal Review Checklist_School Board Seacrest Facility](#)

6.D. ITEM(S) A1 AND A2 -ACCEPTANCE OF A GENERAL UTILITY EASEMENT FOR 401 NE 2ND ST. AND ACCEPTANCE OF A GENERAL UTILITY EASEMENT FOR 217 NE 4th ST.

Body: Recommended Action:

Recommendation: Consideration of the following items:

GENERAL UTILITY EASEMENT(S)
Items A

Item A1 - Motion to approve and accept a General Utility Easement Dedication by the owner(s) of 401 NE 2nd St. to the City of Delray Beach.

Item A2 - Motion to approve and accept a General Utility Easement Dedication by the owner(s) of 217 NE 4th St to the City of Delray Beach.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Item \(1\) Legal Reviews \(2 Items\)](#)

[Item \(A1a\) 401 NE 2nd St. - GUE PHG](#)

[Item \(A1b\) 401 NE 2nd St. -Exhibit A Sketch](#)

[Item \(A2a\) 217 NE 4th Ave. - GUE](#)

[Item \(A2b\) 217 NE 4th Ave. Exhibit A Sketch](#)

- 6.E.** APPROVAL OF A RESOLUTION NO. 61-21 TO AWARD SERVICE AUTHORIZATION NO. 7 WITH APTIM ENVIRONMENTAL & INFRASTRUCTURE, INC. IN THE AMOUNT NOT-TO-EXCEED \$181,560 FOR COASTAL ENGINEERING CONSULTING SERVICES INCLUDING THE ANNUAL BEACH MONITORING SURVEYS AND PRE-CONSTRUCTION INVESTIGATION AND SURVEYS FOR THE 6TH REGULAR BEACH NOURISHMENT PROJECT. (PROJECT NO. 17-081)

Body: Recommended Action:

Recommendation: Approval of a Resolution No. 61-21 to award Service Authorization No.7 with Aptim Environmental & Infrastructure, Inc. in the amount not-to-exceed \$181,560 for Coastal Engineering Consulting Services including continuing post-construction monitoring for the 2020 storm nourishment project with the annual beach monitoring surveys and pre-construction sub-aquatic vegetation investigation and borrow area surveys for the 6th regular beach nourishment project planned for Winter 2021/2022 for the City of Delray Beach's Nourishment Program. (Project No. 17-081)

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)

[Legal Review Checklist Consulting Service Authorization for Coastal Engineering](#)

[Resolution Aptim 61-21 final](#)

[2021 Coastal Services SA](#)

- 6.F.** RESOLUTION NO. 78-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A MAJOR SUBDIVISION APPLICATION FOR A FINAL PLAT FOR A THREE-LOT SUBDIVISION KNOWN AS "BELLA DELRAY" LOCATED AT 1634 NORTH SWINTON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER

PURPOSES.

Body: **Recommended Action:**

Recommendation: Review and consider the Resolution No. 78-21 and the Final Plat to subdivide one lot into three separate lots and to accept easements and right-of-way dedications.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Res. No. 78-21 Bella Plat](#)
[Bella Delray Plat](#)
[Bella Delray Plat - Survey](#)
[Simple Legal Review Approval 78-21.docx](#)

6.G.

RESOLUTION NO. 70-21 TO APPROVE UTILIZING SOURCEWELL EZIQC CONTRACT NO. FL-NEA-GC07-041019 WITH DAVID MANCINI AND SONS, INC. FOR NE 3RD AVENUE STREETSCAPE IMPROVEMENTS IN THE AMOUNT NOT-TO-EXCEED \$1,869,688, INCLUDING A CONTINGENCY IN THE AMOUNT OF \$170,000 AND PERMIT FEES IN THE ESTIMATED AMOUNT OF \$16,833 (Project No. 2011-024)

Body: **Recommended Action:**

Recommendation: Motion to Approve Resolution No. 70-21 to utilize Sourcewell ezIQC Contract No. FL-NEA-GC07-041019 with David Mancini and Sons, Inc. for NE 3rd Avenue Streetscape and Drainage improvements in the amount not-to-exceed \$1,869,688, including a contingency in the amount of \$170,000 and permit fees in the estimated amount of \$16,833. (Project No. 2011-024)

Sponsors: Purchasing Department and Public Works Department

Attachments: [Agenda Cover Report](#)
[Reso 70-21 DMSI NE 3rd Streetscape project](#)
[Legal Review Checklist Master Contractor Services Agreement David Mancini & Sons NE 3rd Ave Streetscape Improvements](#)
[210409 - Agreement - NE 3rd Streetscape - DMSI Sourcewell piggyback FINAL - DM EXECUTED](#)
[210409 - City of Delray Beach NE 3rd St Streetscape Proposal DM EXECUTED](#)

Missie Barletto, Public Works Director, along with Renee Jadusingh, Executive Director of the Community Redevelopment Agency, gave a presentation highlighting the projects implemented through their partnership.

The Commission engaged in a discussion with Ms. Barletto regarding the importance of the NE 3rd Avenue Streetscape and Pompey Park

improvement projects.

Commissioner Boylston made a motion to approve Resolution No. 70-21. It was seconded by Vice Mayor Johnson. The motion carried by the following vote:

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

6.H. ACCEPTANCE OF A HOLD HARMLESS AGREEMENT FOR WORK TO BE PERFORMED WITHIN THE STATE OF FLORIDA RIGHT-OF-WAY ASSOCIATED WITH THE RELOCATION OF A WATER MAIN FOR THE PHG HOTEL LOCATED AT THE NORTHWEST CORNER OF NE 5TH AVENUE AND NE 2ND STREET.

Body: Recommended Action:

Recommendation: Review and consider the acceptance of the Hold Harmless agreement.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[PHG Hold Harmless w. Exhibits](#)
[PHG - FDOT MOT Plan](#)
[PHG - Simple Legal Review](#)

6.I. PROCLAMATIONS:

6.I.1. OBSERVANCE OF HAITIAN HERITAGE MONTH

Body: Recommended Action:

Recommendation: Proclaim the month of May as Haitian Heritage Month.

Sponsors: City Clerk Department

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

6.I.2. KIDS TO PARK DAY PROCLAMATION

Body: Recommended Action:

Recommendation: Motion to Proclaim May 15, 2021, as Kids to Park Day

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Kids To Parks Day May 15, 2021](#)

6.I.3. MAY 2021 MENTAL HEALTH AWARENESS AND TRAUMA INFORMED

CARE MONTH

Body: **Recommended Action:**

Recommendation: Proclamation to recognize May 2021 as Mental Health Awareness and Trauma Informed Care Month.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Mental Health Awareness Month](#)

6.I.4. INFRASTRUCTURE WEEK PROCLAMATION

Body: **Recommended Action:**

Recommendation: Motion to proclaim May 10, 2021 - May 14, 2021, as Infrastructure Week 2021.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Infrastructure Week](#)

6.I.5. MUNICIPAL CLERKS WEEK PROCLAMATION

Body: **Recommended Action:**

Recommendation: Recognizing all municipal clerks around the country and declaring May 2 - 8, 2021 as Municipal Clerks Week in the City of Delray Beach.

Sponsors: City Clerk Department

Attachments: [Agenda Cover Report](#)
[Municipal Clerks Week Proclamation](#)

6.I.6. PUBLIC WORKS WEEK PROCLAMATION

Body: **Recommended Action:**

Recommendation: Motion to proclaim the week of May 16 to May 22 as Public Works Week.

Sponsors: Public Works Department

Attachments: [Agenda Cover Report](#)
[Delray Beach Public Works Week Proclamation](#)
[NPWW Final Poster 20x30](#)

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

6.J.1. None

6.K. AWARD OF BIDS AND CONTRACTS:

- 6.K.1.** APPROVAL OF RESOLUTION NO. 68-21 TO AWARD AN AGREEMENT WITH TAW POWER SYSTEMS, INC. FOR THE REPLACEMENT OF THE EMERGENCY GENERATOR FOR THE INFORMATION TECHNOLOGY BUILDING; UTILIZING THE SCHOOL DISTRICT OF PALM BEACH COUNTY BID NO. 19C-9T IN THE AMOUNT OF - \$89,627.

Body: Recommended Action:

Recommendation: Motion to approve Resolution No. 68-21 to award an agreement with TAW Power Systems, Inc. for the replacement of the emergency generator for the Information Technology building, utilizing the School District of Palm Beach County Bid No. 19C-9T in the amount of \$89,627.

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Legal Review Checklist TAW Power Systems](#)
[RESOLUTION NO. 68-21](#)
[TAW Power Systems Agreement](#)

- 6.K.2.** APPROVAL OF RESOLUTION NO. 60-21 TO APPROVE AN AGREEMENT WITH RIC-MAN CONSTRUCTION, INC. FOR THE CONSTRUCTION OF OSCEOLA PARK NEIGHBORHOOD IMPROVEMENTS (PHASE II) PURSUANT TO ITBC NO. 2021-025 (PROJECT NO. 16-095) - \$4,114,878.

Body: Recommended Action:

Recommendation: Motion to Approve Resolution No. 60-21 to award an Agreement with Ric-Man Construction, Inc. for the construction of neighborhood improvements in Osceola Park pursuant to ITBC No. 2021-025 (Project No. 16-095)

Sponsors: Public Works Department and Purchasing Department

Attachments: [Agenda Cover Report](#)
[Signed - Osceola Park Phase 2 - Ric-Man](#)
[Resolution 60-21 - Osceola Park Neighborhood Imprv Ph II - Ric-Man Construction](#)
[Legal Review Checklist Ric-Man Osceola Park](#)
[Submittal - Osceola Phase II - Ric-Man Construction, Inc.](#)
[Recommendation for Award Letter from Engineer of Record](#)

Missie Barletto, Public Works Director, and Renee Jadusingh, Executive Director of the Community Redevelopment Agency, gave a presentation highlighting the two phases of construction proposed for the Osceola Park neighborhood improvements. Ms. Barletto reported that they received input from residents to create the new design for Osceola Park.

The Commission engaged in a discussion with Ms. Barletto and Ms. Jadusingh about garbage receptacles, parking, and how the project would benefit the residents of Delray Beach.

Commissioner Boylston made a motion to approve Resolution No. 60-21. It was seconded by Vice Mayor Johnson. The motion carried by the following vote:

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

7. REGULAR AGENDA:

7.A. CONSIDERATION OF MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF DELRAY BEACH AND THE DELRAY CHAMBER EDUCATION FUND, INC.

Body: **Recommended Action:**

Recommendation: Consideration of Memorandum of Understanding Between the City of Delray Beach and the Delray Chamber Education Fund, Inc.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[FINAL MOU dated 2-4-2021 lg 4-9-21 LG REV 4-12-21 lg rev 4-16-2021 FINAL](#)

Jim Chard, Director of Delray the Chamber Education Fund (DCEF), residing at 401 SE 4th Avenue, Delray Beach, presented the background of the Bus Shelter Initiative. He explained the program is designed to promote local schools and provide sponsorship opportunities for businesses, families, and nonprofit partners.

The Commissioners engaged in a discussion with Mr. Chard, Lynn Gelin, City Attorney, and Jennifer Alvarez, Interim City Manager regarding the program and how its funds would be allocated.

Commissioner Boylston made a motion to approve item 7.A. for discussion. It was seconded by Deputy Vice Mayor Frankel.

A discussion ensued.

Commissioner Boylston amended his motion to approve the Memorandum of Understanding to state that the funds generated from the Bus Shelter Initiative Program will be evenly distributed to all schools in Delray Beach. It was seconded by Deputy Vice Mayor Frankel. A roll call vote was taken, and the motion carried by the following vote:

YES: 4 - Mayor Shelly Petrolia, Deputy Vice Mayor Adam Frankel, Commissioner Ryan Boylston, and Commissioner Juli Casale.

NO: 1 - Vice Mayor Shirley Ervin Johnson

7.B.

RESOLUTION NO. 64-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING WAIVER REQUESTS TO SECTIONS 4.1.4(B) AND 4.1.4(D) OF THE LAND DEVELOPMENT REGULATIONS; APPROVING THE CONSTRUCTION OF A SINGLE-FAMILY NON-WORKFORCE HOUSING STRUCTURE FOR THE PROPERTY LOCATED AT 211 SE 12TH ROAD, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI JUDICIAL).

Body: Recommended Action:

Recommendation: Review and consider Resolution No. 64-21 for a waiver request to Land Development Regulations Section 4.1.4(B) and 4.1.4(D) to allow the construction of a non-workforce housing residential structure on a lot with a frontage of less than 50 feet.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Res. No. 64-21 211 SE 12th Rd Waiver](#)

[211 SE 12th Rd Justification letter](#)

[211 SE 12th Rd Survey](#)

[Lambert Trailer Court Plat](#)

[Legal Review Res 64-21 Waiver to Lot Frontage for 211 SE 12th Road](#)

Katerri Johnson, City Clerk, swore in Anthea Gianniotis and Jill Gorelick who provided testimony on this item.

Mayor Petrolia read the Quasi-Judicial rules into the record. She asked her colleagues if they had any ex-parte communications and the following was disclosed:

Vice Mayor Johnson: None

Commissioner Boylston: None

Deputy Vice Mayor Frankel: None

Commissioner Casale: None

Mayor Petrolia: May have documents on the City Server.

Jill Gorelick, the applicant, residing at 4214 Burns Heritage Trail NE, Roswell, Georgia, presented her request to build a non-workforce house on the proposed property.

Anthea Gianniotis, Development Services Director, entered File No. 2021-121 into the record. Ms. Gianniotis provided a staff report, signifying the proposed waiver request did not meet the required criteria for a non-workforce home to be built. She stated for the record, the applicant did not own the house when it was demolished without permits.

There was a five-minute recess from 5:59 p.m. - 6:04 p.m. to allow for public comments.

When the Commission reconvened, Katerri Johnson, City Clerk, played the following public comments:

From the Public:

Christina Morrison, residing at 1000 Lowrey Street, Delray Beach, commented in favor of the house being rebuilt.

Aisha Colon, residing at 309 SE 12th Road, Delray Beach, was in favor of allowing a private house to be built and that the city does not maintain the road where the house is.

Ms. Gianniotis read an email she received from John Soave noting he favored granting the waiver.

Katerri Johnson, City Clerk, stated that there were no further public comments.

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

A discussion ensued with the Commission.

Commissioner Boylston made a motion to deny Resolution No. 64-21. It was seconded by Vice Mayor Johnson. The motion carried by the following vote:

YES: 4 - Mayor Shelly Petrolia, Vice Mayor Shirley Ervin Johnson, Commissioner Ryan Boylston, and Commissioner Juli Casale.

NO: 1 - Deputy Vice Mayor Adam Frankel

7.C.

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

Body: Recommended Action:

Recommendation: Motion to Ratify the 57th and 58th Extensions of the State of Emergency for

COVID -19, Resolution No. 81-21.

Sponsors: City Attorney Department

Attachments: [Agenda Cover Report](#)

[57th Extension State of Emergency - COVID -19](#)

[58th Extension State of Emergency - COVID -19](#)

[Res 81-21 - COVID adopting PBC 2021-004 extending facial coverings directives thru May 18 2021](#)

Commissioner Casale made a motion to approve the extension of the 57th and 58th State of Emergency for COVID-19. It was seconded by Commissioner Boylston. The motion carried by the following vote:

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

DISCUSSION JULY 4TH SPECIAL EVENT

7.D. **Sponsors:** Parks & Recreation Department

Attachments: [Agenda Cover Report](#)

Samuel Metott, Parks and Recreation Director, suggested having two days of Independence Day activities on July 3, 2021 and July 4, 2021. Mr. Metott requested organizing two firework shows on July 4, 2021, at undisclosed locations to avoid overcrowding.

There was consensus to allow the Parks and Recreation Department to plan the activities discussed on July 3, 2021, and July 4, 2021.

7.E. DISCUSSION REGARDING CITY MANAGER SEARCH

Sponsors: Human Resources Department

Attachments: [Agenda Cover Report](#)

Duane D'Andrea, Human Resource Director, provided the Commission with an update on the City Manager selection process and provided suggestions on scheduled activities throughout the interviews.

The Commission provided direction and requested Mr. D'Andrea to incorporate opportunities for residents to participate in the interviewing process. Additionally, they requested input from the department heads regarding potential candidates.

The Commission engaged in a discussion about the applicants.

Deputy Vice Mayor Frankel stated for the record, he favored Jennifer Alvarez, Interim City Manager, for the City Manager position.

8. PUBLIC HEARINGS/SECOND READINGS:

- 8.A.** ORDINANCE NO. 09-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT FOR PARCELS OF LAND LOCATED AT 215 SE 1st AVENUE, 219 SE 1st AVENUE, 223 SE 1st AVENUE, 227 SE 1st AVENUE, 231 SE 1st AVENUE, 237 SE 1st AVENUE, 243 SE 1st AVENUE, 251 SE 1st AVENUE, AND 253 SE 1st AVENUE, WHICH MEASURE APPROXIMATELY 1.41± ACRES AS MORE PARTICULARLY DESCRIBED HEREIN, RE-DESIGNATING SAID LAND FROM MEDIUM DENSITY (MD) TO COMMERCIAL CORE (CC), PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT", FLORIDA STATUTES SECTION 163.3187; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

Body: Recommended Action:

Recommendation: Consider Ordinance No. 09-21, a privately-initiated request for a Land Use Map Amendment (LUMA) from Medium Density (MD) to Commercial Core (CC) for the properties located at 215 SE 1st Avenue, 219 SE 1st Avenue, 223 SE 1st Avenue, 227 SE 1st Avenue, 231 SE 1st Avenue, 237 SE 1st Avenue, 243 SE 1st Avenue, 251 SE 1st Avenue, and 253 SE 1st Avenue.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)

[Delray Swan-Ord. No. 09-21 LUMA](#)

[Delray Swan-Ord. No. 09-21, PZB Report](#)

[Delray Swan-Proposed Land Use and Zoning](#)

[Delray Swan-Applicant Justification](#)

[Delray Swan-Traffic Study](#)

[Delray Swan-Legal Review Ord. No. 09-21](#)

Lynn Gelin, City Attorney, read Ordinance No. 09-21 and Ordinance No. 10-21 into the record.

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

Neil Schiller, Attorney with the Government Law Group, gave a presentation highlighting the future land use map amendments for the Delray Swan Project.

Anthea Gianniotis, Development Services Director, provided a staff report on proposed Ordinance No's 09-21 and 10-21. Ms. Gianniotis reminded the Commission that this vote is related to zoning and not the project itself.

There was a five-minute recess from 7:14 p.m. - 7:19 p.m. to allow for public comments.

When the Commission reconvened, Katerri Johnson, City Clerk, played the following public comments:

Ingrid Lee, residing at 1421 Bexley Park Drive, Delray Beach, noted she had concerns about the building height of the proposed project.

Rodney Karstetter, residing at 253 SE 1st Avenue, Delray Beach, stated he was in support of the project.

Andrew Haywood, residing at 314 SE 1st Avenue, Delray Beach, gave his support of the Osceola Project.

James Quillian, residing at 925 SE 2nd Avenue, Delray Beach, expressed his support on behalf of the Osceola Communities.

There were no further public comments.

The Commission engaged in a discussion about the project.

Deputy Vice Mayor Frankel made a motion to approve Ordinance No. 09-21 on second reading. It was seconded by Commissioner Boylston. The motion carried by the following vote:

YES: 3 - Vice Mayor Shirley Ervin Johnson, Deputy Vice Mayor Adam Frankel

NO: 2 - Mayor Shelly Petrolia, Commissioner Juli Casale

- 8.B.** ORDINANCE NO. 10-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND RE-DESIGNATING LAND ZONED MEDIUM DENSITY RESIDENTIAL (RM) TO CENTRAL BUSINESS DISTRICT (CBD) FOR THE NINE PROPERTIES LOCATED AT 215 SE 1st AVENUE, 219 SE 1st AVENUE, 223 SE 1st AVENUE, 227 SE 1st AVENUE, 231 SE 1st AVENUE, 237 SE 1st AVENUE, 243 SE 1st AVENUE, 251 SE 1st AVENUE, AND 253 SE 1st AVENUE, WHICH MEASURE APPROXIMATELY 1.41± ACRES, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING "CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017" AND FURTHER AMENDING FIGURE 4.4.13-7, "RAILROAD CORRIDOR SUB-DISTRICT REGULATING PLAN" AND REGULATING MAP 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)

Body: Recommended Action:

Recommendation: Consider Ordinance No. 10-21, a privately-initiated request for rezoning from Medium Density Residential (RM) to Central Business District (CBD) for the properties located at 215 SE 1st Avenue, 219 SE 1st Avenue, 223 SE 1st Avenue, 227 SE 1st Avenue, 231 SE 1st Avenue, 237 SE 1st Avenue, 243 SE 1st Avenue, 251 SE 1st Avenue, and 253 SE 1st Avenue with an associated amendment to the Land Development Regulations (LDR) Figure 4.4.13-7, Railroad Corridor Sub-district Regulating Plan, to add the subject properties.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Delray Swan-Ord. No. 10-21 RZ](#)
[Delray Swan-Ord. No. 10-21, PZB Staff Report](#)
[Delray Swan-Proposed Land Use and Zoning](#)
[Delray Swan-Proposed Regulating Plan](#)
[Delray Swan-Applicant Justification](#)
[Delray Swan-Traffic Study](#)
[Delray Swan-Legal Review Ord. No. 10-21](#)

Deputy Vice Mayor Frankel made a motion to approve Ordinance No. 10-21 on second reading. It was seconded by Commissioner Boylston. The motion carried by the following vote:

YES: 3 - Vice Mayor Shirley Ervin Johnson, Deputy Vice Mayor Adam Frankel, Commissioner Ryan Boylston

NO: 2 - Mayor Shelly Petrolia, Commissioner Juli Casale

8.C.

ORDINANCE NO. 13-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A NEW OFFICIAL ZONING MAP PURSUANT TO SECTION 4.1.2 OF THE CITY OF DELRAY BEACH LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING FOR THE MAINTENANCE THEREOF; PROVIDING A GENERAL REPEALER CLAUSE, A SAVING CLAUSE, AND AN EFFECTIVE DATE. (SECOND READING)

Body: Recommended Action:

Recommendation: Review and consider Ordinance No. 13-21 on Second Reading to adopt a new Official Zoning Map of the City of Delray Beach.

Sponsors: Development Services Department

Attachments: [Agenda Cover Report](#)
[Official Zoning Map: Staff Report](#)
[Official Zoning Map: Ordinance No. 13-21](#)
[Official Zoning Map: 2017 and 2021 maps](#)
[Official Zoning Map: Legal Review](#)

Lynn Gelin, City Attorney, read Ordinance No. 13-21 into the record.

Anthea Gianniotis, Development Services Director, presented the proposed changes to the Official Zoning Map.

There was a five-minute recess from 7:48 p.m. - 7:53 p.m. to allow for public comments. When the Commission reconvened, Katerri Johnson, City Clerk, reported there were no public comments submitted.

Deputy Vice Mayor Frankel made a motion to approve Ordinance No. 13-21 on second reading. It was seconded by Commissioner Boylston. The motion carried by the following vote:

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

9. FIRST READINGS:

9.A. None

10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:**A. City Manager**

Jennifer Alvarez, Interim City Manager, reported that the Fire Department received a supply of COVID-19 vaccines. She informed the Commission that the city is planning to offer the vaccines to the homeless population, city employees, and their families.

B. City Attorney

None

C. City Commission

Commissioner Boylston announced Atlantic High School is premiering their documentary at the IPIC Theatre. He also Congratulated Silverstein Architecture for winning the American Institute of Architecture Award for Excellence. Commissioner Boylston requested an update on Carver High School. He provided an update on the Coastal Link Workshop and reported the possibility of new train stations coming into the area. Additionally, he reported that the County Commissioners met and gave their support of building a P3 Project located near the Administrative Complex Center which would incorporate a pedestrian bridge. He requested input from residents regarding the project.

Vice Mayor Johnson thanked the IT Department for assisting her viewing the presentations. She recommended starting the Commission Meetings earlier unless the three-minute speaking policy is enforced. Vice Mayor Johnson expressed concern about the Clean and Safe Program and Code Enforcement regarding abandoned buildings in downtown area, Lake Ida, NW 4th Avenue, SW 2nd Street, and SW 8th Avenue. She hopes to avoid interagency disagreements and build upon the city's relationship with the Community Redevelopment Agency to improve Pompey Park. Additionally, she shared her concerns about the delayed transfer of Carver High School.

Deputy Vice Mayor Frankel expressed his concern and reported there were 1108 warnings, and 20 citations were distributed to cement and construction trucks in the downtown area. He asked for consensus to discuss extending the Entertainment District west of Swinton Avenue. Deputy Vice Mayor Frankel wished Dave Aronberg, State Attorney, a Happy 50th Birthday.


Commissioner Casale reported that the Coastal Habitat Conservation Plan and the Beach Bucket Plan are proceeding. She informed her

Kids Program. Commissioner Casale updated the Commission from the PFAS work group which is looking for appropriations to implement a three-year pilot program run by the University of Florida to determine the best way to cleanup PFAS contamination in the state.

Mayor Petrolia informed her colleagues about her conversation with Congresswoman Lois Frankel regarding the submitted grants for the Lawson Blvd Project and the Mental Health Outreach Program. She reported that there is an overpopulation of cats in the southwest area. Mayor Petrolia suggested the city help the local groups that are trying to contain the overpopulation of cats by spaying them. She proposed revisiting the Downtown Development Authority Gibbs Program

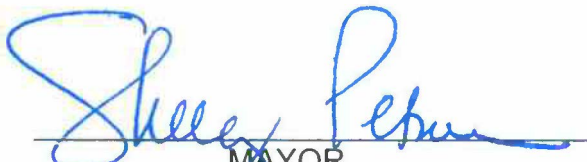
11. ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 8:19 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 4, 2021 City Commission Meeting held on May 4, 2021 which minutes were formally approved and adopted by the City Commission on June 1, 2021.



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.