

# City of Delray Beach

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## Minutes - Final

**Tuesday, October 19, 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](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***

- A.** Comments and Inquiries on Non-Agenda and Agenda Items (excluding public hearing or quasi-judicial hearing items) from the Public: Any citizen is entitled to be heard concerning any matter within the scope of jurisdiction of the Commission under this section. The Commission may withhold comment or direct the City Manager to take action on requests or comments.
- B.** Public Hearings/Quasi-Judicial Hearings: Any citizen is entitled to speak on items under these sections at the time these items are heard by the Commission.
- C.** All persons desiring to do a presentation on agenda or non-agenda items that are on a portable flash drive device or a CD/DVD, must provide their media to the City Clerk no later than 12:00 p.m. one day prior to the meeting where they wish to present.

**SIGN IN SHEET:** Prior to the start of the Commission Meeting, individuals wishing to address the Commission should sign in on the sheet located on the right side of the dais. If you are not able to do so prior to the start of the meeting, you may still address the Commission. The primary purpose of the sign-in sheet is to assist staff with record keeping. Therefore, when you come up to the to speak, please complete the sign-in sheet if you have not already done so.

**ADDRESSING THE COMMISSION:** At the appropriate time, please step up to the lectern and state your name and address for the record. All comments must be addressed to the Commission as a body and not to individuals. Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the Commission shall be barred by the presiding officer from speaking further, unless permission to continue or again address the Commission is granted by a majority vote of the Commission members present.

## **APPELLATE PROCEDURES**

Please be advised that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is based. The city neither provides nor prepares such record.

### **1.ROLL CALL**

The Regular City Commission Meeting was called to order at 4:01 p.m.

The roll call was taken by Patrice Harris, Agenda Coordinator, and the following were present:

**PRESENT:** Mayor Shelly Petrolia, Vice Mayor Shirley Ervin Johnson, Commissioner Ryan Boylston,  
Commissioner Juli Casale

**ABSENT:** Deputy Vice Mayor Adam Frankel

Others Present Were:

Terrence Moore, City Manager

Lynn Gelin, City Attorney

Patrice Harris, Agenda Coordinator

## 2.PLEDGE OF ALLEGIANCE TO THE FLAG

There was a moment of silence for Colin Powell, former Secretary of State.

## 3. AGENDA APPROVAL

### A. Additions, Deletions, Substitutions

Mayor Petrolia requested to pull Items 6.D., 6.E., and 6.F. from the consent agenda for discussion. Item 6.D. will become Item 7.A.A., Item 6.E. will become Item 7.B.B. and Item 6.F. will become 7.C.C. on the Regular agenda.

Commissioner Casale made a motion to approve the agenda as amended. Vice Mayor Johnson seconded the motion. The motion was carried by the following vote:

**YES: 4** Mayor Petrolia, Vice Mayor Johnson, Commissioner Boylston, Commissioner Casale

**APPROVED**

## 4. PRESENTATIONS:

### 4.A. PRESENTING SANDRA CORDOVA, ASSISTANT HUMAN RESOURCES GENERALIST, WITH EMPLOYEE OF THE MONTH FOR SEPTEMBER 2021.

**Recommendation:** Motion to present Sandra Cordova, Assistant Human Resources

Generalist, with Employee of the Month for September 2021.

**Sponsors:** Human Resources Department

**Attachments:** [Agenda Cover Report](#)

[Sandra Cordova](#)

LeShay King, Human Resources Generalist, recognized Sandra Cordova as the Employee of the Month for October 2021. Amanda Skeberis, the Clean and Safe Administrator, praised Ms. Cordova for her excellence in recruiting candidates for the challenging positions in the Clean and Safe Department. Dot Bast, Assistant Human Resources Director, presented Ms. Cordova with her award and a certificate for eight hours off with pay. Mayor Petrolia thanked Ms. Cordova.

### 4.B. PRESENTATION OF THE ICMA CERTIFICATE OF RECOGNITION FOR DELRAY BEACH'S 95TH ANNIVERSARY AS A COUNCIL-MANAGER FORM OF GOVERNMENT

**Recommendation:** Presentation by the Golf Florida Village Manager, Ms. Christine

Thrower-Skinner with the Florida City/County Management Association (FCCMA).

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)

Mr. Moore, City Manager, recognized Ms. Christine Thrower-Skinner, Manager of the Village of Golf, and District Representative of the Florida City/County Management Association.

Ms. Skinner presented the City of Delray Beach with a plaque for the 95<sup>th</sup> International City/County Management Association Award (ICMA), recognizing Delray Beach as a Council-Manager form of government. Ms. Thrower-Skinner introduced other local city managers.

Mr. Moore thanked everyone for their warm welcome upon his return to Florida.

Mayor Petrolia expressed her appreciation for their support.

#### **4.C. PRESENTATION FROM ATLANTIC HIGH SCHOOL STUDENT GOVERNMENT ASSOCIATION**

**Recommendation:** Presentation - No action required.

**Sponsors:** City Manager Department

**Attachments:** [Agenda Cover Report](#)

Janet Meeks, Education Coordinator for Delray Beach, thanked Mayor Petrolia for her earlier visit to Carver Middle School in honor of Student Government Week. Ms. Meeks introduced Ms. Sandra Edwards, principal of Atlantic High School. Ms. Edwards discussed the academics Atlantic High School offers students. Her intention to move Atlantic High School from a "C" to an "A" rated school. Ms. Edwards introduced Esha Hoque, President of the Student Government Association at Atlantic High School, who explained the creative events planned for the community, designed to boost student spirit.

Mayor Petrolia thanked Principal Edwards.

#### **4.D. PBC COMMUNITY REMEMBRANCE PROJECT**

**Recommendation:** Presentation Only.

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)

Ms. Charline Farrington, Executive Director of the Spady Heritage Cultural Museum, provided a historical presentation about the Palm Beach County Community Remembrance Project. She introduced Mr. Max Schneider, of the American Civil Liberties Union (ACLU) of Palm Beach County, who outlined the Remembrance Project. Ms. Farrington summarized the timeline for the project's plan.

Mayor Petrolia asked for clarification about the project's locations. Ms. Farrington said that Delray Beach would have two specific memorial sites/markers where the two gentlemen were

lynched in 1950, and one monument site would be located in Palm Beach County.

Vice Mayor Johnson gave her thanks for the presentation.

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

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

Terrence Moore, City Manager, requested to first hear a discussion on Item No's 5.A.1. and 5.A.2.

*5.A.1. Traffic calming and speed bump installation process*

Missie Barletto, Director of Public Works, explained that traffic calming studies were not limited to speed bumps and that physical measures were also included. She provided information on how residents can make public requests for a traffic calming study. Other steps were provided to determine if a traffic calming study was justified.

Mayor Petrolia expressed concern about the accuracy of the data return.

Ms. Barletto explained that there were other options for gathering data.

Vice Mayor Johnson expressed concern about a problem area in Carver Park next to Village Academy School.

Javaro Sims, Chief of Police, reported the Police Department conducted studies using traffic selectors. He noted that stealth equipment is more efficient, but the cost involved is not in the budget. A discussion ensued between Chief Sims and Vice Mayor Johnson.

*5.A.2. Current construction projects and resulting inconveniences*

Ms. Barletto, explained moving forward that each agenda would include a two-week update on active construction projects throughout the city.

Ms. Barletto also noted that the city communicates two weeks in advance, using various methods to inform residents about upcoming construction projects.

Vice Mayor Johnson suggested including dates.

Ms. Barletto explained that one of the ways residents can learn about construction projects is by visiting the city's website: [www.delraybeachfl.gov/traffic](http://www.delraybeachfl.gov/traffic)

Ms. Barletto listed the city's current construction projects:

- Atlantic Dunes Park Seawall - north parking lot, followed by the south parking lot
- SE 8<sup>th</sup> Court Drainage - restricted to local traffic only
- Brant Drive Bridge - bridge replacement in Tropic Palms neighborhood
- George Bush Boulevard - current project construction is west of the FEC Railroad Tracks
- SW 4<sup>th</sup> Street, SW 6<sup>th</sup> Street, SW 7<sup>th</sup> Avenue and SW 3<sup>rd</sup> Court – interruption of street traffic
- Public right of way accessibility improvements, sidewalk construction on SW 8<sup>th</sup> Avenue
- Reclaimed Area 10 - directional bore construction on SE/NE 4<sup>th</sup> Avenue from SE 4<sup>th</sup> Street to NE 2<sup>nd</sup> Street, NE 2<sup>nd</sup> Avenue and SE 1<sup>st</sup> Street

#### *5.B. From the Public*

Montre Bennett, residing at 323 NW 2<sup>nd</sup> Avenue, Delray Beach, inquired when meetings are scheduled for traffic issues, as he wrote a letter concerning the streets that need attention. He mentioned he is in favor of extending the Entertainment District.

Max Zengage, Vice-Chair of the Public Art Advisory Board, residing at 1705 NW 4<sup>th</sup> Avenue, Delray Beach, remarked that numerous car accidents have occurred on NE 3<sup>rd</sup> and Swinton Avenue. He reported that Delray Buggies would be launching a Golf Cart Mural Tour partnering with Wynwood Miami to support scholarships for Public Art. Mr. Zengage requested he be added to the November 9, 2021, Commission Workshop Meeting to discuss a Land Development Regulation consideration.

Mr. Moore explained to Mr. Zengage that the LDR amendments are addressed by the City Manager and Development Services.

Ms. Lynn Gelin, City Attorney, advised that recently the city adopted section 2.4.5M, which requires a privately initiated text amendment to be brought before the Commission via a workshop. She recommended the Commission follow the submittal of an LDR amendment and not deviate from it.

Mayor Petrolia recommended Mr. Moore and Ms. Gelin work out the details. Mayor Petrolia and Commissioner Casale thanked Mr. Zengage for his presentation.

Marjorie Waldo, residing at 316 NW 2<sup>nd</sup> Street, representing the Arts Garage, discussed garnering the City's support to beautify the parking garage that the Arts Garage sits beneath. Ms. Waldo provided the Commission with a hand-out and stated that the project's cost is \$34,000. She stated a pledge of \$5,000 has already been received from a resident. Ms. Waldo concluded that she hoped to gain support from the city and the Community Redevelopment Agency.

Richard Pollack, residing at 5143 Cleveland Road, Delray Beach (unincorporated), thanked the Commission for their support over the last ten years for Delray Reads Day.

George Long, residing at 46 N Swinton Avenue, Delray Beach, thanked the city for the feral cat grant initiative and the golf carts. Mr. Long complimented the staff reports.

Pauline Moody, residing at 609 SW 8<sup>th</sup> Avenue, Delray Beach, presented the Police Report to the Clerk from an incident on September 29, 2021. Ms. Moody told the Commission she sustained injuries while waiting for food from the Harvest Food Truck, located on Lindell Blvd at Lakes of Delray. She noted this wasn't the first time she was injured on city property and thought the city could be better organized.

Mayor Petrolia concluded public comments.

## **6. *CONSENT AGENDA: City Manager Recommends Approval***

Commissioner Casale made a motion to approve the agenda as amended. Vice Mayor Johnson seconded the motion. The motion was carried by the following vote:

**YES 4:** Mayor Petrolia, Vice Mayor Johnson, Commissioner Casale, Commissioner Boylston

**APPROVED**

### **6.A. *CITY COMMISSION MEETING MINUTES***

**Recommendation:** Motion to approve meeting minutes as listed below:

Regular City Commission Meeting Minutes - August 17<sup>th</sup>, 2021  
Follow-up Budget Workshop Meeting Minutes - August 24<sup>th</sup>, 2021

**Sponsors:** City Clerk Department

**Attachments:** [Agenda Cover Report](#)

[August 17, 2021 Regular Commission Minutes - DRAFT](#)

[August 24, 2021 City Commission Budget Workshop Minutes - DRAFT](#)

### **6.B. *APPROVE THE RESTRICTIVE COVENANT MASTER AGREEMENT BETWEEN THE CITY OF DELRAY BEACH AND ATLANTIC GROVE PARTNERS, LLC, PURSUANT TO THE REQUIREMENTS UNDER SECTION 4.7 OF THE LAND DEVELOPMENT REGULATIONS***

**Recommendation:** Motion to Approve the Restrictive Covenant Master Agreement between the City of Delray Beach and Atlantic Grove Partners, LLC, pursuant to the requirements under Section 4.7 of the Land Development Regulations.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)

[Atlantic Grove WFH Covenant with exhibits](#)

**6.C. PROPOSED OFFER OF SETTLEMENT IN THE CASE OF FREDERICK PICA V. CITY OF DELRAY BEACH**

**Recommendation:** Motion to deny the settlement offer for the reasons discussed in the confidential memorandum previously distributed to the City Commission.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)

**6.D. DELRAY BEACH HISTORICAL SOCIETY, INC., FUNDING AGREEMENT**

Recommendation: For City Commission consideration of an annual funding agreement for five years, pending budgetary approval each year, in the amount of \$50,000 per year plus an additional \$50,000 per year earmarked for a dedicated Archivist. Twenty percent of the cost of the Archivist per year (\$10,000) will be reimbursed to the City from the Community Redevelopment Authority (CRA).

City Manager Department

**Sponsors:** [Agenda Cover Report](#)

**Attachments:** [Reso 164-21 DBHS](#)  
[Legal Review Checklist DBHS Funding Agreement](#)  
[DBHS Funding Agreement KWB rev. 10.21.2021](#)

Item No. 6.D. was pulled from the Consent Agenda and became Item No. 7.A.A. on the Regular Agenda for comment only.

Mayor Petrolia asked her colleagues to allow for an addendum, affording the city's non-profits to present their needs/budget to the Commission.

Lynn Gelin, City Attorney, advised the request can be added to the non-profit's agreements with the city.

Mr. Moore, City Manager, supported the idea.

Vice Mayor Johnson remarked that it was a good idea.

Ms. Gelin advised that her office would prepare the amended agreements for signature.

Commissioner Boylston made a motion to approve Item No. 6.D. – Historical Society Funding Agreement as amended. Vice Mayor Johnson seconded the motion. The motion was carried by the following vote:

**YES: 4** Mayor Petrolia, Vice Mayor Johnson, Commissioner Boylston, Commissioner Casale

**APPROVED**



**6.E. EXPANDING AND PRESERVING OUR CULTURAL HERITAGE, INC., FUNDING AGREEMENT**

**Recommendation:**

For City Commission consideration of an annual funding agreement for five years, pending budgetary approval each year, in the amount of \$31,000 per year.

**Sponsors:**

City Manager Department

**Attachments:**

[Agenda Cover Report](#)

[Reso 165-21 EPOCH](#)

[Legal Review Checklist EPOCH Funding Agreement](#)

[EPOCH Spady Funding Agreement KWB rev. 10.13.2021](#)

Item No. 6.E. was pulled from the Consent Agenda and became Item No. 7.B.B. on the Regular Agenda.

Commissioner Boylston made a motion to approve Item No. 7.B.B. – EPOCH Funding Agreement as amended. Vice Mayor Johnson seconded the motion. The motion was carried by the following vote:

**YES: 4** Mayor Petrolia, Vice Mayor Johnson, Commissioner Boylston, Commissioner Casale

**APPROVED**

**6.F. THE FRIENDS OF SANDOWAY HOUSE NATURE CENTER, INC. FUNDING AGREEMENT**

**Recommendation:** For City Commission consideration of a yearly funding agreement for five years, pending budgetary approval each year, in the amount of \$21,200.

**Sponsors:**

City Manager Department

**Attachments:**

[Agenda Cover Report](#)

[Reso 166-21 with Sandoway](#)

[Legal Review Checklist Sandoway House Funding Agreement](#)

[Sandoway House Funding Agreement](#)

Item No. 6.F. was pulled from the Consent Agenda and became Item No. 7.C.C. on the Regular Agenda.

Commissioner Boylston made a motion to approve Item No. 7.C.C. – Sandoway House Funding Agreement as amended. Vice Mayor Johnson seconded the motion. The motion was carried by the following vote:

**YES: 4** Mayor Petrolia, Vice Mayor Johnson, Commissioner Boylston, Commissioner Casale

**APPROVED**

**6.G. APPROVAL TO INCREASE THE CONTRACT VALUE IN THE AMOUNT OF \$139,555 FOR THE PURCHASE OF ADDITIONAL HEALTH SCREENING PHYSICALS THROUGH MARCH 1, 2022, FOR THE FIRE RESCUE DEPARTMENT AND POLICE DEPARTMENT**

**Recommendation:** Motion to approve an increase to the contract value in the estimated amount of \$139,555 through March 1, 2022, with Life Extension Clinics, Inc. d/b/a Life Scan Wellness Centers for the purchase of health screening physicals.

**Sponsors:** Fire Rescue Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[City of Jacksonville Contract](#)  
[Executed Agreement and Resolution](#)

**6.H. APPROVAL OF GRANT APPLICATION AND AWARD/FDOT/SPEED/AGGRESSIVE DRIVING ENFORCEMENT PROGRAM**

**Recommendation:** Motion to approve application and award for the Florida Department of Transportation (FDOT) FY 21/22 Speed/Aggressive Driving Enforcement program.

**Sponsors:** Police Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Form FDOT Speed 21](#)  
[FDOT Subgrant Agreement 2022 - Speed Aggressive Driving Grant 2022](#)

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

**Recommendation:** Motion to approve application and award of the Florida Department of Transportation (FDOT) FY 21/22 Occupant Protection/Child Passenger Safety program grant.

**Sponsors:** Police Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Form FDOT grant application Occupant Protection and Child Passenger Safety 21](#)  
[FDOT Subgrant Agreement 2022 - Occupant Protection Grant 2022](#)

**6.J. GRANT APPLICATION/THE VIRGINIA AND HARVEY KIMMEL FAMILY FOUNDATION**

**Recommendation:** Motion to approve application to The Virginia and Harvey Kimmel Family Foundation for multi-year grant funding of additional Service Population Advocate in the total amount not to exceed \$300,000.

**Sponsors:** Police Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Form Kimmel Foundation Grant](#)

**6.K. APPROVAL OF THE REQUEST FOR FUNDING FROM THE EMANUEL JACKSON SR. PROJECT, INC. FROM THE LAW ENFORCEMENT TRUST FUND (LETF) IN THE AMOUNT OF \$10,000.**

**Recommendation:** Motion to approve request for funding from the Law Enforcement Trust

Fund (LETF) pursuant to Florida Statute 932.7055, Disposition of Liens and Forfeited Property, to the Emanuel Jackson Sr. Project, Inc. in the amount of \$10,000.

**Sponsors:** Police Department

**Attachments:** [Agenda Cover Report](#)

[Legal Review Form E Jackson Project](#)

[Emanuel Jackson Sr. Project](#)

**6.L. ITEM(S) A1- ACCEPTANCE OF A RIGHT OF-WAY DEDICATION BY 318 PALM TRAIL.**

**Recommendation:** Consideration of the following items:

**RIGHT OF WAY DEED(S)**

**Items A**

**Item A1** - Motion to approve and accept a Right of Way Dedication by the owner(s) of 318 Palm Trail to the City of Delray Beach.

**Sponsors:** Public Works Department

**Attachments:** [Agenda Cover Report](#)

[Item \(1\) Legal Review ROW Deed - 318 Palm Trl.](#)

[Item \(A1a\) - ROW - 318 Palm Trail](#)

[Item \(A1b\) Exhibit A & Sketch -318 Palm Trl.](#)

**6.M. PROCLAMATIONS:**

**6.M.1. DELRAY READS DAY - PROCLAMATION**

**Recommendation:** Motion to proclaim Thursday, October 28, 2021, as Delray Reads Day.

**Sponsors:** City Manager Department

**Attachments:** [Agenda Cover Report](#)

[Delray Reads Day Proclamation 2021](#)

**6.M.2. ATLANTIC HIGH SCHOOL DAY - OCTOBER 29, 2021**

**Recommendation:** Motion to declare the last Friday in October as Atlantic High School Day.

**Sponsors:** City Clerk Department

**Attachments:**     [Agenda Cover Report](#)  
[Atlantic High School Day 50th Anniversary](#)

Mayor Petrolia read the Atlantic High School Day proclamation into the record.

## **6.N. REVIEW OF APPEALABLE LAND DEVELOPMENT BOARD ACTIONS:**

### **6.N.1. REPORT OF APPEALABLE LAND USE ITEMS FROM SEPTEMBER 27, THROUGH OCTOBER 8, 2021.**

**Recommendation:** By motion, receive and file this report.

**Sponsors:**     Development Services Department

**Attachments:**     [Agenda Cover Report](#)  
[Appealable Items Map](#)  
[A - 324 Lofts](#)  
[B - 240 SE 2nd Avenue](#)  
[C - 143 South Swinton Avenue](#)

## **6.O. AWARD OF BIDS AND CONTRACTS:**

### **6.O.1. APPROVAL OF RESOLUTION NO. 150-21 TO APPROVE AN AGREEMENT WITH CHEN MOORE AND ASSOCIATES, INC. FOR FORCEMAIN LIFT STATION 50 TO SOUTH CENTRAL REGIONAL WASTEWATER TREATMENT PLANT ASSESSMENT AND CONDITIONS REPORT AND ENGINEERING PURSUANT TO RFQ NO. 2020-027 (PROJECT NO. 20-013) - \$122,368**

**Recommendation:** Motion to Approve Resolution No. 150-21 to approve an Agreement with Chen Moore and Associates, Inc. for Forcemain Lift Station 50 to South Central Regional Wastewater Treatment Plant Assessment and Conditions Report and engineering pursuant to RFQ No. 2020-027 (Project No. 20-013), in an amount not to exceed \$122,368.

**Sponsors:**     Utilities Department and Purchasing Department

**Attachments:**     [Agenda Cover Report](#)  
[Agreement-FM50 TO SCRWWTP ASSESMENT-CHEN MOORE IT \(kwb.rev\) signed](#)  
[Exhibits A & B - Scope and Fee Summary - FM50 to SCRWWTP](#)  
[Legal Review Checklist Chen Moore](#)  
[Resolution No. 150-21 - FM 50 TO SCRWWTP ASSESSMENT - CHEN MOORE 9.7.21](#)  
[CMA Submittal RFQ 2020-027 8-31-2020](#)  
[2020-027 Scoring Summary after Technical Evals & Interviews Combo final](#)

## **7. REGULAR AGENDA:**

### **7.A APPROVAL OF RESOLUTION NO. 123-21 TO AWARD AN AGREEMENT WITH MILLER3 CONSULTING INC., FOR DISPARITY STUDY CONSULTING SERVICES**

***PURSUANT TO RFP NO. 2021-015 - \$292,125***

**Recommendation:** Motion to approve Resolution No. 123-21 to award an Agreement with Miller3 Consulting Inc. for Disparity Study Consulting Services pursuant to Request for Proposals (RFP) No. 2021-015 in the amount of \$292,125.

**Sponsors:** Economic Development Department and Purchasing Department

**Attachments:** [Agenda Cover Report](#)  
[Legal Review Checklist Miller3 consulting services re disparity study](#)  
[RESOLUTION NO. 123-21 Miller3 Consulting Services Disparity Study](#)  
[RFP 2021-015 Agreement](#)  
[2021-015 - Disparity Study Scope, Tasks, Deliverables](#)

Ms. Ilyse Triestman, Purchasing Manager and Duncan Tavares, Assistant City Manager, presented Item No. 7.A. (Resolution No. 123-21).

Mr. Tavares explained that during the Fiscal Year 2021 budget process, the Commission approved an appropriation to conduct a Disparity Study to review the City's purchasing practices with twenty percent of the final cost to be contributed by the Community Redevelopment Agency (CRA).

Ms. Triestman gave a brief explanation of the City's procurement procedures.

Mr. Dave Miller, of Miller 3 Consulting, Atlanta, Georgia, approached the podium to answer questions. He explained that local companies would be sub-contracted to help facilitate the study.

Ms. Ann Marie Sorrell, of Mosaic Group, 5840 Corporate Way, West Palm Beach, provided examples of how they plan to collect data from local groups for the study.

Commissioner Boylston stated that he was ready to approve Resolution No. 123-21, awarding Miller 3 Consulting Inc. with the contract.

Further discussion ensued related to data collection issues performed in another area as well as with another governmental entity.

Mayor Petrolia expressed her non-support and suggested handing the project over to City Manager Moore.

Mr. Moore expressed his concern since the Commission had accomplished the work before his arrival and he would not take ownership unless the Commission chose to take another direction, allowing him the opportunity to be involved from the beginning.

Ms. Lynn Gelin, City Attorney, recommended three legal strategies to move forward.

1. Reject the recommendation of award

2. Direct staff to negotiate with the number two choice
3. Direct staff to reject all bids and proposals and start fresh which will take approximately six months

Mr. Moore suggested starting fresh with a new solicitation where he would be part of the process from the beginning.

Commissioner Boylston made a motion to approve Resolution No. 123-21, awarding Miller 3 Consulting Inc. to perform a Disparity Study for the City of Delray Beach, pursuant to RFP No. 2021-015.

There was no second.

**THE MOTION FAILED.**

Commissioner Casale made a motion to deny Resolution No. 123-21. Vice Mayor Johnson seconded the motion.

The motion to deny the approval of Resolution No. 123-21 was carried by the following vote:

**YES: 3** Mayor Petrolia, Vice Mayor Johnson, Commissioner Casale

**NO: 1** Commissioner Boylston

The motion was approved by a 3-1 vote with Commissioner Boylston dissented

Vice Mayor Johnson made a motion to discontinue RFP No. 2021-015 and begin a new one, under the direction of City Manager Moore. Commissioner Casale seconded the motion. The motion was carried by the following vote:

**YES: 4** Mayor Petrolia, Vice Mayor Johnson, Commissioner Boylston, Commissioner Casale

**APPROVED**

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

**Recommendation:** Motion to Ratify the 82<sup>nd</sup> and 83<sup>rd</sup> Extensions of the State of Emergency for COVID -19.

**Sponsors:** City Attorney Department

**Attachments:** [Agenda Cover Report](#)  
[82nd Extension of State of Emergency 10-06-2021](#)

[83rd extension of state of emergency 10-13-2021 - signed](#)

Commissioner Casale made a motion to approve the Ratification of the 82<sup>nd</sup> and 83<sup>rd</sup> Extension of the State of Emergency COVID 19 Regulations. Commissioner Boylston seconded the motion. The motion was carried by the following vote:

**YES: 4** Mayor Petrolia, Vice Mayor Johnson, Commissioner Boylston, Commissioner Casale

**APPROVED**

**7.C. PINEAPPLE GROVE ARTS DISTRICT DONATION OF DOG SCULPTURE**

**Recommendation:** Seeking City Commission direction on whether or not to accept the donation and have the sculpture installed as outlined. If approved, also authorizing the City Manager to execute an agreement to accept the donation.

**Sponsors:** City Manager Department

**Attachments:** [Agenda Cover Report](#)  
[Dog Sculpture](#)

Mr. Duncan Tavares, Assistant City Manager and Public Arts Advisory Board Liaison, informed the Commission that the Public Arts Advisory Board voted 4-0 to accept the donation of the dog sculpture, with the recommendation that it be placed at 325 NW 2<sup>nd</sup> Avenue. Mr. Tavares stated the businesses where the sculpture will be located favored its location. Commissioner Boylston and Mayor Petrolia remarked that the sculpture was reminiscent of Old Pineapple Grove. Commissioner Casale suggested the city confirm the law firm's approval of the proposed location of the sculpture. Commissioner Boylston made a motion to approve Item No. 7.C. – donation of dog sculpture. Commissioner Casale seconded the motion for discussion. Mr. Tavares clarified the exact location would be across from The Ray Hotel. The motion was carried by the following vote:

**YES: 4** Mayor Petrolia, Vice Mayor Johnson, Commissioner Boylston, Commissioner Casale

**APPROVED**

**8. PUBLIC HEARINGS/SECOND READINGS:**

**8.A. ORDINANCE NO. 17-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES, CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.3, "DISTRICT REGULATIONS, GENERAL PROVISIONS," SECTION 4.3.3, "SPECIAL REQUIREMENTS FOR SPECIFIC USES," SUBSECTION (W), "VETERINARY CLINICS," TO RENAME THE SUBSECTION AND TO PROVIDE SPECIFIC REGULATIONS FOR DOMESTIC**

ANIMAL SERVICE FACILITIES, INCLUDING PARKING REQUIREMENTS, OVERNIGHT BOARDING, AND OUTSIDE USE AREAS; AMENDING ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.9, "GENERAL COMMERCIAL (GC) DISTRICT," SUBSECTION (B), "PRINCIPAL USES AND STRUCTURES PERMITTED," TO REMOVE PET GROOMING FROM THE LIST OF PERMITTED SERVICES AND FACILITIES; AND AMENDING SUBSECTION (D), "CONDITIONAL USES AND STRUCTURES ALLOWED" TO ADD PET SERVICES AND PET HOTELS AS A CONDITIONAL USE; AMENDING SECTION 4.4.11, "NEIGHBORHOOD COMMERCIAL (NC) DISTRICT," SUBSECTION (D), "CONDITIONAL USES AND STRUCTURES ALLOWED," TO ADD PET SERVICES AS A CONDITIONAL USE; AMENDING SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT," SUBSECTION (C), "ALLOWABLE USES," TABLE 4.4.13(A), "ALLOWABLE USES AND STRUCTURES IN THE CBD SUB-DISTRICTS" TO ADD PET SERVICES AS A CONDITIONAL USE TO ALL SUB-DISTRICTS AND PET HOTELS AS A CONDITIONAL USE TO THE RAILROAD CORRIDOR SUB-DISTRICT; AMENDING SECTION 4.4.16, "PROFESSIONAL AND OFFICE (POD) DISTRICT," SUBSECTION (D), "CONDITIONAL USES AND STRUCTURES ALLOWED" TO REFERENCE SECTION 4.3.3(W); AMENDING SECTION 4.4.18, "PLANNED COMMERCE CENTER (PCC) DISTRICT," SUBSECTION (B), "ALLOWED USES" TO ADD PET SERVICES WITHOUT OUTSIDE USE AREAS; AMENDING SECTION 4.4.19, "MIXED INDUSTRIAL AND COMMERCIAL (MIC) DISTRICT," SUBSECTION (D), "CONDITIONAL USES AND STRUCTURES ALLOWED" TO UPDATE TERMINOLOGY AND TO ADD PET SERVICES WITH OUTSIDE USE AREAS; AMENDING SECTION 4.4.20, "INDUSTRIAL (I) DISTRICT," SUBSECTION (D), "CONDITIONAL USES AND STRUCTURES PERMITTED" TO UPDATE TERMINOLOGY AND ADD PET SERVICES WITH OUTSIDE USE AREAS; AMENDING SECTION 4.4.24, "OLD SCHOOL SQUARE HISTORIC ARTS DISTRICT (OSSHAD)," SUBSECTION (D), "CONDITIONAL USES AND STRUCTURES ALLOWED," TO ADD PET SERVICES AND VETERINARY CLINICS AND AMENDING SUBSECTION (H), "SPECIAL DISTRICT REGULATIONS" TO PROVIDE ADDITIONAL LIMITATIONS ON PET SERVICES AND VETERINARY CLINICS; AMENDING SECTION 4.4.26, "LIGHT INDUSTRIAL (LI) DISTRICT," SUBSECTION (D), "CONDITIONAL USES AND STRUCTURES ALLOWED" TO ADD PET SERVICES WITH OUTSIDE USE AREAS, PET HOTELS, AND ANIMAL SHELTERS; AMENDING SECTION 4.4.29, "MIXED RESIDENTIAL, OFFICE AND COMMERCIAL (MROC) DISTRICT," SUBSECTION (E), "CONDITIONAL USES AND STRUCTURES ALLOWED" TO ADD PET SERVICES; AMENDING APPENDIX A, "DEFINITIONS," TO ADOPT DEFINITIONS FOR ANIMAL SHELTER, DOMESTIC ANIMALS, DOMESTIC ANIMAL SERVICES, PET HOTEL, AND PET SERVICES; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (SECOND READING/PUBLIC HEARING)

**Recommendation:** Review and consider Ordinance No. 17-21 on Second Reading, to amend the Land Development Regulations (LDR) to adopt



specific regulations for domestic animal services, which includes veterinary clinics, pet services, and pet hotel and shelter establishments, and to identify those zoning districts where domestic animal services are allowed as a principal use or as a conditional use.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)

[Domestic Animal Services, Ord. No. 17-21](#)

[Domestic Animal Services, Ord. No. 17-21: Planning and Zoning Staff Report](#)

[Domestic Animal Services, Ord. No. 17-21: Kennels Map, Current LDR](#)

[Domestic Animal Services, Ord. No. 17-21: Pet Hotels and Shelters w/o outdoor areas Map,](#)

[Proposed LDR](#)

[Domestic Animal Services, Ord. No. 17-21: Pet Hotels and Shelters w/ outdoor areas and 300 ft. buffer Map, Proposed LDR](#)

[Domestic Animal Services, Ord. No. 17-21: Existing Grooming and Vet. Establishments \(legally est.\)](#)

[Legal Review: Ord. No. 17-21](#)

Ms. Lynn Gelin, City Attorney, read Ordinance No. 17-21 into the record. Ms. Gelin reminded the Commission that this ordinance is not intended to approve or deny services currently operating, now or in the future. She explained that the ordinance's intent is to provide an avenue for entities that are currently operating and have code violations, to submit an application and upon approval, come back to the Commission as a conditional use. Ms. Gelin explained to the audience to hold any comments specific to any organizations or businesses that are currently operating, as they are not relevant to this consideration.

Ms. Anthea Gianniotis, Development Services Director, provided the background, intent, and purpose of Ordinance No. 17-21 and addressed the newly revised definitions since the first reading. Ms. Gianniotis explained that the ordinance is about a collective set of rules that work in the city and encourage high-quality domestic animal services, while mitigating impacts to residential uses and neighborhoods.

She explained that moving forward, all domestic animal uses, with or without outdoor use areas, would change to conditional use, including Planned Commerce Center District (PCC) and General Commercial (GC). Ms. Gianniotis highlighted the general provisions for all Domestic Animal Services. She outlined the proposed changes to LDR Section 4.3.3(W) Renamed from Veterinary Clinics to Domestic Animal Services.

**General Provisions for all Domestic Animal Uses:**

- Hours of Operation are 7:00 a.m. – 8:00 p.m.
- Enclosure and insulation requirements
- Parking Requirements

**Outside Use:**

- Limited to drop off and pick up
- Animals must be on leash for necessary walks
- All other outdoor activities and areas require Conditional Use approval (per zoning district)

General Provisions for Overnight Boarding only allowed in:

- Veterinary clinics
- Pet hotels
- Animal shelters

Conditions:

- Must be sufficiently insulated to minimize noise and odor
- On-site attendant required
- Pet hotel and animal shelters shall not be located within mixed-use buildings with residential uses
- Emergency plan including generators required for overnight boarding facilities

Proposed Changes for outside use areas:

- 300 feet from residential zoned properties or other domestic animal use approval
- Subject to minimum building setbacks, which may be increased as part of the conditional use approval
- Outdoor cages, crates, etc. are prohibited
- A solid masonry wall or 6-foot privacy fence required on all sides of outdoor use areas
- Previous outdoor use areas may be counted towards open space
- Outdoor Hours: 7:00 a.m. – 8:00 p.m.

Ms. Gianniotis presented the proposed location map, highlighting the proposed locations for Domestic Animal Services. She mentioned there were six districts that allow overnight boarding. She explained the Commissioners need to decide if the text amendment is consistent with the Comprehensive Plan.

Mayor Petrolia requested clarification of the maps presented, which Ms. Gianniotis addressed.

Commissioner Casale inquired into overnight attendants. She thanked Ms. Gianniotis for her hard work.

Mayor Petrolia opened public comments:

James Quillian, residing at 925 SE 2<sup>nd</sup> Avenue, Delray Beach, agreed with the conditional use proposal.

Glen Kaufman, Belmont Place, Boynton Beach, remarked that if the business is not a complete package, then the business is not suited for the customer's needs.

Jennifer Grasso, residing at 235 NE 1<sup>st</sup> Street, Delray Beach, is in favor of allowing conditional use, but would like to have full-service facilities. She informed the Commission that dogs are being boarded illegally behind cottage type businesses and behind their houses.

Elizabeth McHugh, residing at 732 SE 3<sup>rd</sup> Avenue, Delray Beach, supports waivers and conditional use.

Stephanie Trigg, residing at 208 SE 8<sup>th</sup> Street, Delray Beach, stated she was thrilled to see more women-owned businesses in Delray Beach and supported passing Ordinance No. 17-21.

Jennifer Roselli, an owner of Beach Dog, 820 SE 5<sup>th</sup> Avenue, Delray Beach, apologized as she

never intended to open a business without the city's approval and wants to rectify the situation immediately.

Catherine Grossman, residing at 705 SE 8<sup>th</sup> Street, Delray Beach, said her family lives yards from Beach Dog and relies heavily on the facility when they travel. She suggested there is a need for a multi-faceted dog business.

Mayor Petrolia closed public comment @ 6:45 p.m.

Vice Mayor Johnson suggested Code Enforcement and Police investigate areas where homes are boarding dogs in their back yards.

Commissioner Boylston acknowledged the incredible amount of work that was put into this ordinance.

Commissioner Boylston made a motion to approve Ordinance No. 17-21. Commissioner Casale seconded the motion. The motion was carried by the following vote:

**YES:** 4 Mayor Petrolia, Vice Mayor Johnson, Commissioner Boylston, Commissioner Casale

**APPROVED**

## **9. FIRST READINGS:**

**9.A.ORDINANCE NO. 21-21: 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 2, "ADMINISTRATIVE PROVISIONS," ARTICLE 2.2, "ESTABLISHMENT OF BOARDS HAVING RESPONSIBILITIES FOR LAND DEVELOPMENT REGULATIONS," SECTION 2.2.4, "THE BOARD OF ADJUSTMENT," SECTION 2.2.4, "THE BOARD OF ADJUSTMENT," TO REVISE THE BOARD COMPOSITION REQUIREMENTS AND DUTIES OF THE BOARD OF ADJUSTMENT; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)**

**Recommendation:** Consider Ordinance No. 21-21, a City-initiated request to amend Section 2.2.4 of the Land Development Regulations (LDRs) for the purpose of modifying board composition requirements and duties for the Board of Adjustment.

**Sponsors:** Development Services Department

**Attachments:** [Agenda Cover Report](#)  
[Ordinance No. 21-21: Board of Adjustments](#)  
[Ordinance No. 21-21: PZB Staff Report](#)  
[Ordinance No. 21-21: Legal Review](#)

Ms. Lynn Gelin, City Attorney, read Ordinance No. 21-21 into the record. Ms. Gelin clarified that this ordinance makes the Board a seven-member board with no alternatives.

Commissioner Boylston motioned to approve Ordinance No. 21-21. It was seconded by Commissioner Casale. The motion was carried by the following vote:

**YES: 4** Mayor Petrolia, Vice Mayor Johnson, Commissioner Boylston, Commissioner Casale

**APPROVED**

## **10. COMMENTS AND INQUIRIES ON NON-AGENDA ITEMS:**

### ***A. City Manager***

Nothing to report at this time.

### ***B. City Attorney***

Nothing to report at this time.

### ***C. City Commission***

#### Commissioner Boylston,

- Thanked local law enforcement for the EJS funding grant of ten thousand dollars.
- Acknowledged the Kimmel Foundation for their grant of three hundred thousand dollars for a Service Population Advocate's salary over the next three years.
- Hoped to see his colleagues at the 50<sup>th</sup> anniversary homecoming game for Atlantic High School.

#### Vice Mayor Johnson,

- Commended City Manager Moore for his incredible hard work and encouraged staff to speak with him about meetings he had with other city managers.
- Thanked the Commissioners and everyone who stayed until the end of the meeting.
- Reminded everyone that Tuesdays at 9:00 a.m. the Fire Department will be providing COVID-19 injections and boosters.

#### Commissioner Casale,

- Updated the Commission on the scope of the Coastal Habitat Conservation Plan and that the beach buckets were in transit.

Mayor Petrolia,

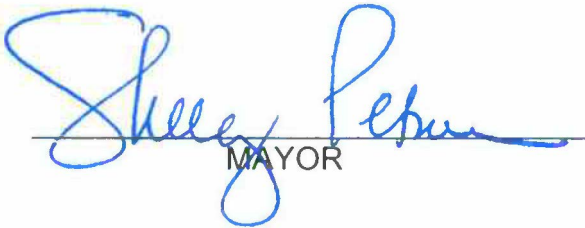
- Thanked Sam Metott for a great job at Old School Square on a special event that his department seamlessly pulled off at the last minute.
- She commented that she did not want to see Old School Square campus to appear dark and non-active nor give the impression that nothing was going on there
- She congratulated Mr. Moore again for his leadership skills.

**11. ADJOURNMENT**

There being no further business to discuss, the Regular City Commission Meeting was adjourned at 6:46 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 October 19, 2021 City Commission Regular Meeting held on October 19, 2021, which minutes were formally approved and adopted by the City on February 1, 2022.

  
\_\_\_\_\_  
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.